



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 27 July 2017 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. 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.

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1. Australian National Anthem

The National Anthem will be performed by Empire Vale Public School.

2. Acknowledgement of Country

In opening the meeting the Chair 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

Apologies have been received from the Mayor, Cr David Wright, and the Deputy Mayor, Cr Jeff Johnson.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 June 2017 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 22 June 2017.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2006/148 - Section 96 Application - 31-35 Cherry Street, Ballina

8. Development and Environmental Health Group Reports

8.1 DA 2006/148 - Section 96 Application - 31-35 Cherry Street, Ballina

Applicant	Newton Denny Chapelle (on behalf of Dojoo Pty Ltd)
Property	Lot 1 DP 1146004, No. 31-35 Cherry Street, Ballina
Proposal	To amend Development Consent 2006/148 to enable the payment of Section 94 Developer Contributions in lieu of providing publicly accessible car parking spaces
Effect of Planning Instrument	The land is zoned B3 Commercial Core under the provisions of the Ballina LEP
Locality Plan	The subject land is depicted on the locality plan attached (Attachment 1)

Introduction

Council is in receipt of an application to modify development consent 2006/148 (as lodged by the applicant on 14 February 2017) via Section 96(2) of the Environmental Planning and Assessment Act 1979 in the following manner:

- Payment of monetary contributions under the Ballina Shire Parking Contributions Plan 2014 for 17.18 car parking spaces. The 17.18 car parking spaces are the required number of accessible spaces, which can be utilised by the public, customers etc., within the car parking area on the second floor of the development
- Amendment to the Parking Management Plan (approved via consent condition 2.21) to enable the closure of the security doors and to now state that access to the car parking area will be available to the tenancies of the building only.

Refer to Attachment 2 for a copy of the modification application and supporting documentation.

The purpose of this report is to seek the determination of the Section 96 Application to Modify Development Consent 2006/148.

Background

Assessment of DA 2006/148

DA 2006/148 was approved on 15 March 2006 for the demolition of an existing service station building, ancillary structures, removal of underground fuel storage tanks and associated earthworks (remediation works) and the subsequent erection of a three storey commercial/retail development, associated rooftop car parking spaces, advertising signs and vehicular access off Winton Lane.

The development, as approved, comprised ground floor retail space with four shops (756m² GFA) and two cafes (186m² GFA), first floor commercial (office) space with six individual office units (1,064m² GFA) and a second floor 50 space car park.

As part of the assessment of the development, credits for 15 car parking spaces were attributed to the subject property, due to the road widening requirements along the Tamar Street and Winton Lane frontages of the property, with land of a width of 6 metres and 1.9 metres respectively, required to be dedicated to Council.

In this regard, the assessment of DA 2006/148 indicated that a total of 65 spaces (actual and credit spaces) was being provided by the development.

The car parking assessment for the DA was as follows:

- Total proposed retail/refreshment room floor space = 942m²
- Total car parking required at rate of 1/25m² floor area = 37.68 spaces

- Total approved office floor space = 1,064m²
- Total car parking required at rate of 1/40m² floor area = 26.6 spaces

- Total parking required to be provided = 64.28 spaces
- Total parking provided on site = 50 spaces
- Parking credits granted due to road widening = 14.65 spaces

Two of the consent conditions imposed on DA 2006/148 iterates the above assessment, being:

- 5.5. Car parking spaces
A minimum of 50 car parking spaces shall be provided and available at all times for parking purposes.

- 5.6. Road dedication – car parking requirement
A total of 65 car parking spaces would ordinarily be required to be provided, however as part of the site required for road widening purposes, a credit of 15 car parking spaces is given, reducing the minimum number required to 50 car parking spaces.

In terms of publicly accessible parking, the traffic report prepared by Skildtraffic, dated 29 August 2005, as lodged with the development application, states that “the second (rooftop) level contains a customer and employee parking area, with a total of 50 spaces”.

The accessible parking requirements within DCP No. 1 – Urban Land that were in effect at the time of the assessment of DA 2006/148 were as follows:

- Shop (retail) and Refreshment rooms – a minimum of 75% of total spaces provided on site are to be accessible parking
- Office (commercial) – a minimum of 25% of the total spaces provided on site are to be accessible parking.
- In relation to the development proposed via DA 2006/148, the following assessment has been made with respect to accessible parking:
 - Total accessible parking spaces at 75% (shop and refreshment room) = 28.26 spaces
 - Total accessible parking spaces at 25% (office) = 6.65 spaces.
 - Total overall accessible parking spaces required for the development = 34.91 spaces.

Also, of relevance to the provision of the second floor car parking area is the existence of gates (at Winton Lane) which were installed in order to address safety and security issues for staff arriving and leaving out of normal business hours. The security gate was proposed to be closed at the end of trading each day and on non-trading days.

In addition to the above matters regarding parking for the development, a condition was imposed on the consent in relation to the submission of a parking management plan for the development.

2.21. A plan of management is to be provided for the parking area to ensure satisfactory use and safety of the parking area. This plan is to include signage to advise of the parking area, mirrors to assist with safety exiting the parking area onto the public road, and ensuring access and spaces are allocated and available to visitors. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

The Parking Management Plan for DA 2006/148 was prepared by Peter Lucena & Associates Pty Ltd, dated 27 September 2007.

This plan stated the following in relation to the security gates installed to the car parking area:

3. Gates

Gates are installed for night time security. They are to be kept open between 7.00am – 7.00pm Monday to Friday and between 8.00am and 12.00pm Saturday.

A Final Occupation Certificate for DA 2006/148 was issued by Tecton Building Services on 29 April 2011.

Compliance action

On 30 April 2014, Council staff carried out an inspection of the subject development where it was observed that the entrance to the roof top car parking area (accessed off Winton Lane) was closed off to the public during business hours.

This information was conveyed to the owners of the development via correspondence dated 1 May 2014, requesting an explanation for non-compliance with development consent conditions. Council's letter referred to the approved Parking Management Plan (via consent condition 2.21 of DA 2006/148).

Council received a response in relation to this matter, via letter from the applicant (Newton Denny Chapelle) dated 8 July 2014. The letter highlighted safety and security issues being experienced by the owners and tenants of the building, in relation to their use of the car parking area.

It was identified that there had been several anti-social incidents (unlawful damage, nuisance and intimidation) that had occurred within the car parking area. In order to address the security concerns of the tenants and their visitors, the doors had been closed by the managing agent, however the car parking area remained accessible to tenants and nominated visitors.

Subsequent to the 8 July 2014 letter, Newton Denny Chapelle lodged a Section 96 Application to Modify Development Consent to DA 2006/148 (on 30 September 2014) in order to permanently close the security gates for the development, such that the parking area was only accessible to tenants and nominated visitors.

After a lengthy assessment process, the application was withdrawn on 26 February 2016.

During the assessment process for the Section 96 Application to Modify Development Consent to DA 2006/148 (as lodged on 30 September 2014), the security gates remained closed and public access was not readily available.

Council's Compliance team recommenced compliance action against the property owner, following the withdrawal of the Section 96 Application. The security gates were inspected by Council staff as being open on 14 February 2017.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 15 March 2017 to 30 March 2017. Two submissions were received during this period.

The issues raised in the submissions are as follows.

- No opposition is raised to the proposed modification as long as there is a strategy in place for the cash contribution to be paid into a separate car parking fund to increase the number of car parking spaces in the Ballina CBD and the cash is paid into that account.

Comment: The applicant proposes to pay a monetary contribution for the 17.18 car parking spaces under the Ballina Shire Car Parking Contribution Plan 2014. Further discussion is provided in the DCP and Contribution Plan section of this report.

- By providing tenants with exclusive use of car parks and charging a fee at the same time, the landlord does not have a minimum of 50 car parking spaces available at all times and is in breach of Condition 5.5 of the consent.

Comment: The applicant has not proposed to amend Condition 5.5, which states:

5.5 Car parking spaces

A minimum of 50 car parking spaces shall be provided and available at all times for parking purposes.

If Council is mindful to grant consent to the Section 96 application, the existing 50 spaces on site will continue to be available for parking purposes, albeit for tenant parking only.

The consent does not currently distinguish between tenant and visitor/publicly accessible parking, however Council could propose to include additional text within condition 5.5 such that it is explicit to tenant parking only.

- By providing tenants with exclusive use of car parks and charging a fee for same, the landlord is in breach of the DCP as:
 - The landlord is not providing unrestricted access to all car parking spaces
 - The car parking spaces are not freely accessible at all times
 - Car parking spaces are being secured for exclusive use.

Comment: Refer to the DCP and Contribution Plan section of this assessment for discussion.

- Charging tenants a fee to use car parking spaces is in contravention of the Development Consent and as the landlord has made a request to change the terms of the Development Consent, the landlord is clearly aware that he/she is not entitled to charge a fee for the use of car parking spaces.

Comment: It is not a matter for Council's consideration as to whether the landlord charges additional fees for the use of car parking spaces to tenants of the building. This could be inbuilt into the rental agreement for the lease of each tenancy.

In the event that the tenancy has additional car parking spaces attributed to it (due to size, type etc.) or the tenant requests additional car parking spaces, the landlord could choose to charge additional rent, for which Council does not have a regulatory role.

The application is for the payment of car parking contributions to enable all publicly accessible spaces to be dealt with via a parking credit due to road widening/lane closure or payment of a monetary contribution.

This is the matter for which Council's consideration and determination is requested.

- The proposal will result in a potential loss of business if customers/clients are unable to park their vehicles in the on-site car parking area, in the event that car parks are exclusively marked and/or they are required to pay fees for parking.

Comment: It is unknown as to whether this would be the case or not and Council cannot take these financial matters into consideration of planning/land use matters. The proposed modification seeks to restrict public access to the on-site car parking area.

- The closing of the security gate outside of the original hours, i.e. 7:00am to 7:00pm will have a negative impact on our business if our clients are unable to access the car park in order to attend our offices.

Comment: It is understood that not all persons visiting businesses within the building will seek to park in the second floor parking area, given the design of the building, and, if they can, will try to access street parking first for convenience reasons.

However, the unavailability of the second floor car parking area in those instances where there is no on-street parking available, is considered to be to the detriment of customers/clients of tenants. Council will need to carefully consider as to whether the proponent's proposal to pay a monetary contribution for those publicly accessible spaces is reasonable in the circumstances of this case.

- Given the breaches that have occurred to date against the existing development consent, any modification to the consent or conditions imposed as a consequence of the modification will not be complied with by the landlord.

Comment: Council cannot base its decision on the past actions of the land holder and can only determine the proposed modification, as has been lodged.

Council has enforcement powers available to assist in compliance with conditions of consent and to commence proceedings should compliance not be achieved.

- The proposed modification does not state the value of the car parking contribution sought by the landlord.

Comment: The proponent is seeking to pay car parking contributions, the equivalent of 17.18 car parking spaces under the Ballina Shire Car Parking Contributions Plan 2014. The total value is determined at the time of payment of the contribution.

- The proposed modification does not indicate a cap in any fee to be charged, leaving the landlord unfettered to increase the same.

Comment: The application has not been lodged on the basis that a separate lease fee is to be charged to each tenant of the building for car parking spaces. It is up to the landlord to determine whether a fee is charged, which could be inbuilt into the overall lease/rental agreement for each tenancy.

Regardless of the determination of this application, Council requires that car parking be available to all tenancies within the development. Council does not have a role or involvement in whether an additional lease fee is charged by the landlord (including whether additional fees are charged for more car parking spaces required/requested, than the minimum for each tenancy).

- The proposed modification does not specify which, or if all car parks, will be subject to a car parking contribution.

Comment: The proposal seeks to make a cash contribution via the Ballina Shire Car Parking Contribution Plan 2014 for 17.18 car parking spaces. The applicant does not seek to identify any of the existing 50 spaces as those which are to be paid for as a cash contribution.

- The proposed modification does not state how many car parks (if any) will be kept available for employee and public use, i.e. Clients and customers of the tenants.

Comment: The supporting information which accompanied the proposed modification states that all parking on the second floor is to be available for tenant/staff parking purposes. All public parking is to be on-street. This would include client/customer parking.

Note: One of the submissions is provided within Attachment 3 to this report. The other submission is provided under separate cover, due to a request within the submission for it to remain confidential.

Report

Proposed Modification

The following information has been provided by the applicant in support of the proposed modification.

- The owners of the subject site are seeking to provide a monetary contribution to Ballina Shire Council for the supply of the accessible car parking spaces. This proposal would then allow the closure of the security door to enable the car parking spaces to be accessed in a safe environment, under the management of the landowner, by staff of the businesses occupying the building.

- This amendment does not seek in any way to prohibit the opportunity for each tenant to access on-site parking. Each tenant of the building is able to secure parking through an agreement with the landowner.

Each tenant, as a minimum, will be supplied with car parking spaces to accord with the minimum prescribed level under the Ballina DCP for their designated landuse. Additional parking spaces for staff may then also be secured should the tenant seek additional parking.

Tenants will be able to access the car park via a security access device.

- This application seeks to provide a monetary contribution under Ballina Parking Contributions Plan 2014 for 17.18 car spaces, being the accessible spaces under Council's Development Control Plan.

The Contribution per car space equates to \$25,803, hence the total parking contribution totals \$443,295.54.

The applicant proposes amendment to Condition 2.10 to incorporate the monetary payment in lieu of provision of public accessible parking for the aforementioned amount.

(Note: the rates provided in the lodgement documentation are incorrect and at the time of lodgement, the rate was \$26,310 per car parking space - 2016/2017 financial year and is currently \$26,793 per car parking space - 2017/2018 financial year).

- It is proposed to have the security door closed at all times to permit the desired secured car park to be retained.

This will alleviate many concerns of existing tenants who signed leases for the building due to security provided for the car park area as a matter of consideration.

All staff of businesses within the development are to be provided with access controls in order to provide unobstructed access to the car park.

(Note - Council comment: Some of the existing tenants may have signed leases at the time when the security gates were closed, which was in contravention of the conditions of development consent 2006/148. In this regard, if this was an important security consideration for those tenants, they were basing it on an illegality and something that the landlord could not legally sustain).

- Condition 2.21 of the consent notice required a plan of management be submitted to and approved by Council (prior to the issue of a Construction Certificate for the development) in relation to the parking area to ensure its satisfactory use and safety.

The plan had signage requirements, safety aspects, whilst also ensuring access and spaces are allocated and available to visitors.

Part of the Parking Management Plan that was prepared by Peter Lucena & Associates included a component that stated:

3. Gates are installed for night time security. They are to be kept open between 7:00am – 7:00pm, Monday to Friday and between 8:00am and 12:00pm Saturday.

The proposal provides for the amendment to Condition 2.21 and the associated deletion of the provision within the Plan of Management requiring the opening of the security doors.

Existing Condition 2.21

2.21 A plan of management is to be provided for the parking area to ensure satisfactory use and safety of the parking area. This plan is to include signage to advise of the parking area, mirrors to assist with safety exiting the parking area onto the public road, and ensuring access and spaces are allocated and available to visitors. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Proposed Condition 2.21

2.21 A plan of management is to be provided for the parking area to ensure satisfactory use and safety of the parking area. This plan is to include signage to advise of the parking area, mirrors to assist with safety exiting the parking area onto the public road, and ensuring access and spaces are allocated and available to ***the tenancies of the building***. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

Assessment of Parking Credits for the Development Site

The proposed modification to DA 2006/148 does not seek to modify the number of car parking spaces provided on the site as part of the development, however, it seeks to restrict the use of the onsite parking such that the car parking spaces are available to tenants within the development and their staff.

Any accessible parking (i.e. parking that is to be available to the public, customers, clients etc.) required by the development is to be paid for via the Ballina Shire Car Parking Contribution Plan 2014.

The number of accessible spaces generated by the development (as assessed at the time of its original approval) is calculated as follows:

Accessible car parking spaces required for the development	Spaces
75% of total required spaces for shop and refreshment room (ground floor)	28.26
25% of total required spaces for office (first floor)	6.65
Total overall accessible parking spaces required for the development	34.91

At the time of the assessment of the proposal, it was stated that 14.65 car parking spaces were credited to the site due to road widening being carried out in relation to Tamar Street and Winton Lane.

It has been acknowledged by Council staff since the time of the assessment of the development application that no consideration was given at the time to the driveway closures in Cherry Street, which enabled increased on-street parking adjoining the development site.

In this regard, the previous 17.282m of driveways (which were used to access the former BP service station at the site) is now available for on-street parallel parking.

An additional 3.08 parking spaces can be attributed to the development site due to the removed driveways. This advice was provided to the applicant via letter dated 3 January 2017.

In view of this, the adjusted total number of car parking credits available to the development site is now $14.65 + 3.08 = 17.73$ spaces.

When considering the requirements for accessible parking spaces for the development, the calculations which can be made as to those required to be provided on site as part of the development are $34.91 - 17.73 = 17.18$ spaces.

It is these 17.18 spaces that the applicant is seeking to pay monetary contributions for, via the Ballina Shire Car Parking Contribution Plan 2014.

Chapter 2 – General and Environmental Considerations of the Ballina DCP 2012 and Ballina Shire Car Parking Contribution Plan 2014

The provisions of Chapter 2, which are relevant to the subject modification application, state the following in relation to car parking areas (generally and in relation to the Ballina Town Centre):

- All parking spaces in commercial and industrial developments must be available for unrestricted public access and employee use. (*Ref: 3.19.3 Development Controls, A. Parking and Loading Layout Standards, i*).
- Car parking spaces required for customer parking in commercial, business and retail developments are to be freely accessible at all times and must not be gated or secured for exclusive use in any form (*Ref: 3.19.3 Development Controls, A. Parking and Loading Layout Standards, vi*).
- The car parking requirements specified in Table 2.3 are minimum requirements. All required spaces associated with commercial and industrial uses shall be made available for unrestricted public access and employee use. Where car parking spaces are proposed to be designated for private use then such spaces are required to be additional to the minimum specified requirements (*Ref: 3.19.3 Development Controls, E. Car Parking Requirements, iii*).

- For development located within the Ballina Town Centre east of Kerr Street and south of Holden Lane, Council may accept a cash contribution in lieu of the provision of on-site car parking spaces for up to 20% of the required parking spaces. Such cases will be considered on merit with reference to:
 - The size of the development
 - The site's proximity to, and the accessibility of, existing or proposed public car parking areas
 - The demand for car parking generally in the locality and
 - The general traffic flow in the area. (*Ref: 3.19.3 Development Controls, H. Monetary Contributions, i).*)
- Note: The required contribution under (i) is to be made at rate applicable in Council's annual Schedule of Fees and Charges. (*Ref: 3.19.3 Development Controls, H. Monetary Contributions).*)

The following comments can be made in relation to the above provisions:

- DA 2006/148 was assessed under a former DCP (DCP No. 1 – Urban Land), which did not contain the requirement for all on-site parking to be available for unrestricted public access and employee use. The DA was approved on the basis of the DCP provisions that were in effect at that time.

As part of the proposed modification, the proponent will provide access to the existing 50 on site car parking spaces to tenants, staff etc., however access will not be available for the public (including customers and clients of tenancies).

The “accessible” spaces (total of 34.91 spaces) are to comprise parking credits (for road widening and driveway closures) and monetary contributions to be paid to Council. The applicant argues that the monetary contributions are able to be used for the provision of on-street parking in the Ballina CBD (refer to discussion below).

It would not be reasonable to enforce the current requirements of the Ballina DCP 2012 upon an existing development, and as such, if the proposed modification is determined by way of refusal, then the proponent would only be required to provide access to the public (including customers/clients of tenants) to 17.18 car parking spaces within the existing car parking area on the second floor of the development.

- DA 2006/148 included the provision of security gates for the second floor car parking area, due to the design of the development and for safety and security reasons.

At the time of assessment and approval of the original DA, the architect for the development (Logan Bald Partnership) nominated hours for operation of the car parking area (as has been also referenced in the approved parking management plan). The hours were nominated in response to safety and security issues raised by the Crime Prevention Officer of the NSW Police.

The provision of security gates and nominated hours of operation for the car parking area were accepted by staff as a solution to address safety and security measures in relation to the design of the development, whilst still ensuring access to the car parking area during business hours for the public (including customers/clients of tenants) and staff.

It would not be reasonable to enforce the current requirements of the Ballina DCP 2012 upon an existing development (being the total removal of the security gates), given the existing security gates serve an important safety and security purpose for the development.

A matter for consideration for the Council is whether the gates should be closed at all times (i.e. in and out of business hours), with secure access provided for tenants and their staff only.

The applicant has advised that each tenant of the building is able to secure parking through an agreement with the landowner and that each tenant, as a minimum, will be supplied with car parking spaces that are generated by their use (in accordance with the Ballina DCP).

- If the proposed modification is granted consent, the development will result in a total of 84.91 car parking spaces (50 spaces on site + 17.73 spaces in credit + 17.18 spaces in monetary contributions) being provided by the development.

In this regard, there will be 20.63 car parking spaces provided on site that are additional to the minimum specified requirements (calculation: (84.91 provided spaces - 64.28 required spaces) and therefore in accordance with 3.19.3 *Development Controls, E. Car Parking Requirements, iii*, these 20.63 additional spaces can be designated for private use.

The applicant advises that these spaces will be available to tenants and their employees only.

- Chapter 2 does enable the payment of a cash contribution in lieu of the provision of on-site car parking spaces for up to 20% of the required car parking spaces.

In the case of the proposed modification:

- The payment of monetary contributions for 17.18 spaces will exceed the maximum 20% requirement of the total parking for the site. The development generates a total of 64.28 spaces, with the 17.18 spaces equating to 26.7% of the total parking supply. The 20% supply would equate to 12.85 car parking spaces.

The proposed variation to this development control is 6.7%.

A relevant matter for Council's consideration is whether a 6.7% variation is reasonable in the circumstances of this case, particularly given the modified development would result in no publicly accessible car parking being provided within the on-site car parking area.

The applicant has stated that the proposed modification does not seek to reduce the total number of car parking spaces physically provided on the site and that the 50 spaces will be still available to tenants through their lease agreement.

In addition, the applicant states that each tenancy will be provided with the minimum number of car parking spaces that are generated by their use (in accordance with the Ballina DCP), with the balance of the 50 spaces (being the 20.63 spaces) available to the tenancies should they require additional parking for their staff.

The applicant has also commented that the parking spaces on site, which are counted as the required accessible parking spaces, are currently being utilised by staff of existing businesses tenanting the building and that the roof top parking design does not attract the public to use the parking spaces (due to it not being a convenient access).

- Chapter 2 also states that the consideration for the payment of contributions in lieu of providing on site car parking is on a merit basis, with reference to:
 - o the size of the development
 - o the site's proximity to, and the accessibility of, existing or proposed public car parking areas
 - o the demand for car parking generally in the locality and
 - o the general traffic flow in the area.

In relation to the size of the development, the development is one of the larger commercial developments in this area of the Ballina Town Centre, with a total leasable floor area of 2,006m².

In relation to the site's proximity to and accessibility of existing and proposed public car parking areas, the site is proximate to the public car parking areas located at No. 74 Tamar Street, No. 78 and No.'s 80-84 Tamar Street (Wigmore Car Park) – being 60 metres and 100 metres from the subject site.

These locations are relatively accessible to the development site.

There is no public car parking area proposed in the vicinity of the development at present. However the Ballina Shire Car Parking Contribution Plan 2014 does reference future land acquisition and development of 20 spaces. Refer to discussion below.

In relation to the demand for car parking generally in the locality, there is a high demand for parking in the immediate locality, given the range of retail, commercial, educational and office developments in the area.

The applicant has stated that with the development of additional public car parking by Council in the locality (presumably at the sites of No.'s 74 and 78 Tamar Street), the demand for car parking in the locality is more easily catered for and will not be impacted by the proposed payment of the 17.18 accessible parking spaces.

In relation to these nearby public car parking areas, it is necessary to reference the Ballina Shire Car Parking Contribution Plan 2014. This plan provides that 75 spaces existed within the Wigmore Arcade Car Parking Area (at No. 80-84 Tamar Street) and that car parking contributions were collected under the Ballina CBD Car Parking Contributions Plan 2004 for the future expansion of this car parking area to provide for a multi-storey car park and/or the purchase and development of additional land in Tamar Street for car parking.

Additional land has been purchased and developed in Tamar Street (at No.'s 74 and 78 Tamar Street) for public car parking purposes. A total of 140 car parking spaces now exist between the three land holdings (No.'s 74, 78 and 80-84 Tamar Street).

These existing public car parking areas have been funded directly from existing Section 94 Contributions collected under the Ballina CBD Car Parking Contributions Plan 2004.

The preliminary plans for the multi-storey car park facility provide for 255 car parking spaces at 80-84 Tamar Street. This includes 248 spaces, within Level two, three and four and seven disabled spaces directly accessed off Winton Lane.

The Ballina Shire Car Parking Contribution Plan 2014 also identifies that additional land is expected to be purchased in close proximity to Council's current landholdings for car parking. This additional land will also be utilised for public car parking purposes.

Any extra land purchased will be approximately 600m² in area, which has been estimated to yield approximately 20 car parking spaces.

The following table is produced from the Ballina Shire Car Parking Contribution Plan 2014 in relation to the Ballina CBD car parking infrastructure program.

Table 3-1 Ballina CBD car parking infrastructure program

Property	Description of infrastructure	Number of spaces provided	Demolition and Construction (\$)	Acquisition (\$)	Estimated cost (\$)
Wigmore Car Park 84 Tamar Street, Ballina	Wigmore car park extension Multi-storey car park	255	6,500,000 ⁽¹⁾	N/A ⁽³⁾	6,500,000
74 Tamar Street	At-grade parking	40	495,000 ⁽⁵⁾	N/A ⁽³⁾	495,000
78 Tamar Street	At-grade parking	25	630,000 ⁽²⁾⁽⁵⁾	N/A ⁽³⁾	630,000
Tamar Street	At-grade parking	20	200,000	800,000 ⁽⁴⁾	1,000,000
TOTAL		340 spaces ⁽⁶⁾	7,825,000	800,000	8,625,000

Notes:

- (1) Correspondence from Turner and Townsend dated 29 July 2013.
- (2) Estimated construction and demolition costs, along with cost of ancillary amenity facilities.
- (3) Land already in Council ownership.
- (4) Based on market advice and preliminary negotiations with existing property owners.
- (5) Includes the cost of site remediation.
- (6) Total number of spaces based on estimates prepared by Council staff in February 2014.

In relation to the general traffic flow in the area, the applicant has commented that the short-fall of public parking proposed in this instance and the additional demand placed on the public parking network will not impact the current traffic flow around the Cherry Street and Tamar Street area. This is generally considered to be the case.

Council’s Civil Services Group has advised that they consider the payment of the monetary contributions for the 17.18 car parking spaces as an acceptable outcome.

This is based on the compliance issues for Council associated with the development to date (being the closure of the security gates during business hours, preventing public access) and that there is a mechanism to collect monetary contributions (through the Ballina Shire Car Parking Contribution Plan 2014) whereby public car parking can be provided in the locality in the future in accordance with an adopted Contribution Plan.

In addition, it has been advised by Council's Civil Services Group that with the payment of monetary contributions for the 17.18 car parking spaces, Council will have the option to fast-track the multi-level car parking development or be more actively looking for a property to purchase for public car parking purposes.

Council’s Civil Services Group advise that in supporting the proposed modification, that they have an additional requested change to Condition 2.21 (as follows).

- 2.21 A plan of management is to be provided for the parking area to ensure satisfactory use and safety of the parking area. This plan is to include signage to advise of the parking area, mirrors to assist with safety exiting the parking area onto the public road, and ensuring access and spaces are allocated and available to the tenancies of the building. ***The quantum of car parking spaces allocated and available to each tenancy is to adhere to the supply rate calculated per tenancy, in accordance with Table 2.3 within Chapter 2 of the Ballina Shire DCP 2012.*** Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

If Council are supportive of the proposed modification, condition 2.21 can be further modified to require the submission of details demonstrating compliance with these requirements, along with payment of the monetary contributions for the 17.18 spaces, prior to the closure of the security gates.

Matters of consideration – Section 96 of the Environmental Planning & Assessment Act 1979 (EP&A Act)

In consideration of the proposal, the important matters as listed within Section 96(2) of the EP& Act 1979 are to be addressed.

- (a) *the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

The development will continue to operate as a commercial development containing retail and commercial floor space. The same number of car parking spaces (being 50) will continue to exist on the development site and be available for parking purposes.

The only change to the development is the ability for parking spaces on the site to be accessed by the public, as the proposal seeks to close the security gates during business hours and only permit tenant (and their staff) access to the car parking area.

- (b) *Council has consulted with the relevant Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

The original development application was not subject to concurrence or an integrated approval. Therefore there is no requirement to refer the proposed modification application to the Minister or any approval authority/body.

- (c) *Council has notified the application in accordance with the regulations (if the regulations so require), or a DCP (if a DCP requires the notification or advertising of applications for modification of a development consent), and*

The modification application was placed on public exhibition from 15 March 2017 to 30 March 2017.

(d) Council has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan.

Two submissions were received during this period. Refer to the public exhibition section of this report for further discussion.

Considerations that are important in the assessment of the subject Section 96 Application to Modify Development Consent 2006/148 include the impacts of the development (including environmental impacts, on both the natural and built environment, and social and economic impacts in the locality) and the overall public interest.

In relation to impacts of the proposed modification, the proposal will result in there being no publicly accessible car parking spaces being provided on the development site, despite these spaces being available in the street system (due to parking credits – road widening/driveway closures) and within a public car parking area, as to be provided for via the Ballina Shire Car Parking Contribution Plan 2014.

This means that all customers and clients of tenancies will either have to park within the existing on-street parking surrounding the development site, or parking in public car parking areas 60 to 100 metres away from the development site and walk to their destination.

In the event that a person has mobility difficulties, and cannot access a car parking space in the adjoining street system, travelling at least 60 to 100 metres may not be considered reasonable.

Whether these arrangements result in impacts for the existing tenancies of the development, in terms of a reduction in client/customers is unknown.

Given there had been a closure of the security gates for almost three years, with customers/clients not being able to access the on-site car parking area during that time, it is possible that there may not be a change in customer/clients frequenting the tenancies within the development.

Council also needs to consider the impacts of displacing the accessible spaces, from the development at No. 31-35 Cherry Street, into the public street system and public car parking areas and also the impacts on other businesses that rely on these parking areas for their customers/clients.

If Council is satisfied that the proximity of existing public car parking areas (in Tamar Street) and the potential to contribute to the future acquisition and development of a parking area containing 20 spaces or the future multi-level car park development (as per the Ballina Shire Car Parking Contribution Plan 2014) comprises a reasonable and suitable outcome for this development, then the proposed modification should be granted consent.

If Council is not convinced that the proposal is a good outcome for the Town Centre, that detrimental impacts will be created for the public street system, public car parking areas and surrounding businesses that also rely on these public car parking spaces, that each development should provide some on-site accessible parking and that the proposal will create a negative precedent by which other commercial developments may draw on also, then the proposed modification should be determined by way of refusal.

Options

Having regard for the outcomes of the assessment undertaken, Council has the following options with regard to determining the subject application:

Option One

That Council approve the application to modify development consent 2006/148 via Section 96(2) of the Environmental Planning and Assessment Act 1979 to enable the payment of Section 94 Developer Contributions in lieu of providing publicly accessible car parking spaces.

This would be subject to amendments to conditions 2.10 (contributions condition – to insert the requirement for payment for the 17.18 car parking spaces), 2.21 (parking management plan – to reference parking only being available to tenancies of the building), 5.5 (car parking condition – to reference the 50 on-site parking spaces being available for tenancies of the building only), 5.6 (road dedication – to reference the correct credit entitlements due to road widening and driveway closures) and deletion of condition 5.7 (parking signposting – visitor parking).

Option Two

That Council refuse the application to modify development consent 2006/148. This option could be taken up if the Council is of the opinion that the proposed modification is not a good outcome for the Town Centre and will have a range of detrimental impacts, as identified within this report and that each development should provide some on-site accessible parking.

Conclusion

Whilst the proposal will result in a 6.7% variation, to the development controls within Chapter 2 of Council's DCP 2012, that relate to the ability to accept a monetary contribution in lieu of the provision of on-site car parking spaces, the subject development at No. 31-35 Cherry Street is in close proximity to existing public car parking areas and future planned public car parking areas, as identified in the Ballina Shire Car Parking Contribution Plan 2014.

The requested variation is relatively small, in context with other requested variations that Council receives to other development controls within Council's DCP (on a percentage basis).

However, it is acknowledged that, in this case, it will be one of the first developments in the Ballina Town Centre that does not provide for publicly available parking within the development's on-site car parking area.

There have been two submissions received in relation to the proposed modification. One of the submissions seeks to ensure that if Council grants consent to the proposed modification, the monetary contributions are paid into a separate car parking fund to increase the number of car parking spaces in the Ballina CBD.

As discussed in this report (and as can be imposed as a condition of consent), this will occur.

This submission raises many concerns regarding the ability of the landlord to charge additional rental fees for car parking spaces to tenants. As has been discussed in this report, as long as the landlord/proponent is providing access to the car parking spaces required (as per Council's DCP requirements) for each tenancy, then Council should be satisfied that adequate access is provided.

It is a commercial decision for the proponent/landlord to charge rental fees to their tenants, which includes the required (or any additional) car parking spaces. If this results in the development being less favourable to existing (or potential future tenants) and there are vacancies, then this is a matter for the landlord and they would be able to adjust their rental agreements.

The other submission also raises concern with their customers/clients not being able to access the car parking area. The approval of the proposed modification will result in no publicly accessible parking for the tenancy's customers/clients on the development site, with the options being on-street car parking or use of a nearby public car park.

In view of the content of this report, Option One is the recommended approach in determining the proposed modification application.

RECOMMENDATIONS

That the Section 96 Application to Modify Development Consent 2006/148 via Section 96(2) of the Environmental Planning and Assessment Act 1979 at Lot 1 DP 1146004, No. 31-35 Cherry Street, Ballina, be granted consent, subject to the following modifications:

New Condition

- 1.21 A revised plan of management is to be provided for the parking area to ensure satisfactory use and safety of the parking area. This plan is to include signage to advise of the parking area, mirrors to assist with safety exiting the parking area onto the public road, and ensuring access and spaces are allocated and available to the tenancies of the building. The quantum of car parking spaces allocated and available to each tenancy is to adhere to the supply rate calculated per tenancy, in accordance with Table 2.3 within Chapter 2 of the Ballina Shire DCP 2012. Details are to be submitted to and approved by Council prior to the closure of the security gates to the car parking area and payment of the car parking contributions for 17.18 car parking spaces as per condition 2.10 of this amended consent.

Amended Conditions

- 2.10. Prior to the issue of the Construction Certificate for the development, total payment to Council of non-refundable monetary contributions is to be made towards the provision of public services and amenities, which are required as a result of the development. These contributions are required in accordance with s94 of the Environmental Planning & Assessment Act, 1979 and Council's adopted Contribution Plans.

The current amounts required are:

- \$62,687.00 for the provision of major shire wide road infrastructure, being for 942m² of retail floor area plus 1064m² of office floor area minus a credit for the existing service station development on site, in accordance with Plan No1: Ballina Road Contribution Plan.

- \$7,961.00 for the provision of planning and administration of section 94 funds, being at the rate of \$6.75 per m² of g.f.a minus a credit for the existing service station development on site, in accordance with Plan No.3: Section 94 Planning Studies and Administration.

The development is also required to make a monetary car parking contribution under the provisions of the Ballina Shire Car Parking Contribution Plan 2014 for the equivalent of **17.18** car parking spaces, in lieu of providing publicly accessible car parking spaces within the car parking area on the second floor of the development. Refer to Schedule 1 within this amended consent for the contribution rates applicable at the time of the issue of this amended consent.

The payment of the monetary car parking contribution is required to be paid prior to the closure of the security gates on Winton Lane.

These rates are reviewed periodically by Council and the contribution amounts will be calculated at the rate applicable at the time of payment. Copies of the Contribution Plans may be viewed at the Council Chambers, corner of Cherry and Tamar Streets, Ballina.

- 5.5. Car parking spaces
A minimum of 50 car parking spaces shall be provided and available at all times for parking purposes for the tenancies within the development.
- 5.6 Road dedication/Driveway closure - car parking requirement
A total of 65 car parking spaces would ordinarily be required to be provided for the development, however as part of the site was required for road widening purposes and also due to the closure of driveways adjoining the development site, a credit of 17.73 car parking spaces is given.

Deleted Conditions

2.21 A plan of management is to be provided for the parking area to ensure satisfactory use and safety of the parking area. This plan is to include signage to advise of the parking area, mirrors to assist with safety exiting the parking area onto the public road, and ensuring access and spaces are allocated and available to visitors. Details are to be submitted to and approved by Council prior to the issue of the Construction Certificate.

5.7 Parking signposting
Permanent signposting is to be erected in front of the development stating that visitor parking is available on the site. The car parking spaces shall be clearly designated and kept available for such purpose.

New Schedule

Schedule 1

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Ballina CBD Car Parking Contribution 2014	4603	per car park not provided	\$26,793.00	17.1800	\$460,303.74

Attachment(s)

1. Locality Plan
2. Section 96 Application to Modify Development Consent and Supporting Documents
3. Submission
4. Confidential submission (Under separate cover)

8.2 Development Applications – Variation to Development Standards

8.2 Development Applications – Variation to Development Standards

The following schedule sets out development applications approved under delegation since the last Council meeting which have involved variations to development standards (via the BLEP 1987 or BLEP 2012):

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for variation
Nil						

RECOMMENDATION

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for July 2017.

Attachment(s)

Nil

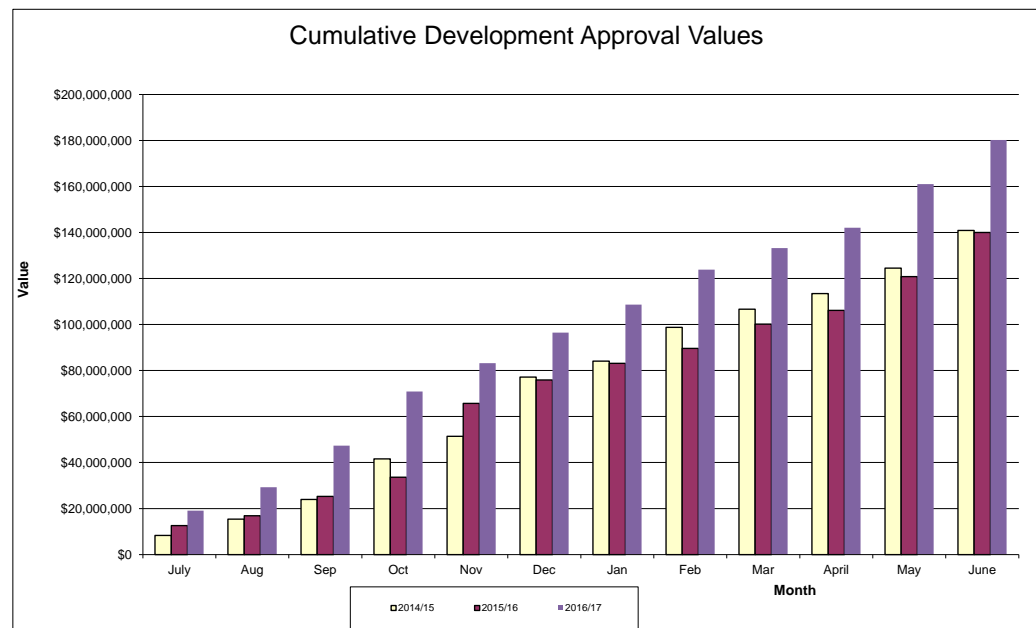
8.3 Development Consent and Infrastructure Approvals - June 2017

8.3 Development Consent and Infrastructure Approvals - June 2017

During the period of 1 June 2017 to 30 June 2017 the Development and Environmental Health Group issued Development Consents comprising of:

Number of Applications	Value of Work
34 Other including Changes of Use	\$ 1,108,065
32 Dwellings/Dual Occupancies/Residential Flat Buildings/New Commercial and Industrial Buildings	\$ 9,219,457
4 General Developments including Subdivisions	\$ 7,781,552
Total Value	\$ 18,109,074

The following chart details the cumulative consent figures for 2016/17 as compared to 2015/16 and 2014/15.



During the period of 1 June 2017 to 30 June 2017 the Development and Environmental Health Group issued Public Infrastructure / Civil Construction Works comprising of:

Number of Applications	Value of Work
5 Public Infrastructure / Civil Construction (Pontons – East Wardell, Keith Hall, West Ballina & Ballina)	\$ 1,032,000
Total Value	\$ 1,032,000

RECOMMENDATION

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 June 2017 to 30 June 2017.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - July 2017

8.4 Development Applications - Works in Progress - July 2017

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/148	1/4/2016	Planners North	Amended Proposal - Mixed Use Development Comprising the Erection of a Two Storey Business Premises and Three x Two Storey Serviced Tourist and Visitor Accommodation Apartments and Associated works – 61 Ballina Street, Lennox Head	To be reported to Council for determination
2016/274	20/05/2016	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create 1 x 1.45ha and 1 x 47ha allotments and the establishment of a rural worker's dwelling upon the larger Proposed Lot 11 – 61 & 145 Brooklet Road, Newrybar	Being assessed
2016/691	29/11/16	Ardill Payne & Partners	Construction of a new PAD site building of Ballina Fair Shopping Centre and subsequent modifications to part of the car parking area – 84 Kerr Street, Ballina	Being Assessed
2016/704	5/12/2016	Ardill Payne & Partners	Staged Seniors Housing Development Comprising the Re-Development of Alstonville Maranoa pursuant to S.83B of the EP&A Act with consent also sought	Awaiting Additional Information

8.4 Development Applications - Works in Progress - July 2017

DA No.	Date Rec'd	Applicant	Proposal	Status
			for Stage 1 comprising 12 self-contained dwellings, tree removal, new driveway and associated works - 9-19 The Avenue, Alstonville	
2016/745	21/12/2016	Ardill Payne & Partners	Subdivision by way of boundary adjustment of five existing lots to create 5 new lots – 520 & 462 Newrybar Swamp Road, Broken Head	Awaiting Additional Information
2017/7	4/1/2017	RPS Group	Construction of a service station with convenience store, car parking, signage and associated works – 413-423 River Street, Ballina	Awaiting additional information To be reported to Council
2017/121	15/3/2017	Newton Denny Chapelle	To establish a rural worker's dwelling - 91 Newrybar Swamp Road, Kinvara	Awaiting Additional Information
2017/129	17/3/2017	CivilTech Consulting Engineers	Construction of a two lane road linking North Creek Road to the Ballina Byron Gateway Airport including three roundabouts at the intersections with North Creek Road, Boeing Avenue and the connection into the airport. The proposal also includes extensions to Boeing Avenue and the realignment of Corks Lane, site filling, vegetation removal and associated works. – Lot 5 DP 123781 Corks Lane, Ballina	Awaiting Additional Information
2017/146	27/3/2017	Joe Davidson Town Planning	Lease of Road Reserve for Commercial Use (Vehicle sales) and	Determination Pending

8.4 Development Applications - Works in Progress - July 2017

DA No.	Date Rec'd	Applicant	Proposal	Status
			signage - 450-460 River Street, West Ballina	
2017/155	31/3/2017	Planit Consulting Pty Ltd	Lease of Road Reserve for Commercial Use (Vehicle sales) - 444 River Street, West Ballina	Determination Pending
2017/160	5/4/2017	S R Schott	Erection and Strata Title Subdivision of a Multi Dwelling Housing Development Comprising Three x Two Storey Dwellings - 103 Cherry Street, Ballina	Awaiting Additional Information
2017/165	09/06/2017	Planit Consulting Pty Ltd	Erection and Strata Title Subdivision of an industrial development comprising the staged construction of industrial sheds and self-storage sheds, demolition works, vehicular access and internal road works, stormwater infrastructure an associated works – 16 Kays Lane, Alstonville	Being Assessed
2017/188	13/04/2017	Ardill Payne & Partners	Boundary adjustment subdivision of two existing lots to create two modified lots – 19 Bentinck Street & 65 Norton Street, Ballina	Being Assessed
2017/191	14/04/2017	Anglican Parish of Alstonville	Boundary adjustment and consolidation of lots (four lots to two lots), alterations to existing garage, and construction of new building – 1 & 3 The Avenue, Alstonville	Awaiting Additional Information
2017/203	26/04/2017	Dayne Mearns	Erection of a Building for the Purposes of Tourist and Visitor Accommodation – 21	Referred to Government Department

8.4 Development Applications - Works in Progress - July 2017

DA No.	Date Rec'd	Applicant	Proposal	Status
			McLeish Road, Kinvara	
2017/204	26/4/2017	Newton Denny Chapelle	38 Lot Residential Subdivision, Civil Infrastructure Servicing and Associated Earthworks – Hutley Drive, Lennox Head	Being Assessed
2017/221	5/5/2017	Newton Denny Chapelle	Proposed bulk earthworks associated with the development of the neighbourhood commercial centre within the EPIQ Estate at Lennox Head. The earthworks involve significant excavation by mechanical means and blasting - Lot 54 DP 1222919 Hutley Drive, Lennox Head (EPIQ)	Being Assessed
2017/223	5/5/2017	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 1,157sqm and 1 x 1,145sqm allotments and associated works – 31 Tara Downs, Lennox Head	Being Assessed
2017/232	12/5/2017	GM Project Development & Management	Three Lot Strata Title Subdivision – 6 George Street, Tintenbar	Awaiting Additional Information
2017/242	17/5/2017	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create 1 x 3.2ha and 1 x 33.7 ha allotments - 158 Dalwood Road & Dalwood Road, Dalwood	Referred to Government Departments
2017/243	17/5/2017	Richard Mason	Erection of an industrial storage building for the purposes of storage and use of equipment materials and tools associated with a	Awaiting Additional Information

8.4 Development Applications - Works in Progress - July 2017

DA No.	Date Rec'd	Applicant	Proposal	Status
			construction and building business, associated office and amenities building, car parking, civil works and tree removal – 48 Northcott Crescent, Alstonville	
2017/249	18/5/2017	Anthony Gilding	Two Temporary Banner Signs - 419 Hinterland Way, Knockrow	Determination Pending
2017/251	19/5/2017	Ballina Shire Council	Ross Lane and Byron Bay Road Intersection Upgrade comprising the construction of a two lane roundabout, relocation of telecommunication infrastructure, installation of new culvert drains, installation of lighting and electricity supply, signage, vegetation removal and associated works. The proposed roundabout construction lies within SEPP 14 Coastal Wetlands - Byron Bay Road, Lennox Head	Referred to Government Department
2017/254	19/5/2017	Ardill Payne & Partners	Boundary adjustment subdivision between two lots to create two modified lots and subsequent erection and Strata Title subdivision of a detached dual occupancy on each modified lot and associated works - 34 & 36 Liffey Avenue, Cumbalum	Awaiting Additional Information
2017/258	23/5/2017	Ardill Payne & Partners	Alterations and additions to Biala Special School and associated works – 78 Fox Street, Ballina	Being Assessed

8.4 Development Applications - Works in Progress - July 2017

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/259	23/5/2017	Ardill Payne & Partners	Two lot Strata Title Subdivision of an Existing Dual Occupancy to create one 619m ² and one 573m ² allotments - 32 Castle Drive, Lennox Head	Awaiting Additional Information
2017/283	02/06/2017	Newton Denny Chapelle	Change of Use to a Vehicle Repair Station and Vehicle Sales and Hire Premises and Associated Signage – 2-6 Ray O'Neil Crescent, Ballina	Being Assessed
2017/293	06/06/2017	Newton Denny Chapelle	Erection and Strata Title Subdivision of a Dual Occupancy Detached – 19 Kite Avenue, Ballina	Referred to Government Department
2017/307	14/06/2017	Alstonville Agricultural Society Inc.	To change the date of the current Alstonville Agricultural Society Community Market from the second Sunday of the month to the third Saturday of the month – 22-40 Commercial Road, Alstonville	Being Assessed
2017/308	14/06/2017	Ballina Shire Council	Installation of an Equipment Container for the Purposes of a Remote Disaster Recovery Site for Council's Computer Servers and Scada/Telemetry System – 32 Pine Avenue, East Ballina	Being Assessed
2017/332	23/06/2017	Ardill Payne & Partners	To demolish an existing dwelling house and garage and to construct a commercial building and associated car parking – 12 Grant Street, Ballina	Being Assessed
2017/351	29/06/2017	Zane Grier	Temporary Use of Food Van – 19 Old	Being Assessed

8.4 Development Applications - Works in Progress - July 2017

DA No.	Date Rec'd	Applicant	Proposal	Status
			Pacific Highway, Newrybar	
2017/353	29/06/2017	Ardill Payne & Partners	Erection of an awning and installation of a bundled above-ground diesel storage tank – 1-5 De-Havilland Drive, Ballina	Being Assessed
2017/360	30/06/2017	Ardill Payne & Partners	To undertake a tourist and visitor accommodation development comprising the construction of eight tourist cabins in four stages and associated works – 663 Fernleigh Road, Brooklet	On Exhibition
2017/370	07/07/2017	Newton Denny Chapelle	Services Station and Childcare Centre – 246-250 Lismore Road, Wollongbar	On Exhibition
2017/371	07/07/2017	Ardill Payne & Partners	Alterations and Additions to Thursday Plantations/Integria Healthcare Manufacturing Facility – 57 Gallans Road, Ballina	On Exhibition

8.4 Development Applications - Works in Progress - July 2017

Regional Development (Determined by Joint Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/01/16	21st Century Builders Pty Ltd	To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 191 allotments and including road construction and intersection works at Ross Lane, extensive earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - 246 Ross Lane, 47 Dufficys Lane & Ross Lane, Tintenbar	Awaiting Additional Information
2016/184	15/4/16	Planners North	To undertake urban subdivision of the new Cumbalum Urban Release Area – Precinct A comprising a total of 633 residential allotments, road construction, earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - Sandy Flat Road, 88 Sandy Flat Road, 52 Albert Sheather Lane, Tamarind Drive and 658 Tamarind Drive, Cumbalum	Awaiting Additional Information Subject to Class 1 Appeal in the NSW Land & Environment Court

8.4 Development Applications - Works in Progress - July 2017

2016/524	16/9/16	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 170 (previously 211) serviced, self-care housing (previously 210) with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Awaiting additional information
2016/660	17/11/16	BP Australia Pty Ltd	Erection of a Highway Service Centre and Associated Uses, Advertising Signage Including Two x 25 m High Structures, Land Filling, Vehicular Access of Pacific and Bruxner Highways, Car Parking and Associated Works - Pacific Highway, West Ballina	Awaiting Additional Information

8.4 Development Applications - Works in Progress - July 2017

016/746	23/12/16	Ringtank Pty Ltd	Erection of dwelling houses, rural worker's dwelling, tourist and visitor accommodation, 10 site caravan park, polo training field and equestrian exercise area, equine building including stables, veterinary facility, quarantine stalls and horse float and equipment shelters, private helipad and hanger, outdoor recreation facilities including go-kart track, shooting range, motocross track, associated buildings, roadworks, earthworks including dams and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Awaiting Additional Information Briefing to be held with Councillors
2017/149	28/3/2017	Ardill Payne & Partners	Alterations & Additions to existing terminal building – Ballina Byron Gateway Airport – Lot 264 DP 1195313 & Lot 7 DP 793980 Southern Cross Drive, Ballina	Determination Pending – Scheduled for JRPP Meeting on 20 July 2017

8.4 Development Applications - Works in Progress - July 2017

2017/244	17/5/2017	Intrapac Skennars Head Pty Ltd	To undertake the first stage of a residential subdivision comprising 214 residential lots, six public reserve lots, nine super lots for future subdivision, five utility lots and one residue lot. The proposed subdivision, to be carried out in stages, will involve the construction of a new access to The Coast Road incorporating the Sharpes Beach Car Park Access junction with a signalised intersection and facilitating connection into Headlands Drive. The subdivision also proposes extensive earthworks across the site, utilities augmentation, stormwater management and drainage, vegetation removal and associated works – Lot 265 DP 1212348 The Coast Road, Skennars Head	Awaiting Additional Information
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Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for July 2017.

Attachment(s)

Nil

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

9. Strategic and Community Facilities Group Reports

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Delivery Program Strategic Planning

Objective To report on submissions received in response to the public exhibition of the draft Alstonville Planning and Environmental Study and draft Alstonville Strategic Plan 2017 - 2037 and seek direction from the Council with respect to the adoption of the strategic plan.

Background

The Council, at its Ordinary Meeting held on 28 April 2016 resolved to proceed with the preparation of a place-based strategic planning process for the urban areas of Alstonville and Wollongbar [Minute No 280416/12].

The Council's decision was in response to Action HE3.1.2b of the 2015/16 Delivery Program and Operation Plan (now Action HE3.1c of the 2017/18 plan relating to Alstonville). This action relates to ensuring that Council's planning instruments reflect current and future needs. In this context, the review of the planning framework for Alstonville was undertaken through a planning and environmental study process, incorporating as an initial step a comprehensive community engagement program.

The adopted 2012 Ballina Shire Growth Management Strategy identified a number of strategic actions for Alstonville. The following strategic actions were also examined through the environmental study process:

- Identification of opportunities for additional seniors' living facilities;
- Investigation of the potential for infill development intensification (as distinct from "greenfield" lateral expansion of the township);
- Reviewing planning controls for the township's commercial centre following construction of the Bruxner Highway bypass;
- Preserving the integrity of the township's "footprint";
- Maintaining the urban buffer / inter-urban break between Wollongbar and Alstonville;
- Revisiting the historical Third Plateau Village concept; and
- Managing and/or promoting Aboriginal, European and other non-Aboriginal cultural heritage values in accordance with relevant stakeholders.

Prior to commencing work on the draft Alstonville Planning and Environmental Study (APES) a public consultation program was initiated. This program consisted of the following elements during June and July 2016:

- Letters to the owners of 3000+ properties within the Alstonville township and adjacent rural and industrial areas;

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- Pop-up street stall established for three mornings on the corner of Daley and Main Street;
- Meetings held with Chamber of Commerce and Alstonville and District Football Club. Invitations extended to other organisations, such as Alstonville High School, to discuss strategic planning issues;
- Press release prepared which resulted in interviews on ABC radio and NBN News during July 2016; and
- On line survey and web background content established.

Submissions received in respect to the pre-study community engagement assisted to establish the direction of the draft APES and the various issues that it has examined. It also assisted in the development of a range of suggested actions as contained in the draft Alstonville Strategic Plan 2017 – 2037.

Following the completion of the draft strategic planning documents for Alstonville the Council, at its Ordinary Meeting held on 23 March 2017 resolved as follows [Minute No 230317/16]:

1. *That Council endorses the public exhibition of the draft Alstonville Planning and Environmental Study and draft Alstonville Strategic Plan 2017 – 2037.*
2. *That Council give further consideration to the draft Alstonville Planning and Environmental Study and draft Alstonville Strategic Plan following public exhibition.*

The draft APES and draft Alstonville Strategic Plan 2017 – 2037 were placed on public exhibition from 5 April 2017 until 12 May 2017. The exhibition was launched at the Alstonville Plateau Bowls and Sports Club on 3 April 2017 where in excess of 70 people were in attendance. This report considers the submissions received during the public exhibition of these documents.

The draft APES has been updated to reference the consultation process, the coming into effect of the NSW Department of Planning and Environment's North Coast Regional Plan, the lodgment of the development application for the Baptist Care Maranoa Village proposal and the referencing of Council's decision with respect to the E Zone Review process, amongst other matters. It has also been updated to correct data relating to the number of R2 zoned lots within various lot size categories and dwelling yields from lots which may have dual occupancy potential.

Attachment One to this report contains a copy of the APES as completed in June 2017 and which is now recommended for adoption by the Council.

Attachment Two contains a copy of the draft Alstonville Strategic Plan 2017 – 2037 as exhibited.

This report gives consideration to the submissions received in response to the exhibition of the Alstonville strategic planning documents, considers the appropriateness of the draft strategic actions as well as recommending implementation priorities.

Key Issues

- Locality based strategic planning
- Community engagement and consultation

Information

The process of preparing and exhibiting the draft Alstonville Planning and Environmental Study and the draft Alstonville Strategic Plan 2017 - 2037, and subsequent adoption and implementation, consists of the following six key stages:

- Council endorsement of the approach to be used to prepare the strategic plan for Alstonville (April 2016);
- Initial pre-study preparation community engagement (June – July 2016);
- Council endorsement of the draft Alstonville Planning and Environmental Study and draft Alstonville Strategic Plan 2017 – 2037 (March 2017);
- Exhibition of draft Alstonville strategic planning documentation (April – May 2017);
- Council consideration of submissions and adoption of the Alstonville Strategic Plan 2017 – 2037 with or without amendment (July 2017);
- Incorporation of projects arising from the investigation of Alstonville Strategic Plan 2017 – 2037 actions within Council's Delivery Program and Operational Plan; and
- Completion of projects in accordance with timeframes nominated within the Delivery Program.

This report addresses the exhibition, submissions assessment and adoption steps. Details regarding the exhibition and community engagement outcomes are contained in the 'consultation' section of this report.

Following adoption of the Alstonville Strategic Plan 2017 – 2037 the next phase of this project will relate to the incorporation of relevant projects, arising from the further investigation of actions, within Council's Operational Plan and Delivery Program.

The draft Strategic Plan as publically exhibited identified 23 actions under the following five locality objectives:

- One - Ensuring that the township's character, sense of community and quiet lifestyle is maintained – 8 actions;
- Two - Providing new housing opportunities that are affordable and provide choice for people to meet changing life needs – 5 actions;
- Three - Enhancing connectivity through the provision of walking paths, cycle ways and a town square – 6 actions;
- Four - Fostering employment opportunities – 3 actions; and
- Five - Maintaining and enhancing our natural environment – 4 actions.

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Attachment Six contains the Alstonville Strategic Plan 2017 – 2037 which has now been updated partly in response to submissions. Post exhibition comments have been incorporated within this document for the information of Councillors, together with indicators of community support derived from analysis of the online survey results.

A total of 6 actions are no longer proposed to be supported for the reasons indicated within Attachment Six. In addition, two new actions have been proposed which relate to the Tosha Falls Plan of Management and mapping of Big Scrub remnant areas.

Draft priority ratings have also been assigned for the Council's consideration and endorsement. High priority ratings are anticipated to be actioned within 5 years or on an ongoing basis. Medium priorities within a 10 year period and Low priorities beyond 10 years or as opportunities arise. This approach is consistent with that previously adopted by the Council in relation to the Wardell Strategic Plan.

In total, there are proposed to be 9 high, 4 medium and 4 low priority actions which require various degrees of Council investigation and involvement. An additional 2 actions, being Main Street private property beautification strategy (medium priority) and investigation of produce exporting opportunities (low priority), are not within Council's direct area of responsibility.

During the exhibition process the major community focus has been related to the proposed strategies associated with *Locality Objective Two - Providing new housing opportunities that are affordable and provide choice for people to meet changing life needs.*

Locality Objective Two actions contained within the draft strategic plan are essentially township consolidation initiatives designed to provide housing choice opportunities generally within Alstonville's existing urban area. In summary, the consolidation actions proposed, and the estimated additional people and dwellings that would potentially result, are detailed in the table below:

Proposed Action	Total Dwelling Yield	Total Population Increase	Dwelling Yield to 2036	Population Increase to 2036
Dual Occupancy on 900m ² + lots	250	570	60	135
Rezone of some R2 lots to R3	150	340	38 - 75	87 - 171
Increase density R3	112	260	28 - 57	64 - 130
Adventist Rezoning	20	30	20	30
TOTAL	532	1,200	146 - 212	316 - 466

It has been estimated that currently, there is capacity within the existing urban area of Alstonville to accommodate an additional 356 dwellings which have the potential to provide housing for an additional 775 people.

Adoption of the consolidation initiatives proposed is estimated to result in Alstonville's annual population increasing to within the range of 0.5% to 0.75% to the year 2036. Without adopting any consolidation initiatives the population is estimated to increase by 0.27% per annum to 2,036 (forecast.id estimate).

Data recently derived from the 2016 Federal Census indicates that in the period 2011 to 2016 Alstonville's resident population increased by 91 people to 5,739 people.

This represents an annual population growth rate of +0.32%, which is below the forecast increase.

Sustainability Considerations

- **Environment**

The implementation phase following the adoption of the strategic plan for Alstonville may have potential environmental benefits. This is due to the housing choice initiatives, documented within the strategic plan, being confined to within Alstonville's existing urban boundaries as opposed to expansion into adjoining rural areas.

- **Social**

The implementation of strategies supported by the local community and aimed at stimulating economic activity, increasing potential housing choice options and improvements to village accessibility and amenity, are all considered to have net social benefits.

- **Economic**

The rationale behind many of the suggested strategies relate to the stimulation of economic activity within Alstonville. Therefore, what is proposed is considered to have net economic benefits.

Legal / Resource / Financial Implications

The implementation of actions detailed in the strategic plan does not raise any specific legal obligations beyond compliance with the *Environmental Planning and Assessment Act 1979* where they relate to LEP and DCP matters.

The majority of actions, where Council has been assigned implementation responsibility, can be scheduled within existing work programs, primarily within the Strategic and Community Facilities Group. Where this is not the case, additional financial resources are required, as estimated within Attachment 6.

In total, it is estimated that for actions which cannot be absorbed within established programs, a one-off financial commitment of approximately \$32,000 is required. Given that these actions, if adopted, are likely to be programmed for implementation over a 5 year period, allocation can be made as part of the normal annual budget development process. One-off funding of this order can be met from the Strategic Planning reserve. This should be considered with the understanding that strategic plans for Wollongbar and Lennox Head are yet to be completed with no implementation funding allocated as yet.

If the Council elects not to fund the implementation of the plan, staff will prioritise the actions that can be met within existing work programs and assign low priorities to those actions requiring additional funding.

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If actions 21 to 23 are retained within the plan then an additional ongoing commitment of approximately \$32,000 per annum has been estimated from when these actions are programmed to commence.

Consultation

The community engagement strategy for the exhibition of the draft Alstonville Planning and Environmental Study and the draft Alstonville Strategic Plan 2017 – 2037 included the following elements:

- Advertisements in the Ballina Shire Advocate 29 March and 26 April 2017;
- Media Release prior to exhibition commencement incorporating an invitation to the community to the launch of draft strategy documents;
- Letters (20) to community groups and others identified within exhibition documents (service clubs, schools, Police, Landcare etc.);
- Letters (90) to owners of land identified as candidate R3 zoning sites;
- Emails (70) to persons and groups on contact list from 2016 pre-study consultation;
- Community Connect story (April 2017 edition);
- Exhibition launch and community briefing on 3 April 2017;
- Project webpage and online survey;
- Facebook posts; and
- Letterbox information brochure (2,000) to Alstonville township properties on 5-6 May 2017.

In response to the above engagement initiatives a total of 16 written submissions and 69 survey responses were received. The number of responses received may be interpreted as a reflection of the community's general acceptance that issues raised during the 2016 pre-study consultation phase have been, in the main, appropriately addressed.

Attachment Three contains a copy of the results obtained from the online community survey. The survey was specifically designed to provide feedback on the actions contained within the draft Alstonville Strategic Plan 2017 – 2037.


Attachment Four contains copies of individual submissions 1 to 7 received in response to the exhibition of the Alstonville strategic planning documents.

Attachment Five contains copies of submissions 8 to 16.


Table 1 – Draft Alstonville Strategic Plan 2017 – 2037 Submissions Summary

Submission No	Submission Comments	Response
<p>1. Alstonville Wollongbar Chamber of Commerce</p>	<p>Indicate that it supports the draft plans in their current form and offer assistance to fulfil the Strategic Actions nominated.</p> <p>Indicate that it is supportive of the new housing opportunity initiatives.</p> <p>Also make various supportive comments on the contents of the draft APES.</p>	<p>Noted.</p>
<p>2. Adventist Senior Living (ASL) NSW</p>	<p>Indicate that there is a demand for 153 additional retirement living units in the Ballina Shire between 2016 and 2026. ASL has a current waiting list for 84 retirement units. An additional 20 units would be welcome but would only reduce the waiting list by 24%.</p> <p>Indicate that there is an opportunity for Council to identify that the ASL facility needs to expand by 60 units and that the land adjoining the current site is suitable to accommodate this expansion.</p> <p>Indicate that the proposal (expansion of the ASL facility onto Lot 1 DP 542662 discussed in the draft APES) presents considerable risk in achieving any purposeful outcome, and potentially deter the investment needed to even carry out the studies needed for a planning proposal. This is due to land constraints and the relatively small amount of dwelling yield.</p> <p>Enclose a report from JWP Planning Pty Ltd which further examines physical land constraints identified in the draft APES. Casts doubt on whether Lot 1 is suitable for Seniors Housing having regard to the various site constraints including land slip susceptibility, bushfire risk, buffers to Maguires Creek and biodiversity considerations, as well as the requirements of the Seniors Housing SEPP.</p> <p>Request Council to consider a spatially broad enough framework to enable flexibility and provide investment confidence needed to investigate and provide seniors housing by way of an extension of the ASL suitable for the next 20 years.</p> <p>Site Location Plan (red outline)</p>	<p>The ASL submission has investigated the suitability of Lot 1 DP 542662 (Lot 1) in more detail than was able to be achieved within the context of the draft APES. The information submitted indicates that it is likely that the land is unsuitable for the provision of seniors housing due to site constraint issues. This potential unsuitability is such that it is suggested it would potentially also deter the investment needed to, <i>'even carry out the studies needed for a planning proposal'</i>.</p> <p>Lot 1 was included within the draft APES and nominated as an Urban Expansion Evaluation Area due to it being previously proposed to be used as part of a proposal to expand the ASL village in 2005, its current ownership by ASL and a strategic action contained within the Ballina Shire Growth Management Strategy to identify opportunities for additional senior living facilities in Alstonville.</p> <p>Given the further investigation of the suitability of Lot 1, to accommodate seniors living units undertaken by ASL, it is considered that a reference to initiating a planning proposal to rezone Lot 1 to R2 (Draft Strategic Action No 10) should now be deleted.</p> <p>The suggestion by ASL to provide a spatially broad enough framework to allow for the expansion of its village is problematic as the land to the west (the most suitable land in terms of topography) is designated as State Significant Farmland and is used as a Macadamia Nut plantation. The land immediately to the north of the village is also constrained by topography and is similarly used for agricultural purposes. The loss of State Significant farmland actively used for agricultural/horticultural purposes is considered to be difficult to justify from a strategic planning perspective.</p> <p>It is accepted that there is demand within Ballina Shire for additional seniors living units. In the context of the information submitted, a case has</p>

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Submission No	Submission Comments	Response
		<p>not been made for the ASL site to be expanded based purely on demand factors. Council should note that the Baptist Care facility in The Avenue, Alstonville is proposing to be expanded (Stage 1 DA lodged in December 2016).</p> <p>Recommendation: Deletion of Action 10 of the draft strategic plan as it relates to the initiation of a planning proposal for Lot 1.</p>
<p>3. Department of Primary Industries</p>	<p>Indicate that it supports Strategic Actions 1 and 2 (relate to the discouragement of urban style development within the rural buffer area between Alstonville and Wollongbar, and the development of policies to promote a vibrant rural hinterland.)</p> <p>Indicate that, in respect to the possible expansion of the Adventist Aged Care facility, it would assess any proposals for future subdivisions on their merits but advise that these would only be supported in rare occasions.</p> <p>Indicate support for aim of development of complementary industries on rural land such as farm stay accommodation but highlight the risk of land use conflicts.</p>	<p>Noted</p>
<p>4. Dr Paul Earner</p>	<p>Considers that the rezoning of the Adventist Retirement Village is totally unjustified for the following reasons:</p> <ul style="list-style-type: none"> • Does not link village with Alstonville, just makes 20 new dwellings closer to Alstonville • Does not eliminate the existing hill from the village to Alstonville • A path, bridge and lighting already exists • Listed as State Significant Farmland and ineligible for urban use • Increases potential for rural – urban conflict. <p>Advises that Council has resisted erosion of the environmental protection zones by gradual attrition due to special circumstances over the last 30 years.</p>	<p>Comments in respect to the rezoning of the ASL site (Lot 1) are noted and a response has been proposed as detailed in respect to Submission 2.</p> <p>The designation of land as Important Farmland (includes State Significant) does not, as suggested, render the land automatically unsuitable for urban use. The North Coast Regional Plan 2036 (NCRP2036) advocates a strategic approach to the assessment of future urban growth areas. Such areas must first be identified in a council strategy and local growth management plan and then be appropriately designated within the Regional Plan as a future urban growth area.</p> <p>Appendix B of the NCRP2036 nominates Important Farmland Variation Criteria which, if achieved, may render the land suitable for uses other than farmland. It is considered unlikely that the subject site (Lot 1) is capable of meeting the nominated criteria related to Land Use Conflict and Avoiding Risk based on information currently available.</p>

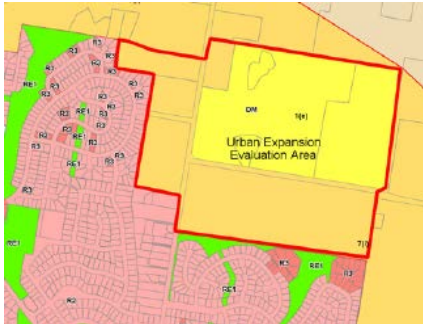
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Submission No	Submission Comments	Response
		<p>Recommendation: Deletion of Action 10 of the draft strategic plan as it relates to the initiation of a planning proposal for Lot 1 DP 542662, Pearces Creek Road, Alstonville.</p>
<p>5. Dr Paul Earner</p>	<p>Advises that he is concerned about the slow removal and degradation of buildings of historical or heritage significance in Alstonville. These buildings give Alstonville a large part of its character.</p> <p>Past owners have been afraid of heritage listing due to perceived physical and financial constraints. Suggests the following initiatives to change owners' mindset:</p> <ul style="list-style-type: none"> • Campaign to promote the significance and specialness of those buildings such that owners view buildings as a source of pride. • Council apply a discount to rates eg 40%. Estimated to apply to approx. 40 buildings. 	<p>Draft Strategic Action 3 relates to the encouragement of property listing with local heritage value within Ballina LEP 2012. This was proposed to be achieved initially via letters to property owners outlining the benefits of listing with respect to additional zoning flexibility.</p> <p>The property rate discount approach is not supported as it would represent an ongoing reduction in rate revenue which, based on 40 Alstonville sites, would be in the vicinity of \$15,000 per annum and significantly more if applied across the shire.</p> <p>Draft Strategic Action 11 has however been amended such that the increase in density provision proposed for R3 zoned sites within 400 metres of the town centre will not be applied unless owners of properties, with assessed local heritage value, agree to list their property as an item of Ballina Shire's Environmental Heritage in Ballina LEP 2012. This action is designed to encourage listing before bestowing additional density benefits.</p> <p>Recommendation: Amend Strategic Action 11 to exclude properties with assessed local heritage value until listed within Ballina LEP 2012.</p>
<p>6. Terra Spatial on behalf of Tosha Pty Ltd (T J and S G Prendergast) Lot 2 DP 1182136, 1336 Teven Road, and Lot 1 DP 1182136, 5 Banjo Place, Alstonville</p>	<p>The location of the subject land is shown on the map extract below.</p> <p>Location Plan (red outline orange and brown colour)</p>  <p>Submit that the best potential use of the land is for medium or low density housing.</p> <p>Suggest that land is not located between Alstonville and Wollongbar and therefore development will not impact the buffer between the two villages.</p>	<p>A brief history of the subdivision and development history of this land is as follows:</p> <p>March 1977 – subdivision registered which created Lot 2 DP 253899. This lot had an area of 18.26ha and is the lot originally purchased by T and S Prendergast. Lot 2 is burdened by an easement for pedestrian access which runs parallel to Maguires Creek and has a width of 20 metres. The easement for access was required to be created under a 1975 Tintenbar Shire Council policy which required rural properties, adjoining major creeks, when subdivided, to incorporate pedestrian access for a width of 20 metres from the creek bank.</p> <p>February 2013, Lots 1 and 2 DP 1182136 created. These lots resulted from a boundary adjustment between</p>

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Submission No	Submission Comments	Response
	<p>Suggest that the rural character of the village will be better maintained by strip development not being located along a highly visible main road (Teven Road).</p> <p>State that the land is a key access point to Tosha Falls and currently there are a high number of trespassers traversing the area identified (by property owner) for potential residential development.</p> <p>Claim that the land is also suitable for affordable, accessible seniors living and / or manor house developments due to topography, non – agricultural use and its proximity to the township.</p> <p>Claim that due to the area of Lot 1 (1.271ha) it would be common sense to rezone the whole of the lot (front portion zoned R2) as its small size makes it unviable as rural land.</p> <p>The submission concludes that as the land is not visible from any major rural roads, part of the property appear conducive to more intense development.</p> <p>Request a change to the planning status of the properties to rural or future residential.</p> <p>Advise that the owners are committed to offer a range of community benefits (such as formalised community access to the waterfall) in return for some additional development potential for unconstrained parts of the property.</p>	<p>Lot 2 DP 253899, 1336 Teven Road, and Lot 218 DP 835001, 5 Banjo Place. Both lots owned by T and S Prendergast. This boundary adjustment was originally approved in 1996 and then again in 2011. It resulted in a residential zoned lot (Lot 218 area of 774.7m²) being joined with land zoned 7(i) – Environmental Protection (Urban Buffer) to create Lot 1 with an area of 1.271 hectares and Lot 2 with an area of 17.07 hectares.</p> <p>Lot 1 is vacant land and Lot 2 contains a wholesale plant nursery (Alstonville Tree Farm). The applicant's stated intention with respect to this boundary adjustment was to consolidate fragmented land on the southern side of a small watercourse with a lot having frontage to Banjo Place.</p> <p>Lot 2 DP 1182136 contains a dwelling house closest to Teven Road approved in 1978 and a rural workers dwelling approved in 1984 in the north western section. Lot 2 also contains a farm shed, and associated amenities building.</p> <p>The draft APES considered these lots and others (Refer s6.3.3.1) and concluded that the expansion of the Alstonville urban area north of Albert Street and Clare Street to Johnsons Road and west to Maguires Creek should not be supported due to its perceived higher environmental and agricultural value and the location of Council's waste water treatment plant within this area.</p> <p>The urban buffer zoned section of Lot 1 and the whole of Lot 2 1182136 are designated as State Significant Farmland.</p> <p>The location plan also shows the Alstonville Waste Water Treatment Plant (WTP) site. A minimum buffer of 400 metres is nominated in the 2007 NSW DPI publication <i>Living and Working in Rural Areas – A Handbook for Managing Land Use</i> conflicts on the NSW North Coast to sewage treatment plants.</p> <p>The submission is not considered to have provided a compelling case which would support the designation of lots 1 and 2 within an Urban Expansion Evaluation Area as an initial step towards potentially achieving a residential zone over part or all of lots 1 and 2.</p>


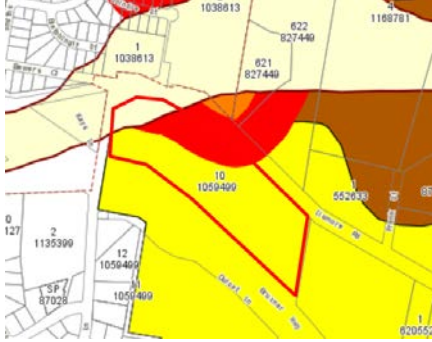
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Submission No	Submission Comments	Response
		<p>The proposal, whether confined to the 7(i) zoned parts of lot 1 or lots 1 and 2, is also considered to be contrary to the Urban Growth Area Variation Principles contained within the North Coast Regional Plan in respect to potential land use conflict concerns relating to proximity to a sewage treatment works, and agricultural activities. A significant portion of lot 2 is also mapped as bush fire prone land.</p> <p>The Alstonville Strategic Plan 2017 – 2037 proposes a number of actions that support additional housing opportunities being created within the existing urban footprint of Alstonville township. In so doing, it has responded to the expressed desire of the Alstonville community for greater housing choice within the township as opposed to the rezoning and release of rural land for urban purposes.</p> <p>The draft Alstonville Planning and Environmental Study also considered potential opportunities for urban expansion beyond the boundaries of the Alstonville urban area. The area considered least constrained was that area located within the buffer to the existing Tuckombil Quarry fronting Teven Road. This area, whilst considered generally acceptable, did not include the Prendergast property, but ultimately was not further investigated as it is rendered unsuitable whilst ever the quarry is in operation.</p>  <p>The Prendergast property (lot 2) was not nominated within the potential urban expansion evaluation area as it did not align with the boundaries of existing residential zoned properties west of Teven Road, as well as being significantly affected by the buffer to Tuckombil Quarry.</p>






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Submission No	Submission Comments	Response
		<p>A site inspection was undertaken of lots 1 and 2 to better understand opportunities available for the land and impacting land constraint issues.</p> <p>The site inspection has confirmed that, whilst residential subdivision development is problematic, due to site constraint and precedent concerns, it is conceivable that opportunities for low-key rural tourism initiatives could be considered upon lot 2.</p> <p>Some types of tourist facilities are permitted with consent within the 7(i) Environmental Protection (Urban Buffer) zone. Tourist facilities such as refreshment rooms (definition includes cafes, and restaurants) would not be permitted, unless ancillary to accommodation, and would require an LEP amendment.</p> <p>[Note: Draft Strategic Action 18 relates to a review of farm-based tourism initiatives to ensure that they are permitted, and development controls such as parking setbacks and other design standards are supported by the local community.]</p> <p>Recommendation:</p> <p>1. No change to the strategic plan.</p>

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Submission No	Submission Comments	Response
<p>7. Planit Consulting on behalf of Greenlife Properties Pty Ltd – Lot 10 DP 1059499, Lismore Road, Alstonville</p>	<p>Lot 10 is shown by the red outline on the Location Plan below.</p> <p>Location Plan</p>  <p>The submission seeks an R2 Low Density Residential zone and the inclusion of the site within the strategic plan and study as a site for a Manufactured Home Estate (MHE) to provide additional seniors housing opportunities.</p> <p>Recognise that the site is located on the fringe of Wollongbar.</p> <p>Suggest that the reduction in separation between townships (buffer) is a 'mere' 200 metres and is supportable.</p> <p>A detailed <i>Housing Needs Assessment</i> prepared by specialist business and property economics consultants - Norling Consulting has been submitted in support of the proposal.</p> <p>The Norling assessment concludes that there is a moderate level of economic and planning need for the proposed development. This is based on factors which include an older population profile within the study area, provision of housing choice, lack of smaller housing products, limited residential land supply (12 years estimated for Wollongbar), proximity to Wollongbar and provision of an affordable option.</p>	<p>Lot 10 has an area of approximately 7 hectares and is located approximately 650 metres from the Alstonville urban area. Part of Lot 10 is located opposite the Wollongbar urban area and is also located approximately 300 metres to the east of the Wollongbar commercial centre.</p> <p>In terms of land constraints Lot 10 is designated as State Significant Farmland, and the western end is partly designated as Bushfire (buffer) and Landslip Prone Land.</p> <p>Land Constraint Map Extract</p>  <p> Landslip Prone Land State Significant Farmland Bushfire Prone Land </p> <p>The site development concept plan has located the proposed MHE at the eastern end of the site clear of the landslip and bushfire constrained land.</p> <p>The proposed R2 zoning is not supported as the site is located within the buffer area between Alstonville and Wollongbar upon State Significant Farmland. Support for this proposal would serve to undermine the strategy of maintaining the buffer.</p> <p>There has been little community support, as evidenced by community consultation in both Alstonville and Wollongbar, for proposals which seek to introduce urban style development within the buffer area.</p> <p>Recommendation: No change to the strategic plan.</p>

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Submission No	Submission Comments	Response
<p>8. SDS Civil Enterprises (Peter Williams) on behalf of Mr P B Roach, owner of Lot 2 DP 620552, 59 Lismore Road, Alstonville</p>	<p>Lot 2 is shown by the red outline on the Location Plan below.</p> <p>Location Plan</p>  <p>Lot 2 has an area of approximately 4.6ha and is within the deferred matters area [zoned 7(i) Environmental Protection (Urban Buffer) under BLEP 1987].</p> <p>Seek a low density residential zone. Suggest that this would have negligible impact upon the rural buffer view lines due to site being below a local ridgeline. Also advise that the land has significant urban development about its more visual northern perimeter.</p> <p>Seek clarity in terms of draft Strategic Action No. 1 which states in part:</p> <p><i>“Advocate a policy position which generally discourages proposals which seek to introduce urban style development”</i></p> <p>Indicate that this objective should provide greater clarity for the term ‘generally’.</p> <p>Suggest that the objective incorporate the following:</p> <p><i>“permissibility of discrete and appropriate development that has minimal impacts on buffer sight lines and infrastructure servicing corridors”.</i></p> <p>Photo of lower part of site proposed for Subdivision</p> 	<p>Lot 2 is located within the urban buffer between Wollongbar and Alstonville. It is designated as State Significant Farmland and does not appear to be currently used for agricultural purposes. Lot 2 is also partly designated as Bushfire and Landslip Prone Land.</p> <p>The area below the ridge line suggested as suitable for low density residential development is also that part of the site impacted by bushfire and landslip constraints.</p> <p>Land Constraint Map Extract</p>  <p>  State Significant Farmland  Bushfire Prone Land </p> <p>Lot 2 was created in 1982 and is also burdened by an Easement for Pedestrian Access, variable width, which runs parallel with the lot's boundary to Maguires Creek.</p> <p>As was the case with the response to Submission 7, contemplating a residential zoning being applied to Lot 2 (all or part) is not supported as it would serve to undermine the strategy of maintaining the urban buffer between Wollongbar and Alstonville. Notwithstanding, there are other land constraints which impact lot 2. A concept plan for a 10 large residential lot subdivision forms a part of the submission material .</p> <p>The issue of providing greater clarity to Strategic Action 1 and the use of the word <i>‘generally’</i> within this action is noted. Greater clarity would be provided by removing a reference to <i>‘generally’</i> within Strategic Action No 1.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. No action be taken in respect to designating Lot 2 as a potential low density residential development site. 2. Strategic Action No 1 as contained within the draft Alstonville Strategic Plan 2017 – 2037 be amended to remove the word ‘generally’.

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Submission No	Submission Comments	Response
<p>9. Malcolm Johnston, 29 Godfrey Place, Alstonville</p>	<p>Advises that if it is intended that natural riverine amenities such as Killen Falls, Dalwood Falls, Tosha Falls, Bullwinkle Park weir and Howards Road waterholes are recreational attractions then their physical environment must be upgraded.</p> <p>Indicates that riparian zones need to be reinstated to protect streams and water quality.</p> <p>Advises that it may be necessary to develop a system of "stewardship incentives" to encourage landowners to improve and conserve natural vegetation and waterways.</p> <p>Advises that the proposal to expand the Seventh Day Adventist Village goes against the buffer zone concept. Area should be developed as a passive park area. Approval would encourage further development of the buffer zone.</p> <p>Advises that policies that promote a vibrant rural hinterland should include policies that encourage "stewardship" of the land.</p> <p>Indicates that any new development in the CBD and immediate areas should be of a high standard in keeping with architectural styles and unique character of Alstonville.</p> <p>Indicates that fitness station walks could be developed around Crawford Park, Geoff Watt Oval and the Sports Field Complex.</p> <p>Indicates that Elizabeth Ann Brown Park and Daley Street could be redesigned and developed as the village green.</p> <p>Is of the view that current planning controls on farm tourist accommodation make it commercially difficult for small farmers, and that the Alstonville Plateau region should offer more than just dormitory tourism.</p>	<p>This submission is wide ranging in nature and supports many of the draft actions in the strategic plan, albeit with qualifications.</p> <p>The submission does not support the Seventh Day Adventist village expansion proposal which has been considered elsewhere in this table in the response to Submissions 2 and 4.</p> <p>Recommendation: Submission Noted.</p>
<p>10. Narelle and Adam Smee, 10 Mellis Circuit Alstonville.</p>	<p>Advise that they value Alstonville and Wollongbar. Indicate that the "Green Space" is price-less, not to be taken, rented, sold or downgraded to be sold".</p> <p>Provide a number of improvement suggestions.</p>	<p>Contents of this submission have been noted.</p> <p>Recommendation: Submission Noted.</p>

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Submission No	Submission Comments	Response
11. Marion Whitney – Email Submission	<p>Advised that there should be no blanket historical designation of the township as this places too many restrictions on buildings that should not be under that designation. Suggests that it also decreases property values.</p> <p>Suggests that a fostering of community should be the goal.</p>	<p>Noted: The author has been advised that there is no proposal for a blanket historical designation over Alstonville and that only individual properties are heritage listed.</p> <p>Recommendation: Submission Noted.</p>
12. Crime Prevention Officer, Richmond Local Area Command, NSW Police	<p>In respect to a question related to how Alstonville compares with other local towns and villages in relation to crime, types of crimes and seriousness, the following email comments were provided:</p> <p><i>“Alstonville has crime, just like every place where humans live. I would not say that Alstonville is a big problem at all. At most we have a bit of juvenile crime - shoplifting, malicious damage, minor assaults and drug detections. It certainly does not rank highly compared to other local suburbs.”</i></p>	<p>A Police comment was sought to ascertain the significance of crime in Alstonville and how this compared to other localities in the shire.</p> <p>Recommendation: Submission Noted.</p>

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Submission No	Submission Comments	Response
<p>13. Jane Gardiner, 16 Valley Drive, Alstonville</p>	<p>Indicates that she supports the existing planning controls for Alstonville as they reflect the earlier community desire to reach a population limit of approx. 5,000. Future growth was planned for Wollongbar followed by a 3rd urban centre or village. Existing planning controls attempt to ensure that Alstonville stays a small village.</p> <p>Does not support additional block subdivision beyond current zoning. Larger lots take the pressure off subdivision of rural land into small life style lots.</p> <p>Advises that many of the lots in Ocean View Estate are steep and houses occupy most of the block making rear access difficult if not impossible.</p> <p>Advises that further higher density rezoning has the potential to compromise bulk of historic building stock located in The Avenue, Main Street, Commercial Road, South Street and Green Street.</p> <p>Does not support the rezoning of land along Pearces Creek Road for the expansion of the Seventh Day Adventist Village.</p> <p>Supports improved pathways and cycle-ways particularly to places like the swimming pool and library.</p> <p>Indicates that Council has done a good job in greening Main Street and now there is room to improve the parks and gardens.</p>	<p>It is considered to be appropriate that Council examine, from time to time, strategic planning controls that apply to population centres within the shire. Community attitudes and needs change over time. It is considered important that planning controls attempt to reflect the direction in which communities wish to respond to impacting issues. In the case of Alstonville, impacting issues include ageing and an expressed desire for the creation of additional housing options to enable downsizing within the township.</p> <p>The Alstonville community, when presented with a “no growth option” related to maintaining current housing controls in the on-line Community Survey, indicated as follows:</p> <p>Not at all supportive – 35%</p> <p>Not very supportive – 15%</p> <p>Somewhat supportive – 18%</p> <p>Supportive – 12%</p> <p>Very supportive – 20%</p> <p>It is considered from survey responses that a no growth strategy for Alstonville's future to 2037 is one which has not been overwhelmingly endorsed by the community. It is however open to the Council to endorse such a strategy which would entail the maintenance of existing controls to 2037.</p> <p>Recommendation: No change to the Strategic Plan.</p>


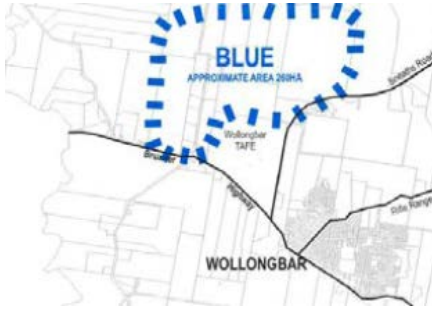
9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Submission No	Submission Comments	Response
14. RCS Group	<p>Applaud Council for the strategic vision in preparing the draft plan and the community consultation process. Ask Council to look where in the longer term sustainable growth of Alstonville and Wollongbar / McLeans Ridge may occur.</p> <p>Indicate that an ideal opportunity exists to expand Alstonville to the north and east of the current residential zoned lands.</p> <p>Indicate that one of their clients has a vision related to relocating the Catholic school and public schools to a future site at McLeans Ridge. This would free up the current school sites for residential use – aged care facilities linking with the Pearces Creek Road facility.</p> <p>Indicate that the strategic closure of the quarry and asphalt plant would free up the adjacent residential land for residential development.</p> <p>Request that the longer term suitability of sites referenced in their submission be identified within the strategy</p> <p>Plan showing Sites 1 to 4 advocated for future residential development</p>  <p>Plan showing suggested aged care precinct</p> 	<p>The suggested relocation of schools to McLeans Ridge is an idea proposed by an RCS Group client, Mr Garry Bourke (See Submission 16), and has not been endorsed by local schools or the Alstonville community.</p> <p>The proposed seniors living precinct linking with the existing Pearces Creek Road facility has been examined in part in the response to Submission 2 and is no longer supported due to land constraint issues.</p> <p>It is important to note that neither the seniors living expansion nor the proposed northerly expansion of Alstonville township have been examined by the RCS Group with reference to land constraints.</p> <p>The draft APES did consider a northerly expansion of the township along Teven Road encompassing properties within the buffer to the existing quarry. The study stopped short of nominating properties within this area as a potential urban growth location given the estimated 50+ year life of the quarry.</p> <p>The north – westerly expansion of the Alstonville urban area from Teven Road has been proposed by the RCS Group without regard to land constraints such as proximity to the waste water treatment plant site. Proposed Precinct 1 includes the treatment plant site.</p> <p>In terms of the suitability of land within proposed Precinct 4 (east of the Panorama Park Estate) it is noted that a significant portion of this land is subject to potential land slip risk and is steep in nature. Some land within precinct 4 may however be suitable for future urban development subject to more detailed future evaluation of land constraints.</p> <p>It is also noted that the draft APES (refer section 6.3.3.1) considered the suitability of land south of the Panorama Park Estate to the Bruxner Highway, and north of Albert Street and Clare Street to Johnstons Road and west to Maguires Creek. These areas were all considered to have low potential for expansion of the Alstonville urban area due to land constraints, higher environmental values and agricultural land classification issues. Refer also to comments in respect to Submission 6.</p> <p>Recommendation: No change to the Strategic Plan.</p>

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Submission No	Submission Comments	Response
<p>15. D Marsh – Email response; and a number of related comments contained within the online community survey responses.</p>	<p>1. Concern regarding traffic congestion in front of schools and intersection of Main Street, The Avenue and Bugden Avenue. Extension of Perry Street advocated as a means of reducing bottle neck.</p>	<p>Council's Traffic Engineer has advised as follows regarding the extension of Perry Street and school generated traffic congestion:</p> <p><i>Concept designs for the Perry Street extension were done in 2006 when the highway still went through Alstonville, but it has not progressed beyond that. In regard to congestion around schools, this is not a problem of Council's making and is due largely to irresponsible decisions by the NSW Department of Education and their total disregard of the traffic issues that their developments create. The other contributor is the behaviour of many modern parents who insist on driving their children to school. This has created a peak traffic congestion issue at schools that often has no solution. Councils throughout Australia do the best they can to retrospectively manage local streets surrounding schools to minimise these school created problems, but resources are limited and it is arguably not equitable for the general ratepayer to fund expensive solutions to problems that are caused by the NSW Government.</i></p> <p><i>The problems at Alstonville are compounded by the historical location of the primary schools in part of the street network that has always had poor circulation capability. It was made much worse when the NSW Department of Education located the high school in a nearby residential cul-de-sac (Cawley Close) which has its only access past the already congested section of Main Street that services the primary public and catholic schools.</i></p> <p>Strategic Planners Comments</p> <p>Enrolment data for the 3 schools referenced within the draft APES indicates that in the period 2010 to 2015 combined enrolments reduced by approximately 7% from 1722 to 1608 pupils. Families with more than one car increased significantly in the period 2001 to 2011.</p> <p>Recommendation: No change to the Strategic Plan.</p>

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Submission No	Submission Comments	Response
<p>16. RCS Group on behalf of Garry Bourke</p>	<p>Submit a concept relating to how additional residential, community, recreational, retail and educational facilities can be strategically accommodated within a sustainable strategic planning framework.</p> <p>Indicate that the majority of land shown in the submission is not owned by their client and the proposal does not purport to represent the views of any specific landowner other than Mr Bourke.</p> <p>The submission represents Mr Bourke's vision and includes the following key elements:</p> <ul style="list-style-type: none"> • Residential land release of approx. 3,500 lots • Medium density and aged care facility areas • 18 hole golf course, club house and motel • Active recreation areas • Environmental restoration works • Commercial precinct • Sewerage treatment plant • Full servicing provision • Relocation of Alstonville schools in a precinct combined with the Wollongbar TAFE <p>Advise that the vision objective is to develop an integrated residential community.</p> <p>Indicate that the rationale for the submission is to provide an alternative strategic planning vision to what is deemed a more consolidation strategy.</p> <p>Urge Council to consider the merits of the concept in developing its strategic plan for the Wollongbar locality.</p> <p>Concept Structure Plan</p>  <p>(Garry Bourke is the owner of two properties at McLeans Ridges which have a combined area of</p>	<p>The subject land is located generally west of Sneaths Road and incorporates the TAFE and Department of Agriculture Experimental Farm sites. In total, the land area is approximately 550 hectares. Some 330 hectares is zoned RU1 Primary Production zone under Ballina LEP 2012 provisions with the balance zoned 7(c) Environmental Protection – Water Catchment zone under the provisions of Ballina LEP 1987.</p> <p>The whole of the land is designated as Significant Farm Land having either State or Regional significance. The land is also impacted by land constraints including being designated as landslip and bushfire prone.</p> <p>Part of the land was previously evaluated as a site for a third plateau village – Blue Candidate site. The Blue Candidate Village site which is shown on the map extract below has an approximate area of 260 hectares and if developed would have provided housing opportunities for 4 – 5,000 people.</p> <p>Location Map</p>  <p>The current proposal is nominating as yielding 3720 lots of various types which potentially would yield a population in the vicinity of 8,500 people.</p> <p>The proposal can best be described as a vision concept and would require significant work to assess its feasibility. It is relevant to note that the Blue Candidate Site was perhaps the least favoured of the five village sites evaluated in 2001. Its negative features at that time were stated to be:</p> <ul style="list-style-type: none"> • Not triangulated with Alstonville and Wollongbar • Prime agricultural land • Too close to Wollongbar • Increased traffic on Sneaths Road • Development over a scenic

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

Submission No	Submission Comments	Response
	<p>approximately 38 hectares. The proposal covers numerous properties in both private and government ownership. The submission has been made in response to the exhibition of the Alstonville Strategic Plan but also relates to the Wollongbar strategic planning project.)</p>	<p>rural landscape</p> <ul style="list-style-type: none"> • Along the Highway – ribbon development • Already broken into rural residential lots • Too close to Lismore • Too far away from Alstonville • Possible soil contamination • Would increase traffic flow through Alstonville and Wollongbar • Threatened species recorded • Drainage lines well vegetated <p>Positives for the Blue Candidate Site consisted off the following:</p> <ul style="list-style-type: none"> • Close to Wollongbar TAFE • Good through roads • Long way from shops in Alstonville • Largely cleared. <p>The strategic planning process for Alstonville recognised that a third village on the <i>Plateau</i> ‘remains a possibility at some point in the future, once subdividable land within these areas has been consumed, and or if climate change induced sea level increases warrants the development of a retreat strategy for the flood plain’.</p> <p>Whilst the current site has many significant hurdles to overcome it may again at some future time warrant more detailed evaluation. However, in the context of the development of a strategy to assist housing choice for Alstonville residents to 2037, or in terms of the development of a strategic vision for Wollongbar to 2038, the proposal is considered to have little relevance and should not be encouraged at this time.</p> <p>In respect to shire-wide land supply for residential purposes available, appropriately zoned, land at Cumbulum, Kinvara, Skennars Head and Lennox Head are anticipated to meet demand for the period to 2037. Given that the lead time associated with new land releases is in the order of 5 to 10 years, consideration of land suitable for future residential purposes will be required by 2027.</p> <p>Recommendation: No change to the Strategic Plan.</p>

Options

1. That the Council adopts the Alstonville Planning and Environmental Study and draft Alstonville Strategic Plan 2017 – 2037 with appropriate amendments arising from the public exhibition process, and priorities, as detailed in Attachment Six.

This is the recommended option. Amendments recommended for the Alstonville Strategic Plan 2017 – 2037 are as follows:

- Action 1 – deletion of the word “generally”;
- Action 7 – Deletion of reference to local service clubs from responsibility designation;
- Action 8 – (Garden Competition) deletion of this proposed action due to lack of current support from local service clubs;
- Action 9 – Limit planning proposal to permit dual occupancy development to lots having an area of 900m² or more;
- Action 10 – Lot 1 Pearces Creek Road – Deletion of this action due to impact of land constraints upon Lot 1 which render it potentially unsuitable for seniors living accommodation;
- Action 11 – Require property owner agreement to heritage list properties with assessed heritage potential prior to increasing permitted density (from 1 dwelling per 300m² of site area to 1 dwelling per 200m² of site area);
- Action 14 – Footpath and shared pathway strategy – also consider feasibility of a nature trail along banks of Maguires Creek within the existing pedestrian access easement areas;
- Combining of Action 15 – Incorporation of investigation of fitness stations along shared paths with Action 14 related to shared path strategy development;
- Actions 21 to 23 – Landcare and environmental support actions proposed to be deleted due to cost and lack of specific support from Richmond Landcare;
- Proposed new action related to Tosha Falls Management Plan; and
- Proposed new action related to Big Scrub mapping.

2. That the Council defers further consideration of the Alstonville Strategic Plan 2017 – 2037.

Should the Council require additional information on issues raised in the submissions, or on the planning documents exhibited, then this report could be deferred for a briefing or workshop. For example, if the Council considered that proposals such as those related to permitting residential development within the rural buffer, or otherwise outside of the urban boundaries of Alstonville (Submissions No's 6, 7, 8, 14 and 16), warranted more detailed examination then it is appropriate that further consideration of the Alstonville Strategic Plan 2017 – 2037 as presented in this report be deferred.

Should the Council wish to explore further the implications of a no – growth strategy as opposed to the consolidation strategy for urban growth developed in the strategic plan then deferral of this report for a briefing or workshop is also considered to be appropriate.

9.1 Alstonville Strategic Plan 2017 - 2037 - Project Completion

There are no timing imperatives related to this project. It is, however, considered that this project has been generally well received by the Alstonville community and issues raised in submissions are not of a nature that warrants the draft Alstonville Strategic Plan 2017 – 2037 being deferred.

3. That the Council ceases further consideration of the Alstonville Planning and Environmental Study and the draft Strategic Plan 2017 - 2037.

Given the extent of community engagement undertaken this approach is not recommended. Adoption of the plan will enable the programing and associated funding of actions to take place.

RECOMMENDATIONS

1. That Council adopts the Alstonville Planning and Environmental Study, as contained in attachment one to this report.
2. That Council adopts the Alstonville Strategic Plan 2017 – 2037, as contained in attachment two, subject to the amendments detailed in option one and as outlined in attachment six to this report.

Attachment(s)

1. Alstonville Planning and Environmental Study (Under separate cover)
2. Draft Alstonville Strategic Plan 2017 - 2037 (as exhibited)
3. 2017 Online Survey Results
4. Submissions 1 to 7 (Under separate cover)
5. Submissions 8 to 16 (Under separate cover)
6. Draft Alstonville Strategic Plan 2017 - 2037 with comments

9.2 Ocean Breeze Reserve - Draft Master Plan

9.2 Ocean Breeze Reserve - Draft Master Plan

Delivery Program Strategic Planning

Objective To present to the Council an outline of the progress of the Ocean Breeze Reserve Master Plan project and seek direction concerning the public exhibition of draft concept plans.

Background

In recent months staff has been engaged in the preparation of a draft master plan for the Ocean Breeze Reserve (the reserve) in Lennox Head. The reserve was dedicated to Council in 1989 by the developers of the adjacent residential estate to accommodate the open space requirements generated from that development. The reserve contains an area of 1.24 hectares and is located between Hutley Drive and Ocean Breeze Drive in Lennox Head, as illustrated in Figure 1 (red shading).



Figure 1: Ocean Breeze Reserve Master Plan Study Area

The reserve is classified as Operational Land, and categorized for general community use, for the purpose of the Local Government Act 1993.

9.2 Ocean Breeze Reserve - Draft Master Plan

The desire for a master plan for this land was identified after proposals to incorporate a BMX bicycle track and community garden within the reserve were presented, and which triggered considerable community interest.

At its 28 July 2016 Ordinary Meeting, the Council resolved as follows:

That Council defer consideration of the cycle track and community garden proposals until the plan of management is prepared and considered.

That Council authorises the General Manager to prepare a draft plan of management for Ocean Breeze Reserve, with that draft plan to be reported back to Council prior to exhibition. The costs of this plan are to be funded from the Open Spaces and Reserves operations budget.

The preparation of the Ocean Breeze Reserve Master Plan was intended to initiate a design process for the reserve with a fresh 'slate'. The master planning considers previous community feedback as well as the outcomes of the master plan specific engagement to ensure the preparation of the plan for the reserve is responsive to the community's vision for the site.

Once complete the Ocean Breeze Reserve Master Plan will be incorporated into Ballina Shire Council's Plan of Management for Community Land (the relationship with the Plan of Management for Community Land is discussed further below).

The primary purpose of the Ocean Breeze Reserve Master Plan project is to prepare a master that guides the future provision of facilities and infrastructure in, as well as use of, the Ocean Breeze Reserve.

The specific project objectives were identified as being:

- to identify the Reserve's values and assess their significance;
- to engage with stakeholders in relation to the attributes of the reserve, and its existing and potential future use;
- to identify options, challenges and opportunities for the potential future use of the reserve that protect its values and utilise the opportunities presented by the reserve; and
- to illustrate the preferred future use of the reserve in a master plan supported by a rationale report and initial estimated costings for the implementation of the master plan.

The purpose of this report is to outline the key elements of the material that has been prepared to date, and the related community consultation, and seek direction from the Council concerning the public exhibition of the material.

It is noted a briefing was held with Councillors on 6 June 2017 with respect to the status of the project and the key information contained within this report.

Key Issues

- Community engagement and public exhibition
- Ocean Breeze Reserve facilities and use.

Information

The preparation of a master plan to guide the use and provision of facilities in the Ocean Breeze Reserve advances the following outcomes identified under the Ballina Shire Community Strategic Plan (2013-2023):

Connected Community:	There are services, facilities and transport options that suit our needs
Healthy Environment:	We use our resources wisely
Engaged Leadership:	Our Council works with the community

Preparation of the master plan is also an action within Council's adopted 2017/18 Delivery Program and Operational Plan.

The project involves preparing a master plan based on site opportunities and constraints and community engagement with the intention of providing a master plan that enables and facilitates delivery of a preferred future outcome for the reserve and the adjacent residential area.

The project has now progressed to a point where a number of draft master plan concept options have been prepared (Attachment 1) based on these site investigations and the community feedback received (see details below).

The background research and initial community engagement phase identified a range of priorities with respect to the preferred future use of the reserve. This has directly informed the draft Ocean Breeze Reserve Master Plan. Key findings from the research and community engagement to date are provided below:

Community

- Provide a master plan that genuinely reflects community sentiment;
- Provide sufficient detail about concepts so the community can evaluate proposals;
- Retain the character of the reserve and its function as a place for social gatherings;
- Create a reserve that can be used and enjoyed by all people of all abilities;
- Respect those interested in the reserve's future including those who live close to the reserve, in the neighbourhood and in the broader Lennox Head community;
- Respect that interest in the reserve comes from existing and potential users;
- Respect current uses of the reserve that are supported by the community; and
- Provide opportunities for the community to connect and interact.

Environment:

- Consider potential environmental impacts;
- Consider the existing reserve vegetation;
- Consider the impact of proposals on storm water runoff and accumulation;
- Provide for suitable drainage within the reserve; and
- Consider the use of native planting and potential revegetation areas.

Connections:

- Provide a public reserve that is well connected physically within the community.

Infrastructure:

- Design a reserve that reflects future planning for the Hutley Drive extension; and
- Protect the existing services of sewer, stormwater and water mains.

Facilities

- Locate facilities with consideration to the surrounding land uses;
- Retain and enhance the positive characteristics of the reserve including its serenity, shade trees and as a safe play space for children;
- Enhance the reserve with appropriate facilities and a character that encourages its use and enjoyment;
- Consider the provision of facilities in response to the outcomes of the community consultation;
- Consider the provision of facilities the community identified as being desirable including 'walking paths' and 'passive open space';
- Consider other facilities identified as desirable by the community including a 'community food garden', 'play equipment', 'facilities for younger children', 'cycling paths', 'BBQ and picnic facilities, 'exercise stations' and 'facilities for older community members';
- Consider the inclusion of a 'dog exercise area' but recognise that the community support for this facility was matched by its lack of support;
- Avoid the inclusion of items not strongly supported by the community including 'ornamental gardens', 'vehicle parking', 'BMX track', skateboarding infrastructure' and 'sports equipment/fields/courts';
- Consider what supporting infrastructure may be required such as toilets, bins, bubblers and shade; and
- Provide opportunities for other items to be included such as sculptures, public art works and interpretive signage.

Maintenance

- Consider the long term maintenance and mowing of the reserve.

Amenity

- Consider potential views in to and from the reserve; and
- Create a reserve with high visual amenity.

Safety

- Provide for pedestrian safety along Hutley Drive;
- Consider the potential for changes to traffic movements and the amount of traffic;
- Design to minimise the potential for anti-social behaviour and vandalism; and
- Design to maximise the safety of park users, in particular, children.

Three concept options are presented in the draft master plan for consideration. Each of these options responds in different ways to the wide and sometimes conflicting feedback received from the community.

9.2 Ocean Breeze Reserve - Draft Master Plan

The community survey indicated that, although many people like the reserve as it is, there are also many people who would like additional facilities in the reserve. The facilities included in the concept options are those facilities that rated as most desirable based on the community survey results (see pages 24 and 25 of the Draft Master Plan report contained in Attachment 1). These being:

- walking paths;
- passive open space;
- community food garden;
- play equipment;
- facilities for younger children;
- cycling paths;
- BBQ and picnic facilities; and
- facilities for older community members.

As the BMX track was one of the facilities identified by the community in the current engagement as less desirable, this facility has not been included in the concept options.

All concepts presented in the draft master plan integrate the future extension of Hutley Drive and facilitate the detention and management of stormwater that will be required to mitigate surface runoff from this road. Each of the concepts also formalise the pedestrian connections within the reserve and require some new planting as well as the removal or pruning of existing vegetation to increase the usability of some areas of the land.

The three concept options for the reserve presented in the draft master plan are based on a variation in the scale and range of the facilities listed above. The three options are summarised as follows:

- Concept 1 provides a moderate range of facilities that includes walking/cycling paths, passive open space, play equipment, picnic facilities including BBQs, a toilet and exercise stations that provide for a variety of age and abilities. This concept seeks to achieve a balance between retaining the existing characteristics valued by some members of the community (vegetation, serenity and open space) with additional facilities.
- Concept 2 provides a broader range of the preferred facilities building on those in Concept 1 to include a community garden, a fenced off-leash dog exercise area, a half basketball court, toilets and more pathways. The intention of this concept is to provide a variety of facilities across the reserve to include both active and passive zones and incorporates all of the facilities identified as desirable by the community.
- Concept 3 limits the number of facilities to a pathway, minimal seating and a picnic table and focuses on maximising green open space.

In considering the options, it is important to recognize that the components can be mixed and matched and/or added or subtracted in relation to each concept. For example, Concept 1 could be varied to remove the playground and add a community garden. The aim of the concepts is to present different scales and intensity of use and facilities as the basis for feedback.

9.2 Ocean Breeze Reserve - Draft Master Plan

The three concept options provided above are designed to highlight different features and aspects of the reserve considered desirable by the community. Given the diversity of each of the concepts presented, it is suggested that it is now appropriate to place the draft master plan concepts as well as supporting documentation on public exhibition. This will provide a further opportunity for the local and broader community to identify a preferred approach and enable discussion regarding the key elements of the concept master plans.

Ballina Shire Plan of Management for Community Land

The Ocean Breeze Reserve is currently subject to Council's plan of management for Community Land (2015). The plan sets an overarching framework for the management of community land. Under the plan, the land is categorised as General Community Use. The core objectives for management of such land are to promote, encourage and provide for the use of the land, and provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

To reflect the outcomes of the master plan, it is recommended that the Plan of Management for Community Land is amended to insert the following special provision.

Land Number & Name	3102601 Ocean Breeze Reserve
Property Address	Ocean Breeze Drive, Lennox Head
Property Description	Lot 31 DP 787876
Categorisation	General Community Use
Improvements	N/A
History	Dedicated to Council as part of subdivision in 1989
Condition of land, buildings or other improvements	Good
Authorised occupation	Occupation and use of land by incorporated body as appointment by Council
Authorised uses	Use of land for recreational activities and other related uses consistent with a Council endorsed master plan for the land. Small scale improvements to the land permitted subject to development consent requirements

Sustainability Considerations

- **Environment**

Each of the concept options includes retention and planting of native vegetation. The stormwater retention basin included in each of the concept options ensures that stormwater runoff associated with the extension of Hutley Drive is treated to an appropriate level before entering the adjoining wetland area.

- **Social**

The embellishment of open space and provision of park facilities in this location is anticipated to provide significant social benefits to the Lennox Head community. The nature of facilities proposed ensure that the social benefits derived from a well designed and constructed park are available to a broad demographic group from the very young, to families and our older residents.

- **Economic**

The construction phase is considered to have positive economic consequences for the shire.

Legal / Resource / Financial Implications

There are no significant legal, resource or financial implications associated with the project at this stage. However, issues in these areas may arise depending on the preferred approach to implementation of any master plan that might be adopted. Estimated costings and a suggested staging of works have been provided for each of the concepts to assist the Council in determining the financial resources required for their implementation. In summary, the estimated costs for each concept are as follows;

Concept 1:	\$403,700
Concept 2:	\$485,800
Concept 3:	\$ 82,400

These costs could be spread over several years to reflect a staged approach redevelopment. It is, however, important to recognise that delivery of Concepts 1 and 2 would incur significant cost which are not funded in the Long Term Financial Plan and cannot be met from within existing operating budgets.

If the Council prefers a low cost approach to the embellishment of the reserve, it is recommended that Concept 3 be pursued with the inclusion of any 'special' elements as determined by the Council (for example, a community garden could be added to Concept 3).

Funding of potential improvements on the land need not be determined now, but can be considered in greater detail following public exhibition, if that is the Council's preference. The exhibition is important to also convey to interested community members that taking on projects of this kind does require the expenditure of significant funds, both "up front" and later, which have to be sourced from somewhere.

9.2 Ocean Breeze Reserve - Draft Master Plan

If the Council resolves to proceed to public exhibition, this can be attended to within existing resources.

Consultation

This master planning process considers previous proposals of a BMX track and community garden put forward for the reserve, as well as conducting specific community engagement for the master planning process.

The first phase of this community consultation was conducted before the preparation of concept options for the reserve. Community consultation phase 1 included consultation with stakeholder groups and with the broader community. This phase included a number of face to face meetings with community members or groups who had provided submissions regarding the previous proposals for the Ocean Breeze Reserve.

Phase 2 consisted of consultation with the broader community through an on-line survey. Council raised awareness of the survey through letter box drops to residences in the proximity of the reserve and via printed and electronic media outlets. The survey was available for completion on line at Council's web site for a period of one month. The survey received 150 responses.

The Draft Ocean Breeze Reserve Master Plan (Attachment 1) also provides a summary of the consultation outcomes for the reserve. This summary includes a precise of submissions received to the community garden and BMX track proposals, the outcomes of the stakeholder consultation with community groups and the outcomes of the community survey.

Phase 3 of the community consultation will involve the public exhibition of the draft Ocean Breeze Reserve Master Plan to obtain feedback on the concept options presented.

Options

1. Council proceed to public exhibition of the draft Ocean Breeze Reserve Master Plan.

Given that the project is underpinned by an extensive recent community and stakeholder engagement, it is recommended that Council now proceed to public exhibition of the draft Ocean Breeze Reserve Master Plan contained in Attachment 1 (inclusive of the three draft concept designs). It is also recommended that Council concurrently exhibits an associated amendment to the Ballina Shire Plan of Management for Community Land to recognise the master plan within the plan of management. The recommended amendment is set out in the information section above.

Public exhibition provides an opportunity for stakeholders and the community to review the draft plan and provide specific feedback in relation to the proposed concept plans and the desired approach, as well as gain an understanding of the potential cost implications (up front and longer term) of the different scenarios.

2. Council defer the public exhibition to seek further information.

9.2 Ocean Breeze Reserve - Draft Master Plan

Council could defer the public exhibition to seek further information. This approach is not recommended on the basis that a briefing has been held with Councillors recently and there will be further opportunity to consider the draft plan post-exhibition. It is also suggested that a second briefing could be held with Councillors once feedback from the community has been received in order to enable further consideration of key issues arising.

3. Council cease further work on this project.

Council may elect to cease further work on this project. This approach is not recommended given the extent of general support for the project evident from the community engagement undertaken to date.

RECOMMENDATIONS

1. That Council endorses the draft Ocean Breeze Reserve Master Plan for public exhibition for a minimum period of 28 days.
2. That Council concurrently exhibits a proposed amendment to the Ballina Shire Plan of Management for Community Land to insert a special provision recognising the outcomes of the master planning process for Ocean Breeze Reserve.
3. That Council receives a further report concerning the draft master plan and Plan of Management for Community Land amendment following the conclusion of the public exhibition period.

Attachment(s)

1. Draft Ocean Breeze Reserve Master Plan (Under separate cover)

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head

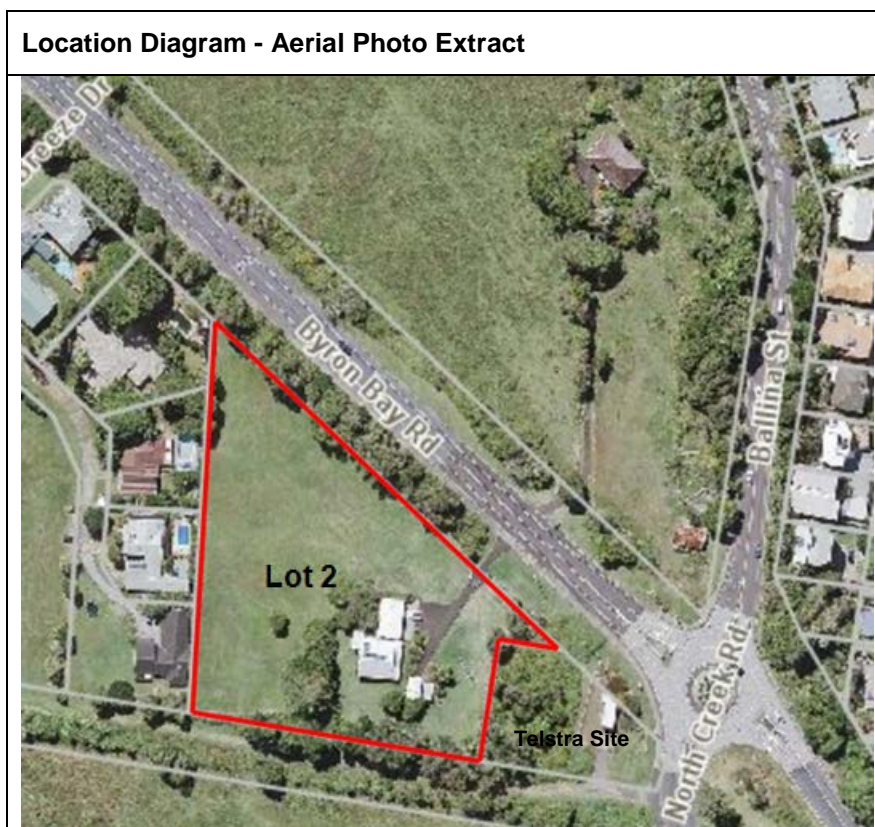
Delivery Program Strategic Planning

Objective To outline to the Council a proposal to amend the Ballina Local Environmental Plan 2012 so as to rezone land zoned RU1 Primary Production to R2 Low Density Residential and apply a 600m² minimum lot size standard.

Background

Council has received a request from Ardill Payne and Partners (APP) on behalf of the Executors of the Estate of the Late William Michael Condon (property owner) to amend Ballina LEP 2012 so as to facilitate the rezoning of Lot 2 DP 620838, No 9 Byron Bay Road, Lennox Head (Lot 2) from rural to residential.

The location diagram below shows Lot 2 outlined in red.



A copy of the LEP amendment request application forms Attachment One to this report.

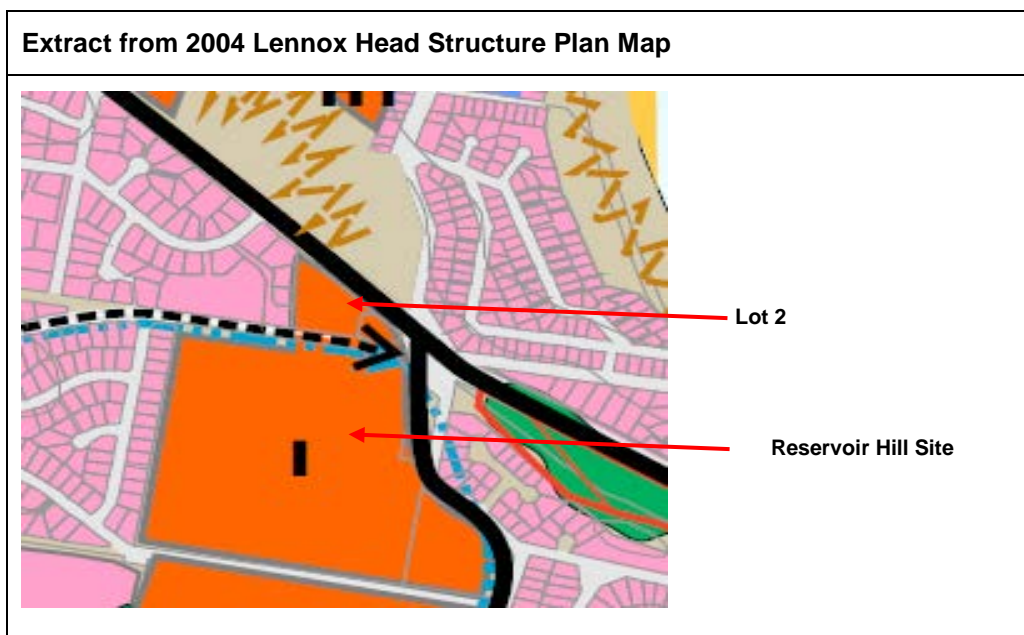
Photos of Lot 2 appear as follows.

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head



Lot 2 is located immediately to the north of the Reservoir Hill site. The Reservoir Hill site was the subject of an LEP amendment, finalised in 2016, which rezoned a substantial portion of this site for residential purposes.

Lot 2, the Reservoir Hill site (Lot 1 DP 517111) and the Telstra exchange site (Lot 1 DP 620838) on the north-western corner of Byron Bay Road and North Creek Road all formed a part of candidate release area I as designated by the 2004 Lennox Head Structure Plan. The plan below is an extract from the 2004 Lennox Head Structure Plan.



The 2006 Far North Coast Regional Strategy (now superseded) located Lot 2 within the Existing Urban Footprint of Lennox Head and designated this site as being part of a Proposed Future Urban Release Area.

Key Issues

- Merits of proposed LEP amendment.
- Processing of LEP amendment request and preparation of a planning proposal.

Information

Lot 2 has an area of 9,735m² and contains a dwelling house and ancillary outbuildings. Access is obtained via a sealed bitumen driveway from Byron Bay Road.

Strategic Context

Whilst it is the case that Lot 2 was part of Candidate Release Area I in the 2004 Lennox Head Structure Plan, this designation did not carry over into the 2012 Ballina Shire Growth Management Strategy. Consequently, the site was not identified as being part of a Strategic Urban Growth Area (as was the case for the Reservoir Hill Site immediately to the south). It would appear that the non-inclusion of Lot 2 (and also the adjoining Lot 1 Telstra site) was as a result of an accidental omission as opposed to a deliberate policy position.

Lot 2 was designated as being part of a Proposed Future Urban Release Area within the Lennox Head Existing Urban Footprint in the 2006 Far North Coast Regional Strategy.

The 2017 North Coast Regional Plan (NCRP), whilst locating Lot 2 within an Urban Growth Area, does not appear to have designated this land as an Investigation Area – Urban Land. Sites that are not nominated as an Investigation Area – Urban Land must be evaluated in accordance with the *Urban Growth Area Variation Principles* and the *Important Farmland Interim Variation Criteria* contained within the NCRP in order to be considered for an urban zone.

The required reviews have been undertaken and it is considered that Lot 2 is capable of meeting the criteria for an urban zoning.

The review of relevant NCRP criteria is contained within Attachment Two.

Land Constraints

A review of potential land constraint affectations has found that Lot 2 is not bushfire or flood prone, the assessed land slip risk is low to very low, and the site is not mapped as being affected by acid sulfate soils.

Lot 2 is located within an area of High Mosquito Risk. As a consequence future subdivision proposals involving more than 10 lots must consider mosquito risk impacts in accordance with the provisions of Ballina Shire Development Control Plan Chapter 2.

Lot 2 is also subject to a Regionally Significant Farmland (Non Contiguous) designation on maps produced as part of the 2005 Northern Rivers Farmland Project.

In addition, Lot 2 is within the Obstacle Limitation Surface (OLS) level area associated with the Ballina Byron Gateway Airport. The OLS affectation triggers a requirement to consult with airport authorities post Gateway determination.

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head


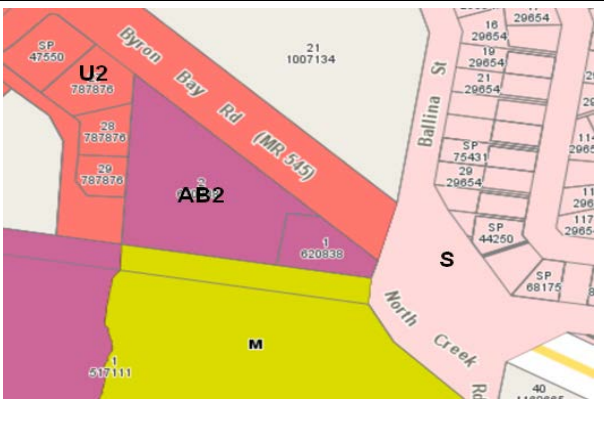
A search of the on-line AHIMS register (Aboriginal Heritage Information Management System) maintained by the Office of Environment and Heritage has revealed that there are no Aboriginal Sites or Places recorded on Lot 2 or within 200 metres of Lot 2.

Some six sites were found recorded within 1km of Lot 2. Notwithstanding these preliminary results, Aboriginal cultural heritage issues will be required to be further investigated post Gateway determination and this will include consultation with the Jali LALC.




The proponent has submitted that the past residential use of Lot 2 was such that it would not have given rise to land contamination. In this respect it is considered that sufficient evidence and information has not been submitted in accordance with the requirements of SEPP 55 and Council's *Management of Contaminated Land Policy*.

Should this proposal be supported then post Gateway determination the proponent will be required to submit a combined Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) to demonstrate that Lot 2 is suitable for the proposed change in land zoning, with or without remediation.




The map extracts below provide information relating to the manner in which Lot 2 is affected by Ballina LEP 2012 and known land constraints.

Existing LEP and Land Constraints	Legend
<p>Land Zoning Map Extract</p> 	<ul style="list-style-type: none"> R2 - Low Density Residential R3 - Medium Density Residential RU1 - Primary Production RE1 - Public Recreation
<p>Lot Size Map Extract BLEP 2012</p> 	<ul style="list-style-type: none"> AB2 (40ha) U2 (1200m2) M (600m2) S (800m2)

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head

<p>Strategic Urban Growth Area Map Extract</p>	 <p> ■ A (Strategic Urban Growth Area) ■ B (Land adjacent to Strategic Urban Growth Area) </p>
<p>Building Height Map Extract</p>	 <p> ■ I (8.5m) </p>
<p>Significant Farmland</p>	 <p> Significant Farmland - Non Contiguous Regional </p>

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head

<p>Obstacle Limitation Surface</p>	
	<p>  Obstacle Limitation Surface - 2014 Estimated OLS Surface Level 46.5m AHD </p>
<p>Contours – 2 metre intervals</p>	
	

Subdivision Concept Considerations and Requirements

The proponent's consultants have indicated that, based on a 600m² minimum lot size, Lot 2 has a hypothetical potential to yield 13 lots.

A preliminary subdivision concept plan has not yet been submitted but will also be required post Gateway determination should this proposal be supported.

Council's Engineers have indicated that access to the site for the existing dwelling could remain from Byron Bay Road.

It would, however, be preferable to incorporate access to the existing dwelling (if retained) from a new road from Hutley Drive.

A cul-de-sac is considered to be appropriate to service this site with no through link to Byron Bay Road.

A suitable road intersection location along the southern side of Lot 2 will require integration with, or separation from, any intersection that may be created for the development on the Reservoir Hill site (Lot 1 DP 517111). New lots, which may front Byron Bay Road, will be subject to a restriction as to use prohibiting vehicular access to Byron Bay Road.

9.3 LEP Amendment Request - 9 Byron Bay Road, Lennox Head

The future subdivision of Lot 2 would also be required to incorporate a shared path connection through the site from Hutley Drive to the existing path on Byron Bay Road.

Stormwater management associated with the proposed future residential development of Lot 2 will be required to comply with Council's *Stormwater Management Standards for Development*. This may require on-site detention and a suitable area should be identified for that purpose on the proposed concept plan.

In terms of water and sewer reticulation the site is able to access existing networks in close proximity.

Road noise mitigation and management options will be required to be examined by the proponent as part of any future subdivision application process. Lot 2 is currently impacted by road traffic noise from several significant roads.

The proposed extension of Hutley Drive may further increase the level of road noise impact. Mitigation of any adverse road noise impacts will be required to ensure that a reasonable level of residential amenity is maintained for future residents at this location.

Minimum Lot Size Considerations

The proponent has submitted that a minimum lot size of 600m² should be applied to the site. In this respect the Ocean Breeze estate, to the west of Lot 2, is subject to a 1,200m² minimum lot size.

The Ocean Breeze estate is subject to a steeper land form than Lot 2 and in this context given the contours on Lot 2 there appears to be little justification for the application of a similar larger lot size.

The recently rezoned residential portions of the Reservoir Hill site, as well as the recently rezoned Greenwood Place site, are subject to a 600m² minimum lot size as opposed to 800m² which is applicable to the R3 zoned areas associated with Lennox Village.

Having due regard to land supply considerations, as well as the suitability of this site for residential development including topographical considerations, a minimum lot size of 600m² is supported for this location.

Incorporation of Telstra Site within Planning Proposal

Lot 1 DP 620838 (Lot 1) has an area of 2,023m² and is located immediately to the east of Lot 2. Lot 1 is also zoned RU1 Primary Production under the provisions of Ballina LEP 2012 and is owned by Telstra Corporation Ltd. Lot 1 contains an automatic exchange facility which services Lennox Head as well as associated underground assets.

In the interest of zoning consistency and relevance, and assuming that the Council supports the proposed LEP amendment proposed by APP, it is considered that the opportunity should be taken to also apply either an R2 zone, and 600m² minimum lot size standard, or alternatively an SP2 Infrastructure zone to Lot 1 (to replace current RU1 zone and 40ha lot size standard).

Telecommunication facilities are permitted with consent within an R2 zone but prohibited within an RU1 zone under the provisions of Ballina LEP 2012 (Telecommunication facilities are however permitted with development consent on this land by virtue of provisions contained within the Infrastructure SEPP).

Applying an R2 zone to Lot 1 may provide some advantages in terms of the ability to incorporate land that may be surplus to Telstra requirements within the future re-subdivision of Lot 2. The application of an R2 zone would however trigger requirements to investigate the contamination status of the land and other site characteristics as part of the rezoning process.

It is considered reasonable at this stage of the process, and assuming the Council supports the planning proposal, that Lot 1 be initially incorporated within the planning proposal and designated with an R2 or SP2 zone.

The final zone to be applied, and the issue of whether Lot 1 is ultimately included within the planning proposal, to be determined following consultation with Telstra and prior to the exhibition of the planning proposal.

Sustainability Considerations

- **Environment**
Investigation of environmental and biodiversity issues would occur post Gateway determination if Council supports the preparation of a planning proposal for this site.
- **Social**
The proposal has social implications as it will facilitate the creation of a small number of additional residential lots in Lennox Head and thereby contribute to the further planned growth of the Lennox Head community.
- **Economic**
The proposal has potential positive future economic impacts through the provision of suitable land for housing.

Legal / Resource / Financial Implications

Council's processing guidelines and adopted fees and charges for LEP amendment requests would be applied to the further processing of this request. All costs associated with the processing of the application would be met by the applicant.

Processing of the amendment can be accommodated within the Strategic and Community Facilities Group work program.

Consultation

There has been no consultation undertaken with either the community or government agencies in relation to this LEP amendment request as this matter is in the initial concept phase.

In the event that the proposal continues to proceed, community consultation, public exhibition and agency engagement will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act*. This would include consultation with the Department of Primary Industry – Agriculture, the Office of Environment and Heritage, Local and Federal Airport Authorities, and Telstra post Gateway determination and prior to community consultation. A minimum community consultation period of 28 days is proposed.

Options

1. Initiate a planning proposal to facilitate the rezoning of 2 for low density residential purposes with a minimum lot size requirement of 600m² and the initial incorporation of Lot 1 within the planning proposal pending advice being received from Telstra (re: desired zoning outcomes and or inclusion within the proposal).

This is the preferred option. Initiating a planning proposal will enable Council to further investigate the merits of this proposal and to obtain Government Agency comments as well as community feedback on the proposal.

Under this approach a planning proposal would be prepared that identifies the intended outcome and nominates the range of issues (such as Aboriginal cultural heritage, ecology, site contamination and subdivision concept design) which require further investigation post Gateway determination and prior to public exhibition.

As further investigations and procedural steps are undertaken it is open to Council to either cease the amendment or change its approach, depending on the available information. It would also be possible to alter the zoning applied to Lot 1 (R2 or SP2) or exclude this lot from the proposal depending on the position taken by Telstra.

Given the nature of the proposed amendment if the Council endorses this approach, staff will prepare and then lodge a planning proposal to enable the rezoning with the Department of Planning and Environment upon payment of the applicable Stage 2 processing fees by the proponent.

A further report would be presented to the Council following the completion of the public exhibition phase of the process.

Council, under this option, could also nominate an alternative minimum lot size to the proposed 600m² lot size standard. If an alternative lot size standard is nominated this would then be incorporated into the planning proposal submission for Gateway determination.

In addition to the above, it is also recommended that where a favourable Gateway determination enabling the planning proposal to proceed is received, Council proceeds at this stage on the basis that it is willing to exercise delegation from the Department of Planning and Environment for the processing of the amendment. In relation to the exercise of delegation, it is open to Council to decline to use its delegation (if granted) later in the planning proposal process.

2. Defer consideration of the LEP amendment request.

The Council may defer consideration of the LEP amendment request in order to undertake an inspection of the site and locality, to seek additional information and/or to obtain a more in-depth briefing of the proposal.

This approach is recommended only in the event that the Council has unresolved initial concerns with the proposal.

3. Decline to initiate the LEP amendment request.

It is open to the Council to decline the requested LEP amendment, though this is not recommended. Endorsement of this option would mean that no further action would be taken by Council with respect to the processing of the request. If this was to occur, it is open to the proponent to exercise a right to lodge a request for a pre-Gateway determination review with the Department of Planning and Environment.

RECOMMENDATIONS

1. That Council endorses the preparation of a planning proposal to facilitate the rezoning of Lot 2 DP 620838, No. 9 Byron Bay Road, Lennox Head, to an R2 Low Density Residential zone with a minimum lot size requirement of 600m².
2. That Council endorses the incorporation of Lot 1 DP 620838 (Telstra Site) within the planning proposal and the application of either an R2 Low Density Residential zone with a minimum lot size requirement of 600m² or an SP2 Infrastructure zone to the land.
3. That Telstra be advised of Council's decision and be given a maximum period of eight weeks in which to respond indicating a preferred zoning, and/ or preference to be included within the proposal, failing which the planning proposal be amended prior to exhibition to exclude the Telstra site.
4. That the planning proposal, once prepared, be forwarded to the Department of Planning and Environment for a Gateway determination.
5. That subject to a Gateway determination, allowing the proposal to proceed to community consultation, the planning proposal be placed on public exhibition.
6. That Council give further consideration to the proposal following the conclusion of the public exhibition period.

Attachment(s)

1. LEP Amendment Proposal Submission
2. North Coast Regional Plan 2036 Criteria Considerations

9.4 Development Control Plan 2012 - Draft Amendment

Delivery Program Strategic Planning

Objective To advise the Council in relation to a periodic review of the Ballina Shire Development Control Plan 2012 and to seek direction in relation to the public exhibition of proposed amendments.

Background

At its Ordinary Meeting held on 20 December 2012, the Council resolved to adopt the Ballina Shire Development Control Plan 2012 (DCP) [Minute No. 201212/13]. The DCP commenced operation in conjunction with the *Ballina Local Environmental Plan 2012* (LEP) on 4 February 2013.

Since the initial adoption of the DCP a number of amendments have been endorsed by the Council including five general amendments resulting from periodic review processes. The most recent changes occurred through Amendment No.10 which was adopted by the Council at its Ordinary Meeting held on 23 February 2017.

Review of the DCP is an iterative process undertaken periodically as resources permit, and identified issues are researched and addressed through this review process. This ensures that the DCP is able to remain a contemporary and evolving document which is responsive to development issues and changing Council policy.

Proposed amendments addressed within this report include:

- Removal of the third storey/loft provisions contained within Chapter 4 – Residential and Tourist Development;
- Removal of the 300mm high minimum underfloor clearance height for buildings in coastal hazard areas contained within Chapter 2 – General and Environmental Considerations;
- Amendment of provisions in Chapter 5 – Industrial Development relating to the materials permitted for use on the exterior of industrial buildings; and
- Inclusion of a provision within Part 3.2.3 of Chapter 3 – Urban Subdivision relating to local parks which specifies a requirement for shade cover over play equipment.

The following provides an outline of recommended amendments to the DCP and invites the Council to consider presenting these changes through a community consultation process to elicit feedback.

Key Issues

- Review of applicable development controls/guidelines.
- Public exhibition of Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012.

Information

Details of proposed amendments suggested for inclusion in Draft Amendment No.11 are contained within Attachment One to this report. Key proposed amendments are discussed below.

Chapter 4 – Residential and Tourist Development – Clause 3.1.3 Element C – Building Envelopes – Control (iv)

At its Ordinary Meeting held on 26 June 2014, the Council resolved to adopt changes to the DCP to limit the third storey of dwellings to a loft. Recently, concerns have been raised by at least one building design consultant and by Council's Building Services Team that the loft provisions are ambiguous and need clarification to explain the intent of the control.

A Councillor briefing was held on 16 May 2017 to inform Councillors of existing provisions regarding building height and form and to revisit the merits of placing limits on the design of a third storey. It is noted that, generally speaking, few sites are capable of easily accommodating a third residential storey having regard for the applicable 8.5 metre overall height provision (which typically applies to land within the shire zoned for residential purposes), as well as other building and development standards applied under the LEP and DCP. A third storey is sometimes able to be achieved on sloping sites and then typically for only part of the building footprint. The high construction costs associated with third storey construction also forms an additional barrier, limiting their more widespread incorporation into building designs at present.

Having regard for the nature and scope of existing provisions, including the 8.5 metre building height control, building envelope and floor space ratio restrictions, it is considered that these are presently adequate to manage building height, form and bulk concerns without the need for additional provisions, such as those relating to lofts. Therefore the current loft provisions are proposed to be removed from the DCP.

Public exhibition of this proposed change would provide an opportunity for our local building design professionals and interested community members to consider the matter and make submissions for the Council's further consideration.

Chapter 2 – General and Environmental Considerations – Clause 3.14 Coastal Hazards

These provisions apply exclusively to the foreshore residential properties in the vicinity of the southern section of Seven Mile Beach in Lennox Head. The building standards were introduced during the 1990s as part of a range of risk mitigation measures associated with potential impacts to properties arising from coastal processes.

The requirement for a minimum clearance of 300mm between the floor of a dwelling and ground level is considered by Council's Building Services Team to be too limiting as it does not take into consideration contemporary building practices and alternative engineering solutions that may otherwise be quite suitable to achieve the design outcome. The principal protection measures to address the identified risks are considered to be the minimum floor level and associated piling of the structure to a suitable depth.

In addition to the above measures, and to ensure the design of buildings can withstand potential ocean inundation, building design will be required to be prepared and certified by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas. The design must allow for potential inundation to dissipate across the lot without undermining the building or impacting on adjoining properties.

The proposed DCP amendment in Attachment One has been prepared to reflect the above.

Chapter 5 – Industrial Development – Clause 3.1.3 Element A – Building Design Requirements

At its Ordinary Meeting held on 27 April 2017, the Council approved a development application relating to the construction of 30 mini storage sheds and ancillary cleaner's shed in the Russellton Industrial Estate, Alstonville (DA 2016/752). The application included a variation to the DCP controls to permit the use of texture-coated blue board wall cladding to the Russellton Drive elevation and around the reveals of the storage shed roller doors fronting Northcott Crescent.

At this meeting the Council also resolved to support a variation to the DCP to allow the use of texture-coated blue board as well as masonry construction for the exterior walls of industrial buildings facing a road frontage. This change has been incorporated into the amendments proposed in Attachment One.

Chapter 3 – Urban Subdivision – Part 3.2.3 Major Subdivision Control Elements

At its Ordinary Meeting held on 23 March 2017, the Council resolved to amend its playground policy to require all new playground installations to include a shade structure where there is no adequate overhead shade provided by trees. The Council also resolved to consider retrofitting shade structures to existing playgrounds.

The intent of the DCP amendment as set out in Attachment One is to provide consistency with the Council resolution and the existing park provisions contained within Chapter 3 which require shade cover to be provided over play equipment in certain locations.

Sustainability Considerations

- **Environment**

The DCP establishes local planning policy in relation to a variety of environmental, social and economic considerations. Specifically, it establishes direction for development outcomes within the shire. As such, the DCP provides an opportunity for Council to address a wide range of sustainability considerations in relation to development. The implementation of the draft amendments to the DCP will improve the application of these sustainability considerations.

- **Social**

As above.

- **Economic**
As above.

Legal / Resource / Financial Implications

The preparation of Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012 will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated Regulation. The amendment can be completed within existing available staff and financial resources.

Consultation

A number of the proposed amendments have resulted from direct feedback from both internal and external sources following the commencement and operation of the DCP, whilst others are as a result of an adopted resolution of the Council. Local planning and engineering consultancy firms were invited to provide feedback and various suggestions have been received and considered as part of the current review.

If the public exhibition of Draft Amendment No.11 to the DCP is endorsed by the Council, a public exhibition over a period of at least 28 days duration will be undertaken in accordance with the requirements of the EP&A Act and associated Regulation.

Options

1. Endorse Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012 for public exhibition.

This approach would involve the public exhibition of the draft amendments to the DCP, either generally as presented in this report to the Council or with any amendment(s) as specified by the Council.

Following public exhibition of the amendments to the DCP, a report on submissions received would be presented to the Council to provide a further opportunity for the Council to consider the amendments prior to their finalisation and adoption.

This approach is recommended as it will enable further consideration of the proposed amendments that seek to improve the function, interpretation and operation of the DCP.

2. Cease preparation of Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012.

It is open to the Council to cease further progress on Draft Amendment No.11 to the DCP. This option is not recommended as there are substantial advantages in proceeding with the amendments to ensure the optimal function and operation of the DCP in relation to development outcomes for the shire. Some of the amendments also seek to implement Council resolutions in relation to DCP based policy.

3. Defer the endorsement of Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012 and hold a Councillor briefing to enable Councillors to review the components of Draft Amendment No.11 in greater detail.

This approach is not recommended prior to the public exhibition of Draft Amendment No.11 as a number of the proposed amendments have already been considered by Councillors at briefings or as a consequence of considering development proposals. To a lesser degree there is also an imperative to address the identified issues promptly to ensure the optimal function and operation of the DCP.

However, if a further Councillor briefing is seen as being desirable, it is suggested that this be scheduled during, or at the conclusion of, the public exhibition period of Draft Amendment No.11.

RECOMMENDATIONS

1. That Council proceed to undertake the public exhibition of Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012 (as contained in Attachment One), in accordance with the terms of the *Environmental Planning and Assessment Act* and the associated Regulation.
2. That a further report be submitted to the Council following the public exhibition of Draft Amendment No.11 to the Ballina Shire Development Control Plan 2012.

Attachment(s)

1. Ballina DCP 2012 Draft Amendment No. 11 - Schedule of Proposed Amendments

10.1 Investment Summary - June 2017

10. General Manager's Group Reports

10.1 Investment Summary - June 2017

Delivery Program Financial Services

Objective To provide details of Council's cash and investments portfolio breakup and performance.

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 June 2017.

Key Issues

- Compliance with Investment 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 30 June was \$77,291,000. This represents an increase of \$7,505,000 from May. Council's investments, as at 30 June, are at an average (weighted) rate of 2.67%, which is 0.95% above the 90 Day Bank Bill Index of 1.72%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 30 June 2017, was \$2,744,942. This balance is lower than the balance of \$8,000,509 as at 31 May 2017.

The combined movement of investments and bank balances was an increase of \$2,249,433. Large anticipated expenditure in June (for plant purchases, large creditor payments and loan repayments) was offset by the drawdown of a \$6.7million loan for the Ballina and Alstonville swimming pools refurbishment.

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes:

Reserve Name	Restriction	% Portfolio*
Wastewater Fund (incl developer contributions)	External	22.6
Water Fund (incl developer contributions)	External	16.0
Section 94 Developer Contributions	External	7.9
Bonds and Deposits	External	3.0
Other External Restrictions	External	7.5
Carry Forward Works	Internal	9.8
Sportsfields	Internal	5.8
Landfill and Resource Management	Internal	5.3
Employee Leave Entitlements	Internal	4.2
Quarries	Internal	2.0
Property Reserves	Internal	4.0
Plant and Vehicle Replacement	Internal	1.5
Miscellaneous Internal Reserves	Internal	7.8
Unrestricted		2.6
Total		100%

* Updated to reflect reserves held as at 30 June 2016

10.1 Investment Summary - June 2017

Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.3%	2%
Rated Institutions							
AMP Bank	Yes	A	2,000	4,000	20%	5.2%	
Auswide Bank	No	BBB-	1,000	1,000	1m	1.3%	
Bank Australia	Yes	BBB	0	1,000	10%	1.3%	
Bank of Queensland	No	BBB+	3,000	5,000	10%	6.5%	
BankWest	Yes	AA-	9,500	5,000	20%	6.5%	
Bendigo & Adelaide Bank	No	BBB+	5,000	5,000	10%	6.5%	
Beyond Bank	No	BBB	1,000	2,000	10%	2.6%	
Big Sky Building Soc	N/A	BBB	1,000	0	10%	0.0%	
Commonwealth Bank of Australia	Yes	AA-	10,998	8,003	20%	10.4%	
Credit Union Australia	No	BBB	2,000	0	10%	0.0%	
Defence Bank Ltd	No	BBB	6,500	5,500	10%	7.1%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.6%	
IMB Bank	No	BBB	1,000	1,000	10%	1.3%	
ING Bank Ltd	Yes	A-	4,000	5,000	10%	6.5%	
Members Equity Bank	No	BBB	2,000	4,000	10%	5.2%	
My State Bank Ltd	No	BBB	5,000	5,000	20%	6.5%	
National Australia Bank	Yes	AA-	6,000	8,000	10%	10.4%	
Newcastle Perm Bld Society	No	BBB	2,000	2,000	10%	2.6%	
Suncorp-Metway Bank	No	A+	2,000	9,000	20%	11.6%	
Teachers Mutual Bank Limited	No	BBB	0	1,000	10%	1.3%	
Westpac Banking Corporation	Yes	AA-	2,000	2,000	10%	2.6%	98%
Unrated ADI's					\$1m	0.0%	0%
Total			69,786	77,291		100%	

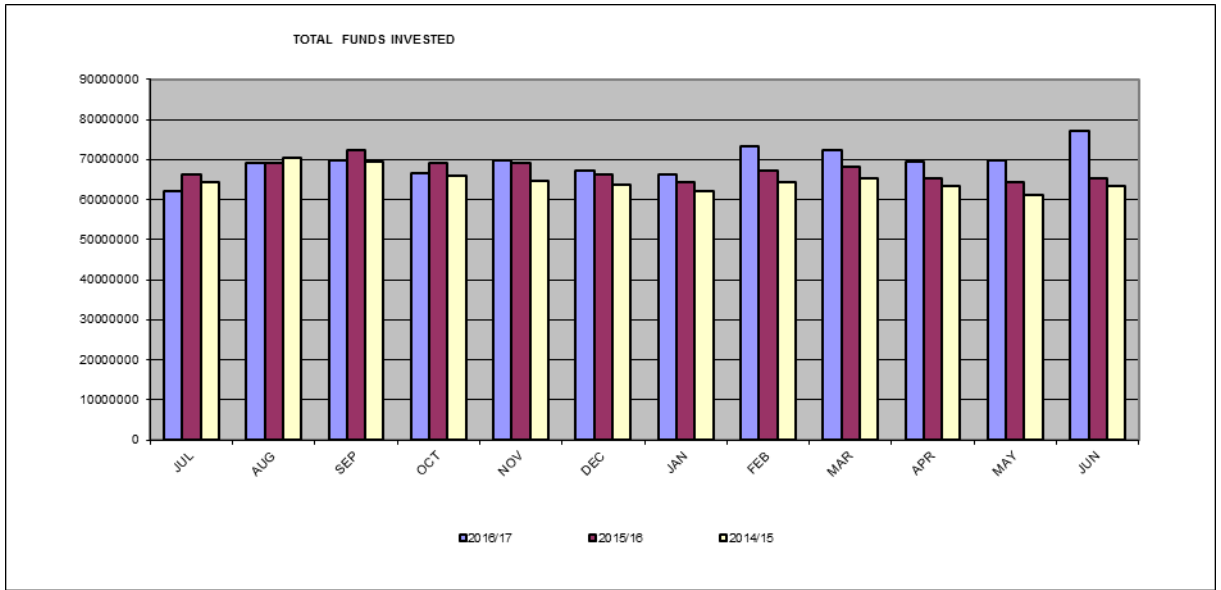
A. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
Fossil Fuel Aligned	36,286 52%	34,791 45%
Non-Fossil Fuel Aligned	32,500 47%	42,500 55%
Not Classified	1,000 1%	0 0%
Total	69,786 100%	77,291 100%

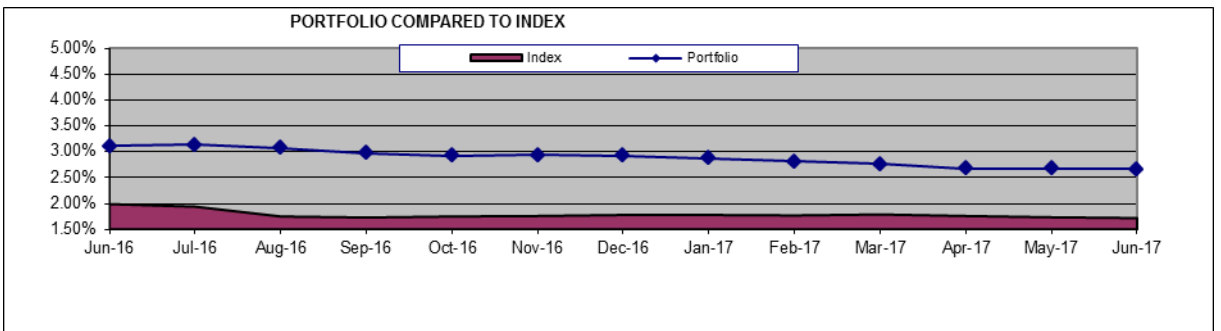
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

- Fossil Fuel Aligned: Noted by Market Forces as funding fossil fuels
- Non-Fossil Fuel Aligned: Noted by 'Market Forces' as having no record of funding fossil fuels and having provided a position statement.
- Not Classified: Not classified as information not available.

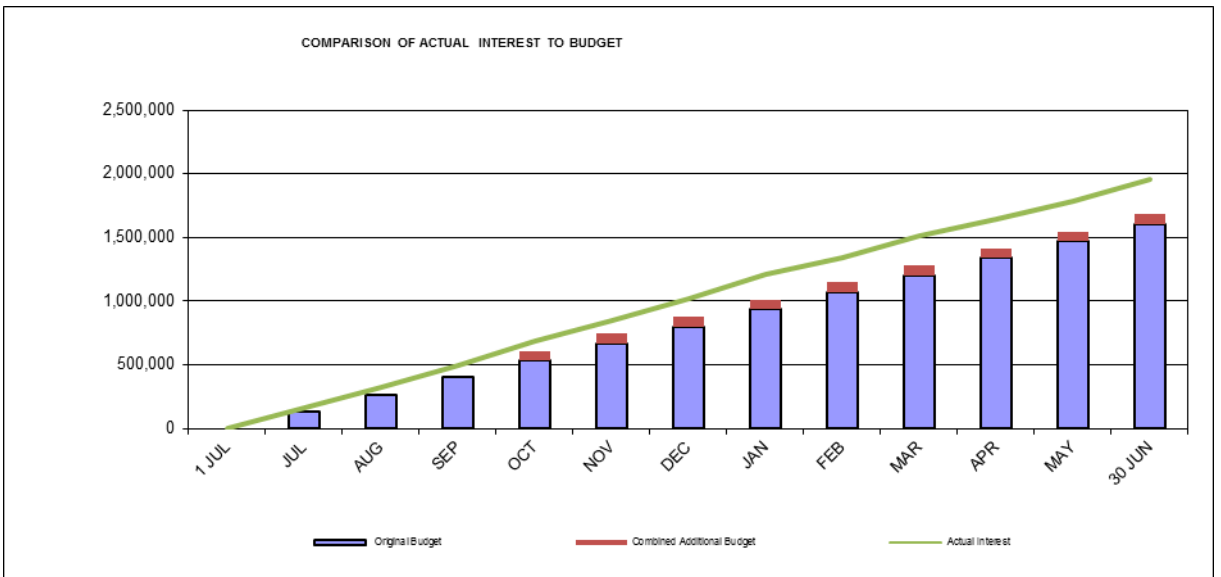
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.1 Investment Summary - June 2017

F. Investments held as at 30 June 2017

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/04	National Australia Bank (ASX Listed)	FRN	2.94%	Perpetual	1,788	1,371
25/01/13	Commonwealth Bank Of Australia	TD	2.67%	25/01/18	1,998	2,025
25/02/14	Westpac Bank	FRN	2.68%	25/02/19	2,000	2,016
17/06/16	Commonwealth Bank Of Australia	FRTD	2.77%	17/06/21	1,000	1,000
28/06/16	Commonwealth Bank Of Australia	FRTD	2.75%	30/06/21	1,000	1,000
26/07/16	Commonwealth Bank Of Australia	FRTD	2.80%	26/07/21	1,000	1,000
16/08/16	Bendigo & Adelaide Bank	TD	2.80%	16/08/17	2,000	2,000
23/08/16	Bendigo & Adelaide Bank	TD	2.75%	22/08/17	1,000	1,000
30/08/16	Greater Bank Limited	FRN	3.29%	30/08/19	1,000	1,002
04/10/16	National Australia Bank	TD	2.77%	04/10/17	1,000	1,000
12/10/16	National Australia Bank	TD	2.77%	12/09/17	2,000	2,000
03/11/16	Bendigo & Adelaide Bank	TD	2.70%	03/08/17	1,000	1,000
07/11/16	National Australia Bank	TD	2.77%	06/09/17	1,000	1,000
14/11/16	National Australia Bank	TD	2.77%	10/08/17	1,000	1,000
15/11/16	National Australia Bank	TD	2.82%	15/09/17	1,000	1,000
16/11/16	Bendigo & Adelaide Bank	TD	2.70%	09/08/17	1,000	1,000
22/11/16	My State Bank Ltd	TD	2.80%	04/07/17	1,000	1,000
23/11/16	Defence Bank Ltd	TD	2.80%	08/11/17	2,000	2,000
28/11/16	My State Bank Ltd	TD	2.81%	05/09/17	1,000	1,000
29/11/16	My State Bank Ltd	TD	2.81%	24/08/17	1,000	1,000
12/12/16	Defence Bank Ltd	TD	2.90%	05/07/17	500	500
23/12/16	My State Bank Ltd	TD	2.85%	12/07/17	1,000	1,000
11/01/17	Newcastle Permanent Bld Society	TD	2.80%	13/07/17	1,000	1,000
17/01/17	Bank of Queensland	TD	2.80%	19/07/17	1,000	1,000
24/01/17	ING Bank Ltd	TD	2.80%	01/08/17	1,000	1,000
30/01/17	ING Bank Ltd	TD	2.80%	08/08/17	1,000	1,000
02/02/17	ING Bank Ltd	TD	2.80%	17/08/17	1,000	1,000
06/02/17	ING Bank Ltd	TD	2.80%	15/08/17	1,000	1,000
24/02/17	Greater Bank Limited	FRN	3.19%	24/02/20	1,000	1,003
22/03/17	AMP Bank	TD	2.75%	22/11/17	1,000	1,000
04/05/17	BankWest	TD	2.50%	06/07/17	1,000	1,000
11/05/17	BankWest	TD	2.50%	11/07/17	1,000	1,000
12/05/17	BankWest	TD	2.50%	18/07/17	1,000	1,000
12/05/17	BankWest	TD	2.50%	20/07/17	1,000	1,000
30/06/17	Commonwealth Bank Of Australia	Call	1.45%	06/07/17	3,005	3,005
23/05/17	BankWest	TD	2.50%	27/07/17	1,000	1,000
24/05/17	Defence Bank Ltd	TD	2.70%	28/11/17	1,000	1,000
25/05/17	Defence Bank Ltd	TD	2.75%	05/12/17	1,000	1,000
26/05/17	Auswide Bank	TD	2.80%	29/11/17	1,000	1,000
30/05/17	AMP Bank	TD	2.50%	29/08/17	1,000	1,000
30/05/17	Newcastle Permanent Bld Society	TD	2.60%	07/09/17	1,000	1,000
31/05/17	IMB Bank	TD	2.65%	30/11/17	1,000	1,000
02/06/17	Suncorp-Metway Bank	TD	2.60%	12/12/17	1,000	1,000
01/06/17	Bank of Queensland	TD	2.65%	06/12/17	1,000	1,000
06/06/17	My State Bank Ltd	TD	2.70%	07/12/17	1,000	1,000
06/06/17	ING Bank Ltd	TD	2.63%	18/01/18	1,000	1,000
06/06/17	Beyond Bank	TD	2.75%	12/12/17	1,000	1,000
07/06/17	Bank of Queensland	TD	2.65%	14/12/17	1,000	1,000
07/06/17	Bank of Queensland	TD	2.65%	20/12/17	1,000	1,000
07/06/17	Members Equity Bank	TD	2.70%	19/12/17	1,000	1,000
08/06/17	Suncorp-Metway Bank	TD	2.60%	09/01/18	1,000	1,000
08/06/17	Suncorp-Metway Bank	TD	2.60%	10/01/18	1,000	1,000
08/06/17	Members Equity Bank	TD	2.70%	08/12/17	1,000	1,000
09/01/17	Suncorp-Metway Bank	TD	2.60%	11/01/18	1,000	1,000
09/06/17	Suncorp-Metway Bank	TD	2.60%	16/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	23/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	24/01/18	1,000	1,000
13/06/17	Suncorp-Metway Bank	TD	2.60%	06/02/18	1,000	1,000
13/06/17	Beyond Bank	TD	2.70%	11/12/17	1,000	1,000
13/06/17	Members Equity Bank	TD	2.70%	11/12/17	1,000	1,000
13/06/17	Members Equity Bank	TD	2.70%	18/12/17	1,000	1,000
15/06/17	Bank of Queensland	TD	2.65%	07/02/18	1,000	1,000
19/06/17	Suncorp-Metway Bank	TD	2.60%	15/01/18	1,000	1,000
20/06/17	Bank Australia	TD	2.80%	15/02/18	1,000	1,000
20/06/17	National Australia Bank	TD	2.47%	20/09/17	1,000	1,000
20/06/17	National Australia Bank	TD	2.47%	21/09/17	1,000	1,000
27/06/17	Defence Bank Ltd	TD	2.70%	08/02/18	1,000	1,000
29/06/17	Teachers Mutual Bank Limited	FRN	3.14%	29/06/20	1,000	1,000
29/06/17	AMP Bank	TD	2.60%	04/04/18	2,000	2,000
Totals					77,291	76,922
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 June 2017.

Attachment(s)

Nil

10.2 Joint Regional Planning Panel - Representation

10.2 Joint Regional Planning Panel - Representation

Delivery Program Communications

Objective To review the Council representation on the Joint Regional Planning Panel (JRPP).

Background

Joint Regional Planning Panels (JRPPs) were established by the NSW State Government on 1 July 2009. Extracts from the NSW Government website relating to JRPPs (planning.panels.nsw.gov.au) in respect to their establishment and operation are as follows:

The Joint Regional Planning Panels (JRPPs) were introduced in NSW on 1 July 2009 to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters.

The Planning Panels are independent bodies. Determinations made by the Panels are not subject to the direction of the Minister for Planning.

The Planning Panels:

- *determine 'regionally significant' development applications (DAs) and certain other DAs and modification applications*
- *act as the relevant planning authority (RPA) when directed*
- *undertake rezoning reviews*
- *provide advice on other planning and development matters when requested*

The Planning Panels determine the following types of development applications (DAs) and modification applications:

- *Regional development, as outlined in Schedule 4A of the EP&A Act:*
 - *development with a capital investment value (CIV)* over \$20 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* between \$10 million and \$20 million which is referred to the Planning Panel by the applicant after 120 days*
- *modification applications for regionally significant development under section 96(2) of the EP&A Act*
- *DAs forming part of a staged development application which is regionally significant*

10.2 Joint Regional Planning Panel - Representation

- *Crown DAs with a CIV under \$5 million, or modifications of Crown DAs, where Council has failed to determine the DA within the required period or seeks to refuse consent or impose a condition not agreed to by the applicant, as outlined in Section 89 of the EP&A Act*

Each Planning Panel consists of five members:

- *three members, including the Chair, appointed by the Minister (State members) and*
- *two members nominated by the relevant council (council members).*

Ballina Shire Council is a member of the Northern Joint Regional Planning Panel (which includes councils from Tweed to Port Macquarie and as far west as Moree Plains and Liverpool Plains) and Council's representatives on the Panel are the:

- Mayor (alternative Deputy Mayor)
- Group Manager - Strategic and Community Facilities (alternative Group Manager – Civil Services).

The JRPPs have detailed operating procedures, along with a Code of Conduct.

Declarations of interest are an important consideration in that Code and as per Council's Code of Conduct there is an onus on Panel Members to declare any interests and manage that interest appropriately.

Concerns have been raised by the Council staff representatives that as they are often involved in providing input into the Council assessment of applications that are before the JRPP, or may have been involved in the strategic planning that led to the application, it is becoming more and more difficult to represent Council on the Panel.

The purpose of this report is to determine whether Council wishes to amend its existing representation, with particular reference to the staff representatives.

Key Issues

- Council representation
- Conflicts of interest

Information

The local council is the body that determines the two council representatives on the JRPP.

A number of methods for representation are used by councils including:

- Councillors only
- Councillors and staff
- Staff and technical experts
- Entirely technical representatives
- Joint arrangements where neighbouring councils sit on each other's Panel.

10.2 Joint Regional Planning Panel - Representation

The JRPP Secretariat provided details of representatives from councils in this region which is outlined in the following table.

Council	Position	Name	Surname	Description	Skill Set
Byron	Permanent	Simon	Richardson	Councillor	Mayor
Byron	Permanent	Shannon	Burt	Staff	Director Sustainable Environment and Economy
Byron	Alternate	David	Milledge	Technical Expert	Director Landmark Ecological Services
Byron	Alternate	Sharyn	French	Staff	Manager Environmental and Economic Planning
Clarence	Permanent	Jim	Simmons	Councillor	Mayor
Clarence	Permanent	Jason	Kingsley	Councillor	Deputy Mayor
Clarence	Alternate	Andrew	Baker	Councillor	Councillor
Coffs	Permanent	Denise	Knight	Councillor	Mayor
Coffs	Permanent	George	Cecato	Councillor	Deputy Mayor
Coffs	Alternate	Tegan	Swan	Councillor	
Kyogle	Permanent	Danielle	Mulholland	Councillor	Mayor
Kyogle	Permanent	John	Burley	Councillor	Deputy Mayor
Lismore	Permanent	Brent	McAlister	Staff	Executive Director of Sustainable Development
Lismore	Permanent	Issac	Smith	Councillor	Mayor
Lismore	Alternate	Neil	Marks	Councillor	Councillor
Port	Permanent	Paul	Drake	Technical Expert	Director - Planning Overload Pty Ltd
Port	Permanent	Matt	Rogers	Staff	Director, Development & Environment
Richmond	Permanent	Robert	Hayes	Councillor	Councillor
Richmond	Alternate	Daniel	Simpson	Councillor	Councillor
Richmond	Permanent	Manfred	Boldy	Staff	Executive Manager, Planning and Environment
Tweed	Alternate	Robert	Quirk	Technical Expert	Barrister-at-Law
Tweed	Permanent	Ned	Wales	Technical Expert	Assistant Professor in Urban Planning – Bond University
Tweed	Permanent	Stephen	Phillips	Technical Expert	

If a council decides to nominate someone from outside the council (i.e. not a councillor or staff member) the JRPP preference is to have someone with relevant technical expertise (i.e. planning, engineering etc). Tweed, Port and Byron have all included technical experts in their Panels, as per the above table.

The current Code of Conduct for Panel members was released in September 2016 and the correspondence from Garry West, the Chair of the Northern Joint Regional Planning Panel advising of the Code, included the following paragraph:

“The revised Code of Conduct clarifies that Councillors who have deliberated or voted on a matter (including a planning proposal, voluntary planning agreement or to make a submission to the panel on a DA for regional development) in their role at Council and that matter, or a related matter, subsequently comes before the panel, are to stand aside from their place on the panel, and allow council’s nominated alternative member to take their place, to avoid any perceptions of bias or pre-judgment.” (22 September 2016)

This point is especially important for Councillors in considering representation on the Panel in that you need to ensure that you do not partake in any debate relevant to the matter.

Sustainability Considerations

- **Environment**
Applications before the JRPP must consider environmental, social and economic factors.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

Ballina Shire Councillors on the JRPP are paid \$600 per meeting which is the figure included in Council's Councillor Expenses and Facilities Policy. Council determines this figure. Staff representatives are not paid (above their normal remuneration).

Consultation

Council needs to determine whether it wishes to call expressions of interest for membership of the Northern Joint Regional Planning Panel.

Options

The primary purpose of this report is to seek alternative representation to the current staff members on the Panel. The feeling from the staff representatives is that they are not in a position to effectively provide that representation as they have been involved in the planning / assessment process and will need to declare a conflict of interest.

The options are to appoint:

- additional Councillors
- external technical experts
- adjoining council representation
- any combination of the above.

Representation on this Panel is a matter for Councillors to determine on behalf of the community, however to provide some direction the recommendation has Councillors representing the community.

It is always difficult to select a representative(s) from the community and Councillors have the benefit of having been selected from the entire community through the electoral process (on a Ward basis at least).

If the recommendation is supported Councillors will need to agree on the third Councillor representative (either by show of hands or consensus).

10.2 Joint Regional Planning Panel - Representation

Finally it is also important to acknowledge that the JRPP is still able to proceed and determine matters without any Council representation, if for some reason all Council's representation could not attend a meeting (due to conflicts of interest or being away).

RECOMMENDATION

That Council confirms its preferred representation on the Northern Joint Regional Planning Panel is the Mayor, Deputy Mayor and one other Councillor, as an alternative delegate, as elected by the Council.

Attachment(s)

Nil

10.3 Policy (Review) - Councillor Expenses and Facilities

10.3 Policy (Review) - Councillor Expenses and Facilities

Delivery Program Communications

Objective To review the Councillor Expenses and Facilities Policy.

Background

The Local Government Act (LGA), Division 5 (clauses 248 to 254A) outlines information in respect to how the payment of fees, expenses and the provision of facilities to councillors is managed.

Of particular relevance is clause 252 (1) which states as follows:

(1) Within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.

The existing Council policy is included as the first attachment to this report and the objective of this report is to adopt a new policy.

Key Issues

- Determine a reasonable reimbursement of expenses to Councillors
- Ensuring the policy is equitable, fair and transparent

Information

The objectives of having a Councillor expenses policy include:

- a) ensuring that no person is disadvantaged and incurring additional private expenses by performing their role as a Councillor - the policy should ensure a Councillor is reasonably reimbursed for activities they are required to perform as a Councillor
- b) ensuring fairness and equity in the operation of the policy – all Councillors should be treated fairly and equally with no Councillor being disadvantaged over another in the application of the policy
- c) the policy should reflect community standards in respect to the provision of facilities and the reimbursement of expenses.

The Office of Local Government (OLG) has conducted a number of reviews into councillor expenses policies over the years to ensure that policies are reasonable.

The second and third attachments to this report provide a guidelines document produced in 2009, which is still relevant today, along with the outcomes of a review of council policies undertaken in 2011.

10.3 Policy (Review) - Councillor Expenses and Facilities

The review document (attachment three) highlights key issues that often arise in respect to expenses policies; i.e.

- Lack of monetary limits for types of allowances – limits are recommended to assist with ensuring that reimbursements do not become excessive
- Review – prior to this year the Expenses Policy had to be reviewed and adopted by 30 November each year (Section 252 (1) of the LGA). That section of the LGA has now been amended to require a council to adopt a policy within 12 months of the election, as per the background section to this report.

With the 2016 election held on Saturday 10 September 2016, to comply with this requirement, Council will need to adopt a policy prior to 10 September 2017.

- Approvals should require two signatures – this ensures that no one person can authorise a reimbursement.

The format of the existing Council policy is based on a template provided by the OLG. The OLG has been reviewing this template and they have now released a circular with a new template for use by councils. A copy of that circular is included as attachment four, along with the template provided by the OLG.

As the OLG is now recommending the use of this template the existing Council policy has been revised to fit that template. Attachment Five is the existing Council policy modified to fit the new template.

The inclusion of attachments one, four and five allow comparisons between the three documents.

A commentary on the major components of the new template, as applied to Council, (as per attachment five), now follows. Yellow highlights have been used to emphasise the areas in that template where amendments have been included to largely reflect Council's current policy.

Policy Summary (Attachment Five)

This section of the new template identifies the maximum amount claimable, usually on a yearly basis. Council has not had limits for a number of these items in the past as there has never been any issue with excessive expenditure.

The two items where there are currently annual limits in the existing policy are for professional development / conferences (\$5,000) and ICT expenses (\$80 per month for telecommunications).

For the remaining items in the Policy Summary schedule, allowances have now been included that reflect reasonable expenditure limits based on Council's own experiences.

Councillors need to carefully assess these allowance limits to ensure they reflect the realities of being a councillor in 2017.

10.3 Policy (Review) - Councillor Expenses and Facilities

For the General Travel Expenses item, which also includes other associated expenses, the limit of \$3,000 per annum for an individual councillor, has been based on the larger end of claims made by individual councillors. Typically the majority of councillors are well under this figure.

In respect to allowances for Accommodation and Meals the template made reference to

As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually

These rates are substantially lower than the Australian Taxation Office (ATO) annual ruling on reasonable travelling allowances, which is included in Council's current policy.

The preference is to remain with the ATO figures as they are considered reasonable and better reflect the cost of travelling to places like Sydney. A comparison is as per the following table:

ATO – Accommodation Only	ATO accommodation with ATO Food and Drink and Incidentals (Food and Drink \$152.80*, incidentals \$27.65)	Crown Employees
Adelaide - \$209	\$389.45 per day	\$285.70 per day
Brisbane - \$257	\$437.45 per day	\$333.70 per day
Canberra - \$246	\$426.45 per day	\$296.70 per day
Darwin - \$287	\$467.45 per day	\$344.70 per day
Hobart - \$195	\$375.45 per day	\$266.70 per day
Melbourne - \$265	\$445.45 per day	\$301.70 per day
Perth - \$265	\$445.45 per day	\$331.70 per day
Sydney - \$265	\$445.45 per day	\$313.70
Country - \$195	\$375.45 per day	High cost and Tier 2 country centres are specified Other Country Centres - \$228.95

**This figure is dissected between - breakfast \$34.75, lunch \$49.20, dinner \$68.85. Over-expenditure for one meal can be offset by under-expenditure for another.*

The ATO allowances have salary thresholds and Council has applied the top salary threshold. Appendix III in the attached policy provides the details of the various allowances.

For ICT expenses (i.e. information and communications technology) the allowance of \$80 is consistent with the current policy. The amount of this reimbursement has been debated on numerous occasions and Councillors may wish to review the current allowance.

For Home Office expenses an allowance of \$1,000 has been made based on the cost of providing toner cartridges.

For Postage Stamps and Christmas Cards a nominal allowance has been provided for the Mayor only.

The Council agreed fee for attendance at a Joint Regional Planning Panel meeting of \$600 has also been included.

The template also includes the following wording:

10.3 Policy (Review) - Councillor Expenses and Facilities

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Individual Councillor expenses have traditionally been included in the Council's Annual Report and this template means that they will now be reported to Council on a six monthly basis and placed on Council's website.

These reports will be presented in January and July each year to reflect the financial year (i.e. January report for first six months of the financial year and July report for the preceding financial year).

The template also clearly states that claims for expenses must be submitted within three months of an expense being claimed. This will be enforced by Council staff.

Section 6 – Specific Expenses

The OLG template for clause 6.2 was very general and just effectively stated that there should be an annual limit for general travel arrangements and expenses.

Council has typically identified, as best as possible, the types of Council business where expenses will be reimbursed. This has been replicated in attachment five.

Councillors could potentially just endorse the template approach whereby claims are submitted for attending official business, with the definition of business provided in Appendix II. Under this approach there would not be any approved meetings list produced each week.

Importantly, in total, an allowance of \$3,000 has been provided for general travel arrangements and associated expenses and \$5,000 for professional development / conferences (clauses 6.24 and 6.30).

Clause 6.3 states that private use vehicles will be reimbursed on rates provided by the ATO. This is to ensure consistency with the earlier comments on accommodation and meals. The template was based on the Local Government State Award, which is actually higher than the ATO; i.e.

- ATO - 66c per kilometer
- Local Government (State) Award - the current rates are – vehicle under 2.5 litre – 68c/km, over 2.5 litre, 78c/km

The template, clause 6.21, also states Councillors will not be reimbursed for alcoholic beverages. This is a change to the existing Council policy, which was silent on this issue, which meant that claims were approved so long as they were within the ATO meal limits.

10.3 Policy (Review) - Councillor Expenses and Facilities

The template also states in clause 9.1 that alcohol would not be provided as part of the general facilities. This will mean that the provision of alcohol in the committee room will no longer be provided, and the only time alcohol would be paid for by Council would be at special events (i.e. Christmas function, Gallery openings). Effectively there would not be a standing supply of alcohol in the committee room refrigerator.

Councillors will need to amend this template clause if they wish to see alcohol continue to be available in the committee room.

As mentioned the various changes to the OLG template have been marked in yellow in attachment five and it is important that Councillors support the contents of the document, along with the facilities and expenses available.

Legal / Resource / Financial Implications

Budgets are provided to support Councillors based on the expenses policy, with the 2017/18 financial plan including the following estimates:

Item	Estimate (\$)
Mayoral Allowance	45,000
Councillor Allowance Fees	184,000
Meeting Expenses	17,000
Councillor Stationery and Equipment	7,000
Civic Functions	7,000
Councillor Telephones	12,000
Insurance Civic Activities	34,500
Mayor Travelling	12,000
Councillor Travelling	10,000
Conferences and Training	30,000

Consultation

Section 253 of the LGA states as follows:

Requirements before policy concerning expenses and facilities can be adopted or amended:

- 1) A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- 2) Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- 3) Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- 4) A council must comply with this section when proposing to adopt a policy in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

10.3 Policy (Review) - Councillor Expenses and Facilities

As Section 252(1) states that a council must adopt a policy within 12 months of the election, Section 253 (1) is relevant in that it states that Council must exhibit the policy, for a minimum of 28 days, before adopting.

The requirement to exhibit for 28 days means that the outcomes from the exhibition process will not be able to be reported to the August 2017 Ordinary meeting as the exhibition period will still be open. With the September Ordinary meeting scheduled for 28 September 2017 this will exceed the 12 month period from the election of 10 September 2016 as required by Section 252 (1) of the LGA.

This means it will be necessary to have an Extraordinary meeting prior to that date to adopt the exhibited policy (most likely 5 or 6 September). The Extraordinary meeting can be scheduled with a briefing or committee meeting to avoid Councillors having to come in just for that meeting.

The other option would be to delay the report until the September Ordinary meeting, however Council should comply with the LGA and the recommendation is hold an Extraordinary meeting.

Options

This report provides an opportunity to review the existing policy. The options available relate to any changes Councillors may wish to make to various elements of the policy, such as the allowance limits or the types of facilities provided.

The revised policy, as per attachment five, has been amended to try and reflect Council's existing policy as best as possible, while at the same time ensuring that the majority of the OLG template is reflected in the policy.

The recommendation is to exhibit the policy for public comment, as required by Section 253 of the LGA, with an Extraordinary meeting then required to comply with Section 252 of the LGA.

RECOMMENDATIONS

1. That Council approves the exhibition of the amended Councillor Expenses and Facilities Policy, as per attachment five to this report, for a minimum period of 28 days.
2. That Council authorises the General Manager to convene an Extraordinary meeting for the adoption of this policy and to meet the requirements of Section 252 (1) of the Local Government Act, following the exhibition period.

Attachment(s)

1. Policy (Existing) - Councillor Expenses and Facilities
2. DLG Guidelines - 2009
3. DLG Circular 11/27 - Review of Policies
4. OLG Circular 17/17 and Policy Template
5. Policy (New) - Councillor Expenses and Facilities (based on OLG template)

10.4 Policy (New) - Festivals and Events (Commercial) - Sponsorship

10.4 Policy (New) - Festivals and Events (Commercial) - Sponsorship

Delivery Program Communications

Objective To examine the merits of establishing a policy and recurrent budget for a commercial festival and events support program.

Background

At the November 2016 Ordinary meeting, Council resolved to allocate funding to a number of events as part of the Community Festivals and Event Support Program for 2017/18.

The resolution also asked for a report on establishing a policy and recurrent budget for a Commercial Festivals and Events Support Program, as the existing policy and program is based on Council only allocating funding to community based organisations.

The reason for this request is that at the November 2016 Ordinary meeting, Council resolved to allocate \$9,500 from the Community Festivals and Events Program budget to QSM Sports Pty. Ltd., which is a commercial entity, to stage a Ballina Triathlon during 2017/18.

This report discusses the merits of a Commercial Festivals and Event Support Program and provides information relating to the establishment of a policy and recurrent budget.

Key Issues

- Ensure a transparent and equitable process to allocate funding
- Assessing the benefits of funding to commercial festivals and events

Information

Events play a significant role in making a community an attractive, welcoming and supportive place to live. They are also a very effective platform to showcase the region and stimulate the local economy by attracting large numbers of participants, which filters through the business community.

Events cut across various sectors of the economy (from employment to education, through to tangible/intangible legacies, investment attraction and infrastructure growth).

While Council's primary role is to provide essential services and approvals for events on public land, Council's support of significant and major events is often a major influencer in securing or maintaining popular events that attract large numbers of visitors with an economic worth many times Council's investment.

10.4 Policy (New) - Festivals and Events (Commercial) - Sponsorship

Events are recognised as a key driver for tourism visitation and with the State Government's ambition to double overnight visitor expenditure to between \$115 billion and \$140 billion by 2020 (Tourism Research Australia), the interest in events as a key economic driver is increasingly gaining momentum.

NSW events contributed over \$510 million in visitor spending to the State's economy in 2014 (across the 136 events supported by Destination NSW).

Events are a key driver of regional visitation with three-quarters of event attendees reporting they would not have visited a regional destination (on that occasion) if not for the event (Tourism Research Australia, 2015).

Events can also act as a valuable introduction to, and asset for, repeat visitation to a region (with most event attendees intending to return to a regional destination following their event attendance).

Another aspect to this discussion is a line of thought that the business of funding events should be left to private enterprise, and the role of local government is not to fund events that are set to make a profit.

It is also important to have the right balance and timing of events, as too many events can have negative impacts on a community (i.e. amenity, traffic congestion).

Sustainability Considerations

- **Environment**
Event approvals are managed to limit adverse environmental impacts.
- **Social**
Events can provide social benefits to the broader community
- **Economic**
Events can make a positive contribution to the local economy.

Legal / Resource / Financial Implications

The financial implication of establishing a Commercial Festival and Events Support Program is that a budget would be needed that is currently not factored into Council's Long Term Financial Plan (LTFP) and which then places more pressure on Council's recurrent budget.

The current budget for the Community Festival and Events Support Program is \$120,000 per annum although for 2017/18 the budget has been adjusted to \$115,000 as Council reallocated \$5,000 to the community donations program. Also \$9,500 of the \$115,000 has been allocated to a commercial event (QSM).

The Festivals and Events budget has grown substantially in recent years, due to the popularity of the program, with the actual expenditure and budget as follows:

10.4 Policy (New) - Festivals and Events (Commercial) - Sponsorship

2012/13 - \$50,300
2013/14 - \$79,600
2014/15 - \$95,900
2015/16 - \$122,300
2016/17 - \$120,000 (budget – costs still being finalised for 2016/17)
2017/18 - \$115,000 (budget)
2018/19 - \$120,000 (budget)

The allocation of this funding is undertaken in November / December, the year before the actual funding is expended, as event organisers need the certainty of this funding to proceed with planning, marketing etc.

At the November 2016 Ordinary meeting funding was allocated to the following events:

Name of organisation	Name of event	Amount
Quota International of Alstonville Wollongbar Inc	Quota Club of Alstonville Craft and Garden Fair 2017	5,000
Le-Ba Boardriders	Skullcandy Oz Grom Open 2017	25,000
Lennox Head Chamber of Commerce	Love Lennox Festival 2018	15,000
Alstonville Agricultural Society	New Year's Eve Family Festival 2017/18	20,000
Ballina Chamber of Commerce and Industry	Ballina Prawn Festival 2017	30,000
Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2017	10,000
Sub Total		105,000
QSM Sports	Ballina Triathlon 2017/18 (1)	9,500
Ballina District Minister's Association	Riverside Carols 2017 (2)	5,000
Total		119,500

- (1) Commercial event that did not meet the criteria in the Festivals and Events Support Program policy. It remains uncertain whether QSM will proceed with this event.
- (2) Community event that did not meet the criteria in the Festivals and Events Support Program policy, however Council resolved to allocate that funding to the Donations – Financial Assistance Program and support the event through that program.

If Council wishes to support a Commercial Festival and Events Program a new budget needs to be created or alternatively a portion of the existing Community Program could be reallocated to commercial events, as happened for 2017/18 (i.e. \$9,500 for QSM Sports).

This would be the preferred option as Council's recurrent working capital forecast remains in deficit, which means Council is not in a position to increase costs, without achieving savings elsewhere, or generating additional revenues.

10.4 Policy (New) - Festivals and Events (Commercial) - Sponsorship

Consultation

The establishment of a Commercial Festival and Events Support Program has not been subject to community consultation, however should a policy be supported, it will be subject to an exhibition period.

Options

The options are to support or not support a Commercial Program.

Not supporting represents the status quo, although Council did allocate \$9,500 for QSM for 2017/18.

Supporting has the benefit of:

- a) allowing Council to call for expressions of interest each year to see if there are people / organisations interested in conducting a commercial event in the Ballina Shire
- b) creating a policy that helps to support consistent decision making, in case Council does receive expressions of interest, as occurred with QSM
- c) providing an incentive for a commercial event to proceed that can help to strengthen the local economy

The argument against is that it is yet another allocation of scarce Council resources, when we are currently forecasting continued working capital deficits, and effectively any contribution is supporting a commercial entity.

If Council does wish to proceed with this proposal a draft Commercial Program policy has been prepared and is included as the first attachment to this report.

The policy largely replicates the existing Festivals and Events - Support Program Policy. The second attachment to this report is a review of that policy to ensure that both these policies are consistent with each other. Recommended changes to the existing policy are in yellow. These changes are largely cosmetic and are designed to ensure there is consistency.

Consideration was given to having one combined policy however there were enough differences between the policies, along with the fact they are aimed at two distinct and separate categories of organisations, to justify separate documents.

The policy titles have also been amended to include the word sponsorship. As per the definitions in the policies, sponsorship means that Council in providing this financial support is expecting a return for certain benefits. Besides the broader community benefits relating to improved social outcomes and increased economic activity, Council always seeks to be acknowledged as a sponsor in the marketing / advertising material for these events. Therefore sponsorship is the more appropriate terminology for Council's support.

10.4 Policy (New) - Festivals and Events (Commercial) - Sponsorship

If Council does wish to proceed it is recommended that the program start with a re-allocation of \$15,000 from the \$120,000 Community Program budget. Applications for funding for community events have plateaued and \$105,000 for Community Events should be sufficient and \$15,000 for Commercial Events should provide a reasonable incentive, or pool of monies, for the first year.

Council will still be able to re-allocate monies between these two programs, each year, dependent on the applications received.

Based on the process for the timing of the Council support, this revised budget would actually commence in 2018/19, acknowledging that the 2017/18 budget has already been allocated, with \$9,500 committed to a commercial event.

As there was support for this policy at the November 2016 Ordinary meeting the recommendation is to support the establishment of a Commercial Festival and Events Support Program Policy and recurrent budget, subject to the budget being a reallocation of the existing Community Program budget.

Ultimately it will be a matter of trialing the new policy and assessing how effective it is on an annual basis, as the allocation of the funding, along with the responses to any expression of interest process, will be reported to Council each year.

RECOMMENDATIONS

1. That Council adopts the draft Festival and Events (Commercial) – Sponsorship Program Policy, as attached to this report. 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.
2. That Council adopts the amended Festival and Events (Community) – Sponsorship Program Policy, as attached to this report. 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.
3. That a Festival and Events (Commercial) – Sponsorship Program budget be established for 2018/19 onwards based on a re-allocation of \$15,000 from the existing Festivals and Events (Community) Program budget (currently \$120,000 recurrent).

Attachment(s)

1. Policy (Draft) - Festivals and Events (Commercial) - Financial Support Program
2. Policy (Review) - Festivals and Events (Community) - Financial Support Program

10.5 Donations - Community and Sporting Groups and Public Halls

10.5 Donations - Community and Sporting Groups and Public Halls

Delivery Program Communications

Objective To approve financial assistance to community groups, and capital works assistance to community halls and sporting groups for 2017/18.

Background

Council has three policies where submissions are called for each year, from the community, for funding assistance being:

- Donations - Financial Assistance
- Donations - Community Halls - Capital Works Assistance
- Donations – Sporting Groups – Capital Works Assistance

The 2017/18 Operational Plan includes the following allocations for these programs:

- Financial Assistance - \$66,000
- Community Halls - \$41,000
- Sporting Groups – \$20,000

In respect to the \$66,000 for Financial Assistance, Council has previously allocated \$5,000 to fund the Ballina Riverside Carols, as per resolution 241116/30, and \$820 to the Beach Sounds Event, as per resolution 220617/38.

In accordance with a resolution from the June 2017 Ordinary meeting, a number of Councillors met on 12 July 2017 to consider a preferred allocation of the available funds, based on submissions received during the preparation of the 2017/18 Operational Plan.

The purpose of this report is to consider the recommendations from that meeting and confirm the allocation of the donations for 2017/18.

Key Issues

- Fair and equitable allocation of Council monies

Information

Details of the submissions received for donations were distributed to all Councillor iPads for the 12 July meeting. The submissions are lengthy and have not been reproduced within this business paper.

A complete copy of all the submissions will be available at the Council meeting, or if a copy is required prior to the meeting, please contact the General Manager's office.

10.5 Donations - Community and Sporting Groups and Public Halls

Prior to outlining the recommendations from the 12 July meeting, points raised during the discussions that need clarification are as follows:

- *Requirement for Matched Funding*

Extracts from both policies are as follows

Community Halls – Background (page 1 of the policy)

In recognition of the community service provided by those groups Council offers financial assistance for the capital upgrade of those halls. This is subject to the licensee or community group providing matching or in kind assistance. This policy details how this assistance is delivered.

Community Halls – clause 2.5 (page 3 of the policy)

Donated funds can be matched on a dollar for dollar basis, or matched with in kind contributions, by the organisation which owns or is licensed to manage the hall. In kind covers labour only included at tradesman levels (excludes attendance at meetings to organise the project).

Sporting Groups – clause 2.5 (page 2 of the policy)

Donated funds can be matched on a dollar for dollar basis, or matched with in kind contributions, by the sporting group. "In kind" covers labour only included at tradesman levels (excludes attendance at meetings to organise the project).

Sporting Groups – Background (page 3 of the policy)

Assistance is contingent on the sporting group(s) providing matching and/or in kind assistance.

The Sporting Groups policy, which was only adopted by Council in July 2016, has largely copied the wording in the Community Halls policy.

The wording in both policies is inconsistent and unclear.

What has happened is that in January 2015 a report was submitted to Council to review the Community Halls Capital Works Assistance policy.

The first few paragraphs of the Information section of that report stated as follows:

Each year in the lead up to the budget adoption, the Council invites applications for funding support from the hall committees which manage the shire's various public halls. Offers for funding are made within the allocated budget and recipients are required to have matching funds available for the nominated work. The review of this policy identified a major change which is to remove the requirement for groups to match donations on a dollar for dollar basis and replace it with the following:

Donated funds can be matched on a dollar for dollar basis or matched with in kind contributions, by the organisation which owns or is licensed to manage the hall.

The current clause benefits those halls that are able to generate an annual income which exceeds their annual operating expenses such as insurance and minor maintenance repairs.

10.5 Donations - Community and Sporting Groups and Public Halls

The proposed policy change will allow those halls which typically generate just enough income to meet their annual expenses to apply for capital assistance. The proposed change will assist those halls with limited financial resources to undertake works which under the current policy, would be difficult to fund.

The wording in earlier versions of this policy was as follows:

Donated funds must be matched on a dollar for dollar basis by the organisation licensed to manage the facility. The maximum donation by Council in any one year, for an individual hall, under this program, shall be \$10,000, subject to funds being available.

Based on this history of the policy, it is fair to say that the matching of funding is no longer mandatory although both policies need to be re-written to correct the current confusion.

This uncertainty then raises the issue of the advice being given by Council to groups who are eligible to apply for funding under these policies.

The correspondence sent to all Hall Committees in January this year stated, in part, as follows:

Council is now in the process of preparing its 2017/18 budget. As with previous years it is proposed that Council will provide funding in this budget to assist with capital works for public halls in the shire.

Council's policy states (copy attached):

- *The maximum donation by Council in any one year, for an individual hall, under this program shall be \$10,000, subject to funds being available.*
- *Donated funds can be matched on a dollar for dollar basis, or matched with in kind contributions, by the organisation which owns or is licensed to manage the hall.*

The correspondence sent to all Sporting Groups stated, in part, as follows:

I have attached a copy of the policy for your information. We have established a recurrent program in our budget, however as this year is the first year of this particular program, only a relatively modest sum of \$20,000 is currently available. However going forward we aim to increase this amount each year as we identify savings and program adjustments across Council's operations.

In respect to the Hall Committee correspondence it could easily be interpreted that matching funding is mandatory.

For the Sporting Groups, there is no such concern, albeit that the current wording of the policy is somewhat ambiguous.

In summary the wording of both policies needs to be amended to remove any uncertainty, assuming no matching funding is the preferred approach from Council.

- *Payment for retrospective works*

10.5 Donations - Community and Sporting Groups and Public Halls

A further issue was the payment of retrospective works, or works already complete, and community groups seeking funds for reimbursement. The two Capital Works Assistance policies are silent on donations for retrospective projects.

The payment for retrospective works is generally not supported as there are concerns about what is the time period for retrospectivity, and the fact that the works have already been delivered does mean the organisation was in a strong enough financial position to undertake those works.

It is again recommended that the wording for both policies be amended to remove any uncertainty.

- *Requirement for Ballina Shire Council to be acknowledged*

A donation, by definition, is a contribution that does not require any reciprocal benefits. Therefore it is not appropriate to make it mandatory for these community groups, many of which will receive a relatively small cash contribution from Council, to then provide a reciprocal benefit to Council.

That benefit is actually provided through the community service being delivered by the organisation.

The report earlier in this agenda in respect to the funding assistance provided to festivals and events requires Council to be recognised in the marketing / promotion of the events, as this is largely sponsorship, which means a reciprocal benefit is requested.

Donations - Financial Assistance

Table One provides a summary of the various submissions for general donations and the final column is the Councillor recommendations.

Table One: Donations – Financial Assistance Program – Submissions

Ref	Organisation / Person	Project / Activity	Amount Requested (\$)	Amount Agreed (\$)
1	Ballina Lions Club	Fundraising for various organisations	1,000	1,000
2	Northern Rivers Branch Ulysses Motorcycle Club	Traffic control for the 2017 Toy Run	800	800
3	Ballina RSL Sub Branch (1)	Council rates for RSL Youth Club 5 Piper Drive, Ballina	3,968 Est	Refer to commentary at the end of this table
4	Ballina Jet Boat Surf Rescue	Insurance and survey costs for rescue vehicles	6,000	6,000
5	Ballina Jet Boat Surf Rescue	Consumables for rescue vehicles	3,000	3,000
6	Northern Rivers Womens Bowling Association Inc	Operational costs towards Lawn Bowls Carnival October 2017	1,000	1,000
7	Ballina Breast Cancer Support Group	Room hire at Kentwell Community Centre for meetings	480	480

10.5 Donations - Community and Sporting Groups and Public Halls

Ref	Organisation / Person	Project / Activity	Amount Requested (\$)	Amount Agreed (\$)
8	Lennox Head National Surfing Reserve Assoc Inc	Costs associated with producing a publication regarding Ballina and Lennox Head surfing history to coincide with State Government declaration of the reserve	1,000	1,000
9	Australian Native Orchid Society FNC NSW Inc	Annual exhibition held at Ballina Fair costs	490	490
10	Our Kids	Costs associated with running Our Kids Day Out 2018	5,000	1,000
11	Ballina Fox Street Preschool	Costs towards bringing 'Miss Billie Walker' to the preschool	4,000	500
12	Wollongbar Community Preschool	Upgrade of playground	5,000	2,500
13	United Hospitals Auxiliary Ballina Branch	Hire of a venue for the annual craft show and associated advertising costs	1,843	1,100 (venue hire only)
14	Hope Haven Women's Refuge	Purchase of ingredients and preparation of meals for the refuge	1,000	1,000
15	Ballina High Schools' Historical Society	Costs associated with archiving and preserving memorabilia	968	968
16	1 st Ballina Scout Group	Costs associated with training leaders	1,500	NIL
17	Alstonville Orchid Society Inc	Annual hall hire for shows and meetings	400	400
18	Ballina Region for Refugees Inc	Public Liability Insurances	2,000	NIL
19	Westpac Rescue Helicopter	Lennox Community Markets hall hire and cleaning and rubbish removal	6,170	5,000
20	Ballina and District Ministers Assoc	Ballina Riverside Carols	5,000	5,000 (previously approved)
21	Lions Club of Lennox Head	Costs associated with holding fundraising BBQs for charities	1,724	1,500
22	Alstonville Plateau Historical Society (2)	Requesting Council to pay rates for Crawford House, Alstonville	3,083 Est	Refer to commentary at the end of this table
23	Michael O'Connor	Repair and reseal car parking area at Empire Vale Post Office	5,000	NIL
24	TS Lismore Naval Cadets Unit Support Committee (3)	Requesting Council to pay Rates and Charges (includes rates, services and consumption charges) for Endeavour Close, Ballina	9,381 Est	Refer to commentary at end of this table
25	Ballina Central Out of School Hours Care	Donation of plants to create a sustainable environmental garden at the centre	600	In-kind donation from Council nursery - 600
26	Air Force Association (Ballina Branch) Inc	Shade and seating for Battle of Britain	740	740
27	Ballina Shire Concert Band	Refund of Band's contribution towards Council's donation of \$20,850 in 2016/17 donations to paint Wigmore Hall (from Capital Works Assistance Community Halls)	1,000	NIL

10.5 Donations - Community and Sporting Groups and Public Halls

Ref	Organisation / Person	Project / Activity	Amount Requested (\$)	Amount Agreed (\$)
28	Alstonville Rodeo Club	Costs associated with establishing event	6,500	2,500
29	Alstonville Baptist Church	Hire of a mobile rock climbing wall and other amusement devices for Alstonville Christmas in the Park	2,395	1,500
30	Cancer Council NSW on behalf of Day Time Breast Cancer and General Cancer Groups	Room hire at Kentwell Community Centre for meetings	960	960
31	Lennox Head Residents' Assoc Coast Care Committee	Purchase of materials, equipment and insurance for maintaining the amenities of Lennox Head	1,000	1,000
32	Beach Sounds	Room hire (\$500) and equipment hire (\$320) at the Lennox Community Centre	820	820 (previously approved)
Total Requests			83,822	40,258

The following commentary is provided in respect to the items marked as follows:

(1) Ballina RSL Sub-branch (Youth Club) – Rates and Charges

The discussion at the Councillor meeting was that this matter be referred to Council's Donations – Rates and Charges policy. A report on that policy is the next item in this agenda.

This organisation is not listed in that policy (included as an attachment to that report) therefore the RSL Sub-branch is not eligible for a rates and charges donation under that policy.

Council has previously resolved to remove the Ballina RSL Sub-branch (Youth Club) facility from the Donations – Rates and Charges policy. This occurred in 2011 and they were then advised to apply for a donation through the Donations - Financial Assistance program.

They have subsequently been donated funding through this program in the years since for an amount equivalent to their ordinary rates; i.e. 2016/17 - \$3,776, 2015/16 - \$3,500, 2014/15 - \$3,288. Council charges have not been included in that donation.

They are not included in the Donations – Rates and Charges Policy as they are a somewhat unique service as compared to the more broader organisation categories listed in that policy, albeit that over time Council has added some unique organisations to the policy (i.e. Volunteer Marine Rescue, Jet Boat Rescue Service).

If Council wishes to donate their rates for 2017/18 the recommendation would be to fund it from the Donations – Financial Assistance Program, as has been occurring in recent years.

10.5 Donations - Community and Sporting Groups and Public Halls

(2) Alstonville Plateau Historical Society (APHS) – Rates and Charges

Similar to the RSL Sub-branch, the discussion at the Councillor meeting was that this matter should be referred to Council's Donations – Rates and Charges policy. The facility is not included in that policy for the same reasons as the Sub-branch (i.e. unique service and not part of a broader category).

The APHS has leased Crawford House at 10 Wardell Road Alstonville from Council since 2005. During this period, rates and charges for the property were paid out of Council's property management budgets.

The lease for the APHS states that they are responsible for the payment of rates and charges.

With the commencement of a new lease it was deemed appropriate for APHS to be making a submission for funding assistance through this community donations program, as do all the other organisations listed in this report.

Council has two options in respect to this;

- i) Resolve to include the APHS in the Donations – Rates and Charges Policy.

The preferred location would be as a Category B organisation which then means the APHS would still be responsible for the management of the variable charges (water consumption, waste).

- ii) Continue to have the APHS apply for an annual donation as per this Donations – Financial Assistance Program.

(3) TS Lismore Naval Cadets Unit Support Committee

This matter was deferred at the Councillor meeting.

There is a current resolution asking staff to investigate what options there are for the possible sale and transfer of this land to the Naval Cadets.

The reason for this is that the land has a significant value, the Committee is paying no rent, and there are some concerns about the broader community benefit of this arrangement. The in-kind value of the rental waiver is estimated at around \$40,000 per annum.

The building on this Council owned property was constructed and funded by the Cadets and from the discussions held to date it appears very unlikely that the Cadets will ever be in a position to fund the purchase of the land.

Therefore, rather than deferring a decision on this submission, Council needs to determine whether it wishes to provide financial assistance for 2017/18.

10.5 Donations - Community and Sporting Groups and Public Halls

Similar to the APHS Council has traditionally paid the ordinary rates, along with the annual stormwater charge. A new lease is still being negotiated with the Cadets and the standard clause in that lease will typically require the tenant to be responsible for all rates and charges.

Donations - Community Halls - Capital Works Assistance

Table Two provides a summary of the various submissions for community halls and the final column is the Councillor recommendations.

Table Two: Submissions – Halls - Capital Works Assistance

Ref	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Agreed (\$)
1	Pearces Creek Public Hall inc	Upgrade and repair toilet facilities to provide better access	6,123	6,123	6,123
2	Ballina Shire Concert Band for Wigmore Hall	Improve acoustics by sound proofing the ceiling and walls in the band area.	6,838	5,838	5,838
3	Wardell and District War Memorial Hall	Internal painting of the hall.	10,000	7,000	7,000
4	Rous Mill and District Memorial Hall Inc	New gutter guard for roof to improve quality of water.	5,440	2,720	2,720
Total			28,401	21,681	21,681

Donations – Sporting Groups – Capital Works Assistance

Table Three provides a summary of the various submissions for community sporting groups and the final column is the Councillor recommendations.

Table Three: Submissions – Sporting Groups - Capital Works Assistance

Ref	Organisation	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Agreed (\$)
1	Tintenbar Tennis Club (1)	Cost of replacing court matting.	5,500	2,750	2,750
2	Lennox Longboarders Club	Towards a new trailer to house club's equipment.	8,000	2,000	2,000
3	Northern Rivers Outrigger Canoe Club	Cost towards providing an underground grid connection to the compound to connect solar as there is currently no electricity connected.	5,500	4,917	4,917
Total			19,000	9,667	9,667

(1) This allocation is subject to the finalisation of lease arrangements with Council prior to the Tintenbar Tennis Club receiving any funds.

Sustainability Considerations

- **Environment**
If approved some of the donations support community groups that provide environmental works.
- **Social**
Donations provide financial support for local community groups.

10.5 Donations - Community and Sporting Groups and Public Halls

- **Economic**

The injection of financial support into community groups contributes to the local economy.

Legal / Resource / Financial Implications

Council has allocated \$66,000 for the Financial Assistance Program, donations, \$41,000 for the Halls and \$20,000 for the Sporting Groups.

Consultation

Council advertised for donation submissions during the exhibition of the 2017/18 Operational Plan and letters were sent directly to the eligible community groups.

Options

The options are to either support or amend the recommendations from the meeting.

The recommendation that follows is to support the recommendations as this process has worked effectively for a number of years however there are a number of matters that require clarification.

- Policy reviews – It is recommended that Council promptly review the two capital works assistance policies to ensure that any ambiguity is removed and to ensure they reflect the sentiments of the current Council.

This will need to be completed by 31 December 2017, so that the content of the policies is clear before we write to all the eligible groups, calling for their submissions in early 2018.

- Ballina RSL Sub-branch (Youth Club) – Council needs to determine whether it wishes to support this request or not. The ordinary rates and charges for 2017/18 are as follows:

Ordinary	Water Access	W/water Access	Stormwater	Total
4,542	816	2,735	125	8,218

Council has donated the ordinary rates in recent years and the recommendation is to follow a similar approach.

- Alstonville Plateau Historical Society (APHS) - This request also needs to be determined. The estimated rates and charges for 2017/18 are as follows:

Ordinary	Water Access	W/water Access	Stormwater	Total
3,083	204	718	50	4,055

10.5 Donations - Community and Sporting Groups and Public Halls

As mentioned earlier one option would be to include APHS in the Donations – Rates and Charges policy, however the concern is that policy attempts to focus on broad categories of community facilities (i.e. surf clubs, pre-schools etc). The inclusion of specific types of organisations can lead to the dilution of that policy and the preference is to deal with this application under the Donations – Financial Assistance Policy.

As Council has been paying the rates and charges in previous years the recommendation is to support the application from APHS.

- TS Lismore Naval Cadets Unit Support Committee – This request also needs to be determined. The estimated rates and charges for 2017/18 are as follows:

Ordinary	Water Access	W/water Access	Stormwater	Total
6,999	204	718	100	8,021

As Council has for many years paid the ordinary rates and stormwater charges the recommendation is to continue that approach until a new lease is agreed. The high level of ordinary rates reflects the high land value associated with this property

Also there are unexpended monies from both the Capital Works Assistance Programs. The Community Halls – Capital Works Assistance policy states as follows:

Any funds unallocated, or unexpended, from the hall donations budget will be transferred to the halls maintenance budget at the end of the application process.

The Community Sporting Groups – Capital Works Assistance policy also states something similar; i.e.

Any funds unallocated, or unexpended, from the sporting group donations budget will be transferred to the sports facilities maintenance budget at the end of the application process.

As both allocations are under budget the recommendation includes the transfer of the surplus funds to those two maintenance budgets. From a financial perspective the preferred option is to just reduce the budgets and then decrease Council's forecast working deficit for 2017/18, which is currently substantial at \$192,000.

Finally the Lennox Head Combined Sports Committee has submitted a late submission for their Christmas carols event. Council has donated monies to this program fairly regularly (2016/17 \$4,000, 2014/15 \$5,000). In 2015/16 \$5,000 was allocated to this event through the Festivals and Events program.

The allocation of monies for this event through the Donations – Financial Assistance program is the more correct approach as that event does not meet the eligibility parameters in the Festivals and Events Program (scale of event not large enough).

The recommendation approves a donation of \$4,000, which is consistent with the Council's 2016/17 donation, but less than the amount requested of \$5,000. A copy of their application is attached to the report.

10.5 Donations - Community and Sporting Groups and Public Halls

If Council agrees to approve a number of these supplementary items the total expenditures under the Donations – Financial Assistance Program would be approximately \$62,000 with a total budget of \$66,000.

RECOMMENDATIONS

1. That Council approves the following Donations – Financial Assistance Program for 2017/18, as outlined in Table One of this report; i.e.

Ref	Organisation / Person	Project / Activity	Amount (\$)
1	Ballina Lions Club	Fundraising for various organisations	1,000
2	Northern Rivers Branch Ulysses Motorcycle Club	Traffic control for the 2017 Toy Run	800
3	Ballina RSL Sub Branch	Council rates for RSL Youth Club 5 Piper Drive, Ballina	Refer to point four of this resolution
4	Ballina Jet Boat Surf Rescue	Insurance and survey costs for rescue vehicles	6,000
5	Ballina Jet Boat Surf Rescue	Consumables for rescue vehicles	3,000
6	Northern Rivers Womens Bowling Association Inc	Operational costs towards Lawn Bowls Carnival October 2017	1,000
7	Ballina Breast Cancer Support Group	Room hire at Kentwell Community Centre for meetings	480
8	Lennox Head National Surfing Reserve Assoc Inc	Costs associated with producing a publication regarding Ballina and Lennox Head surfing history to coincide with State Government declaration of the reserve	1,000
9	Australian Native Orchid Society FNC NSW Inc	Annual exhibition held at Ballina Fair costs	490
10	Our Kids	Costs associated with running Our Kids Day Out 2018	1,000
11	Ballina Fox Street Preschool	Costs towards bringing 'Miss Billie Walker' to the preschool	500
12	Wollongbar Community Preschool	Upgrade of playground	2,500
13	United Hospitals Auxiliary Ballina Branch	Hire of a venue for the annual craft show and associated advertising costs	1,100 (venue hire only)
14	Hope Haven Women's Refuge	Purchase of ingredients and preparation of meals for the refuge	1,000
15	Ballina High Schools' Historical Society	Costs associated with archiving and preserving memorabilia	968
16	1 st Ballina Scout Group	Costs associated with training leaders	NIL
17	Alstonville Orchid Society Inc	Annual hall hire for shows and meetings	400
18	Ballina Region for Refugees Inc	Public Liability Insurances	NIL
19	Westpac Rescue Helicopter	Lennox Community Markets hall hire and cleaning and rubbish removal	5,000
20	Ballina and District Ministers Assoc	Ballina Riverside Carols	5,000 (previously approved)

10.5 Donations - Community and Sporting Groups and Public Halls

Ref	Organisation / Person	Project / Activity	Amount (\$)
21	Lions Club of Lennox Head	Costs associated with holding fundraising BBQs for charities	1,500
22	Alstonville Plateau Historical Society	Requesting Council to pay Rates for Crawford House, Alstonville	Refer to point five of this resolution
23	Michael O'Connor	Repair and reseal car parking area at Empire Vale Post Office	NIL
24	TS Lismore Naval Cadets Unit Support Committee	Requesting Council to pay Rates and Charges (includes rates, services and consumption charges) for Endeavour Close, Ballina	Refer to point six of this resolution
25	Ballina Central Out of School Hours Care	Donation of plants to create a sustainable environmental garden at the centre	In-kind donation from council nursery - 600
26	Air Force Association (Ballina Branch) Inc	Shade and seating for Battle of Britain	740
27	Ballina Shire Concert Band	Refund of Band's contribution towards Council's donation of \$20,850 in 2016/17 donations to paint Wigmore Hall (from Capital Works Assistance Community Halls)	NIL
28	Alstonville Rodeo Club	Costs associated with establishing event	2,500
29	Alstonville Baptist Church	Hire of a mobile rock climbing wall and other amusement devices for Alstonville Christmas in the Park	1,500
30	Cancer Council NSW on behalf of Day Time Breast Cancer and General Cancer Groups	Room hire at Kentwell Community Centre for meetings	960
31	Lennox Head Residents' Assoc Coast Care Committee	Purchase of materials, equipment and insurance for maintaining the amenities of Lennox Head	1,000
32	Beach Sounds	Room hire (\$500) and equipment hire (\$320) at the Lennox Community Centre	820 (previously approved)
Total Requests			40,858

2. That Council approves the Donations - Community Halls – Capital Works Assistance for 2017/18, as outlined in Table Two of this report; i.e.

Ref	Organisation	Project / Activity	Amount (\$)
1	Pearces Creek Public Hall inc	Upgrade and repair toilet facilities to provide better access	6,123
2	Ballina Shire Concert Band for Wigmore Hall	Improve acoustics by sound proofing the ceiling and walls in the band area.	5,838
3	Wardell and District War Memorial Hall	Internal painting of the hall.	7,000
4	Rous Mill and District Memorial Hall Inc	New gutter guard for roof to improve quality of water.	2,720
Total			21,681

10.5 Donations - Community and Sporting Groups and Public Halls

3. That Council approves the Donations - Community Sporting Groups – Capital Works Assistance for 2017/18, as outlined in Table Three of this report; i.e.

Ref	Organisation	Project / Activity	Amount (\$)
1	(1) Tintenbar Tennis Club	Cost of replacing court matting.	2,750
2	Lennox Longboarders Club	Towards a new trailer to house club's equipment.	2,000
3	Northern Rivers Outrigger Canoe Club	Cost towards providing an underground grid connection to the compound to connect solar as there is currently no electricity connected.	4,917
Total			9,667

4. That Council approves a donation to the Ballina RSL Sub-branch (Youth Club) from the Donations – Financial Assistance Program, for an amount of \$4,542, being the 2017/18 Council ordinary rates.
5. That Council approves a donation to the Alstonville Plateau Historical Society from the Donations – Financial Assistance Program, for an amount of \$4,055, being the following 2017/18 rates and charges;

Ordinary	Water Access	W/water Access	Stormwater	Total
3,083	204	718	50	4,055

6. That Council approves a donation to the TS Lismore Naval Cadets Unit Support Committee, from the Donations – Financial Assistance Program, for an amount of \$7,099, being the following 2017/18 rates and charges;

Ordinary	Water Access	W/water Access	Stormwater	Total
6,999	0	0	100	7,099

7. That Council approves a donation of \$4,000 from the Donations – Financial Assistance Program, to the Lennox Head Combined Sports Carols Committee for the Lennox Head Christmas Carols.
8. That the donation to the Tintenbar Tennis Club, in point three above, is subject to the finalisation of lease arrangements with Council.
9. That Council approves the reallocation of any unallocated balance of the 2017/18 Community Halls - Capital Assistance budget (approximately \$19,000) to Council's Community Halls - maintenance budget.
10. That Council approves the reallocation of any unallocated balance of the 2017/18 Community Sporting Groups - Capital Assistance (approximately \$10,000) to Council's Sports Facilities - maintenance budget.
11. That Council review the Donations - Community Halls - Capital Works Assistance and Donations - Community Sporting Groups - Capital Works Assistance policies by 31 December 2017 to ensure, as a minimum, there are clear statements on the subjects of matched funding and funding retrospective projects.

Attachment(s)

1. Late submission - Lennox Carols

10.6 Donations - Rates and Charges 2017/18

10.6 Donations - Rates and Charges 2017/18

Delivery Program Financial Services

Objective To obtain Council approval to donate the 2017/18 rates and charges in accordance with the Donations - Rates and Charges policy.

Background

Council's Donations – Rates and Charges policy was developed to provide clear guidelines for the management of rates and charges donations to community based service organisations.

The policy, a copy of which is attached, attempts to identify the various categories of organisations that provide a community based service, which are located on Council or Crown Land controlled by Council, (there are some exceptions) and the level of assistance provided each year in respect to the Council's rates and charges.

This policy has undergone numerous reviews over the years to ensure that it reflects the sentiment of each Council.

Even though a policy has been adopted Council resolves annually to confirm the donation of the various rates and charges in accordance with Section 356 of the Local Government Act 1993 (LGA).

Key Issues

- Annual donation of rates and charges
- Possible amendments to the policy

Information

The following table provides details of specific fixed rates and charges to be donated for the 2017/18 rating year based on the policy.

All amounts have been rounded to the nearest dollar.

Table One – Donations – 2017/18 Rates and Annual Charges

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm -water	On Site Septic	Waste	Total (\$)
Category A - 100% of all rates and charges donated								
415027	Ballina Lighthouse SLSC	0	312	718	0	0	0	1,030
120347	Lennox SLSC	0	816	2,303	0	0	0	3,119
295613	Surf Life Saving FNC Branch Inc.	0	636	718	0	0	0	1,354
173390	Ballina CWA	0	204	718	0	0	348	1,270
414348	Marine Rescue	0	0	0	0	0	520	520

10.6 Donations - Rates and Charges 2017/18

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm -water	On Site Septic	Waste	Total (\$)
Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges)								
145397	Biala School	0	204	718	0	0	0	922
145363	Fox St Preschool	0	204	718	0	0	0	922
172661	Ballina Playgroup	0	204	718	0	0	0	922
172679	River Street Childrens Centre	0	204	718	0	0	0	922
213734	Lennox Preschool	0	204	718	0	0	0	922
232429	Jumbunna Preschool	2,086	204	718	50	0	0	3,058
418960	Wollongbar Preschool	0	204	718	0	0	0	922
151966	Rainbow Children's Centre	5,026	204	718	100	0	0	6,048
417590	Alstonville Community Preschool	0	204	718	75	0	0	997
115643	Alstonville Ag Society	4,126	840	2,854	300	0	0	8,120
235231	Meerschaum Vale Hall	1,049	204	0	0	55	0	1,308
254780	McLeans Ridges Hall	1,965	0	0	0	55	0	2,020
250346	Newrybar Hall	1,663	0	0	0	55	0	1,718
250663	Pearces Creek Hall	1,436	0	0	0	55	0	1,491
239675	Pimlico Hall	841	0	0	0	55	0	896
234170	Rous Mill Hall	1,731	0	0	0	55	0	1,786
230045	Tintenbar School of Arts Trustees	1,564	0	0	0	55	0	1,619
232013	Wardell Hall	4,066	204	718	50	0	0	5,038
186115	Wigmore Hall	0	204	718	0	0	0	922
264036	Alstonville RSL Sub Branch Hall	1,685	204	718	25	0	0	2,632
422684	Wollongbar Community Hall	0	204	718	50	0	0	972
213726	Lennox Scouts	0	204	718	0	0	0	922
253556	Alstonville Scouts	0	0	0	0	55	0	55
294243	Ballina Scouts	0	204	718	0	0	0	922
334289	Ballina Jetboat Surf Rescue	705	204	0	25	0	0	934
Category C - 100% of all wastewater charges until backlog wastewater program capital contribution is paid in full								
126822	Sea Bird Rescue	0	0	718	0	0	0	718
119956	Jehovah Witness	0	0	1,751	0	0	0	1,751
TOTALS (Category A, B, C)		27,942	6,276	20,550	675	440	868	56,750

As there is no longer a community based committee operating at the Northlakes Community Centre, with the facility now being operated by Council staff, the rates and charges for that facility have been excluded from the Category B listing in this table.

The policy refers to facilities being operated by a community based organisation and this means that the payment of the rates and charges for that building will now be funded from Council's Community Facilities operating budget.

10.6 Donations - Rates and Charges 2017/18

The West End Hall is not listed in this policy and if and when the facility is again operated by a community based committee it should be added to the policy. However, as it is currently being managed along the same lines as the Northlakes Community Centre, no change is recommended.

The next table provides **estimates** of the water consumption based charges that are proposed to be donated on a quarterly basis during 2017/18, in addition to the fixed annual charges provided in the previous table. Actual amounts donated are determined by future quarterly water meter readings.

Table Two – Donations – 2017/18 Estimated Volumetric Based Charges

Assessment Number	Organisation	Estimated Water Consumption Bill (\$)	Estimated Wastewater Usage Bill (\$)	Estimated Total Bills (\$)
415027	Ballina Lighthouse & Lismore SLSC	1,250	650	1,900
120347	Lennox/Alstonville SLSC	1,100	900	2,000
295613	Surf Life Saving FNC Branch Inc.	2,600	900	3,500
173390	CWA of NSW (Ballina)	120	120	240
119956	Jehovah Witness	0	200	200
TOTALS (Estimated)		5,070	2,770	7,840

The next table provides a comparison between the proposed total of 2017/18 rates and charges donations and total rates and charges donated during the 2016/17 rating year.

Table Three – Donations – Comparison between 2017/18 and 2016/17

Rate or Charge Description	Proposed 2017/18 Donations	Actual 2016/17 Donations	Difference (\$)	Difference (%)
Ordinary Rates	27,942	29,547	-1,605	-5.7
Water Access Charges	6,276	6,770	-494	-7.9
Water Consumption Charges	5,070	4,552	518	10.2
Wastewater Access Charges	18,081	18,597	-516	-2.9
Wastewater Usage Charges	2,770	2,166	446	16.1
Waste or Recycling Charges	868	853	15	1.7
On Site Sewage Management Fees	440	400	40	9.1
Stormwater Management Charges	675	725	-50	-7.4
Backlog Sewer Charges	2,469	2,397	72	2.9
TOTALS	64,591	66,164	-1,573	-2.4

Sustainability Considerations

- **Environment**
Not Applicable.

10.6 Donations - Rates and Charges 2017/18

- **Social**

Financial support to community based organisations enables them to deliver services for the benefit of the local community.

- **Economic**

Financial support to community organisations, allows them to spend more money on providing their specific service to the local community.

Legal / Resource / Financial Implications

The donations are funded in full in the 2017/18 Operational Plan.

The budgets for water and wastewater may be exceeded as the year unfolds, depending on the level of water consumption at the surf clubs.

Consultation

The Council Policy and Operational Plan are exhibited prior to adoption.

Options

The options are to approve, or not approve, the rates and charges donations for each of the assessments detailed within this report.

The donations as listed are consistent with Council policy.

RECOMMENDATION

That Council approves the donation of the 2017/18 rates and charges, as detailed within Tables One and Two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.

Attachment(s)

1. Policy - Donations - Rates and Charges

10.7 Delivery Program and Operational Plan - 30 June 2017 Review

10.7 Delivery Program and Operational Plan - 30 June 2017 Review

Delivery Program Communications

Objective To review Council's performance in implementing the 2016/17 Delivery Program and Operational Plan.

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

Delivery Program

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

Even though Council is only required to receive six monthly progress reports the preferred practice has been to receive more timely quarterly reports. This report represents the final review of the 2016/17 - 2019/20 Delivery Program and the 2016/17 Operational Plan, with the information contained in the report based on work undertaken up to 30 June 2017 (complete financial year).

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

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

Key Issues

- Compare actual results against the adopted goals and priorities

Information

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

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

All items are marked with a green (on track) amber (behind schedule or below target) or red (not progressing or well off track) traffic light.

10.7 Delivery Program and Operational Plan - 30 June 2017 Review

In respect to the Operational Plan there are a total of 103 major tasks listed in the Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions Overview - By Number of Tasks

Group / Status	GM	DEH	Civil	SCF	Total
Green	27	5	28	30	90
Amber	2	2	5	0	9
Red	0	0	2	2	4
Total	29	7	35	32	103

Program Actions Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	93	71	80	94	87
Amber	7	29	14	0	9
Red	0	0	6	6	4
Total	100	100	100	100	100

Typically this report only focuses on exception reporting for Items showing as amber or red, however there have been some major achievements this year which should be recognised. These include, but are not limited to:

- Implement Cultural Plan (page 4) – The opening of the Cultural Ways Aboriginal signage project was an excellent outcome after many years of planning and consultation.
- Implement Public Art Program (page 4) - The recent installation of public in the Ballina Town Centre roundabouts has been generally well received, recognising the divergent views on public art.
- Prepare and implement Disability Inclusion Action Plan (DIAP) (page 5) – Again an excellent project completed during the year.
- Progress provision of indoor sports facility for Ballina (page 7) – A lease document has now been executed for that facility which is a major project milestone.
- Progress Coastal Shared Path (page 8) – The opening of the Angels Beach to Sharpes Beach segment was a significant achievement, which also involved many years of planning.
- Provide recycled water to dual reticulated properties (page 15) – The actual provision of recycled water has taken over ten years in the planning to implement.
- Complete review of Community Strategic Plan (page 19) – This is an important task for a newly elected Council.

In respect to amber or red indicators items of note include:

- Implement East Ballina Cemetery Master Plan (page 6) – This project has been deferred until 2017/18. Unfortunately staff were unable to progress the project during 2016/17

10.7 Delivery Program and Operational Plan - 30 June 2017 Review

- Implement Captain Cook Master Plan (page 7) – This project has also been deferred until 2017/18, as the extended delay in completing the Ballina RSL extensions meant that Council was unable to access the western end of the Park.

Although some tasks have not been completed this financial year nearly all the key tasks, as identified and endorsed by Council in the Operational Plan, have been actioned across the organisation.

In respect to the Service Delivery Targets there are a total of 100 targets, or preferred targets, identified in the Operational Plan and the following two tables provide an overview of how Council is performing against those targets, again on a number and percentage basis.

Service Delivery Targets Overview - By Number of Activities

Group / Status	GM	DEH	Civil	SCF	Total
Green	17	17	22	15	71
Amber	3	5	8	5	21
Red	0	1	7	0	8
Total Tasks	20	23	37	20	100

Service Delivery Targets Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	85	74	59	75	71
Amber	15	22	22	25	21
Red	0	4	19	0	8
Percentage Total	100	100	100	100	100

In respect to these services items of note include the following:

- Commercial Services (Airport) (page 25) – Income and passenger numbers are at record levels, with passenger numbers now over the 500,000 mark.
- Tent Park (page 25) and Visitor Centre (pages 26-27) – Some of these indicators are below the benchmark figures, which appears to be largely attributable to the extended period of wet weather during March to May.
- Capital Projects (Various) – A number of capital projects were incomplete as at 30 June and additional information on this is outlined in the following report in this agenda.
- Volume of Unaccounted Water (page 36) – This percentage has reduced to 15.4% which continues an overall trend of reduction, albeit that the figures are subject to some variability.

Sustainability Considerations

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

- **Economic**
As above.

Legal / Resource / Financial Implications

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

Consultation

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

Options

The report is for noting purposes.

RECOMMENDATION

That Council notes the content of this report in respect to the implementation of the 2016/17 Delivery Program and Operational Plan.

Attachment(s)

1. Delivery Program - 30 June 2017 (Under separate cover)

10.8 Capital Expenditure Program - 30 June 2017 Review

10.8 Capital Expenditure Program - 30 June 2017 Review

Delivery Program Communications

Objective To review the level of capital expenditure delivered during the 2016/17 financial year.

Background

Council has a significant capital expenditure program included in the annual Operational Plan. Due to the scale and magnitude of the program it is important that updates are provided on a regular basis.

The current practice is to provide a comprehensive quarterly status report on all the major capital works included in the Operational Plan.

This status report provides details on key milestone dates, along with a comparison between budget and actual expenditure.

This report is the final report for the 2016/17 financial year.

Key Issues

- Status of works

Information

To assist in understanding the delivery timeframes for the capital works the attachments to this report provide information on the following items:

- Original Budget - represents the budget as per Council's adopted Operational Plan
- Carry Forwards - represents budgets carried forward from the previous financial year that were approved by Council at the August 2016 Ordinary meeting
- Approved Variations - Variations previously approved by Council, either through a Quarterly Budget Review, or a separate report on a particular project.
- Latest Estimate - Sum of the original budget plus the budget changes.
- Expended to Date - Expenditure to 30 June 2017
- % Expended - Percentage of budget expended to 30 June 2017
- Milestone Dates - Represents target dates for the major milestones.
- Status - Allows additional comments to be provided.

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

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

Open Spaces (attachment one)

The major project in this program is the Wollongbar Sports Fields which is nearing completion. Once completed this will deliver an excellent facility for the future population of Wollongbar.

Council has now also confirmed a preferred location for the Wollongbar Skate Park to allow that project to advance.

Waste Management (attachment one)

All projects in this program will be rolled forward to 2017/18.

Operations Support (attachment two)

Ballina Indoor Sports Centre – Lease agreement is now signed with Council in the process of calling tenders for design services.

Ballina Surf Club – Building B – An agreed contractor has now been appointed to allow this project to proceed.

Lennox Head Surf Club Building – Agreement is still to be finalised on a preferred design for the replacement building, with the next step being the lodgement of a development application.

Ballina Marine Rescue Centre – Project complete.

Ballina and Alstonville Swimming Pools – This contract is well underway.

Commercial Services (attachment three)

Terminal Expansion – Planning approval should be forthcoming shortly allowing Council to call tenders for the works.

Water and Wastewater (attachments four and five)

Large number of projects completed, along with a number of incomplete projects to be rolled into the 2017/18 financial year.

Engineering Works (attachment six)

Stormwater

A number of smaller projects have been completed with these projects typically representing stormwater failures.

Urban Roads

Major projects such as the Links Avenue and Skennars Head Road Roundabouts consumed a large part of the Engineering Works resources during 2016/17.

10.8 Capital Expenditure Program - 30 June 2017 Review

Rural Roads

The major project incomplete is the Ross Lane Roundabout with that project to be rolled forward to 2017/18.

Ancillary Transport Services - Shared Paths and Footpaths

Completion of the Angels Beach to Sharpes Beach shared path and the Wardell boardwalk were two major highlights for the year.

Water Transport

Tender for the construction of these projects is being reported to the July Ordinary meeting.

Sustainability Considerations

- **Environment**
Many of the works listed provide positive environmental outcomes
- **Social**
Certain items provide significant social benefits
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

The report provides financial information on the capital works program.

Consultation

This report is presented for public information. Consultation has been undertaken with staff managing the various projects.

Options

As per the following table there was once again an extremely high level of capital expenditure forecast for 2016/17, with a significant amount of expenditure actually incurred at over \$25m. The scale of this works program has meant that a number of projects will be rolled forward to 2017/18.

Details of the actual projects transferred to 2017/18 will be submitted to the August 2017 Ordinary meeting.

Capital Works Summary – 30 June 2017 (\$'000)

Section	Budget (\$)	Expended (\$)	Percentage (%)
Open Spaces	4,817,300	3,828,300	79
Waste	34,000	0	0
DEHG	395,900	0	0
Operations Support	14,211,000	5,596,900	39
Commercial Services	4,374,000	1,883,100	43
Information Services	103,500	66,700	64
Water	2,330,000	1,133,800	49
Wastewater	4,195,400	2,386,700	57
Engineering Works	17,808,100	10,409,200	58
Total	48,269,200	25,304,700	52

This report is primarily for noting and discussion purposes as per the following recommendation.

RECOMMENDATION

That Council notes the contents of this status report on the Capital Expenditure Program for the 2016/17 financial year.

Attachment(s)

1. Capital Expenditure - Open Spaces, Waste and Environmental and Public Health
2. Capital Expenditure - Operations Support
3. Capital Expenditure - Commercial Services and Information Services
4. Capital Expenditure - Water Operations
5. Capital Expenditure - Wastewater Operations
6. Capital Expenditure - Engineering Works

11.1 Fair Go Skateboard Event

11. Civil Services Group Reports

11.1 Fair Go Skateboard Event

Delivery Program Open Spaces and Reserves

Objective To report on the expression of interest to run Fair Go skateboarding event 2017/18

Background

Council has allocated a budget of \$4,000 for the coordination of a youth skateboarding event, which has always been badged Fair Go.

The Fair Go Skateboarding Festival has been operating since 2001, and was initially coordinated by Ballina District and Community Services Association (BDCSA). Council has provided financial support for this event since that time.

In April 2017, Council called for expressions of interest (EOI) for the coordination of the event for 2017 and 2018.

This report examines the only applicant that submitted an EOI for 2017 and 2018, Truckstop Sk8.

Key Issues

- Equitable and transparent allocation of council funding.

Information

Council staff notified the previous applicants by email in May 2017 and called for proposals by June 2017. We received one submission and that is attached to this report.

Eligibility criteria was established and is as follows:

History of organising similar events	Any history of hosting community events
Evidence of Public Liability Insurance	The organiser must hold a minimum \$20,000,000 public liability insurance cover specific to the scheduled event
Event details	Proposed name and anticipated audience numbers
Preferred dates	Must be two events, one in 2017 and one in 2018 and must be held between 1 July and 31 December
Event Program	A draft program of activities is to be provided
Community Partnerships	Plans to leverage the event to strengthen community capacity. Engagement of local organisations in the development of the event program

11.1 Fair Go Skateboard Event

Site Map	A proposed site map is to be provided
Event budget	A draft budget is to be provided
Cost to participate	Indicate whether the event will be free to participate or whether there will be a cost to participate
Sponsorship	Seeking additional sponsorship is a significant factor in determining the final budget and viability of the event. An indication of how the organisation plans to seek sponsorship should be included

Submission from Truckstop Sk8

History of organising similar events	For the past two years Fair Go has been successfully held as part of the Ballina Prawn Festival. They have held other events at Ballina, Nimbin, Suffolk Park, Bangalow, Brunswick Heads and recently at the Love Lennox Festival
Evidence of Public Liability Insurance	Copies provided in conjunction with Australian Skateboarding Community Initiative and Sports Cover
Event details	Fair Go 2017
Preferred dates	Saturday 11 November 2017 and again in November 2018 (date to be confirmed)
Event Program	A draft program of activities provided
Community Partnerships	Plans provided including Australian Skateboarding Community Initiative, Australian Skateboarding Association, Love Lennox Festival, Lennox Head Chamber of Commerce, Ballina Prawn Festival, Ballina Chamber of Commerce, Byron Bay Skateboarding School, Byron Youth Services, Maclean High School, Clarence Valley Council, and the Nimbin Skate Park Committee
Site Map	Missingham Skate Park in conjunction with Ballina Prawn Festival
Event budget	\$9,000 income, \$9,000 expenses
Cost to participate	Free with possibility of small charge depending on entry price to festival
Sponsorship	Seeking \$10,000 in contra prizes and \$5,000 in cash sponsorship

Fair Go has been successfully managed by Truckstop Sk8 for the past two years and they confirm it will be part of the Ballina Prawn Festival again this year.

Fair Go 2017 will be a nationally rated and sanctioned three star event by the Australian Skateboarding Federation (ASF) who has confirmed their support for the event. The ranking points gained by competitors at regional contests go towards the National Championships and then the Continental Championships which is the qualifying event for skateboarding at the Olympics in 2020.

Sustainability Considerations

- **Environment**
Events are managed to limit adverse environmental impacts.
- **Social**
Events provide social benefits to the broader community
- **Economic**
Events make a positive contribution to the local economy.

Legal / Resource / Financial Implications

Pending the resolution of Council, an agreement on financing between Truckstop Sk8 and Council will be prepared. A total of \$4,000 has been allocated in the 2017/18 budget. The expenditure will be subject to an acquittal process each year.

Consultation

In May 2017 an expression of interest document was prepared and promoted via Council's website and local paper and was open for four weeks. This provided Council with one applicant.

Options

Given the track record and prior experience of the existing event coordinators, the first option is to grant the \$4,000 funds to Truckstop Sk8 to organise the 2017 and 2018 Ballina Fair Go Skateboarding events. The benefits include:

- Current experience in organising skating events
- Collaboration and support for an existing festival
- Local business with knowledge of skateboarding industry

Council staff recommend that funding be awarded to Truckstop Sk8 as they addressed all of the criteria.

A second option Council may wish to consider is not to proceed with this funding however this has not been recommended as the \$4,000 allocated does assist with providing a youth focused activity which is always in demand by the community.

RECOMMENDATION

That Council award \$4,000 funding for the 2017 and 2018 Fair Go Skateboarding events to Truckstop Sk8 and that a finance agreement be executed by the General Manager, including an appropriate acquittal process.

Attachment(s)

1. EOI Expression of Interest - Ballina Skateboarding Event - Truckstop Sk8

11.2 Road Maintenance Works on Private Land - Pricing

11.2 Road Maintenance Works on Private Land - Pricing

Delivery Program Engineering Works

Objective Develop a pricing methodology and fee structure as part of Council's Operational Plan to cover the cost of road maintenance works on private land pursuant to the Local Government Act, Section 67

Background

A review of maintenance works by Council on several private carriageways has raised concerns that Council may not be fulfilling its obligations under Section 67 of the Local Government Act (LGA).

This issue was considered by Council at the meeting held 27 April 2017 with information provided in a report entitled "Road Maintenance Works on Private Land" and a further report, "Road Maintenance on Deadmans Creek Road", was considered at the Council meeting held 25 May 2017.

Road maintenance works on private land are commonly associated with provision of a waste collection service.

Where waste collection vehicles are travelling along a private road, Council must ensure the road is maintained to a suitable standard so that our vehicles can manoeuvre safely.

Council has traditionally carried out any necessary maintenance on a fee-free basis.

While this report is focused on road maintenance works associated with waste collection services, other kinds of work on private land, such as those referred to in the Act, may also be subject to the same considerations.

Council already levies an annual charge for properties that receive a domestic waste management service pursuant to *LGA Section 496*. However, this charge does not make provision for any consequential road maintenance works on private land.

The report to the 27 April 2017 Council meeting informed Council of its obligations under the Act when road maintenance work is carried out on private land. Three specific locations were identified: Coolgardie Road, Whytes Lane West and Deadman's Creek Road.

A further report was presented to the 25 May 2017 Council meeting which clarified the Deadmans' Creek Road circumstances.

Council resolved at its 27 April 2017 meeting:

1. *That Council notes the history of providing road maintenance services on private land at Coolgardie, Whytes Lane West and Deadmans' Creek Road as outlined in this report.*

11.2 Road Maintenance Works on Private Land - Pricing

2. *That based on the contents of this report Council confirms that it now considers these arrangements to be an inappropriate use of public monies as they provide a direct benefit to private persons beyond the level of waste collection service provided by Council for all other residents.*
3. *That Council confirms it will terminate its road maintenance service on private land at Coolgardie and Whytes Lane West, and any other locations that are identified in the future, with a twelve month notice period to residents. Affected residents may elect to receive their waste collection service at a suitable location on a public road, or enter an agreement authorising Council to use the private access, maintained at the owner's expense, for the purpose of providing the waste service.*
4. *That Council receive a further report on Deadmans' Creek Road.*

Council then resolved at its 25 May 2017 meeting:

1. *That Council notes the history of providing road maintenance services on private land at Deadmans Creek Road as outlined in this report.*
2. *That based on the contents of this report Council confirms that it now considers these arrangements to be an inappropriate use of public monies as they provide a direct benefit to private persons beyond the level of waste collection service provided by Council for all other residents.*
3. *That Council confirms it will terminate its road maintenance service on private land at Deadmans Creek Road, with a twelve month notice period to residents. Affected residents may elect to receive their waste collection service at a suitable location on a public road, or enter an agreement authorising Council to use the private access, maintained at the owner's expense, for the purpose of providing the waste service.*
4. *That Council develop a pricing methodology and fee structure as part of its Operational Plan to cover the cost of road maintenance works on private land pursuant to the Local Government Act, Section 67.*

The following report addresses this last resolution (item 4), to develop a pricing methodology and fee structure.

Key Issues

- Equity
- Compliance with legal obligations
- Fee structure

Information

LGA Section 67 Private Works states that:

- (1) *A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.*

11.2 Road Maintenance Works on Private Land - Pricing

Note. Examples of the kind of work that a council might carry out under this section include:

- *paving and roadmaking*
- *kerbing and guttering*
- *fencing and ditching*
- *tree planting and tree maintenance*
- *demolition and excavation*
- *land clearing and tree felling*
- *water, sewerage and drainage connections*
- *gas and electricity connections.*

(2) *A council must not carry out work under this section unless:*

(a) *it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15 [i.e. LGA Section 610B], or*

(b) *if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.*

(3) *A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2) (b) in its next annual report.*

(4) *A report of work to which subsection (2) (b) applies must be given to the next meeting of the council after the work is carried out specifying:*

- *the person for whom the work was carried out*
- *the nature of the work*
- *the type and quantity of materials used*
- *the charge made for those materials*
- *the total of the number of hours taken by each person who carried out the work*
- *the total amount charged for carrying out the work (including the charge made for materials)*
- *the reason for carrying out the work.*

In determining a pricing methodology, Council must have regard to LGA Section 610B which states:

(1) *A council may determine a fee to which this Division applies only in accordance with a pricing methodology adopted by the council in its operational plan...*

(2) *However, a council may at any time determine a fee otherwise than in accordance with a pricing methodology adopted by the council in its operational plan, but only if the determination is made by a resolution at an open meeting of the council.*

11.2 Road Maintenance Works on Private Land - Pricing

In determining a pricing methodology and fee structure, the historic average cost to Council over ten years for the maintenance of the three private roads in question, has been examined.

These costs are presented in Table One as follows.

Table One
Cost of maintenance works on private land to facilitate waste collection

Private Road	Cost/M ² /Year (\$)	Road Length (m)	Road Width (m)	Road Area (m ²)	Total Cost/Year	Number of Properties Serviced
Coolgardie Road	\$1.52	830	4.4	3652	\$5,551	6
Deadman's Creek Road	\$1.36	824	4	3296	\$4,483	2
Whytes Lane	\$1.73	150	4	600	\$1,038	4
Average	\$1.54					

The cost of maintenance varies from road to road due to factors such as terrain and drainage works.

Council would require pre-conditions to be met prior to any agreement:

- Council will need to assess the condition of the private road to determine whether it meets the required standard for a waste collection service.

This is to account for the possibility that a considerable amount of work above and beyond the routine annual maintenance work may first be needed to bring it up to that standard. Council would charge a fee to undertake this assessment.

- Works needed to bring the private road up to the requisite standard would then need to be completed to the satisfaction of Council.

Council would charge a one-off fee to undertake these improvement works, which could include formation reconstruction, pavement reconstruction and drainage works.

As Council has historically used these roads a requisite standard is already in place, or only minor improvements would be required.

The cost of annual maintenance works on private roads could be determined using several methods:

- a "road-specific" annual maintenance fee, based on the historic 10-year average maintenance costs per square metre of road, e.g. Deadmans Creek Road = \$1.36/ m²/year as illustrated in Table One;

11.2 Road Maintenance Works on Private Land - Pricing

- a “uniform” annual maintenance fee, based on the average cost of maintaining the three aforementioned private roads, i.e. \$1.54/ m²/year as illustrated in Table One;
- in either of the above cases, Council could consider discounting the fee. This could be to account for damage caused by waste collection vehicles, and/or any savings to Council such as avoiding the need to construct and maintain a new turning circle for waste collection vehicles. However, it would be difficult to make an accurate determination of such extraneous factors.

Rather than a fee, Council can complete requested works, that is required works to maintain the road to a suitable standard on a “do and charge basis”, under Council’s existing Private Works processes.

Several considerations will influence the manner in which total costs are apportioned among individual properties.

Not all properties have the same road frontages. Some properties are farther along the road than others and therefore incur greater usage.

It is possible that not all properties may wish to enter into an agreement with Council; for instance properties closest to the public road might instead elect to take their bins to the public road for pickup.

These considerations illustrate the difficulty in apportioning the maintenance costs to individual properties, albeit simply sharing the cost evenly amongst all property owners may be acceptable as it is the most simple and efficient method.

Perhaps Council should not take on the responsibility of determining the manner in which fees are to be apportioned amongst interested parties (i.e. affected residents and landowners). Once the interested parties have agreed the matter amongst themselves, this can be included in any agreement with Council.

All residents having right of carriageway and all landowners along the private road should give their consent to, and be signatories to, any agreement with Council in order to avoid any conflict.

Consideration should also be given to the length of such an agreement.

The decision to enter into an agreement could be delegated to the General Manager.

Council has a Roads Maintenance and Renewal Policy which establishes the framework for implementing consistent and equitable road management processes throughout Ballina Shire Council.

A review of this policy is warranted in the event that this report’s recommendations are adopted.

Sustainability Considerations

- **Environment**

Council provides a rural waste collection service which occasionally, for safety reasons or because it makes good practical sense, involves waste vehicles travelling along private roads.

- **Social**

Council has a Road Maintenance and Renewal Policy which establishes the framework for implementing consistent and equitable road management processes throughout Ballina Shire Council.

Roads vary in their construction and the environment in which they are required to function. Competing demands for resources across a full range of Council services means that the resources available to undertake new construction work and maintenance activities may not always meet community expectations. Council has adopted a strategic approach to road management that delivers the highest level of service within budget constraints.

- **Economic**

A council must not carry out work on private land pursuant to *LGA Section 67* unless:

- it proposes to charge an approved fee for carrying out the work as determined by the Council pursuant to 610A and 610B] of the Act, or
- it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.

Legal / Resource / Financial Implications

This report highlights instances where road maintenance works, aimed at facilitating a waste collection service, have occurred on private land without regard to the provisions in *LGA Section 67*.

When evaluating the need for a waste collection service involving the use of private land, Council must consider the costs associated with any road maintenance works required to facilitate that service.

Consultation

Any agreed pricing proposal would then involve consultation with the land owners.

Options

1. A “road-specific” fee charged for road maintenance works on private roads, based on the historic 10-year average maintenance costs per square metre of road, e.g. Deadmans Creek Road = \$1.36/ m²/year as illustrated in Table One;
2. A “uniform” fee charged for road maintenance works on private roads, based on the average cost of maintaining the three aforementioned private roads, i.e. \$1.54/ m²/year as illustrated in Table One;
3. No fee is established and Council use its existing private works agreement process to enter “do and charge” agreements with residents on an as required basis.
4. In all of the above cases, Council could consider discounting the fee (or cost of private works). This could be to account for damage caused by waste collection vehicles. It is difficult to make an accurate determination for any apportionment of this damage and if this is the preferred option, Council include in its resolution the amount of subsidy to be offered by Council on a percentage basis.

If the Council's preference is for an option that involves a subsidy it is recommended that Council amend its Council's Roads Maintenance and Renewal Policy to take account of the fact that Council will undertake works on private land pursuant to *LGA Section 67* subject to agreement of interested parties and for a prescribed fee.

On balance Option 3 is recommended for the following reasons.

Firstly, as per the Council's previous resolutions, in the circumstances, it is not appropriate to expend public monies for what is essentially a private benefit.

Secondly, in respect of equity, there are many rural properties fronting public roads which have locations on the public road that are unsafe or unsuitable to receive a waste collection service and alternative arrangements are provided for those residents to access our waste facility.

These arrangements would also be available for the roads that are subject to this report if locating bins on the public road was not practical or preferred.

Thirdly, the existing private works system is considered suitable for this purpose and is preferred to creating a further administrative process in respect of setting fees under either the methodologies suggested in options one and two.

There is an annual reporting requirement in respect of any expenditure of Council funds on private land, which means there is a certain administrative burden on cost to the community to comply with this requirement.

If the Council prefers option one or two, the suggested resolution is;

1. That Council adopts a pricing methodology and fee structure as part of its operational plan for maintenance works on private roads.

11.2 Road Maintenance Works on Private Land - Pricing

2. *For option one*

That Council charges a road specific fee for road maintenance works on private roads, based on the historic 10-year average maintenance costs per square metre of road, as illustrated in Table One of this report.

Or for option two

That Council charges a uniform for road maintenance works on private roads, calculated using the average cost of maintaining private roads over the past 10-years, which is currently rated at \$1.54/m²/year, as per Table One of this report.

3. That Council's Roads Maintenance and Renewal Policy be amended to take account of the fact that Council will undertake works on private land pursuant to *LGA Section 67*, subject to the agreement of interested parties, and at their expense and for the prescribed fee as per point two above.

If option four is the preferred option, the suggested resolution is as follows.

For this resolution the Council needs to select its pricing methodology (as per the resolution drafted above, and insert the level of public subsidy).

1. That Council adopts a pricing methodology and fee structure as part of its operational plan for maintenance works on private roads.

2. *For option one*

That Council charges a road specific fee for road maintenance works on private roads, based on **XX%** of the historic 10-year average maintenance costs per square metre of road as illustrated in Table One of this report.

Or for option two

That Council charges a uniform for road maintenance works on private roads, calculated using **XX%** of the average cost of maintaining private roads over the past 10-years, which is currently rated at \$1.54/m²/year, as per Table One of this report.

3. That Council's Roads Maintenance and Renewal Policy be amended to take account of the fact that Council will undertake works on private land pursuant to *LGA Section 67*, subject to the agreement of interested parties, and at their expense and for the prescribed fee as per point two above.

RECOMMENDATIONS

1. That Council take no further action to develop a pricing methodology and fee structure as part of its Operational Plan to cover the cost of road maintenance works on private land pursuant to the Local Government Act, Section 67.
2. The reason for this decision is our private works arrangements can be offered to residents to maintain private roads, on a full cost recovery basis to Council.
3. The General Manager is authorised to implement the remaining elements of the resolutions of Council made at the 27 April and 25 May 2017 meetings of Council, in respect of giving notice of Council's intention to terminate the maintenance services undertaken on private roads.

Attachment(s)

Nil

11.3 Road Closing - Unformed Public Road - Bartletts Lane

11.3 Road Closing - Unformed Public Road - Bartletts Lane

Delivery Program Asset Management

Objective To determine Council's response to the proposed closing of an unformed Public Road within and adjacent to 197 Bartletts Lane, Meerschaum Vale.

Background

This report is presented to Council to consider closing an unformed Council public road at Meerschaum Vale.

The road reserve is 20.115m wide through the property of 197 Bartletts Lane (Lot 7 DP 1035526) and then is variable in width until it meets the adjoining properties of 573 Wardell Road, Dalwood (Lot 308 DP 7555720) and 217 Bartletts Lane, Meerschaum Vale (Lot 3 DP 128108). The attached site plan shows the location (refer attachment one).

The road is located within the 'Important Population Boundary' identified in the Ballina Shire Koala Management Strategy. The applicant has proposed to revegetate the unformed road to enhance the koala habitat in this area.

Key Issues

- If closed, the land will vest in the Crown and be disposed of to the adjoining land owner(s)

Information

Council has received a request to close an unformed Council public road located within and adjacent to 197 Bartletts Lane, Meerschaum Vale. The road also provides secondary legal access to the properties of 573 Wardell Road, Dalwood and 217 Bartletts Lane, Meerschaum Vale.

This unformed road has not been used for access to the adjacent properties due to the vegetation, topography and small creek located within, and adjacent to, the road reserve.

The road is generally not fenced, apart from where it meets boundaries with adjoining land, and is located within 197 Bartletts Lane and adjacent to 573 Wardell Road, Dalwood and 217 Bartletts Lane, Meerschaum Vale.

The road is located on land within the 'Important Population Boundary' and nearby secondary koala habitat identified in the Ballina Shire Koala Management Strategy.

The applicant has proposed to revegetate the unformed road to enhance the koala habitat in this area. This is the primary reason for making the road closing application.

11.3 Road Closing - Unformed Public Road - Bartletts Lane

The unformed road crosses a flat paddock before entering lower land with a small flowing creek. The creek has steep banks which are partly vegetated with mixed vegetation. The applicant proposes to revegate the road reserve to enhance the koala habitat in this area.

The existence of a road within a property can restrict the possible use of the adjacent land for farming or revegetation opportunities.

If a fenced access track was to be constructed over the road reserve to provide a secondary access to the adjoining properties, the applicant's land would be severed resulting in small odd shaped paddocks.

The road proposed to be closed will not affect the use or functioning of Bartletts Lane.

The public have access rights over the public road, however as the road is unformed, fenced into properties, and crosses a creek gully with steep banks, access is not suitable for the passage of vehicles without significant earthworks.

The unformed road provides legal access from Bartletts Lane to the rear of two adjoining properties. These property owners have not indicated any opposition to the road closure.

Although the road is Council public road, it is unformed and upon closing would vest in the Department of Industry (DPI), Lands and Forestry – Crown Lands (the “Crown”). This is consistent with the provisions of the Roads Act 1993.

The land valuation and negotiated sale terms are matters for the owner and the Crown to resolve if the road is closed.

This road reserve is not required by Council for road improvements or considered necessary for future strategic road use.

Council is the roads authority for this public road and any request to close a section of Council public road must firstly be endorsed by Council and advertised before lodging a road closing application with DPI-Lands.

The road closing application requires the proponent to provide all the necessary information and to meet all costs throughout this process.

Sustainability Considerations

- **Environment**

The road closing and consolidation with the adjacent land would facilitate the better use of the existing land holding. It is proposed the land would form part of a private revegetation project to enhance the koala habitat in this location.

- **Social**

The road is public land and is currently fenced into the adjoining properties. As there is no formed carriageway on this section of road reserve, the public would not be adversely impacted as the functioning and use of Bartletts Lane will remain unchanged.

11.3 Road Closing - Unformed Public Road - Bartletts Lane

The road does provide secondary legal access to the adjoining properties and these property owners would be notified of the road closing proposal during the advertising period, if the application proceeds.

- **Economic**

The recommendation seeks to support efficient land management principles with the road to be closed and consolidated with the adjoining land.

Legal / Resource / Financial Implications

All road closing fees and costs are met by the applicant. The application processing is undertaken by Council and Crown Lands and upon closure the road, as it is unformed, would vest in the Crown.

Any proceeds from the sale of the road will also vest in the Crown. The road is not identified by Council for current or future road projects.

There are no financial or other implications for Council.

Consultation

This road closing request has been lodged with Council as the roads authority for this section of public road.

If Council supports the road closing, Council will undertake the necessary advertising and consultation as part of the road closing process prior to a road closing application being lodged with Crown Lands.

To facilitate the road closing application, the applicant has written to the adjoining property owners advising them of the request to Council for the road closing.

At the time of preparing this report, the applicant has not received any responses from these land owners.

Options

1. Council supports the request for a road closing application to proceed for an unformed public road adjacent to and within 197 Bartletts Lane (Lot 7 DP 1035526) at Meerschaum Vale.

The advantage of this option is it ensures the Council does not have any future liability attached to this unnecessary section of road. It also allows for the road closing application to proceed and, if approved, consolidate the land with the adjoining property. This may well be the most efficient and best use of the land and a preferred outcome for the adjoining landowners.

2. Council opposes the request for a road closing application to proceed for an unformed public road adjacent to and within 197 Bartletts Lane (Lot 7 DP 1035526) at Meerschaum Vale.

11.3 Road Closing - Unformed Public Road - Bartletts Lane

There are minimal, if any, benefits associated with retaining this part of the public road for current or future needs.

RECOMMENDATIONS

1. That Council supports the request for a road closing application to proceed for an unformed public road adjacent to and within 197 Bartletts Lane (Lot 7 DP 1035526) at Meerschaum Vale.
2. That Council authorises the Council seal and signatures to be attached to the road closing application and associated documents for the road closing and disposal of the land.

Attachment(s)

1. Site Plan

11.4 Tender - Design, Construction and Installation of Five pontoons

11.4 Tender - Design, Construction and Installation of Five pontoons

Delivery Program Engineering Works

Objective To finalise the tender for the design, construction and installation of five pontoons, associated with Ballina Shire Council's Boating Now program.

Background

Council is in receipt of a grant allocation from Transport for NSW under the NSW Boating Now program. The NSW Boating Now program has targeted the implementation of maritime infrastructure improvement projects, which were identified in the Tweed-Clarence Valley Regional Boating Plan (2015).

The NSW Boating Now program is being managed by RMS (Maritime) for Transport for NSW and the due date for Council's grant is the end of 2017.

In response to this grant, Council has prepared maritime improvement projects comprising five priority pontoon installation projects. There are also a further two lower priority sites which are currently being finalised, with concept designs recently completed and under review.

Council's delivery of the Boating Now program commenced early 2016 with the award of a contract for services for investigation, concept design and approvals documentation for all of the seven projects.

Haskoning Australia Pty Ltd was awarded this tender and completed draft documentation for the five priority projects at the end of 2016. This included consultation with the Port Ballina Taskforce committee in October 2016.

The concept designs for these five projects is provided as attachment one and is the basis for this tender.

A tender was called during March - April 2017 for the detail design, construction and installation of the five high priority pontoons listed above.

Additionally, Part 5 approval documentation was lodged with Council's Development and Environmental Health Group (DEHG), and applications made with Department of Industry – Lands for additions to our existing Crown Land licences (for public infrastructure occupying Crown Land below MHW).

The Part 5 approvals have now been received from DEHG, however the Crown Land licences are not yet received. Council is in regular contact with the Department of Industry – Lands, and is advised the licences should be issued soon.

This report presents the outcome of the tender process.

11.4 Tender - Design, Construction and Installation of Five Pontoons

Key Issues

- Comply with Local Government (General) Regulation 2005
- Achieve best value for money

Information

The seven NSW Boating Now maritime infrastructure projects are listed in the following table.

NSW Boating Now Program Priorities			Funding Allocation		
Project	Priority	Status	Boating Now	Council Contribution	Project Cost
Investigate boating access Captain Cook Park	High	tender-install floating pontoon off RSL boardwalk	\$250,000	\$50,000	\$300,000
Extend pontoon at Fishery Creek boatramp	High	tender-install floating pontoon next to existing	\$50,000	\$50,000	\$100,000
New pontoon at Faulks Reserve	High	tender-install on-ramp pontoon	\$100,000	\$75,000	\$175,000
Boatramp and pontoon at Keith Hall	High	tender-install on-ramp pontoon (with boatramp and parking by BSC)	\$225,000	\$75,000	\$300,000
Pontoon at East Wardell boatramp	High	tender-install floating pontoon	\$50,000	\$50,000	\$100,000
Upgrade Lennox Head boatramp at North Creek	Low	Preliminary design complete – under review	\$75,000	\$75,000	\$75,000
Upgrade Brunswick St boatramp	Low	Preliminary design complete – under review	\$125,000	\$75,000	\$200,000

As at the closing date of tenders four tender submissions were received from:

- Atlas Marine T/A Superior Jetties
- Bell Rock Marine
- Clement Marine Constructions
- GPM Constructions

The tender assessment criteria comprised mandatory criteria and weighted price criteria.

All tenders were assessed as being conforming tenders and also met the mandatory criteria.

A summary of the evaluation and ranking of the tenders, with pricing information has been provided by separate memorandum to Councillors.

With respect to the Local Procurement Policy (Local & Community assessment) all of the tenderers were ranked equally. All of the tenderers are from outside the region but each of the tenderers identified some use of local contractors and consultants where appropriate and available.

The preferred tenderer from the above assessment is Atlas Marine T/A Superior Jetties.

11.4 Tender - Design, Construction and Installation of Five pontoons

Superior Jetties is a Gold Coast company that undertakes preliminary design, manufacture and installation in-house. Superior Jetties have supplied floating pontoons with concrete decks and aluminium gangways to some of Councils existing installations and which are performing satisfactorily.

It is proposed that for two of the sites, comprising on-ramp pontoons at Faulks Reserve and at Keith Hall, an alternative product known as Ultimate Modular Docking (UMD) system will be used.

This product is supplied as a linked modular system, made of individual rotomoulded polyethylene modules. Although not installed at Ballina previously, this system is used elsewhere for this on-ramp pontoon application.

An image of this system installed at the Gold Coast is provided as attachment two.

Sustainability Considerations

- **Environmental**
Supply and installation of the pontoon structures will follow an approved Environmental Management Plan
- **Social**
The installation of the pontoons will support the outcomes of the Regional Boating Plan which identified the need for improved community access to our waterways.
- **Economic**
The installation of the pontoons will support improved community access to our waterways and potentially add to tourism and boating visitation.

Legal / Resource / Financial Implications

Legal

As noted in the background section of this report there are Crown Land licences to be amended and issued for this new public infrastructure located below MHW. Verbal advice is that these will be issued soon. This is now some seven months since making the application and this remains a concern for meeting delivery of projects which are subject to external funding constraints like the Boating Now program.

However there would appear to be sufficient pre-construction activity required by the contractor to allow for receipt of the Crown Land licences. Licence issues resulted in significant delays for the Wardell Boardwalk project completed recently.

Resources

Supply and installation of pontoons under this tender is by the contractor.

For the Keith Hall site a boatramp is required to be constructed prior to the placement of the on-ramp pontoon.

11.4 Tender - Design, Construction and Installation of Five Pontoons

Council resources will be allocated to this part of the project. However, there will need to be some coordination with respect to pile installation, as the preferred option is for pile installation (by contractor), followed by boatramp construction (by Council), followed by pontoon installation (by contractor).

This has been confirmed as a satisfactory arrangement with the recommended tenderer.

Financial

With respect to the overall NSW Boating Now funding allocation this tender has enabled the five priority projects to be better defined with substantiated pontoon supply and installation costs. Haskoning has also provided estimated costs for their design associated with the boatramp and carpark construction at Keith Hall.

Overall the current estimates for the five priority projects exceed the cumulative Boating Now target costs by approximately \$143,000. It is proposed that some savings will be achieved by reducing the scope of the carpark works at Keith Hall.

This has been supported by feedback from the South Ballina community where the pontoon is considered a priority for boat launching and retrieval, and a lesser carpark arrangement is preferred.

Further savings will be investigated during the current review of the lower priority projects at Brunswick Street and North Creek Road, Lennox Head.

The scope of work identified by Haskoning so far follows the desired boating guidelines, however early feedback indicates that a more low key approach to maritime improvements at these locations could be a preferred option.

RMS Maritime supports this approach and considers the completion of the five high priority projects as important, with a worst-case scenario being the possible completion of Brunswick Street and North Creek Road projects to a design stage only, should further funds be required for the actual improvement works.

Following the receipt of tenders a summary of the proposed Boating Now funding profile, in line with the above discussion, is provided in Table B.

An alternative to this proposed funding profile would be not to install the on-ramp pontoon at Keith Hall (valued at \$100,000) and re-establish the original target project costs for Brunswick Street and North Creek Road projects.

This is not preferred due to the above discussion.

11.4 Tender - Design, Construction and Installation of Five Pontoons

Table B						
Project	Status	Target Cost	Current Estimate	Variance	Proposed Variance	Comment
Investigate boating access Captain Cook Park	RFT924-install floating pontoon off RSL boardwalk	\$300,000	\$136,000	-\$164,000	-\$164,000	Tender received
Extend pontoon at Fishery Creek boatramp	RFT924-install floating pontoon next to existing	\$100,000	\$121,000	+\$21,000	+\$21,000	Tender received
New pontoon at Faulks Reserve	RFT924-install on-ramp pontoon	\$175,000	\$179,000	+\$4,000	+\$4,000	Tender received
Boatramp and pontoon at Keith Hall	RFT924-install on-ramp pontoon (with boatramp and parking by BSC)	\$300,000	\$577,000	+\$277,000	+\$240,000	Tender received - reduce car parking arrangement
Pontoon at East Wardell boatramp	RFT924-install floating pontoon	\$100,000	\$105,000	+\$5,000	+\$5,000	Tender received
Upgrade Lennox Head boatramp at North Creek	Preliminary design complete – under review	\$150,000	\$150,000	0	-\$46,000	Reconsider scope within current investigation and design
Upgrade Brunswick St boatramp	Preliminary design complete – under review	\$200,000	\$200,000	0	-\$60,000	Reconsider scope within current investigation and design
TOTAL		\$1,325,000	\$1,468,000	+\$143,000	0	

It is proposed to proceed with the five high priority projects at this stage, and allow design development and feedback for Brunswick Street and North Creek Road to be finalised to determine if funding variations need to be considered with the remaining Boating Now program.

Consultation

A public tender process was undertaken.

Options

In accordance with Part 7 Clause 178 of the Local Government (General) Regulation 2005, Council must either:

1. *Accept the tender that, having regard to all of the circumstances, appears to be the most advantageous, or*
2. *Decline to accept any of the tenders.*

11.4 Tender - Design, Construction and Installation of Five Pontoons

A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract;*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different;*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract;*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract;*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender; and*
- (f) carry out the requirements of the proposed contract itself.*

Accordingly,

1. Council may award the contract to Atlas Marine T/A Superior Jetties to undertake the design, construction and installation of five pontoons, associated with Ballina Shire Council's Boating Now priority maritime infrastructure program; or
2. Council may determine not to accept any of the tenders received and invite fresh tenders or alternatively enter into negotiations directly with one or more service providers.

Option one is recommended as the preferred option as the tender assessment indicates that a market for this specialised product has been established and that Atlas Marine T/A Superior Jetties is an established service provider.

Option two is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005. The tenders submitted indicate a fair test of the market representing good value to Council.

RECOMMENDATIONS

1. That Council accepts the tender for the design, construction and installation of five pontoons, associated with Ballina Shire Council's Boating Now priority maritime infrastructure program to Atlas Marine T/A Superior Jetties.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council endorses the proposed changes to the program based on the information outlined in Table B of this report. In summary this refers to revising the design standard for the projects at North Creek and Brunswick Street and possibly advances these projects to final design only, if insufficient funds are available to complete the works.

11.4 Tender - Design, Construction and Installation of Five pontoons

Attachment(s)

1. Concept Designs
2. Image - Ultimate Modular Docking (UMD) system

11.5 Tuckombil Quarry - Short Term Lease

11.5 Tuckombil Quarry - Short Term Lease

Delivery Program Operations Support

Objective To consider the expressions of interest for the 12 month lease of the Tuckombil Quarry to remove overburden.

Background

A Council report on the management option for the quarries (28 July 2016), along with a Councillor briefing (held 18 April 2017) discussed the short term operation of the quarries.

With the long term goal of reviewing the options and issues associated with the potential expansion of the quarries, a community engagement strategy is to be developed and implemented to inform further decisions in respect of seeking regulatory approval for such operations.

While this occurs, a short term lease, operating under the current approval could be issued to a qualified operator to remove excess overburden material at Tuckombil Quarry under the control of Council.

A material quantity and quality study indicated that there is up to 300,000m³ of overburden material still remaining on site, within the current extraction limits of the development consent. Material tests indicate that the material can be used as select fill.

Submissions were sought from five companies who had expressed an interest to Council in operating the quarry when Lismore City Council terminated their lease.

The closing date for submissions was 23 June 2017.

This report examines the outcomes of that expression of interest process.

Key Issues

- Engaging a suitably qualified and experienced contractor
- Assessing value for money and the best commercial advantage to Council

Information

The evaluation criteria and weightings were determined in accordance with Council's "Local Procurement Policy" and were noted within the request for proposals as:

Mandatory Criteria

- WHS / Mining Act Management Systems
- Production Manager / Production Permit from Department of Industries
- Insurances
- Experience

11.5 Tuckombil Quarry - Short Term Lease

Weighted Criteria

- Commercial benefit to Council - 60%
- Marketing Production Capability – 25%
- Local & Community - 15%

Submissions were sought from the following companies who had expressed an interest in operating the quarry on behalf of Council since Lismore City Council terminated their lease.

- Hardrock Quarry Resources Pty Ltd
- SEE Civil
- Hazell Bros Qld Pty Ltd
- Boral
- McGeary Brothers

Pricing information has been provided by separate memorandum to Councillors. Only one submission was received. The submission received from Hardrock Quarry Resources provides a commercial advantage to Council based on the assessed market value of the royalty rates proposed to be paid per tonne of overburden sold.

Hardrock Quarry Resources suggested that a rate (per tonne) of overburden material could be negotiated for the supply of fill material to Council projects.

This has the potential to provide commercial benefit to Council works and upcoming projects which require fill material. The Council royalty would not apply in these circumstances.

Under this lease arrangement, the site management and material allocations will remain under the control of Council. The operator would make sales outside of Council, based on direction provided on the resource allocation and priority needs.

This is important as the commercial interests of the operator may not always coincide with the preferred longer term management of the site and Council should retain this level of control.

Essentially this contract becomes a contract to supply plant and equipment suitable for the removal of the overburden, supported by commercial acumen and business linkages to promote interest in the use of the resource.

Sustainability Considerations

- **Environment**
The operator will have the sites Environmental Protection License for the operations occurring on that site transferred to their company. They will be responsible for complying with the conditions of the licence.
- **Social**
Not Applicable

11.5 Tuckombil Quarry - Short Term Lease

- **Economic**

Awarding this lease will allow Council to generate some income from the overburden material which lies within the current extraction limit and position the quarry for an economically sustainable footing for the resumption of hard rock operations at the appropriate time.

The overburden located at Tuckombil is one of the challenges in accessing the valuable rock resource on the site, removing this will assist with future operations.

Following negotiations on a sale rate to Council, there may be cost advantages to Council delivered works and projects where fill material is required.

Legal / Resource / Financial Implications

This agreement will provide a revenue source to Council from the disposal of the overburden, while at the same time Council will be in a position to use the overburden for our own projects.

Consultation

Consultation has occurred with relevant stakeholders within Council regarding lease conditions and potential rates for the supply of material for Council works and projects.

Options

Council can either:

1. Accept the proposal from Hardrock Quarry Resources, allowing for overburden material to be removed from the site at a commercial and operational advantage to Council.
2. Decline to accept any proposal, leaving the remainder of the material located within the current extraction limits on site, or to be removed by directly by Council resources.

Option one is recommended as the preferred option due to volume (up to 300,000m³) of overburden material still remaining on site and the restrictions this places on operations for mining the quality rock remaining on site.

Council will remain in control of the site under this lease, with direction being provided on site management and resource allocation.

The lease is for 12 months with the option, in Council's favour, to extend. With current annual extraction limits in place from the development consent, within this lease period Council could see only up to 150,000m³ of the overburden removed.

Option two is not recommended due to the volume of overburden material that is currently on site within the extraction limits. There are projects within Council, and externally, that require large volumes of fill material.

11.5 Tuckombil Quarry - Short Term Lease

Council does not have the plant resources to provide the material direct to itself or external projects. Therefore Council would have to hire plant and on balance it is more efficient to seek a lease such as the one proposed so that a commercial operator can manage the economic utilisation of plant resources by matching the equipment needed with the demand for these resources and reallocating the same to their other activities when they are not required.

Furthermore, a contractor with a single focus, industry connected and with a commercial imperative to actively market the sale of overburden is considered to be in a better position to drive the desired outcomes when compared to Council's operations.

Finally, Council staff do not currently have the qualifications under the Department of Industries to access this material ourselves, it is preferred to engage these competencies to work under our direction. We are making applications for staff to be approved to supervise this site to broaden our future options. There are however sufficient experienced staff to manage the oversight of this lease.

RECOMMENDATIONS

1. That Council authorises the General Manager to execute a lease with Hardrock Quarry Resources Pty Ltd for the lease of Tuckombil Quarry for the purpose of removing overburden as per the information section of this report.
2. That Council receive a further report for the purposes of reviewing the outcomes achieved from this lease period to assess whether or not the option to extend the lease referred to in point one above should, or should not, be offered to the contractor.

Attachment(s)

Nil

11.6 Contract Dispute - Swimming Pool Redevelopment

11.6 Contract Dispute - Swimming Pool Redevelopment

Delivery Program Operations Support

Objective To update Council in regards to a contract dispute.

Background

At the November 2016 meeting, Council resolved to set a project budget of \$14 million for the redevelopment of the Ballina and Alstonville Swimming Pools.

The contract was issued based on the concept designs and tender documents developed by Ridgemill Pty.

The contract was awarded to Woollam Constructions for the design and construction of both the Ballina and Alstonville Swimming Pools. The lump sum contract value for the delivery of the two facilities is \$13.7 million.

Demolition of the old infrastructure has been completed, design works are being finalised, with earthworks and construction activities for the new facilities currently underway at both sites.

Two matters have arisen, whereby the contractor is claiming that additional costs have occurred outside of their contract.

The purpose of this report is to provide Council with an overview of the dispute, with the confidential report later in this agenda providing details of the dispute.

Key Issues

- Dispute resolution
- Financial implication

Information

As these matters may be the subject of a formal dispute resolution processes, including potential litigation, the information presented to Council has been provided in the confidential section of the agenda. No further information can be made available for the public section at this point in time.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**

11.6 Contract Dispute - Swimming Pool Redevelopment

The claim being sought by the contractor, if successful, would result in the project exceeding the allocated budget.

Legal / Resource / Financial Implications

This matter may involve potential litigation and accordingly there is a risk of cost exposure to Council. At this point in time, the parties are consulting with each other in an attempt to reach a fair resolution.

Consultation

Consultation between the parties is currently underway.

Options

This report is for information only.

RECOMMENDATION

That Council notes the contents of this report regarding the contract dispute in relation to the Ballina and Alstonville Swimming Pool Redevelopment.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 Notice of Motion - Beach and River Debris

13. Notices of Motion

13.1 Notice of Motion - Beach and River Debris

Councillor

Cr Cadwallader

I move

1. That Council develop a policy that determines the level of service that Council will provide in respect to clean up works related to the removal of major flood debris from our high profile beach and river locations to improve the amenity for our residents and visitors.
2. That the report back to Council identifies the level of funding that will need to be provided on an annual basis to support this policy, along with options to finance this funding.
3. That this report be submitted back to Council at the latest by the October 2017 Ordinary meeting to ensure that Council is in a position to determine whether it wishes to undertake works related to this policy prior to the Christmas / New Year holidays.
4. That Council also undertake a one-off clean up within the next 30 days of the Lighthouse Beach, Shelly Beach, Spit and Serpentine areas to remove any major flood and storm debris due to the current poor state of those areas. The estimated cost of this service, which is currently unknown, but is not likely to be significant, is to be offset by savings in other recurrent budgets, with the General Manager authorised to make those savings where necessary.

Councillor Comment

It is accepted that Council needs to balance our limited resources against the level of service we provide to the community. It is also acknowledged that Council did resolve many years ago not to provide a regular beach cleaning service. There is also a risk in that removing flood debris that further debris may continue to arrive or another weather event.

This is why it is important we have a policy that clarifies Council's level of service which can then be communicated to the community. We have all been approached by people wanting us to provide this service based on the current condition of our beaches and a policy will help Councillors and staff answer the questions we receive.

We do need to provide some level of service in respect to removing excess debris, as our beaches and foreshore areas are a major attraction for residents and tourists.

13.1 Notice of Motion - Beach and River Debris

In respect to point four, based on the current state of the locations mentioned, it is appropriate to provide this one-off service. Point four authorises the General Manager to make savings in other service areas to fund this one-off cost. Those savings would be reported to Council as part of the September quarterly review of our finances.

Staff Comment

The level of service delivered by Council, and the allocation of funding resources to support desired service levels are matters for the elected Council to determine. In this case, the relevant level of service relates to amenity and amenity in general is considered a matter of opinion, meaning it is therefore difficult for staff to provide professional advice. Therefore the following brief comments are presented by way of background to assist the Council reach a position in response to the above notice of motion.

The Council's current level of service, determined by resolution many years ago, is to clear debris that is considered a risk to public health and safety. In response to the recent weather events, staff have been regularly inspecting our beaches and undertaking the ongoing collection of debris in locations that may potentially cause a risk issue for beach users and swimmers. This mainly involves removal of debris in the surf zone.

The costs of cleaning up flood debris on beaches is not a cost we can seek reimbursement for from the Federal or NSW Governments under the Natural Disaster Relief and Recovery Arrangements. In considering costs, Council will need to balance the objective of the amenity improvements against the risk that the expenditure can be inefficient as the areas, once they are cleaned, can be exposed again to more debris immediately or soon after if a second or third event occurs. For example, this was the case recently when other storm events followed the flooding associated with Cyclone Debbie. It is our experience that the beaches return to a reasonable condition relatively quickly, and we can intervene where this is too slow and a problem is arising. Also the clean-up can interfere, to a certain extent, with natural processes as tree debris is a source of habitat for some fauna in the coastal dunes and the flood events are a source of replenishment for this.

COUNCILLOR RECOMMENDATIONS

1. That Council develop a policy that determines the level of service that Council will provide in respect to clean up works related to the removal of major flood debris from our high profile beach and river locations to improve the amenity for our residents and visitors.
2. That the report back to Council identifies the level of funding that will need to be provided on an annual basis to support this policy, along with options to finance this funding.
3. That this report be submitted back to Council at the latest by the October 2017 Ordinary meeting to ensure that Council is in a position to determine whether it wishes to undertake works related to this policy prior to the Christmas / New Year holidays.
4. That Council also undertake a one-off clean up within the next 30 days of the Lighthouse Beach, Shelly Beach, Spit and Serpentine areas to remove any major flood and storm debris due to the current poor state of those areas. The estimated cost of this service, which is currently unknown, but is not likely to be significant, is to be offset by savings in other recurrent budgets, with the General Manager authorised to make those savings where necessary.

Attachment(s)

Nil

13.2 Notice of Motion - Iron Peg

13.2 Notice of Motion - Iron Peg

Councillor

Cr Cadwallader

I move

That Council seek advice from the relevant Government agencies on the merits and approval process needed to replace the Iron Peg at the Boulder Beach Car Park.

Councillor Comment

I have been approached by Pat Cawley, Co-ordinator, Skennars' Head Coast Care, regarding the future of what is known as the Iron Peg at Rocky Point. Pat's father, Bern Cawley cemented the existing iron bar into the rocks in 1956. Pat's cousin, Frank Cawley welded a handle to the side of it so fishermen could tie themselves or their gear to it as protection from unexpected waves. The iron bar was a corner post from some type of rail freight car that had been lying around the Norco butter factory.

Unfortunately the Iron Peg is quickly eroding away and Pat is seeking Council's support to have it replaced. It has become a local 'icon' and is marked on topographical maps. Older members of the Cawley family had installed 'pegs' before 1956, when they had holiday shacks there in the early 1900s. Pat recognises there may be cultural issues involved in replacing the Iron Peg, however it is an important part of the recent history of the area and as well as being replaced it could possibly be identified by signs when the coastal walking track is reconstructed.

Staff Comment

If this motion is successful issues that will need to be canvassed include:

- a) whether Council, or Council as the Reserve Trust Manager, has any responsibility for this location as it may well be outside of Council's direct control
- b) whether the State Government would support the reinstatement of the Iron Peg as there has been a large amount of media from State Government Agencies in respect to the dangers related to rock fishing. It is likely that the reinstallation would need a formal risk assessment to determine whether it is appropriate to replace the existing structure.

COUNCILLOR RECOMMENDATION

That Council seek advice from the relevant Government agencies on the merits and approval process needed to replace the Iron Peg at the Boulder Beach Car Park.

Attachment(s)

Nil

13.3 Notice of Motion - Waste Charges - Community Halls

13.3 Notice of Motion - Waste Charges - Community Halls

Councillor

Cr Johnston

I move

That Council amend the Donations - Rates and Charges policy to also include the annual waste collection charges in the donations provided to public halls, with a maximum of one annual charge donated per hall per annum.

Councillor Comment

Prior to Council's adoption of a policy to place stickers on bins in rural zones there were inconsistencies between halls being charged for waste collection and those that were overlooked.

This motion is put to provide consistency and to limit the outgoing costs that must be met by the halls. All members are voluntary and, indeed, most hall associations collect a small annual membership fee. Council does from time to time provide financial assistance for certain works and improvements to the halls and it is suggested that the removal of this charge would further assist in their perpetual quest to remain viable. The annual cost for the two bin service is slightly more than five hundred dollars.

It should be noted that hall usage is erratic and there are many weeks when there is little or nothing in the bins. When the halls are hired for large events such as weddings it is generally part of the agreement that the hirers remove all excess waste.

Staff Comment

The Donations – Rates and Charges policy, a copy of which is included in the earlier report in this agenda in respect to the annual donation of rates and charges, outlines the different levels of donation Council will provide to a range of community based organisations.

As per that policy, Public Halls are donated 100% of the rates, water access, wastewater (sewer) access, stormwater and on-site septic charges. The Hall Committees are then responsible for any water usage, sewer usage and waste charges.

The logic behind this approach is that Council donates annual charges where the Hall Committee has no direct management or influence over the level of that charge, whereas items that can be managed such as water consumption, sewer usage (which is based on water consumption) and waste are then the responsibility of the Committee.

This is actually demonstrated by the waste charges levied on the various halls listed in the policy, with some electing to pay waste charges and others directly managing their own waste, as per the following table.

13.3 Notice of Motion - Waste Charges - Community Halls

2017/18 Hall Waste Charges

Hall	Current Waste Services	Charge	Ownership
Lennox Head Hall	2 x waste and 2 x recycling	1,040	Crown
Meerschaum Vale Hall	1 x waste and 1 x recycling	520	Crown
McLeans Ridges Hall	no service	0	Incorporated
Newrybar Hall	no service	0	Council
Northlakes Community Hall	1 x waste	348	Council
Pearces Creek Hall	no service	0	Incorporated
Pimlico Hall	No service	0	Council
Rous Mill Hall	1 x waste and 1 x recycling	520	Incorporated
Tintenbar School of Arts	no service	0	Crown
Wardell War Memorial Hall	no service	0	Council
Wigmore Hall	no service	0	Council
Wollongbar Hall	no service	0	Council
Alstonville RSL Sub-Branch Hall	1 x waste and 1 x recycling	520	Incorporated

Public Halls are categorised for rating purposes as business (i.e. they are not residential and not farmland), which means they only pay a waste collection charge if they elect to have the service. Residential and farmland (with a dwelling) properties automatically pay the domestic waste management annual charge, whether they elect to have the service or not.

Council undertook an extensive audit of the waste collection service in rural areas during 2016, as it had become apparent that some property owners were putting out garbage bins (or multiple bins) for their properties, however they were not actually paying for the service provided.

This audit resulted in the re-introduction of waste collection stickers in the rural areas to ensure that the waste truck drivers are easily able to identify which properties are eligible for collection. Rous Mill Hall was one of the properties identified that was receiving the service, for which they were not paying.

The current Donations – Rates and Charges policy works reasonably well as it places the onus on Hall Committees to actively manage costs that they can control. This is demonstrated by the number of Hall Committees electing not to have a waste charge.

If Council elects to donate the waste charge there is no value placed on that service and the incentive for Committees to manage their own waste is removed. Council's overall waste strategy is based on encouraging people to manage their own waste (i.e. recycling etc). This may also result in a number of the other Hall Committees electing to receive the waste collection service.

The Hall Committees provide an important community service, which is why Council donates all the rates and annual charges for water access, wastewater access and on-site septic, as well as allowing the Committees to retain all the monies they collect.

COUNCILLOR RECOMMENDATION

That Council amend the Donations - Rates and Charges policy to also include the annual waste collection charges in the donations provided to public halls, with a maximum of one annual charge donated per hall per annum.

Attachment(s)

Nil

13.4 Notice of Motion - Single Use Plastic Bags

13.4 Notice of Motion - Single Use Plastic Bags

Councillor Cr Williams

I move:

1. That Council write to the LGNSW, the Premier, the relevant Minister and our local members, asking that the NSW State Government introduce legislation to ban single use, plastic shopping bags, to a level at least consistent with other State Governments such as South Australia, Tasmania and Western Australia.
2. That Council actively promote and encourage the minimisation of the use of single use plastic bags through the Community Connect publication.

Councillor Comment

Australia currently uses 4 billion single use, plastic shopping bags per year.

The impact on oceans and wildlife is devastating, with marine plastic debris considered a key threatening process for sea turtles, seabirds and marine mammals.

The ABC TV Series, War on Waste, recently highlighted the difficulties in recycling plastic bags in Australia and demonstrated that the vast bulk of bags end up in landfill. At a huge cost to our community.

On 14 July 2017, Woolworths and Coles announced a voluntary phase out of single-use bags to be completed within the next year. This means the two greatest obstacles to the introduction of a ban have now been surmounted.

Council has previously supported resolutions to reduce or eliminate single use, plastic shopping bags.

COUNCILLOR RECOMMENDATIONS

1. That Council write to the LGNSW, the Premier, the relevant Minister and our local members, asking that the NSW State Government introduce legislation to ban single use, plastic shopping bags, to a level at least consistent with other State Governments such as South Australia, Tasmania and Western Australia.
2. That Council actively promote and encourage the minimisation of the use of single use plastic bags through the Community Connect publication.

Attachment(s)

Nil

13.5 Notice of Motion - No Advertising Material Stickers

13.5 Notice of Motion - No Advertising Material Stickers

Councillor

Cr Willis

I move

That Council receive a report on the benefits and costs of providing No Advertising Material stickers to residences throughout the Shire as part of our overall waste minimisation strategy.

Councillor Comment

Every week households in our Shire receive approximately 2kg of advertising materials in each household letterbox. As much of this material ultimately makes its way into the Council waste management services, it is incumbent upon Council to give ongoing consideration to approaches which may be taken by our Council (including the distribution of No Advertising Material stickers) to reduce this waste burden.

Staff Comment

Results from our recent compositional waste audit indicate that our household paper and cardboard recycling rate is 90% which places this product near the maximum recovery rate.

The cost / benefits of this exercise would need to be carefully considered as residents who do not wish to receive such material often already place a sign on their letterbox.

Another consequence of this potential initiative is that it could provide a barrier in the delivery of Council educational programs. A recent example is the delivery of a resource recovery satchel to all Shire residents, where a significant number of residents missed out due to existing no junk mail stickers.

COUNCILLOR RECOMMENDATION

That Council receive a report on the benefits and costs of providing No Advertising Material stickers to residences throughout the Shire as part of our overall waste minimisation strategy.

Attachment(s)

Nil

13.6 Notice of Motion - General Manager's Performance Review

13.6 Notice of Motion - General Manager's Performance Review

Councillor

Cr Parry

I move

1. That an independent 360 degree performance review be implemented by the Council to determine in a transparent, fair and equitable manner the performance of the General Manager on an annual basis. The review should be independently undertaken and overseen by a review panel comprising the Mayor, the Deputy Mayor and at least two other Council members, ensuring that there is gender balance. The panel should also include a mayor from another Council to provide peer input to the review panel. The review panel, to be approved by the Council, must represent a sufficient skill set to ensure a fair evaluation of the General Manager's performance can be made, to the best of the current Council's assessment. The review panel shall make a report on the GM's performance to the full Council in confidence, whereby a decision and feedback shall be agreed and provided in confidence to the GM.
2. That the General Manager be asked to consider the implementation of regular, independent 360 degree performance evaluations for all senior Council staff at least once per each Council term, and that he also be asked to consider seeking the approval of the Council for such reviews. The General Manager should also be asked to consider ensuring that Performance Criteria for all senior staff, including that of the General Manager, be reviewed by the Council following each round of performance reviews.

Councillor Comment

I believe that Council members carry a considerable burden of responsibility to our community, and that a large element of that responsibility concerns the requirement for us all to be seen as ensuring that the performance review processes of senior staff, and particularly that of the General Manager, be fully transparent and fair, and equitable as far as the current constituent Council can facilitate.

I see no reason why this Notice of Motion might not be decided at the forthcoming meeting of Council in July. After all, the influence of the Mayor and the Deputy Mayor are assured within the motion. If either should have some particular concern, a rescission motion is within their power to invoke.

Please know that this issue is a matter of principle, not a matter of concern about any persons or even the performance of Council staff in any way. I believe it is necessary for the shire community to know that their custodians are subject to transparent, fair and equitable assessment, and that they should be so informed following the aforementioned rounds of performance reviews are held.

COUNCILLOR RECOMMENDATIONS

1. That an independent 360 degree performance review be implemented by the Council to determine in a transparent, fair and equitable manner the performance of the General Manager on an annual basis. The review should be independently undertaken and overseen by a review panel comprising the Mayor, the Deputy Mayor and at least two other Council members, ensuring that there is gender balance. The panel should also include a mayor from another Council to provide peer input to the review panel. The review panel, to be approved by the Council, must represent a sufficient skill set to ensure a fair evaluation of the General Manager's performance can be made, to the best of the current Council's assessment. The review panel shall make a report on the GM's performance to the full Council in confidence, whereby a decision and feedback shall be agreed and provided in confidence to the GM.

2. That the General Manager be asked to consider the implementation of a regular, independent 360 degree performance evaluations be instituted for all senior Council staff at least once per each Council term, and that he also be asked to consider seeking the approval of the Council for such reviews. The General Manager should also be asked to consider ensuring that Performance Criteria for all senior staff, including that of the General Manager, be reviewed by the Council following each round of performance reviews.

Attachment(s)

Nil

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities since the June 2017 Ordinary meeting:

<u>Date</u>	<u>Function</u>
18/6/17	Boules Artistes Ballina
24/6/17	Car Display – Barlow's De Havilland Drive
24/6/17	Uniting Church Market Morning
25/6/17	Commemoration Park Markets
27/6/17	Meeting re Lennox Head Skate Ramp
27/6/17	Meeting re Marina
28/6/17	Meeting RSL – Paddy Bugden Centenary
28/6/17	Wardell Progress Association
29/6/17	Gallery Launch – NAIDOC
1/7/17	Missingham Markets
1/7/17	Yardalalairla (Singing) Day at Missingham Amphitheatre
2/7/17	Commemoration Park Markets
2/7/17	Ballina Food and Wine Fair Opening
2/7/17	NAIDOC Gallery Group Show – Deputy Mayor
3/7/17	NAIDOC Celebrations
3/7/17	Meeting Col Gradwell - Lennox Head
4/7/17	Meeting - Prospect Lake
4/7/17	Alstonville/Wollongbar Chamber Meeting – Impress Blinds
5/7/17	Morning Tea - Farewell to Airport Manager and Mr Gordon
5/7/17	Tursa NAIDOC Morning Tea
5/7/17	Alstonville Rotary Changeover
7/7/17	Opening - Ballina RSL Club Level One
7/7/17	Meeting – Paradise FM
7/7/17	Skullcandy Oz Grom
7/7/17	Meeting Australian Associated Press
7/7/17	General Manager Performance Review
8/7/17	Skullcandy Oz Grom
9/7/17	Commemoration Park Markets
9/7/17	Lennox Head Markets
9/7/17	Skullcandy Oz Grom
9/7/17	LEBA Sponsors' Lunch
10/7/17	Skullcandy Oz Grom
10/7/17	Shark Mitigation – 7.30 Report
11/7/17	Church Group
11/7/17	Tuckean Steering Committee – Welcome
11/7/17	Paradise FM - Recording
11/7/17	Skullcandy Oz Grom
11/7/17	'A' Ward Committee
11/7/17	Lennox Head/East Ballina Lions Club Changeover

15.1 Mayoral Meetings

12/7/17	Skullcandy Oz Grom Competition and Presentation
12/7/17	Donations Committee
13/7/17	'C' Ward Committee
13/7/17	WAR Rugby Dinner
14/7/17	Permanent Firefighters For Ballina Meeting
14/7/17	Briefing – Seabreeze Caravan Park Legal Proceedings
16/7/17	Commemoration Park Markets
16/7/17	Ballina Markets
17/7/17	'B' Ward Committee
18/7/17	Hospital Auxiliary Annual General Meeting
18/7/17	Briefing - Significant Tree Register
18/7/17	Briefing – Community Halls Review
19/7/17	Briefing – Mobile Vending on Public Property
19/7/17	Dr Lindsay Taylor – Code of Conduct
19/7/17	Region for Refugees Vigil – Missingham Amphitheatre
20/7/17	Meeting – 'Dunes' Proposal
20/7/17	Northern JRPP – Ballina Byron Gateway Airport Extensions
22/7/17	Coral Sea Dreaming – Book Launch - Fenwick Room - Ramada
22/7/17	Alstonville/Wollongbar Chamber Awards
24/7/17	Meeting Ben Franklin and Gladys Berejiklian – Ballina Bears
26/7/17	Wild Dog Meeting – Alstonville Sports Club – Cr Eoin Johnston
28/7/17	Alstonville Anglican Church – Welcome – Cr Eoin Johnston

RECOMMENDATION

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

Attachment(s)

Nil

16. Confidential Session

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

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

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

16.1 Contract Dispute - Swimming Pool Redevelopment (Confidential)

Refer to Item 11.6 of this agenda.

RECOMMENDATION

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

16.1 Contract Dispute - Swimming Pool Redevelopment (Confidential)

Reason for Confidentiality

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

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as this matter involves formal dispute resolution proceedings.