



## 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 26 July 2018 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**

- (a) 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. Deputations will be limited to a maximum of two items on the agenda per person.

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.

Deputations on the same matter will be listed together with the opposition first and the speaker in affirmation second.

- (b) Members of the public are advised that 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.
- (c) 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.
- (d) To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
- Tenderers during a public tender or request for quotation
  - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
  - Consultants who are engaged by Council on the matter the subject of 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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**DISCLAIMER ©NSW Spatial Services 2017. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.**

1. Australian National Anthem
  2. Acknowledgement of Country
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  6. Deputations
  7. Mayoral Minutes
- 

**1. Australian National Anthem**

The National Anthem will be performed by Councillors and staff.

**2. Acknowledgement of Country**

In opening the meeting the Mayor provided an Acknowledgement of Country.

**3. Apologies**

An apology has been received from Cr Ben Smith.

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 June 2018 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 4 July 2018 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 28 June 2018.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Wednesday 4 July 2018.

**5. Declarations of Interest and Reportable Political Donations**

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## 8.1 DA 2016/744 - 64 Allens Parade - Modification to Consent

### 8. Development and Environmental Health Group Reports

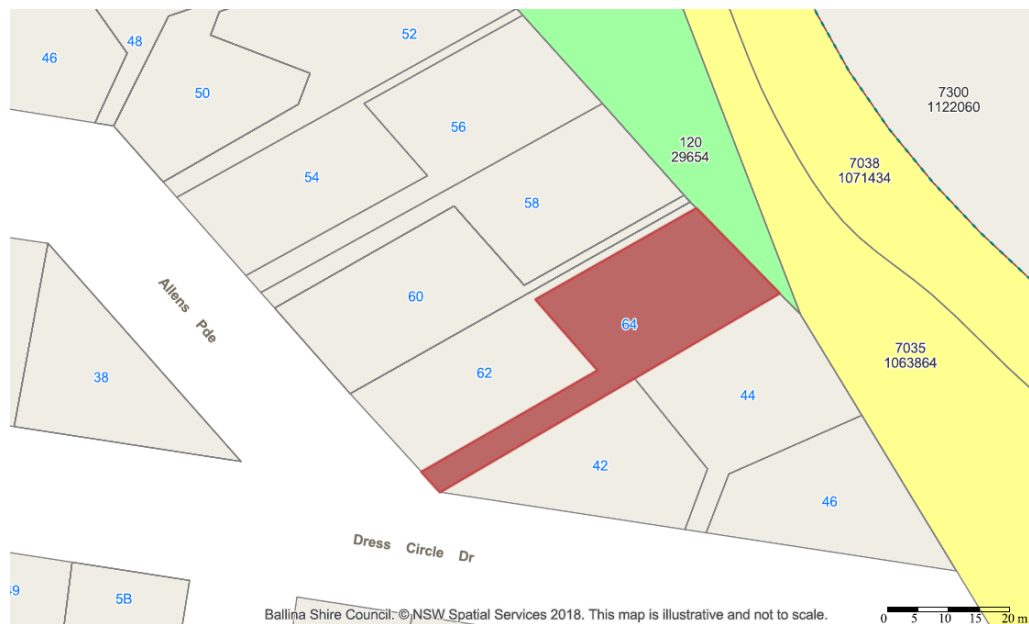
#### 8.1 DA 2016/744 - 64 Allens Parade - Modification to Consent

<b>Applicant</b>	Ardill Payne & Partners
<b>Property</b>	Lot 61 DP 29654, 64 Allens Parade, Lennox Head
<b>Proposal</b>	Two storey dwelling with basement car parking, swimming pool and removal of 2 Cook Island Pine trees
<b>Effect of Planning Instrument</b>	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted in the plans below.

#### Introduction

Council is in receipt of an application to modify the subject development consent under Section 4.55 of the Environmental Planning & Assessment Act.

Figures 1 and 2 show the location of the land, being Lot 61 DP 29654, No. 64 Allens Parade Lennox Head. Photos 1, 2 and 3 provide site context relative to adjoining residences.



**Figure 1: Site locality plan (cadastral boundaries) – 64 Allens Parade**

Access to the dwelling house site at 64 Allens Parade is via an access handle off Allens Parade, between 62 Allens Parade and 42 Dress Circle Drive. Access handles connecting 60 and 62 Allens Parade run along the northern boundary of the subject land.

## 8.1 DA 2016/744 - 64 Allens Parade - Modification to Consent



Figure 2: Site locality plan (aerial photography) – 64 Allens Parade marked by yellow dot

### Photo Key

Photo 1: 42 Dress Circle Drive looking south across the subject land.

Photo 2: 44 Dress Circle Drive looking south across the subject land.

Photo 3: 62 Allens Parade looking west across the subject land.

### Photo 1



### Photo 2



### Photo 3



The original development application was neighbour notified with 15 submissions received in objection to the development.

Multiple submissions were received from some properties with many submissions raising similar concerns.

## **8.1 DA 2016/744 - 64 Allens Parade - Modification to Consent**

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Consent was granted by the elected Council on 6 April 2017 for the dwelling comprising two residential storeys above ground with basement car parking and associated vehicular access, a swimming pool and removal of two Cook Island Pine trees.

In approving the development a number of conditions were imposed to address some of the matters raised in the submissions.

These included:

1. Provision of hydraulic details and certification for the collection and disposal of all upstream surface water;
2. Internal driveway grades to comply with the relevant Australian Standard and be certified;
3. Provision of dilapidation reports detailing the current condition of the adjoining buildings;
4. Piling and structural design to take into account any potential forces attributed to wave action;
5. Provision of certification confirming that the design will allow ocean inundation to dissipate without affecting adjoining properties;
6. Protection and support of the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any damage;
7. Provision of certification verifying the placement of piles and adequacy of the bearing capacity;
8. Driven piling methods not being permitted;
9. Adequate cover to the existing sewer line being confirmed and any additional protection measures be carried out at the developer's expense; and
10. Developer responsibility for the rectification of any damage caused as a result of the works associated with the development.

Items one to five above were conditioned to be provided prior to the issue of a Construction Certificate. The owner has engaged the services of a Private Certifier to issue the Construction Certificate and act as the Principal Certifying Authority (PCA) for the development

Prior to the issue of the Construction Certificate by the Private Certifier, the driveway design grades were certified by the engineer as being compliant and clear of the sewer main.

The Private Certifier issued the Construction Certificate and work subsequently commenced, with the sewer works being completed and the driveway substantially commenced.



The applicant has now lodged this modification application predominantly to raise the floor level of the basement in order to achieve the required driveway grades to the basement car parking area.

The purpose of this report is to seek the Council's determination of the modification application.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Public Exhibition**

The proposed modification as lodged on 11 May 2018 proposed to raise the overall height of the building by up to 1,220mm. These documents were notified in accordance with the Level One – Targeted Notification process as outlined in Chapter 1 of Ballina Shire Development Control Plan 2012 (DCP).

The 14 day notification period ended on 1 June 2018 with 12 submissions of objection being received.

Also on 1 June 2018, the applicant lodged amended plans with the basement entrance moved eastward and changes to the floor levels to reduce the overall building height. These plans now propose to raise the overall height of the building by up to 860mm.

The amended plans were re-notified with the notification period ending on 27 June 2018 with five submissions in objection being received.

Many of the submissions are similar with the issues raised being summarised as below:

1. Additional height adds to building envelope contraventions
2. Increased overshadowing, overlooking and privacy
3. Setbacks to boundaries
4. Dilapidation reports not being obtained
5. Depth of sewer main not previously considered
6. Basement roof level 1450mm above ground level
7. Basement not within building footprint
8. Construction issues with site fencing, tree removal, inconsistent levels

Attachment 1 contains the plans for the currently approved development. Attachment 2 contains the current plan set for the proposed amendment.

Copies of the submissions received in response to both notification periods are contained in Attachments 3 and 4.

Copies of the initially lodged modification plans and subsequently amended plans are contained in Attachments 5 and 6 for reference.

The confidential submissions are also attached with personal and identifying information being removed.

### **Applicable Planning Instruments**

The relevant instruments and plans are as follows (being the instruments that were in force at the time of the lodgment of the original development application):

- State Environmental Planning Policy No.71 Coastal Protection (SEPP 71)
- NSW Coastal Policy 1997
- Ballina Local Environmental Plan (BLEP) 2012
- Ballina Shire Council Development Control Plan 2012

### **Report**

The subject single dwelling development, as amended, is permissible with consent in the R3 Medium Density Residential zone of the BLEP. The construction of a Dual Occupancy development is also permissible on this land.

The April 2017 approved plans for the dwelling are contained in Attachment 1. The amended plans the subject of the modification application are contained in Attachment 2.

The floor space ratio has been scaled from the plans at 0.48:1 which is less than the Development Standard of 0.5:1. The overall height of the modified building (at its highest point being 7.9m above existing ground level) remains within the permissible building height standard of 8.5m.

The key issues associated with the revised building design relate to the encroachments into the building height plane (as established under the Ballina Shire DCP 2012) and associated impacts. An important consideration in this regard is whether the changes proposed create a sufficient type or level of impact that is unacceptable, noting that there is an existing approval in place for a similar dwelling on the land.

With regard to the sensitive coastal location, the proposed modifications are such that it is considered they will not have any additional unreasonable impact on public access, amenity or the natural environment.

### **Assessment of Submissions**

#### **1. Height and building envelopes**

The submitted plans show an increase in overall height of the building by 590mm at the former roof ridge line and 860mm at the eastern fascia line. The main area where the roof height has been increased is on the eastern side as the roof has been pitched to slope in the one direction in lieu of both directions as originally approved.

In reaching this height, the floor levels have been increased as below:

Basement	200mm higher than approved
Ground floor	100mm higher than approved
First floor	350mm higher than approved
Roof level (at western fascia)	204mm higher than approved
Roof level (at eastern fascia)	860mm higher than approved

The applicant has stated that as well as increasing the height of the basement floor to provide clearance to the sewer main, other floor levels have been increased to improve the amenity and function of the dwelling.

A small portion of the ground floor has been raised by two steps into an ensuite bathroom to provide for head clearance over the basement door.

The minimum required floor to ceiling height for a bathroom is 2100mm.

Therefore the increase in the level of the first floor by 350mm and subsequent floor to ceiling height increase by 240mm could be viewed as being disproportionate and unnecessary as a result of the raising of the basement floor for access clearance purposes.

If this ground floor ceiling height was to remain at the same as the approved floor to ceiling height, the overall roof height could be reduced to be no higher than approved at the western fascia and 620mm higher at the eastern fascia.

The increases to the internal floor levels and floor to ceiling heights are relevant in that they contribute to the increase in the overall height of the dwelling and the associated implications relating to the building envelope.

There are departures from the DCP Building Envelope provisions to the north west, south west and south east elevations which were also assessed under the original approval.

The proposed modifications to the plans are considered to have no significant additional impacts on the building envelope departures in respect to overshadowing, privacy, scale and bulk issues.

That is, although the overall height of the building is proposed to be increased, the associated impacts of this are not considered to be significantly different from the impacts identified in relation to the originally approved dwelling house.

As noted in the original assessment, due to minimum floor levels being set for potential coastal inundation purposes, in instances such as this, the building envelope may be calculated from the required minimum floor level in lieu of natural ground level.

Some areas of the design incorporate wide eave overhangs. The DCP provisions make a concession for eaves of up to 700mm.

The proposed modification will not have an unreasonable impact on views, although it is important to recognise that existing views across the currently vacant land to the ocean will be lost for some residences.

## **2. Overshadowing, overlooking and privacy**

The proposed modification includes a reduction in the roof overhang on the south east side and minimal change on the south west side. These are the elevations most affected by shadowing. The main area where the roof height has been increased is on the eastern side as the roof has been pitched to slope in the one direction in lieu of both directions as originally approved.

The plans show no additional eave on the ground floor of the south east elevation and a reduction in the eave by 612mm on the south east elevation of the first floor.

The net result of this is that there is no additional encroachment into the building envelope by the roof line on the south east elevation for the south west half of the roof that was originally pitched in that direction.

On the north-west elevation the proposed amendments will not cause any shadowing to the dwelling on the adjoining lot to the north west or the lot to the west being 58 and 60 Allens Parade.

Although the solar access controls under Element J of the DCP do not apply to single dwellings such as the one proposed, these controls can be used as a guide to what is considered an acceptable level of solar access.

Element J specifies at least three hours of direct sunlight to the windows of living areas that face north, north-east or north west for existing adjacent dwellings and their areas of private open space should be maintained between 9.00am and 3.00pm on 21 June .

The shadow diagrams submitted with the lodgement plan set indicates the property to the south west at 62 Allens Parade will receive almost no shadowing from the proposed development after midday on the winter solstice.

The northern living area of 42 Dress Circle Drive that is located close to the northern boundary of that property will receive only moderate shadowing until midday and will then be predominantly shadowed by the building at 62 Allens Parade in the afternoon and not the proposed development.

The dwelling at 44 Dress Circle Drive, being the ocean front allotment to the south east, has its main living areas and open space located on the north east (seaward) side of the building. Although the north-west side of this building will be overshadowed for more than three continuous hours, this part of the building also has windows that face north east.

The design generally complies with the objectives for building envelopes by setting back the upper floor levels further from the boundaries than the lower floors and by providing a low roof profile and articulation in the external walls.

Additional windows have been provided to a bedroom on the first floor of the north-west elevation. This area was previously approved as void. There is no requirement in the DCP to provide privacy measures to bedroom windows.

A high set window is included to a dining area on the south east elevation that was previously approved as a games room. Another high set window is included on the north-west elevation that faces the accessways between the two beachfront lots. This area was previously approved as a living area and privacy measures were not required due to the accessways providing more than three metres of separation distance to the lot on the other side of the accessways.

No other habitable rooms are considered to require privacy control measures.

### **3. Setback to boundaries**

The south west boundary adjoining the property at 62 Allens Parade is the only boundary where the setback has been decreased by the proposed addition to a first floor bathroom.

This will not result in additional shadowing as the roof line has not been increased over this bathroom.

Ground floor setbacks are similar to those approved, other than for the addition of external stairs from the driveway to the entrance door on the ground floor. These appear to be unroofed and could be conditioned to ensure this remains the case, if approved.

Separate pedestrian access along the side of the driveway is no longer to be provided from the street to the building with all access now being along the internal driveway itself. Gates have been included in the driveway that open inward and are behind the building line.

It could be considered that the addition of the stairs in close proximity to the boundary with 62 Allens Parade may adversely impact on privacy. This could arguably be offset by the exclusion of the pedestrian access to the full length of the side of the driveway.

No objection has been received from the owners of 62 Allens Parade in relation to this or any other aspect of the proposed modifications and the pedestrian area in question will be used intermittently rather than for prolonged periods of use.

An objection has been raised in relation to the setback of the basement to the south east boundary and that this increases shadowing to the adjoining property. Although the basement is located close to the boundary, it is located further inside the boundary than previously approved, in order to provide surface water drainage along the boundary line.

The submitted plans indicate a planter box located on the south east boundary that extends from the western side of the building to the eastern edge of the pool. This appears to be 1,200mm high above the deck and ground floor level.

If the planter box is to form part of the pool barrier it would be required to be 600mm higher. This would make this planter box approximately 2,800mm above ground level. A wall or fence of this height on the boundary would not normally be approved if objected to by the adjoining property owner.

Should the application be approved, it is recommended a condition of consent be included to require the pool barrier to be located a minimum of 900mm inside the planter box and the wall limited in height to 1,200mm.

The setback to the north-west boundary does do not create any unreasonable shadowing or privacy impacts as this boundary adjoins the two existing accessways.

The accessways still permit a view corridor between the beachfront buildings from the properties located to the west.

#### **4. Dilapidation reports not being obtained**

Some objectors have raised this matter with Council following the issue of the Construction Certificate by the Private Certifier. Only one dilapidation report was included with the Construction Certificate documentation provided to Council. Some of the objectors had also advised that they did not permit access to the developer for the dilapidation surveys to be carried out in accordance with the issued development consent.

These objectors were advised that it is the responsibility of the Private Certifier to ensure all pre-Construction Certificate conditions have been satisfied. Council is not the regulator of Private Certifiers and that role is fulfilled by the Building Professionals Board (BPB). The objectors have also been advised to contact the certifier directly and following that, if they still feel there is a breach by the certifier, they may contact the BPB directly.

The Private Certifier has since been advised by Council that although they may have taken reasonable steps to satisfy the condition, the BPB has confirmed that the correct process is for a Section 4.55 modification to be obtained to delete or alter the condition before issuing the Construction Certificate.

Some objectors in their submissions have indicated that they have now requested the dilapidation report surveys to be carried out. The required dilapidation reports have now been provided to all adjoining properties as required by the condition of consent. These properties are 62 Allens Parade and 42 and 44 Dress Circle Drive.

The property at 60 Allens Parade is not an adjoining property and the building on that property is located over 12m from the subject development.

Although the building on 58 Allens Parade is located closer than this (approximately five metres from the proposed development) it is also not an adjoining property and not required by the consent condition to have a dilapidation report carried out. This could have been an oversight in the wording of the consent condition. However, despite this, the developer has previously requested access to carry out a dilapidation report on this property and access was denied by the owners of that property.

Although the consent condition requiring the reports to be provided prior to issue of the Construction Certificate was not complied with at that time, all dilapidation reports required by the condition have now been provided.

Notwithstanding the circumstances associated with 58 Allens Parade in relation to the allowing of the developer to undertake a dilapidation report, the owners are able to have their own dilapidation report carried out should they choose.

#### **5. Depth of sewer main not previously considered**

This matter was considered in the original development assessment. The applicant at that time provided documentation confirming that the driveway grades were achievable, although these were based on existing drainage plans only. To ensure the sewer line was protected was the reason that conditions were applied as noted previously.

Works to protect the sewer line have since been carried out at the developer's expense to a design that was approved by Council's Civil Services Section.

The driveway grades were certified by the developer's engineers as being achievable prior to issue of the Construction Certificate. Notwithstanding this, the applicant has identified conflict with the sewer main as a concern and sought to alter the building design to address the associated driveway grade through a plan that sets the garage door further back (than originally approved) and raises the overall height of the building.

#### **6. Basement roof level to be 1.45 metres above ground level**

The site survey lodged with the original application indicates the existing ground level at the approximate perimeter of the building is at a level of 4.4m AHD.

This results in the ground floor level being at approximately 1,000mm (5.35m AHD) above existing ground levels. For reasons of potential tidal inundation, Council's DCP 2012 sets a minimum habitable floor level of 5.25m AHD for the development site. The amended ground floor level proposal is 100mm above the minimum requirement.

#### **7. Basement not within building footprint**

The plans indicate the basement is within the footprint of the building when the ground floor balconies are included. This is consistent with the way the original design was assessed and is necessary to provide access to the basement. No adverse impacts on the adjoining properties resulting from the proposed modifications have been identified through the assessment process in relation to this matter.

Turning circles have not been included in the proposed altered basement layout to verify the parking maneuvering areas comply with AS 2890.1. However, there is no requirement for vehicles to enter and leave the site in a forward direction.

#### **8. Construction issues with site fencing, inconsistent levels and pandanus tree removal**

Issues with the location of the temporary site fencing on the adjoining property identified have been raised with the builder previously. This matter was promptly rectified.

Incorrect floor levels were included on the engineering details approved by the Private Certifier. The certifier advised the objector that these were typographical errors and that the approved levels would be adhered to during construction. It is not generally a requirement for levels to be shown on engineering details as they relate primarily to the structural aspects of the design.

Both of these matters are issues that should have been addressed by the objectors with the Private Certifier that has been appointed as the Principal Certifying Authority. Council is not the regulator of these construction phase issues.

Additional minor errors with the levels indicated on the plans have been identified during the preparation of this report. The applicant has rectified these on the plans received in July 2018 (Attachment 2). These inconsistencies in the text have not altered the drawn representation of the building and a determination of the application is still able to be made.

The original application did not apply for the removal of any pandanus trees from the property and subsequently the approval did not include for this to occur. A condition was specifically included to clarify that the consent did not authorise any vegetation management works other than the removal of the two Cook Island pine trees.

A cluster of pandanus trees were present on the south west boundary with 62 Allens Parade with one tree most likely located fully within the development lot. All of these trees were removed without consent being sought.

Those existing trees located on the boundary line could have been removed without approval as they were within three metres of an existing approved structure on the adjoining land (62 Allens Parade) provided the adjoining owner was consulted and gave their consent.

It appears that the current owner of 62 Allens Parade was aware of the developer's intention to remove the trees on the boundary line and did not oppose the removal of the trees.

Any pandanus trees on the development lot would have required consent prior to removal as there are no existing approved structures on the land as yet. It is acknowledged that the trees within three metres of the proposed building on the development lot could be removed once the building is completed.

Council staff have discussed the matter with the applicant and the owner. Consideration was given to serving an order or penalty infringement notice in relation to the unauthorised removal of the trees or issuing a direction to provide at least one new pandanus tree. The landowner has agreed to the planting of a new pandanus tree as shown on the plans in Attachment 2.

The primary beneficiaries of the aesthetic aspects of the pandanus trees are the owners or occupants of 62 Allens Parade who were not opposed to the removal of a large proportion of them. In addition, as the trees would not be visible from any public places when the approved building is completed, it is considered that no further action is warranted in this instance.



### **Conclusion**

The building contains two storeys above ground level and is lower than other developments in the general locality, including on adjoining lots. While it is of a different style to some older buildings, the design is not out of character with modern beachside designs. A condition of consent could be applied to ensure the building does not exceed the approved height (and this is recommended should approval be granted).

Sufficient details have been provided to complete an assessment of the merits of the proposed modifications.

The subject modification application has been considered in relation to the assessment of the original development and the proposed modifications. The proposal is of minimal environmental impact and remains substantially the same development for which consent was originally granted.

The subject development, as amended, is permissible with consent and complies with the objectives of both the BLEP applicable R3 zoning and development controls of the DCP 2012.

The DCP controls are to be applied flexibly with more emphasis placed on meeting the objectives. In this regard the building meets the main objective of setting back development progressively from the boundaries as a building height increases so as not to unduly affect adjoining properties by way of shadowing, impinging on privacy or unreasonably obstructing views.

The reduction in the roof width on the south east side largely offsets the addition roof height to the south west half of the roof which is that portion that has the most impact on the adjoining properties. The north east portion of the roof mainly impacts on the property at 44 Dress Circle Drive and this property enjoys uninterrupted sunlight to the north and north east living areas up until midday as a result of it being located further to the north east than the subject development.

Setbacks to all three of the boundaries to the building are similar to as already approved and there are no areas that require privacy controls to be installed.

The development is considered to have no adverse impacts on the natural and built environments or economic or social qualities of the locality.

The issues raised in the submissions have been addressed in the assessment of the proposal and in the formulation of conditions of consent.

### **Options**

The following options are available to Council:

#### **Option One**

REFUSE the application to modify consent for a two storey dwelling with basement parking, swimming pool and removal of two Cook Island Pine trees due to:

1. Non-compliance with Council's Development Control Plan 2012 – on the basis that the additional overall height of the building and building envelope departures are considered to have an unreasonable and unnecessary impact on the adjoining properties by way of loss of amenity.

This option is not recommended as the technical assessment has concluded that the changes proposed do not result in a type or level of impact that is unacceptable in relation to the applicable planning controls in the circumstances.

### **Option Two**

APPROVE the application to modify consent for a two storey dwelling with basement car parking, swimming pool and removal of two Cook Island Pine trees subject to new conditions being included as follows:

- The planter box/wall on the south east boundary is to be not more than 1200mm in height above the level of the ground floor and the pool barrier is to be located a minimum of 900mm from it.
- The roof level of the building is not to exceed the Australian Height Datum (AHD) levels shown on the approved plans. A survey of these levels is to be provided to the Principal Certifying Authority on completion of the roof sheeting.
- The external stairs from the driveway to the entrance door on the ground floor are not to be roofed.

Option two is the recommended approach.

### **RECOMMENDATION**

That Council **APPROVES** the application to modify consent for a two storey dwelling with basement car parking, swimming pool and removal of two Cook Island Pine trees subject to the a new conditions being included as follows:

- The planter box/wall on the south east boundary is to be not more than 1,200mm in height above the level of the ground floor and the pool barrier is to be located a minimum of 900mm from it.
- The roof level of the building is not to exceed the Australian Height Datum (AHD) levels shown on the approved plans. A survey of these levels is to be provided to the Principal Certifying Authority on completion of the roof sheeting.
- The external stairs from the driveway to the entrance door on the ground floor are not to be roofed.

**Attachment(s)**

1. Stamped Approved Plan Set - April 2017
2. Current Amendment Plans - 11 July 2018 (showing corrected levels)
3. Proposed Amendment Original Lodgement Plans - 11 May 2018 - SUPERSEDED
4. Proposed Amendment - Amended Plans - 1 June 2018 SUPERSEDED (some floor levels incorrect)
5. Public Submissions to Original Lodgement Plans - 11 May 2018
6. Public Submissions to Amended Plans - 1 June 2018
7. Confidential Submission to Original Lodgement Plans - 11 May 2018 (personal information removed) (Under separate cover)
8. Confidential Submission to Amended Plans - 1 June 2018 (personal information removed) (Under separate cover)

## 8.2 DA 2018/259 - Boundary Adjustment - Old Byron Bay Road

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### 8.2 DA 2018/259 - Boundary Adjustment - Old Byron Bay Road

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<b>Applicant</b>	Planners North (on behalf of Mr T A & Mrs R M Gotterson and Mr L A & Mrs M C Le Sueur)
<b>Property</b>	Lot 3 DP 589334, Old Byron Bay Road Newrybar Lot A DP 441478, 28 Old Byron Bay Road Newrybar
<b>Proposal</b>	Boundary adjustment subdivision of two existing lots to create one x 8.6 ha allotment (Proposed Lot 11) and one x 14.9 ha allotment (Proposed Lot 12)
<b>Effect of Planning Instrument</b>	The land is zoned 7(d1) Environmental Protection (Newrybar Scenic/Escarpment) Zone under the provisions of the Ballina LEP 1987
<b>Locality Plan</b>	The subject land is depicted on the locality plan attached.

#### Introduction

Council is in receipt of a Development Application for a boundary adjustment subdivision of two existing lots to create one x 8.6 ha allotment (Proposed Lot 11) and one x 14.9 ha allotment (Proposed Lot 12). Refer to the development plan in Attachment 2.

The subject site is zoned 7(d1) Environmental Protection (Newrybar Scenic/Escarpment) under the Ballina Local Environmental Plan (BLEP) 1987 and consequently, the provisions of the BLEP 1987 apply to the subject land. The proposed boundary adjustment subdivision will result in two modified allotments, each being less than the 40 hectare minimum lot size as stipulated in Clause 11 of the BLEP 1987.

Existing Lot A is 5.893 hectares in area and contains an existing dwelling house. Existing Lot 3 is 17.611 hectares in area, is currently vacant and enjoys a dwelling entitlement. It is noted DA 2018/123 was determined on 19 April 2018 and approved the construction of a shed, stables, private riding arena and associated earthworks on Lot 3.

Both existing allotments are significantly below the 40 hectare minimum lot size applicable to the subject land.

The existing and proposed lot areas and their variation from the minimum lot size development standard are shown in the following table.

Existing			Proposed		
Lot	Area (ha)	Variation (%)	Lot	Area (ha)	Variation (%)
A	5.893	85.2	11	8.6	78.5
3	17.611	55.9	12	14.9	62.8

The purpose of this report is to seek Council's determination of a requested variation to the development standard under State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), as the application proposes a variation of more than 10% to the development standard.

The proposal seeks a variation to the 40 hectare development standard as the resulting areas of Proposed Lots 11 and 12 would be 8.6 hectares (78.5% variation) and 14.9 hectares (62.8% variation) respectively. Approval for this variation to the 40 hectare minimum lot size development standard is still required even though the existing lots are already well below this 40 hectare development standard.

The Council may assume concurrence of the Director of the Department of Planning and Environment to carry out an assessment of the application under SEPP 1 and grant approval to the variation sought, if considered reasonable. Should Council resolve to approve the proposed variation, the development application will be subsequently determined under delegation.

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Report**

The proposed development is currently being assessed by Council staff under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council is presently awaiting comment from the NSW Rural Fire Service (RFS) in relation to the proposed development.

The development will be able to be determined under delegated authority. The only matter required to be determined by Council in relation to this report is the requested variation to the minimum lot size development standard in Clause 11 of the BLEP 1987.

### *State Environmental Planning Policy No.1*

The subdivision of land, including boundary adjustments, is permissible with development consent within the 7(d1) zone.

The mechanism that provides the ability to vary a development standard contained within the BLEP 1987 is an application via SEPP 1. The following assessment has been carried out with respect to SEPP 1.

<b>BLEP 1987 - SEPP 1</b>	
<b>Assessment of requested variation</b>	
<p>a) What is the development standard being varied?</p>	<p><b>Clause 11 Subdivision of land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f), 7 (i) or 7 (l)</b></p> <p>Clause 11(2)(b) of the BLEP relates to the minimum lot size within the 7(d1) zone, and states the following:</p> <p><i>(2) Except as provided by subclause (3), the council may consent to the subdivision of land referred to in subclause (1) only where the area of each allotment to be created by the subdivision is not less than:</i></p> <p style="margin-left: 40px;"><i>(a) in the case of land within Zone No 1 (a1) or 7 (i)—20 hectares, and</i></p> <p style="margin-left: 40px;"><i>(b) <u>in the case of land within Zone No 1 (a2), 1 (b), 1 (d), 1 (e), 7 (a), 7 (c), 7 (d), 7 (d1), 7 (f) or 7 (l)—40 hectares.</u></i></p> <p>The minimum lot size standard for the 7(d1) zone is 40 hectares.</p> <p>Existing Lot A is 5.893 hectares in area, which is already 85.2% below the 40 hectare minimum lot size. The proposed modified lot (Proposed Lot 11) has an area of approximately 8.6 hectares, meaning there would be a 78.5% variation to the development standard.</p> <p>Existing Lot 3 is 17.611 hectares in area, which is already 55.9% below the 40 hectare minimum lot size. The proposed modified lot (Proposed Lot 12) has an area of approximately 14.9 hectares, which equates to a 62.8% variation to the development standard.</p>
<p>b) What is the underlying objective of this development standard?</p>	<p>There are no specific objectives contained within Clause 11 of BLEP 1987 relating to the minimum lot size development standard.</p> <p>Notwithstanding, the primary objectives of the 7(d1) zone are as follows:</p> <p style="margin-left: 40px;"><i>(a) to protect and enhance areas of particular scenic value to the local government area of Ballina, and</i></p> <p style="margin-left: 40px;"><i>(b) to encourage the productive use of land within the zone and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and</i></p>

<b>BLEP 1987 - SEPP 1</b>	
<b>Assessment of requested variation</b>	
	<p>(c) <i>to ensure development within the zone maintains the rural character of the locality and minimises any detrimental scenic impact, and</i></p> <p>(d) <i>to ensure development within the zone is of a scale and nature that will not adversely impact on the existing amenity of the area.</i></p> <p>It is reasonable to consider the development standard for minimum lot size in terms of it being related to the underlying objectives of the 7(d1) zone. The objectives aim to encourage the productive use of the land, protect areas of scenic value and maintain the rural character of the locality.</p>
<p>c) In accordance with clause 8 of SEPP 1:</p> <ul style="list-style-type: none"> <li>• Does the non-compliance with the development standard raise any matters of significance for state or regional environmental planning?</li> <li>• Is there a public benefit in maintaining the planning controls adopted by the Ballina Local Environmental Plan 1987?</li> </ul>	<p>The non-compliance with the development standard for minimum lot size in the circumstances of DA 2018/259 is not considered to raise any matters of significance for state or regional environmental planning.</p> <p>The applicant contends that strict compliance with the minimum 40 hectare standard is unreasonable and unnecessary given:</p> <ul style="list-style-type: none"> <li>• The subject land comprises two existing undersized allotments and the proposed boundary adjustment is consistent with the underlying objectives of the zone in terms of ensuring that the potential agricultural viability of the land is maintained.</li> </ul> <p>There is limited public benefit to maintaining the planning controls adopted by BLEP 1987 in this circumstance, being the 40 hectare minimum lot size. Both allotments are already below the minimum lot size and the percentage change in lot areas is relatively minimal. The proposal would result in a lot configuration which better reflects the topography of the land and links useable areas of the site.</p> <p>The proposal also provides for road frontage for Proposed Lot 11, which is presently serviced via a Right of Carriageway. This is considered to be a positive outcome.</p> <p>The proposal is considered to meet the objectives of the 7(d1) zone and the broader objectives of the BLEP 1987.</p>

BLEP 1987 - SEPP 1	
Assessment of requested variation	
<p>d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?</p>	<p>As stated above, there are no specific objectives for the minimum lot size development standard contained within Clause 11 of BLEP 1987.</p> <p>The objectives of the 7(d1) zone are as follows:</p> <p><i>1 Objectives of zone</i></p> <p><i>A The primary objectives are:</i></p> <p><i>(a) to protect and enhance areas of particular scenic value to the local government area of Ballina, and</i></p> <p><i>(b) to encourage the productive use of land within the zone and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwellings and rural industries, and</i></p> <p><i>(c) to ensure development within the zone maintains the rural character of the locality and minimises any detrimental scenic impact, and</i></p> <p><i>(d) to ensure development within the zone is of a scale and nature that will not adversely impact on the existing amenity of the area.</i></p> <p><i>B The secondary objectives are:</i></p> <p><i>(a) to minimise soil erosion from escarpment areas and prevent development in geologically hazardous areas and areas of excessive gradient, and</i></p> <p><i>(b) to ensure that development within the zone does not create unreasonable or uneconomic demands, or both, for the provision or extension of public amenities or services.</i></p> <p><i>C The exception to these objectives is development of public works and services, outside the parameters specified in the primary and secondary objectives, but only in cases of demonstrated and overriding public need and subject to the visual impact being minimised as much as is reasonably practicable.</i></p> <p>The development is unlikely to create a precedent in the area as the existing locality is characterised by a number of rural and lifestyle</p>



BLEP 1987 - SEPP 1	
Assessment of requested variation	
	<p>lots below the minimum lot size and the assessment of the proposal has been based on the merits of the application. Furthermore, the subject allotments are already significantly below the minimum lot size and it would be unreasonable to prevent the adjustment of the common boundary in this instance.</p> <p>The applicant contends that the proposal is consistent with the zone objectives and provides for a reconfiguration between two existing allotments which better reflects the topography of the land and links useable areas of the site. Specifically, the 2.711 hectares proposed to be adjusted is located to the immediate west of Proposed Lot 11 and is effectively separated from Proposed Lot 12 by the existing topography of the land.</p> <p>The proposal also provides for road frontage for Proposed Lot 11, which is presently serviced via a Right of Carriageway. This is considered to be an improved outcome in relation to site access.</p> <p>It is considered the proposed boundary adjustment will not result in any unreasonable impacts in relation to rural character, amenity and demand for services.</p>
<p>e) The Five Part Test (Note: only one of these tests needs to be satisfied)</p> <ul style="list-style-type: none"> <li>• Are the objectives of the standard achieved notwithstanding non-compliance with the development standard?</li> <li>• Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary?</li> <li>• Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?</li> <li>• Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard</li> </ul>	<p>It is considered compliance with the development standard in this instance is unnecessary and unreasonable. The subject allotments are already well below the 40 hectare minimum lot size and there are existing allotments in the immediate vicinity which are of similar size (also below the 40 hectare minimum) and are used for a similar purpose.</p> <p>The proposed boundary adjustment provides for a reconfiguration between two existing allotments which better reflects the topography of the land and links useable areas of the site. The proposal is not considered to result in any unacceptable impacts to the amenity or character of the locality.</p> <p>It is noted there are no specific objectives contained within Clause 11 of BLEP 1987 relating to the minimum lot size development standard. Notwithstanding this, it is considered the proposed development is consistent with the objectives of the 7(d1) in that it aims to encourage the productive use of the land, protect areas of scenic value and maintain the rural character of the locality.</p> <p>It is considered the underlying purpose of the</p>

BLEP 1987 - SEPP 1	
Assessment of requested variation	
<p>and therefore is compliance with the development standard unnecessary and unreasonable?</p> <ul style="list-style-type: none"> <li>• Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)?</li> </ul>	<p>development standard would not be compromised as a result of the proposed boundary adjustment.</p>

### Options

**Option One:** That Council determines the proposed variation to the minimum lot size development standard is appropriate in the circumstances of the case for the reasons discussed in this report and approves the variation to the development standard being sought. This is the preferred option.

**Option Two:** That Council determines that the proposed variation to the minimum lot size is excessive in the circumstances and that the request should be refused. This option is not recommended.

### Conclusion

The boundary adjustment subdivision of the land is permissible with consent and is consistent with the objectives of the 7(d1) zone. The proposed allotments are of sufficient size and shape to contain the existing improvements and approved developments on each property and will continue to facilitate the productive use of agricultural land.

The proposed boundary adjustment subdivision will not result in any changes to the existing land use or built form and is considered to maintain the rural character and amenity of the locality.

Compliance with Clause 11(2)(b) under the BLEP 2012 is considered unreasonable in this circumstance and the request to vary this standard is warranted for the boundary adjustment subdivision of the subject land.

Consequently, the request to vary the minimum lot size standard in this instance is well founded. Should Council resolve to approve the application to vary this standard, staff will proceed to determine the development application under delegated authority.

**RECOMMENDATION**

That the application under SEPP 1 to vary the minimum lot size development standard in Clause 11 Subdivision of Land of the Ballina Local Environmental Plan 1987 for DA 2018/259 involving the boundary adjustment subdivision of two existing lots to create one x 8.6 ha allotment (Proposed Lot 11) and one x 14.9 ha allotment (Proposed Lot 12) be **APPROVED**, for the reasons outlined in this report.

**Attachment(s)**

1. Locality Plan
2. Development Plan

### 8.3 Fire Safety Regulations - Compliance

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#### 8.3 Fire Safety Regulations - Compliance

**Delivery Program**      Development Services

**Objective**              To determine the preferred course of action in respect to non-compliance with the provision of Annual Fire Safety Statements.

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#### **Background**

This report addresses a failure to provide Annual Fire Safety Statements for two separate properties, each under separate ownership. The subject properties are as follows:

- 1) Lot A, DP 414198, 15 Grant Street, Ballina, owned by Steljam Super Pty Ltd, ACN 615 991 583, whose Directors are listed as Christopher Robert Jambor and Kristine Lyn Jambor; and
- 2) Lot A, DP 315348, 17 Grant Street, Ballina, owned by Grant Street Property Pty Ltd, ACN 608 305 791, whose Directors are listed as Christopher Robert Jambor, Graeme Leslie Francis Smith and Peter James McMillan and Pulse Property Team Pty Ltd ACN 166 977 260, whose Directors are listed as Michelle Pullen and Chet Sezer.

For each property, the development history indicates:

- 1) The doctors surgery at Lot A, DP 414198, 15 Grant Street, Ballina was originally approved in April 2002 for the change of use from a dwelling to a doctor's surgery; and
- 2) The medical consulting rooms at Lot A, DP 315348, 17 Grant Street, Ballina was originally approved in March 2005 for the change of use to medical consulting rooms.

The requirement for essential services provisions came into force on 1 July 1988. These provisions, under Clause 177(1), *Environmental Planning and Assessment Regulation 2000* (NSW) require that a building owner (or building owners' representative) must submit an Annual Fire Safety Statement for the whole property to a Local Council and the NSW Fire and Rescue.

The Annual Fire Safety Statement provides certification of the ongoing performance and maintenance of the approved and installed fire safety measures and is to be completed on an annual basis.

With Council having been unsuccessful in obtaining Annual Fire Safety Statements for these two properties since 2016, the purpose of this report is to obtain Council approval to commence separate legal actions against the individual landowners of both premises.

#### **Key Issues**

- Failure to Provide Annual Fire Safety Statements
- Risk to patrons in relation to each of the buildings

### 8.3 Fire Safety Regulations - Compliance

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#### Information

With respect to the premises, the circumstances are addressed as follows.

#### 1) 15 Grant Street, Ballina

The landowner of the doctor's surgery, Steljam Super Pty Ltd, ACN 615 991 583, is required to submit an Annual Fire Safety Statement to Council and NSW Fire and Rescue for the servicing of fire hose reels, portable fire extinguishers and wall wetting sprinklers and drenching systems.

A review of the Annual Fire Safety Statement provisions was conducted and Council records indicate that the last Annual Fire Safety Statement for the premises was lodged with Council in October 2014 in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* (NSW). This Statement was provided some three months past the due date.

On 15 February 2016, Council issued a reminder notification letter to the landowner to advise that the Annual Fire Safety Statement was due to be given to Council by 20 May 2016.

On 19 September 2016 and 3 February 2017, formal warning letters were issued to the landowner for the failure to provide the required Annual Fire Safety Statement to Council.

No Annual Fire Safety Statement was provided by the due date.

On 10 January 2018, Council issued Penalty Infringement Notice, number 3095509066 to Steljam Super Pty Ltd, ACN 615 991 583 for the failure to provide the required Annual Fire Safety Statement. The covering letter provided an extension of fourteen days to provide the Statement to Council.

No Annual Fire Safety Statement was provided by the due date.

On 23 March 2018, Council issued a second Penalty Infringement Notice, number 3095530983 to Steljam Super Pty Ltd, ACN 615 991 583 for the failure to provide the required Annual Fire Safety Statement. The covering letter provided an extension of fourteen days to provide the Statement to Council.

No Annual Fire Safety Statement was provided by the due date.

On 12 June 2018, Council's solicitors wrote to Steljam Super Pty Ltd, ACN 615 991 583 requiring that the overdue Annual Fire Safety Statement be provided to Council by 29 June 2018.

No Annual Fire Safety Statement was provided by the due date, nor has either Penalty Infringement Notice been paid.

#### 2) 17 Grant Street, Ballina

The landowner of the medical consulting rooms, Grant Street Property Pty Ltd, ACN 608 305 791 and Pulse Property Team Pty Ltd ACN 166 977 260, are required to submit an Annual Fire Safety Statement to Council and NSW Fire and Rescue for the servicing of portable fire extinguishers, exit signs, fire windows and paths of travel.

### 8.3 Fire Safety Regulations - Compliance

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In relation to the subject premises, a review of the Annual Fire Safety Statement provisions was conducted. Council records indicate that the Annual Fire Safety Statement for the premises has not been lodged with Council since October 2014 in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000* (NSW).

On 15 February 2016, Council issued a reminder notification letter to the landowner to advise that the Annual Fire Safety Statement was due to be given to Council by 20 May 2016.

On 19 September 2016 and 3 February 2017, formal warning letters were issued to the landowner for the failure to provide the required Annual Fire Safety Statement to Council.

No Annual Fire Safety Statement was provided.

On 10 January 2018, Council issued Penalty Infringement Notice, number 3095509057 to Grant Street Property Pty Ltd, ACN 608 305 791 and Another for the failure to provide the required Annual Fire Safety Statement. The covering letter provided an extension of fourteen days to provide the Statement to Council.

No Annual Fire Safety Statement was provided.

On 23 March 2018, Council issued a second Penalty Infringement Notice, number 3095530974 to Grant Street Property Pty Ltd, ACN 608 305 791 and Another for the failure to provide the required Annual Fire Safety Statement. The covering letter provided an extension of fourteen days to provide the Statement to Council.

No Annual Fire Safety Statement was provided.

On 12 June 2018, Council's solicitors wrote to Grant Street Property Pty Ltd, ACN 608 305 791 and Pulse Property Team Pty Ltd ACN 166 977 260 requiring that the overdue Annual Fire Safety Statement be provided to Council by 29 June 2018.

No Annual Fire Safety Statement was provided by the due date, nor has either Penalty Infringement Notice been paid.

#### **Sustainability Considerations**

- **Environment**

Not Applicable

- **Social**

Each of the properties are commercially operated and attended by members of the public and the landowner has an obligation to ensure the safety of patrons of the establishment by maintaining adequate fire safety measures.

- **Economic**

Not Applicable

## 8.3 Fire Safety Regulations - Compliance

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### Legal / Resource / Financial Implications

Legal proceedings are generally costly and to minimise costs and to achieve an acceptable outcome, there are a number of options available.

Council has sought the advice of CH Law and are acting in accordance with this advice.

### Consultation

This report has been made in open Council as the information is a matter of public record. If Council needs to debate any matters having potential legal privilege, it may be necessary to move into confidential session.

### Options

Council has a number of options as to what form of action, if any, it wishes to take for the failure to provide Annual Fire Safety Statements to Council for any of the subject premises. The options are fully outlined in the *Council Enforcement Policy* (hereinafter referred to as the "Enforcement Policy").

In determining a suitable response to this matter Council will need to give consideration to the requirement for a general deterrent that the failure to comply with legislative requirements is not acceptable.

Should Council decide to take minimal action for the failure to provide the required Annual Fire Safety Statements for any of the subject premises, it could create an undesirable situation within the local area that may result in similar non-compliances being undertaken by other landowners. This would have a detrimental effect on the protection of life and the safety of buildings within Ballina Shire. In the interests of public safety, Council is aiming for high levels of compliance throughout the Shire.

Having regard for the considerations for legal action as outlined in Part 3 of the Enforcement Policy and the need for a clear deterrent to the general public, it is considered that further enforcement action is warranted in both instances.

Council currently has five options available in relation to the failure to provide Annual Fire Safety Statements for all of the subject premises identified within the Enforcement Policy. Council's options are:

1. Issue Formal Warnings
2. Issue Penalty Infringement Notices
3. Commence Local Court Criminal Prosecution Proceedings
4. Commence Land and Environment Court Criminal Prosecution Proceedings and
5. Commence legal proceedings in the Court of appropriate jurisdiction requiring the provision of the Annual Fire Safety Statements for any of the subject premises.

### 8.3 Fire Safety Regulations - Compliance

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#### Option One

Issue Formal Warnings - When viewed in isolation, the service of Formal Warnings is not considered to be a suitable and sufficient deterrent for the ongoing failure to provide the required Annual Fire Safety Statements for the subject premises to both Council and NSW Fire and Rescue.

In this regard, each of the landowners for each premises have received written notifications from Council prior to and following the expiration of each individual Annual Fire Safety Statement, which have not resulted in compliance being forthcoming.

#### Option Two

Issue Penalty Infringement Notice – The current landowners have previously been issued with two penalty infringement notices for the failure to provide Annual Fire Safety Statements for each of the subject premises. This has not proven to be effective in ensuring ongoing compliance.

#### Options Three and Four

Options three and four relate to the commencement of criminal prosecution proceedings. The major difference between these two options is the Court jurisdiction.

The NSW Land and Environment Court is a division of the NSW Supreme Court (option four). In this jurisdiction, any criminal prosecution, if successful, would leave any party subject to a maximum penalty of \$1,100,000.

On the other hand, the Local Court jurisdiction (option three) would be able to impose a maximum penalty of \$110,000.

In considering the approach to Court action, it is important to consider the capacity of any party to pay any penalty that may be imposed by the relevant Court. As stated, monetary penalties issued by the Land and Environment Court can be substantial.

Either of these two options would adequately address the penalty requirements and, upon successful completion of the proceedings, would support a position of deterrence for the failure to provide Annual Fire Safety Statements to both Ballina Shire Council and NSW Fire and Rescue.

In this case Local Court action is recommended as being commensurate with the level of the offences.

#### Option Five

This option provides an avenue to have an Order issued by the Court of appropriate jurisdiction requiring the ongoing provision of Annual Fire Safety Statements to both Council and NSW Fire and Rescue in accordance with legislative requirements.

Under recent changes to the *Environmental Planning and Assessment Act* 1979 (NSW), the Local Court has the jurisdiction to issue such an Order.



### **8.3 Fire Safety Regulations - Compliance**

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It is recommended that Council pursues this option in relation to both of the subject premises.

#### Use of Multiple Options

Council may utilise more than one of the above options to require all the landowners provide Annual Fire Safety Statements to both Council and NSW Fire and Rescue. The use of multiple options is also consistent with the Enforcement Policy.

In this particular instance, further action involving multiple options is considered to be appropriate in order to seek both a pecuniary penalty and remediation action to ensure the ongoing servicing and monitoring of fire safety measures within the subject premises.

Any decision in relation to this report should have regard for previous enforcement related resolutions involving legal action in terms of consistency. Recent Council decisions in this regard are summarised below.

In April 2012 Council considered a matter involving Verna Wall and Chambers Constructions Pty Ltd and in May 2013 considered the matters involving Jade and Fiona Rose, Karen Wiggins and TCDE Pty Ltd and in April 2015 considered the matter of Mr Brian Camidge. In these instances, Council, after due consideration, resolved to take legal action in the Local Court for the identified offences.

In the above cases, the Magistrate found all parties guilty of the offences and issued fines ranging from \$4,000 up to \$24,250 plus legal costs.

In respect to the matter involving Mr Camidge, the Local Court also endorsed an agreement for a positive covenant to be placed on Mr Camidge's land, requiring revegetation of that property.

With respect to fire safety matters, the action proposed is also consistent with previous enforcement action reported to Council in relation to the Wardell Hotel and the landowner, Mr Curran.

The recommendation that follows outlines the preferred course of action which is considered to be a reasonable balance in respect to the options available for each of the subject premises.

#### **RECOMMENDATIONS**

1. That, with respect to the premises situated at 15 Grant Street, Ballina, Council endorses option three, as outlined in this report, regarding the commencement of criminal proceedings in the Local Court for the current and any future failure to provide Annual Fire Safety Statements to Council for the doctor's surgery.
2. That, with respect to the premises situated at 15 Grant Street, Ballina, Council endorses option five, as outlined in this report, regarding the seeking of an Order for the ongoing provision of Annual Fire Safety Statements to Council for the doctor's surgery.
3. That, with respect to the premises situated at 17 Grant Street, Ballina, Council endorses option three, as outlined in this report, regarding the commencement of criminal proceedings in the Local Court for the current and any future failure to provide Annual Fire Safety Statements to Council for the medical consulting rooms.
4. That, with respect to the premises situated at 17 Grant Street, Ballina, Council endorses option five, as outlined in this report, regarding the seeking of an Order for the ongoing provision of Annual Fire Safety Statements to Council for the medical consulting rooms.

#### **Attachment(s)**

Nil

#### **8.4 Development Applications – Variation to Development Standards**

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#### **8.4 Development Applications – Variation to Development Standards**

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In accordance with the Department of Planning's Circular PS08-014, the following information is provided with regards to development applications where a variation to development standards (via the BLEP 1987 or BLEP 2012) has been approved.

<b>DA No.</b>	<b>Date Approved</b>	<b>Applicant and Site Address</b>	<b>EPI and Land Zoning</b>	<b>Development Standard and Approved Variation</b>	<b>Reason for Variation</b>
2017/685	20/06/2018	AJ Lenehan 5 Lakefield Avenue, Lennox Head	Ballina LEP 2012 R2 Low Density Residential	Clause 4.3. Building Height. Approved variation enabled an overall building height 834mm above the 8.5m standard applicable under the LEP (being a variation to the standard of 9.8%)	The proposal will not have an adverse impact on the future amenity of the locality.  The objectives of the standard are achieved.

#### **RECOMMENDATION**

That Council notes that there has been one development application approved under delegation involving variations to development standards less than 10% for June 2018.

#### **Attachment(s)**

Nil

## 8.5 Development Applications - Works in Progress - June 2018

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### 8.5 Development Applications - Works in Progress - June 2018

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The following schedule sets out current development applications that have not yet been determined for the reasons cited.

Dwelling house and dual occupancy applications are not included in this report.

DA No.	Date Rec'd	Applicant	Proposal	Status
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	Being assessed
2017/430	04/08/2017	Victor Holmes Town Planning	Change of use to light industry, truck depot and storage facility, with associated business identification sign – 38B Smith Drive, West Ballina	Determination pending
2017/554	6/10/2017	Ballina Shire Council	Construction of a skate park – Elvery Lane, Alstonville	Being assessed
2017/565	11/10/2017	Newton Denny Chapelle	Stage 5 - 88 Lot Residential Subdivision comprising 81 Torrens Title Lots and Seven Community Title Lots, Civil Infrastructure Servicing and Associated Earthworks (stage five of Epiq Estate) - Lot 54 Hutley Drive, Lennox Head	Being assessed
2017/600	30/10/2017	Newton Denny Chapelle	Expansion of an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	Amended application On exhibition To be reported to Council

## 8.5 Development Applications - Works in Progress - June 2018

2017/643	16/11/2017	Newton Denny Chapelle	Demolition and/or relocation of existing structures and erection and Strata Title subdivision of seven x two storey and two single storey self-care seniors living units pursuant to Sate Environmental Planning Policy (Housing for Seniors or People with a Disability), site filling and associated works – 78 Moon Street, Ballina	Being assessed
2017/718	19/12/2017	Newton Denny Chapelle	To establish and Strata Title Subdivide a multi-dwelling housing development involving the erection of two attached two storey dwellings in addition to the existing dwelling house, demolition of existing garage, vegetation management works and other associated works - 71 Stewart Street, Lennox Head	Awaiting additional information
2018/35	29/1/2018	Ardill Payne & Partners	To construct a two storey multi dwelling housing development comprising three dwellings with a maximum height of 8.94 metres which is above the maximum height of 8.5 metres as outlined in the Ballina Local Environmental Plan 2012, and the associated strata subdivision and other works – 65 Blue Seas Parade, Lennox Head	Referred to Government Departments

## 8.5 Development Applications - Works in Progress - June 2018

2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 103 residential lots and seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage – 20 North Creek Road, Lennox Head	Amended proposal  On exhibition
2018/74	13/2/2018	Ardill Payne & Partners	Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a Six Storey Residential Flat Building Containing 14 dwellings, associated car parking and works. The proposed building has a height of 18.4m with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/79	14/2/2018	Ardill Payne & Partners	Establishment of a tourist and visitor accommodation development comprising three holiday cabins and associated works – 101 Broken Head Road, Newrybar	Awaiting additional information
2018/144	16/3/2018	Newton Denny Chapelle	Change of Use of Units 1, 2 and 3 from Light Industrial to a Recreational Facility (Tenancy 1 – Personal Training and Fitness classes, Tenancy 2 – Martial Arts classes) – 3 Sheather Street, Ballina	Being assessed
2018/249	4/5/2018	Newton Denny Chapelle	Proposed Child Care Centre – Hutley Drive, Lennox Head (EPIQ)	Being assessed

## 8.5 Development Applications - Works in Progress - June 2018

2018/259	8/5/2018	Planners North	Boundary Adjustment Subdivision of two lots to create one 8.6ha and one 14.9ha allotments, Lot A DP 441478 and Lot 3 DP 589334 – Old Byron Bay Road, Newrybar	Awaiting additional information  Determination of variation to minimum lot size standard for subdivision the subject of a separate report elsewhere in this business agenda
2018/296	25/5/2018	Planners North	Two Lot Strata Title Subdivision of an existing Industrial Building – 32 Southern Cross Drive, Ballina	Being assessed
2018/347	18/6/2018	Ardill Payne & Partners	To fill an existing agricultural drain and install a new piped drainage solution – Carneys Lane, East Wardell	Being assessed
2018/386	2/7/2018	John Wise	Installation of New Roofing and New Awning to Existing Commercial Premises and Heritage Item (Former Post Office Building) – 86 Main Street, Alstonville	On exhibition
2018/405	12/7/2018	Town Planning Studio Pty Ltd	Two Lot Torrens Title Subdivision – 425 Ross Lane, Lennox Head	Being assessed

## 8.5 Development Applications - Works in Progress - June 2018

### 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	Amended Proposal: To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 166 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, Kinvara	Being assessed
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
2016/746	23/12/16	Ringtank Pty Ltd	Erection of three dwelling houses, 10 site caravan park, equine facilities including stables, veterinary facility, quarantine stalls, horse float and equipment shelters and two equestrian exercise lawns, private outdoor recreation facilities including go-kart track, shooting range, associated buildings, roadworks, earthworks including dam and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Awaiting additional information  Public meeting scheduled by JRPP for 24 July 2018



## 8.5 Development Applications - Works in Progress - June 2018

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	Reported to JRPP  Determination meeting 24 July 2018
2017/244	17/5/2017	Intrapac Skennars Head Pty Ltd	Amended Proposal: To undertake the first stage of a residential subdivision comprising 218 residential lots, five public reserve lots, eight 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 roundabout 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 6 DP 1225206 (formally Lot 265 DP 1212348) The Coast Road, Skennars Head	Being assessed
2017/447	17/8/2017	Newton Denny Chapelle	Erection of a Neighbourhood Shopping Centre, involving a Supermarket (Woolworths) and Specialty Shops, Associated Car Parking and Other Infrastructure Servicing, Earthworks, Signage and Landscaping within the EPIQ Estate at Lennox Head – Hutley Drive, Lennox Head	JRPP determination deferred –

## 8.5 Development Applications - Works in Progress - June 2018

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2018/321	13/6/2018	PalmLake Works Pty Ltd	Staged erection of an extension to an existing Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works – 120 North Creek Road, Ballina	On exhibition
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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 2018.

### Attachment(s)

Nil

## **9.1 Wollongbar - Planning and Environmental Study and Strategic Plan**

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### **9. Strategic and Community Facilities Group Reports**

#### **9.1 Wollongbar - Planning and Environmental Study and Strategic Plan**

**Delivery Program** Strategic Planning

**Objective** To outline the progress of the Wollongbar Strategic Plan project and seek direction from the Council concerning further community engagement through a public exhibition process.

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#### **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].

Council's decision was in response to Action HE3.1.2b of the Delivery Program and Operational Plan 2015/16 (now Action HE3.1d of the 2018/19 plan). This action relates to ensuring that plans are implemented that balance the built environment with the natural environment. In this context, the review of the planning framework for Wollongbar was proposed to be undertaken through a planning and environmental study process, inclusive of a community engagement program.

The adopted 2012 Ballina Shire Growth Management Strategy identified a number of strategic actions for Wollongbar. These strategic actions have been examined through the environmental study process.

The strategic actions under the Growth Management Strategy pertaining to Wollongbar are:

- Accommodate further population growth through implementation of the Development Control Plan for Wollongbar Urban Expansion Area (WUEA) via the development assessment process.
- Plan for the provision of additional sporting facilities to service the increasing population.
- Maintain the urban buffer/inter-urban break between Wollongbar and Alstonville.
- Revisit the Third Village concept.
- Manage and/or promote Aboriginal, European and other non-Aboriginal cultural heritage values in accordance with relevant stakeholders.

Prior to commencing work on the draft Wollongbar Planning and Environmental Study (WPES) a community consultation program was initiated. This program consisted of the following elements during April to June 2017:

- 1000 pamphlet letter box drop to Wollongbar residential properties inviting feedback via an on-line survey;

## **9.1 Wollongbar - Planning and Environmental Study and Strategic Plan**

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- Pop-up display at Wollongbar shopping centre on two week day afternoons – 43 people interviewed;
- Door knocking of residential premises on two consecutive Saturday mornings – 31 people interviewed;
- Letters to property owners in the Russellton Industrial Estate;
- Letters to owners of large undeveloped lots and commercial properties within Wollongbar township;
- Community Connect story;
- Ballina Shire Advocate notices;
- Press release, Facebook posts, advertising on Paradise FM and radio interview; and
- On-line surveys and web background content established.
- Presentation to Wollongbar Progress Association on outcomes and findings from community consultation process.

In response, 65 on-line surveys were completed and additional comments were provided by 74 people in face to face interviews. The comments and survey responses received in respect to the pre-study community engagement activities assisted to establish the direction of the draft WPES and the various issues that it has examined.

The draft WPES comprises Attachment 1 to this report.

The draft Wollongbar Strategic Plan 2018 – 2038 has been prepared based on ideas currently contained within the draft WPES. The draft strategic plan is comprises Attachment 2 to this report.

The purpose of this report is to provide the Council with an overview of the draft study and plan preparation process and seek direction on the public exhibition of the documentation.

### **Key Issues**

- Strategic planning for Wollongbar
- Community engagement

### **Information**

#### Overview

The philosophy adopted when preparing the WPES was to examine a range of factors impacting on the Wollongbar township, examine relevant data and then draw conclusions based on the data provided.

The draft WPES is also used as a means of proposing a variety of change ideas, some of which were derived from comments made by community members during the pre-study consultation.

## 9.1 Wollongbar - Planning and Environmental Study and Strategic Plan

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The draft WPES, and accompanying draft Wollongbar Strategic Plan 2018 – 2038, when finalised and adopted by the Council following public exhibition, are proposed to form the basis for Wollongbar township strategic planning decision-making in the 20 year period to 2038.

Regular review of the strategic plan will also be required to ensure that it remains contemporary and adequately addresses issues as they arise.

A draft community vision for the future of Wollongbar township has been developed using comments made by community members in response to the public engagement initiatives undertaken to date.

The draft vision consists of the following elements:

- Ensuring that the sense of community and wellbeing present in Wollongbar is maintained
- Ensuring that Wollongbar continues to grow so as to facilitate well planned housing choice and employment opportunities
- Ensuring that infrastructure such as footpaths, parks, as well as shops, services and jobs continue to be provided and enhanced for the convenience of residents.

The community's vision for Wollongbar township is proposed to be achieved through the mechanism of the strategic plan and the strategic actions that it contains.

### Significant Findings and Conclusions

More significant findings and conclusions drawn from data contained within the draft WPES include the following:

#### Residential Land Supply

- Residential land supply is limited, with an estimated potential 860 conventional lots / potential dwellings remaining as of December 2017. This includes a potential 78 lots outside of the WUEA, and a total of 62 vacant subdivided residential lots.
- Of the potential 720 unsubdivided lots / dwellings located in the WUEA, approximately 370 potential lots are contained within 32ha of zoned residential land owned by the United Protestant Association (UPA). This land may not be developed for conventional greenfield lots by the UPA. If this occurs then only 350 potential residential lots remain within the WUEA.
- Based on estimated annual growth to 2038 (2.65%pa) an additional 850 dwellings would be required to accommodate this growth.
- To replace the conventional lots which may not be provided upon UPA land would require planning for an alternative land supply to commence by 2022. A preliminary assessment of a number of sites which may be suitable to accommodate residential lots, outside the WUEA, has been undertaken and only one site has been found suitable.
- To facilitate housing choice within the established township (outside of WUEA) dual occupancy – duplex development is nominated as potentially suitable. This is subject to it being initially limited to certain larger lots (minimum 900m<sup>2</sup>) and not subject to slope exceeding 20%.

### Industrial Land Supply

- Approximately 16ha of vacant industrial land exists within the Russellton Industrial Estate (RIE). Site topography (slope) is a major constraint for existing industrial zoned land within the RIE.
- Council's 28 lot industrial subdivision (Kays Lane and Northcott Crescent, not yet released) may be the last viable industrial subdivision within RIE.
- Industrial land (employment land) is estimated to conservatively generate 20 – 30 jobs per hectare.
- Sites potentially suitable for the expansion of the RIE have been the subject of preliminary evaluation. One site located in Dulcet Lane, with an area of 23ha, has been identified as potentially suitable for industrial use. If ultimately rezoned, it has the potential to accommodate 500 – 700 jobs.

### Demographic Characteristics (ABS data)

- Population increased by 432 people (+18%) in the five year period to 2016.
- An additional 246 dwelling houses (+27.6%) were built in the five year period to 2016.
- The median age of Wollongbar residents was 42 years in 2016. This is the same as it was in 2011. The median age across Ballina Shire increased from 45 to 48 years in the same period, and in Alstonville from 48 to 50 years.
- Unemployment has increased from 4.6% in 2011 to 6.3% in 2016. This is contrary to the Ballina Shire result which saw unemployment reduce from 6.3% to 5.9% during that period. Alstonville's unemployment rate also increased from 5.6% to 5.9% in the same period.

### Sustainability Considerations

- **Environment**

The strategic direction outlined in the draft strategic plan is one based on maintaining a supply of greenfield housing lots at Wollongbar over the next 20 year period. This may require the release of suitable additional land within close proximity to the village. The expansion of the Russellton Industrial Estate is also canvassed as a means through which additional jobs may be able to be provided in close proximity to Wollongbar.

If additional land is eventually released for residential and employment usage this will impact on land otherwise used for agricultural purposes. It may also impact on the inter-urban buffer between Wollongbar and Alstonville. The environmental consequence associated with such a strategy still requires detailed evaluation to determine whether a substantive case can be made in support of such action.

- **Social**

Significant social benefits are envisaged to result from strategies that result in increased housing choice opportunities and additional jobs being located in close proximity to an expanding urban area.

- **Economic**

Local economic activity is anticipated to be stimulated by strategies that result in more residential building and local job opportunities.

### **Legal / Resource / Financial Implications**

It is proposed that the Wollongbar strategic planning process now progress to the public exhibition of the draft WPES and strategic plan documentation.

This phase of the project does not give rise to any significant legal, resource or financial implications for Council.

### **Consultation**

It is proposed to place the draft Wollongbar strategic planning documents on public exhibition commencing late August 2018 to October 2018. During this period persons who previously made submissions and key stakeholders will also be provided with written advice of the exhibition.

Advertisements will be placed in the Advocate newspaper prior to the exhibition commencing and a press release will be issued. A letter box drop of all residential properties in Wollongbar is also proposed.

An electronic survey has again been prepared and will be used to canvass the level of support for the various ideas discussed within the draft WPES and in particular, the possible housing and employment land initiatives.

Letters are also proposed to be forwarded to property owners of land identified as having potential for evaluation for urban purposes, as well as various Government departments.

At this stage arrangements have not been made to launch the WPES at a specific event. The Wollongbar Progress Association will however be contacted and offered a presentation relating to the WPES.

However, depending on how the exhibition proceeds and the level of community interest, arrangements for additional community-based meetings could be made prior to the matter being reported back to the Council.

A compilation of the results obtained from the pre-study community consultation held during April – June 2017 comprises Attachment 3 to this report.

### **Options**

Options available to the Council to progress this matter include the following:

1. Endorse the exhibition of the draft WPES and draft strategic plan for Wollongbar in accordance with the consultation strategy outlined in this report and subject to any additional amendments nominated by the Council.

This is the preferred option as it will enable the documents to be reviewed by the community and comments received to be considered by the Council.

## **9.1 Wollongbar - Planning and Environmental Study and Strategic Plan**

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2. Conduct further targeted community engagement prior to a broader exhibition process. For example, a steering committee could be formed from persons who previously made submissions in response to the pre-study consultation and any other interested persons.

A committee or other targeted stakeholders could be asked to review the documents and, if judged satisfactory, endorse them for public exhibition. This approach is not recommended as it could significantly delay the release of the subject documents and opportunity is available for all interested parties to engage with the draft study and plan through the recommended exhibition process.

3. The Council could determine not to further progress work in respect to strategic planning for Wollongbar.

This approach, whilst not recommended, could be taken as a consequence of the information contained within the draft WPES and if the Council is of the view that its preferred position in respect to Wollongbar is not to encourage growth beyond what is already planned to occur.

4. The Council could defer the matter and seek additional information.

This option is not recommended on the basis that a Councillor briefing was held on 11 July 2018 and extensive research and community engagement underpins the draft exhibition documentation.

### **RECOMMENDATIONS**

1. That Council endorses the public exhibition of the draft Wollongbar Planning and Environmental Study and draft Wollongbar Strategic Plan 2018 – 2038.
2. That Council give further consideration to the draft Wollongbar Planning and Environmental Study and draft Wollongbar Strategic Plan following public exhibition.

### **Attachment(s)**

1. Draft Wollongbar Planning and Environmental Study (Under separate cover)
2. Draft Wollongbar Strategic Plan 2018 - 2038
3. Community Consultation Results - 2017 (Under separate cover)



## 9.2 Classification of Land - Scarlett Court Wollongbar

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## 9.2 Classification of Land - Scarlett Court Wollongbar

**Delivery Program** Strategic Planning

**Objective** To determine the classification of a parcel of land recently acquired by Council, under the provisions of the Local Government Act 1993.

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### Background

Lot 44 in DP 1242246 is located in Scarlett Court, Wollongbar, and has recently been registered and dedicated to the public (Council) as a drainage reserve. The subject lot is shown outlined by red edge in the locality plan below.



The lot comprises part of the stormwater management system in place within a new residential release area known as Avalon Estate.

The purpose of this report is to determine the classification of Lot 44 under the terms of the *Local Government Act 1993* (LG Act). Part 2 of Chapter 6 of the LG Act regulates the management of public land.

Specifically, sections 26 and 27 of the LG Act require public land owned by Council to be classified as either “community” or “operational” land in accordance with its intended use.

### Key Issues

- Classification of the land under the terms of the LG Act
- Nature and use of the land

### Information

The subject lot has been dedicated to Council as a drainage reserve and contains stormwater management infrastructure provided as part of and servicing the residential development on the adjacent land.

As Lot 44 has been created to contain stormwater management infrastructure and will not function as open space for public recreation it is recommended that it be classified as operational land in accordance with the provisions of the LG Act.

Section 31 of the LG Act provides that before a council acquires land, or within three months after it acquires land, it may resolve that the land be classified as either community land or operational land. If the land has not been classified within the three month period then it is taken to have been classified as community land. The subject land came into Council's ownership on 14 May 2018 upon the registration of DP 1242246 and therefore the three month classification "window" expires on 14 August 2018.

Section 34 of the LG Act requires that public notice of a proposed resolution to classify land must be given and that a period of not less than 28 days to receive submissions must be provided. A public notice of the proposal to classify the subject land as operational land was displayed in the Ballina Shire Advocate on 30 May 2018 in accordance with section 34 of the Act. Submissions were invited until 29 June 2018. No submissions were received in response to the notification.

Given that the land has been acquired by Council, and the required public notification has been completed, it is now necessary for Council to confirm whether or not the land is to be classified as operational land under the terms of the LG Act.

### Sustainability Considerations

- **Environment**  
The classification of the subject lot as operational land is not expected to result in any negative environmental, social or economic outcomes. An operational classification is consistent with the proposed and current use of the land for stormwater management purposes.
- **Social**  
As above.
- **Economic**  
As above.

### **Legal / Resource / Financial Implications**

The classification of Lot 44 in DP 1242246 as operational land is a legal mechanism under the LG Act that provides Council with flexibility in the management and maintenance of the land for stormwater infrastructure. The proposed classification will not directly result in adverse resource or financial implications but will enable the efficient management and maintenance of the land for its intended public utility purpose in the long term.

### **Consultation**

Public notification of the proposal to classify the land as operational land has occurred in accordance with the requirements of section 34 of the *Local Government Act 1993*. Public submissions were invited, with the closing date being 29 June 2018. No submissions in response to the notification were received.

### **Options**

1. The Council may resolve to classify the lot as operational land.

Under this option, the proposed classification of the lot as operational land would take effect immediately upon the resolution of the Council.

2. The Council may resolve to classify the lot as community land.

Where land is classified as community land, Council would be obliged to manage the land for community purposes and make provision for its categorisation and incorporation into a plan of management. Given the intended use of the land is exclusively for stormwater management, classifying the land as community land would be inappropriate and is not recommended.

The classification of the land as operational land as per option one is the recommended approach as the land has been specifically acquired for a use compatible with an operational classification. Classification as operational land allows for Council's relatively unfettered ongoing management and maintenance of the land for stormwater infrastructure.

### **RECOMMENDATION**

That Council classify the land identified as Lot 44 DP 1242246, Scarlett Court, Wollongbar as operational land under the provisions of the *Local Government Act 1993* and that this classification takes effect immediately.

### **Attachment(s)**

Nil

## 10.1 Investment Summary - June 2018

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### 10. General Manager's Group Reports

#### 10.1 Investment Summary - June 2018

**Delivery Program** Financial Services

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

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#### **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 2018.

#### **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 Investment Policy. The balance of investments as at 30 June was \$75,438,000. This represents an increase of \$7.7 million from May. Council's investments, as at 30 June, are at an average (weighted) rate of 2.79%, which is 0.73% above the 90 Day Bank Bill Index of 2.06%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 30 June 2018, was \$5,810,332. This balance is lower than the balance of \$8,231,395 as at 31 May 2018. The combined movement of investments and bank balances was an increase of \$5,278,937. This overall increase is attributable to monies received from RMS, developer contributions and receiving the quarterly financial assistance grant in advance.

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	13.8%
Water Fund (incl developer contributions)	External	19.9%
Section 94 Developer Contributions	External	8.0%
Bonds and Deposits	External	3.2%
Other External Restrictions	External	4.8%
Carry Forward Works	Internal	3.6%
Bypass Maintenance Funding	Internal	5.0%
Landfill and Resource Management	Internal	3.8%
Employee Leave Entitlements	Internal	3.7%
Quarries	Internal	1.3%
Property Reserves	Internal	5.5%
Plant and Vehicle Replacement	Internal	1.1%
Road Works	Internal	3.3%
Swimming Pools Capital	Internal	6.5%
Indoor Sports Centre	Internal	1.7%
Miscellaneous Internal Reserves	Internal	5.3%
Financial Assistance Grant in Advance	Internal	2.5%
Unrestricted		7.0%
<b>Total</b>		<b>100%</b>

\* Reflects reserves held as at 30 June 2017. This will be updated for 30 June 2018 as part of the financial statement completion.

## 10.1 Investment Summary - June 2018

### A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
<b>Grandfathered Investments</b>							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.4%	<b>2%</b>
<b>Rated Institutions</b>							
AMP Bank	Yes	A	9,000	10,000	20%	13.3%	
Auswide Bank	No	BBB	1,000	1,500	10%	2.0%	
Bank of China	Yes	A	2,000	2,000	20%	2.7%	
Bank of Queensland	Yes	BBB+	4,000	2,000	10%	2.7%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	4.0%	
Commonwealth Bank of Australia	Yes	AA-	7,000	7,000	20%	9.3%	
Credit Union Australia	No	BBB	3,000	3,000	10%	4.0%	
Defence Bank Ltd	No	BBB	4,500	4,500	10%	6.0%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.7%	
Heritage Bank	No	BBB+	0	4,500	10%	6.0%	
ING Bank Ltd	Yes	A	5,000	5,000	20%	6.6%	
ME Bank	No	BBB	4,750	4,750	10%	6.3%	
My State Bank Ltd	No	BBB+	2,000	5,000	10%	6.6%	
National Australia Bank	Yes	AA-	4,000	4,000	20%	5.3%	
Newcastle Permanent Bld Society	No	BBB	700	700	10%	0.9%	
Rural Bank Ltd	No	BBB+	4,000	4,000	10%	5.3%	
Teachers Mutual Bank Limited	No	BBB	1,000	1,700	10%	2.3%	
Westpac Banking Corporation	Yes	AA-	9,000	9,000	20%	11.9%	<b>98%</b>
<b>Total</b>			<b>67,738</b>	<b>75,438</b>		<b>100%</b>	
<b>Credit Rating Summary as per the Investment Policy</b>							
	<b>Maximum Allowed</b>		<b>Value</b>	<b>Value</b>	<b>%</b>	<b>%</b>	
	<b>%</b>	<b>Value</b>	<b>Previous</b>	<b>Current</b>	<b>Previous</b>	<b>Current</b>	
A- or Higher	100%	75,438	36,000	37,000	53%	49%	
BBB	60%	45,263	31,738	38,438	47%	51%	
Total			67,738	75,438	100%	100%	

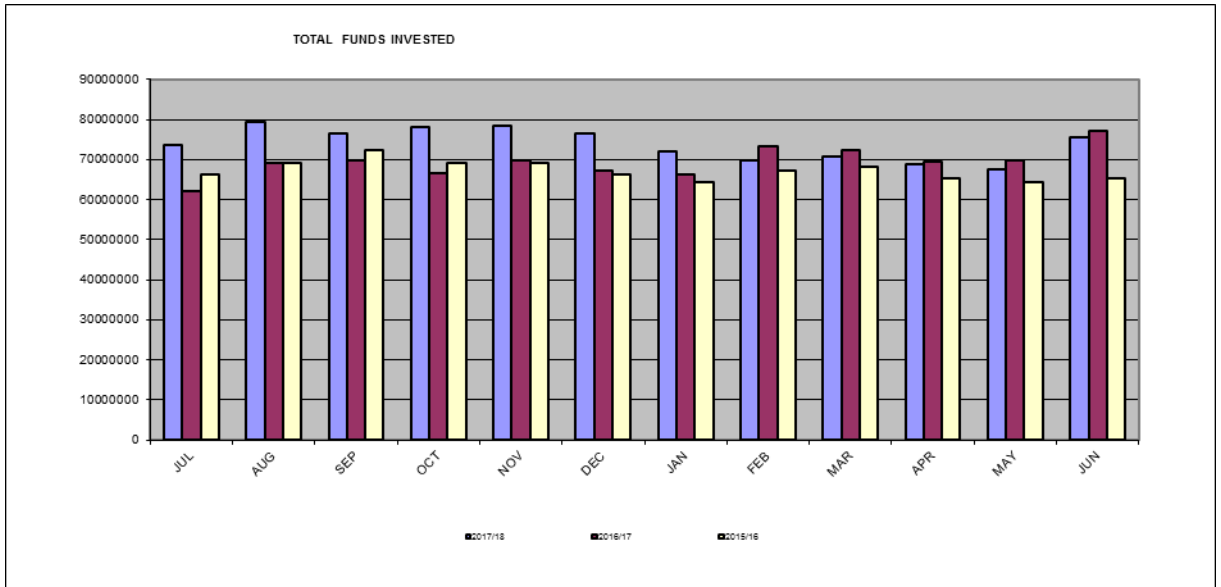
### B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
<b>Fossil Fuel Aligned</b>	41,788 <b>62%</b>	40,788 <b>54%</b>
<b>Non-Fossil Fuel Aligned</b>	25,950 <b>38%</b>	34,650 <b>46%</b>
<b>Not Classified</b>	0 <b>0%</b>	0 <b>0%</b>
<b>Total</b>	67,738 <b>100%</b>	75,438 <b>100%</b>

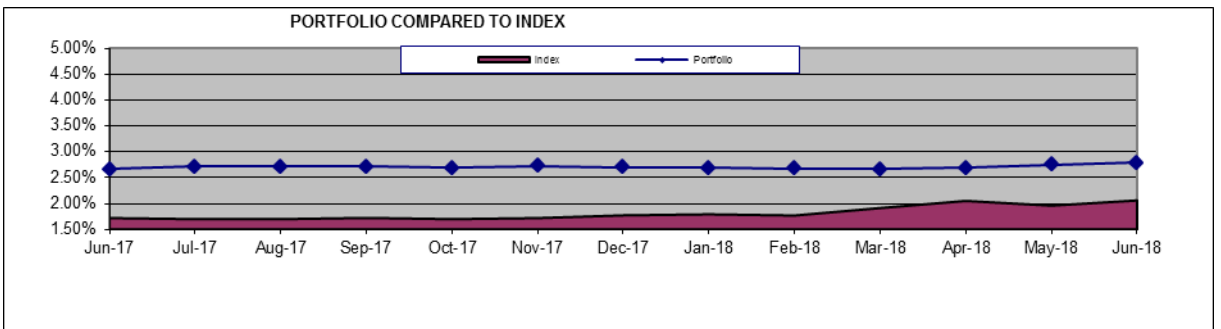
The determination of fossil fuel alignment is based on advice from 'Market Forces' as follows:

- Fossil Fuel Aligned: Noted by Market Forces and Bank Track 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.

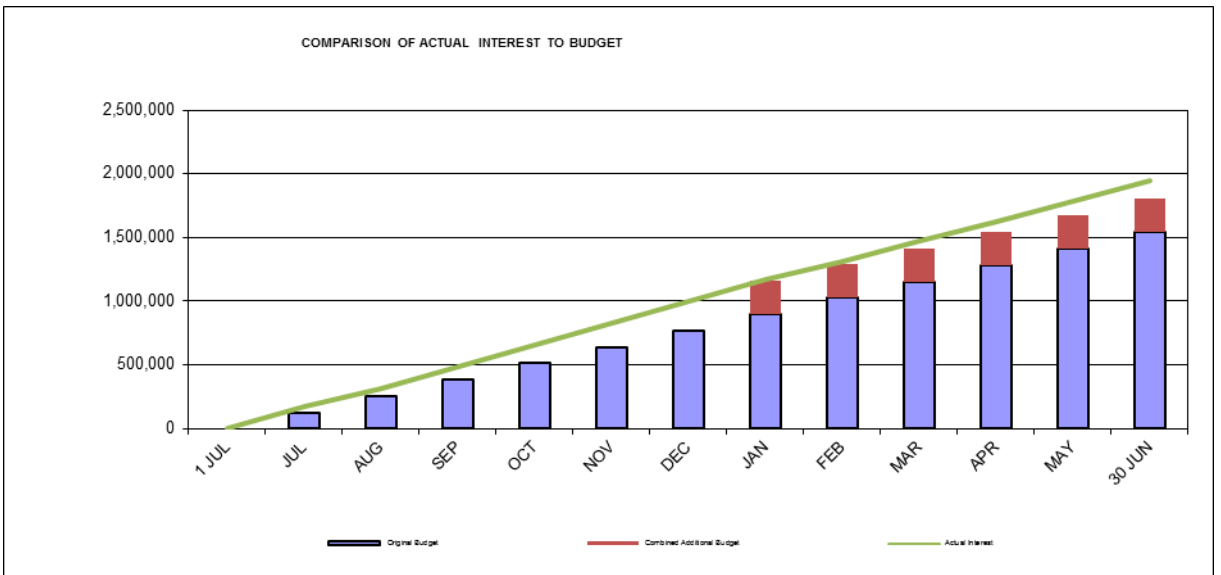
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



## 10.1 Investment Summary - June 2018

### F. Investments held as at 30 June 2018

PURCH DATE	ISSUER	TYPE	RATE	NEXT MATURITY	PURCH VALUE \$'000	FAIR VALUE \$'000
28/06/18	Teachers Mutual Bank Limited	FRN	3.47%	02/07/18	700	700
05/09/17	Commonwealth Bank of Australia	TD	2.58%	05/07/18	2,000	2,000
09/10/17	Westpac Banking Corporation	TD	2.57%	09/07/18	2,000	2,000
06/09/17	National Australia Bank	TD	2.57%	11/07/18	2,000	2,000
12/01/18	ME Bank	TD	2.65%	17/07/18	1,000	1,000
26/07/16	Commonwealth Bank of Australia	FRN	3.11%	26/07/18	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	3.07%	02/08/18	2,000	2,000
06/05/18	Newcastle Permanent Bld Society	FRN	3.40%	06/08/18	700	696
07/02/18	Bank of Queensland	TD	2.60%	07/08/18	2,000	2,000
08/08/17	ING Bank Ltd	TD	2.61%	08/08/18	1,000	1,000
09/11/17	ME Bank	FRN	3.21%	09/08/18	750	750
08/08/17	Bendigo & Adelaide Bank	TD	2.70%	14/08/18	2,000	2,000
20/09/04	National Australia Bank (ASX Listed)	FRN	3.15%	15/08/18	1,788	1,513
16/08/17	AMP Bank	TD	2.65%	16/08/18	1,000	1,000
18/08/17	Westpac Banking Corporation	FRN	2.99%	20/08/18	1,000	1,000
09/08/17	Bendigo & Adelaide Bank	TD	2.70%	22/08/18	1,000	1,000
24/05/18	Greater Bank Limited	FRN	3.35%	24/08/18	1,000	1,000
25/05/18	Westpac Banking Corporation	FRN	2.88%	27/08/18	2,000	2,007
08/02/18	Defence Bank Ltd	TD	2.60%	28/08/18	1,000	1,000
30/08/16	Greater Bank Limited	FRN	3.45%	28/08/18	1,000	1,002
11/12/17	ME Bank	TD	2.62%	07/09/18	1,000	1,000
05/03/18	National Australia Bank	TD	2.57%	11/09/18	2,000	2,000
26/03/18	Bank of China	TD	2.74%	11/09/18	2,000	2,000
17/06/16	Commonwealth Bank of Australia	FRN	3.11%	17/09/18	1,000	1,000
22/06/18	Heritage Bank	TD	2.80%	26/09/18	2,500	2,500
29/06/17	Teachers Mutual Bank Limited	FRN	3.45%	29/09/18	1,000	1,003
30/06/16	Commonwealth Bank of Australia	FRN	3.14%	30/09/18	1,000	1,000
09/04/18	ME Bank	TD	2.75%	09/10/18	1,000	1,000
09/03/18	Westpac Banking Corporation	TD	2.65%	09/10/18	2,000	2,000
18/01/18	AMP Bank	TD	2.65%	18/10/18	1,000	1,000
09/11/17	Defence Bank Ltd	TD	2.75%	08/11/18	1,500	1,500
16/08/17	ING Bank Ltd	TD	2.68%	15/11/18	2,000	2,000
15/08/17	ING Bank Ltd	TD	2.68%	15/08/18	1,000	1,000
17/08/17	ING Bank Ltd	TD	2.70%	17/08/18	1,000	1,000
20/11/17	Defence Bank Ltd	TD	2.75%	22/11/18	1,000	1,000
04/12/17	Defence Bank Ltd	TD	2.75%	04/12/18	1,000	1,000
11/12/17	Credit Union Australia	TD	2.60%	11/12/18	2,000	2,000
04/06/18	ME Bank	TD	2.77%	18/12/18	1,000	1,000
27/04/18	Rural Bank Ltd	TD	2.80%	09/01/19	2,000	2,000
06/06/18	My State Bank Ltd	TD	2.83%	15/01/19	1,000	1,000
30/04/18	Rural Bank Ltd	TD	2.80%	22/01/19	1,000	1,000
29/01/18	Commonwealth Bank of Australia	TD	2.66%	29/01/19	2,000	2,000
03/04/18	Credit Union Australia	TD	2.72%	05/02/19	1,000	1,000
01/05/18	Rural Bank Ltd	TD	2.80%	12/02/19	1,000	1,000
03/05/18	My State Bank Ltd	TD	2.80%	19/02/19	1,000	1,000
17/05/18	AMP Bank	TD	2.83%	19/02/19	2,000	2,000
22/05/18	AMP Bank	TD	2.80%	26/02/19	1,000	1,000
29/05/18	AMP Bank	TD	2.83%	05/03/19	3,000	3,000
01/06/18	AMP Bank	TD	2.90%	11/03/19	1,000	1,000
05/06/18	My State Bank Ltd	TD	2.83%	13/03/19	3,000	3,000
06/06/18	AMP Bank	TD	2.83%	19/03/19	1,000	1,000
19/06/18	Auswide Bank	TD	2.88%	26/03/19	1,500	1,500
27/06/18	Heritage Bank	TD	3.05%	24/06/19	2,000	2,000
<b>Totals</b>					<b>75,438</b>	<b>75,171</b>
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 2018.

**Attachment(s)**

Nil



## 10.2 Councillor Expenses - Twelve Monthly Review

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### 10.2 Councillor Expenses - Twelve Monthly Review

**Delivery Program**      Communications

**Objective**                      To provide the 2017/18 report on Councillor Expenses.

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#### Background

The Model Councillor Expenses and Facilities Policy includes a requirement for the reporting of expenditure by Councillors every six months, summarised by individual Councillor and as a total for all Councillors (Clause 15.2). The information is to also be published on Council's website. This report satisfies that requirement.

#### Key Issues

- Overview of expenditure

#### Information

This report is for the twelve month period from 1 July 2017 to 30 June 2018 with the expenditure as follows. This expenditure excludes the Councillor and Mayor annual allowances.

#### Councillor Expenses and Facilities Expenditure (\$ incl GST)

Councillor Name	General Travel and Expenses (km not subject to GST)	Professional Development / Conferences	Information Technology	Home Office	Mayor Vehicle	JRPP	Totals
Cadwallader	2,797	5,500	1,317	284	0	0	9,898
Johnson	356	0	1,202	229	0	0	1,787
Johnston	2,188	2,410	243	223	0	0	5,064
McCarthy	6	2,343	426	0	0	0	2,775
Meehan	676	187	1,415	259	0	0	2,537
Parry	845	620	300	5	0	0	1,770
Smith	110	0	239	294	0	0	643
Williams	0	0	473	243	0	600	1,316
Willis	6	5,214	243	183	0	0	5,646
Wright	35	0	222	144	(1) 12,000	1,200	13,457
<b>Total</b>							<b>44,893</b>

(1) Represents the internal plant charge for the mayoral vehicle

In addition to these expenses the Mayor has paid \$302 for the period 1 July 2017 to 30 June 2018 for private fuel.

The Expenses Policy places a \$3,300 annual limit (including GST) on general travel arrangements expenses, a \$5,500 annual limit (including GST) on professional development and conferences, excluding induction training, \$1,100 on Home Office Expenses (including GST) and Information Technology expenses of \$80 per month,.

## **10.2 Councillor Expenses - Twelve Monthly Review**

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### **Legal / Resource / Financial Implications**

Council has funding allocated in the Long Term Financial Plan for this expenditure.

### **Options**

This report is for noting only.

### **RECOMMENDATION**

That Council notes the contents of this update on the Councillor expenditure as per the Councillor Expenses and Facilities Policy.

### **Attachment(s)**

Nil

## 10.3 Donations - Community and Sporting Groups

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### 10.3 Donations - Community and Sporting Groups

**Delivery Program**      Communications

**Objective**                      To approve the allocation of financial assistance to community groups and for capital works for sporting groups.

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#### **Background**

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

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

The 2018/19 Operational Plan includes the following allocations for these programs:

- Donations - Financial Assistance - \$72,000
- Donations - Sporting Groups – \$20,000

In respect to the \$72,000 for Financial Assistance, Council has previously allocated \$5,000 to fund the Ballina Riverside Carols, as per resolution 231117/27.

In accordance with a resolution from the June 2018 Ordinary meeting, a number of Councillors met on 5 July 2018 to consider a preferred allocation of the available funds, based on submissions received during the preparation of the 2018/19 Operational Plan.

The purpose of this report is to consider the recommendations from that meeting and confirm the allocation of the donations for 2018/19.

#### **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 5 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.

### 10.3 Donations - Community and Sporting Groups

#### Donations - Financial Assistance

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

**Table One: Donations – Financial Assistance Program – Submissions**

Ref	Applicant	Project / Activity	Amount Requested (\$)	Amount Approved (\$)
1	Meerschaum Vale Community Hall	Various repairs to the hall	11,591	5,500
2	Tibouchina RSL Day Club	Room hire for meetings at ALEC	2,508	2,508
3	Ballina Breast Cancer Support Group	Room hire for meetings at Kentwell Community Centre	504	504
4	Ballina Al-Anon Family Group	Room hire for meetings at Richmond Room	780	780
5	Veterans Advocacy Centre Inc.	Installation of telephone cabling to assist in the upgrade of telephone system	2,544	2,544
6	Ballina Hospital Auxiliary	Costs to hire Ballina Jockey Club for Annual Craft Show 2019	1,200	1,200
7	Ballina Jet Boat Surf Rescue	Consumables for surf rescue vehicles	3,000	3,000
8	Ballina Jet Boat Surf Rescue	Insurance renewals for surf rescue vehicles	6,000	6,000
9	Ballina RSL Sub Branch	Payment of Rates for 5 Piper Drive (RSL Youth Club)	4,216	0
10	Ballina Lions Club	Costs associated with holding the Ballina Lions Club Annual Fun-Run-Walk 2019	1,000	1,000
11	Northern Rivers Women's Bowling Association	Costs associated with holding a 3 day carnival in Ballina	1,000	1,000
12	Lifeball	Venue hire at Lennox Community Centre and insurances	6,240	3,120
13	Lennox Head Combined Sports Carols Committee	Costs associated with holding the Lennox Head Carols event in December 2018	6,000	5,000
14	Lions Club of Lennox Head Inc.	Costs associated with holding fundraising activities for various charities	1,842	1,842
15	Rous Mill and District Memorial Hall Inc.	Painting of all hall interior surfaces, insurance excess from storm	6,250	5,500
16	Wollongbar Community Preschool Inc.	Fixing and painting fort in children's playground	1,512	1,512
17	1st Ballina Scout Group	Costs associated with sending five scouts to New Zealand to compete in 'Illuminate'	1,000	0
18	Our Kids	Supplying and erecting temporary fencing for the Our Kids Day Out	1,000	1,000
19	Ballina Schools Historical Society Inc.	Insurances for dedicated museum space at the Ballina Coast High School site in Cherry Street	1,000	0
20	Heartfelt House	Costs associated with providing external Human Resource Consultants	10,000	0

### 10.3 Donations - Community and Sporting Groups

Ref	Applicant	Project / Activity	Amount Requested (\$)	Amount Approved (\$)
21	Lennox Head Residents' Association Inc. (Coast Care Committee)	Costs associated with maintaining the amenities of Lennox Head; i.e. purchase of materials and equipment.	2,595	2,595
22	Lennox Head Residents' Association Inc.	Venue Hire for a variety of community meetings and dissemination of information   Site Hire For Love Lennox Festival	1,000	500
23	Lennox Head Residents' Association Inc. (Heritage Committee)	Hire of Lennox Community Centre for various activities throughout the year	456	456
24	Lennox Head Residents' Association Inc. (Boomerang Bags)	Venue hire to carry out bag making activities to assist in removing plastic bags from the shire.	660	330
25	Oceanic Research Institute Limited	Costs associated with establishing headquarters in Ballina - funds would be used to buy a basic Apple computer network	10,000	0
26	Ballina Shire Concert Band Inc.	Costs associated with purchase and erection of a colour bond shed to house the bands trailer which carries music stands and portable chairs	6,610	6,610
27	Ballina Hockey Club	Operational costs associated with hosting the 2018 Australian National Men's Hockey Masters in partnership with Far North Coast Hockey	10,000	7,500
28	East Ballina Lions Club Inc.	Purchase directional road signs to the Ballina Market site.	899	899
29	Suzanne Whiteman	Community tree and biodiversity plantings and related activities in the Meerschaum Vale, Bagotville and West Wardell areas	990	0
30	Ballina District Minister's Association (1)	Operational costs to hold the 2018 Carols event in Ballina	5,000	5,000
31	Ballina Public School	Costs for choir students to travel to festival of music in Sydney	700	0
32	Air Force Association Ballina Branch	Costs to provide shade for people attending Battle for Australia and Battle of Britain Service	740	740
33	Village Guide (Surface Society Pty Ltd)	Operational costs to produce Village Guide	3,676	0
34	Alstonville Plateau Historical Society (2)	Rates for Crawford House Museum	3,275	4,265
35	Alstonville Gymnastics Academy	Waiver of fees for Alstonville Leisure and Entertainment Centre	10,000	0
36	Ballina Coast High School	Sponsor students at the Year 12 Farewell Assembly	50	45 (swimming pool ten pass)
37	Lennox Head Combined Sports Carols Committee	Waiver of Hire Hall as wet weather venue for Lennox Head Carols	500	0

### 10.3 Donations - Community and Sporting Groups

Ref	Applicant	Project / Activity	Amount Requested (\$)	Amount Approved (\$)
38	Cabbage Tree Island RLFC	Financial assistance towards team nomination, training equipment, uniforms, travel and accommodation	2,500	2,500
39	St Vincent de Paul	Seeking financial assistance in relation to water rates and/or sewerage charges	1,411	0
40	Alstonville Baptist Church	Costs associated with holding the Christmas on the Plateau event	5,000	5,000
41	Charity Quilters Group	Costs associated with hiring Northlakes Hall for 8 hours / month @ \$12/hour	1,152	500
	<b>TOTAL</b>			<b>78,950</b>

- 1) Previously approved as per resolution 231117/27 (\$5,000)
- 2) Application was for the donation of rates and charges - rates were forecast at \$3,275; however \$4,265 is the actual calculation and includes the ordinary rate, water, wastewater and stormwater access charges.

At the Councillor briefing, there was discussion amongst Councillors on the permissibility of market signage in a road reserve for the East Ballina Lions Club application.

On investigation, the East Ballina Lions Club were granted approval for such signs in 2006 by way of Council resolution (270406(007)).

Council's current policy position for market signage is to use the community event banner signage.

Therefore it is unlikely an application for temporary signage in a road reserve would be endorsed.

The amended amount for the Alstonville Plateau Historical Society has increased due to the inclusion of water access, wastewater access and stormwater charges as part of the donation.

Ordinary	Water Access	W/water Access	Stormwater	Total
3,275	205	735	50	4,265

Two late community donation applications were received as follows:

1. Cancer Council NSW (received 12 July). They have asked Council to make special consideration in accepting this late application, due to unforeseen staffing circumstances.

The donation request is for cancer support group monthly room hire fees at the Kentwell Community Centre. The total estimated donation is \$1,008.

### 10.3 Donations - Community and Sporting Groups

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2. Northern Rivers Branch of Ulysses Club Inc. The donation is to pay for traffic control for their annual toy run. The total estimated donation is \$850.

The application forms are attached to this report. The recommendation supports the requests as they have been supported in previous years.

#### Donations – Sporting Groups – Capital Works Assistance

Table Two outlines the one application received for community sporting groups capital works assistance program.

**Table Two: Submissions – Sporting Groups - Capital Works Assistance**

Ref	Applicant	Project / Activity	Project Value (\$)	Amount Requested (\$)	Amount Agreed (\$)
1	Northern Rivers Outrigger Canoe Club	Undercover storage area for craft	2,286	2,286	0
<b>Total</b>			<b>2,286</b>	<b>2,286</b>	<b>0</b>

It was agreed at the Councillor briefing that Council would be best placed to defer this matter, due to the preparation of a master plan for this site (Cawarra Park) being identified as an action in the Operational Plan for 2018/19.

Once this masterplan is complete, this application could be re-visited in 2019/20.

#### 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.
- **Economic**  
The injection of financial support into community groups contributes to the local economy.

#### Legal / Resource / Financial Implications

Council has allocated \$72,000 for the Community Donations - Financial Assistance Program, and \$20,000 for the Capital Works Community Sporting Groups.

#### Consultation

Council advertised for donation submissions during the exhibition of the 2018/19 Operational Plan.

## 10.3 Donations - Community and Sporting 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.

### RECOMMENDATIONS

1. That Council approves the following Donations – Financial Assistance Program for 2018/19, as outlined in Table One of this report and following:

Ref	Applicant	Project / Activity	Amount Approved (\$)
1	Meerschaum Vale Community Hall	Various repairs to the hall	5,500
2	Tibouchina RSL Day Club	Room hire for meetings at ALEC	2,508
3	Ballina Breast Cancer Support Group	Room hire for meetings at Kentwell Community Centre	504
4	Ballina Al-Anon Family Group	Room hire for meetings at Richmond Room	780
5	Veterans Advocacy Centre Inc.	Installation of telephone cabling to assist in the upgrade of telephone system	2,544
6	Ballina Hospital Auxiliary	Costs to hire Ballina Jockey Club for Annual Craft Show 2019	1,200
7	Ballina Jet Boat Surf Rescue	Consumables for surf rescue vehicles	3,000
8	Ballina Jet Boat Surf Rescue	Insurance renewals for surf rescue vehicles	6,000
9	Ballina RSL Sub Branch	Payment of Rates for 5 Piper Drive (RSL Youth Club)	0
10	Ballina Lions Club	Costs associated with holding the Ballina Lions Club Annual Fun-Run-Walk 2019	1,000
11	Northern Rivers Women's Bowling Association	Costs associated with holding a 3 day carnival in Ballina	1,000
12	Lifeball	Venue hire at Lennox Community Centre and insurances	3,120
13	Lennox Head Combined Sports Carols Committee	Costs associated with holding the Lennox Head Carols event in December 2018	5,000
14	Lions Club of Lennox Head Inc.	Costs associated with holding fundraising activities for various charities	1,842
15	Rous Mill and District Memorial Hall Inc.	Painting of all interior surfaces of the hall, insurance excess from storm	5,500
16	Wollongbar Community Preschool Inc.	Fixing and painting fort in children's playground	1,512
17	1st Ballina Scout Group	Costs associated with sending five scouts to New Zealand to compete in 'Illuminate'	0



### 10.3 Donations - Community and Sporting Groups

18	Our Kids	Supplying and erecting temporary fencing for the Our Kids Day Out 2019	1,000
19	Ballina Schools Historical Society Inc.	Insurances for dedicated museum space at the Ballina Coast High School site in Cherry Street	0
20	Heartfelt House	Costs associated with providing external Human Resource Consultants	0
21	Lennox Head Residents' Association Inc. (Coast Care Committee)	Costs associated with maintaining the amenities of Lennox Head; i.e. purchase of materials and equipment.	2,595
22	Lennox Head Residents' Association Inc.	Venue Hire for a variety of community meetings and dissemination of information   Site Hire For Love Lennox Festival	500
23	Lennox Head Residents' Association Inc. (Heritage Committee)	Hire of Lennox Community Centre for various activities throughout the year	456
24	Lennox Head Residents' Association Inc. (Boomerang Bags)	Venue hire to carry out bag making activities to assist in removing plastic bags from the shire.	330
25	Oceanic Research Institute Limited	Costs associated with establishing headquarters in Ballina - funds would be used to buy a basic Apple computer network	0
26	Ballina Shire Concert Band Inc.	Costs associated with purchase and erection of a colour bond shed to house the bands trailer which carries music stands and portable chairs	6,610
27	Ballina Hockey Club	Operational costs associated with hosting the 2018 Australian National Men's Hockey Masters in partnership with Far North Coast Hockey	7,500
28	East Ballina Lions Club Inc.	Purchase directional road signs to the Ballina Market site.	899
29	Suzanne Whiteman	Community tree and biodiversity plantings and related activities in the Meerschaum Vale, Bagotville and West Wardell areas	NIL
30	Ballina District Minister's Association	Operational costs to hold the 2018 Carols event in Ballina	5,000 (previously approved)
31	Ballina Public School	Costs for choir students to travel to festival of music in Sydney	NIL
32	Air Force Association Ballina Branch	Costs to provide shade for people attending Battle for Australia and Battle of Britain Service	740
33	Village Guide (Surface Society Pty Ltd)	Operational costs to produce Village Guide	NIL
34	Alstonville Plateau Historical Society	Rates for Crawford House Museum	4,265
35	Alstonville Gymnastics Academy	Waiver of fees for Alstonville Leisure and Entertainment Centre	NIL

### 10.3 Donations - Community and Sporting Groups

36	Ballina Coast High School	Sponsor students at the Year 12 Farewell Assembly	45 (swimming pool ten pass)
37	Lennox Head Combined Sports Carols Committee	Waiver of Hire Hall as wet weather venue for Lennox Head Carols	NIL
38	Cabbage Tree Island RLFC	Financial assistance towards team nomination, training equipment, uniforms, travel and accommodation	2,500
39	St Vincent de Paul	Seeking financial assistance in relation to water rates and/or sewerage charges	NIL
40	Alstonville Baptist Church	Costs associated with holding the Christmas on the Plateau event	5,000
41	Charity Quilters Group	Costs associated with hiring Northlakes Hall for 8 hours / month @ \$12/hour	500
	<b>TOTAL</b>		<b>78,950</b>

2. That Council approves two late applications from the 2018/19 Community Donations – Financial Assistance program for the following two late requests, bringing the total allocation of the community donations program to \$80,808.
  - a) Cancer Council NSW. This donation is estimated at \$1,008 for the 2018/19 year.
  - b) Northern Rivers Branch of Ulysses Club Inc. This donation is estimated at \$850 for the 2018/19 year.
3. That Council defers the 2018/19 Community Sporting Groups Capital Assistance application from the Northern Rivers Outrigger Canoe Club and advise the preparation of a masterplan for Cawarra Reserve is planned in 2018/19.
4. That Council increase the Community Donations – Financial Assistance budget by \$8,808 to accommodate the requests as tabled in points one and two of this recommendation. This increase is to be funded from the Sporting Groups – Capital Works Assistance.
5. That Council approves the reallocation of any unallocated balance of the 2018/19 Community Sporting Groups - Capital Assistance to Council's Sports Facilities - maintenance budget.
6. That due to the Donations – Financial Assistance program being exhausted, that no further applications are to be considered for the 2018/19 year.

#### Attachment(s)

1. Donation Application - Cancer Council NSW
2. Donation Application - Northern Rivers Branch of Ulysses Club Inc

## 10.4 Donations - Rates and Charges 2018/19

### 10.4 Donations - Rates and Charges 2018/19

**Delivery Program** Financial Services

**Objective** To obtain Council approval to donate the 2018/19 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, identifies 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 2018/19 rating year based on the policy.

All amounts have been rounded to the nearest dollar.

**Table One – Donations – 2018/19 Rates and Annual Charges**

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm-water	On Site Septic	Waste	Total (\$)
<b>Category A - 100% of all rates and charges donated</b>								
415027	Ballina Lighthouse SLSC	0	318	735	0	0	0	1,053
120347	Lennox SLSC	0	816	2,356	0	0	0	3,172
295613	Surf Life Saving FNC Branch Inc.	0	636	735	0	0	0	1,371
173390	Ballina CWA	0	204	735	0	0	356	1,295
423070	Marine Rescue NSW	0	318	1,093	0	0	532	1,943
<b>Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges)</b>								

## 10.4 Donations - Rates and Charges 2018/19

Assess No.	Organisation	Ordinary Rate	Water Access	Waste-water Access	Storm -water	On Site Septic	Waste	Total (\$)
145397	Biala School	0	204	735	0	0	0	939
145363	Fox St Preschool	0	204	735	0	0	0	939
172661	Ballina Playgroup	0	204	735	0	0	0	939
172679	River Street Childrens Centre	0	204	735	0	0	0	939
213734	Lennox Preschool	0	204	735	0	0	0	939
232429	Jumbunna Preschool	2,214	204	735	50	0	0	3,203
418960	Wollongbar Preschool	0	204	735	0	0	0	939
151966	Rainbow Children's Centre	5,342	204	735	100	0	0	6,381
417590	Alstonville Community Preschool	0	204	735	75	0	0	1,014
115643	Alstonville Ag Society	4,385	840	2,920	300	0	0	8,445
235231	Meerschaum Vale Hall	1,111	204	0	0	60	0	1,375
254780	McLeans Ridges Hall	2,085	0	0	0	60	0	2,145
417338	Newrybar Hall	1,764	0	0	0	60	0	1,824
250663	Pearces Creek Hall	1,522	0	0	0	60	0	1,582
239675	Pimlico Hall	889	0	0	0	60	0	949
234170	Rous Mill Hall	1,836	0	0	0	60	0	1,896
230045	Tintenbar School of Arts Trustees	1,659	0	0	0	60	0	1,719
232013	Wardell Hall	4,321	204	735	50	0	0	5,310
186115	Wigmore Hall	0	204	735	0	0	0	939
264036	Alstonville RSL Sub Branch Hall	1,788	204	735	25	0	0	2,752
422684	Wollongbar Community Hall	0	204	735	50	0	0	989
213726	Lennox Scouts	0	204	735	0	0	0	939
253556	Alstonville Scouts	0	0	0	0	60	0	60
294243	Ballina Scouts	0	204	735	0	0	0	939
334289	Ballina Jetboat Surf Rescue	745	204	0	25	0	0	974
<b>Category C - 100% of all wastewater charges until backlog wastewater program capital contribution is paid in full</b>								
126822	Sea Bird Rescue	0	0	735	0	0	0	735
119956	Jehovah Witness	0	0	1,791	0	0	0	1,791
<b>TOTALS (Category A, B, C)</b>		<b>29,661</b>	<b>6,600</b>	<b>22,124</b>	<b>675</b>	<b>480</b>	<b>888</b>	<b>60,428</b>

Following completion of the new Marine Rescue NSW tower and the provision of services to the new building, this organisation is now able to be billed for water and wastewater access charges along with water consumption and wastewater usage charges which were unable to be separately charged. Previously Marine Rescue NSW only received waste bin charges. As a Category A organisation under the Donations – Rates and Charges Policy, the donation report now lists donations for all services as billed, including consumption charges.

## 10.4 Donations - Rates and Charges 2018/19

The next table provides **estimates** of the water consumption based charges that are proposed to be donated on a quarterly basis during 2018/19, 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 – 2018/19 Estimated Volumetric Based Charges**

Assessment Number	Organisation	Estimated Water Consumption Bill (\$)	Estimated Wastewater Usage Bill (\$)	Estimated Total Bills (\$)
415027	Ballina Lighthouse & Lismore SLSC	1,100	650	1,900
120347	Lennox/Alstonville SLSC	1,100	900	2,000
295613	Surf Life Saving FNC Branch Inc.	2,960	990	3,950
173390	CWA of NSW (Ballina)	120	120	240
423070	Marine Rescue NSW	60	60	120
119956	Jehovah Witness	0	220	220
<b>TOTALS (Estimated)</b>		<b>5,340</b>	<b>2,840</b>	<b>8,180</b>

The next table provides a comparison between the proposed total of 2018/19 rates and charges donations and total rates and charges donated during the 2017/18 rating year.

**Table Three – Donations – Comparison between 2018/19 and 2017/18**

Rate or Charge Description	Proposed 2018/19 Donations	Actual 2017/18 Donations	Difference (\$)	Difference (%)
Ordinary Rates	29,661	27,942	1,719	6.2
Water Access Charges	6,600	6,567	33	0.5
Water Consumption Charges	5,340	5,681	-341	-6.0
Wastewater Access Charges	19,598	18,081	1,517	8.4
Wastewater Usage Charges	2,840	2,802	38	1.4
Waste or Recycling Charges	888	868	20	2.3
On Site Sewage Management Fees	480	440	40	9.1
Stormwater Management Charges	675	675	0	0.0
Backlog Sewer Charges	2,526	2,469	57	2.3
<b>TOTALS</b>	<b>68,608</b>	<b>65,525</b>	<b>3,083</b>	<b>4.5</b>

### Sustainability Considerations

- **Environment**  
Not Applicable.
- **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 the 2018/19 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 annual 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 2018/19 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)**

Nil

## 10.5 Donations - Australian Representation

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### 10.5 Donations - Australian Representation

**Delivery Program**      Communications

**Objective**                      To consider an application for funding under the 'Donations - Australian Representation' Policy.

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#### **Background**

Council occasionally receives requests to financially support athletes who reside in the Ballina Shire if they are selected to represent Australia in their chosen field of sport. Council has a policy *Donations – Australian Representation* that provides guidance to these requests.

Council has received such a request from a local resident, and a copy of the request is attached.

#### **Key Issues**

- Community benefit
- Funding available

#### **Information**

##### ***Australian Representation – Mr William Butler***

Mr William Butler, a Ballina Shire resident, has been selected to represent Australia as a member of the Australian Universities Rugby League team.

The team will tour South Africa in October 2018 and William is seeking funding towards these costs. Refer to Attachment 1 for the submission.

Council has a policy, *Donations - Australian Representation* that states Council may provide a \$400 contribution for applicants representing Australia overseas (this figure is indexed by CPI each year, therefore approximately \$420 in current dollars).

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Donations can support community benefits to the Ballina Shire.
- **Economic**  
Not Applicable

#### **Legal / Resource / Financial Implications**

This request can be accommodated for within Council's overall budget.

## **10.5 Donations - Australian Representation**

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### **Consultation**

There has been no specific consultation in respect to this request.

### **Options**

The options are to approve or decline the request. The application complies with the Council policy and is recommended for approval.

### **RECOMMENDATION**

That Council approves the request from Mr William Butler for a donation of \$420 towards the cost of Australian selection as per Council's Donations - Australian Representation Policy.

### **Attachment(s)**

1. Request for Financial Assistance (Australian Representation) Australian Rugby League - William Butler



## **10.6 Joint Organisation - Alternate Delegate**

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### **10.6 Joint Organisation - Alternate Delegate**

**Delivery Program**      Communications

**Objective**                      To confirm the alternate delegate for the Northern Rivers Joint Organisation.

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#### **Background**

This report provides an update on the establishment of the Northern Rivers Joint Organisation and seeks Council confirmation of the alternate delegate.

The Northern Rivers Joint Organisation (NRJO) was proclaimed by the NSW State Government on Monday 14 May 2018. The following are member councils of the NRJO:

- Ballina Shire Council
- Byron Shire Council
- Kyogle Council
- Lismore City Council
- Richmond Valley Council
- Tweed Shire Council

The following organisations are proposed as non-voting associate members of the NRJO:

- the NSW State Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, currently the Department of Premier and Cabinet, Director North Coast Region
- Rous County Council
- Clarence Valley Council
- Tenterfield Shire Council
- Gold Coast City Council
- Scenic Rim Regional Council
- RDA Northern Rivers

The NSW State Government is a mandatory non-voting member, whereas the other councils have been invited to join as non-voting members based on discussion from within the NRJO.

The State Government representative is expected to attend meetings of the NRJO whereas the other councils listed are only expected to attend when there is a matter on the agenda that may have some relevance or community of interest with that council.

The NRJO had its first meeting on Friday 22 June 2018 and this report provides an update on the NRJO and seeks a decision from Council on the alternate delegate.

#### **Key Issues**

- Determination of alternate delegate

### Information

The NRJO held its inaugural meeting on 22 June 2018 and at this meeting the NRJO:

- Elected Cr Danielle Mulholland as Chair unopposed
- Adopted a draft Charter for consultation with the member Councils
- Appointed Mr Tim Williamson, Director of Regional Development with RDA Northern Rivers as their interim Executive Officer and provided the necessary delegations
- Adopted a Code of Conduct and procedures for its administration
- Agreed to transfer the NOROC Code of Conduct Panel of Conduct Reviewers
- Adopted a draft Code of Meeting Practice for consultation with the member councils
- Adopted a draft Expenses and Facilities Policy for consultation with the member councils
- Set down the meeting dates for the next 18 months
- Requested the interim Executive Officer to seek proposals for the development of a Statement of Strategic Regional Priorities based on the 10 Regional Priorities previously adopted by NOROC. All Joint Organisations must adopt a Statement of Strategic Regional Priorities.

The next meeting of the NRJO is set down for 6 August 2018 at Ballina.

The last meeting of NOROC was also held on 22 June 2018, where it was agreed to wind up NOROC and transfer all assets and liabilities across to the NRJO.

The draft Charter adopted by the NRJO provides for:

- One voting representative per member council (the Mayors)
- Allows for an alternate voting delegate in the absence of the Mayor, as determined by the member Council
- Decisions are made through a majority (4/6) voting model

### Sustainability Considerations

- **Environment**  
The NRJO will discuss matters based on environmental, social and economic outcomes.
- **Social**  
As above
- **Economic**  
As above

**Legal / Resource / Financial Implications**

A key decision for the NRJO will be the appointment of the permanent Executive Officer, with that person having to be placed on the standard senior staff local government contract, albeit that there is no requirement for that person to be paid at the remuneration level that normally requires a staff member to be placed on that contract.

The NRJO is still to confirm the total package for the Executive Officer and the preference from the regional General Managers is for it to be a permanent part time position (approximately three days per week) with salary commensurate to a council section manager. A report on this will be submitted to the next NRJO meeting.

The State Government's aim is for Joint Organisations to be the regional representative / voice on broad State Government related matters and the Executive Officer will be required to attend the State Government's regional Department of Premier and Cabinet meetings. Representatives from all the various State Government agencies attend these meetings, which are normally held at Coffs Harbour for the north coast region.

The NRJO is yet to adopt a forward budget with a report to be submitted to the 6 August meeting. A likely forward financial plan is as follows:

**NRJO – Possible Forward Financial Plan**

Item	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Membership Fees</b>							
Ballina Shire	17,567	17,567	21,900	27,400	34,200	42,600	43,700
Byron Shire	15,067	15,067	19,300	24,100	30,100	37,600	38,500
Kyogle	9,924	9,924	13,100	16,400	20,500	25,500	26,100
Lismore City	18,307	18,307	22,200	27,700	34,600	43,200	44,300
Richmond Valley	13,084	13,084	16,700	20,800	26,000	32,500	33,300
Tweed Shire	28,944	28,944	35,400	44,400	55,700	69,800	71,700
<b>Total Fees</b>	<b>102,893</b>	<b>102,893</b>	<b>128,600</b>	<b>160,800</b>	<b>201,000</b>	<b>251,300</b>	<b>257,600</b>
<b>Annual Increase (%)</b>	<b>0%</b>	<b>0%</b>	<b>25%</b>	<b>25%</b>	<b>25%</b>	<b>25%</b>	<b>2.5%</b>
<b>Forecast Cashflows</b>							
<b>Operating Revenues</b>							
Membership Fees	102,893	102,893	128,600	160,800	201,000	251,300	257,600
Myroadinfo Fees	32,800	32,800	33,600	34,400	35,300	36,200	37,100
Procurement Rebate	30,087	10,000	10,300	10,600	10,900	11,200	11,500
State Government Cont	0	300,000	0	0	0	0	0
Interest	6,387	6,000	7,000	4,000	2,000	1,000	1,000
<b>Total</b>	<b>172,167</b>	<b>451,693</b>	<b>179,500</b>	<b>209,800</b>	<b>249,200</b>	<b>299,700</b>	<b>307,200</b>
<b>Operating Expenses</b>							
Bank Charges	7	100	100	100	100	100	100
Conferences, Events, Travel	0	10,000	10,300	10,600	10,900	11,200	11,500
Professional Development	0	5,000	5,100	5,200	5,300	5,400	5,500
Exec Officer - Salary/Oncosts	44,715	90,000	92,300	94,600	97,000	99,400	101,900
Exec Officer - Vehicle	0	8,000	8,200	8,400	8,600	8,800	9,000
Exec Officer - Support (RDA)	0	50,000	51,300	52,600	53,900	55,200	56,600
Exec Officer - Office (Rous)	0	25,000	25,600	26,200	26,900	27,600	28,300
MyRoadInfo	27,250	27,900	28,600	29,300	30,000	30,800	31,600
Professional Fees – Audit	0	5,000	5,100	5,200	5,300	5,400	5,500
Media and Communications	0	5,000	5,100	5,200	5,300	5,400	5,500

## 10.6 Joint Organisation - Alternate Delegate

Record Storage	209	500	500	500	500	500	500
Regional Projects	15,364	140,000	140,000	100,000	100,000	50,000	51,300
Sundry Expenses	1,475	2,000	2,000	2,000	2,000	2,000	2,000
<b>Total</b>	<b>89,020</b>	<b>368,500</b>	<b>374,200</b>	<b>339,900</b>	<b>345,800</b>	<b>301,800</b>	<b>309,300</b>
<b>Net Cash Movement</b>	<b>83,147</b>	<b>83,193</b>	<b>(194,700)</b>	<b>(130,100)</b>	<b>(96,600)</b>	<b>(2,100)</b>	<b>(2,100)</b>
Retained Earnings - 1 July	319,000	402,100	485,300	290,600	160,500	63,900	61,800
Retained Earnings - 30 June	402,100	485,300	290,600	160,500	63,900	61,800	59,700

Key assumptions in this financial plan are:

- Membership fees – Due to the increased costs of staffing the JO, there is a need to increase membership fees to a level where the forecast revenues match forecast expenses. To achieve this, fees are increased by 25% per annum for a period of four years from 2019/20 to 2023/24 and then by CPI.
- NOROC had significant retained earnings and these earnings are drained over the four year fee transition period to help manage the financial impact of the increased membership fees.
- The Office of Local Government has advised that it will be providing \$300,000 to the NRJO in its first year to assist with the transition to a Joint Organisation. This contribution also helps manage the increase in member fees.
- The membership fees are based on the existing NOROC structure, which is a 50% allocation of operating costs spreadly evenly between the member councils and the remaining 50% distributed based on population.
- Executive Officer – Support (RDA) – It is proposed that Regional Development Australia (RDA) will provide administrative support for the Executive Officer based on an agreed annual cost.
- Executive Officer – Office (Rous) – It is proposed that Rous Water will provide the office accommodation and associated costs to support the Executive Officer based on an agreed annual cost.
- Regional Projects – The key roles of the NRJO are to advocate for the region and to pursue projects of a regional nature and / or resource sharing initiatives. This line item is an annual allocation for projects of this nature. NOROC has previously identified its top ten regional priorities as:
  - 1) Transport planning
  - 2) Water management
  - 3) Biodiversity
  - 4) Housing
  - 5) WastemManagement
  - 6) Tourism
  - 7) Renewable energy
  - 8) Health services
  - 9) Sustainable agriculture
  - 10) Telecommunications

The NRJO will now review these priorities and develop an action plan in respect to regional projects related to these priorities.

## **10.6 Joint Organisation - Alternate Delegate**

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Based on this forward financial plan it will be necessary for Ballina Shire Council to increase its annual contribution to the NRJO in our long term financial plan for 2019/20 onwards. This is a draft financial plan and has not yet been considered by the NRJO.

There is no change to our 2018/19 budget as the NRJO contribution for 2018/19 has not been increased.

### **Consultation**

The NRJO has effectively endorsed the Office of Local Government's draft Charter for Joint Organisations and Model Codes of Conduct, Meeting Practice and Expenses Policies. Copies of those documents are available on the Office of Local Government website.

There has been some debate in respect to representation and voting with the current proposal based on the Council Mayors being the delegates and a vote only being carried by four votes out of the six voting members. This eliminates the need for a casting vote.

The State Government's position in respect to membership of the Joint Organisation is that the Mayors are acting similar to delegates to a county council, in that they represent the Joint Organisation when attending meetings, and not their respective councils.

### **Options**

This report is primarily for noting, however the NRJO has asked the member councils to appoint an alternate delegate in case the Mayor is not available. The recommendation is to have the Deputy Mayor as the alternate representative to the NRJO.

### **RECOMMENDATIONS**

1. That Council notes the contents of this report in respect to the Northern Rivers Joint Organisation.
2. That Council confirms that the alternate delegate for the Northern Rivers Joint Organisation is the Deputy Mayor.

### **Attachment(s)**

Nil

## 10.7 Policy (Review) - Internal Reporting Policy

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### 10.7 Policy (Review) - Internal Reporting Policy

**Delivery Program** Information Services

**Objective** To review and adopt an Internal Reporting Policy in line with the model policy developed by the NSW Ombudsman.

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#### Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Public Interest Disclosure policy.

Under section 6d of the Public Interest Disclosures Act 1994 (PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures.

The Public Interest Disclosure Policy first adopted by Council in 2013 was developed in line with section 6d of the PID Act.

The NSW Ombudsman has now developed a model internal reporting policy and the preference is to now have Council's policy based on that model policy and NSW Ombudsman guidelines.

The change in name from the Public Interest Disclosure Policy to the Internal Reporting Policy reflects contemporary practice, with the policy being one in a suite of policy documents and guidelines adopted by Council for the management and reporting of complaints.

#### Key Issues

- Consistency with legislation and guidelines

#### Information

The changes to the document are consistent with the NSW Ombudsman's model internal reporting policy.

The changes are marked in yellow.

A copy of the amended policy is attached to the report.

#### Sustainability Considerations

- **Environment**  
Not Applicable
- **Social**  
Demonstrates Council's commitment to an ethical and accountable organisational culture.

## **10.7 Policy (Review) - Internal Reporting Policy**

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- **Economic**  
Not Applicable

### **Legal / Resource / Financial Implications**

Council is required by the Public Interest Disclosures Act to have policy and procedures for receiving, assessing and dealing with public interest disclosures.

### **Consultation**

The changes to this policy are based on the model internal reporting policy developed by the NSW Ombudsman.

The document will be exhibited for public comment. If any submissions are received they will be reported back to Council. If there is no public comment, there will not be a need for any further report.

### **Options**

It is recommended that the policy be adopted as presented.

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

### **RECOMMENDATIONS**

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

### **Attachment(s)**

1. Policy (Review) - Public Interest Disclosure

## **10.8 Delivery Program and Operational Plan - 30 June 2018 Review**

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### **10.8 Delivery Program and Operational Plan - 30 June 2018 Review**

**Delivery Program**      Communications

**Objective**              To complete the final quarterly review of the 2017/18 Delivery Program and Operational Plan.

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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 is to receive more timely quarterly reports. This report represents the fourth and final review of the 2017/18 - 2020/21 Delivery Program and the 2017/18 Operational Plan, with the information contained in the report based on work undertaken up to 30 June 2018 (12 months) representing the completion of the 2017/18 financial year.

The review documentation 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 group and / or section manager. 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 Indicators - This section provides details on the key indicators within the Operational Plan.

All items are marked with a green (on track for this financial year) amber (behind schedule or below target) or red (not progressing as planned or off track) traffic light. One item has been marked as black as Council resolved not to proceed with the project due to the funding being allocated elsewhere (Russellton Industrial Estate funding transferred to Airport Boulevard).



## 10.8 Delivery Program and Operational Plan - 30 June 2018 Review

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There are a total of 110 major tasks listed in the Operational 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	23	9	36	33	101
Amber	2	0	4	2	8
Red	0	0	0	0	0
Black	1	0	0	0	1
<b>Total</b>	<b>26</b>	<b>9</b>	<b>40</b>	<b>35</b>	<b>110</b>

### Program Actions Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	88	100	90	94	92
Amber	8	0	10	6	7
Red	0	0	0	0	0
Black	4	0	0	0	1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Items of interest in the attachment include:

- Implement Community Gallery Services at the Fire Station site (page 5) – The fire station is now operational with studio spaces allocated.
- Deliver an indoor sports stadium (page 8) – The development application for this major project has been approved and the detailed documentation is in the process of being finalised for tender.
- Implement Pop Denison Master Plan (page 8) – The works in this locality, including Shaws Bay have been well received by large parts of the community.
- Implement Regional Boating Strategy (page 11) – The works planned for this year are now complete and operational.
- Progress availability of land at the Southern Cross Industrial Estate (page 15) – The delivery of this land has been delayed due to Council's construction contractor becoming insolvent and Council is now close to calling tenders for the finalisation of the project.
- Progress Ballina Heights Building Better Regional Cities Program (page 15) – All rebates for Ballina Heights and the Wollongbar Urban Expansion Area have been processed which is an excellent outcome in providing more affordable land in the Shire.
- Prepare management plan(s) for Ocean Breeze Reserve, Killen Falls and Tosha Falls (pages 22 and 23) – All three management plans have been adopted which, considering the various issues associated with each parcel of land, is an excellent outcome from a community consultation perspective.
- Pursue compliance with the Fit for the Future Program (page 27) – Council received approval from IPART in May 2018 for the special rate variation.

## 10.8 Delivery Program and Operational Plan - 30 June 2018 Review

In respect to the Service Delivery Indicators there are a total of 103 indicators identified in the Operational Plan and the following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

### Service Indicators Overview - By Number of Activities

Group / Status	GM	DEH	Civil	SCF	Total
Green	18	17	24	14	73
Amber	2	6	12	8	28
Red	0	0	0	2	2
<b>Total Tasks</b>	<b>20</b>	<b>23</b>	<b>36</b>	<b>24</b>	<b>103</b>

### Service Delivery Indicators Overview - By Percentage

Group / Status	GM	DEH	Civil	SCF	Total
Green	90	74	67	58	71
Amber	10	26	33	33	27
Red	0	0	0	9	2
<b>Percentage Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

A number of these indicators are beyond the control of Council and the indicator's primary purpose is to provide an idea of how a service may be tracking compared to previous years.

Items of note include:

- Building Services (page 30) - Percentage of Construction Certificates issued by Council (% of total market) – 77% - Council's market share for the year was 77%, which is a lower than normal as there are a large number of project homes being approved by private certifiers.
- Commercial Services (Airport) (page 31) – Income and passenger numbers continue to achieve record levels, with income at \$6.4m and passenger numbers now over the 528,000 mark representing a 6% increase year on year.
- Community Facilities (pages 32 and 33) – A number of the library indicators are tracking below the benchmark figures and are generally trending below previous years. This may represent longer term trends for library services based on the more traditional models. Similarly the Visitor Centre Enquiries and website visits are also trending lower than previous years. This may indicate that people are changing how they obtain information, or the wider range of information sources now available.
- Development Services (pages 35) – A few of the indicators are currently below the benchmark, with a significant amount of development staff resources allocated to the CURA A court case during the year.
- Engineering Works (page 36) – Minimise Burns Point Ferry deficit (<\$200,000) – The ferry slip cost far more than anticipated (cost approximately \$200,000 against a budget of \$138,000) with this year being the first time that Council has undertaken the slip every second year (i.e. the work was not carried out during 2016/17). This was in response to complaints that the work was being undertaken too regularly.

- Human Resources and Risk (page 39) – Support Aboriginal Employment – The number of Aboriginal employees has decreased primarily as we had eight trainees in the Elsa Dixon Program and there are now three. We are about to start the next round of funding applications for more Elsa Dixon places and Ballina Coast High has identified a number of very good students for the program for next year.
- Human Resources and Risk (page 40) - Hours of lost time due to workers' compensation claims (104 hours) – Council has continued its excellent track record in respect to minimising lost hours. The one concern from this is that our insurer advises that our workers compensation is now well below what they would consider a sustainable level, which means at some time, when claims do arise, the premium will increase, although that figure may well still be below comparable councils. In addition the recent changes to the workers compensation premium calculations has identified that industrial deafness claims are now impacting the premium. Taking into consideration our ageing workforce, Council may need to set aside funds in an internal reserve to manage future increases in the premium.

### **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 in respect to the Delivery Program and Operational Plan.

### **Options**

The report is for noting purposes with the information highlighting the many and varied activities being undertaken by Council.

### **RECOMMENDATION**

That Council notes the content of this report in respect to the 30 June 2018 review of the implementation of the 2017/18 Delivery Program and Operational Plan.

### **Attachment(s)**

1. Delivery Program and Operational Plan - 30 June 2018 Review (Under separate cover)

## 10.9 Capital Expenditure Program - 30 June 2018 Review

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### 10.9 Capital Expenditure Program - 30 June 2018 Review

**Delivery Program**      Communications

**Objective**                      To review the delivery of the capital expenditure program for 2017/18.

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#### **Background**

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

The current practice is to provide a quarterly status report on all the major capital projects. This status report provides details on key milestone dates, along with a comparison between budget and actual expenditure. This is the final report for 2017/18.

#### **Key Issues**

- Status of works

#### **Information**

To assist in understanding the delivery of the capital works program the attachments to this report provide information on the following items for the major capital projects:

- Total Project Value – As certain projects can occur over a number of financial years, this column identifies the total project value which may include expenditure from previous financial years or estimated expenditure in future years.
- Original 2017/18 Estimate - Represents the original 2017/18 estimate as per Council's adopted Operational Plan for 2017/18.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2017 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a particular project.
- Latest 2017/18 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 30 June 2018 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 30 June 2018 based on the cash expenditure figures.
- Including Commitments – The end of the financial year is an arbitrary date as many projects may be underway with invoices not paid for works completed. This column includes the value of orders raised, as well as the expenditure incurred, as this is a more accurate representation of the actual status of the delivery of the project.
- % Expended – Percentage of budget expended to 30 June 2018, inclusive of commitments.
- Milestone Dates - Target dates for the major milestones.
- Status - Allows additional comments to be provided.

## **10.9 Capital Expenditure Program - 30 June 2018 Review**

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

Points of interest are as follows.

### ***Open Spaces (attachment one)***

Play Equipment – Various – Majority of the playground replacement program has been completed, with Fawcett Park installed, however it is awaiting certification before becoming operational.

Wollongbar Skate Park – The construction of the facility is dependent on when planning consent is obtained. Council has already appointed a contractor for the design and construction of this project, which means once the consent is issued, construction can be rapidly progressed.

Pop Denison Master Plan – A large part of this project has been completed in conjunction with the Shaws Bay Coastal Management Plan works.

### ***Environmental and Public Health (attachment one)***

Shaws Bay – Compton Drive and Eastern Arm – Similar to the previous item, work has largely been completed and the infrastructure is being very well utilised.

### ***Waste Management (attachment one)***

Conveyor System / Shed / Recycled Handling Area – This project has been largely completed which now means that the recycled material can be stored undercover, reducing the risk of contamination.

### ***Operations Support (attachment two)***

Ballina Surf Club – Building B – This project is well advanced.

Ballina Indoor Sports Centre – The development application has been approved by the Joint Regional Planning Panel.

Tender documentation is being prepared for the calling of tenders for construction.

### ***Community Facilities (attachment two)***

Ballina and Alstonville Swimming Pools – Project complete with opening planned for late July.

### ***Commercial Services (attachment three)***

Terminal Expansion – Woollam Construction has been appointed as the successful building contractor.

Wollongbar Urban Expansion Area – Stage two completed and all lots sold.

## 10.9 Capital Expenditure Program - 30 June 2018 Review

### ***Water and Wastewater (attachments four and five)***

A total of approximately \$8m (close to \$10m with commitments) in water and wastewater infrastructure has been delivered during 2017/18.

### ***Engineering Works (attachment six)***

#### *Urban and Rural Roads*

Major projects such as The Coast Road / Skennars Head Road and The Coast Road / Byron Bay Road roundabouts have been completed during 2017/18.

#### *Ancillary Transport Services - Shared Paths and Footpaths*

Coastal Shared Path – Skennars Head to Pat Morton (and Coastal Walk) – Funding is now in place to complete these projects in full with the works planned for 2018/19.

Footpaths – Various – Nearly all footpath projects have been delivered with two smaller projects being completed in July / August 2018.

Water Transport - Pontoons and Ramps – A large number of pontoons and associated works completed and operational.

#### *Summary*

As per the following table there has been an extremely high level of capital expenditure for 2017/18 totalling approximately \$40m.

### **Capital Works Summary – 30 June 2018 (\$'000)**

<b>Section</b>	<b>Budget (\$)</b>	<b>Cash Expenditure (\$)</b>	<b>Percentage Expended</b>	<b>Committed Expenditure (\$)</b>	<b>Percentage Expended</b>
Open Spaces	1,689,300	996,600	59	1,206,800	71
Waste	307,000	207,600	68	240,700	78
DEHG	856,000	748,500	87	779,400	91
Operations Support	3,808,700	2,044,800	54	2,879,900	76
Community Facilities	12,579,200	12,449,200	99	12,481,200	99
Commercial Services	4,356,200	3,387,400	78	3,786,700	87
Information Services	182,900	173,400	95	176,000	96
Water	3,383,500	1,984,800	59	2,514,700	74
Wastewater	7,727,800	5,879,800	76	7,157,700	93
Engineering Works	15,228,200	11,934,400	78	12,362,400	81
<b>Total</b>	<b>50,118,800</b>	<b>39,806,500</b>	<b>79</b>	<b>43,585,500</b>	<b>87</b>

The cash expenditure of 79% is a good result for the year to date recognising that these figures are based on actual expenditure, and once committed costs are included the total committed is close to 87%.

### **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.

**Options**

This report is for noting to provide an update on the capital works program delivered for 2017/18.

**RECOMMENDATION**

That Council notes the contents of this status report on the Capital Expenditure Program for the 2017/18 financial year.

**Attachment(s)**

1. Capital Expenditure - Open spaces, Waste and Environmental Health
2. Capital Expenditure - Operations Support and Community Facilities
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 North Creek Dredging Project - Update and Review of Options**

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### **11. Civil Services Group Reports**

#### **11.1 North Creek Dredging Project - Update and Review of Options**

**Delivery Program**      Operations Support

**Objective**              To provide an update on the North Creek Dredging project and to consider options for its continuation and further funding.

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#### **Background**

This report provides an update on the North Creek Dredging project and considers options for its continuation and further funding.

The report discusses the ongoing project costs and risks, including the implications for the NSW Government grant funding and the recently commenced Scoping Study for the North Creek Coastal Management Plan (CMP).

Key activities to date are summarised below:

- In October 2014, Council secured an opportunity from Crown Lands to extract sand from North Creek.
- A dredging scoping study was completed in April 2016. It defined the project's scope, determined the planning pathway and identified the extent of additional studies/information needed to obtain regulatory approval.
- A report was presented to the 23 June 2016 Ordinary meeting regarding project risks and funding options. Council resolved at that meeting to hold a briefing to examine the risks and funding options prior to making a decision.
- At that briefing (22 July 2016), Council's consultant provided an update and discussion on the project's progress. Members of the Port Ballina Taskforce also attended.
- The consensus following that briefing was to continue with the next stage of the planning and approvals process, being sediment investigations aimed at providing greater certainty regarding the nature and quantity of the extractive resource.
- The subsequent Ordinary meeting (25 August 2016) Council resolved as follows:
  1. *That Council notes the contents of this report regarding the project risks and the information that the total cost of all the preconstruction activities for the North Creek Dredging project is estimated to be \$729,000.*



## 11.1 North Creek Dredging Project - Update and Review of Options

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2. *That Council write to the NSW Government with a request for part or full funding for the project.*
  3. *That Council proceed with the sediment investigations with estimated costs between \$60,000 and \$100,000.*
- A grant of \$230,700 has since been secured (December 2017) under the NSW Department of Industry – Crown Lands “Rescuing Our Waterways” funding program, which is contingent on matching funding.
  - Council has yet to access this grant as there is currently no financial provision for continuing the project.
  - A funding application was also made under the NSW Government's Coastal and Estuary Grants Program but was unsuccessful.
  - Sediment investigations have been completed and a “North Creek Dredging Sediment Investigation Report” was finalised in April 2018.
  - The report's findings were presented at a Councillor briefing on 14 June 2018. Council's consultant provided an update on the project's progress, a revised business case and risk profile. Members of Port Ballina Taskforce also attended.

Information presented at the briefing is discussed as follows.

### **Key Issues**

- Planning approvals
- Budget allocation and risk
- North Creek Coastal Management Plan

### **Information**

#### Results of Sediment Investigations

A total of 43 core samples were taken during the sediment investigations.

The results identified the presence of acid sulfate potential to varying degrees in much of the sediment.

However, this is considered a manageable issue subject to an appropriate level of planning and treatment.

Conversely, no contaminant levels of concern were found in any of the samples.

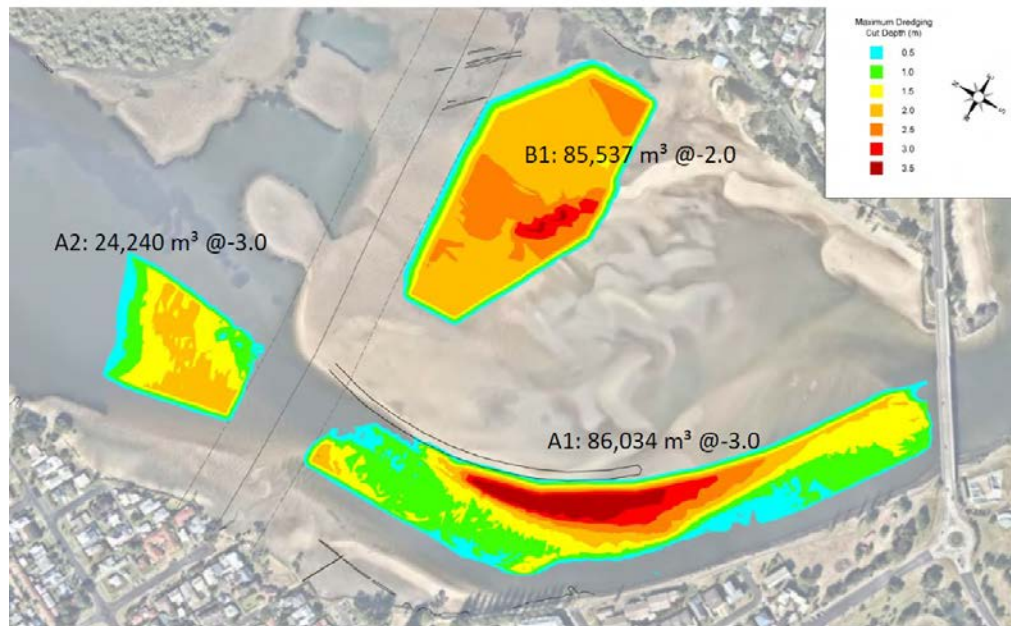
The investigations together with other refinements around the project's constraints and risk profile have allowed a more realistic footprint to be developed than was previously possible.

This has resulted in a significantly reduced dredge volume of 255,205 m<sup>3</sup> from that conceptualised in the initial scoping report (580,000 m<sup>3</sup>).

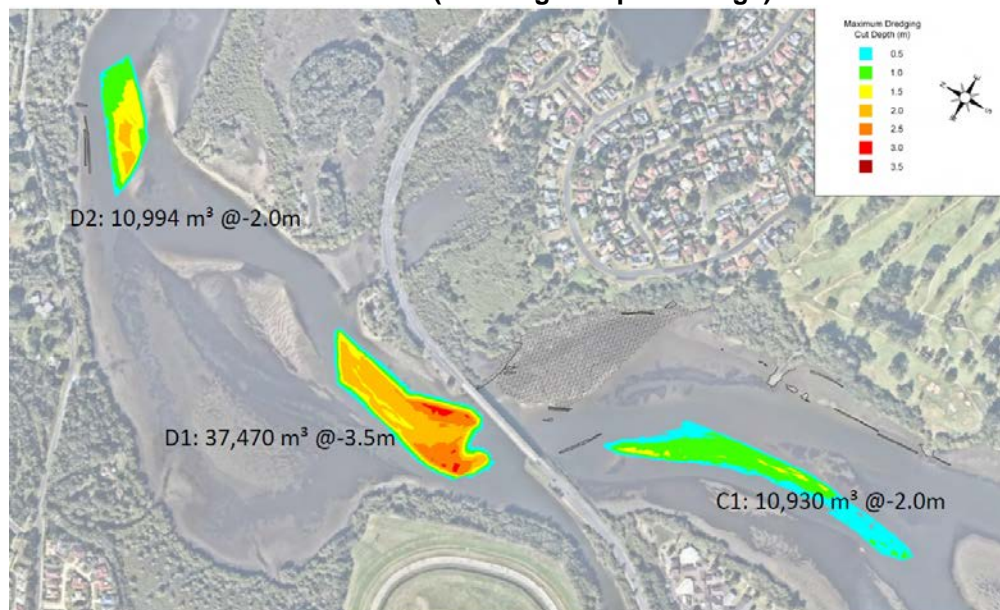
## 11.1 North Creek Dredging Project - Update and Review of Options

The revised footprint is shown in the following diagrams.

**Areas A & B (showing Missingham Bridge & route of underwater cable)**



**Areas C and D (showing Prospect Bridge)**



Some of the reduction is attributable to an underwater cable transecting areas A and B, necessitating a no-dredge buffer around the cable.

Areas C and D have also reduced, although in this case to avoid significant areas of sea grass and poor quality sediment.

Further investigations, such as hydrodynamic modelling, are still needed before a final dredge footprint can be determined.

The areas shown are, at this stage, realistic and have provided a basis for re-evaluating the business case and re-calculating the project costs.

## 11.1 North Creek Dredging Project - Update and Review of Options

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These costs are still substantial and are summarized as follows.

### Project Costs and Risks

Project Costs	
Item	Cost
<i>Costs to date</i>	\$ 178,536
Planning, Studies, Approvals	\$ 721,500
Dredging/Pumping Costs	\$ 4,415,508
Mob/De-mobilisation/Civil/ASS Mgt	\$ 305,000
Habitat Offsets	\$ 90,000
Project Mgt, Monitoring	\$ 60,000
<b>Total Costs</b>	<b>\$ 5,770,544</b>
Crown Lands Rescuing our Waterways grant	-\$ 230,700
<b>Overall nett project cost</b>	<b>\$ 5,539,844</b>
Cost per m <sup>3</sup>	\$ 21.71
Cost per tonne	\$ 13.57

A comparable market value for an equivalent resource would be:

- \$25/tonne (\$40/m<sup>3</sup>) for high-grade, processed sand.
- \$12/tonne (\$20/m<sup>3</sup>) for fill.

The cost of the dredged material (\$21.71/m<sup>3</sup>) is marginally higher than the current market value for fill (\$20/m<sup>3</sup>).

It is possible that a larger dredge footprint could be developed to enhance the business case however this would increase the risk of regulatory approval not being granted.

The business case might also improve were some of the dredged material to be recovered as high-grade sand. This would require an additional level of processing. Otherwise, all the material would by default be classified as fill.

The estimated total cost to Council for continuing on with the planning, studies and approvals is \$721,500. This could be partly offset by the \$230,700 grant from the NSW Government conditional upon Council providing a matching amount.

Council has to date taken a step-by-step approach to the planning and approvals process. The next step primarily involves hydrodynamic and sedimentation modelling, which is estimated to cost around \$200,000.

The NSW Government grant would sufficiently cover this cost, however, Council still needs to address the requirement for matching funding.

## 11.1 North Creek Dredging Project - Update and Review of Options

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One possibility is to write to the NSW Government requesting that they accept the \$178,536 so far spent by Council as its contribution towards the matched amount (or a substantial part thereof). Council would then only need to find \$52,164 to match the remainder and hence fully acquit the grant.

Any decision to proceed with the project must be mindful of the significant risks that still prevail, and of the additional studies and investigations that will follow on from this next step, culminating in the preparation of an Environmental Impact Statement (EIS) and development application.

As mentioned, the total cost of completing all of the remaining steps needed to obtain regulatory approval amounts to \$721,500.

Improved navigation and other benefits need to be recognised when evaluating the project's economics. It is also important to recognise that while the maintenance of North Creek is important to the local community, it is not under the care and control of Council. Therefore it is appropriate that the NSW Government provides financial support and risk sharing for this stage of the project.

The recent Councillor briefing also discussed ongoing risks for the project, especially the "very high" and "high" risks:

- Very High:
  - Timing coordination with Southern Cross Enterprise Park development.
  - Demand for fill could be met by other competing sources.
  - Shorebirds and Environment Protection and Biodiversity Conservation (EPBC) Act (Areas A and B).
  - Seagrass impacts and compensatory payments (Areas C and D).
  - Financial attractiveness.
  - Lack of CZMP/CMP guidance and regulatory support.
- High:
  - Pipeline/drainage route.
  - NSW EPA considers dredged material to be 'waste' hence need for additional approvals, i.e. waste order and exemption to permit reuse.
  - Additional costs associated with managing potential acid sulfate soil (PASS) treatment.
  - Area C (particularly) turbidity issues.
  - Oceanic inundation.
  - Effect on Misingham surf breaks.
  - Significant coastal sediment budget impact.
  - Fisheries habitat and cultural impact (oyster bank, intertidal flats, etc.).

### Implications of the North Creek Coastal Management Plan (CMP)

A key risk identified amongst those listed was the lack of CZMP/CMP guidance and support for dredging, making the support of regulatory agencies and stakeholders much harder to obtain. This is a significant risk and one that might benefit from delaying the dredging project until after the North Creek CMP process has been completed.

## 11.1 North Creek Dredging Project - Update and Review of Options

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A scoping study for the North Creek CMP has recently commenced. Council has contracted Alluvium to undertake this study, costing around \$120,000, half of which is grant funding from the NSW OEH Coastal and Estuary Grant Program. The consultants are currently speaking to stakeholders and visiting critical sites throughout the catchment. They are also reviewing the literature, local history and water quality data that is held by Council, the NSW Government and local community about North Creek.

Delaying the dredging project could allow the CMP an opportunity to consider the merits of the dredging project before any further work is carried out. If dredging were to become a recommendation of the CMP it would then be well supported by regulatory agencies and would also be eligible for other funding streams.

The CMP scoping study is expected to take up to 18 months to complete, so the CMP will be at least two-to-three years away from completion. Delaying the dredging project for that long might conflict with the timeframe for development of the Southern Cross Enterprise Park.

The NSW Government grant might also be at risk should these timeframes create unacceptable delays in acquitting the grant.

An alternative approach would be to continue on with the step-by-step approach.

The project would therefore progress to the next stage - effectively to narrow down the proposal with the benefit of the hydrodynamic modelling and modify the proposal to address any issues identified during that work.

The hydrodynamic and sediment modelling would in particular address:

- Sediment budget and erosion risks
- Channel alignment changes
- Impact on nearby beaches, surf break
- Scour impacts on telecommunications cable
- Water quality flushing benefits
- Flooding and tidal levels.

This approach would recognise the North Creek CMP process by including a project objective *to deliver a dredging plan that the CMP might support and incorporate as a recommendation*, acknowledging that all the key risks have been addressed. This approach has the potential to deliver an improved outcome for the dredging project while also providing some excellent data for the CMP process.

It needs to be recognised that a further reduction in the dredge footprint may result from this approach. And it remains to be seen whether pre-empting the CMP process in this way will allow the project to sufficiently align itself with the CMP's recommendations in relation to dredging.

In assessing the timeframes and risks associated with this project it is noted the project viability is related to the ability to use the sand for the expansion of the Southern Cross Industrial Estate, albeit other options are available to Council as the developer of this land.

## 11.1 North Creek Dredging Project - Update and Review of Options

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Secondly, the advice to the briefing is the navigation channel is likely to remain largely intact into the future as the sand movement has appeared to close in to an equilibrium point.

### **Sustainability Considerations**

- **Environment**  
Environmental studies are required to assess the proposal and to obtain any planning approval.
- **Social**  
The proposal will improve the social amenity available from this waterway.
- **Economic**  
This proposal has the potential to support economic development by providing a sustainable source of building material.

### **Legal / Resource / Financial Implications**

An initial budget of \$150,000 was sourced from the Quarry Reserve to finance the initial scoping study and related investigations. This has now been expended.

Currently there is no financial provision for continuation of the project.

The cost incurred by the project to date is \$178,536.

The cost of continuing on with the next step, i.e. hydrodynamic modelling and some related works, is estimated at around \$200,000.

The total cost of completing all of the remaining steps in the planning, studies and approvals is estimated at \$721,500. No allowance has been made in the business case for legal costs.

A \$230,700 grant has been provided by NSW Government subject to Council providing a matching amount.

With Council currently not operating the Tuckombil Quarry there are insufficient quarry reserves available to finance this project.

### **Consultation**

Members of the Port Ballina Taskforce were invited to the briefing.

They have a strong interest and experience in maritime matters and their input into the briefing, along with their ability to communicate to key stakeholders, was considered beneficial to the project.

### **Options**

1. Make financial provision for continuing on with North Creek dredging project having no regard for the North Creek CMP process.

## 11.1 North Creek Dredging Project - Update and Review of Options

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This is not advisable as the lack of CZMP/CMP support for the project is considered a “high risk” which means the regulatory agencies will be less likely to support the project. This risk is likely to increase should the CMP process not recognise the need for dredging at the scale proposed.

2. Make financial provision for continuing the step-by-step approach and therefore undertake the hydrodynamic and sediment modelling and related studies, cognisant of the North Creek CMP.

In this regard, the project’s objective would expand to include an objective *to deliver a dredging plan that the CMP might support and hence incorporate as a recommendation*, acknowledging that all the key risks have been addressed. This approach has potential to deliver an improved outcome for the dredging project while also providing some excellent data for the CMP process.

It needs to be recognised that a further reduction in the dredge footprint may result from this approach. And it remains to be seen whether pre-empting the CMP process in this way will allow the project to sufficiently align itself with the CMP’s recommendations in relation to dredging.

The cost of undertaking this next step is estimated at \$200,000. It is also important to recognise that further steps will follow, culminating in the preparation of an EIS and development application. The total cost of completing all of the steps towards obtaining regulatory approval is \$721,500.

The \$230,700 grant from the NSW Government can be utilised subject to Council providing a matching amount. It would be worthwhile writing to the NSW Government requesting they accept that the \$178,536 already spent on the project is deemed part of the “matching” funding, reducing Council’s requirement to provide further matching funding to \$52,164.

3. Write to the NSW Government seeking to have the \$230,700 grant redirected towards the preparation of the North Creek CMP. As with option 2, it would also be worthwhile requesting that the NSW Government accept that the \$178,536 already spent on the project is deemed part of the “matching” funding, reducing Council’s requirement to provide further matching funding to \$52,164.

Were the above requests agreed to, the dredging project would therefore be delayed until the North Creek CMP has progressed to a logical point where it is appropriate to reconsider recommencement of the project.

It can be argued that sufficient nexus exists between the two projects to warrant the redirection of funds in this way.

It would be desirable from a dredging perspective (and possibly from the grant funding body’s perspective too) that the dredging grant be redirected towards elements of the CMP process that complement the dredging project’s work plan; potentially offsetting dredging costs down the track.

As the initial stage of the CMP is already funded, the dredging grant would only become acquittable once the Scoping Study is completed (i.e. 18 months).

It is noted that this delay may be unacceptable to the grant funding body.

This is the preferred option since it is important for the dredging project to align itself with the aims and outcomes of the North Creek CMP process. Hence, further work on the dredging project is best delayed until the CMP has progressed to a logical point where it is appropriate to reconsider recommencement of the project.

4. Terminate the Project - Based on the risks associated with this project, the time frame and costs, the Council may prefer to terminate this project now. Under this option Council could renew its interest in the project once the North Creek CMP process is completed.

### RECOMMENDATIONS

1. That Council notes the contents of this report regarding the significant project risks and costs associated with completing the remaining preconstruction activities for the North Creek Dredging project, estimated at \$721,500.
2. That Council writes to the NSW Government seeking to have the \$230,700 grant redirected towards the preparation of the North Creek Coastal Management Plan. Furthermore, request that the money already spent on the project (i.e. \$178,536) be deemed to satisfy any of the future grants "matching" funding requirement.
3. In the event that the NSW Government does not agree to the above, a further report is presented to Council to determine whether to proceed or delay the project until the Coastal Management Plan process is complete.

### Attachment(s)

1. Report from 23 June 2016 Meeting
2. Report from 25 August 2016 Meeting
3. North Creek Dredging Councillor Briefing Slides 14 June 2018
4. North Creek CMP Scoping Study Factsheet



## 11.2 Ballina Indoor Sports Centre

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### 11.2 Ballina Indoor Sports Centre

**Delivery Program**      Community Facilities

**Objective**                      To approve the project's final design and to determine tender evaluation criteria.

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#### **Background**

In December 2016, Council completed negotiations with the Department of Education for the provision of an indoor sports facility on the Ballina High School site. In July 2017, the agreement with the Department of Education was finalised and signed by both parties.

In August 2017, Council resolved to award a contract for the design of the indoor sports centre to PDT Architects. A Councillor briefing was held in November 2017 to provide an overview of the concept designs developed for the sports centre by PDT Architects.

A development application was lodged in February 2018 and this application was approved, with conditions, on 11 April 2018.

A further Councillor briefing was held in May 2018 to enable councillors to review the detailed design of the building from PDT Architects. Some suggested changes arising from the discussion at this briefing have now been incorporated into the design which is now complete.

The purpose of this report is for Council to approve the final design and determine tender assessment criteria.

#### **Key Issues**

- Detail design
- Tender evaluation

#### **Information**

##### Design

The detailed design provided by PDT Architects in May 2018 has been amended to reflect the changes requested by Council.

In this design the reception area is located immediately adjacent to the entry way for the building with the kiosk adjacent.

A meeting room has been deleted and an additional referee change room provided.

##### Scope of Works

The attached drawings show the full internal detail of the building.

## 11.2 Ballina Indoor Sports Centre

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The following is provided as a summary of the features in the design:

- On drawing A02-21 (court marking notes), it is noted that all line markings, overrun clearances and equipment comply with the relevant international Federations standards
- Air-conditioning is not provided to sports courts, however 6 “Air Pear” fans are included in the design to provide ventilation
- Retractable seating to accommodate 528 spectators is included in the design
- Provision has been made for a retractable / dividing net between the 2 courts
- Storage of approximately 96m<sup>2</sup> is directly adjacent to the sports courts
- Retractable basketball backboards
- Provision for removable netball posts and futsal goals
- Sprung timber flooring
- Two electronic scoreboards
- Reception area with benches
- Kiosk area with stainless steel benches (space is provided for a drinks fridge) and storage space, no other fit out or equipment is included
- Amenities to accommodate both large and small events
- Two referee change rooms, each designed to accommodate two referees each
- Three meeting rooms with storage and suitable furniture
- Air conditioning will be provided to the meeting rooms
- Additional storage of approximately 43m<sup>2</sup> with direct access to the sports courts
- Solar panels
- Connecting link/passage way to school sports courts.
- 77 Parking spaces.

A quantity surveyors report for this project has been prepared with amendments by PDT. This report identifies the scope of work is currently within the estimated costs for this project.

### Construction Tender Evaluation

The tender evaluation proposed for this project is for a short list of tenderers to be invited to attend an Early Contractor Involvement (ECI) process. To meet regulatory requirements, an open expression of interest (EOI) is used to establish the short list of tenderers invited to enter the next phase of the procurement.

The benefits of the ECI process is it enables communications between the designer and the contractor about the design, and discussions between the contractors and the principal (Council) in respect of risk allocation, construction timeframes and other issues. Holding these conversations prior to entering the pricing phase enhances the positions of all the parties which assists to ensure best pricing, optimize the design, and reduce the risk of disputes.

Expressions of interest were called earlier this year, with 18 companies downloading documents, six submissions being received.

The following was the evaluation criteria used to assess the submissions:

### Mandatory Criteria

- Minimum \$20M public liability insurance
- Appropriate motor vehicle and plant insurance
- Workers compensation insurance

### Weighted Criteria

- Capability - 30%
  - Demonstrated capability to perform the works as specified
  - Technical skills
  - Demonstrated ability to undertake works with in constrained timelines
  - Proposed construction period
  - Level & detail of works program
- Experience & Performance History - 30%
  - Relevant experience with contracts of a similar nature
  - References
  - Profile and experience of nominated sub-contractors
- Management Systems - 20%
  - Level and detail of quality management systems
  - Level and detail of safety management systems
  - Level and detail of management environmental systems
- Local & Community - 20%
  - Knowledge and experience with local conditions
  - Social impact on local economy.

Each of the six submissions received were evaluated by a panel of Council officers and a shortlist of three companies has been established.

The shortlist of three has been selected following advice from a contract expert who advises for a project of this size and type, the best competitive market tension will come from three tenderers.

Also, this number of tenderers is preferred for the proposed ECI process.

This report is inviting Council to determine the criteria applied to the pricing phase of the assessment.

The evaluation of submissions from the expression of interest process was a qualitative assessment to determine those companies considered most capable of undertaking the construction of the indoor sports centre.

No price information is available at this point in the process.

Typically in an open tender process, Council will assess tenderers under weighted price and non-price criteria. However as the EOI process has been undertaken, the assessment has already yielded three companies of similar standard highly capable to complete the work.

Therefore Option One is for Council to determine the outcome of the pricing phase based on price only, or Option Two is for the Council could use a combination of price and non-price (using the non-price information from the earlier submissions).

Under this option, the recommended weighted criteria would be price – 80% and non-price 20%.

### **Sustainability Considerations**

- **Environment**  
The design has been developed to reduce the impact on the environment.
- **Social**  
The objective of the project is to provide social opportunities for the community.
- **Economic**  
Best value infrastructure supports local economic development.

### **Legal / Resource / Financial Implications**

Compliance with Part 7 Tendering of the Local Government (General) Regulation 2005 is required.

Council has adopted a budget of \$8 million for the project. The QS report notes the design can be expected to be achieved for the estimated costs allocated for construction.

A further report will need to be presented to Council to consider awarding the tender. It is likely this report will need to consider the current funding deficit when compared to the project budget, however as there are a number of funding options for this deficit, it is reasonable to call tenders now and resolve the budget issues when final tender pricing is available.

The current funding is based on selling commercial assets if grant funds are not secured.

### **Consultation**

A public process was undertaken for the expression of interest. Staff have continued to consult with the relevant sporting groups. Staff are inviting key stakeholders to confirm in writing their comments in respect of the final design.

### **Options**

#### Design and Scope of Works

1. Council may confirm the detailed design and the scope of works as provided by PDT Architects reflects the requirements of Council in respect to the indoor sports centre.

## **11.2 Ballina Indoor Sports Centre**

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2. Council requests PDT Architects undertake alterations/adjustments to the detailed design and the scope of works.

If the Council remains satisfied with the design, option one is preferred. If the Council requests further changes to the design it is likely these will result in further design costs to the design and delays to the project.

Option one is the recommended option.

### Construction Tender Evaluation

1. Council may determine that the evaluation process for the construction of the indoor sports centre is evaluated solely on the tendered price.
2. Council may determine that the evaluation process for the construction of the indoor sports centre is a combination of price and non-priced criteria.

Option one is recommended as by undertaking a shortlist process, Council has in effect already ranked the three highest performing contractors for this project meaning it is unlikely non price criteria will add significant value to the assessment. Option one is the option most likely to provide the least expensive construction cost.

Under option one it is reasonable that non price criteria be used to select a preferred tenderer in the event the highest ranked tenderers are very similar in price. Therefore it is recommended under option one for the Tender Evaluation Plan to note the highest ranked tenderer under non price scoring will be the recommended tenderer if the price difference between the tenderers is less than 0.5% of the contract sum.

### **RECOMMENDATIONS**

1. That Council approves the detailed design and scope of works for the Ballina Indoor Sports Centre prepared by PDT Architects and attached to this report.
2. That Council approves a Tender Evaluation Plan to be prepared for this project based on a 100% price weighting (with the recommended tenderer determined on the non-price ranking if the two or three lowest price tenders involve a price difference of less than 0.5% when compared to the lowest contract sum).

### **Attachment(s)**

1. BISC - Detailed Drawings

## 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

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### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

**Delivery Program** Asset Management

**Objective** Report on the exhibited draft Section 94 Roads Contribution Plan

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#### Background

Ballina Roads Contribution Plan Version 4.0 was adopted by Council 24 September 2015. Draft Version 4.1 has been prepared and publicly exhibited. It includes changes to the works schedule arising from a revision of the network configuration planned for Byron Bay Road and Hutley Drive, Lennox Head and subsequent adjustments to the works program, staging and contribution rates. A copy of the exhibited document is included as Attachment 4.

#### Key Issues

- Adjust the Roads Contribution Plan to incorporate the direct connection of Hutley Drive to Byron Bay Road at Lennox Head
- Subsequent adjustments to the Roads Contribution Plan works schedule, staging and contribution rates

#### Information

Details of "Draft Ballina Shire Roads Contribution Plan Version 4.1" were reported to the Council meeting 24 May 2018 where Council resolved to exhibit the document for public comment. The changes proposed in that document were as follows.

#### Proposed Changes to Works Schedule, Draft Roads Contributions Plan V4.1

Item	Description	Cost	Reasons for change
<b>Additional Works</b>			
42	Byron Bay Road/Hutley Drive Roundabout and connection to Hutley Drive	\$2,919,717	Substituted for Item 37 and reduction in Item 12-14
42a	Byron Bay Road/Hutley Drive Roundabout, Land Component	\$1,584,000	
43	Improvements to Coast Rd/Nth Creek Rd/Byron Bay Rd/Ballina St Roundabout	\$1,500,000	
<b>Works Omitted</b>			
37	North Creek Road - Northern Reservoir Hill Deviation joining Hutley Dr (350m + R/B)	\$3,360,044	Not required with inclusion of Item 42, 42a and 43
<b>Works Amended</b>			
12-14	Hutley Drive Extension (HDE)	Reduced from \$15,303,017 to \$13,481,027	Deletion of northern extension to connect to North Creek Road

### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

In regard to Item 42a, although the land (Lot 2 DP 620838) was purchased for \$2.4 million, only a portion has been attributed to the contributions plan, as it is likely only part of the lot will be required for road purposes and the balance of the lot may be used for purposes not related to the contributions plan.

#### Public Exhibition and Submissions

The draft plan was placed on public exhibition from 6 June until 6 July 2018. The following submissions were received and are attachments to this report.

1. Clarence Property (Supports Plan Amendment)
2. Intrapac Property (Objection to Plan Amendment)
3. Paul De Fina, Town Planner on behalf of Clients

<b>Submission 1, Clarence Property, Issues Summary</b>	<b>Comments</b>
1. Amendment is supported and notes Council pre-exhibition report advice "it is anticipated that Council will fund and complete the construction of Hutley Drive by the end of 2019, and this remains the number one priority in the works identified in the Roads Contribution Plan."	Noted
2. Population growth of 2,570 residents (1,500 Epiq, 400 Meadows, 420 Outlook, 250 Reservoir Hill) is expected to use the planned Hutley Drive link to Byron Bay Road and significantly improve the environmental amenity on the current network (e.g. Montwood Drive)	Noted
3. The Northern extension of Hutley Drive will enable commercial areas within Epiq to be realised. A REMPLAN assessment identified 183 direct and 336 total jobs created and benefits to the Ballina economy including all direct, industrial and consumption effects of \$48.93M.	Noted
4. Clarence Property anticipates they will provide roads contributions of \$1.4M Release 3, \$0.455M Release 4, \$2.4M Shopping Centre and \$1.1M Release 5 between January and November 2019.  Based on these contributions, Clarence Property alone would cover any current shortfall Council may have with the Hutley Drive Northern Extension.	Noted

<b>Submission 2 Intrapac Property, Issues Summary</b>	<b>Comment</b>
1. Contributions plan must be based on principles of Reasonableness, Nexus, Apportionment and Accountability.	Noted
2. There is need to totally overhaul the Ballina Shire Road Contributions Plan rather than changing it piecemeal.	Comprehensive plan reviews were conducted in 2002, 2010 and 2015. Between major reviews, targeted plan amendments are utilised for minor changes to the works program.
3. The principles of reasonableness, common and fair implementation across the Shire should be	Noted

### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

Submission 2 Intrapac Property, Issues Summary	Comment
implemented for Intrapac Property's Skennars Head Development	
4. Draft Plan does not currently relate to Intrapac's Skennars Head development, however it has an indirect effect due to scheduling delays on other projects such as Project 12-14 (Hutley Dr South)	The delayed timing of Project 12-14 (Hutley Dr South) should have minimal impact on the Intrapac Skennars Head development.
5. The Hutley Dr/Byron Bay Rd extension is being funded by all developers in Ballina Shire and not targeted to a specific catchment area. No real nexus is demonstrated in the plan. It is not believed all developers have a 100% nexus to those works.	The 2002 Ballina Roads Contribution Plan was a multi catchment plan. Since 2010 it has been a one catchment (whole of shire) plan and not targeted to smaller catchments.
6. The roads contribution plan should be revised as a whole, not just in part.	See 2 above.
<p>7. Nexus</p> <ul style="list-style-type: none"> <li>• Current plan applies consistent apportionment to works across the shire and does not address nexus and no changes proposed in this amendment</li> <li>• Proximity is best indicator of nexus. The issue of nexus not adequately addressed</li> <li>• Council can recoup costs for land acquired, but demand for the connection has already been generated by existing development in and around EPIQ and why is connection contemplated to allow building its commercial/retail component. Portion of costs generated by existing development should be for Council to pay.</li> </ul>	<ul style="list-style-type: none"> <li>• Apportionment is on a case by case basis in accordance with specific road circumstances. See Table 4.6 in draft V4.1.</li> <li>• Relationship between development and demand for infrastructure is detailed in Section 3 of draft V4.1.</li> <li>• The Hutley Dr extension has been in the Contributions Plan since 2002 and all subdivision DAs since this date have been required to pay contributions. Pre 2002 development was considered to be adequately serviced by the existing road network.</li> </ul>
<p>8. Apportionment</p> <ul style="list-style-type: none"> <li>• There is no adjustment in revised plan to account for contributions received or existing development</li> <li>• Little or no allowance in Plan, especially in new items for demand generated by existing development. This inflates contributions.</li> <li>• Requirement for Intrapac to fund all of Coast Rd/Headland Dr roundabout should be tested against principles of nexus and cost apportionment</li> <li>• The draft plan requires many</li> </ul>	<ul style="list-style-type: none"> <li>• See Comments for 7 above</li> <li>• See comments for 7.</li> <li>• See comments for 9.</li> <li>• As the Contributions Plan is now a one catchment model, contributions are calculated</li> </ul>



### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

Submission 2 Intrapac Property, Issues Summary	Comment
<p>developers to contribute to the Hutley Dr extension that do not contribute to demand for that infrastructure. Costs of that infrastructure should not be born by developments within the whole local government area.</p>	<p>on the cost of all designated roadworks in Ballina Shire divided by the total of all trips generated by all development across the shire.</p>
<p>9. Fairness and Consistency</p> <ul style="list-style-type: none"> <li>• Plan principles should be consistently applied across the shire</li> <li>• The Intrapac development at Skennars Head should only pay for demand generated by its development and not pay for costs associated by existing demand. Intrapac is being told to fund existing demand and demand generated by Skennars Head as well as future traffic on The Coast Rd. Intrapac is therefore forward funding the development with no consideration or apportionment included in the draft contribution plan</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> <li>• The existing intersection at Headlands Dr is considered to be sufficiently adequate for existing development. There are queueing delays during short am/pm peak periods principally due to school traffic, however Council has recently constructed The Coast Rd/Skennars Head Rd roundabout which provides an alternative access.</li> <li>• The roundabout for Intrapac's Skennars Head development is principally required for that development alone. The proposed integration with Headlands Dr is necessary to limit the number of intersections onto The Coast Road.</li> <li>• The proposed Intrapac Skennars Head roundabout will not benefit existing traffic on The Coast Road. The roundabout will cause delays to The Coast Road traffic by enabling traffic from Intrapac's development to have certain rights of way at the roundabout.</li> </ul>
<p>10. Accountability</p> <ul style="list-style-type: none"> <li>• The plan review ensures Council receives immediate recoupment of land cost for an item not presently in the plan at the expense of timely provision of works already within the plan and this "shows a distinct lack of accountability for the reasonable expenditure of funds that they are currently holding in trust for the provision of infrastructure within the plan."</li> </ul>	<ul style="list-style-type: none"> <li>• Council purchased Lot 2 DP 620838 to ensure the Hutley Dr north extension (already in the Contributions Plan) could proceed in a timely manner as extended negotiations for purchase of the alignment shown in V4.0 had not been successful. The alignment shown in V4.1 is a minor variation that achieves the</li> </ul>

### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

Submission 2 Intrapac Property, Issues Summary	Comment
	<p>same network goals and connectivity as that shown in V 4.0. Council's reimbursement in the Contributions Plan of the cost of purchase of Lot 2 DP 620838 will be limited to that section of the lot to be used for road purposes.</p>
<p>11. Conclusion</p> <ul style="list-style-type: none"> <li>• Plan fails to adequately address principles of the contribution system. This undermines the draft plan's validity and we ask Council not proceed with amendment as proposed</li> </ul>	<ul style="list-style-type: none"> <li>• The current and draft Plans are considered to comply with the requirements of the contribution system.</li> </ul>
<p>12. As an alternative Council should undertake a holistic review of the Road Contributions Plan to ensure:</p> <ul style="list-style-type: none"> <li>• Current development patterns and strategic planning documents are reflected</li> <li>• Nexus between proposed works and contributing development is clearly demonstrated taking into account proximity of works and extent demand is generated by development in a specific area</li> <li>• Addresses apportionment not only between future development but also between existing and future development</li> <li>• Contains a realistic scope of works that can be provided within a reasonable timeframe</li> <li>• Contains an implementation program based on demand for infrastructure and development patterns rather than recoupment of expenditure that Council has undertaken outside the plan</li> </ul>	<ul style="list-style-type: none"> <li>• A comprehensive review of the Roads Contribution Plan is unlikely to occur until around 2020</li> <li>• In the interim minor amendments will be considered as the need arises</li> </ul>

### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

Submission 3, Paul De Fina, Issues Summary	Comment
<p>1. Concerned with proposed delay of Items 12-14, Hutley Drive South until third trimester of works program (2028 – 2036). The delay will have a direct impact on traffic volumes travelling on the Byron Bay Coast Road/Lennox Head.</p>	<p>The predicted traffic volumes on Hutley Drive south of Epiq (Pacific Pines) of 2,191 vpd and 3,154/3,090 vpd adjacent to Aspects/Elevations up to the year 2036 are insufficient to warrant an earlier priority in the Works Program. No significant traffic volume impact from this delayed implementation is expected on Byron Bay Road.</p>
<p>2. Concerned that the proposed Byron Bay Road/Hutley Drive roundabout may not safely accommodate pedestrians and cyclists. Requests inclusion in the plan amendments that Council have regard to RMS (RTA) "Guide to Traffic Generating Developments"</p>	<p>The matters raised are related to detailed design and are not generally included in the Contributions Plan which is a strategic funding document. The proposed Hutley Drive extension and roundabout on Byron Bay Road are currently being detail designed to connect to the path network in Hutley Drive and to Ballina Street/North Creek Rd footpaths. The two roundabouts and connecting road will be in an extended 60 km/h speed zone. Pedestrian refuges are being provided in roundabout splitter islands and connecting paths to Ballina Street are to be provided. The design is being done in accordance with Austroads Standards and RMS general approval has already been obtained.</p>
<p>3. Proposed roundabout is very close to existing roundabout and my clients have concerns regarding unacceptable traffic impacts if Hutley Drive South is delayed until 2028-2036. Concerned about pedestrian and vehicle safety, particularly children and elderly who will walk or cycle to supermarket and specialty shops.</p>	<p>The separation distance and lane configurations of the two roundabouts has been designed to provide adequate queueing storage and traffic distribution for peak hours up to the 2036 design year. This has been confirmed by intersection modelling. Pedestrian issues are addressed in comments for 2 above.</p>
<p>4. Council is requested to seek comment from RMS, NSW Police and SES regarding safety of the final roundabout design and its location with regard to existing roundabout. This response should be made public prior to final decisions being made.</p>	<p>In principle approval has already been received from RMS for the roundabout location and configuration. Detailed designs will be forwarded to RMS for final approval. Vehicle turning paths have been designed to accommodate large articulated</p>

### 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

Submission 3, Paul De Fina, Issues Summary	Comment
	vehicles. NSW Police and SES are not formally consulted regarding detailed road design.
5. Rather than make individual modifications/amendments to the Roads Contribution Plan would it not be more prudent to review the whole plan.	A comprehensive review of the Roads Contribution Plan is unlikely to occur until around 2020. In the interim minor amendments will be considered as the need arises.

#### Response to Submissions

No changes to the Draft Ballina Roads Contribution Version 4.1 are proposed arising from consideration of submissions.

#### **Sustainability Considerations**

- **Environment**  
Provision of an efficient road network for future development will minimise congestion, fuel usage and atmospheric emissions. Roadworks construction items will be required to conform to environmental standards and minimise ecological impacts.
- **Social**  
An efficient future road network facilitates social interaction and provision of public and private services for Shire residents.
- **Economic**  
An efficient future road network enables the development of new urban areas and the intensification of development in existing urban areas. It facilitates the transportation required for the future economic well-being of Ballina Shire.

#### **Legal / Resource / Financial Implications**

##### Legal

Section 7.11 (EP&A Act 1979) Developer Contributions Plans enable the cost of future trunk road optimisation to be equitably shared between future development and the existing population. The proposed plan amendments enable a relatively minor reconfiguration of the Hutley Drive northern extension (which is already in the existing Contributions Plan), deletion of the now unnecessary North Creek Road realignment at Reservoir Hill (which previously provided the termination roundabout for Hutley Drive), associated changes to the works program and an update of the works program priorities to target more urgent works.

As was the case in current Version 4.0, *Draft Ballina Shire Roads Contribution Plan Version 4.1* has had regard to the nexus, or relationship, between the expected types of development and the demand for additional public facilities to meet that demand.

## 11.3 Roads Contribution Plan Amendment - Post Exhibition Report

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

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

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

### Financial

The works schedule costs and contribution rates in exhibited *Draft Ballina Shire Roads Contribution Plan Version 4.1* were based on indexation of these rates as identified in the current plan V4.0 up to the year 2017/18. During the period of public exhibition, the financial year has changed to 2018/19 and accordingly the works schedule costs and associated contribution rates should be CPI updated by increasing by 2.16%.

### *Proposed Changes to Contributions*

The proposed increase in the cost of works to be funded by the contributions plan, after applying CPI indexation to 1 July 2018, causes the following subsequent increases to contribution rates in Draft Version 4.1 compared to V 4.0.

Item	Road Contributions			Change from 1 July 2018 Indexed V 4.0
	Version 4.0 Rate Indexed to 1 July 2018	Rate in Exhibited Draft Version 4.1	Rate in Draft Version 4.1, adjusted for 2018/19 CPI Indexation (2.16%)	
Per trip	\$1,869.92	\$1,866.92	\$1,907.25	\$37.33 (2%)
Per Lot	\$12,061	\$12,042	\$12,302.11	\$244.11 (2%)

### Consultation

The Draft Ballina Shire Roads Contributions Plan Version 4.1 has been placed on public exhibition from 6 June until 6 July 2018. Three submissions have been received and considered in this report.

### **Options**

1. Approve and implement *Draft Ballina Shire Roads Contribution Plan Version 4.1* as exhibited to repeal and replace *Ballina Shire Roads Contribution Plan Version 4.0*.
2. Approve the exhibited *Draft Ballina Shire Roads Contribution Plan Version 4.1*, as exhibited to repeal and replace *Ballina Shire Roads Contribution Plan Version 4.0*, but, with alterations to update the works schedule costs and contribution rates to account for the standard CPI increase from 2017/18 to 2018/19 (as adopted in Council's fees and charges for 2018/19) being an increase of 2.16%.

### **11.3 Roads Contribution Plan Amendment - Post Exhibition Report**

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3. Approve and implement *Draft Ballina Shire Roads Contribution Plan Version 4.1* with other amendments to repeal and replace *Ballina Shire Roads Contribution Plan Version 4.0*.
4. Do not approve *Draft Ballina Shire Roads Contribution Plan Version 4.1* and retain *Ballina Shire Roads Contribution Plan Version 4.0*.

Option Two is the preferred option.

This option retains the bulk of current version 4.0 Plan, but, enables; the reconfiguration of the Hutley Drive northern extension, deletion of the now unnecessary North Creek Road realignment at Reservoir Hill, associated changes to the works program, and an update of the works program priorities to target urgent works.

It also allows for indexation of costs and contributions in line with CPI increases.

The proposed plan amendments will facilitate the ongoing development of Pacific Pines/Epiq, associated shopping centre and other proposed subdivisions in the area.

#### **RECOMMENDATIONS**

1. That Council approves the exhibited *Draft Ballina Shire Roads Contribution Plan Version 4.1*, as exhibited to repeal and replace *Ballina Shire Roads Contribution Plan Version 4.0*, but, with alterations to update the works schedule costs and contribution rates to account for the standard CPI increase from 2017/8 to 2018/19 (as adopted in Council's fees and charges for 2018/19) being an increase of 2.16% to repeal and replace *Ballina Shire Roads Contribution Plan Version 4.0*.
2. That public notice be given of the adoption of *Ballina Shire Roads Contribution Plan Version 4.1* with the plan to come into effect on the date public notice is given.

#### **Attachment(s)**

1. Clarence Property Submission
2. Intrapac Property Submission
3. Paul De Fina Submission
4. Exhibition Draft Ballina Roads Contribution Plan Version 4.1 (Under separate cover)

## **11.4 B-Double Access to 110 Teven Road, West Ballina**

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### **11.4 B-Double Access to 110 Teven Road, West Ballina**

**Delivery Program**      Asset Management

**Objective**              To determine Council's response to the request for B-Double access to 110 Teven Road, West Ballina

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#### **Background**

This report is presented to Council to consider the request for B-doubles to use Teven Road (Council public road) to access B&B Timbers at 110 Teven Road, West Ballina.

Council has previously endorsed a policy for B-Double and 4.6m High Vehicle Route Assessment for Regional and Local Roads (the "policy"). This policy prevents the consideration of B-double access on local roads, however this request is considered appropriate for approval in the circumstances and is therefore referred to Council for determination.

#### **Key Issues**

- B-double access along a section of Council road
- Amenity and infrastructure impacts

#### **Information**

The site plan showing the proposed route and destination is provided in Attachment 1.

The site is approximately one km along Teven Road from the Bruxner Highway and is currently serviced by semi-trailers and other truck combinations, but not B-doubles greater than 19m in length.

This section of Teven Road is considered suitable for B-doubles to service this site. This proposal is being presented to Council as our policy restricts B-doubles to existing industrial areas. This site is not located within the nominated industrial area, however it has suitable road infrastructure and is in close proximity to approved B-double routes being the Pacific Highway and the Bruxner Highway.

The first 500m of Teven Road from the Bruxner Highway to Paperbark Close has been upgraded in recent years in conjunction with the Ballina Bypass Pacific Highway works. This section of Teven Road (to Paperbark Close) has recently been approved by Council at the April 2018 Ordinary meeting for B-double use.

The next 500m from Paperbark Close to 110 Teven Road is the section of Teven Road that is now for consideration for B-double use. This section of Teven Road has a narrower formation with an older bitumen sealed pavement. This proposal is for a few B-double truck movements per week which would replace other existing truck movements.

## **11.4 B-Double Access to 110 Teven Road, West Ballina**

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Considering the existing truck movements on this section of Teven Road from all users, the change in vehicle type would have a negligible impact on this section of Teven Road.

This locality has received previous Council support for additional permitted uses for transport and warehousing services. One of the key benefits of this site is the proximity to both the Bruxner and Pacific Highways.

Council is the roads authority for this public road and a request for B-double access would also require approval from the National Heavy Vehicle Regulator (NHVR). Council support or refusal will form part of the NHVR assessment.

### **Sustainability Considerations**

- **Environment**

The introduction of B-doubles has the intention of reducing the number of heavy vehicles required to move commodities as a result of increased payloads for each trip. The stringent vehicle mechanical specifications aim to reduce road wear for freight tasks and result in lower environmental impacts.

- **Social**

The use of B-doubles is commonplace and generally accepted by other road users. These vehicles are generally modern vehicles due to the strict safety and mechanical requirements. Drivers must also adhere to strict regulations and this provides a safety advantage to the community.

- **Economic**

The use of B-doubles enables costs reductions due to the increase in payload capacity when compared to standard articulated vehicle combinations.

### **Legal / Resource / Financial Implications**

The nominated section of Teven Road is a Council public road, therefore owned and maintained by Council. This road is of a suitable standard for the proposed B-double servicing of this site. There are no anticipated implications for Council should B-double access be approved.

### **Consultation**

In consultation with the property owner, Council staff inspected the local road and site access as a B-double travelled the proposed route. There was no adverse traffic issues observed.

### **Options**

1. That the Council supports the request for B-double access via Teven Road to 110 Teven Road, West Ballina.
2. That the Council opposes the request for B-double access via Teven Road to 110 Teven Road, West Ballina.



#### **11.4 B-Double Access to 110 Teven Road, West Ballina**

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Option one is recommended. The site is in very close proximity to major highways and is serviced by suitable road infrastructure. Whilst this recommendation is not consistent with Council's policy, the individual circumstances of this application have been considered to warrant approval.

#### **RECOMMENDATION**

That Council approves the application for B-double access via Teven Road to 110 Teven Road, West Ballina.

#### **Attachment(s)**

1. Locality Plan

## **11.5 Public Road Closing - Walker Lane Cumbalum**

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### **11.5 Public Road Closing - Walker Lane Cumbalum**

**Delivery Program**      Asset Management

**Objective**              To determine Council's response to the proposed closing of a section of public road, Walker Lane, Cumbalum.

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#### **Background**

This report is presented to Council to consider closing a section of public road (currently part of Walker Lane) at Cumbalum to facilitate the development of CURA Precinct A on adjoining land.

This section of road reserve has an irregular shape and currently provides a constructed turning area in the lane.

A site plan is included to this report as Attachment 1.

#### **Key Issues**

- Closing a section of public road to facilitate orderly development on adjoining land
- If closed, the land will vest in Council and can be disposed of to the adjoining land owner

#### **Information**

Council has received a request from the owner of the CURA-A development site to close a section of Walker Lane (Council public road) adjacent to their property. This section of road, if closed, would form part of a future residential development lot in CURA-A. This section of road is irregular in shape as it currently provides a constructed turning area in Walker Lane. With the development of CURA-A the lane will become a through road and the turning area will become unnecessary. The area of the section of road proposed to be closed is 217m<sup>2</sup>.

Council has existing stormwater drainage in the area proposed to be closed. This existing pipe drainage system collects stormwater from Walker Lane. This drainage system will require either an easement over the pipeline from Walker Lane to a new receiving point on public land; or the pipe network is required to be extended and connected to another part of the public drainage network. All costs associated with the creation of easements or relocation of drainage infrastructure is to be met wholly by the applicant.

The road proposed to be closed will not affect the public use or functioning of Walker Lane when the adjoining development works are complete and Walker Lane becomes a through road.

## 11.5 Public Road Closing - Walker Lane Cumbalum

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Council is the roads authority for this public road. With the recent commencement of the Crown Lands Management Act 2016 and changes to the Roads Act 1993, this road closing application can be determined by Council.

The road is a constructed Council public road and any section of closed road would vest in Council. This is consistent with the provisions of the Roads Act 1993. The land valuation and negotiated sale terms are matters for the owner and Council to resolve at a future time.

If the road is closed, it would be necessary for the land to be consolidated with the adjoining property to facilitate the proposed orderly development in CURA-A.

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 CURA-A land would provide a suitable addition to land zoned for urban development. Although this section of road is currently constructed to provide a turning area in Walker Lane, the development layout and extension to Walker Lane to form a through road renders it unnecessary for future public use.

- **Social**

The road is public land and currently forms a vehicle turning area with Walker Lane. The public would not be adversely impacted if this section of road is closed as the functioning and use of Walker Lane will remain when it is connected into the CURA-A development.

- **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 costs associated with the road closing, survey, legal and infrastructure relocations are to be met by the applicant. The application processing will be undertaken by Council. Upon closure of the road, the land would vest in Council along with any proceeds from the sale of the land.

The section of road proposed to be closed is not identified by Council for current or future road projects.

There are no financial or other implications for Council.

At this stage, no approval or request for sale of the land has been included in this report.

## **11.5 Public Road Closing - Walker Lane Cumbalum**

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A further report in respect of the sale, along with the valuation for the land, will only be undertaken if Council endorses this initial proposal and the closing of the road then proceeds following the mandatory exhibition and assessment process.

### **Consultation**

This road closing request has been lodged with Council as the roads authority for this public road. If Council supports the road closing, Council will undertake the necessary advertising as part of the road closing process.

### **Options**

1. That Council supports the request for a road closing application to proceed for a section of public road, Walker Lane, Cumbalum.

The advantage of this option is it supports orderly development of the adjoining CURA-A site. If the road closing proceeds, the land would need to be consolidated with the adjoining property.

2. That Council opposes the request for a road closing application to proceed for a section of public road, Walker Lane, Cumbalum.

There are minimal, if any, benefits associated with retaining this part of the public road as a turning area as Walker Lane is being extended a through road into the adjacent CURA-A development.

### **RECOMMENDATIONS**

1. That Council supports the request for a road closing application to proceed for a section of formed public road (Walker Lane), Cumbalum, as detailed within this report.
2. That Council authorises the Council seal and signatures to be attached to the road closing application and associated documents.

### **Attachment(s)**

1. Site Plan - Walker Lane

## 11.6 Road and Transport Asset Management Plan - Update

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### 11.6 Road and Transport Asset Management Plan - Update

**Delivery Program**      Asset Management

**Objective**              To provide an update of Council's Roads and Transport Asset Management Plan in accordance with recent technical analyse.

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#### **Background**

Over the past few months Council has considered a number of reports dealing with options for its road strategy. A number of strategic designs have been made and the next step of the process is to consolidate those decisions into Council's Road Asset Management Plan (RAMP).

Attached to this report is a draft update of the RAMP incorporating the changes.

#### **Key Issues**

- Financial sustainability
- Levels of service
- Public amenity and dust control

#### **Information**

To undertake this review the following reports have been provided to Council. A copy of the reports is available on Council's website.

1. Finance Committee Held 14 March 2018 – Dust Sealing Analysis

This report was prepared in part to respond to the following resolution from the 28 September 2017 Council Meeting.

*That Council consider, as part of the preparation of the draft 2018/19 Delivery and Operational Plan, a report that reviews the status of Council's dust sealing program and in particular consider the options in regard to dust sealing a portion of Houghlahans Creek Road.*

The report encouraged Council to consider rural road upgrades on a holistic Shire wide network basis and contained two parts;

1. A comparative analysis of the long term (40 years) costs involved in leaving 28 candidate roads as 'granular unsealed' versus long term (40 years) costs if the candidate roads were given a dust seal treatment and associated upgrades.
2. A comparative analysis into long term road network health (pavement roughness) under a number of maintenance and capital funding distributions under our current long term budgets.

## 11.6 Road and Transport Asset Management Plan - Update

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The modelling work in the report examined expenditure options for our major road management activities of resealing, routine maintenance, heavy patching and reconstruction. The objective of this review was to identify the funding program that would optimize the long term condition of the road network.

This modelling identified there were benefits by utilizing the funds generated by the special rate variation allocated to roads by increasing the sealing program to a 17 year cycle and allocating the rest of the funds to reconstruction work.

The analysis in the report also identified possible direct economic benefits to Council through the dust sealing of a list of eight roads.

The recommendation to this report was as follows.

1. *That the General Manager prepare a revised draft of the Road Asset Management Plan for reporting back to Council based on Scenario 3 from the Road Pavement Network Analysis discussed in this report. This will include the addition of a dust sealing program as per the report.*
2. *That Council takes no further action in respect of the inclusion of the sealing of the whole or part of Houghlahans Creek Road in the draft 2018/19 Delivery Program and Operational Plan based on the contents of this report.*

In response to the report, the Committee made the following recommendation.

*That the General Manager prepare a revised draft of the Road Asset Management Plan for reporting back to Council based on Scenario 3 from the Road Pavement Network Analysis discussed in this report. This will include the addition of a dust sealing program as per the report.*

However at the March Council meeting the resolution in response to the Finance Committee recommendation was as follows:

*That the General Manager prepare a report which examines options to adopt a Rural Road Upgrade Program for the 2018/19 to 2021/22 Operational Plan.*

*The objective of this report is to determine a program with project priorities based on an agreed weighted criteria assessment.*

*This report is to consider options to amend the current roads program to incorporate a rural road upgrade program and the assessment should give consideration to any possible long term impacts on the road management strategy associated with these options.*

### 2. Council Meeting held 28 June 2018 – Dust Sealing Analysis

The report to this meeting was presented in two parts. Part One dealt with the options to establish weighted assessment criteria to assess priorities for the sealing of gravel roads. The purpose of this was to include social and environmental factors in the assessment in addition to economic or maintenance cost considerations

## 11.6 Road and Transport Asset Management Plan - Update

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Part Two of the report examined the impacts associated with redirecting funds from asset renewal and maintenance programs for the purposes of funding upgrades to rural roads.

The resolution in response to this report was;

1. *That Council endorses the draft Dust Sealing Weighted Prioritisation Criteria and the Priority Ranking for Sealing of Unsealed Roads, as per Attachments 1 and 2 to this report, for inclusion in the update of the Roads Asset Management Plan.*
2. *That Council confirms that establishing a recurrent funding program for the sealing of unsealed roads, as per the program created in point one, is not supported, at this point in time, as the social and environmental benefits cannot be achieved without unreasonable risks in terms of the potential impacts on future road network condition and important financial reporting benchmarks.*
3. *That Council note, as per a resolution from the March 2018 Finance Committee, a draft update of the Road Asset Management Plan will be prepared for Council's consideration on the basis of the strategic principles adopted in this report and from the earlier reporting.*

In summary, the draft Asset Management Plan recognizes the following recent decent decisions of Council.

1. The adoption of a priority program for the sealing of unsealed roads based on a weighted criteria assessment.
2. The strategy does not include a funding for the program in point one as it is preferred to retain our focus on renewal and rehabilitation.
3. The strategy includes an optimised allocation of funds for asset maintenance and renewal.
4. A program to seal a small number of gravel roads as listed due to the economic return will be included in the Delivery Program for implementation over the next few years with a proposed recurrent funding level of approximately \$200,000.

The main references to this information are included as new appendices as per the following list.

- C. Critical analysis of sealed vs un-sealed road maintenance
- D. Optimisation of existing budgets to maximise network health
- E. Unsealed road assessment & scoring system for seal upgrade
- F. Network effect: movement of capital renewal to dust-sealing
- G. Optimisation of spray seal design lives

The additions form an interim update to a full review of the Roads & Transport Asset Management Plan that is due in 2020. We are also scheduled to complete an update of our road condition data in 2018/19 and full revaluation the following year. This data update will be the second capture and will be very useful to review any change in overall network condition and compare this performance to model and strategy developed within the RAMP.

The plan is a relatively large and technically complex document to read. Staff have commenced a project to produce a plain English/graphical style document to present a summary of the plan. This will be an opportunity to present an explanation of the key policy decisions of the Council that underpin the technical and financial aspects of the plan.

### **Sustainability Considerations**

- **Environment**  
Road improvements provide enhanced outcomes for issues such as dust and erosion effects.
- **Social**  
Road improvements assist with transport and provide amenity that contributes to social development.
- **Economic**  
Improved road user conditions and possible road safety improvements contribute to economic development.

### **Legal / Resource / Financial Implications**

The financial implications of the options considered in this report are set out in the early reporting to Council.

### **Consultation**

If the recommendation to this report is accepted, the update of the Asset Management Plan can be placed on public exhibition as per Council's previous resolution.

### **Options**

The options discussed in this report are;

1. Accept the update of the draft Roads & Transport Asset Management Plan and place it on public display for comment.
2. Amend the draft Roads & Transport Asset Management Plan and place it on public display for comment.
3. Decline to update of the Roads & Transport Asset Management Plan.

Option one is recommended.



**RECOMMENDATION**

That Council endorses the draft Road and Transport Asset Management Plan as attached to this report for exhibition. Any submissions are to be reported to Council and if no submissions are received the plan will be considered as adopted by Council.

**Attachment(s)**

1. Draft Roads and Transport Asset Management Plan (Under separate cover)

## **11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study**

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### **11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study**

**Delivery Program**      Engineering Works

**Objective**              To advise Council of investigations regarding the existing rock wall at Lennox Head and suitable seawall types for possible future protection works.

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#### **Background**

A Coastal Zone Management Plan (CZMP) for the Ballina Shire Coastline was adopted by Council and certified by the Minister for Planning in early 2016. The CZMP was gazetted for commencement in September 2016 under the Coastal Protection Act 1979, Section 55H.

The CZMP followed the State Government guidelines at the time for establishing the plan, and represents the culmination of various studies and consultative processes, including:

- Ballina Coastline Hazard Definition Study (WBM, 2003)
- Ballina Coastline Management Study – Stage 1 Values Assessment (GeoLINK, 2007)
- Ballina Coastline Management Study – Stage 2 Management Options Assessment (GeoLINK, 2008)
- Updated Coastal Hazard Areas for Ballina Shire (BMT WBM, 2011)

During the development of the CZMP a Community Reference Group (CRG) was established and as CRG meetings were held Councillor briefings were also held. The various key reports involved a public exhibition process so that broader community feedback was received.

The CZMP focuses on maintaining or improving the ecological, cultural, recreational and economic values that are exposed to coastal hazards comprising:

- Beach erosion due to offshore movement of sand
- Shoreline recession due to sediment deficits
- Coastal inundation resulting from coastal storm events

Shoreline recession generally occurs over the long term whereas beach erosion and inundation is generally the result of a severe storm event or a series of events. The CZMP presents a set of short term and long term management actions.

With respect to immediate management actions the CZMP has led to the preparation of the following documents.

- Emergency Action Subplan (EAS) for coastal erosion events which sets out the role of Council and emergency services should such events occur.
- Ballina Development Control Plan 2012 (DCP) Chapter 2 Clause 3.14 Coastal Hazards which sets out development requirements for land identified under the coastal hazard mapping.

## **11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study**

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With respect to longer term management, the section of coast at Lennox Head (Seven Mile Beach) was identified as being at risk from coastal hazard threats and a priority due to existing public and private infrastructure located in the hazard zones.

The CZMP promoted the continuation of the protection north of Byron Street with a seawall, coupled with the investigation of beach sand nourishment.

The purpose of the proposed beach sand nourishment is to maintain the amenity of the beach by reducing the impacts of the engineered solution of a sea wall. This proposal has been discussed with State Government as the proposal was inconsistent with Government policy at the time. Council supported the potential use of sand from the Richmond River (dredging of the Ballina bar) for Lennox Head beach nourishment however there has been no commitment to this project from the State.

For other pocket beaches south of Seven Mile Beach it was considered appropriate for coastal processes to proceed under monitoring, due to the limited extent of potential erosion due to headland forms and beach materials and limited infrastructure.

This particular report deals with the results of an investigation of the historical rock wall at Lennox Head, which is part of the CZMP action item I2:

“Conduct coastal engineering investigation to determine alignment, condition and adequacy of existing buried rock wall between Byron Street and the SLSC and Lake Ainsworth Sport and Recreation Centre.”

### **Key Issues**

- Response to Ballina Shire Coastline CZMP action item I2

### **Information**

Council engaged BMT WBM Pty Ltd to undertake a technical assessment of the investigative work associated with exploring the historical rock wall along Seven Mile Beach at Lennox Head.

This engagement commenced under an Office of Environment and Heritage (OEH) grant. The grant was offered for this work because during the development of the CZMP there was much conjecture about the characteristics and adequacy of the buried rock wall which was placed along Seven Mile Beach during the late sixties.

With the preparation of Council's coastal hazard zone mapping the existence of the buried rock wall was noted, however any potential protection offered by the rock wall was not considered due to a lack of information about the rock wall design, construction and condition.

There was some criticism from the community regarding this approach.

The work of BMT WBM was undertaken in two stages. An investigation was undertaken of the historical rock wall, and a technical assessment made regarding its adequacy or capacity to be added to or reconstructed.

## **11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study**

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With this assessment a determination of a potential future protection system was to be made as stage two, and this would either include or exclude consideration of the historical rock wall.

A combined report comprising the results of stage one and stage two is provided as Attachment 1, Lennox Head Seawall Upgrade Study, BMT WBM, 2016.

### Stage One

The field investigation for exploring the historical rock wall comprised:

- Anecdotal evidence – oral reporting from persons associated with the historical rock wall placement
- Ground Penetrating Radar – which is a non-destructive measure to attempt to locate strata (rock) within the dunal system. This was used to help to identify the possible location of the buried rock wall.
- Test pits – two trenches were excavated at locations just north of the Surf Life Saving Club and at near Williams Street to uncover evidence of the buried rock wall.

There are several basic components that need to be in place for a seawall to be considered as structurally adequate, with these being:

- crest level of the wall
- toe rock depth and size
- armour rock size, slope, thickness and filter layers

The detail results of the investigation are described in the report however a summary (Section 5.5) reads:

“The investigations and analyses to date indicate the existing seawall, does not satisfy any of the design conditions required of a seawall to resist wave attack. It is considered that the seawall still exists because it was initially constructed after severe storm erosion and the natural process of beach recovery has provided a natural buffer of sand in front of the seawall.”

### Stage Two

This part of the reporting has been informed by the results of stage one which indicated that the existing historical rock wall has little structural capacity and needed to be replaced by a new terminal structure. A range of structural options were assessed and this led to the presentation of a preliminary alignment and a preliminary structure type.

The CZMP recommends that the alignment of the seawall follow the ‘line of protection’ landward of which property or infrastructure is to be protected and that the seawall is aligned as far landward as possible to maximise the potential to retain a sandy beach seaward of the wall.

For the area between Byron Street and the Surf Lifesaving Club, it is recommended that the seawall be as close to Pacific Parade as possible, balancing the future amenity provided by the beach with that provided by the grassed public open space between the beach and the roadway.

## 11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study

Near the existing Surf Lifesaving Club building (and the proposed replacement just south of this) the wall alignment would extend seaward of this structure.

Between the Surf Lifesaving Club and the Lake Ainsworth Sport and Recreation Centre, the primary protection requirements would prevent a breakthrough to Lake Ainsworth, and the seawall works will need to be integrated with the existing upgraded seawall in front of the centre constructed in 1997.

The report therefore shows a potential Lennox Head seawall alignment plan as Figure 8.3 and this is shown below:



Regarding the structure type a qualitative assessment of different types of seawalls was undertaken, and the report provides a summary as Table 9-1 and this is shown as follows.

## 11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study

Table 9-1 Summary of Alternative Terminal Seawall Options for Lennox Head

Seawall Option	Level of protection	Durability	Adaptability	Maintenance	Public safety	Beach Amenity	Wave Absorption	Lead time	Construction Impacts	Construction Footprint	Capital Costs	Overall Suitability
Rock Seawall	✓✓	✓	✓✓	✓	✘	✓	✓	✘	✘	✘	✓	✓
Concrete Unit Seawall	✓✓	✓	✓	✓	✘	✘	✓	✘	✓	✓	✘	✘
Geotextile Containers	✘✘	✘	✘	✘	✓	✓	✘	✓	✓	✓	✓	✘
Stepped Seawall	✓	✓✓	✓	✓✓	✓	✓✓	✘	✓	✓	✓	✘	✓
Vertical Piles Seawall	✓	✓✓	✘	✘	✘✘	✘	✘✘	✓✓	✓✓	✓✓	✓✓	✘
Gravity Structure	✓	✓✓	✘	✓✓	✘✘	✓	✘✘	✓	✓	✓	✘✘	✘

Note: Two ticks better than one tick and two crosses worse than one cross

According to the qualitative assessment, the rock seawall and the stepped seawall are considered the most favourable, at this early stage.

The traditional terminal protection on high energy beaches has been the rock seawall.

This type of structure has been used for over 100 years in Australia and has proven to be robust and able to be maintained and / or upgraded with larger rocks or to higher crest levels if necessary.

The disadvantage of these structures is that access from the protected land behind the seawall to the beach across the rock seawall is difficult and dangerous, particularly where the dunes are high or where a beach no longer exists in front of the seawall.

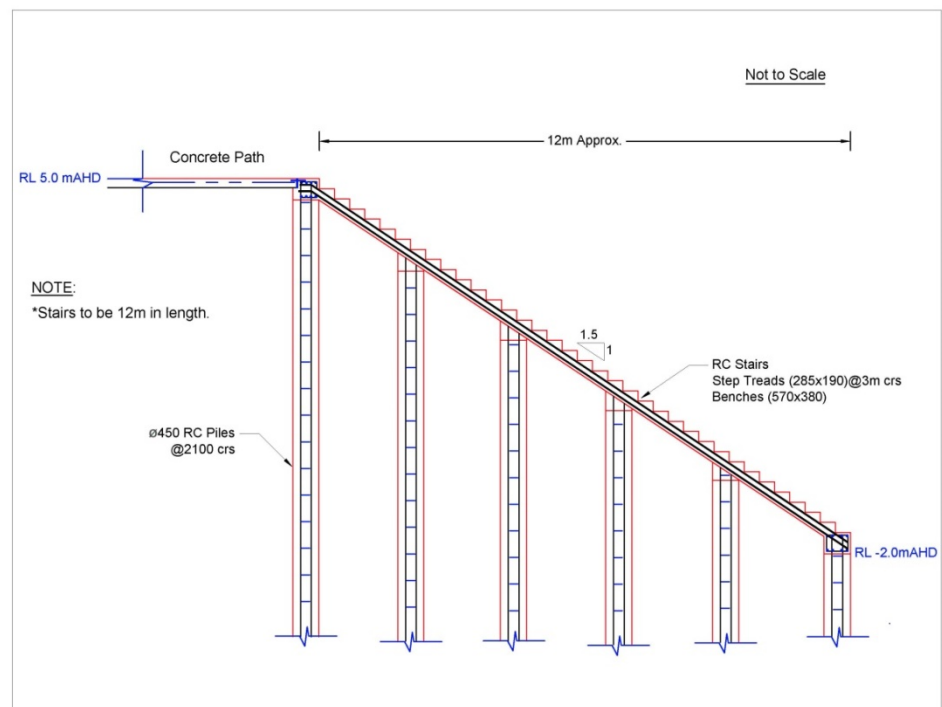
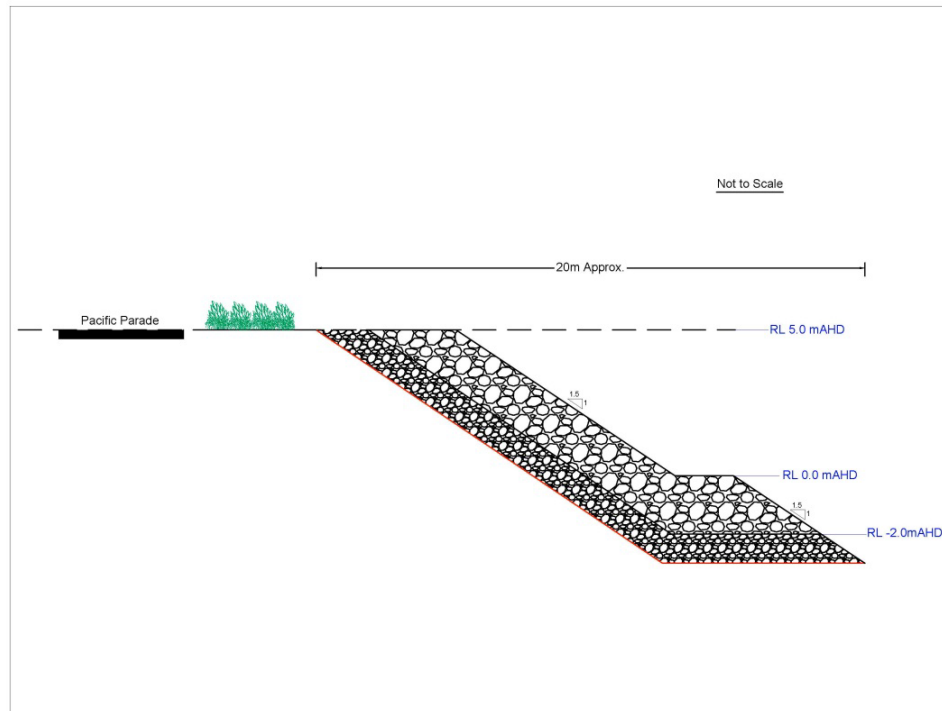
Many methods have been trialed to provide better beach access. In recent times the provision of monolithic concrete steps has become more popular.

However they have been proposed and used on less exposed beaches or where the danger of large waves impacting users of the steps is low, so this element of any future detail design will need further consideration.

The above seawall options have been assessed for Lennox Head and the provision of a rock seawall with steps at reasonable access points has been presented as a preliminary concept.

Diagrams of the conceptual designs for a rock seawall and a stepped seawall are shown as follows.

## 11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study



Order of magnitude costs and staged implementation of the protection works has also been presented. The protection works would continue northward from the existing rock wall which terminates at Byron Street. Preliminary estimates provided by BMT WBM suggest \$20,000 per metre (2016 costs) and stages may be as follows:

## **11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study**

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- Stage 1 Byron St to Foster St \$7.5m
- Stage 2 Foster St to SLSC \$12.5m
- Stage 3 SLSC to Lake Ainsworth Sport & Recreation Centre \$9.0m

The purpose of this report is to provide Council with information regarding the Lennox Head rock wall investigation and the potential future requirements for continuing protection works along Seven Mile Beach, Lennox Head.

Based on this initial assessment further work will be required to develop detail design and approvals in preparation for very significant consultation regarding implementation and funding.

### **Sustainability Considerations**

- **Environment**  
The CZMP is prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes environmental values.
- **Social**  
The CZMP is prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes social values.
- **Economic**  
The CZMP is prepared in accordance with the principles set out in the Coastal Protection Act 1979 which includes economic values.

### **Legal / Resource / Financial Implications**

Resource and financial implications are significant considerations into the future, and will need to be included within further studies, planning and design development.

### **Consultation**

The presentation of this early work regarding the investigation of the historical rock wall at Lennox Head and the preliminary assessment of a potential future rock wall is for information, and consultation has not occurred other than with OEH representatives

### **Options**

The purpose of this report is to inform Council of the outcomes of the investigation action as per the CZMP to specifically to determine the potential role of the existing sea wall in future protection measures.

No further action is required in response to this report at this point in time. In the future Council will need to consider strategically how and when it will propose to implement the major capital works proposed under the CZMP. This will require significant Government financial assistance and further policy development.



## **11.7 Lennox Head Rock Wall Investigation and Seawall Upgrade Study**

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The CZMP suggests the construction of a rock wall at this location is a short term project (5-10 years). Therefore staff will continue to liaise with OEH in respect of Government policy and funding programs and in the near future the Council will need to determine if it is possible to include the works in our long term financial plan.

Currently there is no allowance for those works in the plan and the magnitude of the works will impact significantly on other programs unless other funding strategies are identified.

The other critical issue with this is that the CZMP refers to doing the works after a major erosion event and that hasn't occurred to date. This makes the financial planning difficult as the works may not be needed for many years and Council is not in a sound enough financial position to have that level of funds set aside. Essentially it will be a matter of on-going review and preplanning with the knowledge that the works may be needed sometime in the future.

### **RECOMMENDATION**

That Council notes the contents of this report explaining the outcomes of the Lennox Head Seawall Study.

### **Attachment(s)**

1. Lennox Head Seawall Upgrade Study, BMT WBM, 2016. (Under separate cover)

## **11.8 Tender - Provision for Sprayed Bituminous Surfacing**

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### **11.8 Tender - Provision for Sprayed Bituminous Surfacing**

**Delivery Program**      Engineering Works

**Objective**              To provide Council with the results of Tender RFT1129 - Provision for Sprayed Bituminous Surfacing

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#### **Background**

Tenders were invited for tender RFT1129 - Provision for Sprayed Bituminous Surfacing. The tender was advertised on 5 June 2018 and closed on 26 June 2018.

The contract is for a one year period to 30 June 2019, with provision for two annual extensions until 30 June 2020 and 30 June 2021, subject to approval from the General Manager or delegate.

Tenders were received from the following:

- Bitupave Ltd (trading as Boral Asphalt)
- Colas New South Wales Pty Ltd
- Fulton Hogan Industries Pty Ltd
- NSW Spray Seal Pty Ltd

This report provides details on the outcome of the tender evaluation process.

#### **Key Issues**

- Assessment of tenders in accordance with the Local Government (General) Regulations 2005.

#### **Information**

Council recently called for submissions to tender RFT1129 - Provision for Sprayed Bituminous Surfacing. The term of the contract is initially a one year period until 30 June 2019. The arrangement includes the option of two 12 month extensions for the periods until 30 June 2020 and 30 June 2021, subject to approval from the General Manager or delegate.

The scope of work and other tender requirements remains similar to previous versions of this contract, which provides for full subcontract bituminous surfacing services on Council's road network.

Four conforming tenders were received, from Bitupave Ltd (trading as Boral Asphalt), Colas New South Wales Pty Ltd, Fulton Hogan Industries Pty Ltd and NSW Spray Seal Pty Ltd. One company that was previously contracted to provide this service, State Asphalt Services Pty Ltd, did not submit a tender.

A summary of the assessment and ranking of the tenders, with pricing information, is provided in a separate memo to Councillors.

## 11.8 Tender - Provision for Sprayed Bituminous Surfacing

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The assessment sheet is based on the assessment criteria stated in the RFT:

<b>Criteria</b>	<b>Weighting</b>
Final Price	70%
Capability	10%
Relevant Experience	10%
Quality, Safety and Environment	10%

Assessment of final price is based on the 61 unit rate items for various materials and activities required for bitumen resealing projects. Each separate resealing project contracted by Council involves differing combinations and quantities of the 61 unit rates. To determine the most cost effective tender, a price comparison was conducted of typical material quantities and services for three scenarios – an urban reseal, a rural reseal and a rural construction.

The contract allows Council to seek pricing outside of the tender on occasions. Typically this is done when the quantity required means there is likely better value for money for Council to seek a job specific quotation.

### **Sustainability Considerations**

- **Environment**  
The contractor is required to establish and operate in accordance with an approved Environmental Management Plan.
- **Social**  
This tender will assist in the maintenance and construction of the road network and thereby supports the community's transport needs.
- **Economic**  
This tender will provide competitive prices for materials used in the maintenance and construction of the road network and associated infrastructure, an essential asset for economic development.

### **Legal / Resource / Financial Implications**

This report aims to assist Council to meet its statutory and other legal obligations.

Purchases made utilising this tender will be costed against applicable project and program budgets.

Council's road resealing program is funded from within the Engineering Works section roads budget.

The tender results do not directly impact the budget as the allocated budget is managed by limiting the extent of resealing.

The rates across the four tenders are approximately 10% more expensive than the previous tender in 2015 and this has a negative impact on the amount of work Council is able to achieve in its roads budget.

## **11.8 Tender - Provision for Sprayed Bituminous Surfacing**

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The number of tenderers has decreased from five to four although this decrease in suppliers will not impact on contractor availability for Council works.

### **Consultation**

A public tender process was conducted.

### **Options**

Under the Local Government (General) Regulations 2005 Council must either accept the tender that “appears to be the most advantageous” or decline to accept any of the tenders.

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may accept the most advantageous tender.
3. Council may accept all suitable conforming tenders and adopt a list of preferred suppliers.

The tender assessment indicates that all tenders received are technically competent and competitive, and that a market has been established. On previous occasions, Council has accepted all suitable tenders and adopted a list of preferred suppliers. This allows Council the opportunity to use the contractor with most advantage to the program requirements applying at the time.

Therefore option three is recommended.

### **RECOMMENDATIONS**

1. That Council accepts the tenders of Bitupave Ltd, Colas New South Wales Pty Ltd, Fulton Hogan Industries Pty Ltd and NSW Spray Seal Pty Ltd as preferred contractors for the provision of sprayed bituminous surfacing for the period to 30 June 2019, with the preferred supplier for each order determined by an assessment undertaken by staff having regard to cost and program requirements applicable at the time of the order.
2. That contractor performance and market conditions be reviewed at the end June 2019 and a call for fresh tenders to be made if this is determined to be favourable to Council.
3. In the event point two above is not preferred, then in accordance with the revised terms of the Contract, the General Manager is authorised to extend the contract period to 30 June 2020 and 30 June 2021, if that arrangement is to the best advantage of Council.
4. That Council authorises the Council seal to be attached to the contract documents.

**Attachment(s)** Nil

## **11.9 Tender - Provision for Supply and Laying of Asphalt**

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### **11.9 Tender - Provision for Supply and Laying of Asphalt**

**Delivery Program**      Engineering Works

**Objective**              To provide Council with the results of Tender RFT1130 - Provision for Supply and Laying of Asphalt

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#### **Background**

Tenders were invited for tender RFT1130 - Provision for Supply and Laying of Asphalt. The tender was advertised on 5 June 2018 and closed on 26 June 2018.

The tender is for the two year period to 30 June 2020, with provision of two annual extensions until 30 June 2021 and 30 June 2022, subject to approval from the General Manager or delegate.

Tenders were received from the following:

- Bitupave Ltd (trading as Boral Asphalt)
- Fulton Hogan Industries Pty Ltd
- RPQ Asphalt Pty Ltd

This report provides details on the outcome of the tender evaluation process.

#### **Key Issues**

- Assessment of tenders in accordance with the Local Government (General) Regulations 2005.

#### **Information**

Council recently called for submissions to tender RFT1130 - Provision for Supply and Laying of Asphalt. The term of the supply and lay arrangement is initially for a two year period until 30 June 2020. The arrangement includes the option of two 12 month extensions for the periods until 30 June 2021 and 30 June 2022, subject to approval from the General Manager or delegate.

The scope of work and other tender requirements remains similar to previous versions of this contract, which provides for full subcontract services for supplying and laying asphalt on Council's road network.

Three conforming tenders were received, from Bitupave Ltd (trading as Boral Asphalt), Fulton Hogan Industries Pty Ltd and RPQ Asphalt Pty Ltd. One company that was previously contracted to provide this service, Clark Asphalt Pty Ltd, did not submit a tender.

A summary of the assessment and ranking of the tenders, with pricing information, is provided in separate memo to Councillors.

The assessment sheet in the memo is based on the assessment criteria stated in the RFT:

## 11.9 Tender - Provision for Supply and Laying of Asphalt

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<b>Criteria</b>	<b>Weighting</b>
Final Price	70%
Capability	10%
Relevant Experience	10%
Quality, Safety and Environment	10%

Assessment of final price is based on a price comparison of typical material quantities and services. The tender is based on the Shire being divided into five zones, and for each of these zones a number of activities are priced for a range of asphalt quantities (tonnages).

Council undertakes a large number of asphalt projects each year and the requirements for different projects can be wide ranging. Some projects may involve small quantities and be relatively simple and straightforward works with minimal risk, for instance, asphalt works undertaken on lightly trafficked roads. Other projects may involve various factors of complexity and higher risk, such as asphalt works undertaken on heavily trafficked regional roads with multiple intersection treatments.

The determination of a tendered price comparison for a specific project will depend on the particular combination of activities specific to that individual project. To determine the most cost effective tender, a price comparison was conducted of typical material quantities and services for five scenarios across the zones.

The contract allows Council to seek pricing outside of the tender on occasions. Typically this is done when the quantity required means there is likely better value for money for Council to seek a job specific quotation.

### **Sustainability Considerations**

- **Environment**  
The contractor is required to establish and operate in accordance with an approved Environmental Management Plan.
- **Social**  
This tender will assist in the maintenance and construction of the road network and thereby supports the community's transport needs.
- **Economic**  
This tender will provide competitive prices for materials used in the maintenance and construction of the road network and associated infrastructure, an essential asset for economic development.

### **Legal / Resource / Financial Implications**

This report aims to assist Council to meet its statutory and other legal obligations.

Purchases made utilising this tender will be costed against applicable project and program budgets.

## **11.9 Tender - Provision for Supply and Laying of Asphalt**

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Council's road program is funded from within the Engineering Works section roads budget. The tender results do not directly impact the budget as the allocated budget is managed by limiting the extent of work. The rates across the three tenders are approximately 15% more expensive than the previous tender in 2015, with the largest price increases for traffic control and daily quantity orders less than 100T. This has a negative impact on the amount of work Council is able to achieve in its roads budget.

### **Consultation**

A public tender process was conducted.

### **Options**

Under the Local Government (General) Regulations 2005 Council must either accept the tender that "appears to be the most advantageous" or decline to accept any of the tenders.

1. Council may determine not to accept any of the tenders received and invite fresh tenders.
2. Council may accept the most advantageous tender.
3. Council may accept all suitable conforming tenders and adopt a list of preferred suppliers.

The tender assessment indicates that all tenders received are technically competent and competitive, and that a market has been established.

On previous occasions, Council has accepted all suitable tenders and adopted a list of preferred suppliers. This allows Council the opportunity to use the contractor most advantageous to program requirements applying at the time.

Therefore option three is recommended.

### **RECOMMENDATIONS**

1. That Council accepts the tenders of Bitupave Ltd, Fulton Hogan Industries Pty Ltd and RPQ Asphalt Pty Ltd as preferred contractors for the provision of supply and laying of asphalt for the period to 30 June 2020, with the preferred supplier for each order determined by an assessment undertaken by staff having regard to cost and program requirements applicable at the time of the order.
2. That contractor performance and market conditions be reviewed at the end June 2020 and a call for fresh tenders to be made if this is determined to be favourable to Council.
3. In the event point two above is not preferred, then in accordance with the revised terms of the Contract, the General Manager is authorised to extend the contract period to 30 June 2021 and 30 June 2022, if that arrangement is to the best advantage of Council.
4. That Council authorises the Council seal to be attached to the contract documents.

**Attachment(s)** Nil

12. Public Question Time

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**12. Public Question Time**



### **13.1 Notice of Motion - RMS Sub-Contractors**

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## **13. Notices of Motion**

### **13.1 Notice of Motion - RMS Sub-Contractors**

**Councillor**

Cr Eoin Johnston

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I move

1. That Council write to the appropriate State Government Ministers expressing our concerns regarding the non or part payment of monies owing to subcontractors engaged by contractors to the Roads and Maritime Services for work and materials provided to the Pacific Highway upgrade.
2. That this correspondence seeks improvements to the current security of payment process that would provide a greater level of security, especially for small local sub-contractors, who can face the risk of losing their business and their entire life savings, due to the poor financial management practices of a large contractor to the State Government.

#### **Councillor Comments**

A number of small to medium businesses and their employees have suffered severe financial consequences as a result of unmet demands for payment for services provided to primary contractors to the RMS. The flow-on effects include loss of business, disposal of plant and equipment, loss of employees, impact on family, potential loss of homes and the mental issues resulting from all of the above.

Shortly after this notice of motion was submitted to the General Manager for inclusion in this business paper, the State Government announced it would be providing financial assistance to the contractors left out of pocket after Ostwald Bros Pty. Ltd. went into liquidation. This is pleasing to see however we need to work towards solutions where the risk of these situations arising again is minimised, as many sub-contractors have already suffered greatly from the flow-on effects. There are also concerns that there may be contractors who are not eligible for this assistance.

Earlier this year the Federal Government was presented with the Murray Report, which identified a number of recommendations to the security of payments to contractors in the building and construction industry and this report, which is to be reviewed by Federal and State Ministers does provide an opportunity for improved outcomes for all sub-contractors. A link to the Terms of Reference and the final report are as follows:

<https://www.jobs.gov.au/review-security-payment-laws>

### **13.1 Notice of Motion - RMS Sub-Contractors**

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Even though it was a national issue, I suggest a precedent was set following the recent closure of a nickel smelter in North Queensland, which resulted in the Federal Government, without delay, providing substantial payments owed to all employees and then pursuing the defaulting owner through the courts.

I suggest that, collectively, we have a responsibility to protect the welfare of workers within our Shire and our State Government has an important role in providing legislation, in conjunction with the Federal Government that provides for that protection.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council write to the appropriate State Government Ministers expressing our concerns regarding the non or part payment of monies owing to subcontractors engaged by contractors to the Roads and Maritime Services for work and materials provided to the Pacific Highway upgrade.
2. That this correspondence seeks improvements to the current security of payment process, which appears to rely on statutory declarations, that would provide a greater level of security, especially for small local sub-contractors, who can face the risk of losing their business and their entire life savings, due to the poor financial management practices of a large contractor to the State Government.

#### **Attachment(s)**

Nil

14. Advisory Committee Minutes

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**14. Advisory Committee Minutes**

Nil Items

## 15.1 Mayoral Meetings

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

#### 15.1 Mayoral Meetings

**Councillor** David Wright

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Activities I have attended, or propose to attend, as at the time of writing this report, since the June 2018 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
26/6/18	Church Group
28/6/18	Red Inc.Ballina - New NDIS Services to Ballina
30/6/18	Food and Wine Festival – Set Up
1/7/18	Commemoration Park Markets and Food and Wine Festival
3/7/18	Launch of Regional Perspective
3/7/18	Meeting Eddie Bennet – Drones – ETC and Ballina Coast High School
3/7/18	Alstonville/Wollongbar Chamber of Commerce – Alstonville Pre School
4/7/18	Meeting – Ballina Country Music Club and Extraordinary Meeting
4/7/18	Alstonville Rotary Changeover Dinner
5/7/18	Meeting – Christine Rijks - Church of the Two Grandfathers
5/7/18	Briefing – Community Donations and Gallery Launch
7/7/18	Ballina East Lions Club – Changeover
8/7/18	Commemoration Park Markets and Lennox Head Markets
8/7/18	NAIDOC Gallery Launch and Opening Keith Hall Boat Ramp
9/7/18	NAIDOC Celebration Walk
10/7/18	'A' Ward Committee
11/7/18	Skullcandy Set-up and Briefing – Draft Wollongbar Strategic Plan
11/7/18	Meeting LGNSW – North Coast Summit
12/7/18	'C' Ward Committee and Skullcandy Oz Grom Set Up - Water
12/7/18	Rotary – Ballina on Richmond Changeover
13/7/18	Skullcandy Oz Grom and Opening Screenworks new office in Ballina
14/7/18	Skullcandy Oz Grom
15/7/18	Commemoration Park Markets and Skullcandy Launch
15/7/18	Ballina Markets and Skullcandy Oz Grom
16/7/18	Meeting – Mark Anderson - GM Performance Review and Skullcandy
16/7/18	'B' Ward Committee
17/7/18	Meeting – Reflections Park Management and Ben Franklin – Airport
17/7/18	Skullcandy Oz Grom
17/7/18	Ballina Branch United Hospitals Auxiliary Inc Annual Meeting
18/7/18	Skullcandy Oz Grom Presentations
19/7/18	Rotary Club – Guest Speaker
20/7/18	Ballina Kings Changeover – Richmond Room
22/7/18	Commemoration Park Markets
23/7/18	Briefing – Ballina Coastline Management Plan and Briefing – DPI
24/7/18	Goonellabah-Wollongbar Lions Changeover
26/7/18	Council Meeting
28/7/18	Official Opening Ballina Pool and Alstonville Pool
29/7/18	Commemoration Park Markets and Lennox Head Markets
31/7/18	2018 Rising Stars Scholarship and Briefing – Lennox Head Surf Club

#### **RECOMMENDATION**

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

**Attachment(s)** Nil

16. Confidential Session

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**16. Confidential Session**

Nil Items