



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 23 August 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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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

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 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 26 July 2018.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2017/554 - Wollongbar Skate Park

8. Development and Environmental Health Group Reports

8.1 DA 2017/554 - Wollongbar Skate Park

Applicant	Ballina Shire Council
Property	Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields)
Proposal	Construction of a Skate Park facility
Effect of Planning Instrument	The land is zoned 7(i) – Environmental Protection (Urban Buffer) under the provisions of the Ballina LEP 1987
Locality Plan	The subject land is depicted on the locality plan contained in Attachment 1

Introduction

Council has considered the provision of skate park facilities on the Alstonville Plateau, and more specifically at Wollongbar, on multiple occasions since 2011.

Initial reporting to Council on skate park options for the plateau locality was presented to the Council in November 2011.

Council's current approach to the provision of skate park facilities on the plateau was resolved at the Ordinary meeting held on 25 May 2017.

At that meeting, the Council resolved as follows:

- 1. That Council authorises the General Manager to commence detailed design and construction of the Alstonville Wollongbar skate park in accordance with concept design Option B at the Wollongbar Sports Field site.*
- 2. The Council authorises the General Manager to lodge the required application to support point one above.*

In response Council's Civil Services Group prepared a Development Application (DA 2017/554) for the construction of a skate park facility and associated car parking, seating and landscaping at Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields).

Figure 1 is an aerial photo extract that shows the Wollongbar Sporting Fields, with the approximate location of the proposed skate park and associated car parking highlighted yellow.

Aerial photography and skate park plans are also contained in Attachments 3 and 4.



Figure 1: Aerial view of the Wollongbar Sporting Fields (approximate location of proposed skate park highlighted yellow).

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

In this case, Council is both the proponent and the determining authority.

It is important to recognise these roles when considering development applications in this type of circumstance.

These different positions are reinforced by Council's structure in that the assessment of such applications is undertaken separate to the compilation of proposals for development.

The determination of the application is a matter for Council in its capacity as a planning authority. This is different to Council's role in determining outcomes associated with the provision of infrastructure and facilities and associated funding decisions.

In the event that the Council determines the application by way of approval, it is open to Council to not proceed with construction.

That is, the planning approval makes it possible to construct the skate park under the terms of the *Environmental Planning and Assessment Act 1979*. However, granting approval to the proposed development does not compel the Council to proceed to build the facility.

Conversely, if the Council determines the application by way of refusal, the current proposal cannot proceed to construction as the requisite planning approval will not be in place.

It is however open to Council to seek approval for an alternate facility at the sporting fields site.

Details of Proposal

The proposed development involves the construction of a skate park, associated car parking, seating area and landscaping.

The design plans provided as part of the development application illustrate an open 'plaza' style skate park, which will provide a 'street style' (rather than a single skate bowl) experience for skaters, which can cater for varying experience levels. A seating area is to be provided at the northern end of the skate park for spectators.

The plans provided with the application indicate car parking areas to be provided around the skate park, servicing both the skate park and also the wider Wollongbar Sporting Fields use of the land.

Phase 1 is to comprise the provision of 14 sealed car parking spaces to the west of the proposed skate park.

A grass overflow parking area containing 85 spaces is shown to be provided around the western and southern sides of the skate park (described as Phase 2).

Landscaping is to be provided around the perimeter of the skate park, comprising Tuckeroos, Weeping Lilly Pilly and Brush Box.

Refer to Attachment 2 for the development plans.

Description of the Subject Site

The land proposed to be developed for the skate park is contained within the Wollongbar Sporting Fields site, which is located between Alstonville and Wollongbar.

The sporting fields are currently accessed via Elvery Lane, which intersects with Ramses Street and Pearces Creek Road and runs through the centre of the Wollongbar Sporting Field site.

Refer to Attachments 3 and 4 for an aerial view of the sporting fields and the approved plans for the sporting fields.

Surrounding land to the north, south and east is predominantly rural in nature and character, including smaller rural residential sized allotments (1.7ha to 3.6ha) and larger agricultural (macadamia cultivation and grazing) holdings (up to 32ha).

Land to the west comprises the existing Wollongbar Village (residential subdivisions and Lyle Park Rugby Grounds).

The Wollongbar Sporting Fields development was approved by Council as part of DA 2011/373 at its Ordinary meeting held on 23 February 2012.

The development has been amended on three occasions since the original approval, with the most recent amendment approved on 24 July 2014.

8.1 DA 2017/554 - Wollongbar Skate Park

DA 2011/373 (as amended) involves *the staged construction and use of the subject properties for the purposes of sporting fields with associated amenities, car parking, sporting field lighting and clubhouse facilities.*

Stage One – One AFL field and associated sports lighting, two rugby grounds and associated sports lighting, one cricket oval, land area for clubhouse facilities, six tennis courts and associated sports lighting, 84 sealed car parking spaces, 121 grass car parking spaces (overlaid on a geofabric membrane), five bus parking bays, internal access road and the construction of a vehicular access from Ramses Street to the subject site.

Stage Two – The construction of a vehicular access from Pearces Creek Road to the subject site, four netball courts and 168 grass car parking spaces.

Construction of the approved facilities has largely been completed and the sporting fields are now open to the public.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition in accordance with Council's local advertising policy from 25 October 2017 to 9 November 2017. No submissions were received during the exhibition period. However a submission was received in May 2018 in relation to the proposal. A copy of this submission is provided in Attachment 5.

A summary of the issues raised is provided below.

1. Placing the skate park in an isolated location is bound to create an environment that breeds anti-social behaviour. This places the facilities attempting to be established at the sporting fields and those who live in the vicinity of the fields at a great risk.

Comment: refer to the Crime Risk, Safety and Security section of this report for discussion.

2. There will be a loss of car parking spaces as a result of the proposed location of the skate park.

Comment: refer to the DCP section of this report for discussion.

Report

Applicable Planning Instruments

The proposed development has been assessed under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The following matters are those which are relevant in Council's consideration and determination of the development application.

Ballina Local Environmental Plan (BLEP) 1987

The subject land is located within Zone. No. 7(i) - Environmental Protection (Urban Buffer) under the provisions of the BLEP 1987.

Sporting fields are not a defined land use within the BLEP 1987. In this regard, DA 2011/373 was assessed and determined on the basis of the sporting fields being classified (or defined) as 'Open Space'. There is no definition provided within the BLEP 1987 for 'open space', however it is listed as a permissible land use within the zoning table of the 7(i) zone.

The Wollongbar Sporting Fields development contains sporting fields and courts that are able to be utilised for a range of outdoor sporting uses including AFL, rugby union, cricket, tennis and netball.

A skate park is a similar outdoor recreation activity to these uses and is within the ambit of an open space classification/definition, particularly given the skate park will form part of the overall Wollongbar Sporting Fields complex.

All other skate parks, either existing or previously proposed, within the Ballina Shire are on public land utilised for active (sporting fields) or passive recreation purposes. The consideration of DA 2017/554 is consistent with this approach.

The objectives of the 7(i) zone are:

- A. *The primary objective is to create a rural buffer in the locality of Alstonville and Wollongbar and to prevent development of an urban character within any part of the zone which is likely to be seen by existing or likely future residents of the villages of Alstonville and Wollongbar or from a major road in the locality.*
- B. *The secondary objective is to enable development as permitted by the primary and secondary objectives of Zone No 1 (a1), except for development which would conflict with the primary objective of this zone.*
- C. *The exception of these objectives is development of land within the zone for public works and services, outside the parameters specified in the primary and secondary objectives.*

The proposed skate park is to be contained within the existing Wollongbar Sporting Fields complex, which was approved via DA 2011/373. The consistency of the sporting fields development with the objectives of the 7(i) zone was assessed as part of that application. The proposed development seeks to utilise a portion of the sporting fields for a skate park.

The sporting fields development provides large areas of grassland utilised for playing fields, some paved/hard surfaces for sporting courts, car parking and minimal built form structures (club houses, amenities building) and as such is generally not considered to be of an urban character.

In addition, the design of the existing development is such that there is minimal visual impact of the land use from the surrounding village area. View paths from Rifle Range Road and residential areas of Wollongbar to the sporting fields are limited, given the sporting fields are separated from the main roads and residential areas by rural properties.

The existing sporting fields are considered to form part of a suitable buffer between urban areas and surrounding agricultural activities.

In relation to the siting of the proposed skate park, this area is not overly discernible in the landscape, particularly given the existing site landform. In this regard, the proposed skate park will form part of the approved and established buffer between the urban and rural areas.

In relation to the secondary objective of the 7(i) zone, the primary and secondary objectives of the 1(a1) zone relate to the use (and potential use) of land for purposeful horticultural production and development which is ancillary to the agricultural use of land, where the production potential of land is not significantly reduced.

These objectives were considered as part of both previous development applications for the subject site, being the subdivision to create the sporting fields allotment (DA 2010/1057) and the sporting fields development itself (DA 2011/373).

Matters such as land use conflict were considered as part of both development applications. The proposed skate park is not considered to alter any previous determinations in relation to impacts on agricultural land surrounding the subject site.

As part of DA 2011/373 Council was satisfied that the sporting fields development would not adversely impact upon the ongoing use of surrounding agricultural activities for the following reasons:

- The LUCRA (Land Use Conflict Risk Assessment) lodged in conjunction with the application (DA 2011/373) satisfactorily demonstrated that the biological buffer (around the perimeter of the sporting fields) will filter spray drift from adjoining properties.
- All existing or future agricultural activities are required to comply with existing regulations regarding the use of pesticides. It was considered that the combination of these restrictions and implementation of the biological buffer will ensure public health is not placed at risk upon the subject site from pesticides.
- No other activities likely upon the adjoining agricultural properties were likely to be hampered as a result of the utilisation of the subject site for sporting fields.

Clause 23 – Development within Zone No. 1(d), 7(c), 7(d), 7(d1), 7(f), 7(i) or 7(l)

This clause relates to the removal of native vegetation from certain zones including the 7(i) zone and also the alteration of the land by way of fill or the like and the requirement for development consent for these works.

The proposal does not involve the removal of any vegetation from the site (except for grass) but does involve some relatively minor earthworks to form up and shape the proposed skate park and associated car parking and seating.

The submitted Statement of Environmental Effects does state that consent is sought for the proposed earthworks. No issues are raised in relation to the level and scope of earthworks required in order to construct the proposed skate park.

Clause 25 – Development within Zone No. 7(d), 7(d1) or 7(i)

This clause relates to Council having regard for the scenic impact of buildings within the respective zones. In relation to the proposed skate park, it is to be a low lying structure within a larger sporting fields development.

The existing sporting fields development is generally screened from nearby urban areas by the surrounding horticultural (macadamia) plantations and also the required biological buffer planted around the perimeter of the sporting fields development (as required via DA 2011/373).

The proposed skate park has been sited such that it is not overly visible in the landscape.

In this regard, the proposal will not have any significant visual impacts.

SEPP 55 Remediation of Land

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of any development on land unless:

- *it has considered whether the land is contaminated, and*
- *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Council's Public and Environmental Health Section has considered the proposal and the supporting documentation and has made the following comments.

A Contaminated Land Assessment for a Proposed Recreational Facility (Sporting Fields) at Wollongbar was prepared by EAL Consulting, dated 1 November 2010 and this assessment was submitted with the development application for the sporting fields development (DA 2011/373).

The assessment undertaken for DA 2011/373 included the land area nominated for the proposed skate park.

The site and adjacent land use history included agricultural uses, including macadamia plantation and cattle grazing.

Due to the past uses including potentially contaminating activities, sampling of the soil for potential contaminants of concern were carried out.

8.1 DA 2017/554 - Wollongbar Skate Park

This included systematic sampling of 150 samples, which were combined to make 40 composite samples. All samples were analysed for heavy metals and organochlorine pesticides.

The assessment criteria were taken from Table 3: Soil Investigation Levels for Urban Redevelopment Sites in NSW Column 1 'Parks, Recreational Open Space, Playing Fields including Secondary Schools from the NSW DEC Contaminated Sites – Guidelines for the NSW Site Auditor Scheme, 2006 and National Environment Protection (Assessment of Site Contamination) Amendment Measure 1999.

The soil analysis confirmed that there was no significant metal or pesticide contamination of soils in the investigation area.

Elevated levels of lead were detected in SP 36 and Endosulfan was detected in composite samples 19, 28, 15-28, 33, and 35-40.

These were outside of the proposed skate park area.

All other sample analysis results were within the assessment criteria and expected background concentrations.

Condition 2.18 was imposed on DA 2011/373 in relation to the elevated levels of lead in SP 36 and a detailed site investigation was prepared as part of the construction certificate process for the sporting fields.

Since the time of the assessment for DA 2011/373, there have been some modifications to the applicable assessment criteria in the National Environment Protection (Assessment of Site Contamination) Amendment Measure 1999 (2013).

The results have been compared to the current criteria (Table 1A Health Investigation Levels for Soil Contaminants Recreational C) and the conclusion is unchanged.

In this regard, the site is suitable for the proposed use with a minimal risk of environmental harm and human health.

Ballina Shire Development Control Plan 2012

Chapter 2 – General and Environmental Considerations

Section 3.3 – Natural Areas and Habitat

The land is identified as being affected by the Natural Areas and Habitat Map attached to the DCP.

The land does not contain any significant native vegetation and the proposed skate park is to be sited upon grassed land.

A biological buffer has been established around the perimeter of the sporting fields development via DA 2011/373.

The proposed skate park is not considered to have an adverse impact on any natural areas or habitat on or surrounding the subject site.

Section 3.15 – Crime Prevention Through Environmental Design

Refer to the Safety and Security section of this report for discussion.

Section 3.19 – Car Parking and Access

Car Parking

The submission received in relation to the proposed development has raised concerns regarding the loss of car parking facilities as a result of the location of the proposed skate park and the impact that this will have on parking facilities for the larger Rugby Union events hosted at the Wollongbar Sporting Fields.

In relation to the existing sporting fields development approved via DA 2011/373 (as modified via Amendment No. 4, dated 24 July 2014), the approved car parking arrangements are as follows:

- 84 sealed car parking spaces and aisles, which are provided in two designated parking areas.
- 121 grass surface car parking spaces overlaid on a geofabric membrane and 100mm low sub-base of CNR 15 material provided within two parking precincts.
- 168 grass overflow parking provided in a single parking area.

In relation to the above arrangements, the more regular core parking precincts were sealed, whereas the lesser used spaces that may only be used during peak weekends or at competition times were grassed (albeit that such grassed spaces are overlaid upon a geo-fabric membrane and 100mm low sub-base of CNR 15 material so as to provide some structural integrity during periods of wet weather).

The grassed overflow parking area was provided for those times where additional spaces would be required for major sporting events and carnivals.

A plan of the approved car parking arrangements is provided in Attachment 4.

In terms of the DCP requirements for the number of parking spaces for the sporting fields (which was calculated as part of DA 2011/373 and in accordance with the previous DCP applicable to the land, being the Ballina Shire Council Combined DCP 2006), the following table provides the applicable rates.

Facility	No. of Facilities	Parking Spaces required (BSC Combined DCP 2006)	Total no. of Parking Spaces
AFL Oval/Cricket Pitch	1	30 for the first two winter fields, 20 thereafter	30
Football (Rugby) Field	2	30 for the first two winter fields, 20 thereafter	50
Tennis Court	6	4 per court	24
Netball Court	4	20 for the first two courts, 15 thereafter	70
Club House	2	Volunteers, 1 Manager/Clubhouse	2
Total			176

As part of DA 2011/373 for the sporting fields (as approved on 23 February 2012), the development was to provide 292 sealed car parking spaces, being 116 car parking spaces more than was required by the DCP at the time of assessment of the DA.

Whilst the development as amended now provides a mixture of sealed and unsealed car parking spaces, there is clearly an excess of car parking supplied than was required under the DCP.

This additional car parking was provided at the site in recognition of the potential for major events (e.g. finals, sporting carnivals etc.) to be held at the facility, with consideration also given to the facility's more remote location and that on street car parking is a relatively long distance from the facility.

As part of the current development application (DA 2017/554), the proposed skate park is to be located upon a portion of the Wollongbar Sporting Fields site that is set aside for the 168 overflow grassed car parking spaces.

The skate park is proposed to occupy the northern portion of this grassed overflow parking area.

The proposal is seeking to revise the car parking for the sporting fields in this area of the site, such that 14 sealed car parking spaces are provided in proximity to the main access driveway (off Elvery Lane), with a future 85 grass spaces to be provided as overflow grass spaces in a similar manner to that as the original approval.

The proposal will therefore result in a total of 99 spaces being provided in this area of the sporting fields, being an overall loss of 69 grassed overflow parking spaces.

In relation to the concerns raised in the submission regarding the ability for over 300 vehicles to attend the site during major rugby union events, the existing parking arrangements in the northern portion of the sporting fields site and proposed changes as part of DA 2017/554 will still result in 304 parking spaces being provided for the entire site.

In addition, it would appear that there is the ability to utilise the existing parking facilities at Lyle Park, which is in relatively close proximity to the Wollongbar Sporting Fields, should it be required.

In this circumstance, spectators would need to walk along Elvery Lane to access the fields. It is considered that the major rugby union events that may be held at the site (up to five per year) would rarely exceed the total on-site parking capacity.

Pedestrian (including skate boarder) access

There is currently no footpath connection along Elvery Lane, from Ramses Street or Pearces Creek Road to the proposed skate park site and a footpath is not proposed under the current application.

8.1 DA 2017/554 - Wollongbar Skate Park

The access roads along Elvery Lane to the sporting fields are steep and undulating and it is considered that the location and grade of the entry road (from the west) is not conducive to a slow speed environment.

As part of the assessment and determination of DA 2011/373, it was required that shared footpaths/cycleways from the Ramses Street and Pearces Creek Road entrances be provided for pedestrians, cyclists etc.

These pathways were required to be two metres in width.

Conditions 2.3 and 2.4 were imposed on the consent for DA 2011/373 and are as follows.

2.3 Shared Footpath / Cycleway Ramses Street

A concrete footpath a minimum of 2.0 metres wide from the Ramses Street entrance to the roundabout is to be provided. Details are to be submitted to and approved by Council prior to issue of a Construction Certificate.

2.4 Shared footpath/Cycleway Pearces Creek Road

The concrete footpath a minimum of 2m wide from the Pearces Creek entrance while approved in conjunction with this application, shall not be constructed unless a shared access way links this path from the intersection with Pearces Creek Road into Alstonville.

As part of Amendment No. 4 to DA 2011/373, the applicant requested the deletion of both footpaths/cycleways (and conditions 2.3 and 2.4), with the justification for such being the low traffic volumes and low speed environment of the access driveways from Ramses Street and Pearces Creek Road, which therefore provides the opportunity to utilise the driveway to provide pedestrian/cycleway functions.

In addition, there were financial issues with being able to provide the required footpaths/cycleways at the time, with the Council Finance Committee recommending removal of these aspects from the development (with this recommendation ultimately adopted by the Council).

A very preliminary estimate for the cost of the footpaths/cycleways, as provided by the Civil Services Group, is approximately \$365,000 calculated as follows:

Item	Amount (\$)
Path - approx. 800m @ 2m wide 100mm Thick 1600m ² at \$120.00m ²	192,000
Lights based on quote for Lighthouse Parade	125,000
Contingency 15%	48,000
Total	365,000

In the assessment and determination of Amendment No. 4, the proposed modification to remove the requirement for shared footpath/cycleways was not accepted and the conditions continued to apply, with some minor modifications allowing the ability to apply for a separate Construction Certificates for the construction of the shared footpath/cycleways.

The conditions are currently worded as follows:

2.3 *Shared Footpath / Cycleway Ramses Street*

A concrete footpath a minimum of 2.0 metres wide from the Ramses Street entrance to the roundabout is to be provided. Details are to be submitted to and approved by Council prior to issue of the Construction Certificate for the shared footpath/cycleway. Note – a separate Construction Certificate may be issued for the installation of the shared footpath/cycleway at a later stage.

2.4 *Shared Footpath/Cycleway Pearces Creek Road*

The concrete footpath a minimum of 2m wide from the Pearces Creek entrance while approved in conjunction with this application, shall not be constructed unless a shared access way links this path from the intersection with Pearces Creek Road into Alstonville. Details are to be submitted to and approved by Council prior to issue of the Construction Certificate for the shared footpath/cycleway. Note – a separate Construction Certificate may be issued for the installation of the shared footpath/cycleway at a later stage.

Amendment No. 4 to DA 2011/373 allowed for the sporting fields to open and operate without the provision of dedicated shared footpath/cycleways, however the conditions requiring these facilities remain and allow for their provision at a later date.

Furthermore, an additional condition (condition 6.14) was imposed as part of Amendment No. 4 requiring that signage be installed at the Ramses Street entrance (for Stage 1) and Pearces Creek Road entrance (for Stage 2) advising that the access driveway is a shared zone which may be utilised by pedestrians, cyclists and vehicles.

The signage was to be retained until such time as the shared footpaths/cycleways are constructed.

The signage designating these areas as “shared” zones was installed prior to the commencement of use of the sporting fields development.

Since that time, however, the signage has been removed, as there has been an interpretation by staff within Council’s Civil Services Group that the term “shared zone” refers to an RMS shared zone, at which separate determinations and approvals need to be made by the RMS (and this had not occurred).

Whilst this was not the intention of the condition, (i.e. it was simply for advisory purposes as a range of users would be utilising the driveway, due to the lack of a designated pedestrian/cyclist pathway), the removal of the signage means there is a current non-compliance with the development consent.

A sign could be installed (which the condition does currently allow) which advises of the range of users of the driveway. This matter is being reviewed by the Civil Services Group to determine a suitable approach to address this condition.

With the introduction of an additional open space/sporting use on the development site and given the nature of that use, being a skate park, it is

8.1 DA 2017/554 - Wollongbar Skate Park

considered that there will be use of the driveways along Elvery Lane to the sporting fields by skate boarders.

This will be particularly from the Ramses Street connection (more so than the Pearces Creek connection), with skate boarders from Wollongbar wanting to access the proposed facility via skate board, rather than via vehicles.

Consideration needs to be given to this, as a skate park is a major attractant to children and young adults.

In view of this, it is recommended that the required shared footpath/cycleways be provided in order to separate pedestrians/cyclists/skate boarders from vehicular traffic.

This can be imposed as a condition of consent on DA 2017/554, with the ability to modify DA 2011/373 under Section 4.17 of the *Environmental Planning and Assessment Act 1979* in order to fulfil this requirement.

The applicant has provided the following additional information for Council's consideration in relation to the identified concerns regarding the lack of footpaths/cycleways for the proposed skate park.

"The lack of separate footpath access to the site, along with other safety by design concerns, was highlighted to the Council at the time the location for this skate park was chosen. It was also of clear knowledge that the specified budget for the project does not allow for the scope of works required to provide a pathway to this site. After analysis of the benefit to the community, compared to the immediate site constraints, the Council has chosen the current site.

The net benefit of providing a skate park in this location is greater than the perceived access requirements for the site at this point in time. Please give consideration for suitable conditions or to the provision of less costly mitigation measures for pedestrian safety to allow construction of the skate park until funding for design and construction of the shared path are available."

As stated by the applicant, the proposal does not include the provision of this footpath/cycleway for a variety of reasons, including financial ones.

Planning staff are of the opinion that the proposal should not be supported without the provision of the footpaths/cycleways and this should not be delayed or its provision left uncertain.

As indicated above, if the Council is to approve the skate park, it is recommended that suitable conditions are applied requiring the provision of shared pathways from the Ramses Street and Pearces Creek Road entry points. Alternatively, the Council may choose not to support the proposal on the basis of a lack of adequate pedestrian access to the proposed development.

Noise

A Noise Impact Assessment (NIA) has been prepared on behalf of the applicant (prepared by Greg Alderson and Associates, dated March 2018), in order to address concerns raised by staff in relation to the potential noise

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impacts that the use of the skate park may have on nearby sensitive receivers.

The closest sensitive receiver is located approximately 150m to the north of the skate park site, being a dwelling house upon Lot 1 DP 1212249, No. 184 Rifle Range Road.

The NIA identified the closest noise sensitive receivers to the proposed skate park as follows.

Table 1: Neighbouring receiver ID and address

Receiver ID	Receiver Address/Lot and DP	Distance
1	Lot 1 DP 1212249, No. 184 Rifle Range Road	150m
2	Cerreto Circuit (eastern residents)	410m
3	Lot 72 DP 1047941, No. 30 Hellyar Drive	420m
4	Lot 6 DP 578242, No. 139 Pearces Creek Road	580m

The NIA includes a discussion in relation to utilising the NSW Industrial Noise Policy (INP) (2000) (which has now been superseded), instead of using the current Noise Policy for Industry (2017), as the assessment tool for the proposal.

The explanation provided was that the skate park proposal is part of an approved sports field and the development application/investigation process began prior to the publishing of the Noise Policy for Industry (2017).

This is considered to be a valid explanation and is considered acceptable in this situation.

The Project Specific Noise Level (PSNL) has been determined using the more stringent intrusive criteria of rating background level (RBL) plus 5 dB over the amenity criteria from Table 2 of the NSW Industrial Noise Policy. This is provided in Table 2 below.

Table 2: Amenity Criteria (Source: NSW INP)

Type of Receiver	Time of Day	Recommended LAeq Noise Level, dB(A)	
		Acceptable	Recommended Maximum
Residential Rural	Day	50	55
	Evening	45	50
	Night	40	45

The rating background level (RBL) was taken from the Environmental Noise Impact Report prepared by Carter Rytenskild Group (CRG) for the original DA 2011/373 "Proposed Wollongbar Sports Facility, dated 18 August 2011".

A review of this report has determined the RBL to be representative and adequate for the purpose of determining the project specific noise level shown in Table 3 below.

Table 3: Noise Limiting Criteria (Section 4.2, Environmental Noise Impact Report, Proposed Sports Facility, Wollongbar, 18 August 2011, CRG).

Time of Period	Noise limiting criteria dB(A) Leq
Daytime (Mon- Sat = 7am-6pm, Sun = 8am-6pm)	47
Evening (6pm-10pm)	40

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Night (remaining periods)	35
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Skate park noise emissions discussed in the NIA, including patron and skate wheels in contact with surfaces of the park, were determined by using noise measurements and modelling undertaken as part of previous investigations and literature review as shown in Table 4 below.

Additional information was provided in April 2018 by the noise consultant, at the request of staff, in relation to the previous investigations and level of use at the skate parks at the time noise monitoring/modelling was carried out.

This information outlined that the investigations included a small to moderate level of use including patron noise typical of general skate park use. Given the conclusion of the NIA, this information was sufficient to highlight the level of use during previous investigations.

Table 4: Typical skate park noise emission levels.

Source Noise Indication	LAeq dB(A)	Distance to Source	Lw dB(A)	Source
Nimbin steel ramp	74.5	3m	95.0	Greg Alderson & Associates (2005)
Suffolk Park Skate Park (concrete), Skate board on footpath	80.1	1m	91.1	Greg Alderson & Associates (2007)
Suffolk Park Skate Park (concrete), Skate board on ramp	76.6	1m	87.6	Greg Alderson & Associates (2007)
Salt Pan Creek Reserve, Riverwood (concrete)	66.0	6m	92.6	John T Acoustics, Melrose Junior Skate Facility Report, Blue Mountains city Council (2005-2006)
Jamison Skate Park, Jamison (concrete)	62.0	6m	88.6	John T Acoustics, Melrose Junior Skate Facility Report, Blue Mountains city Council (2005-2006)
Jack Shanahan Park, Dulwich Hill (concrete)	69.0	5m	94.0	John T Acoustics, Melrose Junior Skate Facility Report, Blue Mountains city Council (2005-2006)
Monkton Skate Park, Skate board (concrete)	62-69	3m	82.5-89.5	Hoare Lea Acoustics, Monkton Skate Park in Bristol (UK) report. (2012)
Monkton Skate Park, Micro scooter (concrete)	61-73	3m	81.5-93.5	Hoare Lea Acoustics, Monkton Skate Park in Bristol (UK) report. (2012)
Concrete Skate Park, Atkins Acoustics, General Skate Park Activity	82.1	1m	93.1	Atkins Acoustics, Noise & Vibration, Skate Park at Memorial Playing Fields (UK), Steyning Noise Assessment. (2011)

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Source Noise Indication	LAeq dB(A)	Distance to Source	Lw dB(A)	Source
Concrete Skate Park, Atkins Acoustics, Performance of High Impact Tricks	89.4	1m	100.4	Atkins Acoustics, Noise & Vibration, Skate Park at Memorial Playing Fields (UK), Steyning Noise Assessment. (2011)

The NIA discusses both the sound power level (Lw or SWL) and sound pressure level (SPL) to predict the noise emission level of the proposed facility. Due to the impulsive characteristics of the use, a 5dB correction was added to the predicted sound level.

Although an intermittent noise correction could have also been added, Table 4.1 of the Industrial Noise Policy identifies that this adjustment should be applied for night time only.

Table 5 within the NIA (as reproduced below) shows the predicted noise levels at the identified sensitive receivers.

This table indicates that the use of the skate park would be capable of complying with the daytime project specific noise level of 47 dB(A) for all receivers.

However, the use of the proposed skate park is not capable of meeting the project specific noise level of 40 dB(A) for the evening period (6pm to 10pm) at 184 Rifle Range Road and the project specific noise level for the night time period for 184 Rifle Range Road, Cerreto Circuit (eastern residents) and 30 Hellyar Drive.

Table 5 – Predicted noise levels at neighbouring receivers

Receiver ID	Receiver Address	Skate park noise Lw dB(A) + 5dB correction factor	Distance	Predicted emission level dB(A)
1	184 Rifle Range Road	99	120m (specified distance in Table 1 corrected to allow for prediction at most-affected point within 30m of residence within the residential property boundary (section 2.1 NSW Industrial Noise Policy))	44.5
2	Cerreto Circuit (eastern residents)	99	410m	35.8
3	30 Hellyar Drive	99	420m	35.5
4	139 Pearces Creek Road	99	550m	33.2

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The NIA refers to the CRG Environmental Noise Impact Report for the original DA 2011/373 "Proposed Wollongbar Sports Facility, dated 18 August 2011", which recommended sporting events generally be conducted between the hours 7am and 10pm.

This may be seen as an argument that it is unlikely for the proposed skate park to be used during the night period and therefore there are unlikely to be noise impacts.

It is considered likely however, that the skate park will be used during the evening period, typically during the months of daylight savings (October to March).

The noise level exceedance at 184 Rifle Range Road is 4.5dB(A).

The perceived change in apparent loudness due to a 3dB change in sound pressure level would only just be perceptible to most people.

However a 5dB(A) change in sound pressure level would be clearly noticeable.

In relation to Cerreto Circuit (eastern residents) and 30 Hellyar Drive, it is considered that there would not be a noticeable change in apparent loudness (0.8dB and 0.5dB exceedances respectively) for the night period.

Light spill from adjoining sporting uses could lead to the skate park being used during the evening period in non-daylight saving times.

In addition, vehicle headlights could be utilised to 'light up' the skate park facility to enable use at times when there are no other uses occurring at the sporting fields, during the evening and night period.

It is predicted that there will be an exceedance of the PSNL for the night period at 184 Rifle Range Road.

The Industrial Noise Policy outlines that where the PSNL are exceeded, mitigation measures need to be considered to meet the PSNL.

Noise generators are responsible for applying all feasible and reasonable noise mitigation controls. Such measures could include:

- controlling noise at the source by best available practice or technology economically achievable,
- controlling noise at the transmission path by the use of barriers or increasing the distance between source and receiver,
- controlling noise at the receiver such as insulation or double glazing of windows.

The INP ranks the preferred noise mitigation measures as:

1. Land use planning controls
2. Control at the source
3. Control in transmission
4. Receiver control

8.1 DA 2017/554 - Wollongbar Skate Park

The NIA outlines that theoretically there would be a potential noise impact at 184 Rifle Range Road, although the assessment is a conservative representation of the noise produced from general use of the proposed skate park.

The NIA outlined that noise mitigation measures could be undertaken to achieve a reduced noise level at the nearest sensitive receiver. These measures include:

- The installation of a noise barrier, which could reduce noise levels by up to 5dB(A).
- Negotiations or improvements to the dwelling.
- Restrictions on hours of operations to 7am to 10pm (note - this could still lead to exceedances of the evening period and does not address the ability for night time use at times when the sporting fields are being used or lighting of the skate park via vehicle headlights. In addition, it is uncertain how this could operationally occur).
- Use of the skate park monitored and contact numbers for complaint purposes given to nearest sensitive receivers.
- Best practice management by way of smooth concrete surfaces and maximisation of concrete joint spacing and minimisation of joint depth and thickness, in areas where skaters are likely to ride, including surrounding footpaths.

An alternative to the suggested mitigation measures is to increase the distance between the proposed skate park and sensitive receiver(s) to reduce the potential noise impacts. However, it is considered that sufficient information has not been provided with the current application such that staff can be confident that relocating the skate park would not then lead to noise impacts on other sensitive receivers.

The proposed best practice management measures are supported, however, this alone does not appear to be sufficient to reduce the noise levels to achieve the PSNL.

As previously mentioned, the assessment provided is a conservative representation of the noise impacts produced from general use of the proposed skate park and therefore mitigation measures could include a combination of:

- Best practice management as described above.
- Monitoring use of the skate park during the evening periods to determine the level of use.
- Providing sensitive receivers with contact numbers for receipt of noise complaints.
- The provision of plans and specifications including noise reduction levels of a noise barrier that would mitigate noise levels to achieve the PSNL at 184 Rifle Range Road, during the evening and night time periods. This information would need to be provided prior to determination of DA 2017/554, with a condition being placed on the consent for it to be constructed should investigations demonstrate residents of the identified property are being impacted by offensive/intrusive noise from use of the skate park.

Alternatively, there is the option of relocating the skate park to increase the distance between the proposed skate park and sensitive receiver.

On the basis of the information provided for DA 2017/554, the technical assessment has concluded that the current proposal does not sufficiently address noise impacts to warrant approval. That is, it is considered that the proposal, in its current form will have unacceptable noise impacts on surrounding properties.

It is possible that design adjustments could suitably address the noise impacts. If pursuit of such changes is preferred by the Council, it is suggested that determination of the matter be deferred to provide time for changes to be made.

Crime Risk, Safety and Security

The SEE includes an assessment and comments in relation to safety and security.

A copy of the Crime Prevention Through Environmental Design (CPTED) report prepared for DA 2011/373 was included, with comments indicating that Council was previously satisfied that suitable design measures were to be established at the site to minimise risk of crime and vandalism associated with establishing a sports facility on the site.

Additionally, the SEE notes that the sporting fields development is located in a position relatively removed from passive surveillance and is fringed by screen planting, which was required as part of the buffer to surrounding horticultural production.

The submission received in relation to the proposed development has raised concerns regarding the isolated location of the proposed skate park and this being an environment that is conducive to anti-social behaviour.

Additionally, it was commented that as a result of the location of the proposed skate park, there will be risks to the facilities to be established at the sporting fields and those who live in the vicinity of the fields.

The SEE states the following in relation to the proposed skate park and safety and security:

- The skate park is proposed to be located adjacent to the main access road from Wollongbar. A range of users of the broader complex will use Elvery Lane to access the complex. Upon entry, the skate park will be visible to the south of the lane;
- Given the intended purpose of the facility, the skate park will be constructed of materials which are resistant to damage. In the event of graffiti damage, surfaces are readily able to be painted over;
- The facility is designed to cater for a range of age groups. It is expected that younger users will be driven to the site by parents/carers, who will be able to observe the facility from the designated parking spaces and pedestrian courtyard;
- No lighting will be provided in association with the skate park. This will deter usage at night time; and

- Advice from Precision Skate Parks is that skate parks do not generate anti-social behaviour themselves, rather, if behaviour issues exist in a community they may manifest further at a skate park (or any other facility) that is poorly designed or located. The skate park itself will not be the cause or creation of antisocial behaviour.

The SEE also includes a copy of the meeting notes regarding an on-site meeting that was held with the NSW Police Crime Prevention Officer, Richmond Local Area Command.

These meeting notes state that the NSW Police Crime Prevention Officer has significant concerns on numerous grounds with respect to the proposal.

These concerns are reproduced below.

1. *The proposed facility is located in an isolated location with no footpath or cycle way access. Young skaters (children) are unlikely to use the facility regularly and instead the facility will be predominately used by older teens and young adults (who have cars). It should be assumed that the facility will become a focus of undesirable behaviour – particularly due to the 'hidden' location of the facility. Alcohol and drug consumption at the site should be assumed.*
2. *The site is remote and does not provide ready 'passive observation' by the community (other than the single dwelling referenced below). This is likely to exacerbate behavioural issues.*
3. *The site is in relatively close proximity to a single rural dwelling. The facility is likely to cause disturbance to the residents of this dwelling and complaints should be expected.*
4. *The site is not 'on route' to other key locations (such as the Federal Hotel). As such, 'drive by' surveillance by Police is inconvenient and difficult.*
5. *The landscape/buffer plantings (required as part of the broader approvals for the complex) present easy hiding spots. The following risks are presented:*
 - *Misbehaving persons are able to readily disperse when a police patrol attends;*
 - *There is a risk that drugs will be grown within the buffer area;*
 - *There is a risk that sexual assault may occur within the buffer area; and*
 - *The buffer area and adjoining macadamia plantations present a ready source of combustible materials.*
6. *The site is in close proximity to a range of vulnerable 'targets' (sporting club houses, ovals etc.). It should be assumed that there will be graffiti and vandalism associated with these premises. The netball court, parking areas and ovals are all attractive for drivers 'doing do-nuts'. The pad mounted electrical substation is a target for fire damage.*

Targeting hardening measures to address the above will need to involve (as a minimum):

- *Security screens/shutters to club house windows and doors;*
- *External lighting of club houses and surrounds at night time;*

- *Graffiti resistant paint to external surfaces; and*
 - *Fencing or collapsible bollards around edge of sporting fields.*
7. *The rear fences and yards backing onto to the access road to Ramses Street are all easy targets for graffiti and vandalism – particularly at night time. It should be expected that some youths utilising this access will damage private property in this location on a regular basis.*
8. *NSW Police does not support locking the public road for the following reasons:*
- *In the event of an emergency (particularly fire) within the houses backing onto the western access road, a locked gate will inhibit access to these premises.*
 - *Similarly, in the event of an emergency at the sporting field complex, a locked gate will inhibit and delay access.*
 - *Whilst keys can be provided to emergency services, unlocking the gate causes delay in response time. Furthermore, such locks are regularly damaged (e.g. superglue) and will require regular replacement.*
 - *If the gate is locked, regular after-hours police patrols will be inconvenienced.*
 - *Locking the gate can only occur after all training/games are occurring elsewhere at the sports fields – so cannot occur until 10pm or later. Security patrols will struggle ‘moving on’ people loitering at the skate park afterhours.*

It can be concluded from the above that the NSW Police did not support the provision of the skate park in this location for a range of reasons at the time of the on-site inspection.

In the event that the skate park was to be constructed as proposed, NSW Police recommend that significant ‘target hardening’ of the existing sporting field complex occur – including security doors to club houses, security grills to club house windows, security lighting, graffiti resistant paint and additional bollards (to block access by vehicles onto sports fields and netball courts).

These measures would need to be incorporated into existing and approved developments at the site and come at an (additional unplanned) expense to Council.

Additional comments in relation to the proposed skate park from NSW Police Crime Prevention Officer, Richmond Local Area Command were provided to Council in July 2018 in response to the referral of the development proposal to the NSW Police for comment.

The comments provided are included below:

- *Page 12 of the 'Statement of Environment Effects' states “Alternatively, restriction of hours of operation to daytime periods only, being 7am to 6pm may apply. It is recommended that use hours of the skate park are monitored by the respective managers of the Wollongbar Recreation Reserve and direct phone numbers for complaint purposes be supplied to the nearest neighbouring receivers as specified in Table 1 of this report.” (Note – this is an extract from the Noise Impact Assessment previously discussed in this report).*

The NSW Police Crime Prevention Officer believes that this is an essential point and no consideration should be given to extending opening hours past 6pm, unless for exceptional circumstances such as an organised competition. Despite this, it is almost a certainty that juveniles will use the park after regular hours.

- *All car parking places should have floodlighting on poles high enough not to be damaged, and fuse boxes should have sturdy locks. All locks on nearby Council facilities should be of very sturdy construction.*
- *Page 16 of the 'Statement of Environment Effects' states "The skate park itself will not be the cause or creation of antisocial behaviour."*

The NSW Police Crime Prevention Officer strongly disagrees with this statement, based on 17 years of policing experience. Drug use, alcohol use, graffiti, fires, noise complaints and anti-social behaviour can be expected to centralise around the skate park. As a result, NSW Police will now be required to make additional patrols of the area, especially on Friday and Saturday nights and Sunday afternoons.

Ballina Police and the Richmond Police District Intelligence Section should be consulted after four months to see how the skate park has been related to criminal offences. If the skate park has become a crime hot-spot, consideration should be given to Council hiring security for foot and vehicle patrols.

- *All 'target hardening' recommendations should be adopted.*

Based on the comments provided by NSW Police Crime Prevention Officer, it is considered that there are significant crime, safety and security issues with the location of the proposed skate park at the Wollongbar Sporting Fields.

Given the crime, safety and security issues raised, the proposed skate park is not recommended for approval.

In the event that the proposal is supported by Council, conditions should be imposed regarding the implementation of all target hardening recommendations made by the NSW Police Crime Prevention Officer.

As part of that decision, consideration will need to be given to the cost of complying with these measures, which has not been planned for as part of the project.

Conclusion

The proposal as lodged is permissible with the prior development consent of Council in the 7(i) zone and is generally consistent with the provisions of the Ballina Local Environmental Plan 1987 and State Environmental Planning Policy 55 Remediation of Land.

One submission has been received in relation to the proposed development, citing issues with impacts on existing car parking provision at the Wollongbar Sporting Fields and anti-social behaviour, safety and security.

8.1 DA 2017/554 - Wollongbar Skate Park

In relation to the provision of car parking, this report discusses that the existing car parking provided for the Wollongbar Sporting Fields is well in excess of the car parking spaces required to be provided for the existing facility.

The proposed location of the skate park will result in a loss of 69 car parking spaces and therefore a total of 304 spaces being provided on site.

It is considered that this number of spaces should be able to cater for the general (daily/weekly) use of the sporting fields and the larger sporting events and carnivals that would occur at the fields on an irregular basis.

In relation to pedestrian/cyclist/skate boarder access to the sporting fields, it is considered that the required Shared Footpaths/Cycleways (as stated in conditions 2.3 and 2.4 of DA 2011/373) should be provided from Ramses Street and Pearces Creek Road.

These facilities should not be delayed and should be constructed as part of any approval granted for the proposed skate park.

This is particularly relevant for the footpath/cycleway access from Ramses Street and in the instance of Pearces Creek Road, would only be required as such time as a shared access way links the path from the intersection with Pearces Creek Road into Alstonville.

As the proposal does not include provision of footpaths/cycleways and the applicant has specifically requested that this infrastructure not be required as a condition of consent, this matter forms one of the reasons for the recommendation that the application be refused.

In relation to noise impacts, it has not been adequately demonstrated that the proposal will have an acceptable level of impact on surrounding residences, particularly the property located at 184 Rifle Range Road.

The best practice management measures identified in the Noise Impact Assessment could be imposed as conditions of consent, however this alone does not appear to be sufficient to reduce the noise levels to achieve the PSNL.

As previously mentioned, the assessment provided is a conservative representation of the noise impacts produced from general use of the proposed skate park.

Adverse noise impact associated with the proposal is a further point underpinning the recommendation for refusal of this application.

The inclusion of a noise barrier in order to mitigate noise levels to achieve the PSNL at 184 Rifle Range Road, during the evening and night time periods could be incorporated into the design of the skate park.

However, this information would need to be provided prior to determination of DA 2017/554, with a condition being placed on the consent for it to be constructed should investigations demonstrate residents of the identified property are being impacted by offensive/intrusive noise from use of the skate park.

An alternative to the suggested mitigation measures is to increase the distance between the proposed skate park and sensitive receiver(s) to reduce the potential noise impacts.

However, it is considered that sufficient information has not been provided such that staff can be confident that relocating the skate park would not then lead to noise impacts on other sensitive receivers.

In relation to crime risks, safety and security, the NSW Police Crime Prevention Officer has raised significant concerns with the proposal and has outlined the risks to the locality and Council infrastructure should the skate park be construction in the location as proposed.

Address of these issues requires substantial resources such as additional police patrols, Council hired security for foot and vehicle patrols, considerable target hardening measures (which have not been planned for as part of the project).

In view of the comments provided by the NSW Police Crime Prevention Officer, and the nature of the current development proposal, safety and security issues form another reason for the recommendation that the application be refused.

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

Options

Option One - Refusal

That Council refuse the development application. This option should be taken up if Council agrees with the assessment undertaken in this report with respect to a lack of pedestrian/cyclist/skate boarder access, unacceptable noise impacts on an adjacent property and the crime, safety and security risks that are likely to result from the proposed development.

Refusal of the application is the recommended approach for the reasons outlined in this report.

Option Two - Approval

That Council approve the development application. To adopt this option, Council needs to be satisfied that:

- the issues raised in relation to pedestrian/cyclist/skate boarder access are either acceptable or can be resolved through the imposition of conditions of consent that are achievable
- the issues raised in relation to noise impacts are not unreasonable and if complaints are received in relation to noise impacts, those impacts can be easily (and cost effectively) resolved and
- the issues raised in relation to crime risk, safety and security are accepted and that the target hardening measures can be addressed and implemented through the imposition of conditions of consent.

8.1 DA 2017/554 - Wollongbar Skate Park

If Council wishes to approve the application, Council's resolution should make provision for suitable conditions to be applied to address the issues identified in this report (where possible).

Option Three - Deferral

If the Council wishes to further examine the key issues and reasons given for the recommendation of refusal before determining the development application, it is recommended that the Council defers this matter. Under this approach, the proponent would be invited to submit additional information addressing the pedestrian access to the site, noise mitigation and safety and security considerations.

RECOMMENDATIONS

That DA 2017/554 for the Construction of a Skate Park facility at Lot 2 DP 1168781, Elvery Lane, Alstonville (Wollongbar Sporting Fields) be **REFUSED** for the following reasons:

1. The proposed development does not provide for adequate pedestrian infrastructure to access the skate park facility.
2. The proposed development will have an unreasonable noise impact on the surrounding locality.
3. The proposed development will have an unreasonable crime, safety and security risk for the subject site and surrounding locality.

Attachment(s)

1. Locality Plan
2. Development Plans
3. Aerial View - Wollongbar Sporting Fields
4. Approved Plan for Wollongbar Sporting Fields
5. Submission (Wollongbar Alstonville Rugby Club Inc)

8.2 DA 2016/510 - 3 Rayner Lane, Lennox Head - Modification

8.2 DA 2016/510 - 3 Rayner Lane, Lennox Head - Modification

Applicant	Ardill Payne and Partners
Property	Lot 43 DP 11687 No. 3 Rayner Lane Lennox Head
Proposal	Modifications to dwelling design
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential under the provisions of the Ballina Local Environmental Plan (BLEP) 2012
Locality Plan	The subject land is depicted on the locality plan in Attachment 1. The site is also depicted in Figure 1.

Introduction

Council approved an application for a two storey dwelling and swimming pool at 3 Rayner Lane at the Ordinary meeting held on 25 January 2017. Figure 1 is an aerial photograph showing the location of the land.

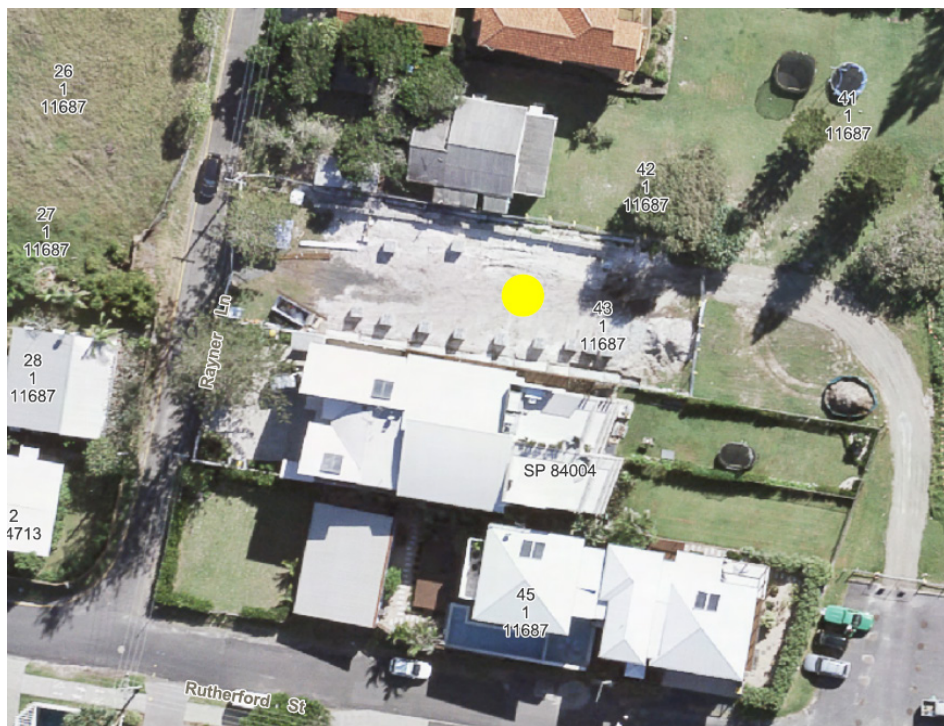


Figure 1: Site locality plan (aerial photography) – 3 Rayner Lane marked by yellow dot

Construction of the dwelling has commenced where footings have been partially completed to the ground floor level. The applicant has now submitted amended plans for minor changes to the dwelling under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Part of the modifications include a deck extension forward of the foreshore building line.

The design changes are detailed as follows.

The applicant has submitted a report in support of the application (Attachment 2).

The existing approved plans for the building as well as plans for the proposed amendments are contained in Attachments 3 and 4 respectively.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil (or state otherwise if this is not the case)

Public Exhibition

The application was target notified via written correspondence in accordance with our Development Control Plan (DCP) 2012 whereby three written submissions have been received. The submissions received are contained in Attachments 5, 6 and 7.

The details of the submissions are discussed within the report.

Applicable Planning Instruments

The subject property is zoned R3 Medium Density Residential under the BLEP 2012 and is subject to the relevant planning controls and objectives contained within the Ballina Shire DCP 2012.

The site is also subject to the provisions of the State Environmental Planning Policy SEPP (Coastal Management) 2018 (formerly SEPP 71 as in force at the time of original approval) and SEPP 55 Remediation of Land.

The NSW Coastal Policy 1997 is also applicable.

The proposal is considered to be consistent with the provisions of the BLEP and relevant SEPPs, with the amendments to be assessed against the relevant planning controls contained within DCP 2012.

Report

The proposed modifications to the plans are as follows:

- 1400mm unroofed cantilevered deck and associated balustrade extension eastward of the ground floor north/eastern pool deck resulting in a maximum 857mm projection into the foreshore building line setback;
- Relocation of the ground floor deck stairs from the eastern elevation to the southern elevation of the deck;
- The finished floor levels of the ground and first floor decks off the rumpus and dining rooms are to be raised approximately 70mm to match the floor levels of those internal rooms.

Proposed Modifications

Ground floor deck extension

With respect to the ground floor 1400mm deck extension, the construction involves an increase in the deck width adjacent the proposed pool from the approved width of 1050mm to the proposed 2450mm, which is intended to provide a functional seating area to the eastern end of the pool.

The deck floor will sit approximately 2000mm above the existing ground level to match the required minimum habitable floor level of the building as required for development in the mapped Coastal Hazard Protection areas under DCP 2012.

The eastern elevation deck extension will extend forward into the nominated foreshore building line by approximately 300-857mm for the full length of the 6930mm long deck, due to the tapered building line running from north to south across the property. The area of deck forward of the foreshore building line is approximately 3m².

The nominated foreshore building line for the property is addressed within DCP 2012, which sets a foreshore building line of 40.43 metres and 41.95 metres for the respective northern and southern boundaries, as measured eastwards from the Rayner Lane front boundary.

Figures 2 and 3 show the proposed deck and the existing approved deck structures respectively. Figures 2 and 3 are extracts from the plans prepared by MS Design for the development.

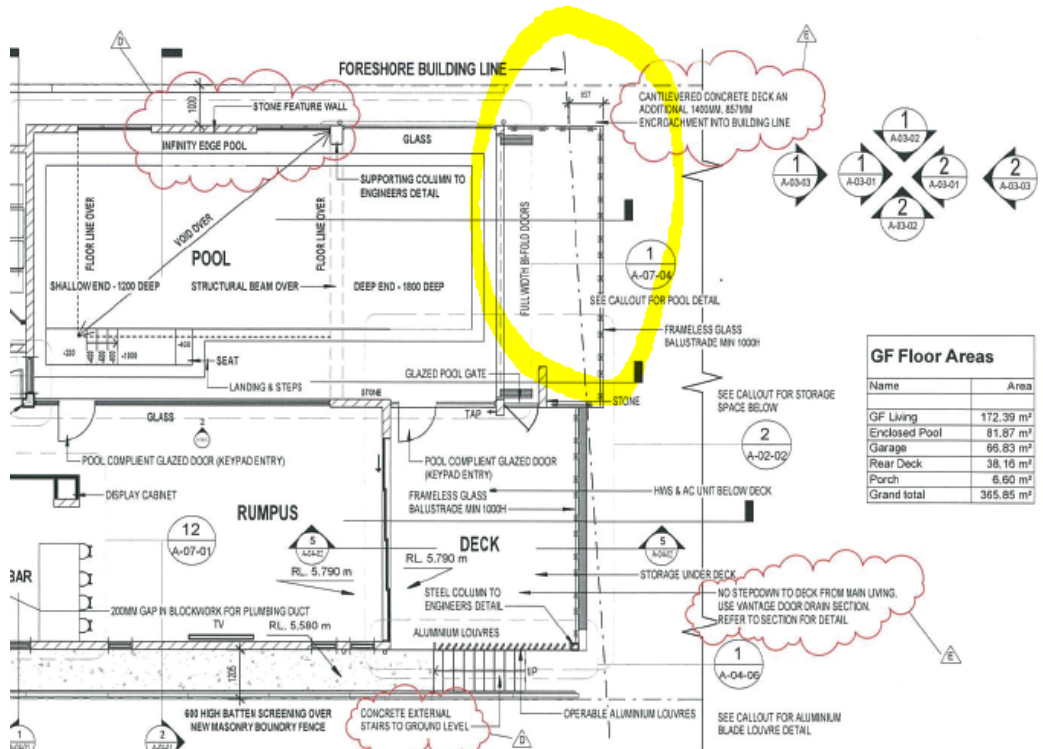


Figure 2: Proposed ground floor modification plan (revised deck structure highlighted yellow)

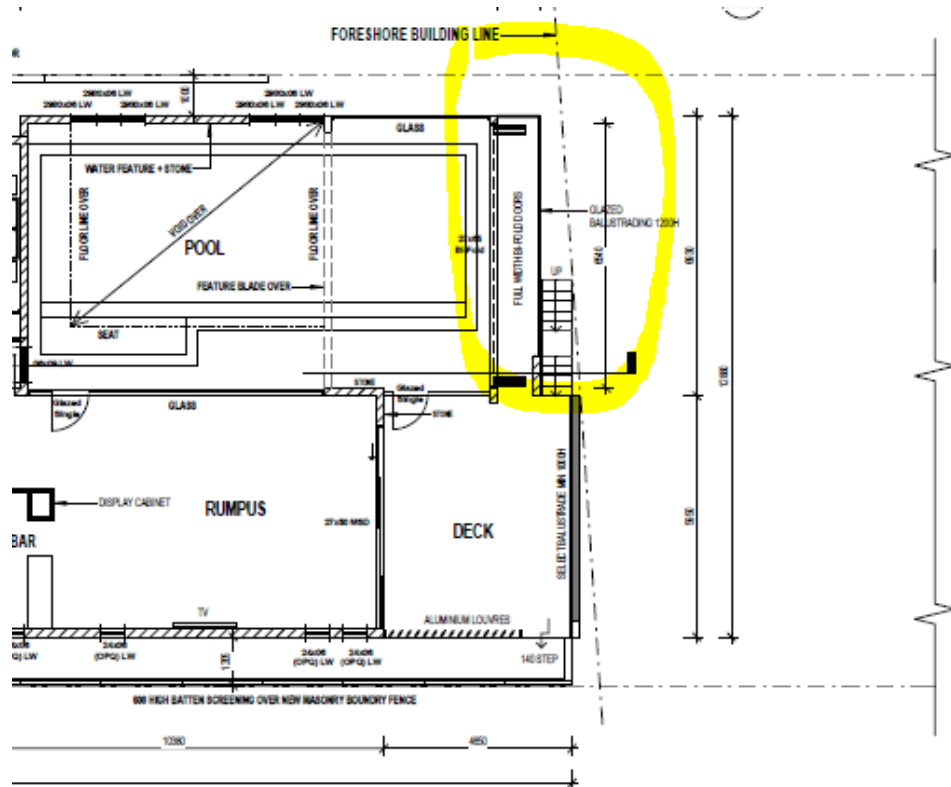


Figure 3: Approved ground floor plan (approved deck structure highlighted yellow)

Figures 4 and 5 shows the eastern elevation of the building (the deck structure the subject of the modification being located on the right hand side of the ground floor) as presented by MS Design in the modified and approved plans respectively. The plans also show the location of the staircase (discussed below) under the approved and modified scenarios.



2 East Elevation (Schematic)
Scale: 1 : 75

Figure 4: Proposed ground floor modification plan (eastern elevation)



2 East Elevation (Schematic)
Scale: 1 : 75

Figure 5: Approved ground floor plan (eastern elevation)

DCP 2012 is largely silent on variations and concessions to foreshore building line setbacks and tends to reference variations to street frontage setbacks, addressing streetscape rather than foreshore vistas. The building line concessions that are contained within the DCP regarding building components permitted within articulation zones applies to primary street frontages only rather than foreshore setbacks.

Recent modifications to DCP 2012 in 2017 have inadvertently removed the cantilevered balcony building line concession that also existed under Council's previous DCP No.1 (Policy Statement No.3), enabling unroofed cantilevered decks to project for a maximum 1800mm into building lines and other required setbacks, including foreshore setbacks.

It would appear this concession was removed due to there being contradictions with the newly introduced articulation zone provisions (that apply to primary street frontages only) in DCP 2012. The proposal would comply with the previous permissible unroofed cantilevered balcony DCP planning controls.

This matter has been discussed with Council's Strategic and Community Facilities Group where staff will be considering the re-introduction of the previous unroofed cantilevered balcony concession that has generally been successfully applied in the past to foreshore setback areas. This will be further considered as part of a future routine review of DCP 2012.

The existing adjoining two storey strata titled dual occupancy located to the south of the development site (approved under DA 2006/872) contains unroofed decks at ground and first floor levels, projecting a maximum 1800mm forward of the foreshore building line as permitted at the time under the previous DCP concessions. There are also other developments in Rayner Lane which have taken advantage of this previous concession.

The deck extension is considered minor in size and scale and its location will have minimal effects on adjoining residents. The existing dual occupancy residence to the south will not be impacted in any significant way by the increase in deck width.

An existing aged dwelling adjoins to the north, which is currently set well back from the foreshore building line (approximately 8-10 metres) and the proposed building in total is likely to have a greater impact on views rather than the proposed minor deck extension.

It is also likely that the adjoining aged dwelling to the north will be redeveloped in the future and take advantage of the foreshore building line setback, permitting development further eastward, enhancing the available sea views.

The proposed deck encroachments could be seen to be similar or of a lesser scale when compared to currently permissible gable ended roof and roof eave encroachments, usually being in the vicinity of 600-850mm in width.

The objectives regarding building lines within DCP 2012 are as follows:

E. Element - Building Lines Objectives

- a. *Protect the amenity of the locality in which the dwelling is situated;*
- b. *Ensure new development makes a positive contribution to the local streetscape;*
and
- c. *Setback buildings and garages/carports from the street to provide sufficient space for landscaping, visual and acoustic privacy and vehicle parking, whilst protecting the established character of the neighbourhood.*

It is considered the proposed minor deck modification is not contrary to these objectives.

Relocation of stairs

The applicant intends to relocate the stairs serving the ground floor deck off the rumpus/pool room areas from the eastern elevation to the southern elevation, located behind the foreshore building line.

The stairs are intended to be constructed adjacent to an existing southern dividing boundary concrete blockwork fence, having a minimal setback to the dividing boundary line.

The location of the proposed stairs is adjacent the ground floor living area and deck of the adjoining northern residential unit to the south.

The only significant issue is considered to be privacy when traversing the stairs, which can be overcome through the provision of a suitable privacy screen on top of the existing boundary concrete blockwork wall.

This area has been inspected and it is determined that a privacy screen of 2000mm in length and 800mm in height constructed on top of the existing wall adjacent the door opening to the deck would provide adequate privacy protection.

8.2 DA 2016/510 - 3 Rayner Lane, Lennox Head - Modification

This wall would then have an acceptable overall height of approximately 1600mm when viewed from the adjoining southern property, due to there being an existing elevated deck traversing the northern elevation of the adjoining unit, being built up to the existing boundary wall.

There will be no loss of views or significant impact on breezes to the adjoining residence through the provision of this additional screening.

The remainder of the boundary wall in question is to have a 600mm high privacy batten screen erected on top of the wall as originally approved.

Raising of finished floor levels of decks

The applicant is proposing to raise the finished floor levels of both the ground and first floor decks off the rumpus and dining rooms by approximately 70mm to match the floor levels of the respective internal rooms.

The internal floor levels and overall building height will remain unaltered through these changes.

The floor level modifications are minor and will have no adverse impacts on the adjoining residents.

Objector Submissions

The issues raised in the submissions are as follows with comments provided:

Increase in building footprint and scale with deck addition

Comment: The increase in deck area, resulting in 3m² of deck area being constructed forward of the building line, is considered negligible considering the scale of the overall development.

There will be no adverse visual impacts with the increase in deck width.

Increase in impervious areas and overshadowing of landscaped areas

Comment: The ground floor deck area addition is cantilevered construction, being open underneath and will not have any additional impacts on soft landscaped areas.

Alteration to stairway location impacting on general amenity regarding privacy, noise and overshadowing

Comment: the stairway in question is to provide eastern yard access off the ground floor deck serving the lower floor rumpus/pool room areas.

It is acknowledged that the pedestrian use of these stairs in the proposed location could present issues regarding privacy with the adjoining neighbour to the south.

As discussed, a privacy screen opposite this area can be installed, providing suitable privacy to the adjoining residents whilst having minimal impacts on their amenity.

8.2 DA 2016/510 - 3 Rayner Lane, Lennox Head - Modification

The overall height of the fencing and required screen will be approximately 1600mm as viewed from the adjoining residence, presenting no negative visual or overshadowing amenity issues.

It is again noted that the adjoining residence to the south also has an elevated deck which is used for pedestrian access, constructed approximately 1200mm above ground level at this point and located up to the dividing fence.

It is unlikely the relocation of the stairs will create additional unacceptable noise levels, considering stairs serving deck areas are common construction in the urban low/medium density environment, often located between adjoining residences.

Precedence with foreshore building line encroachment

As mentioned within the report, the proposed deck modification encroachments would have complied with the earlier planning controls within DCP No. 1 (Policy Statement No.3) and DCP 2012 prior to its amendment in 2017.

There are instances of cantilevered unroofed deck encroachments taking advantage of this previous concession in the immediate locality, including the adjoining two residential units to the south.

Council's planning staff will be considering concessions to foreshore building lines in the next DCP review.

Aside from the past permissible cantilevered balcony encroachments, Council staff have been diligent in ensuring the foreshore building line controls are maintained in the Rayner Lane, Allens Parade and Dress Circle Drive precincts.

Therefore, the current amendment is to be assessed on merit, as is the case for any other further applications submitted to Council.

Options

The options available to Council are as follows:

1. Approve the application for modification to plans for the construction of a dwelling and pool involving the raising of the ground/first floor deck levels, an increase in width of the ground floor north/eastern deck by a 1400mm unsupported cantilever and the relocation of the approved stairs to the ground floor south/eastern deck from the eastern to the southern elevation.
2. Refuse the application due to the encroachment of the deck extension into the foreshore building line being contrary to the objectives of DCP 2102, having an adverse impact on the amenity of the locality and the stair relocation having an unreasonable impact on the amenity of the adjoining residents.

Conclusion

The modifications are considered minor in respect to the overall scale of the development.

The foreshore building line deck encroachment is only 857mm at its maximum, being similar to other permissible building line encroachments such as gable ended roofs and roof eaves.

Similar unroofed cantilevered balconies having 1800mm foreshore building line encroachments exist within the locality.

The stair relocation is similarly considered minor and any privacy concerns can be overcome by the inclusion of appropriate screening. Should the application for modification be approved, a condition of consent will be incorporated within the consent to address this issue.

In conclusion, the modifications are considered to be consistent with other development in the locality and will not have a significant adverse impact on the general amenity of the area or adjoining residents.

It is therefore recommended that the application for modification be approved in line with option one, with the application of additional conditions of consent to be applied consistent with the discussion within this report (as contained within the recommendation below). If the modification is approved, condition 24 of the existing development consent, which addresses the building line setback, will also require adjustment to ensure consistency.

RECOMMENDATIONS

1. That Council **APPROVES** the Section 4.55 application made in relation to DA 2016/510 under the *Environmental Planning and Assessment Act 1979* for amendments to the plans for a dwelling and pool, involving the raising of the ground/first floor deck levels, an increase in width of the ground floor north/eastern deck by 1400mm and the relocation of the approved stairs to the ground floor south/eastern deck from the eastern to the southern elevation.
2. The following conditions are to be included within the approval:
 - A privacy screen, measuring 2000mm width x 800mm depth is to be provided on top of the existing southern boundary blockwork wall adjacent the doorway opening, stair landing and stairs off the ground floor south/eastern deck.
 - The cantilevered deck extension is to remain unroofed and unsupported with columns or posts in accordance with the submitted approved plans.
3. That condition 24 of the existing development consent regarding the building line setback is modified to ensure consistency with the approved modification to the development.

Attachment(s)

1. Location Plan
2. Applicant Submission
3. Approved Architectural Plan Set
4. Amended Plans
5. Objector Submission
6. Objector Submission
7. Objector Submission

8.3 DA 2017/707 - 5 Rayner Lane, Lennox Head

8.3 DA 2017/707 - 5 Rayner Lane, Lennox Head

Applicant	Ardill Payne & Partners
Property	Lot: 41 Sec: 1 DP: 11687, 5 Rayner Lane Lennox Head
Proposal	Demolition of an existing dwelling and ancillary development, with the construction of a new dwelling with two storeys above ground level, an additional subfloor basement carparking/storage level and swimming pool.
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan in Attachment 1 and aerial photograph in Attachment 2. The site is also depicted in Figure 1.

Introduction

The proposed development is located at 5 Rayner Lane Lennox Head, being a beachfront lot that contains an existing dwelling and detached garage. The plans for the proposed development are contained in Attachment 3.

The adjoining lot to the north contains a two storey dwelling and the adjoining lot to the south contains a single storey dwelling. Neither of these buildings have been recently constructed. Directly opposite on the western side of Rayner Lane is a vacant lot that forms part of three lots (45-49 Rayner Lane) that are subject to an approval for a two storey mixed use development including four independent, three storey dwelling houses and associated infrastructure. Construction of this development has recently commenced. To the north-west, on the western side of Rayner Lane, is a more recently constructed two storey dwelling.

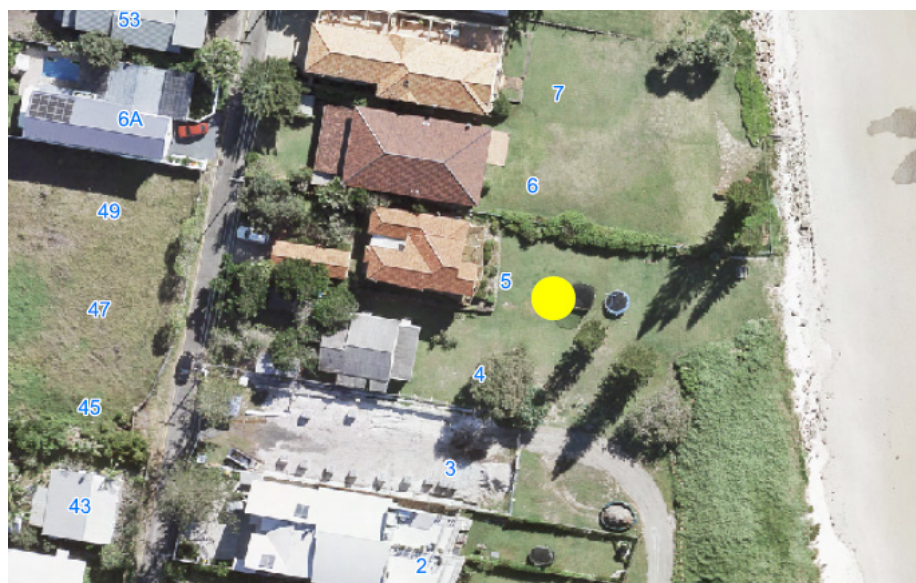


Figure 1: Site locality plan (aerial photography) – 5 Rayner Lane marked by yellow dot

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The proposed development was notified in accordance with the Level 1 – Targeted Notification process as outlined in Chapter 1 of the Ballina Shire Development Control Plan 2012 (DCP). The notification period ended on 19 January 2018.

One submission was received in support of the development. This is from the owner of 3 Rayner Lane who has recently obtained approval for a similar style two storey dwelling designed by the same architect.

Two submissions were received in objection to the development.

One from the owner of 45-49 Rayner Lane and the other from the owners of the adjoining property to the south, 4 Rayner Lane.

The issues raised by the objections are:

- Loss of views
- Large departures from the building envelope controls adversely impacting on amenity, privacy, shadowing, outlook and views
- Loss of privacy as a result of the roof top terrace
- Overall height of the roof line and roof top terrace, particularly on the south-eastern corner and
- Height of boundary fence/wall particularly on the south-eastern corner.

The applicant subsequently chose to make some amendments to the design in response to the issues raised in the submissions.

The main changes to the external configuration that are relevant to the objections are the lowering of the building by 0.16 metres, the altering of the roof top terrace and recess being included on the south-west corner to provide some limited articulation and increased boundary setback.

These amendments were re-notified with the submission period ending on 13 July 2018.

One objection from the re-notification process has been received from an adjoining property at 4 Rayner Lane.

This objection indicated that the issues with the rooftop terrace have been dealt with although the issues with the building envelope, overall height and boundary wall have not been adequately addressed.

Copies of the submissions received are contained in Attachments 6, 7, 8 and 9.

Applicable Planning Instruments

- State Environmental Planning Policy No.71 Coastal Protection (SEPP 71)
- NSW Coastal Policy 1997
- Draft Coastal Management State Environmental Planning Policy 2016
- Ballina Local Environmental Plan (BLEP) 2012
- Ballina Shire Council Development Control Plan 2012

Report

SEPP 71

This SEPP has since been repealed and replaced by the State Environmental Planning Policy (Coastal Management) 2018. The Coastal Management SEPP is intended to integrate existing NSW Government SEPPs regarding coastal management and aim to ensure that future coastal development is appropriate and sensitive to our coastal environment, and that we maintain public access to beaches and foreshore areas

As SEPP 71 was the SEPP that was in force at the time of lodgment, the proposal has been assessed against those provisions.

The site is mapped as being within a sensitive coastal location.

The proposed development will not impact on public access to, or amenity of, the beach and foreshore.

The scenic qualities of the locality will not be impacted on as the proposal is consistent with the scale of other recently approved buildings in this locality when viewed from the public foreshore area.

Given the narrow width of Rayner Lane, the building will not be highly visible when travelling along the lane until the viewer is in close proximity to it.

Although it will be prominent when viewed from the dwellings proposed at 45-49 Rayner Lane, the overall scale of that development is far greater than this proposal.

There will be no unreasonable impact on fish or marine vegetation, wildlife corridors, coastal processes, cultural places, or areas of heritage, archaeological, or historic significance over and above that which is normal for residential development in this locality.

Due to there being no access to a piped drainage system, previous developments approved in this locality have required all stormwater to be discharged to a suitable on-site absorption system within the foreshore eastern yard area.

If approved, such system would be conditioned to be engineer designed with details submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate.

The proposal is not in conflict with the objectives of SEPP 71.

NSW Coastal Policy 1997

This Policy is largely directed at all councils regarding their strategic planning to ensure that local environmental plans are aligned with the objectives of the Coastal Policy and permitted development is appropriate within the coastal zone.

The Policy's main focus is the conservation of biological diversity and ecological integrity in the coastal zone.

The proposed development, being infill development within an existing urban area does not present any negative impacts on the coastal foreshore area and complies with the Coastal Policy.

Ballina Local Environmental Plan 2012

4.3 Height of Buildings

The BLEP provisions state the height of a building is not to exceed the maximum allowable height of 8.5m in this location as indicated in the Height of Buildings Map.

Council has previously permitted the overall building height to be assessed from the required minimum floor level for mapped Coastal Hazard Protection areas.

The required minimum floor level in this case is 500mm above the surface level of the centre line of Rayner Lane.

The road level is shown on the submitted plans as 5.22m Australian Height Datum (AHD) and therefore the maximum height would be restricted to $5.22 + 0.5 + 8.5 = 14.22\text{m AHD}$

The plans indicate the top of the balustrade of the roof terrace is approximately 800mm below this level. This makes the overall building height compliant with Council's past policy of assessing building height.

However, the BLEP states Building Height (or height of building) means the vertical distance from ground level (existing) to the highest point of the building.

The existing ground level at the south east corner of the building is 4.51m AHD and gets higher to approximately 5.85m AHD where it is directly below the roof top terrace balustrade. This makes the overall height of the balustrade is 8.37m above ground level at this point which is compliant with the 8.5m development standard specified by Clause 4.3.

4.4 Floor Space Ratio

The BLEP definition of Gross Floor Area (GFA) excludes areas for carparking to meet the requirements of the consent authority (including access to that carparking). The BLEP also excludes areas used for basement storage and vehicular access.

Although the basement plans indicate parking for six vehicles, parking is only required for two vehicles and as such the remaining basement area could be considered as basement storage. Therefore the entire basement area is excluded from the GFA, as has been Council's practice in the past.

The floor space ratio (FSR) has been stated on the plans as 0.485:1 and checked by scaling. This makes it compliant with the 0.5:1 FSR development standard for a dwelling as specified by Clause 4.4.

Ballina Shire Development Control Plan 2012

Chapter 2 – General and Environmental Considerations

The land is not identified on the Ridgelines and Scenic Areas Map.

The land is not identified on the Natural Areas and Habitat Map and Wildlife Corridors Map.

The Council has not adopted a policy to restrict development of the subject land because of the likelihood of land slip for this allotment.

A waste management plan has been provided to satisfy the requirements for the development application stage. If consent is given, management of demolition and construction waste will be required to be addressed by a demolition and construction waste plan being submitted prior to commencement of any demolition works.

3.14 Coastal Hazards

The development is identified within Area A of the Coastal Hazard Protection Map.

This requires building foundations on beachfront allotments to comprise piling supporting a suspended floor and designed to support the building for the removal of soil to a level of 2.0m AHD including any lateral loadings imposed by a soil mass failure to this level.

The design is to be prepared by an appropriately qualified engineer experienced in the design of buildings in coastal hazard areas and is also to be certified that the design will allow ocean inundation from waves overtopping the seawall to dissipate across the lot without affecting adjoining properties by way of additional inundation or scouring.

If approved, a condition would be included to require the design and certification to satisfy this criteria, with certification to be provided prior to the issue of a Construction Certificate.

3.18 Protection of Foreshore and Public Open Space Areas

This part of the DCP applies as the land has a frontage to Seven Mile Beach.

Public access to public open space and foreshore areas will not be adversely impacted. The proposed building is located to provide an outlook to public open space and foreshore areas.

Due to the location of the development site above the level of the public beachfront, large foreshore building line, and existing urban development in the area, the proposed development will not be an overly prominent feature to those accessing the beach.

The impact on coastal views from other residential lots is minimal other than for those on the western side of Rayner Lane.

The development site is sufficiently west of the foreshore for the building to not result in beaches or adjacent open space being overshadowed before 3.00pm at the winter solstice or 6.30pm at summer solstice

To ensure beach areas are not subject to light spill that has the potential to adversely impact on native fauna, if consent is granted, a condition could be imposed for external lighting not to be directed towards the beach.

The large glass area of the eastern elevation of the proposed building will provide opportunities for casual surveillance of the public open space as desired by the DCP.

Landscape screening to the east of the development is not considered necessary and is not recommended as it may detract from views from adjoining properties.

3.19 Car Parking and Access

Six covered spaces are depicted in the plans for the basement. This is acceptable as it is more than the minimum two spaces required by the DCP.

Access to and from these spaces including the driveway gradient and overhead clearance have been included on the plans and are capable of complying with the appropriate Australian Standard being AS 2890.1.

Manoeuvring areas to permit vehicles to enter and leave the site in a forward direction are not required for dwellings.

The basement parking is sufficiently below the road level for it to not be a prominent feature in the streetscape.

3.20 Vibration

Driven piling is not permitted in this location and in such close proximity to other developments.

Should consent be granted, conditions will be applied to address the protection of adjoining properties from construction related activities including requirements to provide dilapidation reports of adjacent properties and piling restrictions. The restoration of any damages would be conditioned to be at the developer's expense.

This condition will permit external dilapidation surveys to be carried out if the adjoining property owners do not provide their consent for detailed internal and external surveys to be done.

Chapter 2a- Vegetation Management

3.1.2 Development Consent Requirements applying to Urban Zones

This chapter specifies the types of vegetation management works that are required to obtain development consent in urban zones. It also identifies circumstances where exemptions to the requirement for development consent apply. The provisions of this chapter are effectively an extension of the BLEP 2012.

The proposal includes the removal several trees and shrubs on the Rayner Lane frontage. Some of these trees have had to be pruned in the past to remain clear of the electricity wires along the street frontage. While they do contribute in a small way to the streetscape they are not considered to have any significant cultural and/or heritage significance and their removal is justified. Sufficient space will remain following construction to provide new landscape plantings

Chapter 4- Residential & Tourist Development

3.1.3 A - Building Height

This part of the DCP refers to buildings with three levels or greater being designed to minimise overshadowing and to protect the privacy of occupants of adjoining buildings. In this regard, it is considered that the reference to three storeys relates to above ground storeys only as below ground storeys have no impact on overshadowing, privacy or views.

The building has only two storeys above ground level. The roof top terrace is unroofed and although it is not a storey for the purposes of this part of the DCP it is required to be within the maximum permitted height. This has been confirmed as being compliant.

Other matters relevant to the impact on adjoining properties include overshadowing and the protection of the privacy of occupants of adjoining buildings. These will be addressed later in this report under the DCP provisions for Building Envelopes and Privacy.

3.1.3 C - Building Envelopes

This clause provides for buildings to be contained within a building envelope measured below a plane over the land at 45 degrees from a point 1.8m above the side and rear boundaries. The 1.8m in height is generally measured from the existing ground level.

However, in this locality and in a similar manner to assessing building height, Council has previously adopted the required minimum floor level to be used for the starting point of the building envelope rather than the existing ground level. This approach is considered to be reasonable in allowing for future re-development of these beachfront lots.

Even with this concession, the proposed design includes large encroachments to the building envelope on the northern and southern elevations. The contraventions to the southern elevation are highlighted in Figure 2.

8.3 DA 2017/707 - 5 Rayner Lane, Lennox Head

The applicant claims the encroachments are in part necessitated by the need to comply with the minimum floor level requirements.

However, allowing the building envelope to be calculated from the minimum floor level is already a concession, and this should not be considered as further grounds for a contravention of the building envelope.

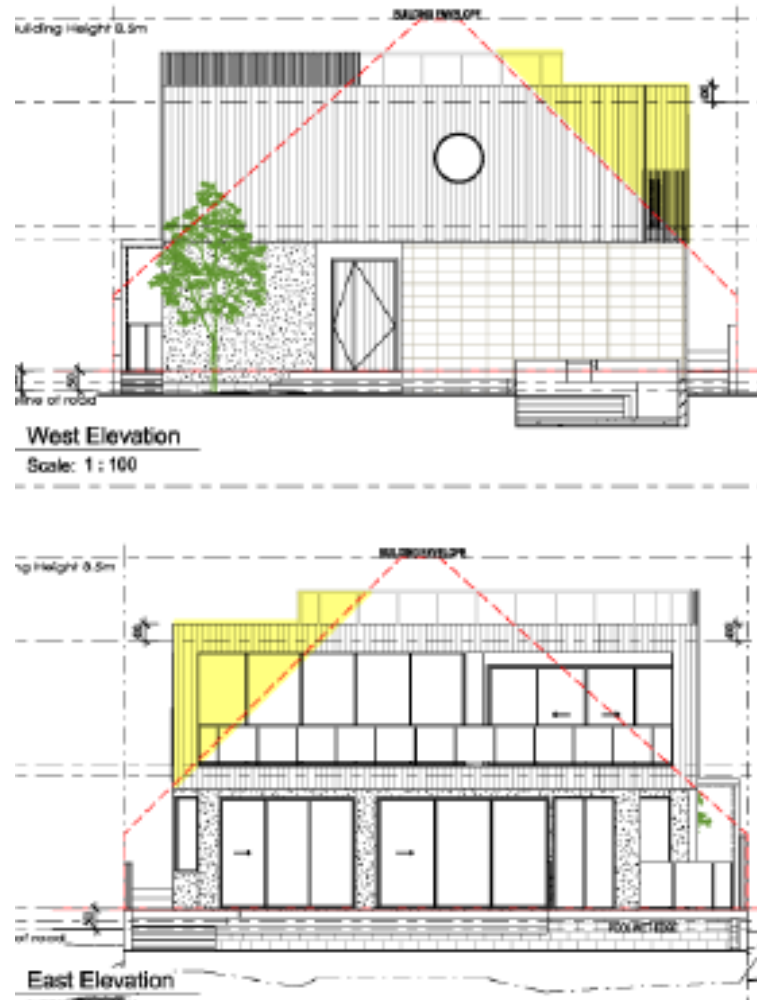


Figure 2: Building Envelope - southern encroachments highlighted

The objectives of the building envelope provisions of the DCP are to:

- i. Ensure buildings are set back progressively from the side and rear boundaries as building height increases so that buildings do not unduly affect existing or future development on adjoining properties by way of overshadowing, impinging on privacy, or unreasonably obstructing views;

The designer appears to have made very little attempt to comply with the building envelope provisions that require higher parts of the building to be set back further from the boundaries.

Views across this lot from the opposite side of the Rayner Lane are already compromised by the existing tall vegetation that is close to the side boundaries of both 4 Rayner Lane and 5 Rayner Lane.

The proposed building is unlikely to obstruct views further to an unacceptable level as a result of the building envelope encroachments. However, minimising view loss through application of the DCP building envelope provisions is not an unreasonable expectation. It should also be noted however, that the maintaining of full views through an adjoining property can be an unrealistic expectation.

Privacy is dealt with later in this report under the DCP provisions for Overlooking and Privacy.

Shadowing is also to be addressed separately below.

ii. Ensure that the occupants of residential accommodation have the opportunity to enjoy the optimum use of winter sunlight;

The proposal includes sufficient private open space to the development site by outdoor alfresco and balcony areas as well as the land within the setback area of the foreshore building line.

iii. Enhance opportunities for solar access to both the development site and adjoining properties;

Due to the orientation of the building and the allotments being aligned in an almost east-west direction, the adjoining property to the north will not be adversely affected by shadowing as a result of the building envelope contraventions. Solar access to the eastern portion of the lot to the south will be maintained for all morning hours as due to the eastern foreshore building line restrictions.

However, the adjoining property to the south will be adversely affected by any two storey development on the site. There is already some overshadowing to the dwelling on the adjoining lot created by the existing two storey dwelling on development lot and tall vegetation close to the common boundary.

Shadow diagrams have been provided by the applicant to assist in assessing any shadowing impacts on adjoining properties. These are included as Figure 3. The submitted shadow diagrams indicate that approximately half of the adjoining lot, including the single storey dwelling that exists at present, will not receive full sunlight at the winter solstice.

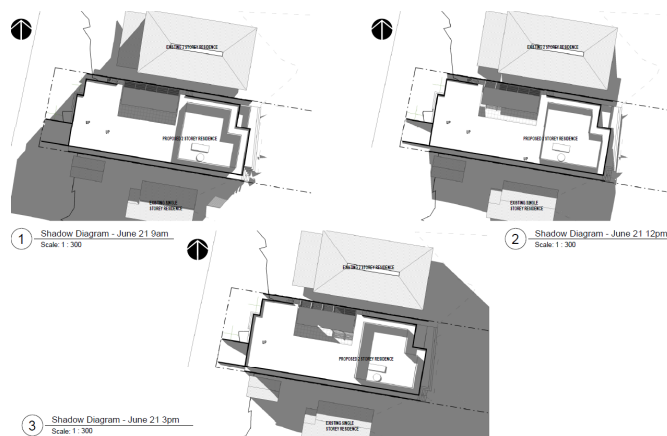


Figure 3: Shadow diagrams at winter solstice

iv. Achieve varied and interesting streetscapes, good orientation of residential developments with regard to sun, shade, wind and neighbouring development, and effective use of allotments to create usable private open space and courtyards;

v. Ensure that buildings are compatible with the bulk, scale and character of the locality; and

From viewing other developments in Rayner Lane it can be concluded that the proposed building is consistent with the bulk and scale of many of the surrounding developed properties.

vi. Minimise adverse impacts on the existing or future amenity of adjoining properties and the scenic or landscape quality of the locality.

When viewed from the public land on the beachfront, the proposed building will be no more prominent than many other developments on Rayner Lane and less prominent than those to the northern end of Rayner Lane as these southern lots have a larger setback to the beach.

vii. To provide flexibility for steeply sloping sites to best address streetscape, solar orientation and location for outdoor amenity areas.

This objective is not applicable as the site has only a gentle slope.

3.1.3 E - Building Lines

This lot has a 6.0m building line to Rayner Lane under the DCP provisions. The applicant is seeking a variation to 5.667m at the north west corner of the upper floor only. They have based this variation on the alternative building line provisions of the DCP. They have referred to a number of buildings within 40m that have lesser setbacks.

However, the DCP stipulates that the alternative building line is to use the average distance of the building lines of the nearest 2 buildings (either residential accommodation or tourist and visitor accommodation) having a boundary with the same primary road and located within 40m of the lot.

From the site plan submitted, the nearest 2 buildings have setbacks of approximately 10m and 7m and therefore the average setback distance is 8.5m. Therefore the minimum setback for assessment purposes is to be 6.0m as specified in the building line maps.

The applicant has referred to existing buildings located at 1 to 9 Rayner Lane as setting a precedent for reduced building setbacks. The existing detached garage on the site is also forward of the building line.

The site will be vacant following the removal of all existing structures and it is questionable as to whether there is a necessity to encroach on the building line when the lot is unconstrained other than for the large foreshore building line.

Despite the above, the encroachment into the Rayner Lane building line is minor and unlikely to detract from the streetscape.

3.1.3 G - Landscaping and Open Space

Sufficient impervious space remains on the site for landscaping. This is largely due to the inclusion of basement carparking that frees up land area at ground level for use as private open space in lieu of hardstand parking. Sufficient private open space is provided in the form of the proposed balconies, terraces and vacant land within the foreshore setback area.

3.1.3 H - Vehicular Access and Parking

In addition to the above comments under Chapter 2, this Part of the DCP has additional provisions for basement parking.

The basement car parking complies in that it is not more than 1m above finished ground level where it faces the street, or 1.5m elsewhere.

The walls of the basement that protrude above ground level are sufficiently located within the building footprint that includes the alfresco area, pool and ground floor balcony.

A driveway long section has been provided (included as Figure 4) that shows the ramp to the basement commencing inside the property boundary and able to comply with the gradients and overhead clearances of the applicable Australian Standard for vehicular access.

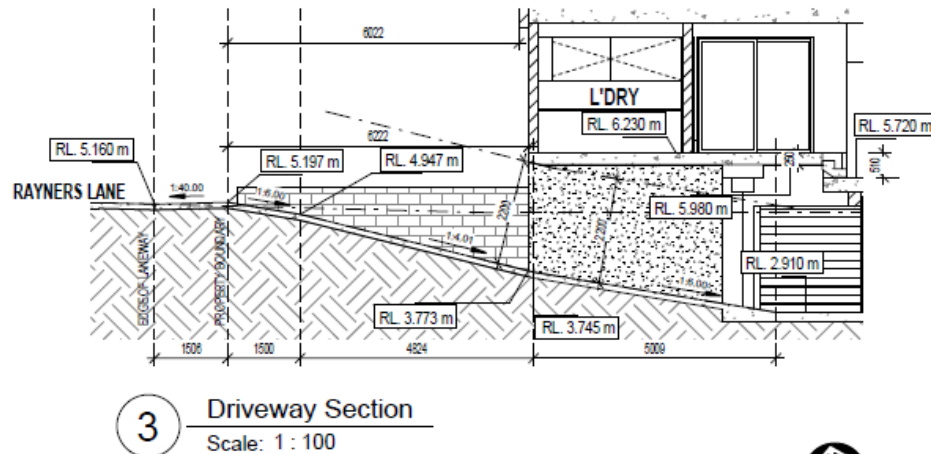


Figure 4: Driveway section

3.1.3 I - Overlooking and Privacy

The only windows in the northern and southern elevations that are within 3.0m of the boundaries and have window sills less than 1.5m above floor level are those located in bedrooms, a store room, one living area (family room) and the kitchen. The family room window (or door) that is located on the ground floor of the northern elevation is screened by a 1.8m high boundary wall.

The kitchen window is the only window that would require privacy measures to be implemented to comply with the DCP controls. This could be conditioned if approval is granted.

8.3 DA 2017/707 - 5 Rayner Lane, Lennox Head

The ground floor balcony has a “Batten Privacy Screen” to be provided on the southern boundary. However, this screen is only 1.2m high. The small width of the first floor balcony on the southern elevation is unlikely to create any issues with privacy.

The first floor balcony off the study on the northern elevation and the eastern end of the pool area do not meet the DCP criteria and could be required to have a privacy screens. However, privacy screening could have an adverse impact on the southerly view from the adjoining property.

As this balcony is located further eastward than the adjoining dwelling and no objections have been received from that property, privacy screening is not recommended to the balcony.

Those windows and balconies that do not comply with the DCP privacy controls are shown yellow in Figure 5 below.



Figure 5: Privacy assessment – kitchen window highlighted

The DCP contains additional privacy requirements for roof terraces. Roof top terraces are to be designed so their size and location does not impose upon or have unreasonable impacts on the privacy of adjoining dwellings by having direct views into habitable rooms or private open space of adjoining dwellings.

The amended plans have addressed this by moving the terrace further away from the southern and eastern edges of the roof. The objector is satisfied this has addressed their concerns.

However, the amended plans indicate the terrace has now been located at the edge of the roof on the northern side. The balustrade to the terrace on this side appears to have a slatted finish. No objection has been received from the adjoining owner to the north.

The roof terrace is now accessed via external screened stairs from the first floor hallway.

The terrace is unlikely to obstruct any easterly views.

3.1.3 K. Element - Fences and Walls

Side boundary fences are permitted by the DCP if they do not exceed 1.8m above existing ground level. Although not mentioned in the DCP, on sloping sites where the fence is stepped to accommodate the fall in the land it is generally allowable to have a fence up to 2.2m in height as this is consistent with what may be built as Exempt Development.

On the northern boundary it is proposed to have a boundary wall up to 2.7m above ground level where the pool is to be located with a screened roof structure above this level. As noted previously, no objections have been received from the adjoining property owner to the north.

It is proposed to have a boundary wall for the full length of the southern boundary that is 1.2m above the paving on the development lot. This wall is to be on top of a retaining wall that results in an overall height on the adjoining land that will be in excess of 1.8m.

Based on the existing ground levels of approximately 4.0m AHD to 5.0m AHD along the southern boundary and the proposed floor level of 5.72m AHD, this wall would range from 1.9m in height at the Rayner Lane end to 2.9m high at the most south east corner of the building when viewed from the adjoining property.

The height of the wall is not overly high in relation to the floor level that is required to be at the proposed height and is only small in proportion to the overall bulk and height of the building. To reduce the height of the wall would diminish privacy to the occupants of both properties.

4.5 Special area controls – Lennox Coastal Hazard Protection

Minimum floor level and foreshore building line provisions are contained in Table 4.13 of this part of the DCP.

The proposal will comply with the minimum habitable floor level being 500mm above the centre of Rayner Lane. The height has been lowered 160mm from what was originally proposed to now be no higher than required,

The foreshore building line is established from setback distances on the northern boundary of 37.38m and the southern boundary of 38.9m. The proposed ground floor balcony and stairs are to extend into the foreshore building line by 1.8m as indicated in Figure 6. The applicant states that this is less than currently exists with the existing retaining walls and stairs.

The proposed ground floor balcony and stairs are shown to be approximately 1m above ground level and would require a handrail and balustrade to be provided if they are to be more than 1m above the finished ground level.

There are no encroachments into the foreshore building line by the cantilevered first floor balcony.

Recently approved applications in similar locations have not permitted any encroachments in to the foreshore building line at ground level.

An application is currently before Council for an unroofed cantilevered balcony forward of the foreshore building line at a nearby development in Rayner Lane. This proposal has been recommended by staff for approval.

The former Chapter 3 of a previous Ballina Shire Combined Development Control Plan established the current foreshore building lines. The objective of the former DCP was to stipulate development and building control standards for the subject land in order to minimise the potential damage to development upon such lands from the coastal processes, namely erosion and inundation.

This included a restriction that on all beachfront allotments, boundary fences eastward of the eastern building line shall be a maximum height of one metre above existing ground level and shall be of an open style construction.

It stands to reason that other solid structures should also be excluded from this area, although an unroofed cantilevered balcony may be permissible.



Figure 6: Ground floor encroachment in to foreshore building line

Application of the DCP Building Envelope Provisions

Clause 4.15(3A) of the Environmental Planning and Assessment Act specifies that councils are to be flexible in applying standards contained within a DCP.

In particular, the Act states that if the DCP set standards with respect to an aspect of the development and the development application does not comply with those standards, Council is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards for dealing with that aspect of the development.

The main issue to consider is that of solar access. In considering solar access, referral to the planning principle established by the Court in *The Benevolent Society vs Waverley Council* should be considered.

These principles are that:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

In this medium density site, where two storey development is almost necessary in order for it to be financially viable and buildings are required to meet minimum floor levels, some degree of overshadowing is inevitable.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

A significant amount of sunlight will be retained on the property at 4 Rayner Lane by virtue of the large foreshore building line.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

While the owner and architect would consider the design to be a good design in relation to architectural aspects, aesthetics and livability purposes, the design in relation to its shadowing impacts is questionable at best.

A more sensitive design could achieve a similar level of amenity for the occupants with a reduced impact on the adjoining property to the south.

- *For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.*

Due to the small size of the dwelling on 4 Rayner Lane that was constructed in 1968 and added to in 1980, there is only a small area of glazing that will be impacted. The north facing glazing is to only one bedroom, a kitchen and an easterly facing enclosed verandah all of which would be impacted by the existing development on 5 Rayner Lane. However, in relation to the overall size of the older style dwelling, the proportion of impacted glazing is relatively high.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured*

at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.

As noted previously, a significant amount of sunlight will be retained on the open space of 4 Rayner Lane by virtue of the large foreshore building line.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

The requirement to meet the minimum floor level contributes to the shadowing to some extent. The shadowing of 4 Rayner Lane that is attributed to the existing vegetation can be set aside as it will largely be replaced by shadowing from the proposed building.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.*

Consideration should be given to the probable re-development of the adjoining lot in the future whereby it is likely a two storey building would be most likely. This would improve any overshadowing to a future upper level, particularly where living spaces are located on the upper floor. Whilst the proposal will have some impact on the existing single storey dwelling to the south, the proposed building is not likely to significantly impact on the future development potential of that lot.

Furthermore, in considering if the intent of the DCP has been satisfied consideration could be given to applying the “Five Part Test” as applied to LEP variations. In this process only one of these tests needs to be satisfied.

1. *Are the objectives of the standard achieved notwithstanding non-compliance with the development standard?*

The objectives are discussed above where it is concluded that the objective to set buildings back progressively from the boundary as height increases has not been achieved and the adjoining property is adversely impacted, when a more sensitive design would have a lesser impact.

2. *Is the underlying objective or purpose of the development standard not relevant to the development and therefore compliance is unnecessary?*

The building envelope objectives of the standard are relevant.

3. *Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?*

The compliance with the building envelope standard would achieve the objectives.

4. *Has the development standard been virtually abandoned or destroyed by Council’s actions in granting consents departing from the development*

8.3 DA 2017/707 - 5 Rayner Lane, Lennox Head

standard and therefore is compliance with the development standard unnecessary and unreasonable?

Council has in the past and even more recently allowed large building envelope encroachments on the eastern side of Rayner Lane and elsewhere in Lennox Head. This can be seen from either the use of aerial photography or photos of developments along Rayner Lane taken from both the Rayner Lane frontage and the beach.

Many, if not all properties that have been redeveloped on the eastern side of Rayner Lane have significant building envelope variations including the recent approval for 3 Rayner Lane (approved plans for development at 3 Rayner Lane are contained in Attachment 4).

There are significant differences to this design and that of the building approved at 3 Rayner Lane that distinguish this design as being far more non-compliant with the building envelope. In comparison to the design at 3 Rayner Lane, that development had an encroachment to the southern building envelope for 64% of the buildable length of the allotment (where the buildable length is that area between the front building line and foreshore building line), where the impacts of overshadowing were less significant.

This proposal has a contravention to the southern building envelope for approximately 95% of the buildable length of the allotment, resulting in significant degrees of overshadowing to the existing adjoining single storey dwelling.

The extent of the building envelope encroachment of 3 Rayner Lane and this proposal are shown in shown in Figures 7 and 8 respectively.

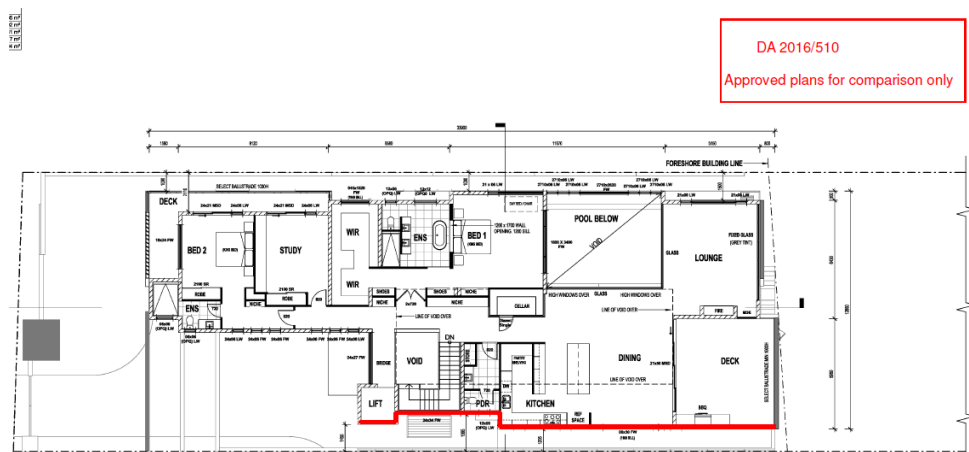


Figure 7: Extent of building envelope encroachment of 3 Rayner Lane

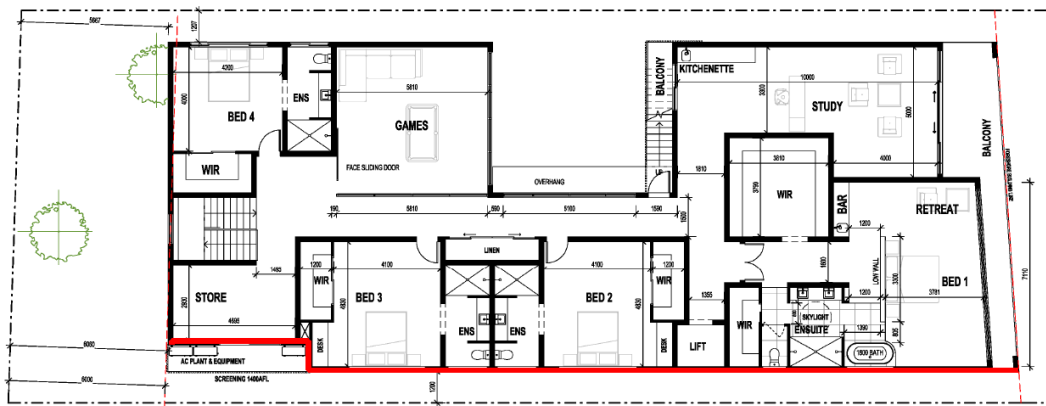


Figure 8: Extent of building envelope encroachment of 5 Rayner Lane

It could be argued that requiring this building to be more compliant with the building envelope controls is unreasonable and unnecessary in relation to the overall development of Rayner Lane.

However, as many developments in Rayner Lane still receive objections in relation to proposed building envelope contraventions, the building envelope objectives should be complied with as far as practical and reasonable, particularly where impacts can be significant.

5. *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)?*

The building envelope standard is reasonable. Although the land is zoned to accommodate a dual occupancy or multi dwelling housing, the building envelope provisions apply to these development types as well.

Options

Option 1 – Approve the application subject to the ground floor balcony being cantilevered and the stairs being behind the foreshore building line as the development satisfies the objectives of DCP 2012 other than for the building envelope provisions. Compliance with the building envelope provisions is considered unreasonable and unnecessary due to the history of allowing large building envelope variations in Rayner Lane.

Under this approach, suitable conditions would also be applied to address the technical issues canvassed in this report.

Option 2 – Refuse the application as the design has not taken due regard for the overshadowing created by the building. As a result, an adjoining property will be unnecessarily and unreasonably adversely impacted by a loss of solar access.

Conclusion

The proposal is generally compliant with the planning controls in relation to the environmental issues and if conditioned appropriately will satisfy Council's coastal protection requirements other than for the ground floor balcony and stairs forward of the foreshore building line.

The overall height and floor space ratio of the proposed building satisfies the BLEP development standards.

The building envelope contraventions are excessive and it appears that very little attempt has been made to design a building that complies with the building envelope controls.

The applicant has provided a number of photos of other buildings in Rayner Lane (Attachment 5) that also have large building envelope contraventions. While it is true that a number of buildings have been built in this manner, not all have such an adverse impact on an entire dwelling on an adjoining lot.

In considering the application of the building height plane, it is also important to recognise that the applicable provisions were first introduced into Lennox Head in 2007 and began to apply shire wide with the introduction of the Ballina Shire DCP 2012 in early 2013. Many of the existing buildings in Rayner Lane pre date the introduction of the building height plane control to the area.

A contravention to the building envelope of the extent proposed could set a precedent for future developments to disregard the building envelope controls and objectives further in a similar manner. However, if the building envelope controls are to be enforced strictly by Council in Rayner Lane, some older non-compliant buildings may remain as they are for many years. This may discourage re-development and limit the re-development potential of a number of properties, including that of the adjoining property to the south.

In consideration of all of the above arguments, the applicant has not satisfied the principle building envelope objective of the DCP, of setting back the building progressively as the height increases so as to not unduly affect existing or future development on the adjoining property. The shadowing of the adjoining residence to the south is considered excessive.

In view of the above, it is recommended option two be adopted.

RECOMMENDATIONS

That DA 2017/707 for the demolition of an existing dwelling and ancillary development, the construction of a new dwelling consisting of two storeys above ground level with an additional basement carparking/storage level and swimming pool be **REFUSED** for the following reasons.

1. The proposed development does meet the Building Envelope objectives of Section 3.1.3 C of the Ballina Shire Development Control Plan 2012, with the scale and location of the building having significant adverse impacts on adjoining properties and the streetscape.
2. The proposed development does not meet the Coastal Hazard Protection objectives and Foreshore Building line setback requirements as contained within Chapter 2 Part 3.14 and Chapter 4 Part 4.5 of the Ballina Shire Development Control Plan 2012; and
3. Approval of the development is not in the public interest.

Attachment(s)

1. Locality map
2. Aerial Image
3. Amended plans received 28 July 2018
4. Approved plans for comparison- 3 Rayner Lane
5. Images of existing buildings provided by applicant
6. Submission Support - 3 Rayner Lane
7. Submission Objection (No.1) - 4 Rayner Lane
8. Submission Objection - 45-49 Ballina Street
9. Submission Objection (No.2) - 4 Rayner Lane

8.4 Policy (New) - Waste Management for Multi-Unit Developments

8.4 Policy (New) - Waste Management for Multi-Unit Developments

Delivery Program Environmental and Public Health

Objective To outline a proposed new policy addressing multi-unit development waste management and to seek direction on the public exhibition and adoption of the policy.

Background

The management of solid waste from multi-unit developments (including residential, commercial, industrial and mixed use development) is comprised of several elements including waste storage, waste volumes, separation of waste types, site access and bin collection.

Waste management can be particularly problematic in multi-unit developments where suitable space may be limited.

The draft policy in Attachment 1 has been prepared to provide for a clear and consistent framework for the management of solid waste associated with multi-unit developments.

The policy seeks to outline waste management requirements while still allowing some flexibility to ensure adequate collection and properly constructed and located storage areas.

The policy will also support waste management provisions currently contained in the Ballina Shire Development Control Plan 2012 and assist in ensuring compliance with current legislation, standards and guidelines.

Key Issues

- On site management requirements
- Development requirements
- Efficiency for Council's waste collection services

Information

Management of solid waste is a matter that is routinely addressed in relation to development applications for multi-unit developments. Multi-unit developments are also the source of a variety of customer enquiries relating to waste management. Key issues arising in this regard include noise and odour concerns and storage considerations.

The draft policy contained in Attachment 1 seeks to outline a clear and consistent Council approach to address waste management for multi-unit developments. In particular, the policy seeks to address the key issues associated with multi-unit waste management by:

- outlining Council's requirements for solid waste management for multi-unit dwellings, commercial, industrial and mixed use developments

8.4 Policy (New) - Waste Management for Multi-Unit Developments

- ensuring waste management practices are based on minimising waste and maximising reuse and recycling of materials
- ensuring the storage and service of solid waste is undertaken in a manner that minimises risks to public health and adverse environmental impacts associated with waste management
- outlining requirements to ensure adequate provisions in regard to space, storage, amenity, servicing and management of waste
- providing guidance on waste generation rates.

The policy also provides information on Council's waste service provisions including when the Council's service can and cannot be provided and when a private contractor is needed (such as when a waste collection point is on private property or when skip bins are used).

This policy recognises the complexity of waste management associated with multi-unit developments and promotes a consistent approach to managing pre and post development matters along with Council's operational requirements.

Sustainability Considerations

- **Environment**
The policy seeks to minimise air, water and noise pollution associated with waste storage and collection.
- **Social**
The policy seeks to promote commitment and responsibility in relation to the management of waste from multi-unit developments and provides guidance to reduce impacts on neighbouring properties.
- **Economic**
The policy seeks to reduce waste management customer requests and Council operational waste management issues.

Legal / Resource / Financial Implications

The policy will assist Council employees, developers and consultants by providing clear and concise information in relation to servicing and designing waste management facilities for multi-unit developments.

The policy is designed to improve the assessment of proposals and information provided at the development application stage with the aim of having fewer operational waste management issues post development.

Consultation

Internal consultation has taken place between the Council sections responsible for matters associated with waste management. Comments have been incorporated into the draft policy.

Should the Council endorse the draft policy as attached, it is recommended the policy be placed on public exhibition.

8.4 Policy (New) - Waste Management for Multi-Unit Developments

If any submissions are received that are considered significant the matter will be reported back to Council for further consideration. If no significant submissions are received then the policy can be adopted and no further action is required.

Options

1. Council may endorse the policy as contained in Attachment 1 (or amend the draft policy as considered appropriate) and place it on public exhibition. Under this approach, the matter will be reported back to Council should significant submissions be received. If no significant submissions are received then the policy can be adopted and no further action is required.
2. Council may resolve to not adopt the draft policy. This option is not recommended due to the current limited availability of information that identifies Council's requirements for the management of waste from multi-unit developments and the benefits of implementing such a policy.

If Council is uncertain about progressing the draft policy to exhibition, a briefing can be held to discuss the content of the policy in more detail.

RECOMMENDATIONS

1. That Council adopts the Waste Management for Multi-Unit Developments Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any significant submissions received to be resubmitted back to Council. If no significant submissions are received then no further action is required.

Attachment(s)

1. Policy (New) - Waste Management for Multi-Unit Developments Policy

8.5 Development Applications – Variation to Development Standards

8.5 Development Applications – Variation to Development Standards

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.

DA No.	Date Approved	Applicant and Site Address	EPI and Land Zoning	Development Standard and Approved Variation	Reason for Variation
Nil					

RECOMMENDATION

That Council notes that there have been no applications approved under delegation for variations to development standards less than 10% for July 2018.

Attachment(s)

Nil

8.6 Development Applications - Works in Progress - August 2018

8.6 Development Applications - Works in Progress - August 2018

The following schedule sets out current development applications that have not yet been determined with 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	Determination pending
2017/232	12/5/2017	GM Project Development & Management	Three Lot Strata Title Subdivision – 6 George Street, Tintenbar	Determination pending
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 Public exhibition period concluded on 20 August 2018 To be reported to Council

8.6 Development Applications - Works in Progress - August 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	Awaiting additional information
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	Determination pending

8.6 Development Applications - Works in Progress - August 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 Public exhibition period concluded on 2 August 2018
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	Being assessed
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	Determination pending
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	Referred to Government departments

8.6 Development Applications - Works in Progress - August 2018

2018/296	25/5/2018	Planners North	Two Lot Strata Title Subdivision of an existing Industrial Building – 32 Southern Cross Drive, Ballina	Determination pending
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	Referred to Government departments
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	Being assessed
2018/405	12/7/2018	Town Planning Studio Pty Ltd	Two Lot Torrens Title Subdivision – 425 Ross Lane, Lennox Head	On exhibition
2018/411	13/7/2018	Newton Denny Chapelle	To undertake a change of use to establish an industry – 24 Kays Lane, Alstonville	Being assessed
2018/417	16/7/2018	BUPA Aged Care Australia	Alteration and Additions to Existing Residential Aged Care Facility – 148 North Creek Road, Ballina	On exhibition
2018/418	16/7/2018	G Eggins	Vegetation management works comprising the removal of several trees – 144 Burnet Street, Ballina	Being assessed
2018/424	18/7/2018	Ardill Payne & Partners	Erection and Strata Title Subdivision of a Part Two Storey Multi Dwelling Housing Development Comprising Three Dwellings – 75 Burns Point Ferry Road, West Ballina	On exhibition
2018/431	19/7/2018	Northern Rivers Land Solutions	Two lot subdivision to create one x 648 sqm allotment for the purposes of a private temporary road and one x 34 hectare residue lot – 505 North Creek Road, Skennars Head	On exhibition

8.6 Development Applications - Works in Progress - August 2018

2018/435	20/7/2018	Creative Planning Solutions	Alterations to the gymnasium at the Lake Ainsworth Sport and Recreation Centre - Part Lot 140 DP 755725 Pacific Parade, Lennox Head	Referred to Government department
2018/437	23/7/2018	P Lloyd	Enclosure of Verandah (Seeds Early Learning Centre) - 58-62 Westland Drive, West Ballina	Being assessed
2018/438	24/7/2018	A Dougherty	Staged Erection and Strata Title Subdivision of a Two Storey Multi Housing Unit Development and Associated Works - 33 Crane Street, Ballina	On exhibition
2018/439	24/7/2018	Vision Town Planning	Staged development comprising alterations and additions to an existing attached dual occupancy development, erection of a detached garage, demolition of existing outbuildings and two lot subdivision to create one x 600 and one 607sqm allotments and associated works – 20 Newport Street, East Ballina	On exhibition
2018/446	25/7/2018	Alstonville Agricultural Society Inc	Vegetation Management Works comprising the removal of 21 Camphor Laurel trees - 22-40 Commercial Road, Alstonville	Being assessed
2018/447	25/7/2018	D Trainor	Staged Erection and Strata Title Subdivision of a part Two Storey Multi Dwelling Housing Development comprising Four Detached Dwellings, Demolition of Existing Dwelling and Consolidation of Lot Boundaries - 58 Cherry Street, Ballina	On exhibition
2018/449	25/7/2018	G Gillespie	Vegetation Management Works comprising the removal of one tree – 5 Richland Court, Alstonville	Being assessed

8.6 Development Applications - Works in Progress - August 2018

2018/432	26/7/2018	Ardill Payne & Partners	Two Lot Subdivision by way of a Boundary Adjustment to create 1 x 1080m ² and 1 x 776m ² allotments and construction of a shed on Proposed Lot 1 - 2 Old Pacific Highway, Newrybar	On exhibition
2018/452	27/7/2018	D Walsh	Boundary Adjustment Subdivision of existing Lots 3 & 4 DP 1220992 and the Subdivision of the reconfigured Lot 4 to create 1 x 2155m ² and 1 x 2646m ² allotments and associated works - 172 North Creek Road, Lennox Head	On exhibition
2018/454	27/7/2018	Ardill Payne & Partners	Alterations and Additions to Existing Industrial Tenancy including use of a mezzanine floor - 3/7 Piper Drive, Ballina	Being assessed
2018/460	2/8/2018	P Guttenbeil	Vegetation Management Works comprising the removal of one tree – 28 Pine Avenue, East Ballina	Being assessed
2018/467	10/8/2018	Wakefield Planning	Change of Use from Boarding House to Boarding House and Community Facility (dog support and activity centre) and associated works - 64 Treelands Crescent, Ballina	On exhibition
2018/473	8/8/2018	D J Parker	Vegetation Management Works comprising the removal of 5 trees – 10 Sweetlip Place, Ballina	Being assessed

8.6 Development Applications - Works in Progress - August 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

8.6 Development Applications - Works in Progress - August 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	Awaiting additional information
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
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	Awaiting additional information

8.6 Development Applications - Works in Progress - August 2018

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 August 2018.

Attachment(s)

Nil

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

9. Strategic and Community Facilities Group Reports

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

Delivery Program Community Facilities

Objective To inform the Council of progress in relation to planning for a new Surf Club building in Lennox Head, and to seek endorsement to continue to advance the project.

Background

The existing Lennox Head and Alstonville Surf Lifesaving Club (the club) has operated for many years on its current site within the coastal reserve on Seven Mile Beach in Lennox Head.

Council has previously determined to commence investigations and undertake stakeholder engagement with a view to designing a new facility and ultimately replacing the existing club building.

To facilitate this process, Council appointed a consultancy firm, Complete Urban Pty Ltd to undertake a review of the building and surrounding precinct adjacent to the beach and Lake Ainsworth with the following objectives:

- a) recommend a preferred option for the future of the building; and
- b) prepare redevelopment and landscaping plans for the south-eastern precinct of Lake Ainsworth.

The following report focuses on item (a) of the Complete Urban engagement.

The original tender documents for the engagement of consultancy services provided for five stages, as follows:

- Stage One – Review and Consultation
- Stage Two – Prepare Concept Design
- Stage Three – Design Development and Planning Approvals
- Stage Four – Detailed Design and Documentation
- Stage Five – Contract Administration and Site Supervision.

The engagement of Complete Urban is limited to the first three stages, with stages four and five (which focus on the actual redevelopment of the building) being subject to Council sourcing funding to enable the project to proceed to construction.

Stage one involved Complete Urban undertaking a process of community engagement during 2013 and 2014.

Detailed outcomes from the process are contained in the report from Complete Urban titled *Provision for Design of the Lennox Head Surf Club and Surrounding Precinct Stage 1 – Review and Consultation Report*, dated March 2014.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

A copy of this report is available on Council's website by searching under 'Lake Ainsworth South Eastern Precinct Project'.

The preferred outcomes and recommendations in the report in regard to the building include:

- A new surf club building, in a new location south of the existing facility was identified as a preferred option, noting that refurbishment of the existing surf club building was also examined
- A projected total new building size of 1530m²
- The new building would comprise two storeys
- Public conveniences should be incorporated into the new building, with the existing toilets located just north of the existing building being decommissioned.

Stage two of the Complete Urban engagement involved the preparation of the new building concept design.

This was done in consultation with key stakeholder representatives, being:

- Club members, to provide input concerning the club's existing and projected operational needs to successfully maintain its service
- Council's Commercial Services Section, to provide input concerning the needs of commercial tenants envisaged to occupy part of the new building
- Council's Community Facilities Section, to provide input into the operational needs for that part of the new building to be made available for casual hire.

This report now seeks Council approval to advance the project based on preferred concept plans.

Key Issues

- Accommodation of respective stakeholders' needs
- Promotion of community access and use of the new facility
- Design
- Capital and operating costs/affordability

Information

Council's commitment to investigating this new facility has been predicated on the basis that the same management model currently in place for the Ballina Surf Club property would be implemented.

That is, rather than constructing a building for use exclusively by the surf lifesaving club, the preferred approach is to construct a community building within which a surf lifesaving club can effectively operate.

9.1 **Lennox Head and Alstonville Surf Lifesaving Clubhouse**

The shared facility also provides for community accessible space, with a commercial component (restaurant/kiosk) operating under lease to help offset the substantial ongoing operational and maintenance costs.

From Council's perspective, this model applied with the Ballina Surf Club is working successfully, and the three discrete areas co-exist reasonably well.

The club has its own dedicated section of the building in which to conduct its operations, whilst Council manages the respective community (meeting/function rooms) and commercial areas.

Revenue generated from the use of the commercial and community components of the building contribute toward the substantial operational and maintenance costs associated with the property and provide a funding source for the Ballina Lighthouse and Lismore Surf Lifesaving Club ("BLLSLC").

A copy of the set of proposed new Lennox Head Surf Club building concept design plans prepared by Complete Urban following the stakeholder engagement is attached to this report.

The main components of the proposed building are as follows:

Ground Floor

The surf club would have exclusive use of the ground floor south of the separating breezeway, (excluding the public entry to the staircase).

The spaces within this part of the building have been sized and designed to ensure ease of storage and access for the club's equipment.

The club has a first aid room and its own entrance to the first floor. The total floor area allocated to the club on the ground floor is approximately 570m².

The remaining area of the ground floor, northward of the breezeway, contains a plant room, publicly accessible toilets and a commercial kiosk (to be leased out), with this area to be managed by Council.

The toilet facilities are intended to replace those currently located immediately north of the existing surf club building.

First Floor

The proposed upstairs floor area contains spaces intended for the exclusive use of the club, being a club room (initially) comprising an area of 75m² and a patrol room (18m²).

These are located within the southern portion of the first floor. Access to the club room and patrol room would be either via the internal public stairs and/or lift or externally by stairs dedicated to club members.

The provision of furniture and ongoing cleaning of the club room and patrol room would be the responsibility of the club.

Immediately adjacent to the dedicated club room, and separated by a retractable partition, is a meeting room also containing a floor area of 75m².

9.1 **Lennox Head and Alstonville Surf Lifesaving Clubhouse**

It was initially proposed that this space would be managed by Council and be available for casual hire, including to the club on occasions when it requires an enlarged indoor area for its activities.

The remaining areas of the first floor of the building, as illustrated in the attached plan, are allocated as Function Room 1 and Function Room 2 (with associated infrastructure) which will be managed by Council and be available for casual hire.

The northern part of the first floor will comprise a proposed café/restaurant, kitchen and balcony area which would be leased out on a commercial basis.

The areas on the first floor (being the function rooms and the restaurant) will be accessible by the internal public stairs and/or lift or external stairs.

Club Requests

The concept design for the proposed new building has been developed in close consultation with surf club representatives over an extended period of time, involving numerous meetings.

However, there still remain differing views within club membership in respect to aspects of the new building.

In an attempt to reconcile the different views, the club held a management committee meeting in 2016 which sought to establish a common stance concerning its operational requirements.

The key outcomes of the club's management committee meeting at that time were conveyed to Council, as follows:

- The club supports, in principle, the construction of a new surf club building, subject to further negotiations with Council
- The minimum space required by the club on the first floor area of the new building is 280m²
- The club requires an annual allocation of \$50,000 + CPI to fund its operations, on the basis that the revenue it generates from income from the existing building for such purposes would be foregone.

Comments by Council Staff

A new facility of the size envisaged, constructed in a harsh coastal environment, is expensive to build, maintain and operate on an ongoing basis.

In recognition of the critical service provided by the surf club operating in Lennox Head, Council wishes to provide infrastructure to meet the contemporary and planned needs of the club's members, subject to the limitations of Council's capital and operating budgets.

To assist in meeting some of these substantial costs, it is planned that the proposed new building will contain commercial components on the ground floor (kiosk) and first floor (café/restaurant and community meeting rooms/function rooms).

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

Income generated from the use of these spaces is shared between Council and the Surf Club.

This is the same model which has been adopted for the Ballina Surf Club, so to that extent, the two surf clubs would be operating on an equivalent basis.

Council would administer the casual hire arrangements for the meeting/function rooms through its Community Facilities Section personnel and operating systems, with the proposed café/restaurant and kiosk managed by Council's Commercial Services Section.

Expressions of interest/tenders would be called to lease the café/restaurant and kiosk, with revenue generated being dependent on the market response.

As a guide, the annual income generated from the Ballina Surf Club inclusive of restaurant, kiosk and meeting/function rooms is approximately \$128,000.

The annual operating expenses incurred by Council for the Ballina Surf Club for items such as cleaning, electricity and service consumption charges are approximately \$124,000, inclusive of annual building maintenance budget of \$32,000.

These figures exclude depreciation and also any direct Council staff costs in managing the building, tenants and room bookings.

In addition, Council has also previously agreed to donate to the Ballina Surf Club an annual amount equivalent to the kiosk lease rental, which currently is approximately \$10,700.

Having regard for the above, the Lennox Head club's request for an annual income stream of \$50,000 appears high in relative terms.

From a community facility perspective, the inclusion of function and meeting room space provides enhanced infrastructure for Lennox Head residents and visiting groups, to complement that already provided by Council in the Lennox Head Cultural and Community Centre.

The sublease with the BLLSLC allows that club to use the function/meeting rooms in that building free of charge for one week night per month (Monday to Thursday) as well as three additional nights per annum including Saturdays and Sundays.

It is envisaged that the Lennox Head Surf Club would be offered a similar arrangement in the new building.

The latest request from the club, for a minimum of 280m² of space on the first floor, conflicts with information that has previously been provided by member representatives.

The details provided previously are as follows:

- In 2009, the club indicated it would require an area of 120m² for the purpose of a club room, to be used for training, nippers' activities and for some storage needs

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

- In 2013, several representatives from the club were involved in the community engagement for the Lennox Head Surf Club and the surrounding precinct project workshop. At that time it was identified that the club would require a first floor area of 150m²
- In 2015, two representatives from the club were nominated to be involved with the development of the concept design for the new building, following on from the previous scoping studies which had been undertaken.
- The concept design was developed with these representatives, where it was determined that a floor area of 140m² would be needed by the club on occasions involving training and events.
- This area accounted for the club's projected growth in membership.

As discussed, the proposed concept design and operational model initially allocated a 75m² dedicated club room.

An additional 75m² meeting room has been included immediately alongside the club room, allowing the two spaces to be combined for club-related activities as and when required.

This design allows for a total space of 150m² (as specified through previous consultation) when required by the club, whilst providing flexibility to divide these spaces and allow for broader community use of half this space as a meeting room.

The approximate total floor space dedicated to the club for its core operations in the initial concept design, when compared with the Ballina Surf Club building, is as follows:

- Lennox Head Surf Club
 - 700m²
 - 775m² (with occasional inclusion of meeting room)
- Ballina Surf Club
 - 350m² (existing Building A)
 - 955m² (Building A plus 605m² for Building B)

The most recent information available to Council is that the Lennox Head club had 556 registered members in January 2018 (increased from 536 in June 2017) whilst the Ballina club had 365 registered members in January 2018 (decreased from 443 in June 2017).

With Council typically required to fund a significant component of the construction of these buildings, it is important to balance the needs of critical lifesaving services whilst maximizing broader community access and usage of foreshore public reserve areas.

Proposed Coastal Protection Works

A Coastal Zone Management Plan (CZMP) for the Ballina Shire Coastline was completed in 2016.

The CZMP includes consideration of future beach protection works and for the beach unit north of Byron Street the following is documented:

“3.4 Lennox Head – North of Byron Street

3.4.1 Background and Objectives

This beach unit extends north from the northern end of the rock revetment seawall near the corner of Byron Street and Pacific Parade to the northern extent of the Lake Ainsworth Sport and Recreation Centre.

The broad management objective adopted for this beach unit is to protect development landward of the beach rather than remove development and allow erosion to proceed, i.e. protect rather than retreat”.

And with respect to the location of protective works any new seawall would be located east of the Surf Lifesaving Club building:

“3.4.4 Management Plan – Protective Works

3.4.4.1 Seawall Design and Alignment

The basic design standard for a new seawall would be the same as that recommended for the upgrade of the existing buried rock wall in Section 3.4.3.4. The alignment of the seawall will follow the ‘line of protection’ landward of which property or infrastructure is to be protected. It is recommended that the seawall is aligned as far landward as possible to maximise the potential to retain a sandy beach seaward of the wall.”

An action from the CZMP also comprised further investigation of the “existing buried rock wall” which had been placed along the Lennox Head beach following erosion events in the late sixties.

This investigation was to further determine the likely location of this old rock wall, and whether this construction was suitable for upgrade.

Given this outcome an early preliminary assessment of a future seawall was to be made. This report is now complete and has very recently been reported to Council following a Councillor briefing.

A potential future seawall alignment from the above report is shown as follows.

This confirms the CZMP reporting and the location of future protection works east of the current building.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse



Crown Reserve Matters

Council is the appointed Reserve Trust Manager for the Ballina Coastal Reserve Trust (R1010068). The Reserve purposes for the Coastal Reserve are Public Recreation and Coastal Environmental Protection. Under the *Crown Lands Act 1989*, Council as Reserve Trust Manager is required to undertake activities within the Coastal Reserve in accordance with the Reserve Purpose.

The proposed site for the new surf club building is located within the Ballina Coastal Reserve. Council, in its capacity as the Reserve Trust must consider the construction of the surf club in accordance with these Reserve Purposes.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

A surf club building, wholly occupied and used by a registered surf lifesaving club would be consistent with the reserve purpose of public recreation.

However, the proposal being considered by Council for the construction of a new surf club building is similar, in design and operation, to the Ballina Surf Club, and requires some additional steps and further consideration.

The Ballina Surf Club is a community building, constructed on Crown Land, also within the Coastal Reserve. The building consists of junior and senior lifesavers' club rooms, community spaces, a commercial restaurant and a commercial kiosk.

That building is the subject of a 20 year lease from the Ballina Coastal Reserve Trust (Lessor) to Ballina Shire Council (Lessee) and then subleases to the BLLSLC and the commercial operators.

The community spaces and common areas of the building area are managed by Council.

Council pays a rental to the Crown for the head lease, and recoups some costs from the commercial sublease and meeting space income.

It is envisaged that should this type of community building be established in Lennox Head, a similar leasing arrangement will be required.

Some of the other steps required may include Crown Lands/Ministerial in-principle support for the proposal, the grant of development consent, preparation and registration of a leasing purpose subdivision, entering into a head lease and then granting subleases.

Investigations may also be required into Aboriginal Land Claims and appropriate Native Title notifications.

The Lennox Head and Alstonville Surf Lifesaving Club currently occupies the entirety of the existing surf club building in accordance with the approved, state-wide NSW Surf Club Policy.

This policy authorises the surf club to occupy the whole building and allows for various ancillary commercial uses, with such commercial income being applied to the maintenance and upkeep of the building.

Negotiations to date have revealed the surf club has concerns about its ability to operate without receipt of this funding and had concerns about the prescriptive nature of the application of the building income towards building maintenance.

As the existing club lease template is a state-wide document, with Ministerial approval, Council is not authorized to amend the lease conditions.

The construction of the new surf club building, with the management and leasing arrangements noted above, offers very significant benefits to the surf club, by removing its obligation to attend to and fund building maintenance, as well as managing on-going bookings.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

A further factor which will be required when making future plans for the construction of the surf club building is the recent commencement of the new Crown Lands Act.

At this stage, it appears that Council staff will be able to manage Crown Land in accordance with the requirements of the Local Government Act.

While this may streamline elements of the approval processes for both the construction and leasing of the facility, Council, under the Local Government Act, may not have the option to implement the lease/sublease system which is in place for the Ballina Surf Club.

These further investigations regarding process and procedure in accordance with the new Crown Lands Act will be able to be undertaken once Council has resolved a clear course of action and preference in relation to the style and occupation of the building.

Sustainability Considerations

- **Environment**

The sensitive coastal location of the proposed new building means that significant consideration must be given to minimizing environmental impacts associated with design, construction and operation of the facility.

- **Social**

Surf lifesaving supports a significant part of the social fabric of our regional community, and providing flexibility in the design of the building promotes public access, usage and enjoyment within the coastal reserve.

- **Economic**

The provision of contemporary surf club facilities can be an important economic attractor to a locality from a visitor and tourism perspective. Also, the inclusion within the building of community meeting and function rooms and modest commercial opportunities helps our shire ratepayers offset the considerable costs associated with construction and operation of the facility.

Legal / Resource / Financial Implications

The Council's resource commitment to date in relation to this project is to advance the planning for a new surf club building, in consultation with surf club members and the broader community, to a point where development consent for the project has been secured.

Council's Long Term Financial Plan does not provide funding to undertake the building project (assuming development consent is ultimately obtained). The intention is to fund the construction of the new facility through government grants, once it has achieved the status of being 'shovel ready'.

In relation to the Ballina facility, the Ballina Surf Club has committed to contributing to Council a total amount of \$415,000 toward the combined construction of Buildings A and B.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

To date, \$200,000 has been received, with an agreed payment plan in place for the remaining funds. This money has been, or is to be sourced either directly from the surf club or from external grants which the club has applied for and received toward the project.

As the Lennox Head project progresses, it may be reasonable to expect that club to provide or pursue funds, as has occurred in Ballina.

Consultation

The earlier part of this report makes reference to the scope of community and key stakeholder engagement which has been undertaken by or on behalf of Council to date.

As stated, and whilst negotiations have been protracted, liaison with representatives of the surf club has been critical in the preparation of the concept design drawings.

Two Councillor briefings (13 June and 31 July) have recently been held in regard to this project.

Surf club representatives have been in attendance at both briefings and have contributed positively and have provided valuable information to the discussions. At the second briefing Council's architects were also in attendance to discuss aspects of the proposed new building's conceptual design and layout.

This consultative process is envisaged to continue as the project progresses.

Options

Given the information provided, the Council is now invited to indicate its preferred direction in relation to this project.

Previously, there were discordant views within the membership of the club regarding the construction of a new building.

However, recent discussions between members of the club executive and Council staff confirm that the replacement building is seen as the preferred option.

What is also agreed is the basic configuration of the proposed building, as illustrated in the accompanying plans, with a point of contention being the allocation of the 75m² meeting room, which the club wishes to have control of as part of its dedicated area.

When combined with the adjoining club room, the club would have 150m² of floorspace on the first floor of the building, and opportunities for Council to generate a modest income from the casual hire of the meeting room would be relinquished.

Council would manage the use of Function Rooms 1 and 2, as illustrated in the accompanying plans.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

The club executive is adamant that unrestricted use of the 75m² meeting room is critical to the club's operations, particularly during summer months.

In the circumstances, it is suggested that the combined area of 150m² on the southern end of the proposed building's first floor be included in the area to be leased to the club.

More recent discussions have also raised the following issues:

1. The club prefers that the width of the proposed first floor covered balcony adjacent to its operational area be increased to enable a more effective use of this space
2. The club has asked that the nominated storage area on the first floor (closest to the balcony) be converted for dedicated surf club office usage (with visibility to the beach), with the second adjoining storage area being "reversed" to service the nominated club area

Indications are that this can be accommodated, however staff will work with our engaged architect to ensure that alternative storage can be provided to adequately service the adjoining function room spaces

3. A suggestion has been made to investigate the need, and associated costs, for the provision of piers to support the cantilevered first floor balcony.

The preliminary architect's view is that the proposed cantilevered balcony can be built without diminishing the structural integrity of the building over time. However, this will be confirmed through engineering advice

4. The external finish of the proposed building requires careful consideration.

A balance will need to be found to ensure the aesthetic of the building is not compromised whilst protecting against the harshness of the coastal environment and vandalism.

At this preliminary stage, the architect's preferred finish is painted concrete block at ground level. Some at the briefing felt this is not ideal, citing the sealed brickwork recently utilized at the Ballina Marine Rescue facility as a preferable alternative.

It is suggested that as the project moves forward, our architect be requested to prepare a "finishes board" and present this to Councillors for discussion through a further briefing

5. The architect has expressed a view at the recent briefing that in terms of the proposed building's durability, one could anticipate a practical "life expectancy" of 25 to 30 years.
6. The staff view is that the Australian Building Code Board's (ABCB) handbook promotes construction for buildings of this kind, located in a sensitive coastal environment, to achieve a normal minimum design life of 50 years. This is the standard which we will seek to pursue.

9.1 Lennox Head and Alstonville Surf Lifesaving Clubhouse

These additional matters will be discussed further with Council's architect and club representatives, and the concept plans refined accordingly, if the suggested changes can be reasonably accommodated, or in the case of the piers, are seen to be necessary.

Further consideration will be given to the external building finish.

Whilst none of the identified issues are seen as critical at this early stage of the project, it is acknowledged that it is desirable to settle on a preferred design and scope sooner rather than later, particularly for the purpose of community consultation and for development application assessment.

The other matter which remains outstanding, and should be resolved now, is the building management model.

For many years, the club has autonomously managed all of the floorspace within the existing surf club building and is thought to have derived considerable income through the direct lease of the kiosk and through casual hire of parts of the premises.

There has been no means of accurately and publicly accounting for the amount of revenue the club has derived from a property that is situated on community-owned land, or how these funds have been expended.

With the proposed future demolition of the existing building and transfer of operations to the new facility, the club contends it will be substantially impacted financially. To compensate, the club is requesting Council to make a recurrent annual contribution of \$50,000 + CPI to help fund lifesaving services.

This request is considered to be unreasonably high.

What has been envisaged is that Council will consider the same approach as employed with the Ballina Surf Club, whereby Council annually contributes funds, possibly to an amount equivalent to the income it receives through the lease of the kiosk within the building.

This would be determined based on the market response for the commercial occupation and use of this space. At this stage it is unclear what the commercial value of the spaces will be, so it is not appropriate to now agree on figures.

What is being sought is to balance support for the Shire's surf lifesaving clubs in recognition of the critical role their members play in protecting shire residents and our visitors, whilst generating funds to help offset the significant cost of operating and maintaining these buildings within the harsh coastal environment.

RECOMMENDATIONS

1. That Council notes the contents of this report relating to planning for a new Lennox Head and Alstonville Surf Lifesaving Club building within the coastal reserve in Lennox Head.
2. That subject to any design modifications arising from matters referred to in this report, the suite of plans attached to this report be used as a basis for obtaining relevant planning and other regulatory approvals, and to pursue external funding opportunities for the project.
3. The General Manager is authorised to liaise with the NSW Department of Industry – Crown Lands with a view to obtaining approvals for the construction of the proposed building within the Coastal Reserve, with the same or similar tenure and management arrangements which apply to the Ballina Surf Club property;
4. That Council agrees to the allocation of the parts of the first floor area of the building, shown as Club Room and Meeting Room in the attached plans and having a combined area of 150m², to the Surf Club for use in its service delivery. This is in addition to the area of the ground floor allocated for surf club use.
5. That the ground floor kiosk and first floor café/restaurant be made available through a commercial lease, with proposed Function Rooms 1 and 2 managed by Council for community use.
6. That Council endorses a similar approach for financially supporting the Surf Club as has been applied in support of the Ballina Lighthouse and Lismore Surf Lifesaving Club, with an annual contribution from the commercial elements of the facility, with that amount dependent on the market response to areas available for commercial lease.

Attachment(s)

1. Lennox Head and Alstonville Surf Lifesaving Club - Concept Design

9.2 Ballina Indoor Sports Centre - Naming

9.2 Ballina Indoor Sports Centre - Naming

Delivery Program Community Facilities

Objective To invite the Council's consideration of naming options for the proposed Ballina Indoor Sports Centre.

Background

The Council, at its Ordinary meeting held on 26 July 2018 authorised the General Manager to proceed to invite tenders for the construction of the abovementioned facility, having agreed to the detailed design and scope of works for the project.

At that meeting the Council also resolved that a report be prepared and submitted for consideration in relation to options for the naming of the proposed new facility.

This decision was made as a consequence of local resident, Mr Jim Pike making a deputation to the Council at that meeting, who advocated for the proposed new facility to be named after a very prominent former Ballina resident and exceptional sportsperson, Ms Kerry Saxby-Junna.

The following report responds to this resolution of the Council.

Key Issues

- Naming options and process
- Transparency of process

Information

From time to time Council receives requests for the naming of public infrastructure. Usually, these requests are unsolicited and can be prompted by a new facility being discussed or built, or alternatively, the Council itself initiates ideas or discussion about naming options.

As a means of assisting to consider these naming requests in a transparent and equitable way, Council has adopted a policy so that its preferences can be clearly recorded and articulated to the community. Not surprisingly, this policy is titled "Naming of Council Owned Facilities", a copy of which is provided as an attachment to this report.

The Council has also previously adopted another policy - "Naming of Roads, Bridges and Places" – which may be relevant to discussion concerning this item. A copy of this policy is also attached to this report.

Both policies are guidelines to assist Council, and enable staff to respond to community enquiries as and when they are received. The policies may be varied at the Council's discretion in particular circumstances, but it is helpful if a level of consistency is applied over time.

9.2 Ballina Indoor Sports Centre - Naming

Other general observations from staff are that it is preferable to name our facilities and infrastructure for what they actually are or represent.

Obscure names, or names whose significance diminishes over time, are not helpful for the community, and can be cumbersome in terms of marketing and promotion.

An example of this is the Lennox Head Cultural and Community Centre, which is the name that was adopted by Council for the purpose of lodging grant applications to initially fund the building's construction.

In practical, colloquial terms, the property is referred to and promoted as the Lennox Community Centre.

Similarly, for many years, the official name of the Alstonville Leisure and Entertainment Centre has been abbreviated to the ALEC for convenience, however more recently it has been referred to as the Alstonville Community Centre, as this is what resonates with the community and describes what the building is actually used for.

The Kentwell Community Centre in Ballina is so named because Ms Bernice Kentwell was a 'champion' for the establishment of a local community centre. Ms Kentwell also bequeathed a considerable amount of money toward the construction of this facility.

Turning to the proposal presented by Mr Pike, Council has various options available, including to adopt the suggested name or consider other alternatives that might be generated either through a public process or Councillor nomination and preference.

The third option, which is the recommended option, is to name the building for what it is intended to be, being the Ballina Indoor Sports Centre, abbreviated to BISC.

Through its deliberations in terms of design, scope and budget allocation, Council has determined that the new facility is principally intended to be a venue for sporting activities, though it will have a potential to be adapted for other activities, such as trade shows or some types of performances, either in isolation or in conjunction with the adjoining Ballina Coast High School space.

When one considers the extraordinary sporting achievements of Ms Saxby-Junna, there is a compelling argument that she should be recognized here in Ballina, as a former resident.

However, it is noted that Ms Saxby-Junna's sporting status was not attained through involvement in indoor sports, but walking. To that extent, naming an indoor sports facility after her could be seen as somewhat anomalous.

The section of shared pathway along Kingsford Smith Drive in Ballina, between the Ballina Naval and Maritime Museum and the Ballina Amphitheatre has been named the Kerry Saxby Walkway for a number of years, but it is fair to say this may not be widely known, nor is it well publicized and promoted.

9.2 Ballina Indoor Sports Centre - Naming

Council could take steps to better signpost this section of the path, or the naming association could be extended from, say, Captain Cook Park to the end of North Wall, for example.

It is suggested that the naming of a prominent pathway after Ms Saxby-Junna has a greater nexus with her outstanding career achievements than the naming of an indoor facility.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Recognition and promotion of Ms Saxby-Junna's extraordinary achievements in the field of competitive walking, and her association (and that of her family) with Ballina, can provide inspiration to others in our community.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The Council's consideration of this matter does not have any significant implications from a financial or resourcing perspective.

If it is preferred to adopt Ms Saxby-Junna's name for the purpose of the proposed indoor sports centre, appropriate steps will be taken to formalize that as we move into construction phase. NSW School Education may need to be consulted, given the relationship between the centre and the high school, it also being noted that Ms Saxby-Junna was a former student of the Ballina High School.

If Council prefers the naming and improved promotion of public pathway infrastructure after Ms Saxby-Junna, that can be arranged through appropriate signage, inclusion of information on Council's website, distribution of material through the Ballina Visitor Information Centre and the like.

It will be important to ensure that any action taken by Council has the prior written approval of Ms Saxby-Junna.

Consultation

No community consultation has been undertaken in relation to this matter.

Options

Council may agree with the tenor of the representations made by Mr Pike, or it may decline his request.

As an alternative, the Council could agree to improve the signage and otherwise better promote the existing shared pathway currently named after Ms Saxby-Junna and/or extend the named pathway.

9.2 Ballina Indoor Sports Centre - Naming

It is suggested that the alternative action/s would have a much stronger nexus with Ms Saxby-Junna's exceptional competitive walking achievements and, for this reason, forms the basis of the following recommendations.

As a matter of course, Ms Saxby-Junna would be contacted to confirm that she is supportive of her name being used in the manner proposed, and whether she prefers the use of her married or maiden name.

Finally, it is noted that in preparing this report, informal enquiries were made with the NSW Geographical Names Board (GNB) regarding the status of the currently named Kerry Saxby pathway.

Its records acknowledge that this name is "in use" within Ballina Shire but apparently do not indicate whether the naming of the place (being the pathway) has the approval of the Board.

If a decision is made to extend the currently named section, staff may need to liaise more formally with the GNB to address procedural matters.

RECOMMENDATIONS

1. That Council notes the contents of this report relating to the potential naming of the proposed Ballina Indoor Sports Centre.
2. That Mr Jim Pike be thanked for his interest in raising the matter with Council.
3. That Council confirms the proposed new facility is to be named the Ballina Indoor Sports Centre, abbreviated to BISC, for the purpose of marketing and general promotion.
4. That Council extend the currently named Kerry Saxby (or Kerry Saxby-Junna) pathway in Ballina from Captain Cook Park to the eastern end of the North Wall. Further, in the event this naming is approved following liaison with Ms Saxby-Junna and the NSW Geographical Names Board, the General Manager is authorized to allocate resources to refresh and upgrade interpretive signage along the path to highlight Ms Saxby-Junna's competitive walking prowess.

Attachment(s)

1. Policy - Naming of Roads, Bridges and Places
2. Policy - Naming of Council Owned Facilities

9.3 Land Classification - Murrogun and Quandong Place, Wollongbar

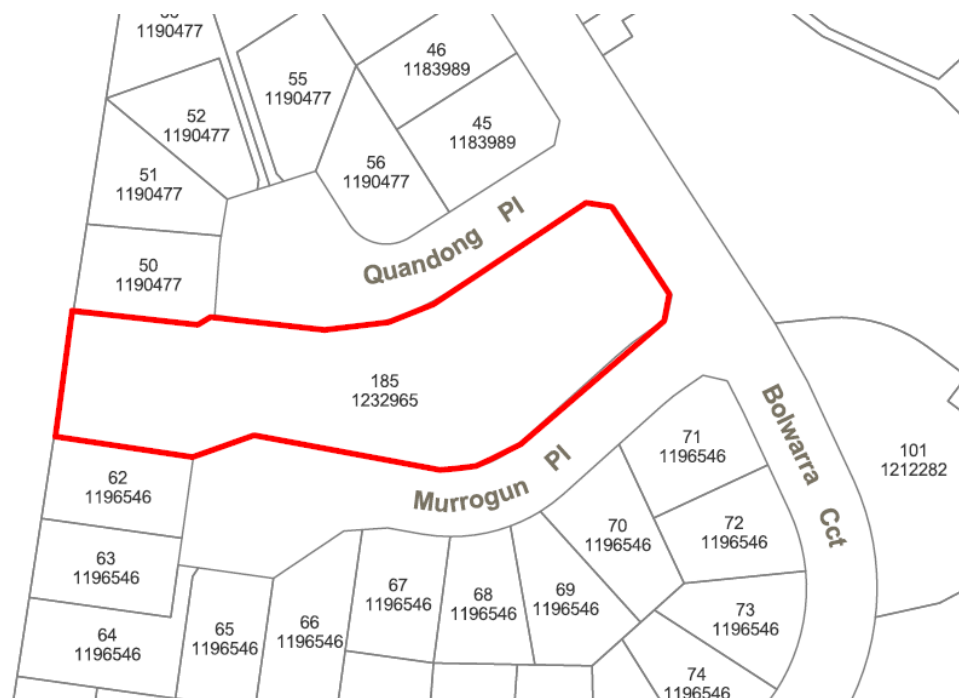
9.3 Land Classification - Murrogun and Quandong Place, Wollongbar

Delivery Program Strategic Planning

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

Background

Lot 185 in DP 1232965 is located between Murrogun and Quandong Place in Wollongbar. The land has recently been registered as a new allotment and dedicated to the public (Council) for the purpose of 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 this residential subdivision.

The purpose of this report is to determine the classification of Lot 185 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 Local government 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.

Lot 185 has an area of 4,308m² and is zoned R3 Medium Density Residential under the provisions of Ballina Local Environmental Plan 2012.

As Lot 185 has been created to contain stormwater management infrastructure and does 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 22 June 2018 upon the registration of DP 1232965 and therefore the three month classification "window" expires on 22 September 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 11 July 2018 in accordance with section 34 of the Act. Submissions were invited until 10 August 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 185 in DP 1232965 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 10 August 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 primarily 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 classifies the land identified as Lot 185 DP 1232965, being land located between Murrogun and Quandong Place, 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 - July 2018

10. General Manager's Group Reports

10.1 Investment Summary - July 2018

Delivery Program Financial Services

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the Ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of July 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 31 July was \$75,438,000. This represents no movement in the overall balance from June. Council's investments, as at 31 July, are at an average (weighted) rate of 2.83%, which is 0.81% above the 90 Day Bank Bill Index of 2.02%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 July 2018, was \$3,711,937. This balance is lower than the balance of \$5,810,332 as at 30 June 2018. The combined movement of investments and bank balances was a decrease of \$2,098,395. This overall decrease is attributable to payments in the month of July.

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%
Total		100%

* 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 - July 2018

A. Summary of Investments by Institution

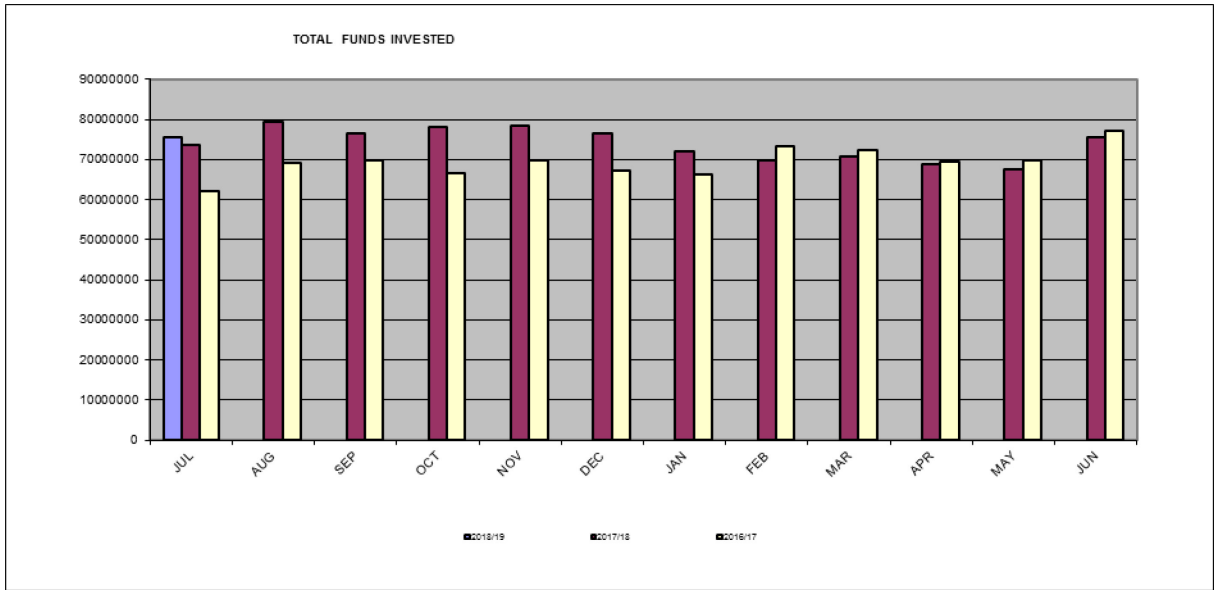
Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.4%	2%
Rated Institutions							
AMP Bank	Yes	A	10,000	10,000	20%	13.3%	
Auswide Bank	No	BBB	1,500	1,500	10%	2.0%	
Bank of China	Yes	A	2,000	2,000	20%	2.7%	
Bank of Queensland	Yes	BBB+	2,000	4,000	10%	5.3%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	4.0%	
Commonwealth Bank of Australia	Yes	AA-	7,000	5,000	20%	6.6%	
Credit Union Australia	No	BBB	3,000	3,000	10%	4.0%	
Defence Bank Ltd	No	BBB	4,500	5,500	10%	7.3%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.7%	
Heritage Bank	No	BBB+	4,500	4,500	10%	6.0%	
ING Bank Ltd	Yes	A	5,000	5,000	20%	6.6%	
ME Bank	No	BBB	4,750	3,750	10%	5.0%	
My State Bank Ltd	No	BBB+	5,000	5,000	10%	6.6%	
National Australia Bank	Yes	AA-	4,000	2,000	20%	2.7%	
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	1,700	1,700	10%	2.3%	
Westpac Banking Corporation	Yes	AA-	9,000	11,000	20%	14.6%	98%
Total			75,438	75,438		100%	
Credit Rating Summary as per the Investment Policy							
	Maximum Allowed		Value	Value	%	%	
	%	Value	Previous	Current	Previous	Current	
A- or Higher	100%	75,438	37,000	35,000	49%	46%	
BBB	60%	45,263	38,438	40,438	51%	54%	
Total			75,438	75,438	100%	100%	

B. Summary of Investments Fossil Fuel Aligned

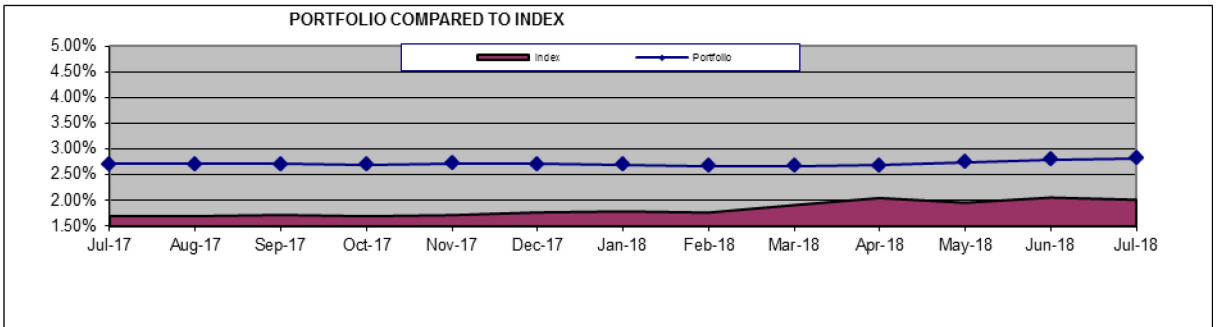
	Previous Month	Current Month
Fossil Fuel Aligned	40,788 54%	40,788 54%
Non-Fossil Fuel Aligned	34,650 46%	34,650 46%
Not Classified	0 0%	0 0%
Total	75,438 100%	75,438 100%

Classification based on advice from 'Market Forces' and 'Bank Track'.

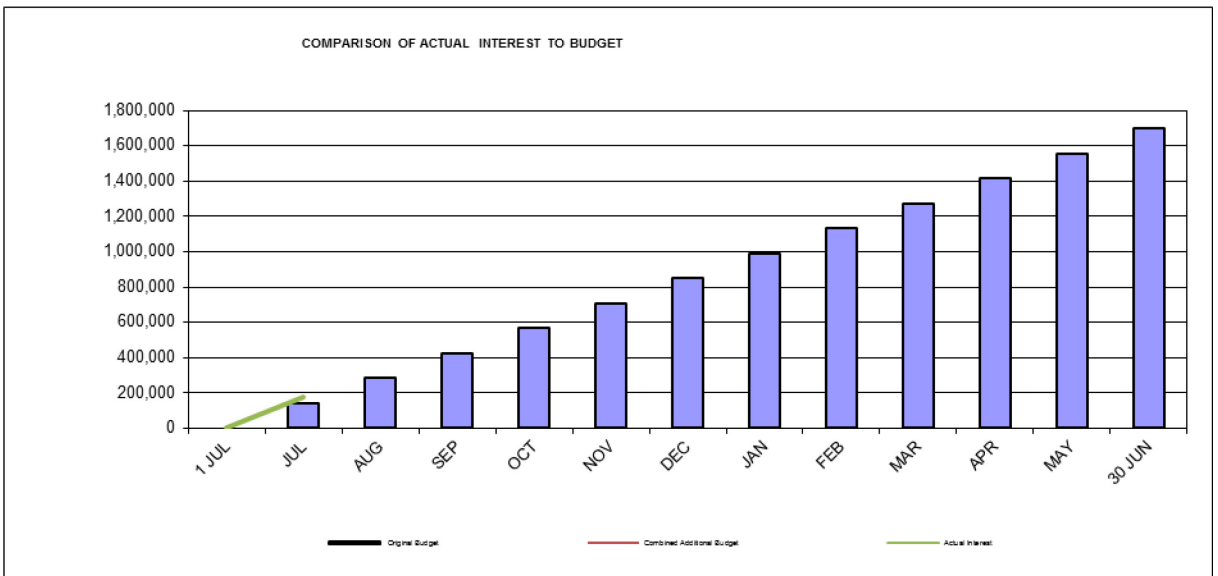
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



10.1 Investment Summary - July 2018

F. Investments held as at 31 July 2018

PURCH DATE	ISSUER	TYPE	RATE	NEXT MATURITY	PURCH VALUE \$'000	FAIR VALUE \$'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
09/10/17	Westpac Banking Corporation	TD	2.57%	09/10/18	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	751
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	1,502
15/08/17	ING Bank Ltd	TD	2.68%	15/08/18	1,000	1,000
16/08/17	AMP Bank	TD	2.65%	16/08/18	1,000	1,000
17/08/17	ING Bank Ltd	TD	2.70%	17/08/18	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	1,004
30/06/16	Commonwealth Bank of Australia	FRN	3.14%	30/09/18	1,000	1,000
02/07/18	Teachers Mutual Bank Limited	FRN	3.47%	02/10/18	700	701
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
26/07/16	Commonwealth Bank of Australia	FRN	3.04%	26/10/18	1,000	1,000
30/07/18	Westpac Banking Corporation	FRN	2.89%	30/10/18	1,000	1,000
31/07/18	Westpac Banking Corporation	FRN	2.89%	31/10/18	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
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
27/07/18	Bank of Queensland	TD	2.80%	01/02/19	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
10/07/18	Defence Bank Ltd	TD	2.90%	09/04/19	1,000	1,000
27/06/18	Heritage Bank	TD	3.05%	24/06/19	2,000	2,000
Totals					75,438	75,163

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 July 2018.

Attachment(s)

Nil

10.2 Donation - Rates and Charges 2018/19 - Seabird Rescue

10.2 Donation - Rates and Charges 2018/19 - Seabird Rescue

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 for Seabird Rescue.

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.

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).

At the 26 July 2018 Ordinary Meeting Council gave approval for rates and charges donations as per the tabled report with the exception of the Australian Seabird Rescue. This organisation was excluded from the approval as Council did not have a quorum to make that determination, once the councillors declaring an interest in the organisation left the meeting.

Without a quorum able to vote on the donation this matter has been carried forward to the August meeting.

Seabird Rescue is a Category C Organisation, which under the rates and charges donations policy, Council donates the equivalent of the annual sewer charges from the backlog sewer debt outstanding for the property.

There were three community based properties that formed part of the original decision on the donations for the sewer backlog program, with the other two having now had their original debt donated in full.

What occurred at that time was that due to the community service focus of the three non-residential properties, Council approved an annual donation for the wastewater access and volumetric charges for those properties, with that donation to reduce the cost of the debt to each property for Council providing backlog sewer.

This was to avoid financial hardship for the three community groups as the Council decision to provide backlog sewer, which other property owners were required to fund (residential property owners paid 20% of the total cost and non-residential paid 100%), was based on improved environmental and public health outcomes.

10.2 Donation - Rates and Charges 2018/19 - Seabird Rescue

As the financial burden on the community groups was considered to be unreasonable, the Council policy was amended to annually donate a contribution to that backlog sewer debt.

Seabird Rescue has a smaller annual access charge than the other two non-residential properties and does not have a wastewater volumetric charge, as it is not connected to the Council water supply. This means the original debt is being repaid at a relatively slow rate.

The backlog sewer donation process began in 2009/10 and for Seabird Rescue the original debt was \$9,516 and the remaining balance is \$4,531. One option that Council may wish to consider as part of this report is to finalise the donation to Seabird Rescue for the backlog sewer. The donation has been running for 11 years, with an estimated six more years to run. The donation is funded from the Wastewater Fund, which is able to absorb the full amount.

Key Issues

- Donation of backlog sewer contribution charge and possible finalisation

Information

The following table is the figure to be donated for the 2018/19 rating year based on the policy for Seabird Rescue.

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 (\$)
Category C 100% of all wastewater charges until backlog wastewater program capital contribution is paid in full								
126822	Seabird Rescue	0	0	735	0	0	0	735

The following table is the backlog sewer debtor balance for Seabird Rescue.

Table Two – Backlog Sewer Debtor Balance

Assess No.	Organisation	Total Backlog Charge	Donations made 2009/10 through 2017/18	Remaining debt
126822	Seabird Rescue	9,516	4,985	4,531

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

Donations are funded in the 2018/19 Operational Plan with the backlog sewer funded from Wastewater.

Consultation

The policy and annual Operational Plan are exhibited prior to adoption.

Options

The options are to approve, or not approve, in full or part, the backlog sewer debt donation for the Australian Seabird Rescue.

Overall it is considered timely for Council to now finalise the backlog sewer donation for Seabird Rescue.

The annual donation process for the three community based groups (Seabird Rescue, Jehovah's Witness Church, Richmond Christian School) was based on annual donations equivalent to the wastewater access (and consumption charges) to spread the value of the donation over a number of years.

With there now being more than ten years since the process commenced it is timely to finalise this donation and the Wastewater Fund is in a position to absorb the value of the donation based on the remaining balance.

RECOMMENDATIONS

1. That Council approves the donation of the remaining balance of the backlog sewer debt of \$4,531 for the Australian Seabird Rescue pursuant to Section 356 of the NSW Local Government Act 1993.
2. That Council approves an amendment to the Donations – Rates and Charges policy to remove all references to the Backlog Sewer Program with all donations and debts having now been donated in full.

Attachment(s)

Nil

10.3 Budgets Carried Forward and Reserve Movements

10.3 Budgets Carried Forward and Reserve Movements

Delivery Program Financial Management

Objective To provide a preliminary overview of the 2017/18 end year outcomes and to advise Council of any budgets carried forward to 2018/19, along with the transfers to reserves included in the finalisation of the 2017/18 results.

Background

The purpose of this report is to provide a preliminary overview of the 2017/18 financial results. The report also seeks approval to carry funds forward from 2017/18 to 2018/19 for ongoing or incomplete projects and to advise on transfers to reserve for future use.

In addition, a further adjustment to the Long Term Financial Plan is proposed to remove the \$950,000 property sale which had previously been required to finance the Ballina Indoor Sports Centre. Due to the high level of developer contributions received during the 2017/18 year, the available recoupments for the Community Infrastructure Reserve are higher than forecast. As a consequence, the end 2017/18 position for the Community Infrastructure Reserve is sufficient that the proposed asset sale is no longer necessary.

Key Issues

- Financial performance

Information

This section of the report provides a brief overview of the results for the different operations of Council.

The results are subject to change due to end year accounting adjustments, such as leave accruals, however they provide a reasonable summary of the outcomes for 2017/18.

General Fund

Table One outlines the General Fund Operating Result, with the result being \$1.9 million above forecast.

The majority of this relates to \$1.59m in operating expenditure for projects to be carried forward to 2018/19.

Operating revenue was close to forecast, exceeding the forecast by \$37,000.

Operating expenditure was below budgeted expenditure by \$3.0 million. As mentioned, \$1.59m (approximately 52%) of this 'improvement' represents operating expenditure related projects in progress and the unexpended budgets will be carried forward to the 2018/19 financial year.

10.3 Budgets Carried Forward and Reserve Movements

Some of the larger carry over items are \$325,000 for the Building Better Regional Cities (BBRC) Landbuyers Scheme (the full amount of the rebates has been allocated however they have not yet settled), \$178,800 for Duck Creek Mountain access (community group project for access to the mountain bike site), \$149,400 for natural disaster culvert / pavement works, \$149,900 for the Healthy waterways program and \$104,900 for grant related vegetation works.

Depreciation expense was above budget by \$1.0 million. This is a difficult item to forecast, and is dependent on the timing of new expenditures and disposal of assets each year.

The operating results by program for the General Fund are outlined in the following table.

Table One: General Fund – Draft Operating Result by Section (\$'000)

Description	Revenues Estimate	Revenues June Actual	Expenses Estimate	Expenses June Actual	Result Estimate	Result June Actual
Strategic and Community Facilities Group						
Strategic Planning	319	402	1,393	1,145	(1,074)	(743)
Community Facilities	527	544	1,102	1,062	(575)	(518)
Northern Rivers Comm Gallery	157	157	377	317	(220)	(160)
Library Services	124	124	1,506	1,453	(1,382)	(1,329)
Swimming Pools	45	44	853	847	(808)	(803)
Tourism	212	221	609	587	(397)	(366)
Sub Total	1,384	1,492	5,840	5,411	(4,456)	(3,919)
Development and Environmental Health Group						
Development Services	649	683	2,365	2,421	(1,716)	(1,738)
Building Services	1,315	1,418	1,178	1,219	137	199
Environment and Public Health	412	388	1,540	1,187	(1,128)	(799)
Public Order	261	297	554	567	(293)	(270)
Sub Total	2,637	2,786	5,637	5,394	(3,000)	(2,608)
Civil Services Group						
Asset Management	316	317	2,428	2,423	(2,112)	(2,106)
Procurement and Building Mgmt	0	0	2,088	2,002	(2,088)	(2,002)
Stormwater and Env Protection	531	412	1,070	884	(539)	(472)
Roads and Bridges	1,554	1,445	3,598	3,436	(2,044)	(1,991)
Ancillary Transport Services	437	358	1,342	1,207	(905)	(849)
Ferry, Wharves and Jetties	495	504	716	805	(221)	(301)
Roads and Maritime Services	938	946	766	700	172	66
Open Space and Reserves	396	432	2,789	2,774	(2,393)	(2,342)
Vegetation Management	56	51	398	254	(342)	(203)
Cemeteries	406	355	291	311	115	44
Sporting Fields	0	0	409	473	(409)	(473)
Fleet Management and Workshop	257	246	(761)	(700)	1,018	946
Rural Fire Service	194	189	424	414	(230)	(225)
Quarries and Sandpit	65	64	653	165	(588)	(101)
Landfill and Resource Mgmt	2,098	2,084	1,164	856	934	1,228
Domestic Waste Management	6,532	6,531	5,944	5,920	588	611
Sub Total	14,275	13,934	23,319	21,924	(9,044)	(8,170)
General Manager's Group						
Communications	22	19	2,338	2,269	(2,316)	(2,250)
Financial Services	26,525	26,678	(4,384)	(4,411)	30,909	31,089
Information Services	103	114	2,656	2,490	(2,553)	(2,376)
Human Resources and Risk Mgmt	303	342	1,157	1,207	(854)	(865)
Property Management	2,159	2,139	2,120	1,582	39	557
Flat Rock Tent Park	438	418	286	254	152	164
Ballina-Byron Gateway Airport	6,785	6,746	4,296	4,111	2,489	2,635
Sub Total	36,335	36,456	8,469	7,502	27,866	28,954
Operating Result (excl deprec)	54,631	54,668	43,265	40,231	11,366	14,257
Depreciation Expense	0	0	13,504	14,508	13,504	14,508
Operating Result (incl deprec)	54,631	54,668	56,769	54,739	(2,138)	(251)

10.3 Budgets Carried Forward and Reserve Movements

Even though the net result is better than forecast, it is important to note the impact of the carry forward works on the bottom line for 2017/18, and also to again note that the overall result will change once year end accounting adjustments are completed.

Although the 2017/18 year looks close to approaching a breakeven result prior to end year accounting adjustments, Council's Long Term Financial Plan highlights the difficulties that the General Fund will have in achieving sustainable operating surpluses for future years and this year's result is still an operating loss.

The approved special rate variation for 2018/19 and 2019/20 will help address the operating loss although the forecast operating surpluses are relatively small and Council must continue to tightly control its operating expenses.

Brief comments for each section on the major items of interest for the final quarter of the year (i.e. comparisons to forecast) are as follows:

Strategic and Community Facilities

Strategic Planning

Interest earned on section 94 balances was \$64,400 higher than forecast.

Rezoning fees and income from community property were \$11,000 and \$8,300, respectively, higher than forecast.

Expenditure was \$248,000 below forecast and a large proportion of this relates to plans, studies and rezoning works in progress.

The next part of this report identifies \$111,500 to be carried forward to the next financial year, to allow these projects to continue.

Net savings across a number of areas totalling \$20,200 have been transferred to reserve. The largest underspend was in relation to planning proposals and LEP amendments, \$24,000 below forecast.

Other unspent budgets, for identifiable projects, totalling \$101,600 have been transferred to reserve. Long term staff absences and vacancies for this section resulted in delays to some strategic planning studies.

Community Facilities

The favourable variation in operating income includes \$8,000 for the Lennox Head Cultural and Community Centre and \$7,000 for the Alstonville Leisure and Entertainment Centre.

Operating expenditure was \$40,000 less than forecast, with \$14,700 transferred to reserve and net savings of approximately \$25,000 across other areas.

Gallery

The majority of underspend for Gallery operating expenses relates to two grant funded projects, for which \$55,800 are identified in the carry forwards.

10.3 Budgets Carried Forward and Reserve Movements

Library Services

Operations came in close to forecast with the net cost being approximately \$1,329,000.

The expenditure saving to budget largely represents grant funded projects of \$35,200 which will be carried forward to 2018/19 and savings in electricity expenses of \$14,000.

Swimming Pools

Operations were close to the March 2018 forecast, with an operating deficit of \$803,000.

Tourism

The favourable variation in operating income is largely for commission income for accommodation bookings, being \$8,000 above forecast.

Overall expenditure realised savings of \$22,000, the largest individual item being an under spend of \$10,000 on tourism promotional expenses.

Net savings across a number of areas totalling \$24,400 have been transferred to reserve.

Development and Environmental Health

Development Services

Income exceeded forecast by \$34,000 with higher than forecast fines contributing \$22,000 to the final outcome.

Expenses were \$56,000 more than the forecast as at March 2018, with legal expenses totalling \$931,000 (\$66,000 above forecast) offset in part by unspent the quarries baseline survey costs of \$23,000 transferred back to reserve until required.

Building Services

Income exceeded forecast by \$103,000 with a strong final quarter contributing to the result.

This was offset in part by expenses, a result of employee costs, exceeding forecast by \$53,000 with the continued use of casual staff engaged to manage the workload for this section.

Environmental and Public Health

Operating income was under budget by \$24,000, predominantly due to grant funding of \$32,000 still to be received for the Reinstate Coastal Ecologically Endangered Communities (EEC) Environmental Trust project. This income budget has been carried forward to 2018/19.

Operating expenditure was \$353,000 below forecast. Of this, amounts totalling \$345,600 are items for carry forward to 2018/19.

10.3 Budgets Carried Forward and Reserve Movements

The carry forwards include \$149,900 for the Healthy Waterways program, \$98,500 for the Reinstate Coastal EEC Environmental Trust project and \$91,300 for the Lake Ainsworth Management Plan.

The Healthy Waterways program monies have been carried forward as we have two grants we are applying these funds against, which then helps to extend the Council funds for additional projects.

Public Order

Operating income exceeded budget by \$36,000, with parking fines accounting for \$32,000 of this variation.

Operating expenditure exceeded budget by \$13,000, with employee cost overs of \$25,000 offset in part by a number of savings in other items.

Net savings across a number of areas totalling \$20,000 have been transferred to reserve.

Civil Services

Asset Management

Both operating income and operating expenses were close to forecast.

Procurement and Building Management

Preliminary operating expenditure was under forecast by \$86,000 in total, of which there was a favourable variance of \$107,000 relating to depot stockpiles and savings in depot employee costs of \$20,000.

These unders were offset, in part, by overs of \$15,000 for public toilet maintenance and \$15,000 for depot building maintenance.

Stormwater and Environmental Protection

Operating income was under budget by \$119,000, due to grant funding not received, predominantly for the Ballina Flood Risk Study and Coastal Zone Management Plan, as the expenditure was not undertaken.

Operating expenses were \$186,000 less than forecast, with less expenditure on the above noted projects.

Of total budgeted expenditure, \$27,800 is being carried forward to 2018/19.

The carry forward budgets for projects in progress are \$21,800 for the Enviro Trust Video and \$6,000 for Ballina Flood Management Third Party Modelling.

Amounts totalling \$86,100, being unspent budgets of \$51,100 for canal dredging and \$35,000 for CZMP, have been transferred to reserve until required.

10.3 Budgets Carried Forward and Reserve Movements

Roads and Bridges

Operating income was under budget by \$109,000. Budgeted grant revenue of \$133,000 for natural disaster funding is yet to be received and is carried forward to 2018/19. Interest earned on the Alstonville Bypass and Ballina Bypass reserves was \$22,700 higher than forecast.

Operating expenditure was less than budget by \$162,000, of which \$149,400 is carry forward budgets to 2018/19 for natural disaster expenditure still to be carried out. The natural disaster outstanding works are \$100,700 for the Cooks Lane culvert, \$39,100 for pavement restoration and \$9,600 for scour restoration.

Other net savings of \$13,000 were realised across this program.

Ancillary Transport

Operating income was \$79,000 below forecast.

Grant funding of \$100,000 is still to be received from the RMS for the Duck Creek Mountain works.

Other grant funding of \$16,800 is still to be received for Country Passenger Transport Infrastructure.

These amounts have been carried forward to 2018/19.

Private works income was \$43,000 above forecast.

Operating expenditure was \$135,000 lower than budget.

Large contributors to this are the Duck Creek Mountain works, with a budget of \$178,800 and the Country Passenger Transport Infrastructure, with a remaining budget of \$20,000, which have been carried forward to 2018/19.

The above was offset in part by expenditures over budget of \$76,000 for street lighting and \$43,000 for private works.

The street lighting expense has increased substantially in recent years as follows:

2017/18 \$625,800
2016/17 \$586,000
2015/16 \$469,000
2014/15 \$506,000

There were savings in the footpaths budgets, of which \$21,000 was placed into reserve.

Ferries, Wharves and Jetties

Operating income was \$9,000 above budget.

10.3 Budgets Carried Forward and Reserve Movements

Operating expenditure was \$89,000 above budget. The significant contributor was the high costs incurred during the year for the slippage and overhaul.
Roads and Maritime Services (RMS)

Costs in this section are funded by a grant from the RMS.

Operating expense was \$66,000 less than budget which was offset slightly by capital expenditure over by \$4,000.

Within the operating expenditure, \$15,000 is a carry forward budget to 2018/19 for natural disaster expenditure for Tamarind Drive still to be carried out.

Whilst this program indicates a net underspend, the amounts received from the RMS can be fully acquitted, as certain expenses which can be acquitted under this funding have been captured within the Roads and Bridges program.

Open Spaces and Reserves

Operating income was \$36,000 more than forecast, the larger contributors being \$13,000 additional contributions from DFACS for regional and nursery crew salaries, \$9,000 for open spaces licence revenue and \$7,000 for nursery sales.

Expenses were \$15,000 less than forecast, with savings approximating \$30,000 across a large number of operations offset by higher than forecast surf life-saving contract costs.

Vegetation Management

Expenditure savings to budget relate to a number of ongoing grant funded vegetation works, with total carry forwards of \$104,900.

Cemeteries

Cemetery fees were \$51,000 below forecast and operating expenses were \$20,000 above forecast, resulting in the transfer to reserve from operations being \$75,000 below forecast.

Sporting Fields

Expenses were \$64,000 above forecast.

Of this, \$25,000 was incurred for unbudgeted works on the Wollongbar sports field access.

The remaining \$39,000 represents higher than forecast sporting grounds working expenses, with the larger individual overs being for Saunders Oval, Crawford Park, Hill Park and Williams Reserve, offset only in part by savings for Pacific Pines, Wollongbar TAFE, Skennars Head and Fripp Oval sports fields.

Fleet Management and Workshop

Income was \$11,000 below forecast.

10.3 Budgets Carried Forward and Reserve Movements

The total expenditure line has an unfavourable variance of \$61,000. Plant charged to works (which is revenue to the plant fund and shows as a negative in expenses) was \$113,000 less than forecast.

This was offset by savings in other expenditure line items totalling \$50,000.

Savings of \$68,000 for plant lease payments and \$47,000 for small plant maintenance were slightly offset by higher plant repair costs approximating \$60,000 and registration/insurance costs approximating \$5,000.

Quarries and Sandpit

Operating expense \$488,000 below forecast, of which \$491,000 relates to the Tuckombil and Stokers Expansion Study and Rectification Works which have not commenced. These amounts are being included in the transfer to reserve rather than carried forward as expenditure items, until required.

With a dividend to General Fund of \$104,000 (for the Shaws Bay Coastal Zone Management Plan) the Quarry reserve will decrease by \$102,000.

Landfill and Resource Management (LRM)

A net surplus of \$1,228,000 was achieved which was \$294,000 better than forecast.

Recent confirmation of a credit for State Government Levy favourably impacted the result by approximately \$110,000 together with savings of \$59,000 for concrete processing/handling and savings across a large number of cost centres were offset by \$125,000 overspend in transport costs for recyclates.

There were also carry forwards of \$56,000 and \$6,000 for the asbestos and Contract Development and Negotiation (CDS) programs.

Domestic Waste Management (DWM)

DWM operations produced a net surplus of \$611,000.

Plant charged to works, which is included as a negative within expenditure, was \$70,000 above forecast.

This was offset in part by over spend for organics collection and disposal cost.

General Manager's Group

Communications

Total operating expenditure was impacted by \$19,000 savings in councillor allowances and expenses, an under spend of \$19,000 for public hall donations and \$15,000 savings in office staff mobile calls, offset by overspend in printing costs of \$21,000.

There is carry forward expenditure of \$25,000 for the community event program.

10.3 Budgets Carried Forward and Reserve Movements

Financial Services

Similar to the previous year, the Financial Assistance Grant (FAG) was paid in advance, with advance funds of \$2,220,700 received in June 2018 compared to \$2,108,000 million received in June 2017.

There is a net impact of \$112,700 on the operating result, with this amount transferred to reserve.

Other favourable outcomes included interest on investments exceeding forecast by \$64,300 and legal costs recovered exceeding forecast by \$14,000.

Operating expenses were below forecast, with the larger contributor being savings in employee costs of \$23,000 and carry forward expenditure of \$9,000 to 2018/19 for revaluation costs to be incurred.

Information Services

Information fee income for the year totalled \$113,000, above forecast by \$13,000.

Large savings realised were \$107,000 in salaries, \$37,000 on software support and \$28,000 in software licence costs. An amount of \$50,000 has been transferred to reserve for future projects.

Human Resources and Risk Management

Operating income was \$39,000 more than forecast, the largest contributor being additional bonus refund of \$30,000 from Statewide.

This section of the budget manages amongst other things staff leave, superannuation, workers compensation and public liability for the entire organisation which have a total expenditure budget of approximately \$8 million.

Preliminary staff leave expenditures are over budget by \$99,000, however this will be revised when the required year-end accounting adjustments for leave provisions are completed.

Savings achieved in the section include recruitment and training costs \$43,000 and workers compensation costs \$15,000.

There are also carry forwards of \$49,800 and \$2,000, respectively, relating to the grant funded Elson Dixon Employment program and WHS costs.

Recoupment for staff on-costs are also located in this area.

On-costs are a percentage based increase to wages that looks to apportion costs for leaves, super and insurances to discreet sections such as water, wastewater, waste, roads etc.

Human Resources receive the credits from the on-costs and the budget is \$6.9 million. In this period there were negative variations of \$67,000, which represents less than 1% of forecast.

10.3 Budgets Carried Forward and Reserve Movements

Property Management

The Building Better Regional Cities (BBRC) Section 94 and Section 64 \$25,000 rebates are shown in this program and these costs totalled \$400,000 in 2017/18, compared to budgeted \$725,000. The remaining rebates (totalling \$325,000 for 13 lots within the Ballina Heights Scheme) have been carried forward to 2018/19.

Unexpended funds of \$52,000 for Wollongbar Estate will also be carried forward to 2018/19.

Ballina Byron Airport

The Airport achieved an operating surplus of \$2,635,000 excluding depreciation. This was \$146,000 higher than the most recent forecast.

Operating income was very close to forecast, coming in at \$39,000 under forecast.

Operating expenditure was \$185,000 lower than forecast, with the larger areas of savings being \$29,000 for building area/roads costs, \$19,000 for electricity, \$19,000 for cleaning contracts.

Water Operations

The preliminary result for Water Operations is shown in Table Two, with a comparison to the March forecast.

Table Two - Water Operations – Draft Financial Results (\$'000)

Item	March Estimate	June Actual
Operating Revenues	12,373	12,583
Operating Expenses	10,994	11,020
Operating Surplus	1,379	1,563
Eliminate Depreciation Expense	1,380	1,413
Surplus Excluding Depreciation	2,759	2,976
Capital Income	925	1,075
Capital Expenditure	3,384	2,001
Net Cash Increase	300	2,050

The operating result is positive, inclusive of depreciation, which is a very important benchmark to achieve. This goes a long way to ensuring that the business is sustainable over the long term.

Operating income came in higher than the March 2018 forecast, with increases to budgeted water consumption income made in the last two quarterly budgets and interest earned on reserves also above forecast.

Operating expense was \$26,000 more than forecast, with operating expenses and depreciation both being close to forecast.

Operating expenses have been well controlled in recent years as per the following summary.

10.3 Budgets Carried Forward and Reserve Movements

Table Three – Water Operations – Operating Expenses (\$'000)

Item	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
Operating Expenses	9,607	9,721	9,287	9,516	8,990	8,554	8,151	7,568
Less Purchase of Water	5,978	5,887	5,703	5,720	5,420	5,143	5,035	4,264
Net Operating Expenses	3,629	3,834	3,584	3,795	3,570	3,411	3,116	3,304
Annual Change	-5.3%	7.0%	-5.6%	6.3%	4.7%	9.5%	-5.7%	
Average Change P. A.	1.5%							

Once the Rous Water purchase of water figure is eliminated the expenditure that can be controlled by Council, has increased, on average, by 1.5% per annum (exclusive of depreciation).

The capital income figure in Table Two refers solely to developer contributions which amounted to \$1,075,000 for the year.

Capital expenditure was \$2.0 million which was \$1.4 million less than forecast.

Budgets carried forward for works not completed amount to approximately \$770,000.

Wastewater

The preliminary result for Wastewater Operations is shown in Table Four, with a comparison to the March forecast.

Table Four - Wastewater Operations – Draft Financial Results (\$'000)

Item	March Estimate	June Actual
Operating Revenues	18,297	18,368
Operating Expenses	17,322	16,701
Operating Surplus	975	1,667
Eliminate Depreciation Expense	3,775	3,495
Surplus Excluding Depreciation	4,750	5,162
Capital Income	2,089	2,410
Capital Expenditure	10,823	9,603
Net Cash Increase	(3,984)	(2,031)

For a business of this size actual operating income was close to forecast, with annual charges and interest earned being higher than forecast.

Operating expense excluding depreciation was \$341,000 less than forecast, with the largest saving in treatment scheduled maintenance, \$93,000 under budget.

Depreciation expense was below budget by \$280,000.

The end result was a surplus of \$1,667,000, an improvement of approximately \$692,000 from the March forecast.

Capital income includes developer contributions of \$2,371,000 and backlog sewer income of \$40,000.

Developer contributions were over forecast by \$282,000. This is a difficult item to forecast and is very variable year on year.

10.3 Budgets Carried Forward and Reserve Movements

Capital expenditure includes loan capital repayments of \$3.1 million whilst total capital expenditure on assets was \$1.2 million less than forecast.

Budgets carried forward for works not completed amount to approximately \$961,000.

In addition to the identified carry forward capital works budgets, a further review of capital budgets was completed based on revised total budget costs for the SCADA upgrades.

These works have also been listed in Table Six, noted as additional budget, and amount to \$212,900.

There are sufficient wastewater reserves to finance these projects. This brings the total budget to be added to the adopted 2018/19 budget to \$1.17 million.

Similar to the Water Operations, the operating expenses for Wastewater have also been well controlled in recent years as per the following summary.

Table Five – Wastewater Operations – Operating Expenses (\$'000)

Item	2017/18	2016/17	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
Operating Expenses	13,206	13,385	13,469	13,686	13,091	11,141	8,749	7,728
Less Loan Interest	4,055	4,449	4,346	4,648	4,767	3,267	1,173	8
Net Operating Expenses	9,151	8,937	9,124	9,039	8,324	7,874	7,576	7,719
Annual Change	2.4%	-2.0%	0.9%	8.6%	5.7%	3.9%	-1.9%	
Average Change P. A.	2.5%							

Once the loan interest is deducted (being a cost not directly controlled by staff) the expenditure that can be controlled has increased, on average, by 2.5% per annum (exclusive of depreciation).

These average increase results of 1.5% for Water and 2.5% for Wastewater are excellent outcomes and it is essential that Council continue to minimise operating expenses to reduce the need for increases in the access and usage charges for what are monopoly operations.

Works Carried Forward and Reserve Transfers

It is important for budgeting purposes that any incomplete projects / tasks / actions that are still on-going are carried forward to the next year (2018/19). This ensures that the current budget reflects the totality of the works and services program.

Table Six shows ongoing works that are proposed to be commenced or completed in 2018/19, whilst Table Seven shows transfers to reserve.

Typically items in Table Six have previously been approved by Council and the designated funding source will also be carried forward.

As noted earlier a review of wastewater capital budgets has identified a further \$220,000 budget to be added to the 2018/19 capital works program, in addition to the carry forward budgets.

These additional capital works budgets are funded by the wastewater reserves and are noted in Table Six as additional.

10.3 Budgets Carried Forward and Reserve Movements

Any operating expenses in Table Six represent items forecast for 2017/18 that did not occur, which then improves the operating result for that year. Once these budgets are carried forward the forecast operating result for 2018/19 is adversely impacted.

Table Six - Summary of Items Carried Forward to 2018/19

Description	Amount (\$)	Comment	Capital / Operating
Group - Strategic and Community Facilities			
<i>Strategic Planning</i>			
Carpool project	3,800	Payments to be made to finalise project	Operating
Significant Tree Register	15,200	In progress	Operating
Lennox Head Consultation	3,100	In progress	Operating
SOS Koala Project	31,000	Grant funded project in progress	Operating
Rezoning Assessments	58,400	LEP reviews in progress	Operating
<i>Gallery</i>			
Art and Cultural Program	54,800	Grant funded project in progress	Operating
Audience Development Program	1,000	Grant funded project in progress	Operating
<i>Swimming Pools</i>			
Alstonville and Ballina Pools	119,400	Completion of works	Capital
Group Total	233,600		
Development and Environmental Health			
<i>Environmental and Public Health</i>			
Lake Ainsworth Management Plan	91,300	Project in progress	Operating
Shaws Bay Coastal Mgmt Plan	5,900	Project in progress	Operating
Healthy Waterways Program	149,900	Project in progress	Operating
Reinstatement Coastal EEC Env	98,500	Project in progress	Operating
Group Total	254,300		
Civil Services Group			
<i>Administration Centre and Depot Facilities</i>			
Depot Improvements	22,200	Works in progress	Capital
<i>Procurement and Building Management</i>			
Lennox Surf Club	33,000	Project in progress	Capital
Ballina Surf Club	337,000	Project in progress	Capital
Lennox Hd Comm Centre – Roofing	81,100	Projects in progress	Capital
<i>Stormwater and Environmental Protection</i>			
USMP Enviro Trust Video	21,800	Grant funded project in progress	Operating
Ballina Flood Mgmt - 3rd Party	6,000	Works to complete	Operating
Tanamera Drive	35,500	Works in progress	Capital
Burns Point Ferry Road Tide Gates	24,600	Works in progress	Capital
<i>Roads and Bridges</i>			
Natural Disaster projects	149,400	Grant funded projects	Operating
Urban Road Reseals	24,300	Works in progress	Capital
Rural Road Reseals	19,900	Works in progress	Capital
Urban Road Heavy Patching	108,200	Works in progress	Capital
Rural Road Heavy Patching	38,300	Works in progress	Capital
Hutley Drive Northern Connection	56,300	Works in progress	Capital
Airport Boulevard	46,900	Works in progress	Capital
Hutley Dr Middle Connection	5,000	Works in progress	Capital
Fawcett Lane Seg 10	74,100	Works not commenced	Capital
Bagotville Road Seg 50	8,000	Works in progress	Capital
Ross Lane/Coast Rd R/about	433,600	Works in progress	Capital
Ross Lane Straightening	13,700	Works in progress	Capital
Simmons St Seg 20	16,000	Works not commenced	Capital
Ferleigh Rd Seg 10	123,300	Works in progress	Capital
Byron Bay Rd Seg 310,320,330	1,426,900	Works in progress	Capital
<i>Ancillary Transport Services</i>			
Country Passenger Trans Infra	20,200	Grant funded project in progress	Operating
Duck Creek Mountain Driveway	178,800	Part grant funded project	Operating
Street Lighting Upgrades	42,300	Works in progress	Capital
Shared Path - Coastal Path (veg)	10,600	Works in progress	Capital
Path - Alston Ave, Alstonville	24,300	Works in progress	Capital
Shared Path - East (Coast Rd)	10,400	Works in progress	Capital
<i>Ferry, Wharves and Jetties</i>			
Ramps and Pontoons	27,000	Projects in progress	Capital
<i>Roads and Maritime Services</i>			
Tamarind Drive	15,000	Grant funded project in progress	Operating
<i>Open Spaces and Reserves</i>			

10.3 Budgets Carried Forward and Reserve Movements

Description	Amount (\$)	Comment	Capital / Operating
Fawcett Park Playground	153,400	Works in progress	Capital
Wollongbar Skate Park	15,000	Works in progress	Capital
Ocean Pool – Study	45,000	Project not commenced	Capital
Killen Falls Toilet Facilities	8,000	Project in progress	Capital
Porter Park Multi Court	48,100	Project in progress	Capital
Pop Denison Master Plan	134,100	Project in progress	Capital
<i>Vegetation Management</i>			
Grant Projects	104,900	Works in progress	Operating
<i>Sporting Fields</i>			
Ballina Tennis Club	58,000	Grant funded project in progress	Capital
Skennars Head Fields Expansion	35,000	Project in progress	Capital
Williams Reserve Lighting	62,000	Grant funded project in progress	Capital
<i>Fleet Management and Workshop</i>			
Capital Purchases	1,190,000	Purchases scheduled	Capital
<i>Landfill and Resource Management</i>			
CDS Contract Development	4,700	Project in progress	Operating
Asbestos Program	56,300	Project in progress	Operating
Loading Upgrade	91,100	Project in progress	Capital
Group Total	5,252,700		
General Manager's Group			
<i>Communications</i>			
Community Event Program	25,000	Donations not finalised	Operating
<i>Information Services</i>			
Computer and Equipment	9,500	Unspent funds	Capital
<i>Human Resources and Risk Management</i>			
Elson Dixon Employment	49,800	Grant funded project in progress	Operating
Work Health and Safety	2,000	Committed funds	Operating
<i>Land Development</i>			
Subdivision 54 North Creek Road	221,600	Project in progress	Capital
Donations Ballina Heights	325,000	BBRC Scheme in progress	Operating
Wollongbar Estate Preliminary	52,000	Carry forward unspent budget for stage 3	Operating
Southern Cross Industrial Precinct	10,000	On-going	Operating
Wollongbar Land Development Costs	100,000	Project in progress	Capital
Southern Cross Estate Master Plan	60,000	Project in progress	Operating
Southern Cross Estate Development	84,000	Project in progress	Capital
<i>Ballina Byron Airport</i>			
Terminal Building Upgrade	214,700	Project in progress	Capital
Miscellaneous Infrastructure	130,000	Project in progress	Capital
Group Total	973,900		
General Fund Total	6,714,500		
Water Operations			
East Ballina Boosted PZ Augment	400,000	Project in progress	Capital
Marom Creek WTP Secure Yield	10,000	Project in progress	Capital
Plant Purchases	353,000	Purchases scheduled	Capital
Water Operations Total	763,000		
Wastewater Operations			
Chickiba Pump Station	88,000	Project in progress	Capital
Swift St Pump Station	210,000	Project in progress	Capital
Alstonville SCADA Upgrade	226,700	Project in progress	Capital
Alstonville SCADA Upgrade	212,900	ADDITIONAL Budget for 18/19, based on revised budget forecast	Capital
Wardell SCADA Upgrade	11,700	Project in progress	Capital
Plant Purchases	198,400	Purchases scheduled	Capital
Ballina Treatment Plant - Septic	70,000	Project in progress	Capital
Alstonville Master Plan	90,000	Project in progress	Capital
Recycled Water Meters	41,000	Project in progress	Capital
Recycled Water Service Connections	25,000	Project in progress	Capital
Wastewater Operations Total	1,173,700		

Funds Transferred to Reserve

This next section of the report provides an overview of the transfers as per Table Seven. The comment column provides a brief explanation.

10.3 Budgets Carried Forward and Reserve Movements

Table Seven - Summary of Reserve Transfers and Reserve Details

Reserve Description	Amount (\$)	Comment
Strategic and Community Facilities		
<i>Strategic Planning</i>		
Roads Section 94 Plan	18,100	Unspent budget to Section 94 Plan renewal reserve
Plans of Management	9,000	Unspent funds for Tosha Falls less overspend on Ocean Breeze Park Plans of Management
Rezoning Reserve	50,100	Projects not commenced, transferred to reserve
Section 94	5,001,000	Actual contributions plus interest
<i>Community Facilities</i>		
ALEC Building Works	50,000	Building Asset Renewals Reserve
Crown Rentals	14,700	Rental payments to meet commitments (LHCCC \$9,800; Ballina Surf Club \$4,900)
<i>Library</i>		
Library Special Projects	35,200	Net unexpended grant funding received
<i>Gallery</i>		
Public Art	10,000	Funds for public art
Group Total	5,212,500	
Development and Environmental Health		
<i>Development Services</i>		
Quarries Baseline Survey	23,000	Project not commenced, transferred to reserve until required
Legals and Resources	200,000	Reimburse reserve
<i>Public Order</i>		
Public Order (various)	10,000	Savings from 2017/18 quarantined for future projects
Group Total	233,000	
Civil Services		
<i>Asset Management</i>		
Surveying Equipment	10,000	Annual transfer to fund surveying equipment
Depot Stockpiles	30,000	Surplus transferred to Work Health Safety Reserve
<i>Stormwater</i>		
Canal Dredging	66,100	Funds to pay for future canal dredging works
Contribution Drainage Works	35,000	Environmental Health (Coastal Management Plan) reserves
Stormwater Projects (identified)	231,200	Skinner St \$4,400; Megan Cr/Dodge Ln Outlet \$9,700; Rutherford St & Tresise Pl \$6,300; Kerr St \$5,000; 100 Killarney Cr \$3,200; Grant St \$5,000; Houghlahans Cr Rd Culverts \$15,600; Kerr St \$100,000; Storm asset data collection \$61,000; Tidegates \$21,000
<i>Roads and Bridges</i>		
Road projects funded by roads reserve	69,500	Ballina Heights Dr \$8,100; Bridges \$25,700; Howards Rd Alignment \$8,700; Angels Beach Dr & Links Ave R/bout \$27,000
Road projects funded by s94	229,900	s94 funded rural road reseals \$209,600; s94 funded heavy patching \$20,300
Projects funded Bypass reserves	24,900	Ballina Bypass \$8,000; T2E Bypass \$16,900;
Ross Lane/ Coast Rd R/bout	433,900	Grant funding received in advance
Byron Bay Road	956,500	Grant funding received in advance
Road projects placed into reserve during the year	255,000	Bagotville Rd \$20,000; Riverbank Rd \$19,000; Cherry St \$90,000; Burnett St \$83,000; Fernleigh Rd \$43,000
Alstonville Bypass	24,100	Interest on reserve balance
Ballina Bypass	78,700	Interest on reserve balance
<i>Ancillary Transport Services</i>		
Ped Access & Mobility Plan	21,000	Savings in footpaths budget
Projects placed into reserve during the year	421,900	Coastal Path \$351,000; Chickiba Dr refuge \$45,900; Shared Path Angels to Sharpe \$25,000
<i>Ferry, Wharves & Jetties</i>		
Transfer to Wharves Reserve	56,500	Revision of capital project budgets offset in part by overspend in operating budgets
<i>Cemeteries</i>		
Cemetery Operations	44,000	Operating surplus of \$44,000, offset by capital expenditure of \$100,000 and dividend of \$50,000 to general revenue so a net decrease to reserve of \$106,000
<i>Open Spaces</i>		
Transfer to Veg Mgmt Reserve	50,000	Unspent funds for vegetation management projects, transferred to reserve until required
<i>Sporting Fields</i>		
Sports Fields Reserve	107,000	Unexpended budget for sportsfield improvement program
<i>Quarry</i>		
Transfer to Quarry Reserve	101,700	Operating loss of \$101,700 and a dividend of \$104,000 paid to general revenue (Shaws Bay CMP), so a net decrease to the reserve of \$205,800
<i>Fleet Management and Workshop</i>		
Transfer to Plant Reserve	918,000	Operating surplus of \$918,000. The net cost of plant

10.3 Budgets Carried Forward and Reserve Movements

		purchases/sales was \$693,900 resulting in a net increase to the reserve of \$225,000.
<i>Domestic Waste Management</i>		
Transfer to DWM Reserve	553,000	Operating surplus of \$553,000 with no offsetting expenditures resulting in a net increase to the reserve of \$478,500
<i>Landfill and Resource Recovery</i>		
Transfer to Waste Reserve	1,227,900	Operating surplus for year of \$1,227,900 less loan repayment of \$182,200, capital expenditure of \$253,800, dividend of \$2,079,000 to General Fund (\$2m for Indoor sports centre; \$79,000 Duck Creek Mountain Driveway) resulting in a net decrease to the reserve of \$1,290,100
Group Total	5,945,800	
General Manager's Group		
<i>Communications</i>		
Financial Assistance Grant	2,220,700	2018/19 funding received in advance
<i>Information Services</i>		
Information Fee Reserve	50,000	Reserve for future projects
<i>Human Resources and Risk Management</i>		
Insurance Reserve	100,000	Reserve for insurance excess payments
Workers Compensation	175,400	Reserve to fund workers compensation premiums
Group Total	2,546,100	
Commercial Services Unit		
<i>Property Management</i>		
Crown Properties Rental	62,000	Funds to meet rental commitments
Property	82,800	Interest on funds invested
Property	257,200	ARC rent
Wigmore Arcade	50,000	For future refurbishment works
Property	149,100	Norfolk Homes rent
Property	67,300	Fawcett café rent
Property	718,500	Tamar Street rent
Property	1,590,700	Recoupments from section 94 reserves
Property	1,437,400	Sale of Alstonville Tennis Court Site
Property	3,634,400	Land sales Wollongbar
<i>Caravans and Camping Ground</i>		
Flat Rock	164,000	Operating cash surplus for the year
<i>Ballina Byron Airport</i>		
Operating Reserve	3,050,000	Operating surplus of \$2,600,000, grant income of \$450,000, loan repay of \$1,129,800, capital expenditure of \$308,300. Net increase to reserves of \$1,645,200
Group Total	11,263,400	
General Fund Total	25,200,800	
Water Operations		
Section 64	1,290,700	Developer contributions of \$1,075,100 and interest of \$215,600 with section 64 funded capital expenditure \$125,000. Net increase to reserve of \$1,165,700
Refurbishment	2,760,600	Operating surplus of \$2,760,600 (excludes depreciation and section 64 interest) with refurb reserve funded capital expenditure of \$1,876,200. Net increase to reserve of \$884,400
Water Operations Total	4,051,300	
Wastewater Operations		
Section 64	2,526,400	Developer contributions of \$2,370,600 and interest of \$155,800 with section 64 funded capital expenditure \$3,078,800. Net decrease to reserve of \$552,400.
Refurbishment	5,047,300	Operating surplus of \$5,047,300 (excludes depreciation and section 64 interest) with refurb reserve funded capital expenditure of \$6,524,800. Net decrease to reserve of \$1,477,500.
Wastewater Operations Total	7,573,700	

Sustainability Considerations

- **Environment**
Many of the projects have environmental, social or economic outcomes.

10.3 Budgets Carried Forward and Reserve Movements

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

Legal / Resource / Financial Implications

There are no significant financial implications from this report as the report details movements between years and surplus funds going into reserves.

Consultation

Many of the reserve transfers involve consultation across the organisation.

Options

This report is designed to provide an overview of the preliminary results for 2017/18 and to ensure Councillors are informed on the works and services carried forward and the transfers to reserves.

The options are to approve or not approve the adjustments with the recommendation for approval.

Also, as mentioned in the introduction to this report, the level of Section 94 contributions recouped for 2017/18 is well in excess of budget. The budgeted figure was \$650,000 and the actual result is \$1,590,700, an increase of \$940,700.

The recoupments relate to community infrastructure projects that Council has delivered in advance, which can be funded in part or in full from developer contributions.

Council has applied its property reserves (being the Community Infrastructure Reserve) to originally fund these projects and as the developer contributions are collected the Community Infrastructure Reserve is reimbursed.

Council has been budgeting for recoupments of \$450,000 in recent years and due to the high level of development activity in 2017/18 the budget was increased to \$650,000.

The collection of developer contributions is very lumpy as it is dependent on the release of the linen plan for subdivisions, so a conservative budget approach is always recommended (actual results in recent years have been 2016/17 \$403,700, 2015/16 \$669,700, 2014/15 \$729,800, 2013/14 \$845,200, 2012/13 \$631,300 and 2011/12 \$447,200)

The funds available in the Community Infrastructure Reserve are fully committed to community infrastructure projects, with the current forecast closing balance for 30 June 2018 being an overdrawn amount of \$225,100 and for 30 June 2019 a closing surplus of \$477,100.

With the recoupments now being \$940,700 above budget, this means there is an additional \$940,700 in funds in the Community Infrastructure Reserve to

10.3 Budgets Carried Forward and Reserve Movements

remove the need to sell a commercial property to finance the Ballina Indoor Sports Centre (BISC).

The funding for the BISC is currently as follows:

Item	Amount (\$)
Landfill and Resource Management Reserve – 2016/17	1,000,000
Landfill and Resource Management Reserve – 2017/18	2,000,000
Landfill and Resource Management Reserve – 2018/19	2,220,000
Community Infrastructure Reserve – 2015/16 and earlier (1)	30,000
Community Infrastructure Reserve – 2016/17	100,000
Community Infrastructure Reserve – 2018/19	700,000
Proceeds from Asset Sale	950,000
Total Funds	8,000,000

(1) *Transfers from the Community Infrastructure Reserve for 2015/16 and earlier years total \$355,000 with a large amount of those funds expended on previous reports, evaluations etc.*

Based on the actual section 94 recoupment figures for 2017/18 the proceeds from asset sale figure of \$950,000 can be replaced with an increased transfer from the Community Infrastructure Reserve of \$950,000 as there are now sufficient funds available in the reserve.

This is an excellent result as the project is now fully funded from Council revenues.

There is still a grant application lodged with the State Government for this project and if that application is successful we can reduce the transfers from the LRM reserve, as that reserve may be needed as part of our on-going waste management and disposal strategies.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the forecast operating results for 2017/18.
2. That Council approves the works and services carried forward and reserve movements, as outlined in Tables Six and Seven of this report, for inclusion in the Long Term Financial Plan.
3. That Council replace in the 2018/19 budget the \$950,000 in proceeds from the sale of a commercial asset with a \$950,000 transfer from the Community Infrastructure Reserve to part finance the Ballina Indoor Sports Centre, due to the increased level of developer contribution recoupments to that reserve during 2017/18.

Attachment(s)

Nil

10.4 Rates and Charges Write Offs - 2017/18

10.4 Rates and Charges Write Offs - 2017/18

Delivery Program Financial Services

Objective To provide Council with details of the rates and charges written off during the 2017/18 rating year.

Background

Clause 131 of the Local Government (General) Regulation 2005 (LGGR) and section 607 of the Local Government Act 1993 (LGA), outline procedures that councils must follow to write off certain rates, charges, and interest.

Write offs not covered by specific sections of the LGA must be approved by Council resolution, unless the General Manager has been provided with delegated authority by the Council.

The existing Council delegated authority for the General Manager provides authority to write off general debts to a maximum of \$1,000 per debt.

The General Manager has also provided the Coordinator Rating with delegated authority to write off interest amounts, pursuant to section 567 of the LGA, up to the value of \$100 per assessment.

Sub clause (6) of clause 131 also requires the General Manager to inform the Council of any amounts written off under delegated authority.

This report complies with that clause.

Key Issues

- Compliance with clause 131 (6) of the LGGR

Information

Table One details write offs approved by way of separate Council resolution and Table Two under Council's resolution to implement a Concealed Water Leaks Policy.

In accordance with clause 131 of the LGGR, details of the 2017/18 rates, charges, and interest written off under delegated authority are provided in Table Three. Detailed information regarding individual assessments is recorded in Council's rating files.

Although not required under clause 131 of the LGGR, further tables detailing other debts (besides rates, charges and interest) written off during 2017/18 have also been provided.

All rates, charges and interest written off during the period 1 July 2017 to 30 June 2018, totalling **\$52,322.07**, are included in Council's Annual Report (clause 132 LGGA).

10.4 Rates and Charges Write Offs - 2017/18

In respect to the postponed rates Council is required to write rates off where the property meets certain criteria (refer to notes in Table Four).

Table One - Write-offs – Approved by Council

Assessment	Amount (\$)	Resolution
RT 424945	24,031.47	Ordinary Meeting - 23 November 2017 231117/24
RT 115619	2,000.00	Ordinary Meeting - 28 September 2017 280917/40
Total:	26,031.47	

Table Two - Write-offs – Concealed Water Leaks under Council Policy

Assessment	Amount (\$)
RT 123638	245.16
RT 255142	411.48
RT 208593	90.72
RT 228755	505.44
RT 409961	854.28
RT 424945	12,000.90
RT 204492	76.68
RT 231156	1,586.52
RT 195863	859.47
RT 408973	1,209.60
RT 231651	504.67
RT 407943	802.24
RT 196152	154.78
RT 280090	89.38
RT 255249	2,859.07
RT 160591	556.99
RT 195928	235.44
Total:	23,042.82

Council adopted a Concealed Water Leaks – Financial Assistance Policy at the Ordinary Meeting of 28 September 2017.

The assistance provided under the policy is to waive the difference between Step 1 and Step 2 tariffs, and for 2017/18 this was \$1.09 per kilolitre.

This is the first full year reported of write offs provided under this policy, and the number of requests for assistance received by staff is an indication of how often concealed leaks can occur in private plumbing.

The majority of the leak event cost is still borne by the customer as all water lost was still charged at the Step 1 rate of \$2.18 for 2017/18.

The policy excludes non-residential customers.

10.4 Rates and Charges Write Offs - 2017/18

Table Three - Write-offs – Under General Manager’s Delegated Authority

Assessment	Amount (\$)	Description
RT 113798	8.68	Write off interest charges raised – Incorrect mailing address details resulted in owner not receiving notices.
RT 233174	9.88	Write off interest charges raised – Incorrect mailing address details resulted in owner not receiving notices.
RT 246868	915.37	Rates amount not able to be collected as per legal advice.
RT 275215	68.91	Write off interest charges raised – Incorrect mailing address details resulted in owner not receiving notices.
RT 415768	234.72	Write off interest charges raised after subdivision split and not economical to collect.
RT 427278	29.98	Write off interest charges raised – Incorrect mailing address details resulted in owner not receiving notices.
Total:	1,267.54	

Table Four - Write-offs – Postponed Rates - Required by LGA Legislation

Assessment	Amount (\$)	Description
Five assessments	1,784.15	<p>Year six write off of postponed ordinary rate and interest charges - Section 595 LGA - Postponements typically relate to a single dwelling house that is zoned for multiple occupancy - The Valuer General supplies a land value for the highest potential use of the land. Upon application for postponement the Valuer General supplies an attributable value (i.e. extra value due to subdivision or higher use potential) and Council levies but postpones the attributable component. Interest is also charged.</p> <p>After five years the postponed amount and interest is written off. If the entitlement to postponement ceases at any time, any amounts not written off become due.</p>

Table Five - Write-offs – Small Balances

Assessment	Amount (\$)	Description
415 rate assessments	195.94	Write-off of small balances (less than \$5.00). This process is run as a good will gesture as some angst is caused by such a small arrears balance brought forward on the rates notice.
Three debtor accounts	0.15	Write-off of small balances remaining following underpayment of invoice.
Total:	196.09	

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
There may be socio-economic reasons that support writing off a person's account.
- **Economic**
There is a loss of income in any write-off, albeit that the percentage written off is extremely small as compared to the total rates and charges levied.

Legal / Resource / Financial Implications

Revenue to the value of \$52,322.07 has been foregone.

As a matter of interest, the rating staff involved in Council's debt recovery process continue to perform very well with the overall percentage of rates and charges outstanding, as at 30 June 2018 being 2.88% based on a total collection figure of approximately \$58m.

The debt recovery results for the last ten years are as follows.

30 June	Actual
2008/09	2.77%
2009/10	5.42%
2010/11	7.40%
2011/12	6.72%
2012/13	6.06%
2013/14	4.78%
2014/15	3.99%
2015/16	3.74%
2016/17	2.96%
2017/18	2.88%

The outstanding percentage continues to trend downwards following a substantial increase between 2009/10 and 2010/11. During that period rating staff had their time fully consumed in the implementation of the Authority system.

From Council's perspective to have the figure back under 3% is an excellent result and the staff have been thanked for their efforts.

Consultation

The write-off information is included in Council's annual report.

Options

This report is provided for information purposes only.

RECOMMENDATION

That Council notes that rates, charges, and interest totalling \$3,247.78 (as per Tables Three, Four and Five of this report) were written off under delegation of the General Manager for the 2017/18 rating year pursuant to clause 131 of the Local Government (General) Regulation 2005.

Attachment(s)

Nil

10.5 Policy (Review) - Complaints Management

10.5 Policy (Review) - Complaints Management

Delivery Program Communications

Objective To review the Complaints Management Policy.

Background

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

Council first adopted this policy in 2006. The objective of the policy is to ensure that complaints are dealt with fairly and consistently.

Key Issues

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

Information

The review of this policy identified only minor changes as follows:

- Updated template for Council policies
- Reference to updated legislation
- Council's telephone number updated
- Additions are highlighted in yellow
- Deletions have red strikethrough

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Complaints Management 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) - Complaints Management

11.1 Street Lighting - LED Bulk Replacement Program

11. Civil Services Group Reports

11.1 Street Lighting - LED Bulk Replacement Program

Delivery Program Operations Support

Objective To examine a proposal from Essential Energy for the upgrade of street light fittings to LED fittings.

Background

Street lighting across NSW is moving towards LED technology and this is programmed to occur over the next several years for both local and main roads.

Essential Energy has recently written to seek a partnership with Council in a proposed program to upgrade eligible local road street lighting to LED technology.

The number of light fittings to be replaced within the Shire would be in the order of 2,310.

The program would provide Council with the opportunity to reduce energy consumption and CO2 emissions, both of which are directions outlined in our Community Strategic Plan and Delivery Program to reduce our resource usage through innovation.

The purpose of this report is to present the proposal, the technology options available, associated payback periods and provide a recommendation.

Key Issues

- Reduce energy consumption and CO2 emissions
- Reduce energy costs
- Funding

Information

Essential Energy has proposed four options for the upgrading of street lights in the Ballina Shire local government area, as direct replacements for suitable existing street lights.

Essential Energy, based on their existing streetlight asset register, is proposing that approximately 2,310 street lights would be upgraded with LED fittings.

The four options proposed by Essential Energy are based on:

- a) capital cost for the LED streetlight fitting, and
- b) annual energy usage for the proposed fittings.

11.1 Street Lighting - LED Bulk Replacement Program

An average energy usage of 14c per kWh has been used as the basis of energy cost calculations for this summary. Based on the existing street light fittings, Essential Energy estimate that the current annual cost of energy for the fittings proposed for upgrade is in the order of \$366,845.

The four LED luminaire options presented by Essential Energy are:

Option 1: Gerard 17W + 42W

Essential Energy has proposed Gerard 17W StreetLED as a replacement for the existing P4/5 street lights and Gerard 42W StreetLED as a replacement for the existing P3 street lights.

Total Capital Cost to Council:	\$893,928
Energy Saving Certificate value to Council:	\$62,575
Estimated Annual Energy Cost:	\$78,284
Estimated Annual Energy Saving:	\$288,561

Payback Period, in the order of: 3 years 0 months

Option 2: GE 25W + Gerard 42W

Essential Energy has proposed GE 25W Evolve as a replacement for the existing P4/5 street lights and Gerard 42W StreetLED as a replacement for the existing P3 street lights.

Total Capital Cost to Council:	\$764,398
Energy Saving Certificate value to Council:	\$53,508
Estimated Annual Energy Cost:	\$85,448
Estimated Annual Energy Saving:	\$281,396

Payback Period, in the order of: 2 years 9 months

Option 3: GE 25W + Pecan 35W

Essential Energy has proposed GE 25W Evolve as a replacement for the existing P4/5 street lights and Pecan 35W as a replacement for the existing P3 street lights.

Total Capital Cost to Council:	\$787,277
Energy Saving Certificate value to Council:	\$55,109
Estimated Annual Energy Cost:	\$88,106
Estimated Annual Energy Saving:	\$278,739

Payback Period, in the order of: 2 years 10 months

Option 3: GE 25W + Pecan 35W

Essential Energy has proposed Gerard 17W StreetLED as a replacement for the existing P4/5 street lights and Pecan 35W as a replacement for the existing P3 street lights.

Total Capital Cost to Council:	\$916,807
Energy Saving Certificate value to Council:	\$64,176
Estimated Annual Energy Cost:	\$80,942

11.1 Street Lighting - LED Bulk Replacement Program

Estimated Annual Energy Saving:	\$285,903
Payback Period, in the order of:	3 years 3 months

Comparative Analysis

A comparative analysis using four critical factors was used to determine the preferred option for Council. The factors included: Total Cost to Council, Annual Energy Cost, Indicative Payback Period, and Lifecycle Cost (10 years).

Critical Factors	Option 1	Option 2	Option 3	Option 4
Total Cost to Council	2	4	3	1
Annual Energy Cost	4	2	1	3
Indicative Payback Period	2	4	3	1
Life cycle cost (10 years)	2	4	3	1
Score	10	14	10	6

A basic life cycle analysis was conducted to determine the total cost over the expected life of the fittings proposed by Essential Energy.

All of the lamps proposed had an estimated life expectancy in the order of 100,000 hours, and Essential Energy estimate that the average annual lamp usage is in the order of 4,300 hours, or 20+years.

If Council proceeds with the bulk upgrade to street lighting, Option 2 is the preferred LED fitting.

Sustainability Considerations

- **Environment**
The ability to reduce resource use through innovation; the reduction of energy consumption and CO2 emissions from these assets.
- **Social**
Not Applicable.
- **Economic**
This scheme has a payback period of less than three years based on current consumption predication and rates.

Legal / Resource / Financial Implications

Accepting the offer for Essential Energy to undertake the bulk replacement of the street lighting in accordance with Option 2 (the preferred option) comes at a capital cost of \$764,398.

Given that this has a reasonably short payback period, less than three years.

11.1 Street Lighting - LED Bulk Replacement Program

The difficulty with this is in funding the proposal as Council does not have this magnitude of funds set aside for immediate use.

One option could be to borrow, as an internal loan, from the water and / or wastewater funds, which have substantial reserves.

As these funds are restricted in their use, any internal borrowing requires the approval of the Minister for Local Government through the Office of Local Government.

The only General Fund reserve with sufficient funds is the Employee Leave Entitlements Reserve.

This reserve had a balance of approximately \$3m as at 30 June 2017 with the figure for 30 June 2018 still to be finalised as part of the preparation of the annual financial statements.

The objective of this reserve is to help fund major leave entitlement payouts and to help balance expenditure on leave (annual, sick and long service) which may be above the allocated budget each year.

Industry benchmarks indicate that this reserve should be around 20% to 33% of the total employee leave liability. As at 30 June 2017 the total leave liability was approximately \$8.4m, which means the reserve is funding approximately 36% of that liability.

This figure is slightly higher than industry benchmarks primarily as Council is anticipating a large number of retirements during the next few years, with many of those staff entitled to payment of 50% of their accrued untaken sick leave. This was a Council employment agreement that ceased around the year 2002.

The Employee Leave Entitlements Reserve is a potential option for the bridging finance, although it is essential that the funds are repaid within the three year period.

One of the problems with this type of proposal from Essential Energy is that Council may be anticipating savings of \$280,000 per annum, however if Essential Energy increases their prices the saving is reduced, and it may take longer to repay the bridging finance.

Therefore the proposal should be based on a straight repayment period of three years to the Employee Leave Entitlements Reserve to ensure that repayment occurs promptly. Based on the estimated capital cost of approximately \$765,000 this equates to a repayment of \$265,000 per annum.

In summary, from a financial perspective, the preferred approach to funding this proposal is:

- a) Determine from the Office of Local Government whether an internal loan from the water and / or wastewater funds is a viable option, as the preferred funding source. The reason for this is that these two funds have significant reserve funds immediately available.

11.1 Street Lighting - LED Bulk Replacement Program

- b) If water and / or wastewater are not a viable option, the Employee Leave Entitlements Reserve is the preferred funding source.
- c) Any internal loan is to be repaid in full based on three annual repayments of \$265,000.
- d) Any over-expenditure in the capital cost, or reduced savings in forecast street lighting operating expenses, is to be offset by other budget adjustments. This then ensures the internal loan is repaid as priority.

Consultation

Other Local Government Areas also partnering with Essential Energy in implementing this LED street lighting upgrade program include: Lismore City Council, Coffs Harbour City Council, and Nambucca Shire Council.

Options

Council has the option to proceed with the partnership with Essential Energy in the bulk street lighting upgrade program by selecting one of the four luminaire options.

Alternatively, Council has the option to not proceed with the program at this time.

With significant energy consumption savings, reductions in CO2 emissions and a quick payback period, it is preferable to accept the offer to bulk upgrade these street lights.

Four luminaire options were presented in the report and the comparative analysis indicates the most beneficial technology with the favorable payback period is Option 2.

Since conducting this analysis, Essential Energy have advised that the GE 25W Evolve fittings, associated with Option 2 and 3 will no longer be available and are being replaced by a fitting with similar luminous output but will have energy rating of 17W. The replacement fittings are currently in process of being approved.

The replacement fittings will be assessed in accordance with the critical factors discussed in the comparative analysis to ensure they are still the preferred selection for Council.

Due to Essential Energy requiring a response on this item for works to occur in November 2018, it is recommended that Council support the implementation of Option 2 with a capital cost of \$764,398, subject to Council staff favourably assessing the replacement fitting when information is provided by Essential Energy.

RECOMMENDATIONS

1. That Council accepts Essential Energy's offer for the bulk replacement of street lighting with LED fittings, in accordance with Option 2 as detailed in the above report.
2. The capital cost for point one of approximately \$765,000 is to be funded from an internal loan through a transfer from either Water and / or Wastewater Reserves, or the Employee Entitlements Reserve, with the General Manager authorized to make this funding determination based on advice from the Office of Local Government.
3. The Council also approves a variation to the Long Term Financial Plan to have the internal loan repaid within three years.
4. That Council also authorises the General Manager to accept an alternate fitting technology, if proposed and supported by Essential Energy, subject to the environmental and economic performance of the alternate achieving similar outcomes to the fitting described in Option 2.

Attachment(s)

1. Letter from Essential Energy - Bulk upgrade of street lighting to LED fittings

11.2 Policy (Review) - Local Directional Signage within Road Reserves

11.2 Policy (Review) - Local Directional Signage within Road Reserves

Delivery Program Engineering Works

Objective To review the Local Directional Signage within Road Reserves Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Local Directional Signage within Road Reserves policy.

Council first adopted this policy in June 2014.

Key Issues

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

Information

This review of this policy identified no changes. The policy is still considered to be contemporary and reflects current legislation therefore no changes are recommended. A copy of the policy is attached to the report.

Sustainability Considerations

- **Environment**
The intent of the policy is to maintain attractive and safe streetscapes. The policy will seek to limit the number of directional signs in any one location in accordance with the Australian Standard 1742.
- **Social**
Implementation of the policy, if adopted, will be beneficial in providing directional support for those less familiar with our area, and may boost visitation to the respective facilities/organisations.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The policy addresses the financial and/or resource implications of installation and manufacture of signs. Costs associated with the erection, display, affixing, maintenance and removal of signs are the responsibility of the applicant. The fee per sign is included in our Fees and Charges

11.2 Policy (Review) - Local Directional Signage within Road Reserves

In addressing legal implications, the policy only applies to local roads where Ballina Shire Council is the public roads authority. It is intended that all signage will be compliant with Australian Standard 1742.

Consultation

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

Options

Council may accept the policy and 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 Local Directional Signage with Road Reserves 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) - Local Directional Signage within Road Reserves

11.3 Policy (Review) - Road Maintenance and Renewal

11.3 Policy (Review) - Road Maintenance and Renewal

Delivery Program Engineering Works

Objective To review the Road Maintenance and Renewal Policy.

Background

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

Council first adopted this policy in August 2014.

Council is responsible for an extensive road network and the management regime is determined by Council's Asset Management Policy and associated Asset Management planning framework that supports our approach to road management.

The Road Maintenance and Renewal policy was developed in response to on-going requests from residents for Council to extend its existing maintenance regime.

The purpose of this policy is to limit Council's maintenance liabilities to existing levels, due to the high demand for Council services and the limited financial resources.

By documenting this policy, Council was able to formalise the long standing approach that was being applied to the management of requests from residents for upgrades in our level of service.

Key Issues

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

Information

The policy intent is considered to be contemporary and reflects current legislation and Council's resourcing constraints. Therefore no changes to the policy intent are recommended.

However, the review of this policy identified that it should be more closely aligned to Council's Asset Management Policy and associated Asset Management planning framework.

The Roads & Transport Asset Management Plan (RTAMP) details the information about road network infrastructure assets including actions required to provide an agreed level of service in the most cost effective manner. The RTAMP defines the services to be provided on the road network, how the services are provided and what funds are required to provide the services.

11.3 Policy (Review) - Road Maintenance and Renewal

The information in the policy extends the service level definition and assists to define the asset register for the road network (Road Network Register) that Council maintains, how the register was developed, and the assessment criteria for inclusions to the register, when requested.

To improve the integration between these documents, it is recommended the current separate policy be rescinded and the same policy intent be formatted as a section to be included and appended in the RTAMP.

A copy of the current policy document (R01) is attached to this report.

Also attached is a copy of the road maintenance and renewal information from the policy proposed to be included and appended in the RTAMP.

This approach is consistent with recent work undertaken by Council to consolidate various policy and strategic approaches to road management into the RTAMP. This centralised approach ensures these strategies are integrated and information about how we manage our road network can be more easily found, and updated, as required.

The RTAMP is a significant and technically complex document. Staff have commenced a project to produce a customer friendly summary version which will focus on explanations of the key policy drivers documented in the RTAMP. The proposed appendix (being the rescinded policy if supported) will be included in this document.

Sustainability Considerations

- **Environment**
A well-managed road network will minimise potential impacts on the environment.
- **Social**
The provision of a contemporary road resource will enhance the amenities of the area, improve safety and create connectivity between communities.
- **Economic**
A safe and reliable system of roads makes a positive contribution to sound economic growth throughout the shire and the wider region.

Legal / Resource / Financial Implications

The policy complements the existing Asset Management Policy and focuses on aspects of the Best Practice Manual for Roads developed by Statewide, who are Council's insurers. Features of the manual include a systematic approach to risk management.

In terms of financial constraints, Council's ability to allocate funding streams in the annual budget will influence the governance and implementation of the RTAMP.

11.3 Policy (Review) - Road Maintenance and Renewal

The policy intent is to provide a management framework to deal with the ongoing issues of Council receiving requests for increased service levels which cannot be supported under current financial constraints.

Consultation

The recommendation to this report is to rescind the policy. No public consultation is proposed in respect of this decision.

If the Council is inclined to retain the policy, no substantive changes to the policy are required. In that circumstance, it would be recommended that Council endorse the policy again for public comment. If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Options

1. Rescind the policy and include the attached draft appendix in the RTAMP.
2. Retain the existing policy.

For the reasons noted in the report, option one is preferred. The policy intention of Council is unaltered however there are benefits to be achieved by integrating all of Council's road policy directions in one document.

If Council prefers option two, the standard process of publically advertising the policy is recommended.

No changes to the policy are recommended under either option.

The RTAMP is currently on exhibition in response to recent changes by Council. If no submissions are received, the RTAMP is adopted by Council.

As this document has only just been exhibited, and there is no change to the policy intention, the recommendation to this report is to not undertake further exhibition of the RTAMP at this point in time under option one.

RECOMMENDATIONS

1. That based on the contents of this report Council rescinds the Road Maintenance and Renewal Policy, as attached to this report.
2. That Council endorses the draft Road Maintenance and Renewal for roads on the Road Network Register policy, as attached to this report, for inclusion in the Roads and Transport Asset Management Plan.
3. That Council, subject to any reporting requirements from the current exhibition of the Roads and Transport Asset Management Plan, confirms the adoption of the plan without further public exhibition in respect of the decision in point two above.

11.3 Policy (Review) - Road Maintenance and Renewal

Attachment(s)

1. Policy (Review) - Roads Maintenance and Renewal Policy
2. RTAMP - Appendix XXX - Road maintenance and renewal for roads on the RNR

11.4 Policy (Review) - Banner Poles

11.4 Policy (Review) - Banner Poles

Delivery Program Open Spaces and Reserves

Objective To review the Banner Pole Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Banner Pole policy.

This policy provides guidelines to determine what activities can be promoted through banners displayed on the banner poles throughout the shire.

Council first adopted this policy in 2005 and it was reviewed in 2010 and again in August 2014.

Key Issues

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

Information

This review of this policy identified no changes and the policy is still considered to be contemporary and reflects current legislation therefore no changes are recommended.

A copy of the policy is attached to the report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The banners are designed to promote Ballina Shire and associated activities and local events.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

There are no legal, financial or resource implications associated with the revision of this policy.

11.4 Policy (Review) - Banner Poles

Consultation

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

Options

Council may accept the policy and 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 Banner Pole 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) - Banner Poles

11.5 Tender - Wastewater Pipeline Renewals

11.5 Tender - Wastewater Pipeline Renewals

Delivery Program Water and Wastewater

Objective To summarise the tender process and subsequent Panel of Providers to enable the engagement of a contractor.

Background

A number of northern rivers councils, being Ballina, Lismore, Kyogle, Richmond Valley, Tweed and Rous Water, previously conducted a joint tender to form a panel of providers for the provision of specific services relating to the renewals or replacement of sewer pipelines.

The tender is valid for a period of three years and expires on 3 November 2018.

The tender was conducted in accordance with the *Tender Guidelines for NSW Local Government, Section 2.6, Joint Purchasing Arrangements*.

To date, Council has used the panel twice for the engagement of a contractor to carry out smaller job packages for works identified for urgent repair/renewal.

The Water and Wastewater section's camera program recently identified 1,060 metres of sewer mains for relining.

This report requests Council's endorsement for the supply of relining services under this contract.

The reason this report is required is because the joint tender was not adopted by a resolution of the Council and the proposed purchase price for the above work exceeds \$150,000. The previous purchases under the tender have been possible as they are within the delegation limits of staff.

Key Issues

- Comply with *Local Government (General) Regulation 2005*
- Achieve best value for money

Information

Tender Panel of Providers

Submissions for the Pipe Lining section of the tender were received from:

1. Interflow Pty Ltd
2. Abergeldie
3. Insituform
4. Relining Solutions

11.5 Tender - Wastewater Pipeline Renewals

5. ITS
6. NuFlow

Assessment Criteria

All tender submissions were assessed to ensure conformance with the conditions of tender and assessment criteria.

The assessment criteria comprised the following:

Assessment Criteria

- Total Price (40%)
- Capability and Experience (30%)
- Quality and Safety (5%)
- Environment and Community (5%)
- Local Content (20%)

Councillors have been provided with a confidential memorandum providing a summary of the evaluation of the weighted selection criteria:

Based on the assessment criteria, Interflow scored the highest and was subsequently ranked first on the panel.

The rates tendered by Interflow for sewer relining are the lowest rates on the panel.

Interflow has previously completed work under this panel for Council to a high standard.

Based on the panel ranking, tendered rates, and previous performance, a quotation was requested from Interflow for the works identified.

Sustainability Considerations

- **Environment**

The continued efficient and reliable operation of Council's wastewater infrastructure is essential to reduce any risk of potential overflow or spillage from the system.

This project will ensure that the identified 1,060 metres of pipework will be returned to a condition that will ensure the future integrity of the system as a whole.

The project will be conducted in accordance with all legislative requirements and development consent to manage potential construction impacts to the environment.

- **Social**

The continued reliability of the sewerage system will ensure Council significantly reduces the risk of overflows, system backups and odour issues.

11.5 Tender - Wastewater Pipeline Renewals

- **Economic**

This project forms part of the Wastewater Fund annual renewals program and has a budget allocated in the 2018/19 financial year.

Legal / Resource / Financial Implications

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

The current 2018/19 budget allocation for the Wastewater Renewals Program is as follows:

Wastewater Renewals	\$411,000.00
TOTAL	\$411,000.00

The current package of work identified for renewals is as follows:

Relining of 1060m of sewer gravity mains	\$195,710.59
Contingencies (5%)	\$9,785.53
TOTAL	\$205,496.12

The above price is consistent with the tendered schedule of rates supplied by Interflow Pty Ltd.

Consultation

A public tender process was undertaken in obtaining the schedule of rates and establishing the panel of providers.

Options

In accordance with Part 7 Clause 178 of the Local Government (General) Regulations 2005, Council must either:

1. *Accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
2. *Decline to accept any of the tenders.*

A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract;*
- (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details;*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract;*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract;*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender; and*
- (f) carry out the requirements of the proposed contract itself.*

11.5 Tender - Wastewater Pipeline Renewals

Option one is recommended as the preferred option as the tender assessment indicates that a market has been established and the assessment by the tender evaluation process has determined the preferred tenderer.

RECOMMENDATIONS

1. That Council accepts the quotation from Interflow Pty Ltd for the relining of 1,060 metres of sewer main in the amount of \$205,496.12.00 (ex GST).
2. The project is to be funded from the 2018/19 Wastewater Renewals Program.
3. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

11.6 Tender - Provision of Surf Life Saving Services

11.6 Tender - Provision of Surf Life Saving Services

Delivery Program Open Spaces and Reserves

Objective To obtain Council approval to award a new contract for the provision of Surf Life Saving Services.

Background

Council has historically contracted out the provision of professional surf life saving services on its beaches, with Australian Life Guard Services being the incumbent provider.

The existing contract expired at the end of the 2017/18 season. In developing a new tender, Council specified existing core service levels that have previously been in place and included additional service levels for consideration.

In response to the above, a request for tender was advertised in July 2018 for the provision of surf life saving services for a four year period.

At the close of the tender period one submission was received, with this report detailing the outcome of the tender evaluation process.

Key Issues

- Engage a suitably qualified contractor to provide services to ensure public safety on Ballina beaches
- Award the tender in accordance with Local Government (General) Regulations 2005
- Consideration of appropriate service levels based on available funding

Information

At the close of tender period on 7 August 2018, tenders submissions were received from the following provider:

- Australian Lifeguard Services

A tender evaluation panel was convened to assess the tender against the following criteria:

- Fees and Charges – 30%
- Experience and Past Performance – 25%
- Capability – 30%
- Social and Community 15%

The evaluation panel scoring and ranking based on the criteria and weighting is highlighted in the table below.

11.6 Tender - Provision of Surf Life Saving Services

Tender Assessment	Weighting (%)	Australian Lifeguard Service
Fees and Charges	30	28.5
Experience and Past Performance	25	25
Capability	30	27
Social and Community	15	12
Total	100	92.5
Ranking		1

The proposed fee from Australian Lifeguard Services for providing core lifeguard services is \$327,664 (GST exclusive) for Year One and 2.6% annual increases for the remaining three years.

Core services (Schedule A) are based on Council's existing service level as per the table below.

Item	Beach Name	Minimum Lifeguards	Service Daps per Week	Exclusions	Period of Service (based on NSW School Holidays)
1	Seven Mile Beach	2	5 Days/ Week Mon – Fri only	Weekends and public holidays (volunteers)	Approx. 7 months Start Spring school holidays through Summer to end of Easter/Autumn school holidays
2	Sharpes Beach	2	7 Days/ Week	School term days	Spring, Summer, Easter and Autumn school holidays
3	Shelly Beach	2	7 Days/ Week	School term days	Spring, Summer, Easter and Autumn school holidays
4	Lighthouse Beach	2	5 Days/ Week Mon – Fri only	Weekends and public holidays (volunteers), School term days	Spring, Summer, Easter and Autumn school holidays

In addition to the provision of core services, Council also invited submissions to undertake additional services.

These services are based on recommendations from the Coastal Public Safety Risk Assessment (Ballina 2013) and previous Australian Lifeguard Service (ALS) Annual Reports.

The cost of the additional services for Year One is in addition to the core service.

Additional Service Levels	Schedule	Additional Cost (\$)
Roaming Guard – Flat Rock	B	31,279
Extend Lighthouse Beach to seven months	C	63,029
Provide lifeguard services for QLD school holidays outside of NSW holidays (Seven Mile, Sharpes, Shelly, Lighthouse)	D	72,415

As well as the additional service levels, a maximum schedule has been provided.

This includes the extension of Lighthouse Beach to a seven month schedule, the provision of a roaming guard at Flat Rock and coverage for all NSW and QLD School Holidays.

The supplied price is \$458,136 for Year One.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Lifeguard services are an important social service provided by Council to promote public safety
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

This report is provided to assist Council meet its statutory requirements in regards to rendering and procurement.

Council's 2018/19 budget for the provision of the Surf Life Saving Contract for is \$312,000.

Council spent \$312,744 during 2017/18 with additional services trialed at Flat Rock to manage an increased demand, with over 10,000 visitations recorded during this trial undertaken from 10 January until 27 January.

Additional funding of \$15,664 is required to meet the cost of Australian Lifeguard Services delivering core services for 2018/19. An annual increase of 2.6% has been included across the four years of the contract.

No funding sources have been identified to provide additional services.

Consultation

A public tender was undertaken.

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 appoint Australian Lifeguard Services to deliver existing core life saving service levels for a four year period
3. Council not accept the tender and enter into negotiations with Australian Lifeguard Services.
4. Council may determine to fund and implement additional service levels.

11.6 Tender - Provision of Surf Life Saving Services

Option one is not recommended as Council has undertaken the tender process in accordance with the Local Government (General) Regulations 2005. The market for professional life guard services is limited in size.

Option two is recommended as the preferred option as the appointment of Australian Lifeguard Services will deliver quality beach safety for the community.

Option three is not recommended as the tenderer has tendered in good faith. The tenderer carries the risk of staff and equipment pricing over the four year period, and have done so under the previous contract and therefore it is considered reasonable that they be able to make appropriate adjustments at the time the tender is reviewed and placed into the market.

While only one tender has been received, the price change is an increase of 4% and this is reasonable in light of the risks carried by the contractor over the four year period of the contract.

If Council is inclined to pursue option four the real issue is identifying the funding source. In providing additional service levels the best approach would be to accept the tender as is and then seek a further report on options to fund, on a recurrent basis, the preferred service level identified.

RECOMMENDATIONS

1. That Council accepts the tender for the provision of surf life saving services for a four year period from Australian Lifeguard Services for the amount of \$327,664 ex GST (Year 1) with an annual 2.6% increase in accordance with the provided schedules.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council confirms that due to its limited resources it is not able to fund the preferred increase in service levels.
4. That Council notes a budget adjustment of \$15,000 within the Open Spaces and Reserves budget will be required in the next quarterly financial review to finance the estimated cost of the contract price in point one above.

Attachment(s)

Nil

12. Public Question Time

12. Public Question Time

13.1 South Ballina Beach - Four Wheel Drives (4WDs)

13. Notices of Motion

13.1 South Ballina Beach - Four Wheel Drives (4WDs)

Councillor Cr Willis

I move

1. That Council approach the State Government in respect to the implementation of a permit system at South Ballina to more proactively manage 4wds on the South Ballina beaches.
2. That as part of this process Council examine the possibility of securing the revenue generated from such a system to assist with funding increased ranger patrols at South Ballina.
3. That Council also examine the possibility of increasing the ferry tolls for either non-NSW registered vehicles or alternatively non-resident, non-ratepayer vehicles to generate extra revenue to also assist with increased ranger patrols at South Ballina.

Councillor Comments

This notice of motion arises as the result of representations made to me by a constituent in relation to unacceptable behaviour by some within the 4WD community on our beaches.

Photographs have been provided to the General Manager for distribution to Councillors. Anecdotally, it seems that the culprits are not residents of our Shire and indeed travel from Queensland to engage in this behaviour.

The intent of this motion is to regulate this behaviour while maintaining 4WD access for those who do drive responsibly on our beaches.

I ask for your support.

Staff Comments

Council does not currently have management responsibility for the land along the beach at South Ballina that has been the subject of community concerns relating to activities such as 4WD use on the beach and dunes. This responsibility (aside from a small piece of Council owned land near Patches Beach) is the management responsibility of NSW NPWS and Crown Lands.

The introduction of a permit system may assist in addressing 4WD use in the area. However, it is considered that for this to have a significant benefit, the permit system would need to be supported by a physical presence to enforce the permit requirements.

13.1 South Ballina Beach - Four Wheel Drives (4WDs)

At present, Council staff do not take enforcement action in relation to 4WD use and other activities of concern along the beach because the land is not within Council's management responsibility.

If Council staff are to be deployed to undertake management activities along the beach, the matters of land management responsibility and jurisdiction would need to be addressed. It is likely that this would involve Council being appointed as manager of the Crown Land in the area.

Such an appointment would come at a substantial cost in resourcing over time to Council and is arguably an example of cost shifting.

Further, Council taking management of the land would also likely involve Council in any future Native Title claim that might be made over the land (again presenting a cost Council).

It may be possible for Council to secure the revenue from any permit system and or ferry charge implemented but it is considered that the long term cost of Council managing this substantial area of land and associated system administration costs would outweigh the potential revenue generated.

Finally, it is also important to consider the expectations that might be raised on Council if the Council wishes to become more involved in the on ground management of the beach front land at South Ballina.

This may cause significant redirection of resources from other activities associated with land for which Council does have responsibility (e.g. Rangers on routine duty may be called to attend South Ballina Beach as it will not always be possible to operate only via scheduled visits to this area).

The matters outlined above can be explored further in a more detailed report to Council if the notice of motion as presented is supported by the Council

COUNCILLOR RECOMMENDATIONS

1. That Council approach the State Government in respect to the implementation of a permit system at South Ballina to more proactively manage 4wds on the South Ballina beaches.
2. That as part of this process Council examine the possibility of securing the revenue generated from such a system to assist with funding increased ranger patrols at South Ballina.
3. That Council also examine the possibility of increasing the ferry tolls for either non-NSW registered vehicles or alternatively non-resident, non-ratepayer vehicles to generate extra revenue to also assist with increased ranger patrols at South Ballina.

Attachment(s)

1. Photos of South Ballina Beach

13.2 IPART Recommendations

13.2 IPART Recommendations

Councillor

Cr Willis

I move

That Council seek clarification from the State Government as to how they intend to proceed with the review and possible implementation, including a timeframe, of the recommendations that arose from the IPART reviews into the:

1. Local Government Rating system (copy available as per the following link) <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Reviews/Local-Government-Rating-System/Local-Government-Rating-System>
2. Local Government Compliance and Enforcement (copy available as per the following link) <https://www.ipart.nsw.gov.au/Home/Industries/Special-Reviews/Reviews/Local-Government/Local-Government-Compliance-and-Enforcement?qDh=0>

Councillor Comments

Both of these reports, which are comprehensive and completed at a significant cost to the community, identify a number of recommendations that can provide greater control and flexibility for councils in respect to the rating system, along with identifying opportunities for savings in regulatory costs for businesses and councils.

There has been little action in respect to the recommendations since the reports were completed in 2016 and 2014 respectively and it would be beneficial for the State Government to clarify what actions they intend to take in respect to these reports.

Staff Comments

The motion is supported as there are a large number of improvements identified in those reports.

COUNCILLOR RECOMMENDATION

That Council seek clarification from the State Government as to how they intend to proceed with the review and possible implementation, including a timeframe, of the recommendations that arose from the IPART reviews into:

1. Local Government Rating system
2. Local Government Compliance and Enforcement

Attachment(s)

Nil

13.3 Drought Relief

13.3 Drought Relief

Councillor

Cr Willis

I move

That Council authorises the General Manager to provide assistance of up to \$2,000 to drought affected farmers in the central west region of NSW through the provision of Council resources to arrange for the delivery of hay and / water or through a cash contribution , whichever is considered to be the most beneficial in respect to the level of support provided.

Councillor Comments

Lismore, Richmond Valley and Kyogle councils have passed similar resolutions and it is important that Council recognise the impact that the drought is having on much of NSW. Council did not fully allocate the community donations budget at the July meeting and even though the resolution was to transfer any surplus funds to a halls maintenance budget, this funding could be sourced from that initial surplus.

COUNCILLOR RECOMMENDATION

That Council authorises the General Manager to provide assistance of up to \$2,000 to drought affected farmers in the central west region of NSW through the provision of Council resources to arrange for the delivery of hay and / water or through a cash contribution , whichever is considered to be the most beneficial in respect to the level of support provided.

Attachment(s)

Nil

13.4 Shark Mitigation

13.4 Shark Mitigation

Councillor

Cr Meehan

I move

That Council states to the NSW Government its ongoing support for the NSW Shark Management Strategy.

That Council states its support for the inclusion of the following initiatives in the strategy:

- SMART drumlines
- Shark tagging program
- Shark listening stations (VR4G)
- Sonar technology (satellite detection)
- Shark SMART App
- Aerial surveillance
- Drone or UAV surveillance
- Partnerships with Surf Life Saving NSW and local communities/Councils
- Emerging technologies and the Competitive Grants Program
- Community education

That Council states it does not support the continuation of the Shark Meshing Program off Ballina Shire beaches during 2018 – 2019.

That Council asks the NSW Government to consider increasing the number of SMART drumlines off Ballina Shire beaches to replace any positive safety benefit that the Shark Meshing Program may have been providing to ocean users.

Councillor Comments

The NSW Government through the Department of Primary Industries must be thanked for its commitment to ocean user safety through the current Shark Management Strategy on the NSW North Coast. Since the implementation of this strategy in late 2016 there have been no shark attacks or shark interactions in these waters, where humans have been harmed.

The effectiveness of the strategy must be attributed to the implementation of a range of initiatives. What part each plays in helping to prevent shark attacks have not been shown scientifically. What can be seen though, is that the package has been successful.

For this reason the bulk of the program should be continued; to maintain ocean safety for surfers and swimmers, to maintain community confidence in ocean use and support economic activity in this coastal tourism area.

Data from the shark meshing trials has shown that the SMART drumlines have been far more effective in capturing target shark species than the shark

13.4 Shark Mitigation

nets. Live release from the drumlines has been far more effective than the nets. The drumlines have had significantly less by-catch than the nets. Local residents, through the community survey, have given majority support to the use of the SMART drumlines (75% in phone survey, 59% online survey). A minority of local residents are now in favour of shark net use (34% in phone survey, 32% online). For these reasons the use of shark nets should be discontinued at this time.

While shark nets should be discontinued now, it is not known what part they may have played in maintaining ocean safety over the last two summer seasons. There is opinion that the physical presence of the nets in the ocean may act as a deterrent to sharks without the sharks being captured.

In light of these unknowns, an increased number of SMART drumlines should be considered off Ballina Shire beaches to compensate for the removal of the shark nets. This will support ocean user safety and will boost or at least maintain public confidence in the Shark Management Strategy.

COUNCILLOR RECOMMENDATIONS

1. That Council states to the NSW Government its ongoing support for the NSW Shark Management Strategy.
2. That Council states its support for the inclusion of the following initiatives in the strategy:
 - SMART drumlines
 - Shark tagging program
 - Shark listening stations (VR4G)
 - Sonar technology (satellite detection)
 - Shark SMART App
 - Aerial surveillance
 - Drone or UAV surveillance
 - Partnerships with Surf Life Saving NSW and local communities/Councils
 - Emerging technologies and the Competitive Grants Program
 - Community education
3. That Council states it does not support the continuation of the Shark Meshing Program off Ballina Shire beaches during 2018 – 2019.
4. That Council asks the NSW Government to consider increasing the number of SMART drumlines off Ballina Shire beaches to replace any positive safety benefit that the Shark Meshing Program may have been providing to ocean users.

Attachment(s)

Nil

13.5 Swimming Pools - Reciprocal Arrangements

13.5 Swimming Pools - Reciprocal Arrangements

Councillor Cr Meehan
Cr Johnston

We move

That holders of full season passes to the Ballina and Alstonville swimming pools receive entry rights into both pools for the full season; 28 July 2018 – 31 May 2019, and ongoing future seasons.

This is to include adults, child, family and concession season passes.

Councillor Comments

The purchase of a season pass at the Ballina or Alstonville swimming pools currently provides the person or family with entry rights at one pool, typically where the pass was purchased. Many of these season pass holders utilise both pools for different activities at different times. For example:

- swimming training at one pool – a swimming carnival or water polo at the other pool
- water polo at one pool – recreation and water slide at the other

These needs have quickly become a point of discussion and question. While the cost of a season pass is fair, it is also substantial (Family - \$800, Adult - \$360, Child and Concession - \$320). It is reasonable and fair to the purchasers of a season pass that they receive entry rights to both swimming complexes.

Staff Comments

This matter was reported to Council in preparing the draft fees and charges and the feedback was that the level of reciprocal use was relatively low and it did cause some administrative difficulties.

With the pools now operating, and proving very popular, and with there being new entry and ticketing technology in place, there is no objection to this amendment from staff and / or the management companies.

When Council next goes to tender for the pool management contracts we may examine options that include performance measures based on sales or incentives for each complex, remembering that separate companies manage each facility.

Reciprocal arrangements could slightly complicate any such arrangements however it is a matter that can be worked through at a future date.

The reference to on-going seasons is included in the motion although it is important to acknowledge that this will be reviewed annually as part of the preparation of the Council fees and charges, therefore the motion could be superseded at a future date.

13.5 Swimming Pools - Reciprocal Arrangements

In discussions with the management companies and staff there is no objection to the reciprocal arrangements being approved for any form of pass or bulk purchase. This would include the ten tickets and the three monthly pass.

Based on this feedback a revised recommendation could be:

That bulk tickets (i.e. ten tickets) / three monthly and full season pass holders to the Ballina and Alstonville swimming pools receive reciprocal rights into both pools.

COUNCILLOR RECOMMENDATIONS

1. That holders of full season passes to the Ballina and Alstonville swimming pools receive entry rights into both pools for the full season; 28 July 2018 – 31 May 2019, and ongoing future seasons.
2. This is to include adults, child, family and concession season passes.

Attachment(s)

Nil

13.6 Extraordinary Meeting - Lake Ainsworth Foreshore Improvements

13.6 Extraordinary Meeting - Lake Ainsworth Foreshore Improvements

Councillor Cr Meehan

I move

That if an Extraordinary meeting is not held prior to the September 2018 Ordinary meeting to determine the report on the Lake Ainsworth Part V Application 2017/18 planning assessment, the report is to be submitted to the September 2018 Ordinary meeting.

Councillor Comments

The community expects this matter to be dealt with without further delay.

COUNCILLOR RECOMMENDATION

That if an Extraordinary meeting is not held prior to the September 2018 Ordinary meeting to determine the report on the Lake Ainsworth Part V Application 2017/18 planning assessment, the report is to be submitted to the September 2018 Ordinary meeting.

Attachment(s)

Nil

13.7 Ballina Rugby Union Club - Letter of Support

13.7 Ballina Rugby Union Club - Letter of Support

Councillor

Cr Johnston

I move

1. That Council provide a letter of support for the Ballina Rugby Union Club to seek grant funding through the Office of Sport for fencing along Kalinga Street, at Quays Reserve, Ballina.
2. This letter of support is on the basis that the field will only be totally secured during major one-off events and that the public will continue to have unrestricted access to the grounds on a day to day basis.

Councillor Comments

Council staff have some concerns that supporting a grant application for fencing will create an unreasonable precedent in respect to other sporting clubs wanting to fence their grounds. This concern is acknowledged however the Quays Reserve is already predominantly fenced and will shortly be surrounded by housing.

The proposal from the Ballina Rugby Union Club is to fence the Kalinga Street frontage however the main gates and the emergency vehicle gate will remain open to the public.

The only exception to this will be for major events such as semi-finals or grand finals where the fencing will assist with ticketing and crowd management.

The Ballina Rugby Club has obtained quotations and are ready to submit the application subject to obtaining a letter of support from Council. The grant applications close on Friday 24 August 2018.

Staff Comments

The main reason provided by the club in the request for fencing is to be able to charge admission for major one-off events, although they have also stated that the fencing will help with day to day management of the field.

The club has indicated the problems that exist with the current cost and difficulty for hiring and erecting temporary fencing for major one-off events on both the northern and southern boundary.

The new residential development to the south will help to reduce the cost and effort to manage this by closing the southern boundary.

The primary concern is that a 2.1m high exclusion fence, as proposed, will create a permanent barrier all year round that will visually and physically deter the public from feeling it is an open public recreation reserve regardless of the gates being open.

13.7 Ballina Rugby Union Club - Letter of Support

Almost all other clubs have to hire temporary fencing for similar events and many have larger boundaries on their home reserves.

To allow permanent fencing sets a precedent for permanent exclusion fencing to other reserves and inequality in Council's dealings with events on public reserves.

A copy of the correspondence from the Ballina Rugby Union Club is attached.

COUNCILLOR RECOMMENDATIONS

1. That Council provide a letter of support for the Ballina Rugby Union Club to seek grant funding through the Office of Sport for improved fencing along Kalinga Street, at Quays Reserve, Ballina.
2. This letter of support is on the basis that the field will only be totally secured during major one-off events and that the public will continue to have unrestricted access to the grounds on a day to day basis.

Attachment(s)

1. Ballina Rugby Union Club Inc - Letter of Support

14. Advisory Committee Minutes

14. Advisory Committee Minutes

Nil Items

15.1 Mayoral Meetings

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

15.1 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the July 2018 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
18/7/18	Meeting Ben Franklin – Tour of Pools
19/7/18	Team Innovation Awards – Gallery
24/7/18	Meeting David Kapeen and Ben Franklin - Community Transport
24/7/18	Verto – Parents Next – 3/2 Moon Street
24/7/18	Northern Regional Planning Panel Briefing
25/7/18	Meeting – Jeanette Leonard – Lennox Head Pre School
27/7/18	Presentation of Funds – Shelley Beach Surf club
27/7/18	Run Through – Pool Opening
28/7/18	Hoo Roo Sue – Sue Wardrobe Send Off – Wardell
29/7/18	Meeting – Ballina Memorial Pool Manager
29/7/18	Meeting – Alstonville Aquatic Centre Manager
30/7/18	Meeting – Boardwalk Motel – Eric Budd
31/7/18	Briefing – Joint Organizations
1/8/18	Local Traffic Committee
2/8/18	Meeting WA group - Smart Drum Lines
2/8/18	Gallery Opening
3/8/18	Meeting with Deputy Director DPI
3/8/18	Shark Strategy Stakeholder Meeting with Minister Blair – Ballina Surf Club
5/8/18	Commemoration Park Markets
6/8/18	Joint Organisation Meeting
6/8/18	Briefing – DPI Shark Net Trial
7/8/18	Alstonville – Wollongbar Chamber Meeting
8/8/18	Crowley Care Blessing and Opening
8/8/18	Ballina Hospital – Fire Safety
8/8/18	Ballina Shire Band AGM
10/8/18	Meeting – Year Five students – Angels Beach
10/8/18	Richmond Christian College – 25 th Birthday
10/8/18	Meeting Wardell Citizens and RMS
11/8/18	Alstonville/Wollongbar Chamber of Commerce Business Awards
12/8/18	Commemoration Park Markets
12/8/18	Lennox Head Markets
14/8/18	Public Citizenship Ceremony
14/8/18	Meeting with new Richmond Police Commander
15/8/18	Opening of Wellness Centre
15/8/18	Meeting RMS – Bob Higgins
15/8/18	Wardell Progress Association Meeting
16/8/18	Rotary Club of Ballina on Richmond – Donations Presentations

15.1 Mayoral Meetings

18/8/18	Wreath Laying – Victory in the Pacific and Vietnam Veterans Days
19/8/18	Ballina Markets
19/8/18	Commemoration Park Markets
19/8/18	Scope Club Annual Changeover – Jockey Club
19/8/18	Rainbow Region Dragon Boat Club Regatta
20/8/18	Church Group
20/8/18	Ben Franklin – Premier Visit – Function
21/8/18	Meeting – Premier, GMs and Mayors
21/8/18	Luncheon – Alstonville
21/8/18	Premier - Tour of the Airport
21/8/18	Meeting RSL Disabled Parking
21/8/18	Club Grants Presentation RSL
22/8/18	NRJO Workshop – Lismore City Council
23/8/18	Council Meeting
23/8/18	Reserve Trust Meeting
24/8/18	CSPC Meeting
24/8/18	The Marvellous Wonderettes
25/8/18	Quota Fair
25/8/18	Evans Head Memorial Aerodrome – 5 th Anniversary Dinner
26/8/18	Commemoration Park Markets
26/8/18	Legacy Wreath Laying – RSL Ballina
26/8/18	Ballina Triathlon – Shaws Bay Hotel
27/8/18	Lions Children of Courage Awards – Xavier
28/8/18	Briefing – Waste Management Facility – Alstonville
28/8/18	Briefing – Ringtank

RECOMMENDATION

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

Attachment(s)

Nil

15.2 General Manager - Performance Review

15.2 General Manager - Performance Review

Delivery Program Communications

Objective To provide an overview of the performance review process for the General Manager.

Background

The General Manager's Performance Review Committee (PRC) comprises the Mayor, Deputy Mayor, Cr Smith and Cr Parry, with a representative from LGNSW appointed as the external facilitator, as resolved by Council in September 2017.

The PRC met with the General Manager on Monday 16 July 2018 to perform the twelve monthly performance review for the 2017/18 financial year.

The purpose of this report is to provide a brief outline of the General Manager's performance review process for 2017/18, with the results of that review included in a confidential report later in this agenda.

Key Issues

- Compliance with the General Manager's contract conditions

Information

Council is legally obliged to fulfil its contractual obligations with the General Manager. This includes a 12 monthly appraisal.

Council has a number of options in managing the appraisal process. Some councils use the whole council to conduct the appraisal while other councils vary this from the Mayor only to any sub-component of the elected council.

The Council and/or General Manager also have the option of utilising an external consultant to assist the process.

Many of these options have been trialled by Council and in recent years the process has been to use a small committee (eg. Mayor and Deputy Mayor as the PRC), with the recommendations from that committee then presented to the full Council for determination.

At the September 2017 Ordinary meeting Council resolved to expand the PRC to include four councillors (Mayor, Deputy Mayor, Cr Parry and Cr Smith) and to use an external facilitator, being LGNSW.

The PRC conducted the performance review on Monday 16 July and the recommendation from the PRC is included as a confidential report in this agenda.

15.2 General Manager - Performance Review

Consultation

The Office of Local Government (OLG) has produced guidelines for the management of General Managers and a copy of that document is available on their website (olg.nsw.gov.au – “Guidelines for the Appointment and Oversight of General Managers”). That document provides useful background material in respect to the annual appraisal process.

The results of the 2017/18 performance appraisal have been reported as confidential as they involve personnel matters.

Options

The primary purpose of this report is to provide an overview of the performance review process for the position of General Manager.

The confidential report later in this agenda provides the recommended outcomes from the 2017/18 review, along with the agreed performance criteria for 2018/19.

The recommendation is for noting only and the only other option that Council could consider is whether it wishes to amend the current membership of the PRC. No change is recommended to the membership.

The only other matter is that the involvement of LGNSW has an associated cost of approximately \$5,000 and there is no budget in the Long Term Financial Plan for this expenditure. Therefore the cost will need to be included in the 2018/19 budget, funded from working capital (revenue).

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the annual performance review process for the position of General Manager.
2. That Council approves a budget variation of \$5,000, funded from working capital, for the involvement of LGNSW in the annual performance review for the General Manager.

Attachment(s)

Nil

16. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

16.1 General Manager - Performance Review (Confidential)

As outlined in Item 15.2 of this agenda.

RECOMMENDATION

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

16.1 General Manager - Performance Review (Confidential)

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it involves discussions in respect to the employee's performance.