



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 27 June 2019 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. Planning and Environmental Health Division Reports
9. Corporate and Community Division Reports
10. Civil Services Division Reports
11. Notices of Motion
12. Advisory Committee Minutes
13. Reports from Councillors on Attendance on Council's behalf
14. Confidential Session

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

Paul Hickey
General Manager

A morning tea break is taken at 10.30 a.m. and a lunch break taken at 1.00 p.m.

Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- 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 affirmative second.
- 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.
- 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.
- 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 – This Session Does Not Form Part of the Ordinary Meeting

- A public question time has been set aside during the Ordinary meetings of the Council. The Ordinary meeting will be adjourned from 12.45 pm for Public Question Time. If the meeting does not extend to 12.45 pm Public Question Time will be held after the meeting closes.
- 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 Ordinary meeting agenda.
- 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 question before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, multiple questions can be invited and considered.
- Recording of the questions will not be verbatim and will not form part of the minutes of the Ordinary meeting.
- The standard rules of behaviour in the Chamber will apply.
- Questions may be asked from the position in the public gallery.

The non-confidential parts of Council's meetings are broadcast live to the web and are recorded for future reference. Recordings are made available on Council's website. In accordance with our Code of Meeting Practice, the recording or taking of photos by other people during the meeting is not permitted unless permission has been granted from the meeting.

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

1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 May 2019 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 23 May 2019.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Wollongbar District Park - Draft Concept Plan

8. Planning and Environmental Health Division Reports

8.1 Wollongbar District Park - Draft Concept Plan

Delivery Program Open Spaces and Reserves

Objective To provide Council with the findings of the public exhibition of the Wollongbar District Park Draft Concept Plan and seek direction on the progression of the Wollongbar District Park project.

Background

The provision of a district park within the Wollongbar Urban Expansion Area was identified in a “Community Facilities and Open Space Needs Analysis” report prepared in 2004.

This was further reinforced in 2008 when the Open Space Strategy and Ballina Shire Contributions Plan (BSCP) nominated the location of the district park at Plateau Drive.

The BSCP also nominated the inclusion of a skate park at that site. Council has considered the provision of skate park facilities on the Alstonville Plateau in different locations, and more specifically Wollongbar (including the Plateau Drive site), on multiple occasions for many years.

Various Council documentation has reflected the planned provision of the district park infrastructure over time, including Council’s developer contributions plans, for open space and community facilities.

A Councillor briefing was held on 29 October 2018 in relation to Wollongbar-Alstonville Skate Park site options.

Councillors that attended requested the development of a possible concept plan for a district park at the Plateau Drive site at Wollongbar, inclusive of a skate park. A draft concept plan was presented to Council at its Ordinary meeting on 28 March 2019. At this meeting, Council resolved as follows:

That Council approves a public exhibition process to seek community feedback on the draft concept design for the district park at Plateau Drive, as per Attachment 1, inclusive of the proposed skate park.

The draft concept plan (Attachment 1) was exhibited for six weeks from 10 April to 21 May 2019.

This report presents the findings from the feedback received through the public engagement process and presents an alternative draft concept plan prepared based on community feedback received from public exhibition and discussions at Councillor briefings held 7 May and 4 June 2019.

Key Issues

- Community engagement and feedback
- Design options
- Provision of community infrastructure

Information

The information from the previous report to the 28 March 2019 Ordinary Council meeting regarding the draft concept plan is reproduced below.

The plan includes a vision “to provide a parkland to service the broader district which offers fun and fitness opportunities for all”. The concept plan proposes five key precincts which are represented spatially in the plan.

These are:

<i>Precinct One</i>	<i>Rainforest Mini-Arboretum (or natural edge)</i>
<i>Precinct Two</i>	<i>Produce and Picnic Area</i>
<i>Precinct Three</i>	<i>Group Fitness and Amenities</i>
<i>Precinct Four</i>	<i>Skate and Ride</i>
<i>Precinct Five</i>	<i>Multi-functional Open Space</i>

Page four of the plan shows further details for each precinct.

The key features include:

- *Car Parking for 24 spaces*
- *Park Interpretation Footpath*
- *Public Art*
- *Toilet Building*
- *Rainforest with walking trail and education information*
- *BBQ and Picnic Area*
- *Community Orchard*
- *Fitness Equipment*
- *Climbing Net (Children and Adults)*
- *Multipurpose Pathway and Running Track*
- *Skate Facility*
- *Open Space*
- *Multi-court*

The draft concept plan was exhibited from 10 April to 21 May 2019. An online feedback form was developed via SurveyMonkey and was open to the public to provide responses from 24 April to 21 May 2019.

Councillor briefings on the district park design were held 5 May and 4 June 2019.

Details and findings of this process are reported in the consultation section of this report.

Sustainability Considerations

- **Environment**
The embellishment of the site will provide environmental benefit, including through rainforest restoration plantings.
- **Social**
The provision of a multi-functional park including facilities for a variety of age groups and abilities for the Alstonville/Wollongbar community will provide valuable social benefit, especially to the youth.
- **Economic**
Open space infrastructure supports economic development.

Legal / Resource / Financial Implications

The *Ballina Shire Open Space and Community Facilities Contributions Plan 2016* includes a project for the Wollongbar District Park embellishments (including skate park) at the Plateau Drive site. The current contributions plan allocates \$1 million in developer contribution funds to the district park project (inclusive of provision for a skate park), with the contributions collected to date well short of that figure.

The estimated cost to implement the revised draft concept plan, as presented in Attachment 6 is \$1.02m, excluding the costs to construct the skate park.

In 2016 Council tendered for construction of the skate park at the Plateau Drive site. The resultant preferred tender price was \$350,000 (excl GST).

At that time, basic landscaping and embellishment of the surrounding community areas were budgeted at \$150,000 although this estimate would vary depending on the final skate park design and a more detailed evaluation of site constraints.

The budget did not include improved road or footpath connections to the site, nor open space embellishments beyond basic paths, turf and trees.

Council allocated a Property Reserve funded budget of \$500,000 to this project and there is approximately \$450,000 remaining in that budget, after expenditure on the previous development application, consultant reports etc.

The 2019/20 Operational Plan also includes \$172,000 for embellishments for this park.

Based on a total cost of approximately \$1.452m, with \$450,000 for the skate park and \$172,000 for embellishments in the budget, there is a funding shortfall of \$830,000.

The report titled Delivery Program and Operational Plan – Adoption, included later this agenda, outlines a possible funding strategy for the concept plan.

Consultation

The Wollongbar District Park Draft Concept Plan was exhibited for a six week period from 10 April to 21 May 2019.

Exhibition of the draft concept plan included the following elements:

- Dedicated web page with associated draft concept plan document and link to an online feedback form (open between 24 April and 21 May 2019)
- Letter box flyer delivered to approximately 2,720 residential properties across Wollongbar and Alstonville
- Posters notifying of the exhibition distributed Wollongbar Shopping Centre shops, skate and bike shops in Ballina, Wollongbar District Hall and the Alstonville Leisure and Entertainment Centre
- Letters and emails to 169 adjoining neighbours, 100 previous submitters to Wollongbar Skate Park exhibition in 2016 and community groups including the Wollongbar Progress Association and Wollongbar Alstonville Skate Park Group
- Media feature in Northern Star Council News section, Advocate advertisement and Facebook posts and
- Exhibition material distributed to the shire's libraries and customer service centre.

Online Feedback Form

An online feedback form was used to collect feedback on the draft concept plan (Attachment 1). This feedback form was active for four weeks within the exhibition period, from 24 April to 21 May 2019 and 254 valid online feedback form responses were received during this period.

In total 256 online feedback forms were received. Subsequent analysis revealed that three of the responses received were from the one device, within a span of three minutes, and all contained the same response. It is likely in this circumstance that all three responses came from the one person. As a result of this, only the first response was considered valid and the subsequent two responses were disqualified from the data.

Attachment 2 shows summarised feedback results from the online feedback form, prepared by Council staff. The entirety of responses, including all comments received, can be found in Attachment 3.

Respondents were asked to choose four of their most desired elements for the district park from a provided list of 14 park elements. Analysis of the online feedback form responses found the four most desired park elements out of the provided list of elements which the community supported for inclusion into a district park site were:

- Skate park - 66%
- Public toilets - 57%
- BBQ facilities and picnic settings 57%
- Exercise stations for teenagers and adults 40%

8.1 Wollongbar District Park - Draft Concept Plan

The four least desired park elements out of the provided list of elements were:

- Themed park interpretive footpath 4%
- Collaborative art interpretive pillars 6%
- Arboretum and plantings 10%
- Community orchard 11%

The percentages listed above show the proportion of respondents that chose the respective element as one of their four most desired for the park.

The Wollongbar District Park draft concept plan online feedback form was designed to assist the community to provide feedback on the ideas and elements contained within draft concept plan.

Responses are not considered quantitatively to determine public policy through a “popular vote”.

Response data is a part of a larger framework of tools available to assist decision making.

Written Submissions

Nine written submissions were received via email. Attachment 4 contains copies of these submissions.

Of the nine written submissions received, all of them were centered around the proposed skate park in the concept plan.

Six submissions (R. Walker; L. Alkmim; R. Glover; [REDACTED]; M.Gray and G. McDonald) are supportive of the draft concept plan inclusive of the skate park, and three submissions opposed the plan based on its inclusion of a skate park (G. & R. Hills; [REDACTED] and [REDACTED]).

Attachment 5 contains a summary of the key issues raised in the written submissions. The issues raised in these submissions echoed those received in online feedback form responses.

Councillor briefings

A Councillor briefing was held midway through the exhibition process on 7 May 2019, to give Councillors an opportunity to discuss the draft concept plan and the community feedback received at that point in the exhibition process.

It was evident from the feedback received and from discussions at the briefing that it was appropriate to make the following changes to the first draft of the district park concept plan:

- Addition of a junior play area that includes a play activity fort (ages 3+) plus two swings and a nest swing
- Removal of the orchard and replacement with more picnic tables and shade trees
- Addition of an entry pathway from Plateau Drive

8.1 Wollongbar District Park - Draft Concept Plan

- Changes to the notations to provide extra detail on some of the specific features and correction of terminology to remove 'running track' reference (it's now a multipurpose path circuit)
- Addition of shade trees near the skate park and BBQ area
- Addition of a permanent table tennis table near the multi-court

These changes were incorporated into a revised draft of the concept plan (presented in Attachment 6) which was presented at a subsequent Councillor briefing held 4 June 2019.

At this briefing, the entirety of issues raised in online feedback form responses and email submissions was also discussed.

Based on the community feedback and discussions relating to the second draft of the concept plan at this briefing session, the following items will be considered further in the development of detailed construction drawings for the park:

- Drinking fountain near the northern picnic area
- Shelter over some of the northern picnic tables
- Location of waste bins near the northern picnic area and
- Hand ball court area or line markings on the basketball court for handball.

In summary, the plan contained in Attachment 6 is a revised version of the originally exhibited plan that incorporates feedback received during the draft concept plan exhibition period.

The plan in Attachment 6 is the plan that is the subject of the options and recommendations.

Options

1. Council adopt the revised draft concept plan for the Wollongbar District Park at the Plateau Drive site (presented in Attachment 6 to this report) and proceed with the process of seeking a planning approval for construction of the park.

The Wollongbar Urban Expansion Area was zoned for urban development in 2002. This included zoning of the Plateau Drive site for open space to service the increased populations that the expansion area would bring to Wollongbar.

The integrated facility proposed in the draft concept plan is feasible and has been designed to address the broad needs for recreational space of the expanding community in the locality, whilst also providing for a long-awaited skate park facility for the Alstonville - Wollongbar area.

Through the public exhibition and feedback process, the community has shown strong support for the Wollongbar District Park as exhibited in the concept plan.

8.1 Wollongbar District Park - Draft Concept Plan

Under this approach, Council will be adopting a plan that is inclusive of a variety of infrastructure suitable for various age groups and abilities (including exercise equipment, a skate park, picnicking infrastructure and amenities) for progression to the planning application and assessment process.

The Wollongbar Strategic Plan as recommended for adoption by Council elsewhere in this agenda references provision of the district park as a key strategic action under that plan.

For the reasons outlined this option is recommended.

2. Council make amendments to the draft concept plan for the Wollongbar District Park in Attachment 6 to this report, and receive a further report attaching a revised concept plan detailing these amendments.

This option is not preferred as there has been significant consultation and Council is in a position to confirm a preferred concept plan.

If Council wishes to make relatively minor changes, a requirement for such changes could be embodied in the Council resolution.

3. Council ceases further consideration of the provision of a district park at this location.

A significant amount of resources have been applied to the preparation of concept plans and costings for a district park at this location. A large body of community engagement work relating to this site has also been undertaken. Given this, and the reasons outlined in relation to option 1, this approach is not recommended.

RECOMMENDATIONS

1. That Council acknowledges the extent of community feedback on the Wollongbar District Park Draft Concept Plan at the Plateau Drive site.
2. That Council adopts the Wollongbar District Park Draft Concept Plan, as per Attachment 6 to this report, and proceeds to prepare the relevant documentation to seek planning approval for the construction of the district park at the Plateau Drive site.

Attachment(s)

1. Public exhibition copy of draft Concept Design - Wollongbar District Park
2. Wollongbar District Park Draft Concept Plan summarised online feedback form responses
3. Wollongbar District Park Draft Concept Plan - complete online feedback form responses
4. Wollongbar District Park Draft Concept Plan - Copies of Written Submissions
5. Wollongbar District Park Draft Concept Plan – summary of key issues raised in submissions
6. Wollongbar District Park Revised Draft Concept Plan 24 May 2019

8.2 Wollongbar Strategic Plan 2019 - 2039 - Finalisation

8.2 Wollongbar Strategic Plan 2019 - 2039 - Finalisation

Delivery Program Strategic Planning

Objective To adopt the Wollongbar Strategic Plan 2019 - 2039.

Background

Council initiated the commencement of the Alstonville and Wollongbar strategic planning projects in April 2016. The preparation of a strategic plan for Wollongbar is part of a place based planning program for the urban areas in the shire.

Under the program, place based strategic plans are complete for Wardell, Alstonville and Ballina.

The review of the planning framework for Wollongbar is an action (HE3.1d) contained within the 2018 – 2022 Delivery Program and Operational Plan, and is scheduled for completion in 2018/19.

A similar action (HE3.1c) has also been included within the draft 2019 – 2023 Delivery Program and Operational Plan scheduled for completion in 2019/2020.

The plan, if adopted, will be implemented under action HE3.1b (Implement place based plans) as per the draft Delivery Program and Operational Plan

The Wollongbar strategic planning process has been the subject of a number of Council reports and briefings as detailed below:

- April 2016 – Report to Council - Initiation of Alstonville and Wollongbar strategic plan processes.
- July 2018 – Councillor briefing on content of the draft Wollongbar strategic planning documents.
- July 2018 – Report to Council seeking endorsement for the public exhibition of Wollongbar strategic planning documents.
- April 2019 – Councillor briefing on outcome of public exhibition process and finalisation of strategic plan.
- May 2019 – Report to Council on finalisation of the Wollongbar Strategic Plan.
- June 2019 – Councillor briefing on content of the Wollongbar Strategic Plan.

The report to Council's Ordinary meeting on 23 May 2019 contained a detailed overview of the Wollongbar strategic planning process, the results of the public exhibition process, key issues addressed within the exhibited strategic planning documents, and amendments proposed to the draft strategic plan.

The purpose of this report is to seek direction on the finalisation of the strategic plan.

Key Issues

- Locality based strategic planning
- Finalisation of exhibited strategic plan

Information

The key issues associated with the preparation of the strategic plan and the planning process undertaken are outlined in the report to Council's May 2019 Ordinary meeting.

No new issues have been identified since the May report, and no further submissions have been received since the 23 May meeting.

However, several adjustments have been made to the strategic plan to provide improved clarity in relation to various issues raised by Councillors in the discussion about the plan. This includes renumbering of the strategic actions.

Councillors received a further email submission on 22 May 2019 from Newton Denny Chappelle relating to 48 – 52 Simpson Avenue, Wollongbar. The submission further advocated for the rezoning of this land from B1 Local Centre to medium density residential.

The substantive issues raised in this submission were addressed within the report considered by Council at the May 2019 Ordinary meeting. No changes in relation to the matters raised in this submission are recommended.

Sustainability Considerations

- **Environment**

The environmental consequence associated with contemplating land releases within the urban buffer, and its non-compliance with State based planning policies, would require detailed evaluation to determine whether a substantive case can be made in support of such action.

- **Social**

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

- **Economic**

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

Legal / Resource / Financial Implications

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

8.2 Wollongbar Strategic Plan 2019 - 2039 - Finalisation

The majority of actions, where Council has been assigned implementation responsibility, can be scheduled within existing work programs, primarily within the Strategic Planning team.

The financial implications of adopting the strategic plan relate to Action 4 – public art program (suggested \$5,000 per annum) and Action 10 – Consideration of off road cycle and pedestrian access to the Wollongbar Sports Field site (estimated \$50,000 for concept plan).

Consultation

Detailed consideration of the community consultation undertaken, before and after the preparation of the Wollongbar strategic planning documents, is contained within the report to Council's Ordinary meeting on 23 May 2019.

No further community engagement has been undertaken since that time.

Options

1. Council adopts the draft Wollongbar Planning and Environmental Study, and the Wollongbar Strategic Plan 2019 – 2039 (the timeframe reflecting the year of adoption) with appropriate amendments to the strategic plan having been incorporated, including matters arising from the public exhibition process, and priorities, as set out in Attachment 1.

Amendments to strategic actions contained within the exhibited Wollongbar Strategic Plan and incorporated within Attachment 1 are as follows:

- Action 5 – Restrict dual occupancy development to “attached dual occupancy”
- Action 7 – Adjust wording to be specific in reference to industrial land.
- Action 10 – Delete action relating to the consideration of the future utility of the Wollongbar Basketball Court site in Kays Lane. This means the strategic plan is not advocating for any particular change or use in relation to this land.
- Insert additional action relating to Council's preparedness to consider LEP amendment applications for 5 Smith Lane, Wollongbar (R2 to R3 zone) and 246 – 250 Lismore Road, Wollongbar (service station additional permitted use).
- Insert additional action (action 12) to provide a district level park on the corner of Plateau Drive and Rifle Range Road that includes infrastructure that caters for a variety of interests and needs, and in particular caters for younger people, older people and persons with a disability. This is proposed to reflect the importance of this infrastructure and Council's progress on this matter (the district park is the subject of a separate report elsewhere in this business agenda).
- Insert additional action to reinforce the intention to maintain the extent of land currently zoned for commercial purposes in the Wollongbar village centre, the aim being to allow for expansion and growth of commercial development in a central area over time (action 13).

8.2 Wollongbar Strategic Plan 2019 - 2039 - Finalisation

- Move action to review developer contributions plans to sit within locality objective three (now action 11).
- Delete action relating to the evaluation of 184 Rifle Range Road to support urban (residential) development for a period of five years. This change has been incorporated to reflect the sentiment expressed by Council in relation to this proposed action at the May Ordinary meeting.
- Retention of action to develop a public art program for Wollongbar (now action 4).

With respect to timing for the strategic actions, these have been prioritised in the plan on a high, medium and low basis. Where the strategic action involves a work task as opposed to being a policy position, high priority actions are based on completion within five years and medium priority actions are envisaged to occur within a five to 10 year period. Low priority actions have a time horizon of beyond 10 years but there are no low priority actions identified in the plan contained in Attachment 1.

With respect to actions 9, 10 and 11, these seek to incorporate consideration of infrastructure at Wollongbar relative to the outcomes of the strategic planning process into future reviews of key infrastructure planning documents. The aim is to address infrastructure planning for Wollongbar through these established processes rather than creating new processes, noting Council's key infrastructure plans are already inclusive of Wollongbar.

As a guide to timing, the Open Space and Community Facilities Contributions Plan is scheduled for review in the 2020/21 year under the draft Delivery Program and Operational Plan. The Roads Contributions Plan is scheduled for review in 2022/23.

Council's water and sewer infrastructure plans are scheduled for review under the draft Delivery Program and Operational Plan in the 2019/20 year.

The Pedestrian Access and Mobility Plan does not have a set review period prescribed. However, if it is reviewed at a five year interval as is typical for Council plans, the first review of the plan adopted is due in around 2023.

The Bike Plan has a prescribed initial review period of five years, being due in 2021.

All of these infrastructure plan reviews are planned to occur within the next five years, aligning with the high priority assigned to these infrastructure planning actions.

Adoption of the strategic plan as set out in Attachment 1 is the recommended option, inclusive of the endorsement of the Wollongbar Environmental and Planning Study consistent with the recommendation made at the May Ordinary meeting. The environmental and planning study document was provided to Councillors as part of the May business paper.

8.2 Wollongbar Strategic Plan 2019 - 2039 - Finalisation

The recommendation also addresses the proposed service station use at 246 - 250 Lismore Road as Council has already received an LEP amendment request in relation to this matter.

2. Council defers further consideration of the Wollongbar Strategic Plan 2019 – 2039.

Should Council require additional information on issues raised in the submissions, or on the planning documents exhibited, then this report could be deferred for a further briefing or workshop.

At the Councillor briefing held on 4 June 2019 no new issues were identified which required investigation. Adjustments have been made as outlined to clarify various matters raised through the Councillor discussion on the strategic plan.

3. Council ceases further consideration of the draft Wollongbar Planning and Environmental Study and the draft Strategic Plan 2019 - 2039.

Given the extent of community engagement undertaken this approach is not recommended. Adoption of the Wollongbar Strategic Plan 2019 – 2039 as amended will enable the programing and associated funding of actions to take place.

RECOMMENDATIONS

1. That Council adopts the draft Wollongbar Planning and Environmental Study, as publically exhibited.
2. That Council adopts the Wollongbar Strategic Plan 2019 – 2039, as contained within Attachment 1 to this report.
3. That a report be prepared for Council's further consideration relating to the LEP amendment request lodged in respect to Lot 2 DP 527953, No. 246 - 250 Lismore Road Wollongbar, to permit a service station on this site.
4. That Council thank those that made submissions to the process and participated in the community engagement.

Attachment(s)

1. Wollongbar Strategic Plan 2019 - 2039

8.3 Lennox Head Village Renewal - Next Steps

8.3 Lennox Head Village Renewal - Next Steps

Delivery Program Strategic Planning

Objective To evaluate the Lennox Head one-way traffic trial and outline suggested next steps for progressing the Lennox Head Village Renewal Project.

Background

In January 2018 a report to Council outlined a suggested staged process for the progression of a Lennox Head Village Centre Renewal (LHVCR) project.

This project involves the renewal of Lennox Head village centre (defined as the area indicated below) with Council having a total of \$5.5 million allocated in our Long Term Financial Plan to undertake the works (2020/21 - \$4.2m and 2021/22 - \$1.3m). The aim is to have the works completed by the end of financial year 2021/22 in advance of the Lennox Head centenary celebrations planned for the end of calendar year 2022.



Figure 1: The Lennox Head Village Vision study area

The first phase of this process involved community engagement to establish a preferred design for the enhancement of the centre, and to guide future renewal works.

Council resolved to commence Phase 1 of the Lennox Head Village Centre Renewal Project.

This engagement was undertaken during May and June 2018, with the project being referred to as the Lennox Village Vision project (LVV).

8.3 Lennox Head Village Renewal - Next Steps

Key findings from Phase 1 consultation included a recognition that there are traffic and parking issues but this was allied with a concern that addressing these issues should not take precedence over the needs of people and the community.

There was no consensus about how traffic and parking issues should be addressed.

The findings of the first round of engagement found a large number of the 500 respondents to a community survey supported further investigation on a one-way traffic trial as part of the renewal opportunities for the Lennox Head village centre.

This along with other findings of the engagement were reported to Council at the September 2018 Ordinary meeting where it was resolved:

That Council endorses the commencement of Phase 2 of the Lennox Village Vision: The Future of the Lennox Head Village Centre project as follows:

- 1. Implement a trial one way traffic management arrangement in accordance with streetscape design concepts contained within the attached community engagement package, with other associated or consequential changes within the local road network*
- 2. The one way temporary arrangement is to operate for a minimum period of three months, with the operational period to be determined by the General Manager so as to optimise the gathering of traffic data for further assessment.*
- 3. The temporary one way traffic arrangement is to be based on the lesser cost option as described in this report.*
- 4. The General Manager is authorised to arrange for SIDRA traffic modelling to be undertaken to further inform the selection of future traffic management options within the centre.*
- 5. The information gathered from the trial one way traffic management arrangement and the modelling is to be reported back for the Council's further consideration.*
- 6. The trial for 2018/19 is to be funded as follows:*

<i>Item</i>	<i>Amount (\$)</i>
<i>Existing Budget</i>	<i>3,100</i>
<i>Internal Reserve – Lennox Head Village Renewal</i>	<i>26,600</i>
<i>Internal Reserve – Strategic Planning Studies</i>	<i>12,300</i>
<i>Total Budget for 2018/19</i>	<i>42,000</i>

- 7. Council is to receive a further report on how the latest estimated cost of \$6.6m can be funded in the Long Term Financial Plan.*
- 8. That Council receive a report on the Lennox Foreshore Master Plan.*

The one-way traffic trial included in phase 2 of the Lennox Village Vision project aimed to address points 1 - 6 of the above resolution.

The traffic trial (Figure 2) commenced on Monday 11 March 2019 following a significant community awareness program, including correspondence sent to all Lennox Head residents.



Figure 2: Lennox Head One-Way Traffic trial

As the trial progressed there were various modifications to the temporary infrastructure to assist with traffic flow and parking, with formal traffic data collection due to commence 8 April once traffic adjustments were completed

It was originally intended to conduct the trial through to July 2019. However this timeframe was reviewed following representation from the Lennox Head Chamber of Commerce to Council regarding the impact of the one-way traffic trial on Lennox Head businesses.

A Council report was prepared based on the results of a Lennox Head survey of businesses together with interim results of the one-way traffic trial community survey conducted by Council. This report was presented to an Extraordinary meeting on 15 April 2019 where it was resolved:

1. *That Council approves the immediate cessation of the one way traffic trial for Lennox Head.*
2. *That Council advance the planning for the Lennox Head Village Renewal project based on the existing traffic flow.*

The trial's temporary infrastructure was removed and the original line marking reinstated by 18 April prior to the Easter holiday period.

8.3 Lennox Head Village Renewal - Next Steps

This report provides more detail about the data gathered through the trial period and suggests next steps regarding advancing the planning and design for the Lennox Head village centre renewal project based on a two-way traffic flow.

Key Issues

- Progress on the LVV project
- Community engagement outcomes
- Urban design and renewal, including streetscape and road configuration
- Commitment of resources
- Pathway for delivery of village centre renewal works.

Information

A staged process for the LVV was outlined in the January 2018 report to Council and is provided again in Figure 3.

The staged process outlined in Figure 3 suggests the steps that could be undertaken by Council to implement a program of upgrade works based on the 2021 timeframe identified in the current Delivery Program and Operational Plan and Long Term Financial Plan (LTFP).



Figure 3: Lennox Village Vision Process Steps

As indicated above, a one-way traffic trial was implemented as a component of Phase 2 of the Lennox Village Vision process based on the findings from the community engagement outcomes of Phase 1.

It was anticipated that the outcomes of the one-way traffic trial would largely be based on information collected from traffic data and a community survey to assist in Council decision making regarding the community's preference regarding traffic flow in the village centre.

The traffic data was to include traffic counts and a survey of car park vacancy rates gathered partway through the trial period to compare to base line data collected in the pretrial period.

As the traffic trial was concluded sooner than expected the traffic data for the one-way traffic trial is incomplete and does not provide any conclusive findings.

Community Survey

A community survey on the one-way traffic trial was launched partway through the trial and remained open for a period following the early conclusion of the trial.

This survey was designed to gather community feedback on different elements of the one-way traffic trial to better inform Council's decision making regarding a preferred traffic system for the Lennox Head village renewal.

Many of the survey results are considered less relevant now that Council has made the decision to advance the planning for the LVV project based on the two-way traffic flow.

The selection of survey results are presented below as they have relevance to the future planning process for a two-way system.

A Community Survey Report on the results from 1,057 survey responses and 21 written submissions was independently compiled by Dr Liz Baker. Key findings of her report (Part 1 of the report is contained in Attachment 1) relevant to the future planning of a two-way system for the Lennox Head village centre include:

- The majority of respondents preferred a two-way traffic flow for Lennox Head village centre: 67% indicated a preference for two-way; 26% for one-way.
- There was a consistent concern with safety, for pedestrians and for drivers. Associated with this was a frequent call for more pedestrian crossings. Increased safety for pedestrians regardless of traffic flow system was supported.
- Landscaping was generally, but not wholly, supported and not tied to one-way or two-way traffic arrangements. There was more support for using any additional space for public space (wider footpaths, landscaping, street furniture, footpath dining etc) than there was for using it for car parking.
- No clear preference for the type of parking or the location of specific types of parking. Angle parking was slightly more preferred than parallel parking however the particulars (location, angle, side-of-road, and reverse- or nose-in) were variable.
- The majority of respondents did not support parking with shorter time zones in the village centre. However, there was support for a mix of parking time zones, allowing for the different ways in which people use the village centre.
- There appears to be a tension between 'grab-and-go' and 'stay-and-chat' users of the village centre.
- There appears to be a tension between what might work best for locals and what might work best for visitors / tourists.
- In keeping with the majority preference for two-way traffic in the village centre, the majority of respondents also preferred the streetscape concept 'Design A'.
- While there were many negative comments about the trial and calling for its immediate cessation, there were also many comments thanking the Council for trying the one-way option. There were several comments lamenting the early end to the trial.

8.3 Lennox Head Village Renewal - Next Steps

As Council has resolved to advance the planning for the Lennox Head Village Renewal project based on the two-way traffic flow, the findings will now be used to inform the next steps of the LVV process.

Next Steps in the Lennox Village Vision Process

In the next part of the LVV master planning phase (Phase 2), parking and traffic data will be collected and analysed, as will community satisfaction, and user experience data relating to the Lennox Head village centre as it currently operates.

Once this data has been obtained, a design charrette (explained in detail further in this report) is proposed in order to facilitate and involve key stakeholders in the ultimate design of the Lennox Head village centre renewal.

Figure 4 presents an indicative timeline for the completion of Phase 2 (master planning phase) of the LVV process.

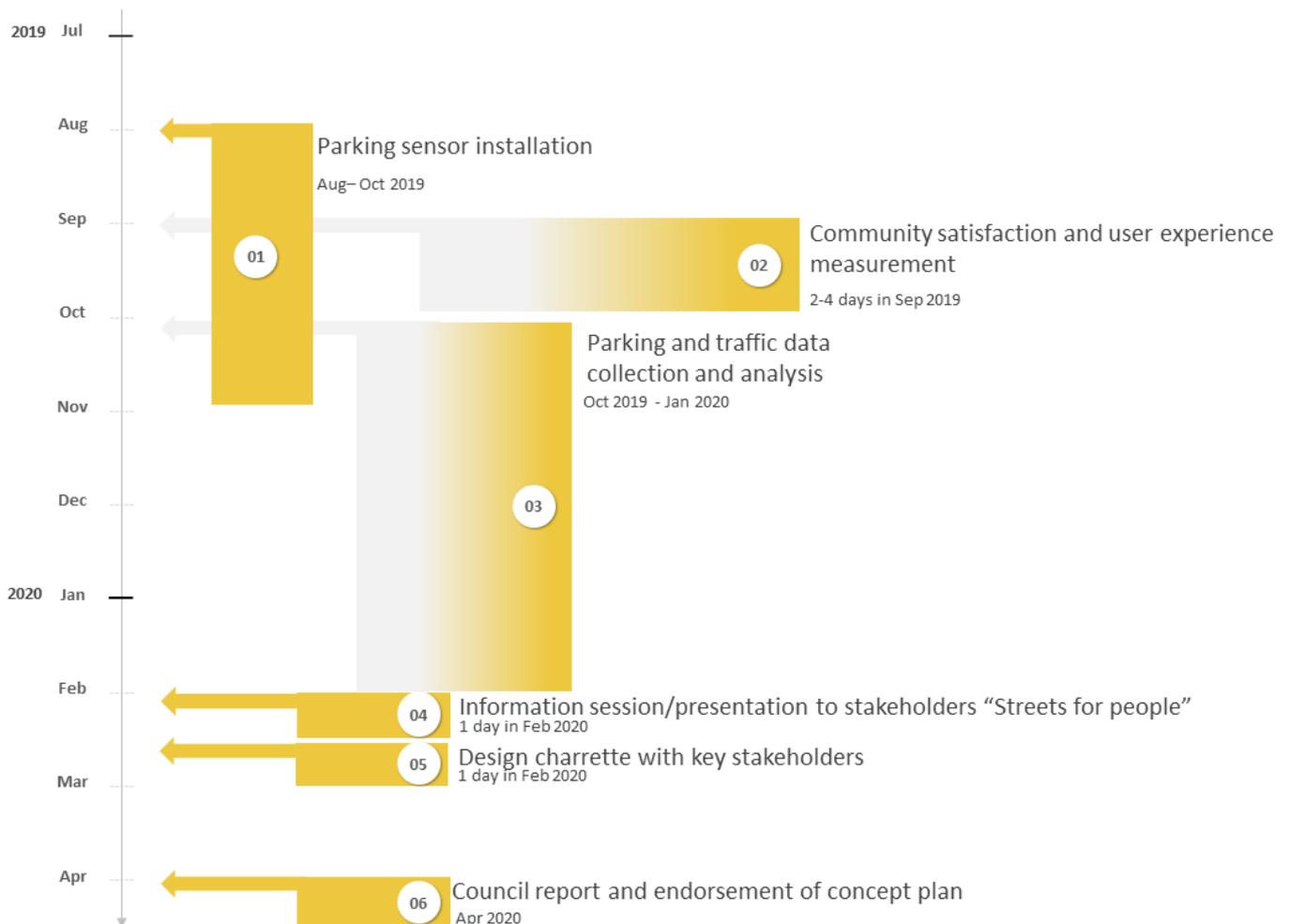


Figure 4. Indicative timeline - Lennox Village Vision remaining steps in Phase 2 (Master planning)

Details of each of the stages in the Phase 2 timeline are given as follows.

8.3 Lennox Head Village Renewal - Next Steps

Stage 1 – Parking Sensor Installation

To assist with operational requirements, staff are examining information on the installation of in-ground parking sensors in CBD areas of towns and villages across the shire.

In-ground parking sensors provide a number of capabilities and efficiencies including improving parking utilisation knowledge, compliance monitoring and motorist wayfinding.

The system works by the sensors detecting when a car is and isn't present in a car parking space. The recorded data is used to gain parking occupancy information.

Occupancy data would be very useful when considering car parking options in the design of the village centre renewal.

Given this benefit in relation to the Lennox Head village centre project and the principle that the technology might be best trialled in a defined location before a broader commitment is made, it is proposed that the rollout of car parking sensors in the shire begin with installation in Lennox Head village centre in the near future.

If pursued as part of the LVV project, installation is proposed within marked public car parking spaces along Park Lane.

Sensor installation would take around three months aiming to start around the beginning of August 2019, as per Figure 4.

Once installation has been completed, data will be collected and analysed in the Stage 3 period as per Figure 4 (between November 2019 to January 2020), along with other parking and traffic data.

It is not proposed that the sensor parking would be used for enforcement purposes in the first instance, particularly as Park Lane is not subject to any timed parking restrictions at present.

However, the data collected could be used to inform timed parking outcomes and ultimately lead to parking enforcement activity in Park Lane.

Parking sensor installation is currently not funded under the proposed 2019/20 budget or the long term financial plan.

Given this, if sensor parking is something Council wishes to pursue, it is recommended that Council receive a further report addressing both installation in Lennox Head and a broader program on this, as a matter of priority.

This report would also examine the economic viability of the sensor installation relative to its application in Lennox Head.

It is estimated that 100 sensors would cost \$63,000 plus \$7,500 for annual support. Leasing is also an option to reduce the upfront cost.

8.3 Lennox Head Village Renewal - Next Steps

If Council does not wish to pursue sensor parking at this time, staff will proceed with the LVV project (as endorsed by Council) without the parking sensor phase.

Stage 2 – Community Satisfaction and User Experience measurement

It will be important to base design of the village centre renewal on attributes of the village centre and values that are important to the community.

The community feedback captured from the surveys conducted in Phase 1 (prior to the one-way trial) and during the one-way trial in Phase 2 provides a valuable source of data for this purpose.

To further crystallise priorities for investment (and eventually measure the impact of that investment) in the village centre, a Place Score benchmarking assessment is proposed.

Place Score is a place experience diagnostic, engagement, benchmarking, and data tracking platform that helps guide and measure more effective investment in urban environments.

It offers two data collection tools, Care Factor and PX Assessments.

Like a 'place census', Care Factor captures what the community really values, while PX Assessments measure the community's lived experience.

Together the two tools help identify what is important, how a place is performing and what the focus of change should be. An attribute with a high 'Care Factor' score but a low 'PX' score should be a priority for investment.

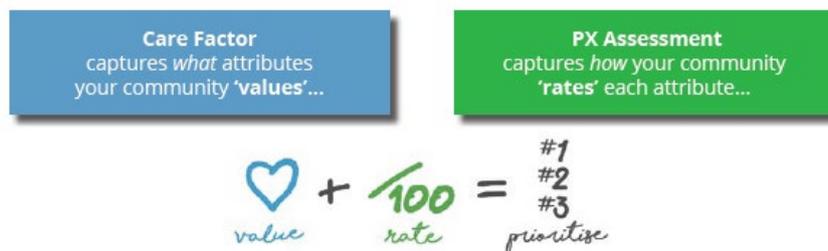


Figure 5. How the Place Score system works

Two options for Place Score assessments are outlined below.

Option 1 – Entire Shire assessment.

This includes a Care Factor assessment across the 11 localities across the Shire, and eight locational PX assessments across the Shire.

The data and insights gained with a shire-wide assessment would contribute to upcoming place-based strategic planning framework reviews (such as for Lennox Head), as well as focusing public asset investment priorities across the Shire.

This option will cost \$49,820 ex. GST.

Option 2 – Lennox Head village centre assessment.

8.3 Lennox Head Village Renewal - Next Steps

This includes a Care Factor assessment of Lennox Head village centre and a PX assessment of the main street (Ballina Street) in the CBD of Lennox Head.

The data collected from this option would not only help to shape the design of the Lennox Head village centre renewal, but would also contribute to the upcoming review of the Lennox Head strategic planning framework (due to commence in the 2019/20 year).

Option 2 will cost \$10,240 ex. GST.

Option 2 is recommended based on the lesser cost and the opportunity to pilot a Place Score assessment before committing funds to a Shire-wide assessment.

The data gathering (from face-to-face surveys) is proposed to occur over two days in September 2019.

Stage 3 – Parking and traffic data collection and analysis

Baseline data around traffic and parking is crucial to inform the village centre renewal design. A parking audit of the village centre and surrounding streets will be undertaken and will include:

- audit of public car parking spaces (on street and off-street including public car parking provided on private commercial land);
- audit of private on-site car parking spaces provided for tenants of businesses;
- review of occupancy data; and
- review of length-of-stay data in Park Lane marked car parking spaces (if in-ground sensor technology is installed as outlined earlier in this report).

Traffic counts have been performed in the village centre in previous years and during the one-way trial in April/May this year. It is worthwhile to perform follow-up traffic auditing to identify trends and patterns.

Parking and traffic audits are proposed to occur during the Stage 3 period between October 2019 and January 2020, as per Figure 4.

Stage 4 – Information session/presentation for stakeholders “Streets for people”

The design charrette proposed in Stage 5 (further detail provided later in this report) will involve key stakeholders including Councillors, community representatives and Council staff.

As a precursor to the charrette, an information session is proposed for community stakeholders (Councillors included) that addresses designing infrastructure that encourages people to spend time in areas, interaction and place identity.

It is anticipated that the information session will be held in February 2020, just before the design charrette with key stakeholders.

8.3 Lennox Head Village Renewal - Next Steps

Stage 5 – Design charrette with key stakeholders

A key element of the Phase 2 master planning is the design of the Lennox Head village centre renewal.

An impactful design is more likely to be achieved if key community stakeholders can be involved more intimately in the design process.

To facilitate this, a design charrette is proposed.

A charrette is an intensive, multi-disciplinary design workshop designed to facilitate open discussion between key stakeholders of a project.

Design experts, community groups, developers, business owners, residents and other stakeholders relevant to a project, work together to find design solutions that will result in a clear, detailed, realistic vision for future development.

The process is an exercise of transparency and collaboration, where information is shared between the design professionals and the stakeholders.

The design charrette is proposed to be held soon after the information session in February 2020 and will likely be a one day workshop involving up to 20 key stakeholders including design experts (including Council staff), community representatives, and Councillors.

Stage 6 – Council report and endorsement of concept plan

The findings from the design charrette will be used to produce a final draft concept plan which will be presented at an Ordinary meeting for Council to endorse to move onto detailed design and construction.

The indicative timing for the presentation of this report will be April 2020.

Entire Timeframe for Completion of the Lennox Village Vision

Phase 2 (Master planning) of the LVV process will culminate once Council has endorsed a concept plan to base detailed design of the village centre renewal works.

Figure 6 presents an indicative timeline showing the entirety of remaining Phases for the LVV process to completion of the renewal works including Phase 2 – Master planning, Phase 3 – Detailed Design and Phase 4 – Implementation.

8.3 Lennox Head Village Renewal - Next Steps

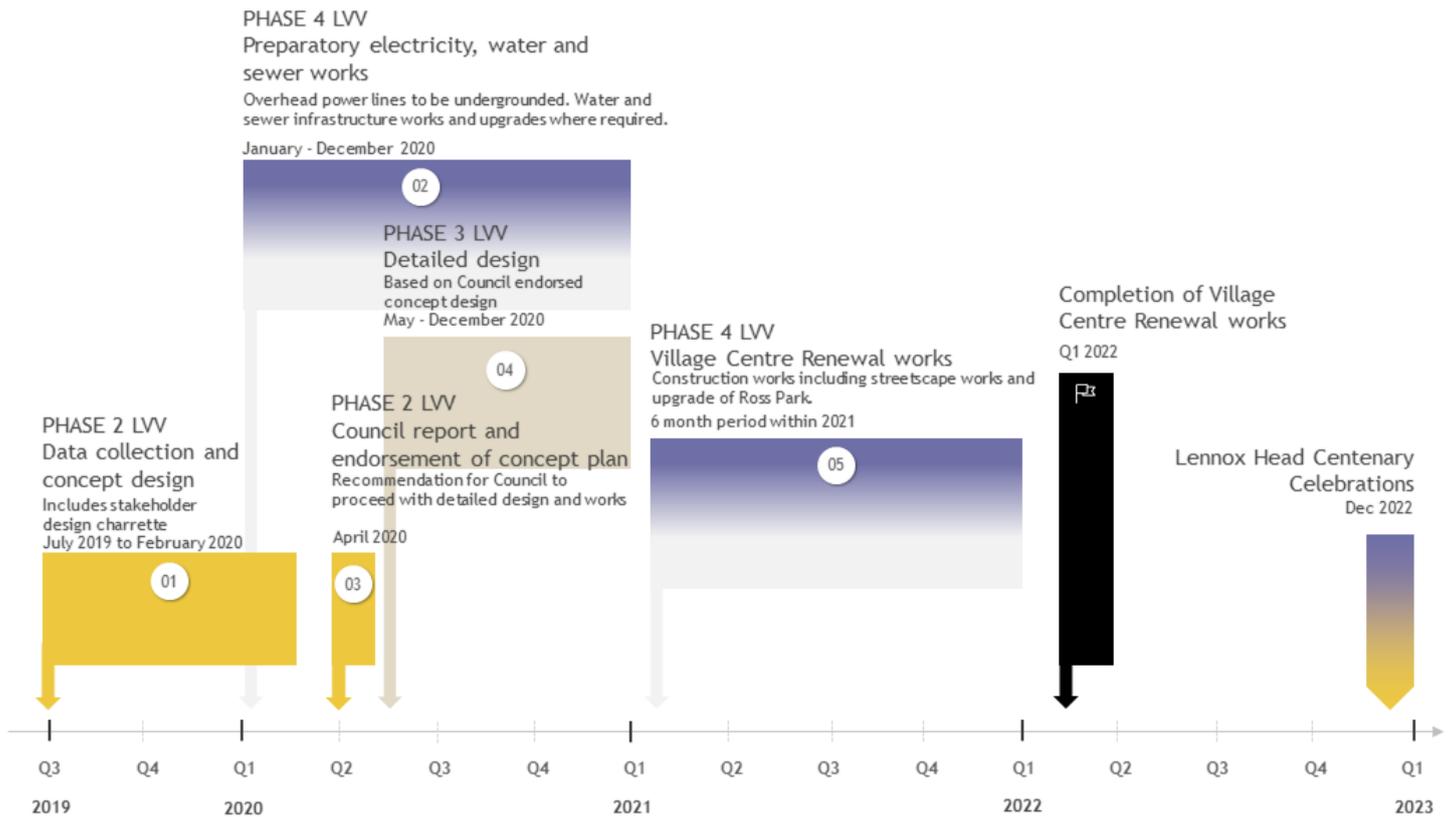


Figure 6. Indicative timeline – remaining Phases in LVV process to completion of Lennox Head village centre renewal works

Sustainability Considerations

- Environment**
 There are a number of environmental and aesthetic benefits that could result from the implementation of the renewal of the Lennox Head village centre public domain. This could include parkland enhancements and provision of street trees.
- Social**
 Future village centre renewal can contribute to social connectivity and positive community outcomes through creation of meeting and recreational spaces and enhanced opportunities for informal interactions.
- Economic**
 Future village centre renewal works have the potential to stimulate enhanced economic activity in Lennox Head with respect to both local residents and visitors, although it must be acknowledged that during the future construction period, adjacent businesses are likely to be substantially impacted.

Legal / Resource / Financial Implications

Council allocated \$53,900 in the 2018/19 budget for phase two of this project with expenditure to date totaling around \$65,500.

8.3 Lennox Head Village Renewal - Next Steps

As mentioned earlier there is \$5.5m in the Long Term Financial Plan for the Village Renewal works in 2020/21 and 2021/22.

Long term financial planning to fund the implementation of the Lennox Head village renewal works and estimated costings for the implementation of upgrade works will be the subject of a future report which will be prior to the commencement of implementation works.

Progressing the Lennox Village Vision Project

As outlined in this report, the community survey and Lennox Head Chamber of Commerce's representation on the traffic trial have provided a clear indication of the community's preference for a two-way traffic flow for the Lennox Head village centre.

The additional steps involved in completing Phase 2 (Master planning) of the LVV project have been canvassed above, and Table 1 provides preliminary estimates of the associated costs for their completion.

Table 1. Estimated costs for the completion of Phase 2 (Master Planning) of the LVV process

Stage	Activity	Estimated Cost
Stage 1	Parking Sensor Installation	\$30,000 to \$70,000 ex. GST per annum
Stage 2	Community Satisfaction and User experience measurement – Place Score assessments	\$10,240 ex. GST (Option 2 – Lennox Head Village Centre assessment recommended)
Stage 3	Parking and traffic data collection and analysis	Staff resources. No extra cost expected.
Stage 4	Stakeholder information session/presentation "Streets for people"	\$7,000 ex. GST
Stage 5	Design Charrette – Facilitator and workshop costs	\$10,000 ex. GST
Stage 6	Council report preparation	Staff resources. No extra cost expected.
TOTAL		\$27,240 ex. GST

An estimated total of \$27,500 will be required in addition to the currently expended funds of \$65,500 in order to complete Phase 2 as proposed in Figure 4 of this report.

The costs associated with the community engagement for stage 2 can be met within the existing resources of the Strategic Planning Section.

It is recommended that Council receives a further report on options to finance the other proposed engagement activities.

Table 2 summarises the approximate cost, duration and timing of all phases (as proposed in Figure 6) to completion of the Lennox Head Village Centre Renewal project.

8.3 Lennox Head Village Renewal - Next Steps

Table 2. Estimated Cost and timing for the completion of the entire LVV process (including Phases 2, 3 and 4).

Phase	Step	Cost	Duration	Timing
2	Trial period of a one way traffic flow option	Complete	3 - 6 mths	Mar – April 2019
	Additional consultation and master planning based on a two-way traffic flow	\$27,500 (note stage 2 funded from existing budgets)	9 months	Aug 2019 – Apr 2020
3	Detailed streetscape design	\$80,000	3 - 6 mths	May to Dec 2020
	Engineering design			
4	Implementation works	\$5.5m	18 mths	Jan 2020 - Dec 2021

Although a budget has been identified for the implementation of the Lennox Village upgrade works, the current Delivery Program and Operational Plan does not allocate funds to progress phases 2 or 3 of the LVV project in the 2019/20 or 2020/21 financial years.

If Council wishes to continue progress on the LVV project, additional funds will need to be sourced to carry out the steps necessary to ensure the project is ready for implementation in 2020/21.

Once funding is secured for at least the completion of Phase 3 outlined above, the project could then proceed based on the process for completion of the LVV project outlined in Figure 6 and the timeframe for completion identified in the current Delivery Program and Operational Plan.

Under this scenario, additional funds of approximately \$97,500 will need to be sourced over the 2019/20 and 2020/21 financial years if Council wishes to complete the Phase 2 steps outlined above and progress the project to the completion of detailed design stage (Phase 3).

Whilst the next stage of community engagement occurs, it is recommended that Council further considers options for the funding of the next steps in the project. This would be done through a further report to Council in the first quarter of 2019/20.

Consultation

Council has undertaken significant community consultation throughout this process including writing to all residents and the issuing of fact sheets, media releases, as well as calling for submissions and conducting an on-line survey.

A table of the communication and engagement activities included as part of the one-way traffic trial for the Lennox Village Vision Project is contained in Attachment 2.

As mentioned in this report 1057 members of the community responded to an on-line community survey on the Lennox Head one-way traffic trial. 95% of these lived in the 2478 postcode. A further 21 written submissions were received during the trial period. The full Community Survey Report exceeds 190 pages, as such only Part 1 has been attached (see Attachment 1).

Completion of Phase 2 of the LVV as proposed in this report will include additional community engagement as specified for *Stage 2 – Community Satisfaction and User Experience measurement*, *Stage 4 – Information session/presentation for stakeholders “Streets for people”* and *Stage 5 – Design charrette with key stakeholders*.

Options

1. Council can endorse proceeding with the project steps outlined in figures 4 and 6 subject to further reporting on costs and funding for sensor parking infrastructure, community engagement activities and detailed design work.

This is the preferred option as it provides for the continuation of the project through community engagement in the short term and allows Council time to consider financing options and refinement of future steps.

This approach means staff will proceed to carry out the place score assessment as outlined in relation to stage 2 whilst further analysis is undertaken in relation to funding for other aspects of the project.

This option sets up progress of the project based on continued involvement of the community and detailed design work informed by ongoing community engagement. This combination is recommended as the optimal basis for the ultimate design outcome because it continues a program of collaboration with the Lennox Head community to inform design and planning outputs.

The community satisfaction and user experience data gained through the Place Score assessments will also provide valuable community feedback used when reviewing the Lennox Head strategic planning framework in 2019/20.

2. Council can choose not to continue with the remaining stages of Phase 2 as set out in this report and instead move onto the remaining phases (Phases 3 – Detailed Design and 4 - Implementation) of the LVV process based on the information and data collected from Phase 1 and Phase 2 one-way traffic trial activities.

Council would also need to allocate funds of approximately \$80,000 for the completion of Phase 3 (Detailed Design) if this option is chosen.

This option is not recommended on the basis of the reasoning set out with respect to Option 1.

3. Council can defer the consideration of progressing Phases 2 and 3 of the LVV project as set out in this report to enable Council to seek clarification or further information.

The Delivery Program includes the Lennox Head Village Centre Renewal project as an action for completion by December 2021. Any delay to the progress of the project could result in Operational Plan targets not being met, but more importantly compromise project completion before the target date of Lennox Head Centenary Celebrations in December 2022.

8.3 Lennox Head Village Renewal - Next Steps

For these reasons, and for the reasons outlined in relation to Option 1, this approach is not recommended.

RECOMMENDATIONS

That Council proceeds with the implementation of the Lennox Village Vision project generally in line with the approach outlined in figures 4 and 6 within this report subject to:

- a) receipt of a report examining use of sensor parking technology in Lennox Head and the Shire more broadly including consideration of funding options; and
- b) receipt of a report addressing funding options for those aspects of phases 2 and 3 of the project that do not currently have identified funding.

Attachment(s)

1. Lennox Village Vision - One-way Traffic Trial - LVV Survey Report - Part 1 (under separate cover)
2. Lennox Village Vision – One- Way Traffic Trial - Communication and Community Engagement Activities

8.4 Epiq - Community and Sporting Facility Infrastructure

8.4 Epiq - Community and Sporting Facility Infrastructure

Delivery Program Strategic Planning

Objective To seek direction from Council on the approach to the delivery of community and sporting facility infrastructure within the Epiq development at Lennox Head.

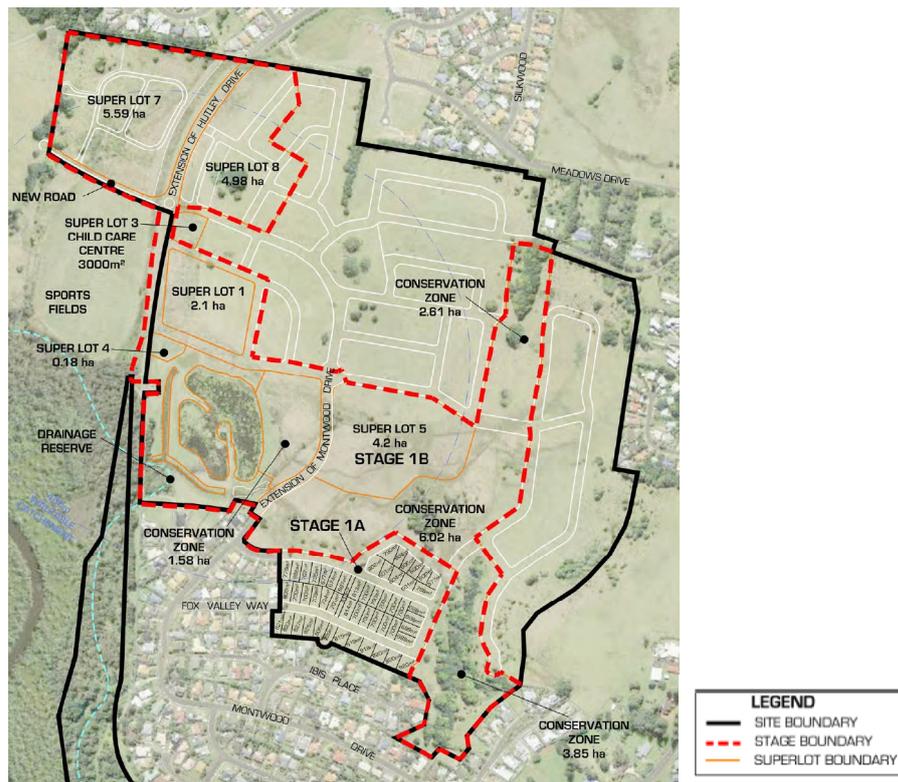
Background

Epiq at Lennox Head (formerly known as Pacific Pines) is a greenfield urban release area that incorporates residential development, a commercial area and community infrastructure including sporting fields and road works.

The development is being undertaken by Clarence Property.

The location of the land and the overall layout of the development is shown in Figure 1.

Figure 1 – Epiq Development Lennox Head (Source: Newton Denny Chapelle)

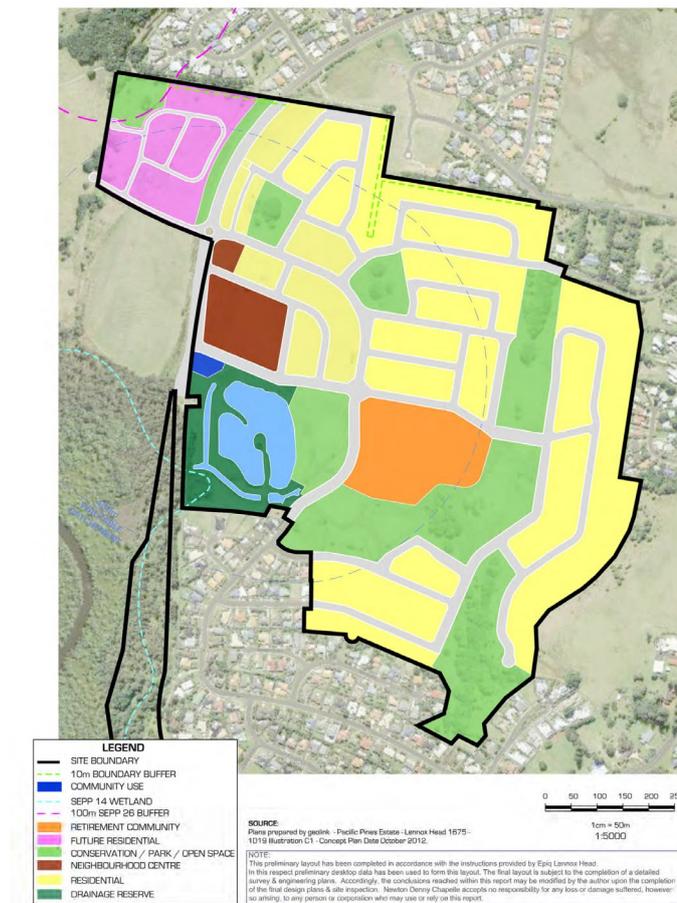


Epiq is subject to a Concept Approval (MP 07_0026 MOD 5) and a Project Approval issued by the NSW Department of Planning.

The concept plan layout for Epiq is shown in Figure 2.

8.4 Epiq - Community and Sporting Facility Infrastructure

Figure 2 – Epiq Approved Concept Plan (Source: Newton Denny Chapelle)



The concept approval provides the overall context for the development, and the development of the land must be carried out in a manner consistent with this approval.

The existing project approval and subsequent development approvals relate to the delivery of project stages and incorporate a greater level of detail.

The current Concept Approval for Epiq provides for several key elements within the development to be delivered in stages as follows:

- Residential subdivision to create a variety of lot types and sizes
- A neighbourhood shopping centre including a supermarket and specialty shops
- A multi-purpose community hall with a floor space of 300m²
- Medium density housing
- An open space network including water quality control, conservation and general open space areas
- Road network (including extensions to Montwood Drive and Hutley Drive)
- Other associated infrastructure (including playing fields and sporting amenities).

Stage 1A of the development, being for 51 residential lots, has been subdivided and constructed with the majority of the lots now containing

8.4 Epiq - Community and Sporting Facility Infrastructure

dwellings that are complete or nearing completion. Stage 1A also included construction of the Epiq playing fields, which are complete and have been handed over to Council.

Stage 1B of the development has been subdivided and constructed.

This stage included the creation of super lots, the construction of Main Street, construction of an extension to Hutley Drive within the Epiq site and provision of various other internal roads.

Stages 2 and 3, both being predominately for residential development (83 lots and 122 lots respectively), have now been constructed and subdivided and it is expected that housing construction will commence in the near future.

Stages 4 and 5 are also progressing, with substantial construction work for stage 5 currently in progress.

The neighbourhood commercial centre was granted development consent by the Northern Regional Planning Panel on 17 October 2018.

A modification to that approval that seeks to alter the configuration of the commercial floor space is scheduled for the consideration of the Northern Regional Planning Panel on 20 June 2019.

This application is likely to have been determined prior to publication of this agenda.

Community and Sporting Infrastructure Background

In December 2017, Council received a report regarding the community and sporting infrastructure planned within the Epiq development.

The purpose of that report was to provide Council with an overview of the community infrastructure planned for the Epiq development and seek direction from the Council with respect to the provision of this infrastructure as the development proceeds.

Alternative approaches to infrastructure provision were outlined with Council resolving to endorse a change to the planned infrastructure outcome as follows:

1. *That Council authorises the General Manager (or delegate) to negotiate with Clarence Property for an alternate community infrastructure outcome at the Epiq development site based on the following principles:*
 - *That Council works with Clarence Property to determine an agreed value for the community infrastructure works required under the current Concept Approval.*
 - *That the negotiation be based on the application of the value of the required community infrastructure works to Council's preferred infrastructure outcomes.*
 - *That Council negotiates for an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space.*
 - *That Council negotiates for piece of land in a future development stage suitable for the siting of a community preschool and/or community facility.*

8.4 Epiq - Community and Sporting Facility Infrastructure

- *That if the above items are secured and any funding remains, that Council negotiates for such monies to be applied to the lighting of the Epiq playing fields.*
 - *That the requirement for cricket practice wickets (nets) is to be determined following consultation with stakeholders.*
2. *That a further report on the outcomes of the negotiations be presented to the Council prior to the formalisation of an alternative community infrastructure outcome.*
 3. *That Council prepares an infrastructure plan to document the outcomes associated with points one and two where an alternative community infrastructure outcome is agreed between the parties.*

This report sets out the outcomes of the negotiations with Clarence Property and seeks direction from Council on the approach to infrastructure delivery in the Epiq development.

Key Issue

- Provision of community infrastructure within the Epiq development site
- Reasonable balance and future planning

Information

Under the current Concept Approval for the Epiq development, the developer has an obligation to provide various items of community infrastructure at different points in the progress of the development.

The infrastructure items and their status are outlined in Table 1 as follows.

In reviewing Table 1 it is important to recognise that the developer, Clarence Property, has met all obligations and requirements to date as set out by the approval and Council with respect to the infrastructure.

Table 1: Epiq Community Infrastructure Status Summary

Infrastructure Item	Status
Epiq playing fields and car parking	Complete and handed over to Council.
Sporting infrastructure – cricket nets	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.
Sporting infrastructure – tennis courts	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.
Playing field amenities	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.
Community facility (community hall)	Item bonded. Provision subject to determination of preferred approach to community infrastructure provision.

8.4 Epiq - Community and Sporting Facility Infrastructure

Council is currently holding bonds for a number of infrastructure items on the basis that there is opportunity to reconfigure the approach to the infrastructure.

By pausing to consider the type of infrastructure provided, alternatives to achieve a better long-term outcome for the community that is responsive to needs (noting the original approval for the Epiq development dates to 2008) have been examined in conjunction with Clarence Property.

The idea here is for Council to consider the best infrastructure outcome drawing on the value of the developer's community infrastructure obligations.

That is, what is the optimal way to spend the funds the developer is required to apply to community infrastructure.

Clarence Property has willingly engaged with Council in this regard.

The current status of the development offers an opportunity for Council to consider whether the proposed facilities represent the best outcome for the community, or whether there are alternative outcomes that may be more beneficial, especially in the long term.

This report seeks direction from Council in relation to enabling staff to continue to negotiate with Clarence Property with respect to a preferred community infrastructure outcome.

To assist in the consideration of this, the infrastructure items listed in Table 1 not yet built are addressed in further detail as follows.

Infrastructure Item Summaries (Existing Concept Approval)

Cricket Nets

The current approval requires that cricket practice nets are provided on the playing fields site. Given that Council already has practice nets on Williams Reserve and at the Skennars Head playing fields, it may not be necessary to provide further infrastructure of this type at Epiq.

The 2017 report recommended that the provision of cricket practice nets should be considered in consultation with the end users of the playing fields. However, this report recommends the allocation of the funds associated with the nets to a different outcome which favours known higher priority outcomes.

If it is ultimately determined that cricket nets are appropriate at the site, their provision can be considered through Council's annual budget processes at the appropriate point in the future.

Tennis Courts

The current approval requires that two tennis courts are provided on the site of the playing fields. The staff view is that tennis courts are not required in Lennox Head and that further tennis infrastructure in the Shire is best consolidated at Hampton Park in Ballina. Such consolidation provides the optimal opportunity for the management of such infrastructure and is most cost effective for Council.

8.4 Epiq - Community and Sporting Facility Infrastructure

Further, the playing fields have been reconfigured to improve their layout, and in particular, bring the amenities and car parking closer to Hutley Drive.

This has resulted in limited space (on an already small area relative to the infrastructure to be provided) for the provision of tennis courts on the site.

That is, placing tennis courts on the land would be problematic from a space perspective, especially if an enhanced amenities facility is provided (see below).

Having regard for the above, it is recommended that Council negotiates with Clarence Property to redistribute the value associated with the tennis courts into other community infrastructure.

Sporting Amenities

The current approval for Epiq requires that the developer provides a modest amenities building comprised of toilets, small storage areas and an awning area.

There is an opportunity to provide for a significantly improved amenities outcome on the land in the form of a facility that includes change rooms, a canteen space and possibly a meeting space. This outcome requires the redirection of funds from the infrastructure the developer is required to provide and/or additional funding from Council.

Council staff have been in negotiation with Clarence Property to facilitate an improved amenities building at the Epiq playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space.

Community Facility

The Statement of Commitments under the Concept Approval requires the developer to provide a 300m² community facility within the Epiq site. This facility was originally envisaged on the land shown as super lot 4 in Figure 1.

Although a new community facility appears beneficial at first consideration, this may not be the best spend of available funds at this time.

Council's developer contributions plan for community facilities plans for a second community facility in Lennox Head over the next 20 years.

However, there is little evidence that a second community facility is required in Lennox Head at present (in particular, there is capacity for the existing community centre in Mackney Lane to accommodate additional use).

Further, bringing a new facility on line too early also means that Council will incur maintenance and management costs and may also lead to a loss of use at the existing community centre.

Council also has options with respect to the provision of additional community facility space in Lennox Head as the current developer contributions plan does not nominate a site or the form of the facility.

8.4 Epiq - Community and Sporting Facility Infrastructure

For example, Council could augment the Mackney Lane facility or incorporate the facility into a new surf club development in the future.

Not proceeding with the construction of the community facility on Lot 4 also provides Council with a potential commercial opportunity as super lot 4 is zoned B1 Neighbourhood centre (commercial). Lot 4 has been dedicated to Council as part of the development and is categorised as operational land.

Further, a community facility of a size consistent with Council's typical requirements for such infrastructure does not fit well on Lot 4 and so pursuit of this site would require compromises in design and/or use of additional public land adjoining the site. This is not recommended as the need for the facility in this location is not evident.

Having regard for the above, it is recommended that Council continues to negotiate with Clarence Property to redistribute the value of the Epiq community facility to enable other community infrastructure.

Other Community Infrastructure Options

The recommendation to negotiate with the Epiq developer is based on the knowledge that there is a variety of community infrastructure needs in Lennox Head, as well as the potential to obtain an improved sporting amenities building.

Some of these items as relevant to the Epiq development were canvassed in the 2017 report.

These items are addressed below relative to the current circumstances:

- Provision of land and accommodation for the Lennox Head Rural Fire Service (relocation from the current site in the village centre).

The current preferred approach for the fire service is to locate new infrastructure on the Council property at 9 Byron Bay Road.

- Provision of land for a second community preschool in Lennox Head.

The current Council position for the provision of a second community preschool is to locate a new facility on the Council property at 9 Byron Bay Road.

- Provision of lighting at the Epiq sporting fields.

Lighting for the Epiq playing fields has not yet been resolved, with this infrastructure being important to maximising the use of the fields.

- Construction of Hutley Drive North.

Council has advanced the planning for this infrastructure, including purchase of land at 9 Byron Bay Road. This infrastructure is being funded through developer contributions.

Overall, this report recommends that Council authorises the General Manager (or delegate) to finalise negotiations with Clarence Property to apply the value of the community facility infrastructure at Epiq (that is yet to be developed) to achieve the following outcomes:

- An enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space.

8.4 Epiq - Community and Sporting Facility Infrastructure

- Provision of lighting at the Epiq playing fields suitable for a variety of night time sporting activities.

The above approach means that Council would be deferring the construction of a second community facility in Lennox Head for an undefined period and that tennis courts will not be built within the Epiq development.

A decision on cricket nets would be a matter for future consideration.

Overall, what is possible is dependent on the valuation of the required community and sporting infrastructure. Since December 2017, Council has been in negotiation with Clarence Property with the aim of agreeing on the value of the infrastructure and an approach to the application of this value.

Valuation of Planned Facilities

Council and Clarence Property have worked collaboratively to agree a method for the costing of the currently required infrastructure and the preferred infrastructure.

Most recently, Council and Clarence Property engaged Peter Turner and Associates to provide building design plans for the purposes of costing.

PEP Solutions was then engaged jointly to provide cost estimates for a community facility, sporting amenities and a combined sporting and community facility building (sports amenities with a meeting space).

Plans for the facilities costed are shown in figures 1, 2 and 3.

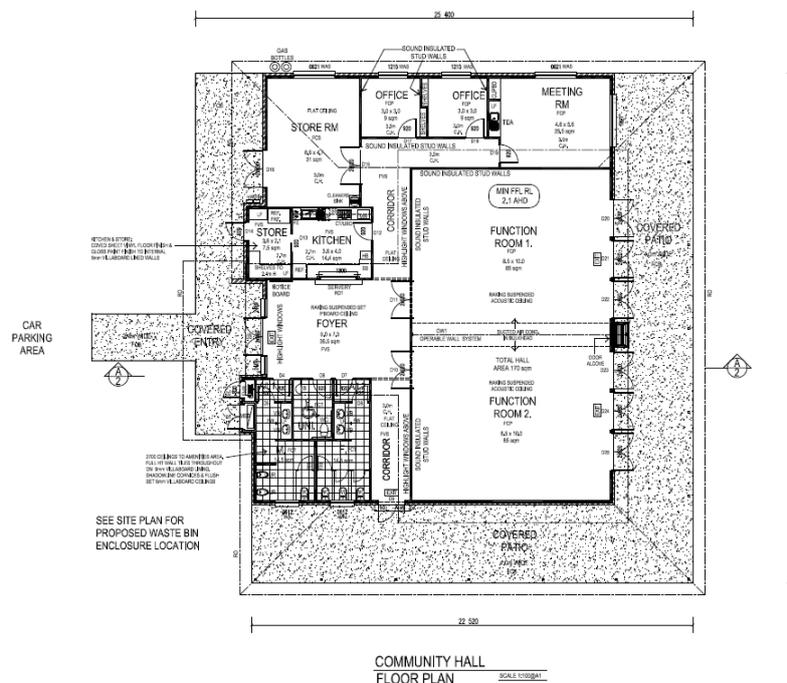


Figure 1: Indicative Community Facility (Hall) Floor Plan

8.4 Epiq - Community and Sporting Facility Infrastructure



Figure 2: Indicative Sporting Amenities Floor Plan

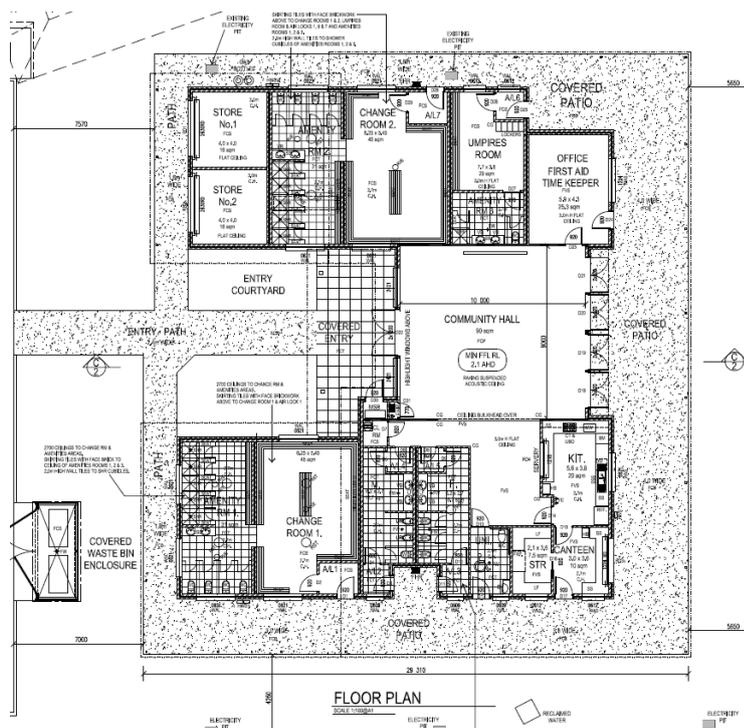


Figure 3: Indicative Combined Sporting Amenities and Community Facility Floor Plan

The costings obtained from PEP Solutions, along with costs previously agreed with Clarence Property are set out in Table 2. The table also includes an allowance for site preparation and car parking which was not costed by PEP Solutions. Council's estimate is based on works undertaken for the Ballina Indoor Sports Centre and is indicative only.

The estimates do not include development application fees or design costs.

8.4 Epiq - Community and Sporting Facility Infrastructure

Table 2: Cost Estimates – Currently Required Infrastructure

Infrastructure Item	Cost Estimate (excluding GST)
Sporting infrastructure – cricket nets	\$41,987 (previously agreed)
Sporting infrastructure – tennis courts	\$89,765 (previously agreed)
Playing field amenities	\$852,000 (PEP Solutions)
Playing field temporary amenities	\$10,000 (previously agreed)
Community facility (community hall)	\$900,000 (PEP Solutions)
Community facility (community hall) – car parking and site preparation	~\$105,000
Total	\$1,998,752

It is important to recognise that there are several factors that warrant consideration in relation to the cost estimates.

Some of the inclusions in the community facility and sporting amenities are additional to the minimum requirements for the developer, so it is appropriate that Council discounts this cost from the agreed cost for the building that has been designed.

The reason for these inclusions in the design was to provide Council with a template for future facility designs.

The PEP Solutions cost estimate also relied on a floor area greater than what has been agreed between Council staff and Clarence Property for the community centre building.

The developer has willingly agreed to enter into negotiations for an improved infrastructure outcome.

As such, there is likely to have been some cost escalation beyond what the developer would have expected to incur as a result of the time associated with the negotiations.

The costings in Table 2 have been adjusted to reflect the following factors:

- Cost escalation based on 1 year using CPI index of 1.9% for 2018.
- The community building having a total under roof area of 589m².
- Council having additional floor area in the community building design equating to 9.25% of the floor area.
- Council having additional floor area in the sporting amenities building design equating to 5.8% of the floor area.
- No changes in the value assigned to previously agreed infrastructure values (on the basis that these could have been built at the agreed value by the developer in the absence of the negotiations that have occurred).

This adjustment is reflected in Table 3.

8.4 Epiq - Community and Sporting Facility Infrastructure

Table 3: Adjusted Cost Estimates – Currently Required Infrastructure

Infrastructure Item	Cost Estimate (excluding GST)
Sporting infrastructure – cricket nets	\$41,987 (previously agreed)
Sporting infrastructure – tennis courts	\$89,765 (previously agreed)
Playing field amenities	\$787,335
Playing field temporary amenities	\$10,000 (previously agreed)
Community facility (community hall)	\$756,291
Community facility (community hall) – car parking and site preparation	~\$103,005
Total	\$1,788,383

The costing for the combined sporting amenities and community building design as provided by PEP Solutions is \$1,168,000 (exclusive of GST)

In summary, based on the costing process undertaken, the estimated value of the infrastructure works currently required of Clarence Property is \$1,788,383 (based on Table 3).

The value of the currently preferred infrastructure (being a higher standard sporting amenities building) is estimated at \$1,168,000.

This leaves \$620,383 in funds that can be redirected to other projects via an agreement with Clarence Property based on this calculation.

Importantly these figures have not been agreed to by Clarence Property, at this time. This is not unreasonable as there is often substantial variation in the costing for infrastructure of the type required.

As a guide, the most recent cost estimates for the infrastructure, obtained by Clarence Property independent of Council in 2017, valued the community building at \$585,600 and the sporting amenities at \$751,000.

If Council accepts the adjustments underpinning Table 3, the community facility building is where the key difference lies (the difference being \$170,691).

In addition, Clarence Property is also of the view that the combined sporting amenities and community building would likely cost more than the PEP Solutions estimate.

Clarence Property estimate this cost to be around \$1,536,000 although this is indicative rather than an accurate costing at this stage.

On a hypothetical basis, if the estimated value as calculated by Council in Table 3 is further discounted to meet the Clarence Property estimate for the community facility, this values the required infrastructure at \$1,617,692.

Even in a scenario where the lowest figures are adopted for the value of the required infrastructure and the higher figure as estimated by Clarence Property is adopted for the combined facility building, the estimates indicate there is sufficient funding to construct the preferred combined building.

8.4 Epiq - Community and Sporting Facility Infrastructure

On this basis, it is recommended that Council agrees to a change to the planned infrastructure delivery at Epiq to deliver the combined sporting amenities and community facility building on the site of the Epiq playing fields (and not require the stand alone amenities or stand alone community hall building).

This is preferred as it allows Clarence Property to proceed to lodge a development application based on the preferred sporting facility building design and (upon approval) proceed to construct it without further delay.

An adjustment would also be necessary to the overall State Government planning approval for Epiq to reflect the changed outcome (removing the obligations to build the stand alone amenities and hall buildings). It is suggested that this change be considered once approval for the preferred sporting facility has been obtained.

It is also recommended that Clarence Property be asked to include the preferred lighting outcome in the development application for the sporting facility to facilitate the delivery of the lighting.

Council staff will continue to negotiate with Clarence Property to seek to agree on a final value for the required infrastructure with any funds beyond those required for the enhanced sporting facility to be allocated to construction of the lighting.

It is recommended that this approach be embodied within a voluntary planning agreement (should the developer wish to propose one) so that the agreed outcomes and steps in the process are properly documented in the public domain.

A VPA addressing this could be concurrently exhibited with the development application for the combined sporting and community building.

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
The approach proposed in this report seeks to achieve optimal outcomes to meet community infrastructure needs.
- **Economic**
The approach proposed in this report seeks to achieve optimal use of available funds to meet community infrastructure needs.

Legal / Resource / Financial Implications

A negotiation of this type needs to be mindful of the need for probity and transparency.

8.4 Epiq - Community and Sporting Facility Infrastructure

It is also important to recognise that any change to the nature of the community infrastructure provided will require a modification to the existing Concept Approval (which in turns requires agreement from Clarence Property).

It is recommended that the approach agreed with Clarence Property be documented in a Voluntary Planning Agreement.

Financial implications associated with negotiation outcomes will be the subject of a future report to the Council.

The negotiation can be attended to within existing resources.

Consultation

The infrastructure planning in this report has been compiled in consultation with Clarence Property.

Options

Council has the following options available in relation to the content of this report.

1. Take no further action and require Clarence Property to deliver the infrastructure required under the current approval (see Table 1 and the associated discussion).

This approach is not recommended as there is an opportunity to improve the community infrastructure outcomes associated with the Epiq development.

The recommendation is to explore the options available with Clarence Property and then report the matter to Council for further consideration.

2. Authorise the General Manager (or delegate) to continue to negotiate with Clarence Property for an alternative community infrastructure outcome and progress an associated voluntary planning agreement (should one be offered).

The negotiations would be progressed on the basis of the following principles

- Clarence Property to proceed to lodge a development application for an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space, generally in accordance with the design plan shown in Figure 3.
- Clarence Property to construct the enhanced sporting amenities building.
- Council and Clarence Property to determine final costings based on builders estimates or as otherwise agreed.
- Any funds beyond the builders estimate for the combined sporting facility relative to the value of the required infrastructure is to be directed to the provision of lighting at the Epiq playing fields.

8.4 Epiq - Community and Sporting Facility Infrastructure

- That the agreed values and approach to deliver of the infrastructure be outlined in a voluntary planning agreement (should Clarence Property wish to offer such an agreement).

Under this approach Council would receive further reporting in relation to the voluntary planning agreement prior to its exhibition.

This is where the final outcomes of the negotiation process would be documented.

The recommendation for this approach also includes preparation of an infrastructure plan for the locality to reflect the ultimate outcomes, consistent with Council's December 2017 resolution on this matter.

3. Defer the matter to seek additional information.

Council may defer its consideration of this matter to obtain additional information.

If this approach is preferred, it is recommended that a Councillor briefing be held.

Deferral is not recommended on the basis that continuing the negotiation will enable staff to finalise costing details and enable Clarence Property to progress planning for the combined facility (being the preferred infrastructure outcome).

Clarence Property are very keen to see the sports field infrastructure delivered, as is Council, to allow the fields to commence operating.

Option 2 allows the delivery of this infrastructure to move forward.

RECOMMENDATIONS

1. That Council authorises the General Manager (or delegate) to continue to negotiate with Clarence Property for an alternative community infrastructure outcome and progress an associated voluntary planning agreement (should one be offered) based on the following principles:
 - Clarence Property to proceed to lodge a development application for an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space generally in accordance with the design plan shown in Figure 3.
 - Clarence Property to construct the enhanced sporting amenities building.
 - Council and Clarence Property to determine final costings based on builders estimates or as otherwise agreed.
 - Any funds beyond the builders estimate for the combined sporting facility relative to the value of the required infrastructure is to be directed to the provision of lighting at the Epiq playing fields.
 - That the agreed values and approach to deliver of the infrastructure be outlined in a voluntary planning agreement (should Clarence Property wish to offer such an agreement).

8.4 Epiq - Community and Sporting Facility Infrastructure

2. That a further report on the outcomes of the negotiations be presented to the Council either in association with a proposed voluntary planning agreement or otherwise prior to the formalisation of the negotiation outcomes.
3. That Council prepares an infrastructure plan to document the outcomes associated with points one and two inclusive of the planning for Council's property at 9 Byron Bay Road.

Attachment(s)

Nil

8.5 LEP Amendment Request - Lennox Rise, Lennox Head

8.5 LEP Amendment Request - Lennox Rise, Lennox Head

Delivery Program Strategic Planning

Objective To seek direction on a planning proposal request seeking to amend the minimum lot size on land in the greenfield development site known as Lennox Rise (formerly known as "Henderson Farm") in Lennox Head.

Background

The subject land, being Lot 1 DP 1070446, comprises vacant residential zoned land. The land is part of the area formerly known as the "Henderson Farm" which was zoned for residential purposes in August 2012.

Ballina Shire Council owns land (of which part is also zoned for residential purposes) immediately to the south of the subject land (Council's land is Lot 2 DP1070446).

The land was zoned a combination of R2 Low Density Residential zone and R3 Medium Density Residential zone under the terms of the *Ballina Local Environmental Plan 2012*, with areas of proposed environmental protection zoning deferred from the finalisation of the amending plan.

The lot size standard of 1200m² was applied to land zoned for low density housing (R2) and 600m² was applied to the land zoned for medium density housing (R3).

Development consent (DA 2014/31) was issued for subdivision of the land into 168 residential lots, subject to a deferred commencement condition relating to the site obtaining legal and practical access to a public road and the landholder fulfilling certain environmental rehabilitation obligations.

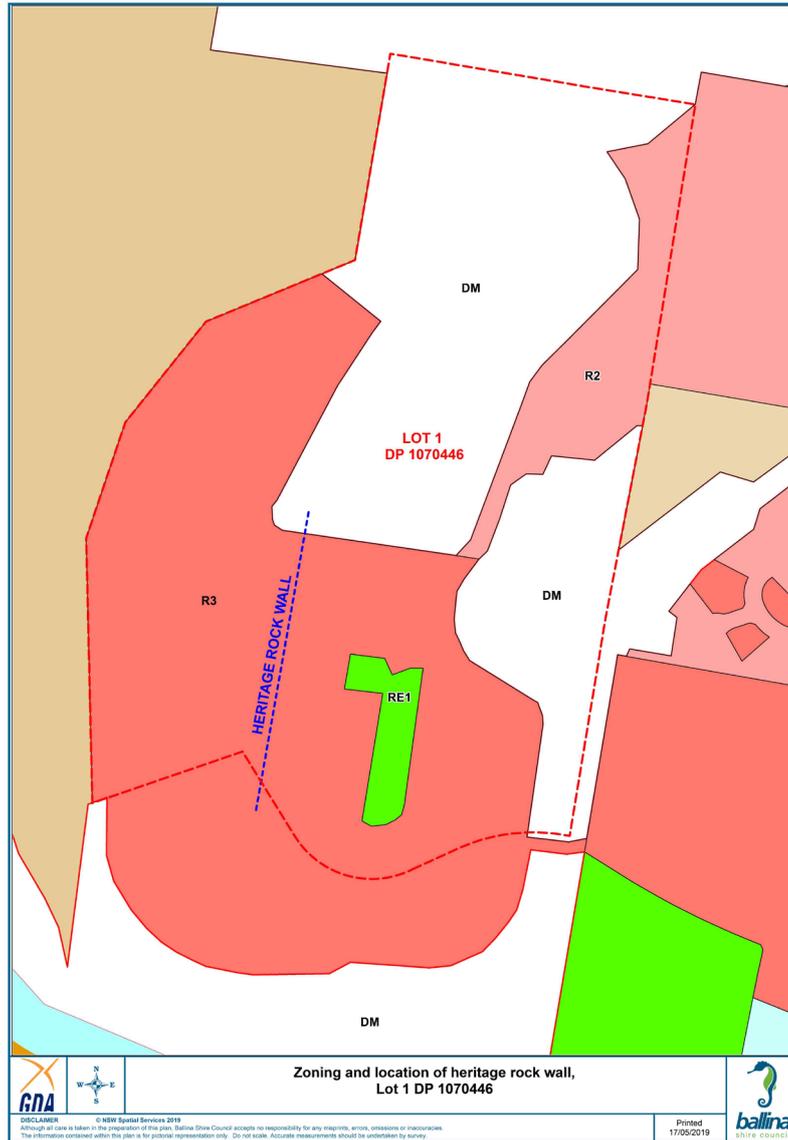
The approved plan of subdivision (under DA 2014/31) is provided as Attachment 1 to this report.

Since the initial rezoning of the land, the subject property has changed ownership. The new owner (Lennox Rise Pty Ltd) has lodged a planning proposal request seeking to amend the minimum lot size standard applying to parts of the site zoned R3 Medium Density Zone from 600m² (currently) to 450m² (proposed).

The proponent's planning proposal request is provided as Attachment 2 to this report.

The zoning and location of the heritage rock wall (referred to in the body of this report) with respect to the subject land is shown on the map below. The subject land is outlined red.

The purpose of this report is to seek the Council's direction with respect to progressing the LEP amendment request.



Key Issues

- Residential subdivision
- Development density
- Heritage

Information

Minimum Lot Size

The 600m² minimum lot size standard was applied to R3 zoned parts of the site when the land was initially zoned for residential purposes, as requested by the landholder at the time, and having regard to the characteristics of the site.

The new landholders have requested that Council prepare a planning proposal to apply the minimum lot size standard of 450m² to parts of the site subject to the R3 Medium Density zone.

8.5 LEP Amendment Request - Lennox Rise, Lennox Head

A draft proposed subdivision plan has been submitted with the proponent's planning proposal request (Attachment 2). The revised plan shown would yield approximately 188 residential lots (20 additional lots) with 37 lots being proposed at the 450m² lot size standard.

The 450m² minimum lot size is applied to other new residential release areas in Ballina Shire to provide flexibility at subdivision stage and to provide lots suitable for a range of dwelling types.

The subject site includes sloping land. The proponent has provided several indicative house designs for the proposed 450m² lots (which are included in Attachment 2).

Based on the information submitted, it appears that site benching is envisaged to provide flat house sites for conventional slab-on-ground dwelling construction.

In general terms, the provision of 37 residential lots at 450m² (representing approximately 20% of the development lots within the estate) would provide for a greater level of housing diversity within the estate specifically and within Lennox Head more generally.

This approach also provides for maximisation of the use of the land for housing stock.

Providing for diversity in the dwelling stock is consistent with the directions of the North Coast Regional Plan 2036. This approach is consistent with other release areas in Lennox Head and Ballina Shire more broadly.

Heritage Items

Several listed heritage items are located within the subject property, including a heritage listed rock wall (identified as Item I67 in the Ballina LEP 2012).

In the initial rezoning and subsequent development assessment process, the subdivision design took into account the presence of the heritage rock wall, incorporating it into a widened road reserve to facilitate preservation and maintenance of the wall, rather than being located in the rear of residential lots.

In contrast, the revised draft subdivision design submitted with the planning proposal is not consistent with this approach, but rather appears to locate the wall in the rear of private lots.

This approach would rely on a large number of different private landholders to preserve and maintain the wall.

The concern here is that this approach does not provide the optimal opportunity for the long term retention and proper management of the heritage item.

Consequently, should the planning proposal be supported, it is recommended that further information be required of the applicant to demonstrate the proposed subdivision arrangement can adequately address the conservation of the rock wall heritage item.

Sustainability Considerations

- **Environment**

The management of heritage matters associated with development of the site will require further consideration should this matter proceed to planning proposal stage.

- **Social**

The planning proposal request would result in a greater diversity of dwelling types available within the locality.

- **Economic**

The planning proposal does not have any significant implications on the economic wellbeing of Ballina Shire.

Legal / Resource / Financial Implications

The preparation of a planning proposal can be accommodated within existing resources, including through the receipt of associated fees.

The legal effect of a planning proposal applying to the subject land, would be to enable the lodgment of development applications for subdivision down to a minimum of 450m² on the land so designated through the LEP amendment.

Consultation

No community or agency consultation has occurred to date with respect to this matter.

The matter would be subject to the usual community and agency consultation requirements associated with planning proposals and would be subject to the terms of any Gateway determination issued by the NSW Department of Planning and Environment should one be received.

Due to Council's interest in land directly adjacent to the subject site, it is recommended that Council not seek delegation of the Minister's plan making powers in relation to this matter.

Options

The following options are presented for the Council's consideration:

1. Council could resolve to prepare a planning proposal to amend the minimum lot size map of the *Ballina Local Environmental Plan 2012* to provide for residential subdivision down to 450m² on parts of Lot 1 DP1070466 (zoned R3 Medium Density zone), subject to the proponent submitting a subdivision plan that accommodates the protection of the heritage rock wall identified as Item I67 in the Ballina LEP 2012.

8.5 LEP Amendment Request - Lennox Rise, Lennox Head

This option would involve writing to the proponent to invite the provision of a subdivision plan that accommodates the appropriate protection of the heritage listed rock wall on part of the property. Following the receipt of a suitable subdivision plan, Council would prepare a planning proposal.

The planning proposal would be reported to Council for endorsement prior to referring the matter to the Department of Planning and Environment for Gateway determination.

This option is recommended on the basis that the provision of a portion of residential allotments with an area of 450m² over part of the site would provide for increased housing diversity and choice within the estate. This approach also supports the maximisation of the use of existing residential zoned land in Lennox Head for housing.

2. Council could resolve to decline the planning proposal request.

Under this option, Council would write to advise the landholder that the request is not supported. This option is not recommended for the reasons detailed with respect to Option 1 above.

3. Council could defer consideration of the matter.

If further information is desirable, the matter could be deferred in favour of a briefing or provision of additional details.

This option is not recommended as the proposal has sufficient merit to proceed to preparation of a planning proposal. Further, the proposal will be the subject of a further report to Council once a planning proposal (inclusive of additional details) has been prepared.

RECOMMENDATIONS

1. That Council invite the proponent to submit a subdivision plan that demonstrates the protection of the heritage rock wall identified as Item 167 in the *Ballina Local Environmental Plan 2012*.
2. That upon receipt of a suitable subdivision plan from the proponent, that Council prepare a planning proposal to amend the minimum lot size map of the *Ballina Local Environmental Plan 2012* to provide for residential subdivision with a minimum lot size of 450m² on parts of Lot 1 DP1070466.
3. That the draft planning proposal be reported to Council for endorsement prior to seeking Gateway determination.

Attachment(s)

1. Approved Subdivision Plan DA 2014/31
2. LEP Amendment Request - Lennox Rise, Lennox Head

8.6 LEP Amendment Request - 26 Boeing Avenue Ballina

8.6 LEP Amendment Request - 26 Boeing Avenue Ballina

Delivery Program Strategic Planning

Objective To seek Council's direction on an LEP amendment request relating to the Harvey Norman site in the Southern Cross Industrial Estate.

Background

Council has received a request to amend the Ballina Local Environmental Plan 2012 from Ardill Payne & Partners on behalf of the owners of Lot 951 DP 1165266, No. 26 Boeing Avenue, Ballina (Attachment 1). The site comprises the Harvey Norman Homemaker Centre complex.

The site is identified red in the map below.



Ballina Shire Council
40 Cherry Street
BALLINA NSW 2478
PO Box 450
BALLINA NSW 2478
1300 864 444
council@ballina.nsw.gov.au
www.ballina.nsw.gov.au



Lot 951 DP 1165266, No. 26 Boeing Avenue,
Ballina.

ballina shire council
geographical information system
Projection: GDM94 / MGA zone 56
Date: 12/04/2019

© Ballina Shire Council © NSW Spatial Services 2018
This map is illustrative and not to scale. It is not intended to be used for any purpose other than to provide a general overview of the site. It is not intended to be used for any purpose other than to provide a general overview of the site. It is not intended to be used for any purpose other than to provide a general overview of the site.

The subject site is zoned B5 Business Development zone under the terms of the *Ballina Local Environmental Plan 2012*. The B5 Business Development zone has a relatively limited range of uses listed as permissible with consent. The subject planning proposal request seeks Council's support to amend the LEP to provide for a broader range of the uses as permissible on the site by way of amendment to Schedule 1 (Additional Permitted Uses).

The purpose of this report is to consider the key issues relating to the request and seek the Council's direction regarding options for progressing the matter.

Key Issues

- Commercial development and appropriate zonings

Information

Prior to the introduction of the Ballina LEP 2012, 'bulky goods retailing' was permitted in Ballina Shire's general industrial zone. Following the introduction of the State Government's Standard Instrument LEP, bulky goods retailing (now termed 'specialised retail premises') was not provided for in the IN1 General Industrial zone and such uses were accommodated via introduction of the B5 Business Development zone.

The subject site is the only land to which the B5 Business Development zone is currently applied in Ballina Shire. Specialised retail premises is, however, listed as an additional permitted use on the adjacent site (owned by Ballina Shire Council) that was previously zoned B5 but which was rezoned to IN1 General Industrial zone by Amendment No. 31 to the Ballina LEP 2012 (finalised 10/11/2017).

Aside from the specialised retail use enabled in the B5 Business Development zone, the zone has a relatively limited range of uses listed as permissible with consent, namely:

Centre-based child care facilities; Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Oyster aquaculture; Passenger transport facilities; Respite day care centres; Restaurants or cafes; Roads; Signage; Specialised retail premises; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres.

The range of permitted land uses is based on mandatory requirements set out under the Standard Instrument LEP and identification of land uses that are seen as compatible with bulky good retailing (specialised retail premises).

Other land uses not identified above are prohibited in the B5 Business Development zone.

Currently, the Homemaker Centre is occupied by the following businesses:

- Harvey Norman (retail – electrical & homewares)
- Eureka Street Furniture (retail - furniture)
- Forty Winks (retail - homewares)
- Pillow Talk (retail - homewares)
- Original Mattress Factory (home retail)
- Spotlight (retail - manchester and homewares)
- Petstock (retail - pet store)
- Latte lounge (café)
- School locker (retail)
- Service NSW (Government administration)

The landholder contends that parts of the existing homemaker complex remain vacant due to the limited range of land uses that are permissible in the B5 zone.

Consequently, the landholder is seeking Council's support to provide for the following additional uses as permissible by way listed in Schedule 1 (Additional Permitted Uses) of the LEP:

- Recreation facility (indoor)
- Artisan food and drink industry
- Health services facility
- Medical centre
- Veterinary hospital

There are two aspects to the subject request, namely:

- The merit of the request in terms of the implications for commercial activity in Ballina Shire; and
- The preferred mechanism for accommodating the request, if supported.

With respect to the merit of the request, it is acknowledged that the limited range of land uses listed as permissible in the B5 Business Development zone may be contributing to parts of the existing development remaining vacant or under-occupied.

In developing the adjacent site, Council faced similar issues with respect to having a limited suite of permissible land uses available.

In that case, as noted, Council's site was zoned from the B5 zone to the IN1 General Industrial zone with 'specialised retail premises' listed as an additional permitted use in Schedule 1 of the BLEP 2012.

Notwithstanding, as noted above a substantial portion of the Homemaker Centre is currently occupied by specialist retail.

Further, it is appropriate to consider several issues in association with providing additional permissible land uses on the site, including:

- the impact of the proposal on the availability of sites for specialist retail premises
- the impact of the proposal on other commercial areas in Ballina Shire, where the uses that would be enabled by the amendment are currently permitted and
- the compatibility of additional land uses with existing uses.

With respect to the first dot point, opportunities for specialised retail premises in Ballina Shire are currently limited to the subject land and adjacent zoned but undeveloped Council owned site.

The nomination of these sites (and subsequent development of the subject site) for this purpose was undertaken following Council's consideration of a bulky goods retailing study (Hill PDA 2012).

8.6 LEP Amendment Request - 26 Boeing Avenue Ballina

On the basis of this study, and subsequent studies, the demand for 'specialised retail premises' is projected to grow over time.

Council's strategic approach to the provision of specialised retail has been to cluster such uses within the vicinity of the Homemaker Centre.

This approach provides strategic advantages associated with having an integrated retailing precinct dedicated to this purpose.

It is anticipated that the advantages of the precinct will be further enhanced following further development of the adjacent site and the extension of the servicing road network.

Given the anticipated demand (over the longer term) for specialised retail, it is reasonable that Council consider limiting the range of other uses that might undermine the viability of the precinct as an identified specialised retail precinct and consume the limited land enabled for this purpose in the LEP.

The following section addresses the second and third points listed above with respect to the specific proposed land uses.

The key differences between the permissible land uses in the B5 and IN1 zones, that are central to the consideration on this matter, are shown in the following table.

Land use	IN1 General Industrial	B5 Business Development
Specialised retail premises	x	✓
Recreation facilities (indoor)	✓	x
Artisan food and drink industry	✓	x
Health services facilities	x	x
Medical centres*	x	x
Veterinary hospitals	✓	x

* 'medical centre' is a form of 'health services facility'

The following section gives consideration to each of the above land uses with respect to the subject site (with the exception of specialised retail premises which is a given with respect to being an enabled use on the subject site).

Recreation facilities (indoor)

Recreation facilities (indoor) is defined as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Indoor recreation facilities are permitted in the IN1 General Industry zone.

8.6 LEP Amendment Request - 26 Boeing Avenue Ballina

On the basis of development and compliance activity, Council is aware that there is growing demand for indoor recreation facilities.

Further, a shortage of suitable sites for such facilities may be contributing to increasing incidences of “personal training” activities occurring within residential locations, with associated amenity impacts.

It is understood that the landholder has a potential gymnasium tenant for a vacant lot within the Homemaker Centre site (subject to the planning proposal being finalised).

It was on this basis that the landholder’s representatives first approached Council staff regarding the proposal.

The nature of indoor recreational facilities is such that this type of use is not expected to create unreasonable conflict or impacts in relation to the commercial uses within the homemaker centre or use of other commercial zoned land in the shire.

It is recommended that provision for indoor recreation facilities on the subject land be enabled through the LEP.

Artisan food and drink industry

Artisan food and drink industry is defined as follows:

***artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:*

- (a) a retail area for the sale of the products,*
- (b) a restaurant or cafe,*
- (c) facilities for holding tastings, tours or workshops.*

This land use has been introduced (via the Standard Instrument LEP) to accommodate tourist and food service activity in association with boutique food product manufacturing activity. Food product manufacturing activity, as a singular activity, is provided for the IN1 General Industry zone as a form of light industry.

Whilst some of the uses associated with such uses are retail in nature (including food service), the core activity is that of (food product) manufacturing. Potentially, such manufacturing activities involve the emission of noise, odour and heavy vehicle movements that are generally incompatible with a retail precinct.

Further, Council’s economic development strategy includes an action relating to the potential clustering of such activities within a ‘food hub’ on land adjacent to the Ballina-Byron Gateway Airport.

This location is preferred for such uses, by virtue of the potential to leverage passing airport traffic and supporting industry clustering of like (and related) industries.

It is recommended that the provision for artisan food and drink industry within the Homemaker Centre not be supported.

Health services facilities

Health services facilities is defined as follows:

***health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:*

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.*

The above definition includes 'medical centres'.

As a consequence, the listing of 'medical centres' as a separate use is unnecessary where 'health services facilities' are identified as being permissible, unless the Council is of the view that medical centres should be allowed whereas the broader use of health services facilities (which include other health services activities) should not.

Medical centre is defined as follows:

***medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Health service facilities (including medical centres) are not permissible in either the B5 or IN1 zones.

Currently, health service facilities in Ballina are provided for at Ballina District Hospital, with the majority of medical specialists (including several medical centres) located along Tamar Street.

In addition, several health services facilities (including medical centre, pathology and dental) are currently located at the Tamar Street retail precinct.

The provision of such facilities in locations that are well-served by public transport services is preferred.

Further, the clustering of such facilities provides public convenience and supports the viability of individual businesses (including allied or supporting industries) within the precinct.

The provision of medical services within the Ballina CBD area was also reinforced as an appropriate strategic approach through a review examining the location of health services land uses in the Ballina locality undertaken in 2013 as an action of the Ballina Shire Local Growth Management Strategy.

It is recommended that the provision for health services facilities within the Homemaker Centre not be supported.

Veterinary hospitals

Veterinary hospital is defined as follows:

***veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.*

It is noted that a bulk pet retail outlet (Petstock) is current located within the subject site.

There appears to be logic to the clustering of veterinary services with pet related retail facilities, in providing convenience to the public and supporting the viability of the associated businesses.

Further, it is not anticipated that the provision of veterinarian services would conflict with other specialised retail activities within the precinct or result in adverse impacts associated with use of other commercial zoned land in the shire.

On the basis of the above, it is recommended that provision for veterinary hospitals on the subject site be enabled through the LEP.

Mechanism for facilitating additional uses

As outlined, the landholder has requested that five additional uses be enabled via Schedule 1 to the LEP (Additional permitted uses).

It is recommended that only two additional uses are suitable for inclusion on the subject land, beyond those uses already enabled in the B5 Business Development zone, namely 'recreation facility (indoor)' and 'veterinary hospital'.

Enabling of these land uses as permissible with development consent could be provided for either through Schedule 1 (site specific) or via a change to the B5 zone land use table (applicable wherever the B5 zone is applied).

This is the recommended approach, with the final mechanism for permissibility to be determined through the planning proposal process.

An alternative approach would involve amending the applicable zone from B5 Business Development zone to IN1 General Industry zone (the more permissive zone) and listing the remaining additional uses to be enabled (that are not otherwise permissible in the zone) via Schedule 1.

As outlined, 'artisan food and drink industry', 'recreational facilities (indoor)' and 'veterinarian hospitals' are listed as permissible in the IN1 zone.

In this case, the additional uses to be enabled would include 'specialised retail premises' and 'health services facilities' (or 'medical centres' depending on whether Council supported providing for medical centres but not other forms of health services facilities on the site).

This approach is not recommended as it is contrary to the established strategic planning framework for bulky goods retailing in the Shire.

Sustainability Considerations

- **Environment**

The preparation of a planning proposal to enable additional uses on the subject land is not anticipated to have any significant implications for the natural environment.

- **Social**

The preparation of a planning proposal to enable additional uses on the subject land is not anticipated to have any significant implications for the community's wellbeing, beyond providing services and facilities beneficial to the community.

- **Economic**

The preparation of a planning proposal to enable additional uses on the subject land may have beneficial economic implications for the Homemaker Centre, provided the range of uses to be enabled do not undermine the viability of the specialised retail precinct and other commercial precincts in the Shire.

Legal / Resource / Financial Implications

The preparation of a planning proposal to provide for additional uses on the subject site can be accommodated within existing resources, including through the receipt of associated fees.

The legal effect of the LEP amendment would be to enable the lodgment of development applications for the specified land uses enabled.

Consultation

No community or agency consultation has occurred to date with respect to this matter.

The matter will be subject to the usual community and agency consultation requirements associated with planning proposals and would be subject to the terms of any Gateway determination issued by the NSW Department of Planning and Environment should one be received.

In light of Council's financial interest in the land adjacent to the subject site, it is recommended that delegation of plan making powers not be sought from the Department of Planning and Environment with respect to this matter.

Options

The following options are presented for the Council's consideration:

Option 1 – Council could resolve to prepare a planning proposal to permit 'recreation facilities (indoor)' and 'veterinarian hospitals' on the subject land. This would be achieved either through the use of Schedule 1 or a change in the land use table for the B5 zone.

8.6 LEP Amendment Request - 26 Boeing Avenue Ballina

This option would involve the preparation of a planning proposal, which would be reported to Council for endorsement prior to referring the matter to the Department of Planning and Environment for Gateway determination.

This option is recommended on the basis that these uses would appear to have the potential to complement rather than compromise the viability of the specialised retail precinct without adversely impacting on other commercial areas where these uses are currently permitted.

Option 2 – Council could resolve to prepare a planning proposal to permit a different combination of the proposed land uses.

This approach is not recommended for the reasons outlined in this report. In particular, some of the additional land uses being sought on the site have the potential to undermine the viability of the specialised retail precinct and other commercial precincts in the Shire.

Option 3 - Council could resolve to decline the planning proposal request.

Under this option, Council would write to advise the landholder that the request is not supported. This option is not recommended for the reasons detailed with respect to Option 1.

RECOMMENDATIONS

1. That Council proceed to prepare a planning proposal to amend the Ballina LEP 2012 to include 'recreation facilities (indoor)' and 'veterinary hospitals' as land uses permitted with development consent in relation to Lot 951 DP 1165266, No. 26 Boeing Avenue, Ballina.
2. That the planning proposal be reported to the Council for endorsement prior to being referred to the Department of Planning and Environment for Gateway determination.

Attachment(s)

1. LEP amendment request - 26 Boeing Avenue Ballina Lot 951 DP 1165266 - Ardill Payne

8.7 LEP Amendments and Planning Proposals - Status

8.7 LEP Amendments and Planning Proposals - Status

Delivery Program Strategic Planning

Objective To report on the status of Local Environmental Plan amendment requests and planning proposals that are currently under consideration.

Background

Council has an ongoing program of processing requests to amend the Ballina Local Environmental Plans 1987 and 2012 (LEPs) and associated planning proposals. This report provides an update of matters currently pending.

Key Issues

- Status of rezoning and LEP amendment requests.

Information

LEP Amendment Requests and Planning Proposals Status

Table 1 provides an overview of the LEP amendment requests and planning proposals currently being considered and processed by Council. The term planning proposal refers to the documentation prepared to describe a request to amend the Ballina Local Environmental Plan/s.

Requests are typically referred to as planning proposals once Council has agreed to progress the initial LEP amendment request and has prepared the required planning proposal documentation for Gateway determination by the NSW Department of Planning and Environment (DPE).

Table 1: Status of LEP amendment requests and planning proposals

Item	Name and Status	Summary and Notes	Completion Due
13/005	Southern Cross Industrial Estate Expansion, Ballina (Stage 6)	Proposal by Ballina Shire Council for the rezoning of land northward of the existing Southern Cross Industrial Estate from its current rural zoning to enable a mixture of industrial and employment-type land uses. The studies and assessments relating to the planning proposal are in the process of being updated following the granting of approval under Part 5 of the <i>Environmental Planning and Assessment Act</i> 1979 for the Airport Boulevard road.	30/10/2019

8.7 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
14/008	Burns Point Ferry Road, West Ballina (Ballina Waterways) (Stage 8)	<p>Proposal for the rezoning of land located adjacent to Burns Point Ferry Road and River Street in West Ballina to enable a mixture of employment and residential land uses.</p> <p>The proponent has submitted proof that the biobanking agreement has been registered on the title. The final opinion from Parliamentary Counsel has been obtained and it is anticipated that Ballina LEP 2012 Amendment No. 40 will be finalised by the end of June 2019.</p>	01/09/2019
17/001	Stage 1 Deferred Matters Integration Program (Stage 3)	<p>Proposal to integrate land identified as a "deferred matter" into the Ballina LEP 2012 through the application of appropriate zones and planning controls. Relates primarily to water catchment areas in the Shire.</p> <p>A request to discontinue the planning proposal was submitted to the DPE on 26 June 2017, in accordance with the Council's decision.</p> <p>On 17 July 2017 the DPE advised it is considering possible options to facilitate the implementation of the E Zone review and will advise of a decision on the discontinuation request once the preferred option for implementation has been determined.</p> <p>At the time of writing this report, no further correspondence has been received from the Department.</p>	14/12/2017
17/009	Byron Bay Road (No.9) and the adjoining Telstra exchange site, Lennox Head (Stage 6)	<p>Proposal to amend the LEP 2012 to rezone land from RU1 Primary Production to R2 Low Density Residential, and to apply a minimum lot size of 600m².</p> <p>Public exhibition of the planning proposal has concluded.</p> <p>Currently awaiting resolution of inconsistencies between ecological reports prepared to support the rezoning application and the Part 5 assessment for the northern extension of Hutley Drive. Once resolved this matter can then be reported to Council for finalisation.</p>	16/10/2019
17/012	Compton Drive (No. 23), East Ballina (Stage 3)	<p>Proposal to amend the LEP to rezone part of the land and all or part of the adjacent Council-owned land from Deferred Matter to R2 Low Density Residential, and to apply a minimum lot size of 600m².</p> <p>A Gateway determination was issued by DPE on 6 June 2018. The Gateway requires the proponents to submit further information and site investigations relating to contamination, bushfire assessment, geotechnical assessment (including assessment of land slip hazards) and a revised site survey plan.</p> <p>Currently awaiting submission of the additional information.</p>	06/12/2019

8.7 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
18/001	Residential Flat Buildings and Active Frontages in part of the B3 Zone – Ballina Town Centre. (Stage 5)	Proposal to amend the LEP to permit Residential Flat Buildings on certain sites within the B3 zone and require sites to maintain active frontages. Public exhibition of the planning proposal has now concluded. Submissions received have been forwarded onto Council's planning consultant, Mike Svikis, for review. The matter will then be reported to Council for its further consideration.	09/08/2019
18/002	Attached Dual Occupancy Lots, Alstonville (Stage 5)	Proposal to amend the LEP to permit attached dual occupancy development, with consent, on certain R2 zoned lots in Alstonville having a minimum area of 900m ² and a slope of less than 20%. The planning proposal is on public exhibition from 22 May 2019 until 21 June 2019. At the conclusion of the exhibition period the matter will then be reported to Council for its further consideration.	06/09/2019
18/003	Attached Dual Occupancy Lots, Wardell (Stage 5)	Proposal to amend the LEP to permit attached dual occupancy development, with consent, within the non-flood prone areas of Wardell Village located in the R2 zone. Public exhibition of the planning proposal has now concluded. The NSW Rural Fire Service (RFS) have not supported the planning proposal as a significant number of lots are mapped as designated bushfire prone land, limiting the number of lots that are suitable for dual occupancy development. Quotations have been requested from bushfire experts to address the issues raised by the NSW RFS. At this stage it is uncertain when this matter will be able to be reported to Council.	06/09/2019
18/004	Reservoir Hill Site, 20 North Creek Road, Lennox Head (Stage 2)	Proposal to amend the LEP to make minor zone boundary adjustments to reflect an amended subdivision design and to permit subdivision for drainage purposes. In accordance with the Council resolution of 24 April 2019, the planning proposal has been submitted to the Department of Planning & Environment for a Gateway determination.	#
18/005	Function Centres in Rural Areas (Stage 2)	Proposal to amend the LEP to permit function centres on land within the RU2 zone. At its meeting held in October 2018, Council resolved to prepare a planning proposal and to refer the planning proposal back to Council for endorsement prior to seeking a Gateway determination. Currently awaiting the outcome of the Byron Shire Council's planning proposal for function centres in rural areas before finalising planning proposal documentation.	#

8.7 LEP Amendments and Planning Proposals - Status

Item	Name and Status	Summary and Notes	Completion Due
#	26 Boeing Avenue, Ballina (Stage 1)	Proposal to amend the LEP to provide for a broader range of uses as permissible with consent on the site through Schedule 1 (Additional Permitted Uses). The site comprises the Harvey Norman Homemaker Centre complex and is zoned B5 Business Development zone. This LEP amendment request is the subject of a separate report to the June 2019 Ordinary Council meeting.	#
#	Lennox Rise, Lennox Head (Stage 1)	Proposal to amend the LEP minimum lot size standard applying to parts of the site zoned R3 Medium Density zone from 600m ² (currently) to 450m ² (proposed). This LEP amendment request is the subject of a separate report to the June 2019 Ordinary Council meeting.	#
<p>LEP Amendment Request/Planning Proposal Processing Stages</p> <ol style="list-style-type: none"> 1. Initial Concept - Proponent submits initial amendment concept for review and reporting to the Council. 2. Planning Proposal - Preparation of a planning proposal for the Council's consideration (if the initial concept is supported by the Council). 3. Gateway Determination - DP&E determination as to whether the planning proposal may proceed (if the Council resolves to submit the planning proposal for determination). 4. Study Preparation - Relevant technical information to enable complete assessment compiled and considered. This step may also involve pre-exhibition public authority consultation. 5. Community Consultation - Planning proposal and associated technical assessment material exhibited for public comment. 5a. Public Hearing - Public Hearing held, where required. 6. Submissions Assessment and Council Decision - Reporting of community consultation outcomes and Council decision regarding finalisation of the planning proposal. 7. Finalisation - DP&E finalisation (or Council finalisation under delegation) of the LEP amendment based on the planning proposal. Note: the Minister for Planning and Environment may finalise, alter or terminate the amendment. <p># Denotes proposal number and due date subject to Gateway determination.</p> <p>The completion due date is a date for completion determined by the Department of Planning and Environment.</p>			

Sustainability Considerations

- **Environment**
Environmental, social and economic considerations form part of the Council's assessment of all planning proposals and LEP amendments.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

The work program is being undertaken within existing resources or on a fee for service basis for specific proposals.

Consultation

Community consultation (including Government agency referrals) is, has been, or will be undertaken in relation to individual planning proposals.

8.7 LEP Amendments and Planning Proposals - Status

Options

The status of the LEP amendments outlined is provided for information only. All matters are being processed in accordance with decisions of Council.

RECOMMENDATION

That Council notes the contents of this report on current LEP amendments and planning proposals.

Attachment(s)

Nil

8.8 Land Classification - Lot 37 DP 1251946 Quays Drive West Ballina

8.8 Land Classification - Lot 37 DP 1251946 Quays Drive West Ballina

Delivery Program Strategic Planning

Objective To determine the classification of recently acquired land under the provisions of the Local Government Act 1993.

Background

The subject land entered into Council's ownership on 2 April 2019 upon the registration of the plan of residential subdivision for Leach Crescent at West Ballina. The plan of subdivision designates Lot 37 DP 1251946 (Lot 37) as a Drainage Reserve. Lot 37 contains infrastructure designed and constructed as part of the drainage system servicing the allotments and the road system within this subdivision. Lot 37 is shown outlined by red edge in the locality plan below.



The purpose of this report is to determine the classification of Lot 37 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 by the developers of the Leach Crescent subdivision for the purpose of a drainage reserve. The land contains stormwater management infrastructure provided as part of, and servicing, the residential development on the adjacent land.

Lot 37 has an area of 912m² and is zoned R2 Low Density Residential under the provisions of Ballina Local Environmental Plan 2012.

As Lot 37 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 2 April 2019 upon the registration of Deposited Plan 1251946 and the three-month classification "window" expires on 2 July 2019.

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 17 April 2019 in accordance with section 34 of the Act. Submissions were invited until 24 May 2019.

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 current and proposed use of the land for stormwater management.

- **Social**

As above.

- **Economic**
As above.

Legal / Resource / Financial Implications

The classification of Lot 37 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.

The classification of the land is being undertaken consistent with action *EL1.1b - ensure land classifications reflect community standards* under the 2018/19 Delivery Program and Operational Plan.

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 24 May 2019. No submissions in response to the notification were received.

Options

1. 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. Council may resolve to classify the lot as community land.

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

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

RECOMMENDATION

That Council classifies the land identified as Lot 37 DP 1251946, being land having frontage to Quays Drive and Leach Crescent at West Ballina, as operational land under the provisions of the *Local Government Act 1993* and that this classification takes effect immediately.

Attachment(s) - Nil

8.9 Crown Land - Classification and Categorisation

8.9 Crown Land - Classification and Categorisation

Delivery Program Strategic Planning

Objective To seek direction on the classification and categorisation of Crown Land managed by Council to meet the requirements of the Crown Land Management Act (2016)

Background

Council considered the classification and categorisation of Crown Land under its management at the May 2019 Ordinary meeting. At that meeting, Council resolved to defer the matter to a Councillor briefing. The briefing was held on 3 June 2019.

This report seeks direction on classification and categorisation of Crown Land managed by Council based on the contents of the May 2019 report.

The Crown Land Management Act 2016 (CLM Act) came into effect on 1 July 2018. The CLM Act abolishes reserve trusts and reserve trust managers under the former Act, and provides for the appointment of local councils as 'Crown land managers' in respect of land which was previously held by reserve trusts.

All Crown land has been dedicated or reserved for certain purposes in accordance with a Government Gazettal. This land may only be used for the dedicated or reserved purpose or any ancillary or incidental purpose as well as any authorised purpose as outlined in the CLM Act.

Council is currently Crown land manager for 37 reserves, which consist of 135 land parcels. Tables 1, 2 and 3 list the Crown Land parcels that Council manages. Maps showing the land, including proposed classification and categorisation outcomes, are contained in Attachments 1 and 2.

Council is responsible for the care, control and management of this land and is also required to exercise any other functions conferred or imposed by the CLM Act or any other Act in relation to this land.

The CLM Act was implemented to assist councils manage Crown land with reduced oversight from the Minister for Lands and Forestry or the Department of Industry Lands and Water (the Department).

The CLM Act enables Council to manage Crown reserves generally under the public land provisions of the *Local Government Act 1993* (LG Act).

Under this new management structure, Council is required to classify Crown land in its control, either as Community land or Operational land (subject to Ministerial approval), similar to Council owned land managed under the LG Act.

8.9 Crown Land - Classification and Categorisation

Following the classification process, the Department has requested that Council assign the land to one or more categories of community land under the LG Act.

The available categories are natural area (including subcategories of bushland; wetland; watercourse; escarpment; and foreshore), sportsground, park, cultural significance and general community use.

The categorisation of the land should be based on the use of the land and the reserve purpose.

The assignment of land management categories is a fundamental requirement of the Crown Land reforms and the associated preparation of compliant management plans under the CLM Act.

A compliant plan of management (or plans of management) is required for all Crown Land managed by Council by 30 June 2021.

The CLM Act also includes specific provisions to facilitate compliance with the *Native Title Act 1993* (Cth).

Native title refers to the rights and interests in relation to land and waters held continuously by Aboriginal people under their traditional laws and customs, recognised by Australian law.

Under the CLM Act, councils will be liable for any acts they carry out on Crown land that may affect native title.

However, councils will not be liable for any acts that preceded their management or ownership of land affected by native title, with this liability remaining with the state.

Council as Crown land manager is to ensure that any authorisation or restriction of the use of Crown land under a Plan of Management is consistent with the *NT Act* (Cth).

The purpose of this report is to seek the endorsement of the Council for the initial assignment of classifications and categories to the Crown Land managed by Council.

This is an early step in the process being undertaken to achieve compliance with the CLM Act.

Importantly, the classifications and categories can be revisited and changed later in the preparation of management plans for Crown Land managed by Council.

Key Issues

- Assignment of community land categories to the reserves that align with the purpose of each reserve

Information

Classification of Council Managed Crown Land

The CLM Act authorises councils that are appointed Crown land manager for dedicated or reserved Crown land to manage Crown land as if it were public land under the LG Act. The LG Act requires that all public land must be categorised as community or operational land.

The CLM Act provides that Crown land managed by council managers as public land must be managed as if it were community land, unless the minister administering the CLM Act has given written consent to classify the land as operational.

In accordance with section 3.22(5) of the CLM Act, the Department will only issue ministerial consent to manage the land as operational land where a council manager can demonstrate that either:

- the land does not fall within any of the categories for community land under the LG Act or
- the land could not continue to be used and dealt with as it currently can, if it were required to be used and dealt with as community land.

According to the Department's guidelines, land that may not fall within the scope of community land could include land used for cemeteries, coastal infrastructure, emergency services, quarries and gravel pits, reservoirs, sanitary purposes, sewage works, urban services and water infrastructure.

Once ministerial consent is provided under the CLM Act, Council is authorised to manage land as operational from that point forward.

Importantly, Council is able to manage operational land with more flexibility than community land.

This is particularly suited to infrastructure and land that is used or managed based on exclusive or restricted access arrangements.

The Crown land in Table 1 has been identified as land suitable for classification as operational land. An operational classification will enable Council to continue to use and deal with the land as is currently the case.

Table 1 – Crown Land to be classified as 'Operational' land

Reserve/ Dedication	Gazetted purpose	Lot/DP	Justification
R1000642	Municipal Purposes	2/59/758047	This reserve is occupied by the Ballina Shire Council Chambers (Customer Service Centre).
R74236	Night Soil Depot; Rubbish Depot	204/47668	Site of the former Wardell tip.

8.9 Crown Land - Classification and Categorisation

Reserve/ Dedication	Gazetted purpose	Lot/DP	Justification
R87280	Public Recreation	1/1051004 2/1051004	This reserve is occupied by the Ballina pool complex and waterslide. The majority of the site is enclosed and managed by a contractor. The land also includes the Richmond River Sailing Club building, car parking and boat ramp infrastructure.
<u>Part</u> R540004	Public Recreation	560/1119965	Land is subject to a lease direct from the Department to the Cherry Street Sports Club.
<u>Part</u> R540019	Public Recreation	Part 2/88/758047 3/88/758047 4/88/758047	Part reserve affected by road. Hill Street runs through the land.
<u>Part</u> R1010068	Public Recreation and Coastal Environmental Protection	2/78/758047	6 Harbourview Street, East Ballina. The pilots cottage situated on this parcel of land is subject to a commercial residential lease direct with the Department.
<u>Part</u> R1010068	Public Recreation and Coastal Environmental Protection	1/1197191	Emergency Services/ Coastal Infrastructure – Lighthouse Beach Surf Club.
<u>Part</u> R1010068	Public Recreation and Coastal Environmental Protection	6/1197191	Emergency Services/Coastal Infrastructure – Building 'B' Lighthouse Beach Surf Club.
<u>Part</u> R1010068	Public Recreation and Coastal Environmental Protection	1/1115145	Emergency Services/Coastal Infrastructure - Lennox Head Surf Club
<u>Part</u> R1010068	Public Recreation and Coastal Environmental Protection	2/1115145	Pacific Parade, Lennox Head. Reserve affected by a road.
<u>Part</u> R1010068	Public Recreation and Coastal Environmental Protection	7025/106424 1	Emergency Services/Coastal Infrastructure. – Marine Rescue Tower
<u>Part</u> 1010068	Public Recreation and Coastal Environmental Protection	1/1247577	Emergency Services/ Coastal Infrastructure – Shelley Beach Surf Club.
R86408	Reservoir	3/91/758047	East Ballina water reservoir.

8.9 Crown Land - Classification and Categorisation

Reserve/ Dedication	Gazetted purpose	Lot/DP	Justification
R57352	Sanitary Purposes	284/755684	Former waste management site. Depot site
R76641	Sanitary Purposes	203/755684	Former waste management site. Depot site.
R140001	State Emergency Services	452/720427	SES facility.

If ministerial consent to classify land in Table 1 is refused the land will be managed as community land and a categorisation of general community use will be sought under the terms of the LG Act.

Initial categorisation of Crown land

Under the CLM Act, all Crown reserves that are classified as Community land require an initial categorisation of community land referred to in section 36 of the LG Act.

The initial category must be assigned as soon as practicable after the commencement of the CLM Act.

Council managers must assign a categorisation closely related to the purposes for which the land is dedicated or reserved.

Multiple categories may be assigned to Crown land where Crown land is subject to multiple reservation or dedication purposes.

In this process, Council officers have referred to the core objectives for each category prescribed by the LG Act, as well as the guidelines for the categorisation of community land prescribed by the *Local Government Regulation 2005*.

The Department has also provided guidance on the category for Council's consideration (note the Department did not provided guidance for all land – where this is the case it is noted in the table).

Figure 1 below outlines the procedure for the initial assignment of categories, extracted from a guideline published by the NSW Department of Industry Land & Water.

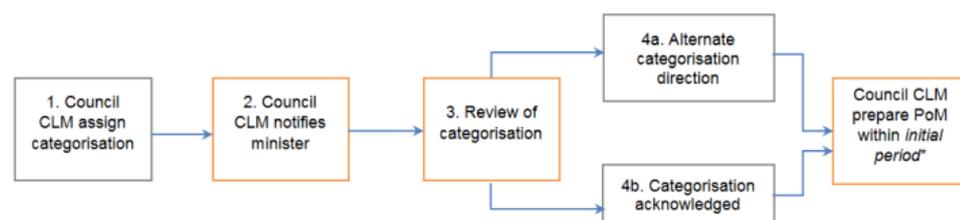


Figure 1 - Process map for categorisation of council-managed land
 *Unless the minister consents to council classifying land as operational

8.9 Crown Land - Classification and Categorisation

The Minister or Department may direct Council to alter an assigned categorisation in accordance with section 3.23(5) of the CLM Act.

A direction to alter the assigned categorisation must be adhered to by a council Crown land manager.

If Council has assigned a categorisation that differs from departmental guidance as to categories that might closely relate to reserve or dedication purposes, it must justify why it considers the assigned category to be most closely related to the purpose.

The reasons for the proposed categories that differ from guidance provided by the Department are set out in Table 2(a).

Table 2(a) - Request to Minister – Initial categorisation of Crown land managed by Council as Crown land manager

Reserve/Dedication	Gazetted purpose	Categorisation	Justification (if required)
R1002263 NORTH CREEK FORESHORE RESERVE TRUST	Environmental Protection; Public Recreation	Natural Area (Bushland) / General Community Use	General Community Use based on existence of carpark and buildings
R97839 LENNOX HEAD PRESCHOOL	Kindergarten	General Community Use	N/A
R97786 REGATTA RESERVE (MARITIME MUSEUM)	Museum; Public Recreation	General Community Use/Park	N/A
R97297 BICENTENNIAL GARDENS	Preservation of Fauna; Preservation of Native Flora	Natural Area (Bushland)	N/A
R97810 ROSSLANE BUSHLAND	Preservation of Native Flora	Natural Area (Bushland)	N/A
R87219 EMPIRE VALE PUBLIC BATHS	Public Baths	Park	N/A
R700005 PIONEER PARK	Public Park	Park	N/A
R1239 WARDELL RECREATION RESERVE TRUST	Public Recreation	General Community Use/Natural Area (Bushland) 75/728641 Park 3/921060	Guidance was Park, however lot 75/728641 consists of bushland and a road.

8.9 Crown Land - Classification and Categorisation

Reserve/Dedication	Gazetted purpose	Categorisation	Justification (if required)
R54223 TINTENBAR RECREATION GROUND	Public Recreation	Sportsground	Guidance was Park, however the land is improved with sporting areas such as a clubhouse and tennis courts.
R57670 LUMLEY PARK	Public Recreation	Sportsground/Park	Guidance was Park, however Lot 7004/92641 consists of the Tennis courts and part Lot 333/755745 consists of the tennis clubhouse.
R71612 CAPTAIN COOK PARK AND RSL MEMORIAL PARK	Public Recreation	Park 488/729289 546/821908 General Community Use 8/5A/758047	N/A Not on interim guidance schedule. CWA Hall on Lot 8/5A/758047 - General Community Use as there is a community building on the land.
R74019 RIVERVIEW PARK	Public Recreation	Park	N/A
R82164 KINGSFORD SMITH RESERVE	Public Recreation	Park 7006/1068885 7007/1068886 7008/1068886 7036/1068936 7037/1069244 Sportsground 7064/1118403 General Community Use 153/1098090	Guidance was Park, however this reserve is made up of 7 land parcels. 7064/1118403 consists of a clubhouse and the sports fields. 153/1098090 contains the Ballina Seagulls clubhouse.
R82927 WILLIAMS RESERVE	Public Recreation	General Community Use	Guidance was Park, however part of Williams Reserve consists of a sports clubhouse and Lennox Head Community Centre.

8.9 Crown Land - Classification and Categorisation

Reserve/Dedication	Gazetted purpose	Categorisation	Justification (if required)
R83963 SAUNDERS OVAL	Public Recreation	Sportsground 495/729297 & 1/1153430 General Community Use 4/1153430	Guidance was Park, however this reserve is made up of 3 land parcels. 495/729297 & 1/1153430 are active sportsgrounds, consisting of clubhouses under a lease and sports fields 4/1153430 has an active Community garden.
R83979 WAVERLY PARK	Public Recreation	Park	N/A
R88004 SHAWS BAY RESERVE	Public Recreation	General Community Use	N/A Not on interim schedule
R89799 TINTENBAR RECREATION RESERVE TRUST	Public Recreation	Park	N/A
R94164 TINTENBAR RECREATION RESERVE TRUST	Public Recreation	Park	N/A
R96642 FISHERY CREEK BOAT RAMP	Public Recreation	General Community Use	Guidance was Park, however this land is a road/carpark.
R140060 LITTLE FISHERY CREEK WETLAND	Public Recreation	Natural Area (Wetland)	N/A Not on interim schedule.
R540004 HAMPTON (CLEMENT PARK)	Public Recreation	Sportsground	N/A Not on interim schedule *Note that 560/1119965 being the location of the Cherry Street Sports Club will be requested as operational land in the first instance.

8.9 Crown Land - Classification and Categorisation

Reserve/Dedication	Gazetted purpose	Categorisation	Justification (if required)
Part R540019 EAST BALLINA CARAVAN PARK	Public Recreation	Park 5/88/758047 (Note the additional 3 parcels of land that make up this reserve has initially been requested as Operational land)	N/A Not on interim schedule
R43218	Wharfage	General Community Use	N/A Not on interim schedule.
R1014248 ALLAWAH BUSHLAND RESERVE	Environmental Protection	Natural Area (Bushland)	N/A Not on interim schedule.
R1014249 ALLAWAH BUSHLAND RESERVE	Heritage purposes and environmental protection	Natural Area (Bushland)	N/A Not on interim schedule
R90849	Public Recreation	Natural Area (Bushland)	N/A Not on interim schedule.
Part R84107	Public Recreation and Resting Place	General Community Use <u>Part 15/89/758047</u> Park Part 6/87/758047 Part 7022/1050837 Part 7015/1064316	N/A Not on interim schedule.
Part R82783	Public Recreation	Natural Area (Bushland) <u>Part 7002/1052251</u> <u>Part 7006/1052252</u> Park <u>Part 62/755725</u> <u>Part 7001/1052251</u>	N/A Not on interim schedule.

The categories have been applied with the intention of maximising the flexibility for future management of the land having regard for the guidance provided by the Department, current and planned land use and the reserve purpose.

Land categories can be changed by Council through the plan of management preparation process or by amending a plan of management.

Ballina Coastal Reserve

The Ballina Coastal Reserve R1010068 consists of 63 land parcels. Table 2 (b) identifies the recommended categories for these land parcels.

8.9 Crown Land - Classification and Categorisation

No Departmental guidance on the categorisation of this land was provided to Council for consideration.

It is important to note that as a direct result of the CLM Act (specifically the requirements under s 8.10 to comply with the *Native Title Act 1993* (Cth)) Council has encountered significant difficulties in the provision of tenure, use of buildings and provision of community infrastructure on the Ballina Coastal Reserve.

Council resolved at the Ordinary meeting held 28 February 2019 to write to the State Government and LG NSW expressing Council's concern that the CLM Act is creating significant impediments for councils to undertake routine works and provide straightforward tenure agreements to community groups.

To date, Council has not had a response that satisfactorily addresses these issues.

Table 2(b) - Request to Minister – Initial categorisation of Crown land managed by Council as Crown land manager (coastal reserve)

Reserve/Dedication	Gazetted Purpose	Categorisation	Lot/DP
Part R1010068 BALLINA COASTAL RESERVE	Public Recreation and Coastal Environmental Protection	Natural Area (<i>Bushland</i>)	2/241434
			5/241434
			1/509389
			3/590466
			1/592045
			2/592045
			518/729428
			519/729428
			520/729428
			522/729429
			523/729429
			524/729429
			525/729429
			526/729676
			528/729679
			530/729679
			516/729900
			128/755684
			394/755684
			Part 406/755684
7033/1063883			
7027/1064266			
7029/1064319			
7014/1068898			
7013/1113173			
7009/1065855			
7031/1063878			

8.9 Crown Land - Classification and Categorisation

Reserve/Dedication	Gazetted Purpose	Categorisation	Lot/DP
Part R1010068 BALLINA COASTAL RESERVE	Public Recreation and Coastal Environmental Protection	General Community Use	532/729679 539/729687 413/755684 3/78/758047 4/78/758047 6/78/758047 7032/1063896 7026/1064254 7023/1064275 7017/1064314 15/1116045 Part 2/1192961 (Historically now known as Lot 2/1247577) 3/1197191 4/1197191 1/1228200 7011/1063876 3/1115145 7024/1063860 7013/1063873 7041/1071329 7015/1071432 7014/1071433 7038/1071434 7042/1108681
Part R1010068 BALLINA COASTAL RESERVE	Public Recreation and Coastal Environmental Protection	Natural Area/General Community Use	7035/1063864 <i>(Bushland)</i> 7034/1063872 <i>(Bushland)</i> 7030/1063893 <i>(Foreshore)</i> 7040/1071319 <i>(Foreshore)</i> 7039/1071328 <i>(Foreshore)</i> Proposed natural area subcategories noted in italics. Beach areas and developed foreshore areas to be categorised as general community use.
Part R1010068 BALLINA COASTAL RESERVE	Public Recreation and Coastal Environmental Protection	Identified for classification as operational land (as outlined in Table 1)	2/78/758047 1/1197191 6/1197191 1/1115145 2/1115145 7025/1064241 1/1247577

8.9 Crown Land - Classification and Categorisation

Similarly to the land in Table 2(a), the categories have been proposed based on maximising flexibility in the management of the land, being mindful of the current and planned land use and the reserve purpose.

Plans of Management

Following assignment of land to classifications and categories Council is required to proceed to prepare a plan of management for all land that is classified as 'Community' land under the LG Act that reflects the assigned category.

This is in order to ensure that Crown land is lawfully used and occupied and is managed in line with the LG Act.

This is an essential part of Council's role as the manager of Crown Land. Council must ensure there is a compliant plan of management (POM) for all Crown land managed as community land by 30 June 2021.

Council is presently required to prepare POMs under the LG Act for Council owned Community Land, and has an adopted Plan of Management for Community Land (2015).

This plan addresses all community land managed by Council in the shire.

The most efficient way to progress the requirement to have a POM in place for Crown Land managed by Council (by 30 June 2021) is to integrate of this land into the current POM for community land.

However, an exception to this is the Ballina Coastal Reserve.

This reserve is currently subject to a stand alone POM and it is appropriate that this be continued given the nature of the existing POM, the characteristics of the coastal reserve and the importance of the coastal reserve to the shire.

Compliance with the CLM Act will require an update to this plan to align it with the terms of the LG Act.

Plans of Management currently in place under Division 6 of the *Crown Lands Act 1989* continue in force until an LG Act plan of management is adopted for the land. Council currently has three Plans of Management prepared under the *Crown Lands Act 1989* namely the

- Ballina Coastal Reserve POM
- Williams Reserve POM
- Hampton Park POM.

Revision of these plans would be based on a principle of transitioning the plans as 'like for like' and the inclusion of anything that is Council policy or by Council resolution.

In summary, to achieve compliance with the CLM Act in the set timeframe, a comprehensive review of these plans is not proposed.

8.9 Crown Land - Classification and Categorisation

Rather, it is recommended that Council integrates the Williams Reserve and Hampton Park plans into the POM for Community Land (along with all of the Crown land identified in Tables 2(a) and 2(b)).

It is recommended that the Coastal Reserve POM remains as a stand alone document but that it is updated (not fully reviewed) to align with the LG Act.

If the Council wishes to examine the planning and management framework for the above areas or other Crown land in details, it is recommended that this be done after Council has firstly achieved compliance with the CLM Act.

If the land is classified as operational, then the plan continues in force as if it were adopted under Division 3.6 of the CLM Act.

If Council is given consent to manage land as operational, the minister administering the CLM Act can also direct council to prepare a new plan of management for the land in accordance with Division 3.6 of the CLM Act.

The CLM Act includes specific provisions to facilitate compliance with the *Native Title Act 1993* (Cth). This includes Part 8 of the CLM Act which provides that council Crown Land Managers must engage a qualified native title manager to oversee and approve dealings that may affect native title to ensure that they are valid under native title legislation.

The advice and oversight of native title managers will be required for the approval and submission of approval of plans of management that authorise or permit certain dealings that affect native title.

Sustainability Considerations

- **Environment**
Environmental, social and economic values have been considered in the assignment of the recommended land classifications and categories.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

This is a legislative requirement linked to Council's Delivery Program and Operational Plan 2018-2022 through item HE3.1m - Implement Crown Land Management reforms.

Council is required to assign the land categories for land classified as Community land as soon as practicable. The confirmation of land categories is a fundamental component of developing compliant Plans of Management, as required by the CLM Act by 30 June 2021.

8.9 Crown Land - Classification and Categorisation

Councils have received a nominal grant of \$30,000 from the Department to assist with the preparation of Plans of Management. This funding is not sufficient to meet the costs of the required work to achieve compliance with the CLM Act reforms.

This first step towards compliance, being the classification and categorisation of land, is being managed within existing resources.

Consultation

The review of classification and initial categorisation has occurred in consultation with internal Planning and Environmental Health Division and Civil Services Division staff.

Community consultation will be undertaken when the draft Plans of Management are developed for the Crown Land reserves in accordance with the CLM Act.

No consultation is required for initial step. There will be opportunity for consultation when the plans of management are exhibited as part of a future phase of the reform implementation.

Options

Notification to the Minister of Council's initial classification and preferred land categories is a non-delegable function and requires a Council resolution.

The Council may proceed with the classification and categorisation process, decline to proceed further or defer the matter for further consideration.

Ceasing further action is not recommended as Council is obligated to undertake the classification and categorisation process under the CLM Act reforms.

If the Council would like more information about all or part of the process (e.g. plan of management preparation), staff could present additional details through a Councillor briefing.

The recommended approach is to proceed to request the classifications and categorisations for Crown land managed by Council as set out in this report. This would mean that Council would request that the Minister endorse the classifications and categorisations set out in Tables 1, 2(a) and 2(b).

This will then enable Council to proceed to prepare the required plans of management.

No detailed reference maps have been included with the report primarily as the documentation would be extensive. If Councillors require any details on the parcels of land, contact the Planning and Environmental Health Division.

RECOMMENDATIONS

1. That Council endorses the initial classification and categorisation of Crown Land as identified in Tables 1, 2(a) and 2(b), as per this report.
2. The General Manager is authorised to seek Ministerial consent for the classification of Crown Land listed in Table 1 as operational land, as per this report.
3. The General Manager is authorised to seek the categorisation of Crown land under the management of Council in line with the categorisation identified in relation to Table 1 (if Ministerial consent to classify the land as operational is refused) and Tables 2(a) and 2(b), as per this report.
4. That Council endorses the preparation of compliant plans of management, as required by the *Crown Land Management Act (2016)* by 30 June 2021, in line with the principles set out in this report.

Attachment(s)

1. Crown Land Managed by Council - Proposed Classification and Categorisation
2. Crown Land Managed by Council - Proposed Classification and Categorisation (Coastal Area Focus)

8.10 Compliance Work Plan - 2018/19

8.10 Compliance Work Plan - 2018/19

Delivery Program Development Services

Objective To provide the finalisation report for the 2018/19 Compliance Work Plan

Background

At the June 2018 Ordinary meeting, Council adopted a Compliance Work Plan for the 2018/19 financial year. This report provides a report on the action taken in relation to the plan.

This report should be considered in conjunction with the recommended Compliance Work Plan for 2019/20, which is the next report in this agenda.

Key Issues

- Level of compliance
- Results achieved

Information

The 2018/19 Compliance Work Plan identified five priorities being:

1. *Audit of Major Developments within the Shire (Ongoing Program)*
2. *Audit of Identified Development Consents (Ongoing Program)*
3. *Caravan Park Inspections, Auditing and Licensing*
4. *Swimming Pool Barrier Inspections and the Issuing of Compliance Certification*
5. *Essential Services (Fire Safety) Auditing in relation to Fire Safety Certification.*

Additionally, with respect to detached dual occupancies within RU1 and RU2 Zones, Council resolved as follows at the September 2017 Ordinary meeting:

1. *That Council endorses the amendment of the Ballina Local Environmental Plan 2012 to permit detached dual occupancy development within the RU1 and RU2 zones under the provisions of Ballina LEP 2012 as detailed in Planning Proposal BSCPP 17/008.*
2. *That Council authorises the General Manager to proceed to finalise and implement Planning Proposal BSCPP 17/008 under delegated authority subject to the following:*
 - *Finalisation of the associated DCP amendments relating to detached dual occupancy on rural land (zones RU1 and RU2); and*
 - *Confirmation of the agreement of the Secretary of the Department of Planning and Environment with respect to identified inconsistencies with s117 Ministerial Directions.*

3. *The General Manager is authorised to provide a period of up to 12 months during which the owners of properties containing unauthorised detached dwellings may seek to obtain an appropriate development consent, subject to an initial inspection determining that there is sufficient merit to warrant further investigation in relation to compliance with the Building Code of Australia, on-site sewage management, land use buffers, land zoning and other constraints.*

The NSW State Government gazetted the amendment to the *Ballina Local Environmental Plan 2012* as Amendment No 34, which was published on the NSW Legislation website on 22 December 2017.

In line with part three of this resolution, the 12-month period to lodge a development application expired 24 December 2018.

Implementation of Council's resolution and ongoing investigations into second (or otherwise multiple) dwellings within rural zones have formed part of the compliance work program. It is proposed that work in this area be the subject of a programmed approach in the 2019/20 year (see the associated report on the 2019/20 compliance work program).

For the 2018/19 priority areas the following provides a summary of the action taken.

1. *Audit of Major Developments within the Shire (Ongoing Program)*

Major Developments are defined as developments consisting of five or more units/parcels of land/dwellings as well as all developments within areas of high environmental significance.

This program originally commenced in the 2008/09 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn.

This program has continued with audits of development applications for the years 2007 through 2011 inclusive. Compliance resources have also been applied to auditing developments being carried out on environmentally and culturally sensitive sites on an ongoing basis.

Audits relating to approvals for the period 2006 through to 2009 have previously been completed, with all development consents assessed to be generally in compliance with the conditions of the development consent applicable at the time of the audits undertaken.

During the current financial year, audits of 2010 major developments have been completed with the development assessed to be generally in compliance with the conditions of the development consent applicable at the time of the audits undertaken. The 2010 major development consents will no longer be addressed in Compliance Program reporting.

During this financial year, all 2011 major developments have been inspected.

The status of the remaining major developments (to the year 2012) requiring further investigations is as follows:

Item	2011	2012
Number of major developments	55	47
Number inspected for compliance	55	1
Number compliant	46	0
Number of ongoing inspections (current works)	3 ¹	1
Number of ongoing inspections (no works on site – consent physically commenced but dormant)	0	0
Number of consents not commenced	0	0
Number of consents lapsed	6	0
Number yet to be inspected	0	46

¹ These developments relate to ongoing works required as part of the approval and are progressing towards completion.

2. Audit of Identified Development Consents (Ongoing Program)

Identified Development Consents are defined as all approvals issued by Council except those identified as either (a) Major Developments or (b) Consents that require further approvals from Council or an accredited certifier (e.g. Construction Certificates, Occupation Certificates, Subdivision Certificates, Food Inspection Certificates) and therefore have a 'built in' mechanism or stage within the consent where compliance with conditions are checked.

This program originally commenced in the 2008/09 financial year with an audit of 2006 development applications, which included applications that have been determined or withdrawn. This program has continued on to audit 2007, 2008, 2009, 2010 and 2011 development applications.

Audits relating to approvals for the period 2006 through to 2009 inclusive have previously been completed, with all development consents assessed to be generally in compliance with the conditions of the development consent applicable at the time of the audits being undertaken.

During this financial year, all 2010 identified developments have been completed with the developments assessed to be generally in compliance with the conditions of development consent applicable at the time of the audit.

The 2010 identified development consents will no longer be addressed in Compliance Program reporting.

Further, during this financial year, all 2011 minor developments have been inspected with the developments assessed to be generally in compliance with the conditions of the development consent applicable at the time of the audit.

The 2011 minor development consents will no longer be addressed in Compliance Program reporting.

The status of the remaining identified developments (to the year 2012) is as follows.

Item	2012
Number of identified developments	112
Number inspected for compliance	1
Number compliant	0
Number of ongoing inspections (current works)	1
Number of ongoing inspections (no works on site – consent physically commenced but dormant)	0
Number of consents not commenced	0
Number of consents lapsed	0
Number yet to be inspected	111

3. Caravan Park Inspections, Auditing and Licensing

Caravan Parks are currently licensed through the provisions of Section 68 of the *Local Government Act 1993* (NSW) with the operation of each Park to be undertaken in line with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2008* (NSW).

This Regulation is currently under review by the State Government and it was anticipated that the new regulations would be implemented towards the middle of 2017. To date, staff have not been able to ascertain a revised period for implementation of the new Regulation.

In line with the current legislative requirements, staff have been conducting annual inspections of all existing caravan parks since 2018.

Initially, the annual inspection program has focused on safety and risk issues including smoke detectors, fire services and emergency evacuation plans to ensure the safety of patrons of each of the caravan parks.

Inspections have revealed that caravan parks have commonly identified deficiencies in a number of areas including:

- The requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (NSW); and/or;
- The Essential Services (fire safety) requirements of the *Environmental Planning and Assessment Regulation 2000* (NSW); and/or
- Failing On-Site Sewage Management Systems have been identified under the provisions of the *Protection of the Environment Operations Act 1997* (NSW); and/or
- Conditions of development consent or development consents issued for the Park; and/or
- Conditions of the Plans of Management issued for the Park; and/or
- Alterations made within the park where the appropriate development consent, Approval to Install / Operate of amended Plan of Management have not been obtained prior to those works or alterations being undertaken.

Staff are continuing to work with the park operators to rectify these matters.

Where matters of safety have been identified, formal Notices and Orders have been issued on park operators requiring compliance with the relevant Regulations or development consents.

In parks where the identified non-compliances do not relate to the safety matters, Schedules of Works to be undertaken have been provided to the individual operators outlining a timetable for the required rectification works to be undertaken within each individual park.

These combined actions have resulted in preliminary discussions between Council planning staff, park operators, park owners and planning consultants with a view to new development applications being lodged to upgrade caravan various park facilities within the Ballina Shire.

In addition, State Government operated caravan parks are preparing new Plans of Management for the ongoing operation of those parks.

4. Swimming Pool Barrier Inspections and the Issuing of Compliance Certification

Council resolved at the January 2019 Ordinary meeting to implement the *Private Swimming Pool Barrier Fencing Policy*.

This policy has assisted in consistent enforcement of the legislative requirements of the provisions of the *Swimming Pools Act 1992 (NSW)* and the new *Swimming Pools Regulation 2018 (NSW)*.

At that same meeting, with respect to the Half Yearly Compliance Work Plan Update, Council resolved the following:

- 1. That Council notes the contents of this report on the status of the Compliance Work Plan for 2018/19.*
- 2. That Council consider as part of the preparation of the Delivery Program and Operational Plan increasing inspections of swimming pools and OSSM's across the Shire.*

In relation to part two of this resolution, the immediate focus has been the application of resources to progress the completion of the Council's Swimming Pools Register.

The aim is to have all private swimming pools within the Ballina Shire accurately recorded on the register as the basis for a comprehensive inspection program. The resourcing of increased inspections in relating to swimming pools and OSSMs will be examined further during 2019/20.

An initial review of the operation of the Swimming Pools Register has identified discrepancies between Council's Swimming Pools Register and the NSW Swimming Pools Register. A program has been developed to cross check all records to ascertain the location of all swimming pools within the Shire and to ensure the integrity of data contained within both the Council's and State Registers.

8.10 Compliance Work Plan - 2018/19

Overall, the swimming pools barrier inspection program has focussed on the following during 2018/19:

- mandatory swimming pools are identified and recorded in the Swimming Pools Register to ensure Council meets the legislative obligations of the *Swimming Pools Act 1992 (NSW)*; and
- properties with swimming pools that are for sale and/or rent are being inspected within legislative time frames.

During the 2018/19 financial year, an additional 998 premises have been added to Council's Swimming Pools Register, giving a current total of 1,993 properties listed as having private swimming pools as at 1 June 2019.

It is anticipated that there are in excess of 4,200 private swimming pools within Ballina Shire. Council and the NSW State Government have engaged in a lengthy, ongoing media campaign to advise landowners of the legal requirements to register their swimming pool on the State Swimming Pools Register.

To this end, a further community advice has been included in the recent Community Connect in relation to private swimming pools. Unfortunately, many pool owners have not taken action to register their pool.

When private swimming pools are identified as not being on Council's Swimming Pools Register or on the NSW Swimming Pools Register, the pool owner is issued a Show Cause Notice to the landowners providing a period of 21 days in which to register their swimming pool.

To date, during 2018/19, 336 Show Cause Notices have been issued to landowners who had not registered their private swimming pool.

As a follow up to Council's Show Cause Notices, 31 landowners have failed to register their swimming pools and were fined.

Council currently has a further 104 Show Cause Notices which remain outstanding and 35 are currently overdue. It is anticipated that the number of penalty notices issued will increase in the short term.

With respect to pool barrier conformance, Council has issued a number of non-compliance certificates following the initial inspection of private swimming pools within the Shire.

In this regard, 97 non-compliance certificates have been issued since 1 July 2018. These pools have required rectification works to achieve compliance with the relevant pool safety standards.

These non-compliance certificates are not legal notices under the provisions of the *Swimming Pools Act 1992 (NSW)*.

Accordingly, these 97 non-compliance certificates do not count within the Legal Notices section of this report.

Should issues involving ongoing non-compliances be subsequently identified from further inspections, this will result in formal legal notices being issued.

8.10 Compliance Work Plan - 2018/19

During this current Compliance Work Plan, 35 new mandatory swimming pools were identified, bringing the total number of mandatory swimming pools to 130 swimming pools.

These mandatory pools are now included within the Council's Register for ongoing monitoring.

5. *Essential Services (Fire Safety) Auditing in relation to Fire Safety Certification.*

An additional 54 premises have been added to Council's Essential Services Register this financial year, giving a total of 591 properties listed as at 1 June 2019.

The checking of the Annual Fire Safety Statements submitted by landowners to Council has identified a number of typical non-compliances including:

- Incomplete Annual Fire Safety Statements
- The failure to provide the Annual Fire Safety Statement and relying solely on the service technician's report
- The failure to provide Annual Fire Safety Statements by the due date and
- The provision of Annual Fire Safety Statements with identified non-compliances outlined on the Service Technician's Report.

Previous legislation required building owners to sign off on Annual Fire Safety Statements that are submitted.

Amending legislation that came into force in 2018 requires competent persons in fire safety to sign off these statements, along with the landowner or their agent.

Further changes will require that competent persons in fire safety will need to be accredited, similar to private certifiers within the building industry, although the exact time that these changes will come into effect is unknown.

These legislative changes are affecting the timeliness of the completed fire safety compliance. The program is ongoing.

Court Proceedings

Some matters investigated result in the commencement of legal proceedings, either in the Ballina Local Court or, where circumstances warrant, the NSW Land and Environment Court. Any legal action through the Courts is undertaken in line with the provisions of Council's Enforcement Policy.

Three new Local Court proceedings and one Land and Environment Court matter commenced during this Compliance Work Plan.

These matters have been the subject of Council resolutions to endorse commencement of those proceedings.

Council has been successful in all matters, with one matter still before the Courts.

Three new matters are currently with Council's Solicitors for review for alleged breaches of planning legislation, fire safety measures and unauthorised vegetation clearing within the Ballina Shire.

Should it be determined sufficient evidence exists that warrant the commencement of legal action, each matter would be the subject of a separate report to Council.

Legal Notices

In addition to any Court matters, legal notices are issued for any identified breaches and non-compliances.

These legal notices are the commencement of the process to remedy identified breaches and non-compliances within Ballina Shire.

This current financial year Council:

- has issued 59 new notices for identified breaches and non-compliances
- has finalised 66 notices that have been ongoing, where the matter has been resolved to Council's satisfaction and without requiring litigation and
- Is currently managing 59 outstanding notices that require ongoing follow up. Where a satisfactory resolution is not achieved the matter may result in formal Court proceedings.

With respect to detached second dwellings on rural zoned land, as outlined, Council resolved to permit detached dual occupancies within certain rural lands within the Ballina Shire.

The number of development applications received by the end of the amnesty period was disappointingly low compared with the historical level of complaints received.

These types of investigations are complex and require the dedication of many hours to identify and check all available records within Council's systems.

These matters also often involve a number of inspections drawing on technical officers across various sections within Council to ascertain compliance and where necessary ensure remedial action is taken.

This is an area of increasing demand and complexity, and it is expected that proactive inspections will identify a significant number of non-compliant premises in future years.

A further report will be provided to Council outlining this matter in more detail including an overview of options to address the key issues and resourcing implications.

Liquor Licensing Matters

During the current financial year, Council dealt with 21 liquor licence applications, including 12 new licenced premises commencing trading within the financial year.

Sustainability Considerations

- **Environment**
Compliance with issued development consents ensures the protection of the built and natural environments.
- **Social**
Enforcing compliance with development consents and legislative obligations is an important aspect of ensuring community confidence in relation to development activity.
- **Economic**
Compliance with development conditions results in a more level playing field for business operators.

Legal / Resource / Financial Implications

This program aims to efficiently utilise the resources allocated for enforcement activities.

Consultation

This report has been prepared as a final update on the 2018/19 Compliance Work Plan.

Options

This report is provided for the information of Council and the community.

RECOMMENDATION

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2018/19 financial year.

Attachment(s)

Nil

8.11 Compliance Work Plan - 2019/20

8.11 Compliance Work Plan - 2019/20

Delivery Program Development Services

Objective To provide Council with the proposed Compliance Work Plan for the 2019/20 financial year.

Background

This report identifies the major areas recommended for Council to apply its development compliance resources for the 2019/20 financial year.

Key Issues

- Proposed priority areas for investigation and review

Information

A Compliance Work Plan has been developed to provide Council with a forecast of how development compliance resources will be directed over the coming 2019/20 financial year.

Complaints and matters that arise throughout the year, which require investigation outside the matters identified in the Compliance Work Plan, will be prioritised and actioned in line with available resources.

The Compliance Work Plan has nominated the following areas as the priorities for the forthcoming financial year as they are the areas of highest risk or potentially lowest levels of compliance.

Programs

1. *Audit of Major Developments within the Shire* (Ongoing Program)

Continue this program to complete the audit of all 2012 Major Development consents and should sufficient resources permit, move onto the 2013 Major Developments.

2. *Audit of Identified Development Consents* (Ongoing Program)

Continue this program to complete the audit of all 2012 Identified Development consents and should sufficient resources permit, move onto the 2013 Identified Development Consents.

3. *Caravan Park Inspections, Auditing and Licensing* (Ongoing Program)

Continue the caravan park approval to operate program with the aim being to ensure that the caravan parks in the Shire operate in accordance with legislative provisions and provide a safe environment for park residents.

Council has now initiated an annual inspection program to work with all caravan park operators within the Ballina Shire towards compliance with the provisions of the relevant approvals as well as the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (NSW).

4. *Swimming Pool Barrier Inspections and the Issuing of Compliance Certification* (Ongoing Program)

Continue the private swimming pool barrier inspection and compliance program to ensure that private swimming pools meet, wherever practicable, the legislative requirements to minimise the risk of drowning in a private swimming pool.

This program will also continue on progressing the completion of Council's Swimming Pool Register. This will assist in a review of Council's current inspection programme in response to Council's resolution at the January 2019 Ordinary meeting for an increased inspection program.

5. *Essential Services (Fire Safety) Auditing in relation to Fire Safety Certification*. (Ongoing Program)

Continue auditing of the Essential Services (Fire Safety) certification and inspections programme, to ensure adequate levels of safety for occupants in the event of a fire or emergency.

This progress will also continue to progress Council's Essential Services Register.

In addition to the above, a further three programs are proposed for inclusion within the Compliance Work Plan for the 2019/20 financial year. These programs relate to the following:

- *Unauthorised Rural Dual Occupancy Dwellings.*
- *Quarry Auditing.*
- *Monitoring of Major Subdivision Works.*

The above programs have been actioned to date by way of standard compliance actions, with any major non-compliance identified and reported to Council as applicable.

Where formal legal proceedings are not appropriate in the individual circumstances, staff have used available legal Notices and Orders to achieve compliance with Council requirements.

With respect to the newly identified programmes, there has been a noticeable increase in complaints or other referrals for action.

Further, these matters have become more noticeable following previous Council investigations, and/ or resolutions and are now the subject of the need for a more rigorous inspection regime.

Sustainability Considerations

- **Environment**

Compliance with development consents and approvals to operate enhances the protection of the built and natural environments, supports community confidence and promotes a fair approach to economic activity in the Shire.

- **Social**

As above

- **Economic**

As above

Legal / Resource / Financial Implications

This 2019/20 plan identifies the priority programs to be targeted on a proactive basis.

The implementation of this plan and development compliance initiatives overall has considerable resource and financial implications for Council.

Consultation

This report has been provided for public information.

Options

The options are to support the proposed work plan or amend it to include other areas where Council believes there may be a higher priority.

The recommendation is to endorse the plan as this provides clear direction on the priority actions in relation to the compliance initiatives of Council.

Further information on the new program additions will be provided to a future Council meeting to outline the implementation and resourcing strategy to implement the new programs.

RECOMMENDATION

That Council endorses the Compliance Work Plan for 2019/20, as detailed within this report.

Attachment(s)

Nil

8.12 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

8.12 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

Delivery Program Development Services

Objective To inform Council of the status of this matter and seek direction on action to remedy ongoing non-compliance.

Background

On 14 August 2014, it became known to Council that clearing works were being carried out within Lot 67 DP 755688, 1010 Pimlico Road Wardell.

Since the time of the unauthorised clearing, these premises have been in the ownership of the same person.

The subject premises contains predominately-native vegetation with some exotic grassland. The native vegetation includes broad-leaved paperbark (*Melaleuca quinquenervia*), Swamp Mahogany (*Eucalyptus robusta*) and Coastal Cypress Pine (*Callitris Columellaris*), which are listed as threatened species and comprise Endangered Ecological Communities for the purposes of the (then) *Threatened Species (Conservation) Act 1995* (NSW).

The area of clearing totalled approximately 18,000m² or 1.8 hectares.

This matter was reported to the April 2015 Ordinary meeting where Council resolved as follows:

1. *Council endorse Option Three to pursue a Local Court Prosecution against Mr Camidge for the offence of unauthorised clearing of 18,000 square metres or 1.8 hectares of native and threatened species vegetation comprising EECs and associated earthworks within the subject premises;*
2. *Further to point one above, Council also endorse Option Six to serve formal Orders on Mr Camidge under the provisions of the Environmental Planning and Assessment Act 1979 (NSW) to require the revegetation of the subject premises, including:*
 - a) *The preparation of suitable Revegetation Management Plans or the like for approval by the Council; and*
 - b) *Identification and carrying out of any necessary preparation works; and*
 - c) *The engagement of appropriate staff to carry out all necessary works in line with any approved Revegetation Management Plans or the like; and*
 - d) *The ongoing monitoring and remedial actions to ensure that the revegetation of the subject premises is successful.*
3. *That Council investigate the issuing of a Penalty Infringement Notice for the preparation of a dwelling house pad without the prior consent of the Council.*

8.12 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

This matter progressed to the Ballina Local Court where the landowner ultimately pleaded guilty. Magistrate Denys, in summing up the case, indicated that this was considered to be an “extremely significant matter”, that constituted “significant offending”, and that the penalty issued by the Court must provide a “significant deterrent” to prevent ongoing clearing of native vegetation.

The landowner was convicted, fined \$4,000 and required to pay Council’s legal costs.

The landowner also entered into a positive covenant on his property to conduct revegetation of the cleared area with appropriate native species in line with a Revegetation Management Plan.

This positive covenant, number AK974155, was placed against the subject premises on Lot 67 DP 755688, 1010 Pimlico Road, Wardell and included reference to the Council approved Revegetation Management Plan, prepared by the Melaleuca Group Pty Ltd and dated 10 June 2016.

Since that time, Council has sought to achieve compliance with the terms of the positive covenant.

The actions taken to date have not been successful in achieving the required revegetation of the site.

Key Issues

- Ongoing non-compliance with Ballina Local Court Order
- Ongoing non-compliance with positive covenant imposed by Ballina Local Court.

Information

The background to this matter is summarised above.

A separate confidential report is provided later in this agenda in relation to the outcomes of the investigation into this matter and options to address the current legal status of the investigation.

Sustainability Considerations

- **Environment**

The unauthorised clearing of native and threatened species vegetation and associated earthworks have had an adverse impact on the environment, given the significance of the vegetation and the presence of threatened species (both flora and fauna) at the site.

Action to require rectification is important both from the perspective of sound environmental outcomes and also as a deterrent to others in relation to land clearing.

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

Legal implications associated with this matter are the subject of the separate confidential report.

Consultation

Information in this report has been provided in open Council as a matter of public record. Council staff have sought legal advice in relation to this matter. This is the subject of a separate confidential report.

Options

The primary purpose of this report is to provide an open Council overview of the basis for the confidential report. The recommendation is for noting.

RECOMMENDATION

That Council notes the contents of this report in respect to the summary of the confidential report addressing unauthorised clearing and vegetation restoration works at 1010 Pimlico Road Wardell.

Attachment(s)

Nil

8.13 Development Applications – Variation to Development Standards

8.13 Development Applications – Variation to Development Standards

In accordance with the Department of Planning's Circular PS18-003, the following information is provided with respect to development applications where a variation to development standards (via the BLEP 1987 or BLEP 2012) has been approved.

This report relates to the period April to June 2019.

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

RECOMMENDATION

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for the period April to June 2019.

Attachment(s)

Nil

8.14 Development Applications - Works in Progress - June 2019

8.14 Development Applications - Works in Progress - June 2019

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

Note that 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	Awaiting additional information
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	Awaiting additional information
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) 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
2018/432	26/7/2018	Ardill Payne & Partners	Two Lot Subdivision by way of a Boundary Adjustment to create one 1080m ² and one 776m ² allotments and construction of a shed on Proposed Lot 1 - 2 Old Pacific Highway, Newrybar	Awaiting additional information

8.14 Development Applications - Works in Progress - June 2019

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	Awaiting additional information
2018/482	10/8/2018	P & G Smith	To establish a home business comprising a cooking class conducted within an existing holiday cabin – 841 Fernleigh Road, Brooklet	Awaiting additional information
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information
2018/597	26/9/2018	Ardill Payne & Partners	Establishment and operation of a water supply system including the construction of shed and associated works – Lot 15 Ellis Road, Rous	Referred to Government Departments & Awaiting additional information Councillor briefing to be held – date to be advised To be reported to Council for determination as per Council's resolution 251018/7 – 25 October 2018
2018/616	9/10/2018	Northern Rivers Land Solutions	To undertake bulk earthworks associated with the subdivision consented to under DA 2016/184 – 658 Tamarind Drive, 33 Mitchell Close, 52 Albert Sheathers Lane & 88 Sandy Flat Road, Cumbalum (Banyan Hill)	Referred to Government Departments
2018/631	17/10/2018	GM Project Management	Proposed two lot subdivision to create one x 574sqm and one x 708sqm allotments and partial demolition and reconstruction of existing dwelling house – 7 Evelyn Villa Drive, Alstonville	Awaiting additional information

8.14 Development Applications - Works in Progress - June 2019

2018/730	29/11/2018	Surf Life Saving Far North Coast	Operation of a kiosk from the ground floor of the Shelly Beach Surf Life Saving Club building, and associated building works – 11 Shelly Beach Road	Awaiting additional information
2018/735	30/11/2018	Anthony De Ridder	Alterations and Additions to Industrial Development – 38-44 Piper Drive, Ballina	Awaiting additional information
2018/741	5/12/2018	Ardill Payne & Partners	Stage 2 of a Seniors Housing Development (Alstonville BaptistCare/Maranoa) comprising 15 self-contained dwellings, tree removal, car parking, infrastructure and associated works - 15-19 The Avenue, Alstonville	Awaiting additional information
2018/746	5/12/2018	Ardill Payne & Partners	Alterations and Additions to the Ballina Central Shopping Centre, comprising the addition of two pad sites, new outdoor dining space, new commercial floor space and alterations to the car parking area, including a new car parking shade structure – 44 Bangalow Road, Ballina	Awaiting additional information
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road & 22 Scarlett Court, Wollongbar	Being assessed
2018/753	7/12/2018	Newton Denny Chapelle	Staged Torrens Title Subdivision comprising 31 x residential lots, 1 x open space lot, extension to an existing drainage reserve and associated infrastructure works, earthworks and vegetation management works - Avalon Avenue, 55 Avalon Avenue, 93 Rifle Range Road, Wollongbar	Being assessed

8.14 Development Applications - Works in Progress - June 2019

2019/9	24/12/2018	Ardill Payne & partners	Construction of Ballina community Men's Shed – 36 Racecourse Road, Ballina	Awaiting additional information
2019/21	21/1/2019	Ardill Payne & Partners	Establishment of a detached dual occupancy involving the relocation of a dwelling and tourist and visitor accommodation comprising the change of use of an existing studio to a holiday cabin and the erection of a new holiday cabin and associated works – 208 Fernleigh Road, Tintenbar	Awaiting additional information
2019/30	24/1/2019	Newton Denny Chapelle	Staged development involving the temporary use of the land for five years as a function centre for the purpose of hosting wedding ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people. The proposal also involves staged development of eight holiday cabins and associated amenities and infrastructure – 43 Tuckombil Lane, Tuckombil	Awaiting additional information To be reported to Council for determination as per Council's resolution 240419/9 – April 2019
2019/123	28/2/2019	Newton Denny Chapelle	Demolition of all structures on-site and erection and Strata Title subdivision of a mixed use development comprising a three storey 9.7m high building (above the 9.0m height of buildings development standard) including food and drink premises and retail premises at ground and second floors, business premises at second floor and shop top housing consisting of two residential dwellings on the third floor, on-site car parking, vegetation removal and associated works. A pedestrian walkway linking Ballina Street and Park Lane is proposed - 74 Ballina Street, Lennox Head	Awaiting additional information

8.14 Development Applications - Works in Progress - June 2019

2019/133	4/3/2019	Ardill Payne & Partners	Subdivision to create eight residential Torrens Title lots varying in size from 690sqm to 1200sqm and one residue 2.72 hectare allotment and associated works – 44-52 Blue Seas Parade, Lennox Head	Awaiting additional information
2019/137	7/3/2019	P A Lowndes	Alterations/Additions to an existing Recreation Establishment - 1305 Eltham Road, Alstonvale	Awaiting additional information
2019/144	8/3/2019	Newton Denny Chapelle	To undertake renovation, refurbishments and upgrades to Summerland House Farm comprising upgrades to the visitor facilities and amenities and upgrades and expansion of the existing macadamia de-husking facility – 253 Wardell Road, Lynwood	Being assessed
2019/145	8/3/2019	Ardill Payne & Partners	Construction of an Industrial Development to be Used for a Depot and For General and Light Industrial Purposes, Filling of Land and Associated Works – 29-31 Smith Drive, West Ballina	Awaiting additional information
2019/162	15/3/2019	Northern Rivers Land Solutions	Change of Use to Establish a Vehicle Repair Station – 24 Barlows Road, West Ballina	Awaiting additional information
2019/168	18/3/2019	Vision Town Planning	Change of Use to Establish a Recreation Facility (Indoor) Gym – 4/1 Stinson Street, Ballina	Awaiting additional information
2019/170	19/3/2019	MP & MJ Veronesi	Two Lot Boundary Adjustment Subdivision to create one x 78ha and one x 5ha allotments – 987 & 937 Wardell Road, Meerschaum Vale	Awaiting additional information
2019/176	21/3/2019	Northern Rivers Land Solutions	Change of Use to Recreation Facility (Indoor) – Martial Arts Studio – 11 Russellton Drive, Alstonville	Being assessed

8.14 Development Applications - Works in Progress - June 2019

2019/187	28/3/19	TJ Chilcott	Demolition of an existing house and erection and Strata Title subdivision of a multi dwelling housing development comprising three x two bedroom dwellings and associated vegetation management works – 54 Commercial Road, Alstonville	Awaiting additional information
2019/221	10/4/19	Ardill Payne & Partners	Two lot residential subdivision to create one x 1111m ² allotment (below 1200m ² min lot size standard) and one x 1389m ² allotment, part demolition of existing dwelling house and alterations and additions to the existing dwelling house including construction of a swimming pool, vegetation management works and associated infrastructure works – 30 Teven Road, Alstonville	Being assessed
2019/223	11/4/19	Tim Fitzroy & Associates	Expansion of the existing solid waste transfer station with a processing capacity of up to 28,000 tonnes per annum. The proposed expansion will allow for sorting of construction/demolition waste, general mixed waste, recycling, paper/cardboard, green waste, steel, timber, waste oil and community recycling centre for household chemicals. The transfer station is proposed to operate 6.00am to 6.00pm Monday to Friday and 7.00am to 4.00pm Saturdays and Sundays and the waste transfer (haulage) operations to occur 24 hours Monday to Sunday.– 2 Northcott Crescent, Alstonville	Referred to Government Department
2019/224	11/4/19	Betula Pty Ltd	Two lot Torrens Title Subdivision to create one x 45 hectare and one x 53 hectare allotments – Newrybar Swamp Road, Lennox Head	Referred to Government Department

8.14 Development Applications - Works in Progress - June 2019

2019/233	15/4/19	Planners North	To establish trial fill embankments and installation of settlement monitoring plates– 550-578 River Street, West Ballina	Being assessed
2019/269	30/4/19	Newton Denny Chapelle	Erection of Sports Amenity and Clubhouse Facilities at the Wollongbar Sports Fields – 80 Elvery Lane, Alstonville	Being assessed
2019/283	7/5/19	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Being assessed
2019/301	10/5/19	Alstonville Agricultural Society Inc	To undertake site levelling and erection of security fencing – 22-40 Commercial Road, Alstonville	On exhibition
2019/302	10/5/19	Alstonville Agricultural Society Inc	Erection of machinery shed and relocation of existing storage shed – 22-40 Commercial Road, Alstonville	On exhibition
2019/303	10/5/19	Alstonville Agricultural Society Inc	Proposed new roofed tiered seating and viewing platform extension adjacent to the rodeo arena area and new awnings to existing amenities building – 22-40 Commercial Road, Alstonville	On exhibition
2019/309	17/5/19	Ardill Payne & Partners	Establishment of a multi dwelling housing development comprising the construction of two attached dwellings on a vacant Strata Lot and subsequent Strata Subdivision of the attached dwellings – 175B Tamar Street, Ballina	On exhibition
2019/316	20/5/19	RJ Westblade	Establishment of a multi dwelling housing development comprising the staged construction and Strata Title Subdivision of two detached dwellings - 20 Canal Road, Ballina	On exhibition

8.14 Development Applications - Works in Progress - June 2019

2019/318	22/5/19	MJ Nila	Vegetation management works comprising the removal of four trees - 4 Sunrise Crescent, Lennox Head	Being assessed
2019/321	22/5/19	Ardill Payne & Partners	To undertake the construction of a new Clubhouse (Recreation Facility) at the existing Teven Golf Course - 1684 Eltham Road, Teven	On exhibition
2019/343	29/5/19	Ardill Payne & Partners	Erection of an Industrial Building for General Industrial Purposes - 54 North Creek Road, Ballina	Being assessed
2019/351	31/5/19	Ardill Payne & Partners	To undertake site filing - 29-31 Smith Drive, West Ballina	Referred to Government Department
2019/352	31/5/19	CS Luhrs	Vegetation management works comprising the pruning of one fig tree - 178 Fox Street, Ballina	On exhibition
2019/353	3/6/19	PJ Wallace	Vegetation management works comprising the removal of one tree - 3 Kings Park Court, Wollongbar	Being Assessed
2019/358	4/6/19	AE Farrell	Vegetation management works comprising the removal of five trees – 52 Greenfield Road, Lennox Head	Being Assessed
2019/370	6/6/19	Newton Denny Chapelle	Construction of a bridge across Duck Creek - 163 & 253 Wardell Road, Lynwood	Referred to Government Department
2019/373	7/7/19	R & J Harris Consulting P/L	Erection of a Business Identification Sign – 540 Pimlico Road, Pimlico	On exhibition
2019/376	11/6/19	Newton Denny Chapelle	Erection of five greenhouses to be used for the propagation of potted plants, expansion of farm dam, and associated earthworks and other civil works – 348 Rous Road, Rous Mill	On exhibition

8.14 Development Applications - Works in Progress - June 2019

Regional Development (Determined by Northern Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/1/2016	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	Awaiting additional information
2016/524	16/9/2016	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 147 (previously 211) serviced, self-care housing 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	23/12/2016	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	Referred to Government Departments
2017/600	30/10/2017	Newton Denny Chapelle	Expansion of an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	Being assessed

8.14 Development Applications - Works in Progress - June 2019

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	Subject to Land and Environment Court Appeal – Hearing Dates 15-22 July 2019
2018/756	11/12/2018	Newton Denny Chapelle	Construction of a Multi-Purpose Hall at Emmanuel Anglican College, comprising two indoor sports courts, associated gymnasium and amenities, a stage and retractable seating. The proposed building is to front River Street, is to have a maximum height of 12.6 metres and is to be used during and outside school hours, 7 days a week. The development also involves an increase in student numbers, earthworks, infrastructure works, car parking and vegetation management works – 62 Horizon Drive, West Ballina	Being assessed

Major Development (Determined by Minister)

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

RECOMMENDATION

That Council notes the contents of this report on the status of outstanding development applications for June 2019.

Attachment(s)

Nil

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US 19/04	Transfer document – transfer of Lot 1 DP 1252778 from the Trust Company (Australia) Limited to Council. (Epiq Estate) Explanation Condition 111 of Development Consent 2016/741 for the Epiq Estate required the proponent to enter into a deed of agreement with Council for Lot 1 to be transferred at no cost to Council, within 90 days of registration of the subdivision plan, for a future reservoir site.
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Attachment(s)

Nil

9.2 Investment Summary - May 2019

9.2 Investment Summary - May 2019

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 May 2019.

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 May was \$80,538,000. There was no movement from April. Council's investments, as at 31 May, are at an average (weighted) rate of 2.75%, which is 1.23% above the 90 Day Bank Bill Index of 1.52%.

The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 May 2019, was \$8,670,659. This balance is higher than the balance of \$3,834,537 as at 30 April 2019. The combined movement of investments and bank balances was an increase of \$4,836,122. This overall increase is attributable to quarter rates revenue of \$3 million and \$1 million in grant payments.

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	10.8%
Water Fund (incl developer contributions)	External	21.8%
Section 94 Developer Contributions	External	11.2%
Bonds and Deposits	External	2.7%
Other External Restrictions	External	5.1%
Carry Forward Works	Internal	3.5%
Bypass Maintenance Funding	Internal	4.6%
Landfill and Resource Management	Internal	2.1%
Employee Leave Entitlements	Internal	3.7%
Quarries	Internal	1.0%
Property Reserves	Internal	5.9%
Plant and Vehicle Replacement	Internal	1.4%
Road Works	Internal	6.8%
Swimming Pools Capital	Internal	0.2%
Indoor Sports Centre	Internal	3.7%
Miscellaneous Internal Reserves	Internal	7.1%
Financial Assistance Grant in Advance	Internal	2.8%
Unrestricted		5.6%
Total		100%

* Reflects reserves held as at 30 June 2018.

9.2 Investment Summary - May 2019

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	2.2%	2%
Rated Institutions							
AMP Bank	Yes	A-	6,500	8,500	20%	10.6%	
Auswide Bank	No	BBB	1,000	1,000	10%	1.2%	
Bank of China	Yes	A	12,000	12,000	20%	14.9%	
Bank of Queensland	Yes	BBB+	4,000	4,000	10%	5.0%	
BankWest	Yes	AA-	10,000	9,000	20%	11.2%	
Bendigo & Adelaide Bank	No	BBB+	3,000	3,000	10%	3.7%	
Beyond Bank	No	BBB	2,000	2,000	10%	2.5%	
Commonwealth Bank of Australia	Yes	AA-	5,000	5,000	20%	6.2%	
Credit Union Australia	No	BBB	4,100	4,100	10%	5.1%	
Defence Bank Ltd	No	BBB	3,500	3,500	10%	4.3%	
Greater Bank Limited	No	BBB	2,000	2,000	10%	2.5%	
Heritage Bank	No	BBB+	2,000	2,000	10%	2.5%	
ME Bank	No	BBB	5,750	4,750	10%	5.9%	
My State Bank Ltd	No	BBB+	4,500	4,500	10%	5.6%	
Newcastle Permanent Bld Society	No	BBB	4,700	4,700	10%	5.8%	
Teachers Mutual Bank Limited	No	BBB	1,700	1,700	10%	2.1%	
Westpac Banking Corporation	Yes	AA-	7,000	7,000	20%	8.7%	98%
Total			80,538	80,538	100%		
Credit Rating Summary as per the Investment Policy							
	Maximum Allowed		Value	Value	%	%	
	%	Value	Previous	Current	Previous	Current	
A- or Higher	100%	80,538	40,500	41,500	50%	52%	
BBB	60%	48,323	40,038	39,038	50%	48%	
Total			80,538	80,538	100%	100%	

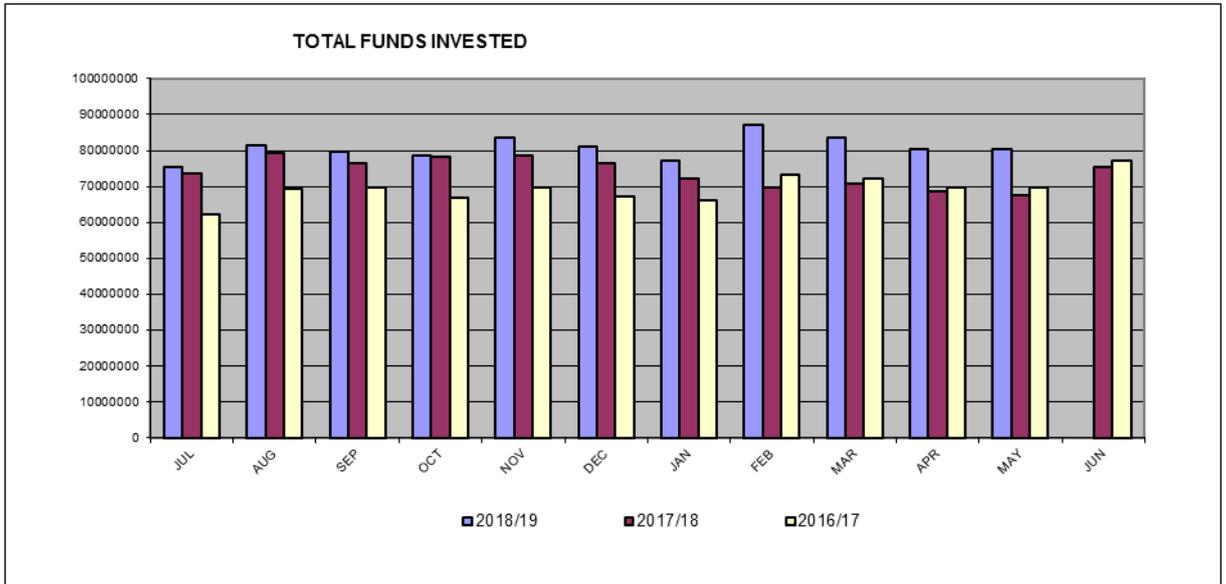
B. Summary of Investments Fossil Fuel Aligned

	Previous Month	Current Month
Fossil Fuel Aligned	46,288 57%	47,288 59%
Non-Fossil Fuel Aligned	34,250 43%	33,250 41%
Not Classified	0 0%	0 0%
Total	80,538 100%	80,538 100%

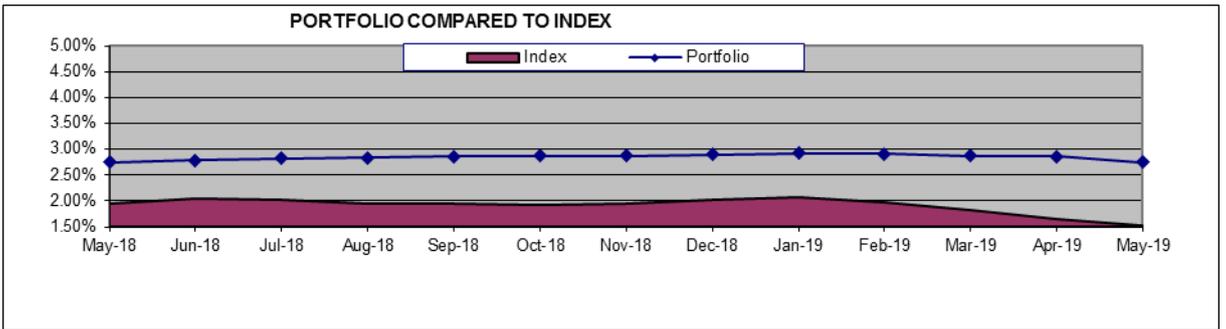
Classification based on advice from 'Market Forces'.

9.2 Investment Summary - May 2019

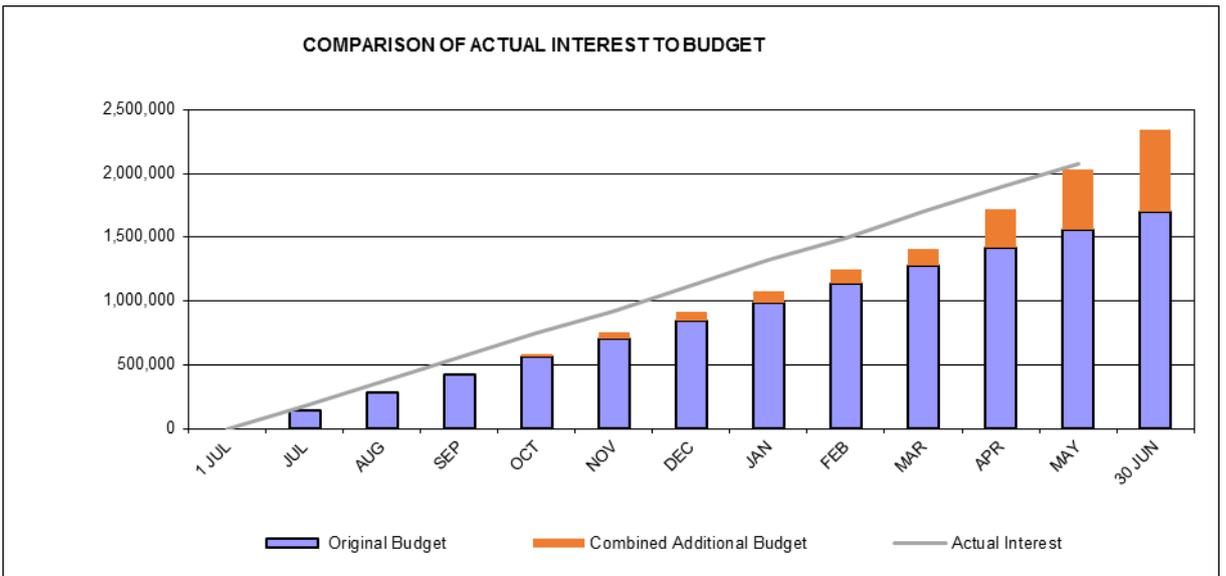
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



9.2 Investment Summary - May 2019

F. Investments held as at 31 May 2019

PURCH DATE	ISSUER	TYPE	RATE	Next Maturity	PURCH VALUE \$'000	FAIR VALUE \$'000
06/03/19	Credit Union Australia	FRN	3.13%	06/06/19	600	604
10/09/18	AMP Bank	FRN	2.94%	11/06/19	1,500	1,499
07/08/18	BankWest	TD	2.05%	13/06/19	4,000	4,000
17/06/16	Commonwealth Bank of Australia	FRN	2.89%	17/06/19	1,000	1,000
27/06/18	Heritage Bank	TD	3.05%	24/06/19	2,000	2,000
26/04/19	BankWest	TD	2.15%	25/06/19	2,000	2,000
29/06/17	Teachers Mutual Bank Limited	FRN	3.19%	28/06/19	1,000	1,007
30/06/16	Commonwealth Bank of Australia	FRN	2.81%	30/06/19	1,000	1,000
02/07/18	Teachers Mutual Bank Limited	FRN	3.14%	02/07/19	700	704
26/03/19	BankWest	TD	2.00%	02/07/19	2,000	2,000
26/03/19	BankWest	TD	2.00%	09/08/19	1,000	1,000
26/03/19	Commonwealth Bank of Australia	TD	2.38%	04/07/19	1,000	1,000
24/04/19	Bank of Queensland	TD	2.29%	04/07/19	4,000	4,000
06/03/19	ME Bank	TD	2.21%	09/07/19	3,000	3,000
11/01/19	Commonwealth Bank of Australia	FRN	2.83%	11/07/19	1,000	1,013
26/07/16	Commonwealth Bank of Australia	FRN	2.61%	26/07/19	1,000	1,000
30/04/19	Westpac Banking Corporation	FRN	2.49%	30/07/19	1,000	1,000
30/04/19	Westpac Banking Corporation	FRN	2.49%	31/07/19	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	2.60%	06/08/19	2,000	2,000
06/09/18	Newcastle Permanent Bld Society	FRN	2.95%	06/08/19	1,000	1,009
06/02/18	Newcastle Permanent Bld Society	FRN	2.95%	06/08/19	700	706
05/02/19	Bendigo & Adelaide Bank	TD	2.80%	06/08/19	3,000	3,000
08/02/19	Westpac Banking Corporation	FRN	2.69%	08/08/19	2,000	2,000
09/11/17	ME Bank	FRN	2.89%	09/08/19	750	754
20/09/04	National Australia Bank (ASX Listed)	FRN	3.58%	15/08/19	1,788	1,609
16/08/18	AMP Bank	TD	2.85%	16/08/19	1,000	1,000
18/08/17	Westpac Banking Corporation	FRN	2.60%	19/08/19	1,000	1,000
21/02/19	Newcastle Permanent Bld Society	FRN	2.61%	21/08/19	2,000	2,000
22/02/19	Newcastle Permanent Bld Society	FRN	2.55%	22/08/19	1,000	1,000
24/02/17	Greater Bank Limited	FRN	2.89%	26/08/19	1,000	1,001
28/08/18	Defence Bank Ltd	TD	2.85%	27/08/19	1,000	1,000
30/08/16	Greater Bank Limited	FRN	2.89%	30/08/19	1,000	1,001
07/09/18	ME Bank	TD	2.75%	05/09/19	1,000	1,000
11/03/19	AMP Bank	TD	2.80%	11/09/19	1,000	1,000
13/03/19	Auswide Bank	TD	2.85%	17/09/19	1,000	1,000
26/03/19	My State Bank Ltd	TD	2.70%	26/09/19	1,000	1,000
02/10/18	Bank of China	TD	2.86%	01/10/19	2,000	2,000
15/10/18	Bank of China	TD	2.83%	10/10/19	2,000	2,000
18/10/18	AMP Bank	TD	2.83%	17/10/19	1,000	1,000
02/11/18	My State Bank Ltd	TD	2.85%	01/11/19	2,500	2,500
06/11/18	Bank of China	TD	2.86%	06/11/19	1,500	1,500
08/11/18	Defence Bank Ltd	TD	2.85%	07/11/19	1,500	1,500
17/05/19	AMP Bank	TD	2.60%	13/11/19	2,000	2,000
19/02/19	AMP Bank	TD	2.85%	19/11/19	2,000	2,000
22/11/18	Defence Bank Ltd	TD	2.85%	22/11/19	1,000	1,000
27/11/18	Bank of China	TD	2.87%	26/11/19	2,000	2,000
29/11/18	Bank of China	TD	2.88%	29/11/19	3,000	3,000
03/12/18	Credit Union Australia	TD	2.86%	03/12/19	3,500	3,500
24/12/18	Bank of China	TD	2.87%	23/12/19	1,500	1,500
15/01/19	My State Bank Ltd	TD	2.86%	15/01/20	1,000	1,000
12/02/19	Beyond Bank	TD	2.81%	11/02/20	2,000	2,000
Totals					80,538	80,407
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 May 2019.

Attachment(s)

Nil

9.3 Ward Committee - Membership

9.3 Ward Committee - Membership

Delivery Program Communications

Objective To obtain approval to amend membership of the A Ward Committee.

Background

Council has received an application from the Summerhill Residents Group (SRG) to become a member of Council's A Ward Committee. A copy of the completed nomination form is attached.

Key Issues

- Community representation on Council's ward committees

Information

The nomination is from a community group.

Sustainability Considerations

- **Environment**
Ward committees consider matters that relate to environmental, social and economic issues.
- **Social**
Ward Committee members are expected to comply with the standards of behaviour outlined in Council's Code of Conduct.
- **Economic**
N/A

Legal / Resource / Financial Implications

Nil

Consultation

Ward committees are one component of Council's community engagement.

Options

The attached application form states that the group has 50 members, meets bi-monthly and is a not for profit group. On the basis of this information the recommendation is to support the nomination.

RECOMMENDATION

That Council approves the nomination from the Summerhill Residents Group to the A Ward Committee.

Attachment(s)

1. Nomination - Summerhill Residents Group

9.4 Loan Borrowings - Approval

9.4 Loan Borrowings - Approval

Delivery Program Financial Services

Objective To obtain Council approval to take out planned loan borrowings.

Background

Prior to entering into a loan agreement financial institutions require a specific Council resolution and minute number to include as part of the loan agreement.

This report deals with proposed loan borrowings based on the long term financial plan.

Key Issues

- Approval for loan funding as detailed in the Operational Plan

Information

Council's long term financial plan includes loan borrowings for the following projects for 2018/19 and 2019/20.

Projects	Value of Loan (\$)	
	2018/19	2019/20
Airport Airport Terminal Baggage Area, Car Park, Solar, Boulevard Connection	2,400,000	2,500,000
Roads and Town Centres River Street Beautification - Moon / Grant		2,700,000
Property Development (Short Term Bridging Loans) Boeing Avenue - Lots One and Two Wollongbar Urban Expansion Area - Stage Three	1,368,400	5,743,100 5,658,700
Loan Income	3,768,400	16,601,800
Total Loan Borrowings		20,370,200

Based on current cash flows the preference is to defer the 2018/19 loan borrowings for Boeing Avenue and the Airport Terminal until 2019/20 as there are sufficient funds in the Property Development and Airport Reserves to finance the forecast actual level of expenditure for 2018/19.

The Airport Terminal also has State Government grant funding and these funds can also be applied to the expenditure incurred for 2018/19.

Deferring the loans to 2019/20 allows the projects to be completed in full and the loans can be taken up when the final expenditure is known thereby minimising any loan interest payments in the interim.

9.4 Loan Borrowings - Approval

There is also expenditure being incurred on the River Street Beautification during 2018/19. Again based on the anticipated expenditure the preference is to not take out any loan borrowing until 2019/20 and fund any 2018/19 expenditure, as an interim, from internal reserves. The internal reserves will be reimbursed when the loan funds are drawn down.

Legal / Resource / Financial Implications

As per the information section of this report.

Consultation

Loan borrowings are identified in the Delivery Program and Operational Plan as publically exhibited.

Options

The options relate to the timing of loan borrowings. The preference, as per the information section of this report, is to defer the borrowings to 2019/20, and the recommendation supports this approach.

The two property development projects (Boeing Avenue and WUEA – Stage 3) will be subject to regular reports to Council due to the commercial risk associated with those projects.

There may also be a need to review the Airport Baggage Area, Car Park, Solar, Boulevard Connection funding of \$2.5m, as additional funds may be needed during 2019/20 due to increases in the scope of these projects, and finalisation of the terminal expansion works.

RECOMMENDATIONS

1. That Council authorises the General Manager to select the best rate(s) quoted for the borrowing of \$20,370,200 for the following projects:

Projects	2019/20
Airport	
Airport Terminal	2,400,000
Baggage Area, Car Park, Solar, Boulevard Connection	2,500,000
Roads and Town Centres	
River Street Beautification - Moon / Grant	2,700,000
Property Development (Short Term Bridging Loans)	
Boeing Avenue - Lots One and Two	7,111,500
Wollongbar Urban Expansion Area - Stage Three	5,658,700
Total Loan Borrowings	20,370,200

2. The use of the Council seal is authorised on all loan documentation associated with this report.

Attachment(s)

Nil

9.5 Debtor Write-off

9.5 Debtor Write-off

Delivery Program Financial Services

Objective To provide the open information in relation to Council determining whether it wishes to write off a debt in full, or in part.

Background

Council leased a residential property (private) to a resident for a number of years and then, on that resident's death, leased the property to another family member. The combined debts amount to \$12,215.40, consisting of rent and other charges, including debt recovery costs incurred to date. Due to personal reasons it is recommended that Council write-off the debts as the debt recovery processes to date have been unsuccessful.

Key Issues

- Fair and equitable allocation of Council funds
- Reasonable debt recovery processes

Information

A Council owned property that has been rented for over sixteen years to the same family (different members) has outstanding debts of \$12,215.40. There has been a death in the family and further information and details of the recovery action taken are included in the confidential report.

Legal / Resource / Financial Implications

Council currently has a debt owed of \$12,215.40. If Council resolves to write-off the debt the amount written off will show as a loss in the property portfolio. If Council resolves to further pursue recovery, additional costs will be incurred and may not be recoverable.

Consultation

There has been consultation with the debtors, with the Public Trustee and with Council's debt recovery agency, in an attempt to recover these debts.

Options

This report is for noting only.

RECOMMENDATION

That Council notes the contents of this report in respect to the summary of the confidential report regarding a proposed debtor write-off.

Attachment(s)

Nil

9.6 Delivery Program and Operational Plan - Adoption

9.6 Delivery Program and Operational Plan - Adoption

Delivery Program Communications

Objective To consider the submissions received during the exhibition period for the draft 2019/20 to 2022/23 Delivery Program and Operational Plan and to adopt the documents prior to 30 June 2019.

Background

The draft 2019/20 to 2022/23 Delivery Program and 2019/20 Operational Plan (including the supporting documents such as the Fees and Charges, Long Term Financial Plan (LTFP), Budget, Workforce Plan and Asset Management Plan) were placed on exhibition following two Finance Committee meetings held during March and April.

Council held four public meetings as part of the exhibition process and invited submissions during the five-week period from Wednesday 8 May to Wednesday 12 June.

Council is required to adopt the Delivery Program and Operational Plan prior to 30 June 2019, after considering any submissions.

As the documents are extensive, they have not been reproduced for this report.

Copies of the documents, as exhibited, are available on the front page of Council's website.

Additional hard copies are available from Council if needed.

Key Issues

- Contents of submissions
- Additional amendments

Information

This report has three main sections being:

- A. Review of the submissions received and a summary of the public meetings.
- B. Recommended amendments based on updated information.
- C. Other matters.

A. Submissions

The submissions can be categorised under three main headings:

9.6 Delivery Program and Operational Plan - Adoption

1. Submissions for funding assistance in response to Council's donations programs (i.e. community groups, capital works assistance for sporting groups)
2. Submissions to the fees, charges and rates
3. Submissions for works and services

1. Submissions for Funding Assistance

The draft LTFP includes the following allocations for funding assistance / donations for 2019/20:

Donation Description	Budget (\$)
Donations – Community Groups	83,000
Capital Works Assistance - Sporting Groups	30,000
Donations - Rates and Charges	34,000
Assistance with Council Fees - Community Groups	3,000
Richmond Room – Donation for Chair Set Up (RSL Lighthouse Day Club)	7,000
Southern Cross University – Scholarship	11,000
Total	168,000

All of these items, excluding the Richmond Room and the Southern Cross Scholarship, are supported by Council policies.

These two items reflect existing resolutions where Council has approved an annual donation to the Ballina Rotary Club for help setting up the chairs in the Richmond Room and to provide a scholarship each year for a Ballina Shire based student attending Southern Cross University.

In addition to this, due to unexpended funds from the 2019/20 Festivals and Events Program, as resolved by Council in November 2018, the Donations – Community Groups budget includes an additional \$10,000. This means there is a higher level of funds for community groups than would normally be the case.

The submissions identified in this report relate to the Donations – Community Groups and Capital Works Assistance – Sporting Groups, where Council called for applications for funding under these policies.

Correspondence was sent to all sporting groups to encourage submissions for the capital works assistance program.

The policies for these donations state that Council will form a working party, consisting of at least one Councillor from each ward plus the Mayor, to provide recommendations on the allocation of the funds to the July Ordinary meeting.

Even though only one Councillor from each ward is appointed, all Councillors are entitled to attend the meeting to review the applications.

This process has worked well for many years in determining a preferred funding allocation, as the applications are always in excess of the available funds.

Details of the applications received are summarised in the next two tables. Applicants are required to complete a standard form that seeks to provide consistent information.

9.6 Delivery Program and Operational Plan - Adoption

General Donations – Community Groups

Table One outlines the submissions for community donations.

Table One: Submissions for Community Donations

Ref	Applicant	Description	Requested (\$)
1	Ballina Junior Chamber of Commerce	Cost of building mobile 'book exchanges' and a 'boomerang bag' bay in River Street, Ballina	890
2	Women's Resource Centre	Venue hire at the Kentwell Community Centre to hold meetings	832
3	The Big Scrub Orchestra/Northern Rivers Community Gateway	Costs associated with providing learning, recording and performing for young, disadvantaged children at Ballina Public School	15,000
4	Lennox Head / Ballina Lifeball	Venue hire for members of Lifeball to carry out activities	3,000
5	Autism Spectrum Australia (Aspect)	Purchase of an interactive whiteboard for St Joseph's Primary School, Alstonville	5,888
6	Ballina and District Local History Group	Operating costs required to incorporate and operate a new community group	500
7	Lennox Arts Board Inc.	Venue hire at the Lennox Community Centre to hold cultural events during 2019/20	3,600
8	Rotary Club of Ballina-on-Richmond Inc.	Costs for traffic control/plan required to hold White Ribbon Day Walk	4,000
9	Oceanic Research Institute Limited	Insurances and purchase of a computer	3,663
10	Northern Rivers Dirty Wheels Mountain Bike Club Inc.	Purchase of two traffic counters and tools to assist with maintenance of the Mountain Bike Park	5,000
11	Ballina Salt & Light Inc. trading as Ballina Community Men's Shed	Seeking waiver of developer charges for DA 2019/9	14,736
12	Riding for the Disabled Association Ballina Branch	Costs associated with sending the coaching team to a compulsory training workshop	3,500
13	Ballina Schools Historical Society Inc.	Costs associated with mounting student honour boards from the old Ballina High School and spotlights in the museum	942
14	Tweed, Byron & Ballina Community Transport Inc.	Costs associated with relocating to the FSG premises	7,500
15	St Vincent De Paul Society	Purchase of commercial grade washers and dryers for 64 Treelands Crescent (formerly Harmony House)	13,176
16	Sing Australia Ballina	Venue hire at the Northlakes Community Centre to hold meetings	3,760
17	Women in Super Mother's Day Classic – Ballina	Purchase of new banners to promote the event	1,600
18	Ballina & District Orchid Society	Venue hire costs to hold competitions	600
19	Ballina & District Ministers Associations	Costs associated with holding the Riverside Carols event	5,000
20	Ballina Coastcare Inc.	Costs for land care maintenance and registering a new trailer	317
21	TS Lismore Australian Navy Cadets (rates)	2019/20 rates and charges, 26 Endeavour Close, Ballina (estimate only)	8,934
22	Ballina Bridge Club Inc.	Costs associated with hosting the Mahjong Festival in 2020	2,000
23	Ballina Hospital Auxiliary	Venue hire at the Ballina Jockey Club for the annual craft show	2,500
24	Rainbow Region Dragon Boat Club Inc.	Costs to run a Level 1 Officials course	400
25	Lennox Longboarders Club Inc.	Replace shade tents	1,757
26	Ballina Lions Club Inc.	Costs associated with running the 2019 Annual Fun Run Walk	1,000
27	Air Force Association Ballina Branch Inc.	Cost to provide shade for members of the public attending the Battle for Australia and Battle of Britain service	790

9.6 Delivery Program and Operational Plan - Adoption

Ref	Applicant	Description	Requested (\$)
28	Ballina Jet Boat Surf Rescue Inc.	Consumables and maintenance items for rescue vehicles	3,000
29	Ballina Jet Boat Surf Rescue Inc.	Insurances and renewals for rescue vehicles	6,000
30	Tintenbar School of Arts Inc.	Reimbursement for works carried out on the road leading up to the Tintenbar Hall	7,172
31	Ballina Country Music Club Inc.	Costs associated with holding fundraising events to raise funds for Ballina SES	3,000
32	Ballina Shire Concert Band Inc.	Purchase of two new wall mounted air conditioners for the band practice room	2,000
33	Bundjalung Connections	Costs associated with team participation in the NSW Aboriginal Knock Out Carnival in October 2019	Not stated
34	Ballina Al-Anon Family Group	Venue hire at the Richmond Room for meetings	780
35	Ballina Breast Cancer Support	Venue hire at the Kentwell Community Centre for meetings	360
36	Grow Inc. (mental health charity)	Venue hire for meetings	2,080
37	Our Kids	Labour costs to provide temporary fencing for the Kids Day out event in 2020 as required by Council	1,000
38	Lennox Head Residents Association Inc. Boomerang Bags	Venue hire for the group to make environmental friendly bags	528
39	Lennox Head Residents Association Inc. Coast Care Committee	Costs associated with carrying out land care	1,950
40	Lennox Head Residents Association Inc.	Venue hire for monthly meetings	264
41	Lennox Head Combined Sports Carols Committee	Costs associated with holding the Christmas Carols in the Park at Lennox Head	7,000
42	Veterans Advocacy Centre Inc.	Purchase of a more cost effective telecommunication system	6,880
43	Little Dragons Integrated Community Group (Ms Suzanne Whiteman)	Subsidise costs associated with holding community events	990
44	Lennox Head Landcare Inc.	Purchase of a gazebo for protection during community plantings	750
45	Lions Club of Lennox Head Inc.	Costs associated with fundraising for various charities	1,839
46	Alstonville Baptist Church	Costs associated with holding the Christmas on the Plateau event	7,000
47	Lennox Community Gardens Inc.	Contribution towards the community garden's water charges	800
48	Sprung Integrated Dance Theatre Inc.	Costs associated with the 2019 audit against the National Disability Insurance Scheme Practice Standards	2,000
49	Alstonville Plateau Historical Society Inc.	2019/20 rates and charges for Crawford House (estimate)	4,475
50	Lennox Head Residents Association Inc. Heritage Committee	Venue hire at the Lennox Community Centre to hold meetings	447
51	Westpac Life Saver Rescue Helicopter	Costs associated with running the Lennox Head Community Markets	5,000
52	Wollongbar Community Preschool Inc.	Cost of constructing and installing an outdoor shed to store equipment	1,700
53	Cabbage Tree Island Rugby League Football Club	Accommodation and travel costs for teams selected for the Knock Out Carnival	Not stated
54	Rous Mill & District Memorial Hall Inc.	Costs towards painting interior fixtures at the Hall	1,500
55	Meerschaum Vale Hall Committee	Costs towards restoring timber floor and stage in the Hall	5,000
56	Alstonville Maguires Creek Landcare Inc.	Costs associated with land care maintenance	1,000
57	Wardell Sporting Recreation Club Ltd	Purchase zero turn Ferris 72in cut mower for maintaining the grounds at the Club	21,000
58	Tibouchina RSL Day Club	Venue hire at the ALEC and other ongoing costs	20,000
59	Rous Public School P & C Association	Funds for holding annual bonfire and fireworks community event	2,400

9.6 Delivery Program and Operational Plan - Adoption

Donations - Capital Works for Community Sporting Groups

Table Two outlines the submissions for capital works assistance for sporting groups.

Table Two: Submissions for Community Sporting Groups

Ref	Applicant	Description	Requested (\$)
1	Ballina Hockey Club	Supply and installation of roof-top ventilators on the clubhouse roof above the canteen and storerooms	1,410
2	Rous Mill Recreation Reserve	Costs towards renovating the existing tennis shed on Rous Cemetery Road	25,000
3	Fripp Oval Sports Club Inc.	Purchase of a 6 KW solar system for the Club	3,000
4	Ballina Rugby Union Club	Assistance towards costs of works associated with development consent DA 2018/153	10,000
5	Alstonville Tennis Club	Costs to replace two courts at the Alstonville Tennis Club with synthetic grass	30,000
6	Ballina Netball Association Inc.	Purchase of aluminium seating for the Netball Association	10,000
7	Alstonville Junior Cricket Club	Costs for various repairs and installations needed by the Club	7,500

Copies of the submissions for Tables One and Two have not been included with this report, as they are extensive.

They have been loaded to the Councillor Hub, for reference purposes, under the title of Donations Working Party – based on a tentative meeting date of 2 July 2019.

2. Submissions Fees, Charges and Rates

The following submissions are included in Attachment 1 to this report.

Ballina Indoor Sports Centre (BISC) Fees and Charges

Council received nine submissions in relation to the affordability of the fees and charges proposed for the BISC.

Staff response:

The proposed BISC fees and charges are based on comparable facilities such as the Byron Bay Cavanbah Centre, which has a court hourly hire rate for 2018/19 of \$55 with training lights and \$60 with competition lights.

These are flat rates Monday to Sunday and they do have reduced rates for booking blocks of 10 sessions - \$42 per hour with training lights and \$47 per hour with competition lights.

The Goonellabah Sport and Aquatic Centre has 2018/19 rates of \$65 per hour per court, and \$610 per day for both courts.

The community facilities fees and charges are based on the revised categories of commercial, regular community based activities and community hire, as per the following definitions:

9.6 Delivery Program and Operational Plan - Adoption

Commercial Hire - Commercial hire is where the venue is being hired by a commercial entity, for the business objectives of that entity, or by a person or persons with the intention of making a profit.

Regular Community Based Activities (RCBA) – Approximately 25% reduction in commercial hire fee subject to rounding - The RCBA hire rate is intended for regular sessions delivered by instructors e.g. language classes, sports, martial arts, gymnastics, dance, yoga, drama etc. who charge members a minimal fee and only make a small surplus from each session. To receive the RCBA hire rate, the hirer is required to book in advance, a minimum of two sessions per month, and provide evidence of their suitability to meet this definition.

The RCBA will also cover one-off events such as weddings, birthdays or similar social gatherings, where there is no charge for attending and no financial gain. School Groups will also be charged the RCBA hire rate.

Community Hire – Approximately 50% reduction in commercial hire fee subject to rounding - A community organisation is defined as an organisation engaged in charitable or other community-based activity operating under Australian law and not established for the purpose of making a profit.

The proposed BISC rates are Commercial \$80, RCBA \$60 and Community \$40, per court per hour, Monday to Friday, and a higher rate Saturday and Sunday being \$100, \$75 and \$50 per hour.

There is already strong interest in groups wishing to operate from the BISC and Council needs to balance the net cost of operating the facility against the affordability of the service. A summary of the proposed court fees for the BISC, as exhibited, is as follows for reference purposes.

Court Hire – Weekdays Per Hour	
Single Court – Commercial	\$80
Regular community based activities	\$60
Community hire	\$40
Double Court – Commercial	\$152
Regular community based activities	\$114
Community hire	\$76
Casual Court Hire Per Hour (Subject to Availability and may be on a Shared Court)	
Court Hire – Weekends Per hour	
Single Court – Commercial	\$100
Regular community based activities	\$75
Community hire	\$50
Double Court – Commercial	\$180
Regular community based activities	\$135
Community hire	\$90

Council's fees are competitive and comparable and no change is recommended.

9.6 Delivery Program and Operational Plan - Adoption

Alstonville Leisure and Entertainment Centre Fees and Charges

The Alstonville Plateau Physical Culture Club has raised concerns over increasing hire charges for 2019/20.

Staff response:

If the Alstonville Plateau Physical Culture is a not for profit organisation and can demonstrate this, they will actually pay less per hour than in 2018/19. The 2019/20 proposed ALEC fees and charges are relatively low given the condition of the building. Council's new fee structure is designed to reflect the purpose of the use of the facility (i.e. commercial gain or community based).

Richmond Room Fees and Charges

The Australian Boating College, current hirers of the Richmond Room, have expressed concern over the proposed increase in hall hire that would apply to their business. A query is also raised in relation to the status of the West End Hall, as they were originally hiring that facility and were awaiting renovations to allow them to return to that facility.

Staff response:

The fees and charges for the Richmond Room are reflective of the size of the space and the user type. The rates for commercial entities are the full rate as they are not community groups and are making a profit, or drawing a salary, from their participants.

If the Australian Boating College can provide evidence that they are not a money-making business, they will obtain a lower rate. Otherwise it will be \$350 per half day or \$580 per full day to hire the Richmond Room in the proposed 2019/20 fees and charges.

The Australian Boating College has been paying a reduced price as an existing user, pending the West End Hall repairs.

Council has approved the sale of the West End Hall, with any sale proceeds to be expended on the maintenance of other community buildings.

Council has also agreed to end the existing user fees, which were becoming unfair, being far lower than the standard user hire rates.

Lennox Head Cultural and Community Centre - CWA Hall Fees and Charges

Ms Wright, a provider of yoga classes at the CWA facilities in Lennox Head expresses concern over the proposed increase to the hourly rates that would apply to her services and requests that Council consider those community people providing community services with small financial gain.

Staff response:

This is similar to the previous two submissions where the fee structure is based on commercial or community.

The proposed fees for the CWA Hall are as follows:

9.6 Delivery Program and Operational Plan - Adoption

CWA Hall	2018/19	2019/20
Commercial hire fee per hour	\$34	\$34
Regular community based activities	N/A	\$26
Community hire	N/A	\$17
Commercial daily hire fee	\$173	\$175
Regular community based activities	N/A	\$130
Community hire	N/A	\$85

As a regular community based hirer, Ms Wright has access to the hourly rate of \$26, which as per the submission means she will be paying \$39 for 90 minutes. This is a 25% discount from the commercial rate. There were some arrangements originally agreed when Council began managing the CWA Hall, as transitional arrangements, and staff are now trying to ensure that the fee structure is fair, reasonable and consistent across all the community facilities.

Burns Point Ferry Fees

Following an earlier submission received from Paul Crethar, a new fee was determined at the April 2019 Finance Committee meeting, for a residents only annual ferry pass for trucks ten tonnes and over. The fee placed on exhibition is \$1,500. A further submission has been received from Paul and Linda Crethar, requesting consideration to the size of a vehicle as well as the carrying capacity.

A submission has also been received from the Ballina Peninsula Residents Association, noting concern at the ongoing increases in the charges for ferry use, particularly for Ballina Shire residents and requesting Council to consider an alternative pricing structure.

Staff response:

The major charges for the ferry are as follows:

Item	2018/19	2019/20
Motor Cycles	\$3	\$3
Motor Car and Vehicles (< 3 tonnes carrying capacity)	\$6	\$6.50
Vehicles (3 to 10 tonnes carrying capacity)	\$14	\$14.50
Box / boat trailer (1 or 2-axle trailer) Ticket must be purchased with single vehicle ticket (total \$13.00) except where season ticket is displayed in towing vehicle whereby only the \$6.50 charge applies.	N/A	\$6.50
Vehicles (>10 tonnes carrying capacity) (truck only)	\$16	\$16.50
Vehicles (>10 tonnes carrying capacity) (truck and dog trailer)	\$23	\$23.50
Ferry Season Tickets	2018/19	2019/20
Motor Vehicle (under 3 tonnes carrying capacity)	\$314	\$320
Motor Cycles	\$157	\$160
Agricultural Tractor	50% of season ticket	50% of season ticket
Vehicles (>10 tonnes carrying capacity) (truck and dog trailer) Ballina Shire Residents only	N/A	\$1,500

9.6 Delivery Program and Operational Plan - Adoption

The season tickets offer a significantly reduced rate for regular users and Council has recently introduced a 50% discount for pension and health care cardholders.

The service continues to operate at a loss, although Council has done a reasonable job in recent years to manage that loss as per the following table.

Table Three: Ferry Operating Results – 2010/11 to 2017/18

Ferry Results	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Revenues								
Toll Fees - Public	269,300	285,600	287,100	345,400	354,500	342,700	381,500	384,300
Toll Fees - Council	11,500	29,300	5,800	12,000	9,000	8,000	5,500	16,000
Season Tickets	76,800	61,800	76,400	82,100	80,500	99,500	92,200	94,100
Diesel Fuel Rebate	7,500	8,500	4,700	8,000	8,100	11,100	10,000	8,400
Total Revenues	365,100	385,200	374,000	447,500	452,100	461,300	489,200	502,800
Less: Operating Expenses (excl Slip)	462,800	489,100	503,000	495,800	517,400	522,400	550,200	544,400
Result Before Slip (Deficit)	(97,700)	(103,900)	(129,000)	(48,300)	(65,300)	(61,100)	(61,000)	(41,600)
Less Ferry Slip	102,700	124,000	110,000	151,400	146,800	132,600	10,200	216,600
Result (Deficit)	(200,400)	(227,900)	(239,000)	(199,700)	(212,100)	(193,700)	(71,200)	(258,200)

Ferry income for 2018/19 is trending above budget with actual income as at 31 May 2019 at \$531,400 as compared to a budget of \$507,000.

The most pleasing aspect of Table Three is that the operating deficit, before the annual slip, has been trending downwards, which is a good financial result.

In respect to the submission from the Ballina Peninsula Residents Association it is a matter for Council to determine whether it wishes to totally review the fees and charges for the ferry. Based on financial performance in recent years no change is recommended to the existing structure.

In respect to the submission from Paul and Linda Crethar, vehicle classifications are generally based on the carrying capacity of a vehicle rather than size i.e. length, width, height.

Introducing a fee structure around size of the vehicle would create further complexity in assessing vehicle dimensions to ensure equity in the application of fees. Council would also need to determine how far it wishes to go in respect to the different categories of size.

No change is recommended as the preference is to have the carrying capacity as the determinant.

In respect to the \$1,500 season ticket for truck and dog trailer, Council's ferry drivers have expressed concerns that the inclusion of the trailer in the season ticket could result in a number of commercial operators purchasing this ticket.

The preference from the ferry drivers is for the \$1,500 to include the greater than 10 tonnes truck only, and the trailer would be subject to a separate season ticket. Trailer season tickets are purchased under the motor vehicle category (\$320 for 2019/20).

This would increase the annual cost for a truck and dog trailer season ticket to \$1,820 (i.e. \$1,500 plus \$320).

9.6 Delivery Program and Operational Plan - Adoption

The motor vehicle season ticket of \$320 equates to 49 trips at the \$6.50 ticket price. As per the earlier fee extract, a trailer is allowed to be towed at no extra cost when a motor vehicle season ticket is attached to the vehicle towing the trailer.

The standard price for a vehicle and trailer is \$13, which means that the motor vehicle season ticket equates to approximately 25 trips with a trailer included.

The proposed greater than 10 tonne vehicle season ticket of \$1,500 equates to 90 trips at the \$16.50 ticket price. With a trailer included, which costs \$23.50, it equates to 64 trips.

The 10 tonne trucks need to undertake a far higher number of trips than motor vehicles to justify the season ticket.

The ferry drivers are the most knowledgeable people in respect to the users of the ferry and Council does not want to introduce a fee that results in large subsidies to a particular type of business.

However, on balance, the preference is not to change the fee advertised and to monitor this new fee for the next 12 months.

If it does have any unforeseen impacts, Council can review the fees for 2020/21.

On Site Sewerage Management (OSSM) Charge

Correspondence from Mrs Whitney, and in conversations with staff, some councillors and the Mayor, have been in relation to the validity of the OSSM charge.

Staff response:

Detailed responses have been provided to Mrs Whitney outlining the validity and appropriateness of this charge. Mrs Whitney did request that the correspondence be distributed to councillors and it has been included as a submission in this report.

No change is recommended to the OSSM charge as it supports Council's ongoing OSSM inspection and approval program.

Differential Farmland Rating

A submission has been received from the Richmond River Cane Growers Association Ltd, requesting Council consider differential rating for farmland properties, whereby multiple farmland categories would be established.

The concern put forward by the association is that with macadamia farming moving into the low-lying land, this will push the land value of sugar cane and other agricultural land up, and have an impact on the rating of these parcels of land.

Staff response:

Under the Local Government Act (LGA), section 529:

(1) *Before making an ordinary rate, a council may determine a sub-category or sub-categories for one or more categories of rateable land in its area.*

(2) *A sub-category may be determined:*

(a) *for the category "farmland"—according to the intensity of land use, the irrigability of the land or economic factors affecting the land, or*

(b) *for the category "residential"—according to whether the land is rural residential land or is within a centre of population, or*

(c) *for the category "mining"—according to the kind of mining involved, or*

(d) *for the category "business"—according to a centre of activity*

This means that farmland sub-categorisation, in theory, is allowable under the LGA.

Business sub-categorisation is applied by a number of councils.

For example, Lismore City and Clarence Valley councils have a sub-category for the central business district, with these properties paying a higher rate in the dollar. In these circumstances, the sub-category can be clearly distinguished.

A number of councils also have rural-residential land sub-categories.

Staff are not aware of sub-categorisation in relation to the farmland category.

Separation of assessments based on "intensity of land use", "irrigability of the land" or "economic factors affecting the land" would introduce a myriad of factors within a farmland categorisation policy.

Sub-categorisation based solely on the produce, for example, based on cane farming as compared to macadamia farming or any other farming, does not meet the LGA criteria.

The use of sub-categories changes the amount different categories of properties pay in rates, however it does not change the total rate revenue received.

The introduction of sub-categories would pit one category of property against another, without changing the total income received and no change is recommended to the farmland rating categorisation.

3. Submissions to Works and Services

The following submissions are included in Attachment 2 to this report.

Wardell Entry Statement (Signage)

The Wardell & District Progress Association request that Council start planning for relevant actions from the Wardell Strategic Plan, specifically the entry statement.

Staff response:

Action 15 of the Wardell Strategic Plan 2015 – 2035 states:

9.6 Delivery Program and Operational Plan - Adoption

Provide suitable village entry statements on the approaches to Wardell along the Pacific Highway (having regard for associated entry / signage works undertaken as part of the upgraded Pacific Highway).

The Strategic Plan suggests that village entry statements be considered after the completion of highway bypass works and that the entry statement project be combined with Actions (16 and 17) related to tree planting work in a number of local Wardell Streets.

The RMS is well advanced in terms of its signage proposals for the Pacific Motorway and is proposing a number of exit signs (4) on the northbound approach to the Coolgardie Road exit. One of these signs is a large Bypass Town sign, which relates to Wardell. Additional directional signage is proposed at the Coolgardie Road / Old Pacific Highway roundabout.

In 2015, when the Wardell Strategic Plan was developed, it was thought that it might be possible to negotiate with the RMS for the provision of suitable village entry statements on the Old Pacific Highway, as part of their then village bypass strategy.

Unfortunately the RMS now has no plans for village entry statements (similar in scale to those on the Bruxner Highway at Alstonville and Wollongbar).

The RMS's Bypass Town signs are part of a NSW Government initiative aimed at encouraging travelers to stop and visit bypassed towns in rural and regional NSW. The roll out of Bypassed Town signage commenced in February 2019. Examples are reproduced below:



Ballina is still waiting for the signage that has been promised for the Ballina bypass.

Options with respect to the submission from the Wardell Progress Association include the following:

1. Commence the Wardell village entry statement project by negotiating directly with the RMS in an attempt to secure suitable locations for village entry statements on the Old Pacific Highway at Wardell. Consideration of funding, if required, would then occur as part of the 2020/2021 Delivery Program and Operational Plan process; or

9.6 Delivery Program and Operational Plan - Adoption

2. Defer consideration of the Wardell village entry statement project until after the opening of the Pacific Motorway which bypasses Wardell and then further assess if village entry statements are required at that time

Council has no funding for a large signage program and expectations need to be realistic in respect to what can be achieved.

Actions 16 and 17 support tree planting in Wardell and Council can undertake this within the existing resource allocations. Therefore the preferred approach is to focus on the tree planting and then re-assess the signage once the RMS Bypassed Town Signage is completed for Ballina and Wardell.

The recommendations support this approach.

Williams Reserve Plan of Management

A submission from the Lennox Head Residents Association requests that the Williams Reserve Plan of Management be put in place and not included as part of the broader Crown Land Plan of Management works.

Staff response:

The process to develop plans of management for Council managed crown land will be reported to Council for review soon. In the meantime the existing Plan of Management for Williams Reserve September 2007 currently remains in place.

Appropriate community consultation and engagement will be undertaken for all the crown land plans of management before they are adopted.

It is more appropriate for Council to take a co-ordinated approach to the preparation of crown land plans of management, rather than having one plan developed in isolation. Therefore the preference is not to support a separate process for the Williams Reserve Plan of Management.

If Council wanted to do such a process, based on the workload for the Strategic Planning Section for 2019/20, in respect to the crown land plans of management, an allocation of \$15,000 would be requested to engage a consultant to prepare such a plan. The preference is not to expend those funds on a one-off project.

New Village Playground, Lennox Head

A further comment made in the submission from the Lennox Head Residents Association asks that Council ensures that the Lennox Head community are made aware that there are two locations being considered for a new village playground.

Staff response:

The development of plans to upgrade the Lennox village playground currently at Ross Park will involve extensive community engagement and consultation.

The LTFP includes \$25,000 in 2019/20 and \$417,500 in 2020/21 for the renewal works.

9.6 Delivery Program and Operational Plan - Adoption

Alternative locations for the playground will form part of the community consultation process.

Swing Set Fitzroy Park, Wardell

A submission from the Wardell & District Progress Association requests Council provide a swing set next to the existing play equipment in Fitzroy Park, with a number of issues identified with the location of the existing swing set.

Staff response:

The existing playground and swing set at Fitzroy Park are currently in good condition and relatively new compared with other play equipment that requires replacement through the playground renewal program.

It would not be an efficient use of resources to relocate the existing swing set when it has had rubber impact attenuation surfacing installed in the last three years.

Placement of a new swing set around the other existing play equipment may also be difficult as there are several trees around the playground that are significant and / or protected tree species.

Installation of an additional swing set with the required safety surfacing may impact on the critical root zone of these trees making installation difficult and expensive.

It is recommended that a swing set be included with the future renewal of the playground so that it is properly designed and integrated into a new playground design for the park. The future renewal is scheduled for around 2023/24.

Cycle Path - Lennox Head to Ross Lane

Three submissions from Fig Tree Hill Drive residents have been received requesting an extension of the existing cycle path, to allow cycleway access for residents of Fig Tree Drive, Sanctuary Village and Cooper Close.

Staff response:

Council has completed two studies that identify future path, shared path and cycle path projects. These studies comprise the Pedestrian Access and Mobility Plan (PAMP), last adopted in 2018 and the Bike Plan, adopted in 2017, both of which are located on Council's website.

The PAMP has been in place for approximately 15 years, with a number of revisions, and it has provided a framework to facilitate improvements to pedestrian and cycling accessibility.

This framework provides for community input and a uniform and consistent method of assessing and prioritising path projects.

9.6 Delivery Program and Operational Plan - Adoption

The PAMP has a \$5M infrastructure program comprising some 90 projects over a ten-year period.

The PAMP program informs the Footpaths and Shared Paths Capital Works priorities for the next four years, as per the Delivery Program, which has a recurrent budget of approximately \$500,000 per annum.

The Ross Lane connection is not identified in the PAMP.

The 2017 Bike Plan was completed as a separate strategic document to provide direction towards a more bicycle friendly environment, and to assist Council in applying for grant funds for what are often major projects.

The request from the Fig Tree Hill residents has been identified in the Bike Plan as a future Lennox Head project, and shows the path continuing along Ross Lane to a future CURA B precinct (top of Ross Lane).

This project has been assessed as a low priority in the Bike Plan due to the longer-term need for the connection to CURA B.

The Bike Plan has approximately 75 projects with preliminary estimates totalling nearly \$10m.

Bike Plan actions have been included in the draft 2019/20 to 2022/23 Delivery Program with funding of: 2019/20 \$59,000, 2020/21 \$82,000, 2021/22 \$100,000 and 2022/23 \$100,000.

No specific works have been confirmed for this funding, albeit that a fully constructed cycleway to Fig Tree Hill is estimated to cost approximately \$0.5m.

It is likely that Council will need to examine the priority for Bike Plan projects based on applications for grant funding, which is how a large part of the current and planned Coastal Shared Path and Coastal Walk projects have been funded.

There is insufficient funding available for the Fig Tree Hill project, unless the entire footpaths and shared paths budget for one year is allocated to the project.

Cedar Street Footpath

The Wardell & District Progress Association is asking Council bring forward the construction of the Cedar Street footpath project (\$43,950) from its current position within the PAMP program. The Cedar Street footpath is scheduled for 2024/25 and the request is to have the construction occur within the proposed Delivery Program period of 2019/20 to 2022/23.

Staff response:

As mentioned the PAMP works program prioritises some 90 projects over a ten-year period with capital works approaching \$5M.

The PAMP framework provides a consistent method of assessing and prioritising path projects with recognition of the PAMP objectives.

9.6 Delivery Program and Operational Plan - Adoption

There are a number of path projects listed for Wardell however these are scheduled for later years; i.e.

Description	Budget \$	Year
Cedar Street	44,000	2024/25
Carlisle Street	24,300	2026/27
Lindsay Cres and Pine Street	133,700	2027/28
River Drive	41,200	2028/29

If Council wishes to bring Cedar Street forward a project included in the draft 2019/20 to 2022/23 Delivery Program will need to be deferred.

Reference should be made to the Footpath and Shared Path program in the draft Delivery Program if priorities are going to be amended.

Sealing of 350 Old Bagotville Road

A submission from Jodie Bush requests the sealing of 350 Old Bagotville Road. It is understood by the resident that road base for this section of road is to be provided and placed by Pacific Complete, or Pacific Complete may pay Council to complete works.

The resident's view is that should Council undertake the works, it may be cost effective to seal the road at the same time.

Staff response:

An unsealed section of Old Bagotville Road, being the most eastern 1.9 km section of gravel road, between Back Channel Road and the new Pacific Motorway, is to be reinstated by Pacific Complete.

This reinstatement is due to this section of Old Bagotville Road being part of the material haulage route for the motorway project.

There has been an extremely poor response from Pacific Complete to undertake its obligations and maintain our local roads during the haulage phases of the motorway project.

At this stage it appears that Pacific Complete will offer Council \$75,000 to undertake the necessary maintenance of this eastern 1.9 km section of Old Bagotville Road.

Staff have previously reported on dust sealing of gravel roads, and this analysis is included Council's Road and Transport Asset Management Plan (2018).

That analysis identified a short-list of approximately ten gravel roads suitable for dust sealing.

This is due to the roads offering a financial return to Council, as the initial capital investment for a dust seal offsets maintenance costs in the longer term, with the preferred pay-back period being less than ten years.

9.6 Delivery Program and Operational Plan - Adoption

Old Bagotville Road is not on the short-list as the payback period has been estimated at 20 years. This dust seal assessment for Old Bagotville Road is based on the entire gravel road length of 5.5km, where the upgrade and sealing costs are in excess of \$0.5m, and would require future reseals at 15 year intervals.

A reduction of this initial expenditure by the amount offered by Pacific Complete (\$75,000) would not significantly reduce the pay-back period and would still not make this request viable.

Another assessment could be to only seal the eastern road segment no.20 (2.2 km section), this being the section directly funded by Pacific Complete.

In this particular case the funding offset would reduce the pay-back period to approximately nine years and make this a marginal pay-back situation for an incremental dust seal on part of Old Bagotville Road.

The dust seal for segment no.20 is estimated to be \$208,000. This represents an additional amount of \$133,000 for drainage, pavement and sealing costs, in addition to the Pacific Complete pavement component of \$75,000.

Council's current commitment towards dust sealing projects for the next financial year comprises the high priority road of Leadbeaters Lane (\$60,000 with a five year pay-back) plus a \$172,000 co-contribution for the Marine Estate Management Strategy grant, which offers \$0.6m for 2019/20.

Without the additional \$133,000 the preference is to not to proceed with the Old Bagotville Road works, however Council will continue to monitor the progress of the dust sealing program and the short-list as identified in the Road and Transport Asset Management Plan (2018).

If Council wanted to consider the \$133,000 by reallocating other road reconstruction projects, a further report could be presented to Council.

Serpentine Car Park

A submission from Margaret and Gary Stranger requests Council provide a bitumen surface to The Serpentine car park.

Staff response:

The request from Mr and Mrs Stranger is on behalf of the residents of The Serpentine for upgrading and sealing of the gravel car parking area at The Serpentine.

This request, together with other requests for car park upgrades, was also received during the June 2018 public exhibition of Council's draft 2018/19 to 2021/22 Delivery Program and Operational Plan.

It was then resolved that Council receive a report on the option of creating a recurrent program for car park improvements.

This report was presented to the April 2019 Finance Committee meeting, with a further resolution as follows:

9.6 Delivery Program and Operational Plan - Adoption

“That Council receive a further report outlining a ten year strategic plan of works and recommended funding strategy for consideration as part of the preparation of the 2020/21 Delivery Program and Operational Plan”.

The draft LTFFP now includes \$25,000 for car parking improvements in 2020/21, \$50,000 in 2021/22, \$75,000 in 2022/23 and then \$100,000 indexed every year after, as a gradual strategy to implement a funding program for car park improvements.

The Serpentine car park will form part of the actual works discussion in preparing the 2020/21 to 2023/24 Delivery Program and Operational Plan.

Mr and Mrs Stanger have been advised of the Finance Committee resolution and proposed inclusion of The Serpentine car park under this strategy.

Sport and Recreation Plan

Enquiry was received from Graham Steel in relation to the timing and impact of the sport and recreation plan in relation to the Delivery Program being adopted for 2019/20 to 2022/23.

Staff response:

Council is currently developing the Shire-wide Sport and Recreation Plan. A draft plan has now been received and there is still the reporting to Council, formal exhibition and adoption by Council to be completed.

This process will continue into the first half of the 2019/20 financial year.

Ballina Croquet inclusion in the Sport and Recreation Plan

A submission from the Croquet Development Ballina Working Group seeks inclusion of Ballina Croquet in the ongoing development of the Sport and Recreation Plan.

Staff response:

Consideration of a regional croquet facility is a key objective identified for the development of the Sport and Recreation Plan.

The Croquet Development Ballina Working Group have had involvement in the consultation process for the plan and the request for a regional croquet facility is being considered.

The recommendations of the plan will determine the future development of a new croquet facility.

The master planning of Kingsford Smith Reserve and Cawarra Park should follow the recommendations of the adopted Sport and Recreation Plan in the 2019/20 financial year.

Pop Denison - Additional Fencing for Dog Park - Bindii Spraying

Two submissions have been received in relation to additional fencing for the Compton Drive off leash dog park and bindii weed spraying.

Staff response:

Funding of \$20,000 has been included in 2019/20 for the additional dog fencing at Compton Drive.

Council staff undertake an annual assessment in determining the annual spraying program for bindii. This is based on infestation and visitation levels.

These requests will assist in planning for the 2019/20 financial year, utilising available operational budgets.

Alstonville Leisure and Entertainment Centre – Improvements

A submission was received from Ms Davies, a resident of Alstonville, with comments made on the disregard of community facilities for the Alstonville area, including the Alstonville Leisure and Entertainment Centre. Other comments included the need for improvements to sports facilities and toilets, and the lack of a skate park and playgrounds.

Staff response:

Over the next three years, the Alstonville Leisure and Entertainment Centre (ALEC) will be undergoing refurbishments. This will begin in the second half of this year with re-roofing.

Funding provided in the Delivery Program includes \$609,000 for 2019/20 and \$260,000 for 2020/21. Council has also been attempting to obtain grant funding for ALEC to assist with the improvements.

Miscellaneous and Varied Actions

A submission received from Mr Bice, on behalf of the Northern NSW Local Health District, includes a review of a number of actions in the draft delivery program. The submission is included within Attachment 2.

Due to the number of comments it is not practical to address each item in this report.

The Local Health District has a practice of reviewing Council Delivery Programs to assist with the integration of State Government and local council priorities. The feedback from Mr Bice is reasonable and can help inform future improvements to the Delivery Program and Operational Plan.

Lighting - Deadmans Creek Road

At the time of writing this report, approximately 25 submissions have been received in relation to the need for lighting at this intersection to address safety concerns.

Staff response:

A local electrical design service provider, ECL Power Services, was engaged to assess the site requirements and prepare indicative costs for the installation of road lighting for the intersection.

9.6 Delivery Program and Operational Plan - Adoption

ECL report from their review of the available network assets at the site, the proposed street lighting installation would require the construction of a new substation.

ECL also report at least six road lighting columns would be required to meet the relevant standard, however they also note a detail design could result in the need for a further two poles.

ECL's estimate for this work is \$112,000 to \$122,000. A budget of \$150,000 is realistic as the ECL estimate does not include traffic control, detail design, and any additional poles.

Previous reporting considered the option of 'flag lighting'. Flag lighting is a term used to describe lighting to highlight the location of an intersection rather than actually illuminate the intersection.

Flag lighting is used in rural areas to assist in direction finding.

The assessment identified it was not possible to design a flag lighting installation for this location that would be compliant with the relevant standard.

Council's insurer has advised it is an option for Council to install infrastructure that is not compliant with a standard, however before proceeding the Council should document a risk assessment to ensure it is satisfied that the installation provides an overall benefit and does not add to the existing risks, or create new ones.

The substation and associated cabling is still required for the flag lighting. Based on the ECL break down staff estimate the flag lighting option of a single pole to cost \$71,000. This price does not represent good value for money.

It would be possible to install a solar light to operate as a flag light. The type of light proposed for this option would be solar car park light or similar.

Without mains power, the reliability and capacity to withstand vandalism will be dependent of battery storage capacity and design.

A suitable installation is expected to cost around \$20,000, however staff have not investigated in any detail the expected reliability and capacity issues.

The correspondence about this intersection has called for Council to act to reduce risk.

In comparing options it is important for Council to assess whether flag lighting is a project that will respond satisfactorily to the resident concerns.

The purpose of flag lighting is to highlight or warn of the existence of an intersection, which is different to illuminating the intersection to improve the visibility for drivers negotiating the turn, albeit flag lighting will provide some illumination as well as the directional function.

Council could still receive feedback that the flag lighting does not provide sufficient light even though it should be an improvement to the current arrangements.

9.6 Delivery Program and Operational Plan - Adoption

The street lighting program included in the draft Delivery Program and Operational Plan is as follows.

Description	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)
Street Lighting	53,000	54,000	55,000	56,000
Lighthouse Parade, East Ballina	34,000			
Ceretto Circuit, Wollongbar	19,000			
Megan Crescent, Lennox Head		15,000		
Quays Drive, West Ballina		12,000		
Riverside Drive, West Ballina		12,000		
Daydream Avenue / Sunnybank Drive, West Ballina		7,000		
Tamar Street, Ballina		8,000		
Hackett Lane, Ballina			55,000	37,000
Convair Avenue, North Ballina				7,000
Rubiton Street, Wollongbar				12,000

The \$34,000 allocated for Lighthouse Parade is required in 2019/20 as these funds will be added to funds to be carried forward from 2018/19.

If Council supports the solar flag lighting option, it could defer the Ceretto Circuit project for a year and allocate \$19,000 to the Deadman's Creek Road and Tamarind Drive intersection. If Council prefers the street lighting option, it will be necessary to allocate \$150,000 from the roads reconstruction program by deferring other works. The non-solar flag lighting could be funded through a combination of the street lighting budget and the roads reconstruction program.

In respect to a recommendation, the preference is to proceed with the solar flag lighting proposal, subject to a risk assessment to ensure that it does not create any further risk. There is significant community concern about the lighting at this intersection and the solar flag lighting provides a reasonable response, subject to the risk assessment.

Based on this recommendation the street lighting program could be amended as follows:

Description	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)
Street Lighting	53,000	54,000	55,000	56,000
Lighthouse Parade, East Ballina	33,000			
Deadmans Creek Road – Solar Flag Lighting	20,000			
Ceretto Circuit, Wollongbar		19,000		
Megan Crescent, Lennox Head		15,000		
Quays Drive, West Ballina		12,000		
Riverside Drive, West Ballina			12,000	
Daydream Avenue / Sunnybank Drive, West Ballina			7,000	
Tamar Street, Ballina		8,000		
Hackett Lane, Ballina			36,000	56,000

The Civil Services Division has previously advised this program is due for review and that may result in further adjustments to the future works.

Public Meetings

Council held four public meetings to outline the draft 2019/20 to 2022/2023 Delivery Program and 2019/20 Operational Plan.

The meetings were advertised in the Ballina Shire Advocate, on Council's website and via community access points. Brief descriptions of the meetings follow.

Wardell Community Hall - 21 May 2018

A brief summary of the key discussion points is as follows:

- Toilets in Wardell area.
The Delivery Program includes \$160,000 for 2020/21. General questions were asked as to what type of toilet this funding would provide and whether it would be male and female or unisex. It was commented that the community would like to be included in consultation. Staff managing this project have been informed of this request.
- Playground and Swing Set Fitzroy Park.
General comments made the playground and swing set. A submission from the Wardell & District Progress Association is included earlier in this report.
- A State Government grant has recently been approved for shade structures for seating near the wharf. This matter is discussed later in this report.
- Coolgardie Road was noted as deteriorated and due for grading. This matter was referred to Council's Manager Engineering Works.
- Cedar Street road resurfacing was included within an earlier Delivery Program, however was dropped off in recent years. Council's Civil Services Division confirms that due to an annual reassessment and a change in the assessment criteria and methodology in 2017, this segment has been shifted beyond the 2019/20 to 2022/23 program, however is likely the year or two following that.
- New Entrance Statement, as per the Wardell Strategic Plan. A submission from the Wardell & District Progress Association is included earlier in this report.

Ballina Shire Council Administration Centre - 22 May 2018

A brief summary of the key discussion points is as follows:

- Recycled Water for West Ballina.
Comment was made that the exhibited program of works for Council's Reuse Program does not include any projects for West Ballina. It was queried as to whether Council has plans to connect the rugby club.

9.6 Delivery Program and Operational Plan - Adoption

Funding is included in the wastewater program for 2019/20 to complete the preliminary investigation work and design for a recycled water main supplying West Ballina, which would be able to supply the rugby club.

Construction of the main is planned to commence in 2020/21.

Lennox Head Community and Cultural Centre – 28 May 2019

A brief summary of the key discussion points is as follows:

- **Williams Reserve**
The Delivery Program includes a general action in relation to Crown Land Plans of Management, however it was proposed that there should be an action specific to Williams Reserve. A submission from the Lennox Head Residents Association is included earlier in this report.
- **Ross Park**
It was noted that the childrens playground is located near the toilets. It was proposed that there should be an action such as “Review Ross Park Concept”. The submission from the Lennox Head Residents Association also made note that Council should ensure that the Lennox community is aware that there are two locations considered. This is discussed earlier in this report.
- **Parking in Lennox Head**
It was proposed that there should be an action to review car parking in Lennox Head. The Delivery Program includes a review of the Developer Contributions Car Parking Plan for 2019/20.

Alstonville Leisure and Entertainment Centre - 29 May 2018

A brief summary of the key discussion points is as follows:

- A representative from Ballina Croquet Inc spoke in relation to the delay of the Sport and Recreation Plan. A submission is included earlier in this report.
- General discussion in relation to development of a future vision for the Alstonville Leisure and Entertainment Centre.

This is a high priority for Council and the development of business plans for the community facilities is an action in the Delivery Program.

- Rifle Range Road footpath, in the Delivery Program for 2022/23, was noted as a safety concern for residents.

No submissions have been received and the footpath program reflects the adopted PAMP.

B. Amendments to Delivery Program / Operational Plan / LTFP / Fees

This section deals with recommended changes to the exhibited documents based on updated information, feedback or ideas generated from the submissions, or other suggestions to improve the exhibited documents.

9.6 Delivery Program and Operational Plan - Adoption

Shelly Beach Café Site Works

Council is required to undertake certain site works to enable the lessee of the Shelly Beach Café site to progress their development. These works relate to site clearing and encasement of the existing pipes.

Council had previously allocated \$80,000 for various works on this site in 2016/17 with \$33,000 spent in 2016/17 and \$4,000 expended in 2017/18. The remaining \$43,000 was transferred back to the Property Development Reserve as the balance of the approved works did not proceed due to the negotiations stalling with the then tenant. It is recommended that the \$43,000 be transferred back out of the Property Development Reserve to allow the site to be prepared for the new tenant.

In respect to this reserve, it was estimated that Council would receive \$2.6m in income from the sale of the North Creek Industrial Land prior to 30 June 2019. The land has been sold although the land title registration will take place after 30 June 2019, resulting in the settlements occurring in the 2019/20 financial year.

Normally this would significantly overdraw the Property Development Reserve however the 2018/19 reserve cash flows included a transfer of \$2.9m for expenditure on Airport Boulevard.

Expenditure to date for that project is \$290,000 for 2018/19 therefore the reduction in income for the year will be largely offset by the reduction in expenditure.

The preference is to recognise the latest forecast movements in the Property Development Reserve, which are outlined in the following table, by transferring the North Creek Road sale proceeds and the remaining Airport Boulevard expenditure (reduction of \$2.5m from current budget of \$2.9m) to 2019/20. The recommendations include these adjustments.

Table Four – Property Development Reserve - Review

Item	2018/19	2019/20	2020/21	2021/22	2022/23
Opening Balance	1,921,000	596,100	505,500	561,400	631,200
Add: Cash Inflows					
Interest Accrued	39,000	19,000	7,000	8,000	9,000
Sec 7.11 – Byron Bay Road	1,584,000	0	0	0	0
Loan Reimbursed – WUEA Stage 3	0	868,700	0	0	0
Contribution – WUEA	300,000	0	0	0	0
Rental - Norfolk Homes	153,000	156,100	159,200	162,400	165,600
Rental - ARC	259,000	264,200	269,500	274,900	280,400
Sales - 54 North Creek Road	0	2,605,000	0	0	0
Sub Total	2,335,000	3,913,000	435,700	445,300	455,000
Less: Cash Outflows					
Operating Exps / Holding Costs	261,300	205,200	189,800	194,500	140,100
Airport Boulevard	400,000	3,500,000	0	0	0
Biodiversity Project	40,000	0	0	0	0
North Creek Road – Development	1,441,600	0	0	0	0
Shelly Beach Café	0	43,000	0	0	0
Southern Cross Industrial Estate	84,000	0	0	0	0
Southern Cross Master Plan	60,000	0	0	0	0
Wollongbar – Stages 1 and 2	115,000	0	0	0	0
Wollongbar – Stage 3	868,700	0	0	0	0
Dividend – General Fund	389,300	255,400	190,000	181,000	149,000
Sub Total Outflows	3,659,900	4,003,600	379,800	375,500	289,100
Closing Balance	596,100	505,500	561,400	631,200	797,100

9.6 Delivery Program and Operational Plan - Adoption

As previously reported the Property Development Reserve no longer has sufficient funding available to undertake major property development projects and the LTFP includes loan bridging finance to undertake the Boeing Avenue and Wollongbar Urban Expansion Area – Stage 3 projects.

Shade Structures Wardell Wharf

Members of the Wardell & District Progress Association have been in discussions with Council for some time in relation to installation of shade structures for picnic tables located adjacent to Wardell Wharf.

Investigation of the proposed shelters identified the need for additional infrastructure to allow installation and safe use of the picnic shelters, as the existing infrastructure in this location is insufficient to install suitable shelters.

A draft plan has been prepared, including the extension of concrete slabs, installation of two shelters, relocation of tables and installation of safety balustrading. The estimated cost for these works is approximately \$35,000; i.e.

Description	\$
Additional concrete slabs	8,000
Shelters @ \$4,500 each (manufactured & delivered)	9,000
Installation of shelters	5,000
Balustrade	9,600
Establishment and site fencing	1,500
Contingency (5%)	1,900
Total	35,000

State Government funding of \$6,000 has been confirmed towards the project, leaving a balance of \$29,000 unfunded.

This report includes a recommendation to fund the balance of these works, \$29,000, from the old Section 7.11 Open Spaces reserves (previously known as section 94 reserves).

These funds are collected on an ad hoc basis as they relate to very old planning consents and pleasingly there are now sufficient funds available to finance this project.

Traffic Hazard - North Creek Road / Tamarind Drive intersection and right hand turn from Aldi

Council's staff WHS Committee has considered feedback from staff concerning traffic management on North Creek Road, due to the volume of vehicles entering and exiting the commercial development site that includes the Aldi supermarket.

Our staff, including professional truck drivers, regularly use North Creek Road as a route to Council's depot and report their observations of queuing at the entry causing the potential risk of an accident.

The WHS Committee recommended Council implement infrastructure to mitigate the identified risks.

In response to this recommendation, a report was prepared for the Local Traffic Committee (LTC).

9.6 Delivery Program and Operational Plan - Adoption

This report noted there are times of congestion, which result in some drivers seeking to enter gaps in the traffic flows, when patience is required, although no traffic incidents have been recorded on the RMS crash history database.

The access to North Creek Road is the only access to the Aldi site. At the time development consent was granted for the site, Tamarind Drive was the former Pacific Highway and the construction of an access to this road was not permitted.

The LTC report also confirmed that Council's Roads Contribution Plan proposes that North Creek Road is upgraded to four lanes from Tamarind Drive to Southern Cross Drive, although that is not funded in the four year term of the Delivery Program.

Under the proposal from the WHS Committee, a central median would be constructed meaning access from the Aldi site would only be left in and left out.

Traffic exiting the site, needing to return to Tamarind Drive, would use the roundabout at the intersection of Southern Cross Drive and North Creek Road. Similarly, traffic seeking to enter the site when arriving from the north or the industrial estate will need to use the North Creek Road and Tamarind Drive roundabout to access the left in turn.

The report to the LTC advised it would be more efficient to install the central median at the time the road is upgraded, however it is possible to do so now if that is Council's preference. A pre-design cost estimate for the work is \$45,000.

In the Developer Contributions Plan, the North Creek Road upgrade project (Tamarind Drive to Southern Cross Drive) is estimated to cost \$1,436,000 and is programmed for the period 2019/2028.

The proposed median will address the concerns raised by staff through the WHS Committee and is supported by the LTC.

The LTC also noted as there is no crash history it is reasonable for Council to retain its current program priority for the work.

Until a detail design is completed for the North Creek Road upgrade, it is uncertain whether or not the median, if constructed now, would be retained in the upgrade or whether it would be more efficient at that time to remove and replace it.

This matter was also raised at the last B Ward Committee, as a concern for residents, so there is community support for the project.

If the Council prefers to address this issue now, funds could be allocated from the Road Contingency Reserve. This Reserve was established to assist Council in the event of a budget shock from a roads project, or to provide an opportunity for Council to respond to a roads issue that emerges outside of Council's current forward plans and priorities.

9.6 Delivery Program and Operational Plan - Adoption

There are many desirable road improvements that could be supported to reduce risk, although typically these are not reported to Council (unless there are ongoing representations from concerned community members) due to the adopted program focussing on the renewal of road assets.

Council needs to decide whether the merits of this request can support it as a priority now or whether it should be retained as a component of the North Creek Road upgrade. Funding is not included in the recommendations for this report.

Battery Electric Vehicle

An action from the May 2019 Ordinary meeting was to proceed with the purchase of a battery electric vehicle (BEV) for use as a general pool vehicle, with associated required budget adjustments to be reported back to this meeting. The operating cost of the electric vehicle has been included in the draft LTFP offset by small reductions in other operating budgets.

The purchase of this item of plant is not specifically mentioned in the Plant Replacement Program report elsewhere in this agenda, as some staff have indicated that they may not be seeking a renewal of their existing vehicle, which would then allow the BEV to be substituted for another planned purchase. If an opportunity to replace an existing vehicle with the BEV does not arise the BEV will be leased.

Burnett Street Segment 30

Following an earlier submission received from Mr Hallyar to the April 2019 Finance Committee meeting, the remediation of Burnett Street between Moon and Cherry Street was discussed, with Councillors requesting that staff review and provide further response back to this meeting.

Following a further condition assessment the following adjustment to the Delivery Program is now recommended.

Delivery Program as per exhibition:

Description	2019/20	2020/21	2021/22	2022/23
Burnett Street Segment 50	199,000	0	0	0
Burnett Street Segments 60-70	0	0	0	210,000
Bonview Street Segments 10-20,30-40	0	0	0	95,000

Revised Delivery Program:

Description	2019/20	2020/21	2021/22	2022/23
Burnett Street Segment 30	200,000	0	0	0
Burnett Street Segments 50, 60-70	0	0	0	304,000

Burnett Street segment 30 is fast tracked to 2019/20, whilst Burnett Street segment 50 is deferred and combined with segment 60 in 2022/23 (with budget revised).

Bonview Street is removed from the program, as these segments have been adequately patched and resealed.

9.6 Delivery Program and Operational Plan - Adoption

Coastal Shared Path

At the April 2019 Ordinary meeting Council accepted the tender for the construction of the coastal shared path from Skennars Head to Pat Morton Lookout.

This item responds to point 3 of the resolution which reads:

“That Council receive a further report on total funding for this project once there is greater certainty in respect to the application of Roads to Recovery Program monies to the project.”

Council received advice in April 2019 from the Department of Infrastructure, Regional Development and Cities that Council’s Roads to Recovery allocation for the renewed 2019/20 to 2023/24 program will be increased by \$880,244.

This means the 2019/20 will be \$246,000 more than anticipated.

Under the Roads to Recovery rules, “a path for the use of persons riding bicycles” is a suitable project for funding.

This allows the coastal shared path to be funded as follows:

Description	2019/20 (\$)
Regional Jobs and Investment Package Grant	880,000
Stronger Regional Communities Fund Grant	880,000
Roads to Recovery	246,000
Total	2,006,000

The total estimate for the project is as follows:

Description	2019/20 (\$)
Preconstruction costs 2017/18	39,600
Preconstruction costs 2018/19	37,000
Tender - RFT 1164	1,100,000
Tender - RFT 1164 Contingency	30,000
Boardwalk supply	530,000
Contract Management	15,000
Ecological	10,000
Cultural Heritage	50,000
Revegetation	50,000
Path Construction and Handrail at Roundabout	90,000
Guardrail	30,000
Signs and Line Marking	10,000
Miscellaneous	14,400
Total	2,006,000

This report includes a recommendation to amend the coastal shared path budget to \$2,006,000 based on the confirmed funding.

C. Other Matters

Ordinary Rate Revenue

Council needs to adopt the ordinary rates to be levied in the 2019/20 financial year. The rates in the dollar and base amounts in the following table reflect an increase of 5.9%, based on the IPART approved special rate variation for 2019/20.

Table Five - Rates in the Dollar and Base Amounts – 2019/20

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.1844900	549	49.89
Business	0.8503300	549	14.47
Farmland	0.1572800	549	32.28
Mining	0.8503300	549	0.00

This provides a rating structure with 19.85% of the total rate yield sourced from business category properties, as recommended at the April 2019 Finance Committee meeting.

The recommendations for this report include resolutions in respect to the making of the rates. The recommendations also include making the various annual charges (i.e. waste, water etc) included in the fees and charges.

Bicentennial Park

Complaints have been increasing in respect to indecent behaviour at Bicentennial Park, Ballina. These concerns have been referred to the NSW Police as the appropriate organization to handle this type of behaviour.

Bicentennial Park is crown land managed by Council.

Concept plans for the park were prepared by Council in 2013 with the objectives being to provide a rest stop for caravans and motor homes, a stop off point for the bike path that passes through the park and connects Ballina Heights and Ballina and a park providing passive open space for residents in the nearby caravan parks.

Council never endorsed the plans, at that time, due to uncertainties in respect to the future of the park following the opening of the Ballina bypass, along with funding limitations in respect to implementing the works identified in the concept plans.

As a prominent parcel of land on the northern entry to Ballina, Council should, at some point in time, confirm a preferred long-term strategy for this parcel of land.

Ideally a plan of management / master plan should be developed and adopted by Council that outlines that long term strategy. As such it is recommended that Council include in the Delivery Program an action to prepare a contemporary master plan for the park.

Based on the forecast workload for the Strategic Planning section for 2019/20, who would have carriage of this project, the preferred timing is to include this as an action in 2020/21.

This is also appropriate as the land is crown land and during 2019/20 most of the focus will be on ensuring that Council complies with all the various Crown Land Management Act changes, allowing more specific plans to be developed in 2020/21. On this basis the recommendation for this report includes the following item:

That Council include in the Delivery Program an action to complete a management / master plan for Bicentennial Park during 2020/21.

Workforce Plan

Council resolved at the May 2019 Ordinary meeting as follows:

That Council receive a report on options to allocate expenditure incurred on labour hire contracts to permanent positions within Council.

This resolution arose from the report to that meeting on a tender for labour hire services, where the tender analysis was based on expenditure of \$1.5m per annum. This figure includes all overheads associated with employment costs such as workers compensation, superannuation, recruitment etc.

Using a relatively low total overhead percentage of 50% means that the direct salary and wages payment would be approximately \$1m based on a \$1.5m annual cost.

Applying an average wage of \$66,000 this equates to approximately 15 equivalent full time (EFT) staff per annum or around 4% of Council's workforce (360 total workforce with trainees and apprentices included).

In preparing the annual Workforce Plan, as part of the Integrated Planning and Reporting framework, each section of Council identifies essential and preferred staff resource requirements to meet current and future operational plan objectives.

As part of this review, an analysis of labour hire and other temporary resources is completed as well as payments made to other contractors.

The other contractors' evaluation is important as, for example, in recent years Council has resolved to purchase two additional water trucks, and a vacuum excavation truck, and to employ three additional staff to operate that machinery, based on regular payments made to contractors.

This type of on-going review helps identify opportunities where it would be more effective for Council to engage our own staff rather than continue to pay contractors.

Based on these regular assessments, there has been a reasonably significant increase to workforce numbers in recent years as documented in the draft Workforce Plan (i.e. 2014/15 - 296 EFT to 2019/20 – 342 EFT excluding trainees and apprentices).

The sections growing in numbers include Community Facilities (new facilities), Information Services (expansion in technology), Planning (workload), Engineering Works, Water and Wastewater and Open Spaces (expanding infrastructure base).

In examining the casual labour engaged for the last 12 months major areas of expenditure included:

9.6 Delivery Program and Operational Plan - Adoption

- Airport \$35,000 – Relief for airport reporting officers – Council has three full time airport reporting officers and as this service is required seven days per week, casual labour fills periods of leave and vacancies.
- Cleaning \$60,000 – This is another seven days a week service. Council trialed an additional cleaning position during 2018/19 and the draft Workforce Plan includes the recruitment of an additional cleaner position for 2019/20.
- Surveying \$24,000 – The workload for surveying varies significantly throughout the year and casual labour helps respond to the changes in demand.
- Community Facilities \$220,000 – Council resolved to trial Council staff managing the ALEC during 2018/19. This also resulted in some vacant positions being put on hold while the entire structure was under review. The draft Workforce Plan includes an additional four positions in 2019/20 to manage the ALEC and Ballina Indoor Sports Centre.
- Planning and Building Services \$155,000 – High workloads have resulted in Council bringing in additional resources to meet demand. The draft Workforce Plan includes two new positions for 2019/20 being a trainee town planner and a trainee building surveyor. The overall demand for development services now justifies recruiting permanent positions.
- Public and Environmental Health \$121,000 – Difficulties in recruiting a replacement Onsite Septic Management Officer, and an extended period of leave for an existing staff member, resulted in casual labour being engaged to deliver this service. The vacant position has now been filled.

Casual labour has also assisted Council to support increased parking patrols.

- Engineering Works \$266,000 – This section currently has 70 equivalent full time staff and is the largest section in Council. The workforce has expanded in recent years (eg water trucks mentioned earlier) and the current expenditure reflects the engagement of casual staff to fill periods of leave or vacancies.

The only additional position identified in the draft Workforce Plan is the need for additional technical support to help manage inspections, quality assurance, databases etc. That position is currently not funded.

Any additional plant operator positions would need to see an increase in the Plant Fleet.

- Water and Wastewater \$142,000 – Similar to Engineering Works this section is the second largest section in Council with 46 equivalent full time staff and expenditure reflects periods of leave or vacancies.

The draft Workforce Plan includes a new position in 2019/20 for the vacuum excavation truck, as mentioned earlier, which will reduce payments to external contractors.

9.6 Delivery Program and Operational Plan - Adoption

- Open Spaces \$215,000 – This is the third largest section in Council with 39 equivalent full time staff. The Workforce Plan includes an additional labourer position in 2019/20 and another position in 2020/21 based on current and forecast workloads.

An additional position was also included in the 2018/19 Workforce Plan.

Delays in recruiting that new position and difficulties in recruiting the existing arborist position, following a resignation, resulted in a higher level of casual labour during 2018/19.

- Ferry \$52,000 – Similar to the airport and cleaners, casual labour is engaged to fill periods of leave and vacancies.
- Resource Recovery \$90,000 – The structure of this section was reviewed during 2018/19 resulting in delays to replace vacant staff positions. This resulted in casual labour being engaged to deliver this essential service. The structure changes have now been implemented with one position still to be filled.
- Information Services \$115,000 – Additional resources were engaged during 2018/19 to help support the network and the draft Workforce Plan includes an additional position for a trainee information services support officer for 2019/20.

The draft Workforce Plan also includes an additional position for a Digital Services Officer, which is not funded. Casual labour has been engaged to provide this service, which involves tidying up various databases and digitising a number of Council's paper based records such as sewer diagrams.

There is a recurrent budget in the Information Services Section of approximately \$50,000 to assist with these projects and it may now be timely to convert this casual engagement and budget to a permanent position as the demand for the position is well justified.

Digitising and cleaning up historical records supports Council's objective to have more and more records available online, which results in ever-increasing efficiencies for the organization and improved customer service.

In summary this review of the casual labour costs has helped to highlight that a large part of the 2018/19 expenditure is now being transferred to permanent positions, with Council approving the recruitment of ten positions in total as part of the 2019/20 Workforce Plan, as presented to the April 2019 Finance Committee meeting.

The ten new positions being a cleaner, four community facilities staff, open spaces labourer, vacuum excavation truck operator, trainee planner, trainee building surveyor and trainee information services officer.

That report also approved the extension of the Northern Rivers Gallery Support Officer position from part-time to full-time.

9.6 Delivery Program and Operational Plan - Adoption

A management objective is to always try and minimize casual labour costs as the preference is to employ permanent additional staff where possible and where it is financially sustainable.

There will always be some level of casual labour engaged due to the essential nature of many Council services and also as a number of staff are long serving and have access to a relatively generous long service leave scheme.

It is not only the casual labour hire contract that needs to be monitored but also expenditure on other contractors where it may be an option to deliver the service through Council staff.

As a result of this further review of the draft Workforce Plan it is recommended that Council provide approval for three additional positions being:

- Information Services – Digital Services Officer– As mentioned there is a recurrent budget of \$50,000 that can fund this position, which is estimated to have an estimated annual cost of \$65,000 in the Draft Workforce Plan.

The need for the position has been demonstrated internally through the use of casual labour and it is recommended that the position is now approved, with the difference in costs to be funded through operational savings.

- Design Engineer and Capital Project Manager – Council expends tens of thousands of dollars each year, and sometimes in the hundreds of thousands, on contractors to assist in delivering capital projects, with those costs charged directly to the project.

With the Council infrastructure base continuing to grow it is now recommended that Council approve an additional two positions to help improve our project delivery in-house with those positions to be located in the Civil Services Division.

With Council continuing to struggle to deliver the large capital works program each year an additional design engineer will help to ensure that designs are delivered in a more timely manner whereas the project manager position will help with the physical delivery of projects.

There is no budget implications from these positions as they will be charged to capital works projects, with the long term financial plan estimating capital works of \$65.5m, \$49m, 65.9m and \$38.9m for the next four years.

The employment of staff will transfer expenditure from contactors and consultants to Council employees.

The recommendations to this report support this approach.

Community Infrastructure Reserve (CIR) - Update

The CIR is the primary source of revenue for Council to finance non-recurrent community infrastructure projects.

9.6 Delivery Program and Operational Plan - Adoption

Revenues transferred to this reserve are derived from lease income for the 89 Tamar Street and Fawcett Park Café properties, as well as Section 7.11 (previously Section 94) developer contributions recouped for projects that Council has funded from this reserve, prior to the contributions being collected.

The Section 7.11 recoupment can vary significantly from year to year with recent recoupments being \$729,800 (2014/15), \$669,700 (2015/16), \$424,200 (2016/17) and \$1,590,800 (2017/18).

An amount of \$450,000 per annum is included in the LTFP as the estimated annual recoupment for this reserve, which reflects the long-term average of recoupments, albeit that 2017/18 was an exceptionally high year.

The recoupments are finalised as part of the preparation of the annual financial statements when final costs and revenues are known.

The estimated recoupment figure for 2018/19 is the standard \$450,000, as is the estimate for 2019/20.

Based on these estimates, the allocation of the dividends from the CIR for the four year term of the 2019/20 to 2022/23 Delivery Program, is as follows:

Table Six – Community Infrastructure Dividend Allocation

Item	2019/20	2020/21	2021/22	2022/23	2023/24
Dividend - Community Infrastructure	870,000	1,200,000	0	1,000,000	700,000
Possible Allocation					
ALEC	400,000	0	0	0	0
Shaws Bay – Dredging	350,000	0	0	0	0
Compton Drive Animal Fencing	20,000	0	0	0	0
Lennox Head Rural Fire Shed	0	800,000	0	0	0
Ballina SES Building	0	0	0	1,000,000	700,000
Swimming Pools	100,000	400,000	0	0	0
Total Allocated	870,000	1,200,000	0	1,000,000	700,000

This reflects a recommendation from the April 2019 Finance Committee meeting as adopted at the April 2019 Ordinary meeting.

Due to the high development activity that has been occurring throughout the shire for the past two years a preliminary review of the monies able to be recouped for 2018/19 has been completed to determine whether there could be additional funds available in the CIR for expenditure on community infrastructure projects for 2019/20.

Based on actual Section 7.11 contributions collected for the 2018/19 year to date, it is estimated that the actual recoupment figure to the CIR is likely to be closer to \$1.8m, a surplus of \$1.35m as compared to the \$450,000 budget.

The initial preference for the allocation of these monies is to bring forward the funds for the Ballina SES building, which remains a high priority for Council.

However there are two other essential projects that are directly related to development, which are also urgent priorities, to ensure that appropriate infrastructure is delivered to support development and the latest residential land releases.

The two projects are:

Wollongbar District Park

As per the separate report in this agenda this District Park is to help meet the growing population of Wollongbar.

Council currently has the following funding allocated in the 2019/20 Operational Plan for this park; assuming the skate park is located in the park.

- Skate Park - \$450,000 (could be constructed in another location)
- Open Space Capital Improvement Program - \$172,000.

The estimate to complete the entire District Park is identified as \$1.02m plus \$450,000 as per the separate report.

This leaves a shortfall of \$830,000 in funding (\$1.452m less \$450,000 less \$172,000) if Council wishes to complete this project in full.

Hutley Drive (Pacific Pines - EPIQ) Sports Fields Lighting

The draft Delivery Program includes \$182,000 (2019/20) and \$187,000 (2020/21) for lighting these fields. It is proposed to use these funds to construct the lights in 2020/21.

Council considered a tender for sports field lighting at the April 2019 Ordinary meeting. This tender process included specifications for new or improved lighting at Saunders Oval, Williams Reserve and Hutley Drive.

It was hoped that the pricing through this tender process would be competitive enough to allow the Hutley Drive Sports Fields lighting to be completed in 2019/20.

Unfortunately, the pricing for all three projects was well above budget and Council only accepted the tender for Saunders Oval and Williams Reserve. A number of budget amendments and funding sources had to be identified to allow those two projects to proceed.

The actual tender price received for the Hutley Drive lighting was \$478,000 and a reasonable estimate inclusive of contingencies for 2019/20 would be \$500,000. With Council having a 2019/20 budget of \$182,000 this leaves a shortfall of \$318,000 in 2019/20.

This means the total funding shortfall in the 2019/20 Operational Plan for these two projects is \$1,148,000 (\$830,000 plus \$318,000). This means there is the option to apply the additional Section 7.11 funds recouped, estimated at \$1.35m above budget, to these two projects.

These projects are high priorities as they reflect essential infrastructure in areas currently having high population growth and it is desirable to have essential infrastructure in place for those growing populations as early as possible.

9.6 Delivery Program and Operational Plan - Adoption

The delivery of the Hutley Drive sports fields, with lighting, is important to maximise their use with the developers not required to provide lighting in their consent.

Council has the construction of the northern extension to Hutley Drive included in the 2019/20 Operational Plan, and there is a separate report in this agenda outlining the preferred delivery approach for the proposed amenities for the sports fields.

The construction of Hutley Drive north, along with the amenities and lighting during 2019/20, would ensure that the community has access to contemporary sports fields completed in full, rather than having to wait for various components as often occurs with infrastructure projects.

Both the projects relate to high growth areas and this means there is a strong connection in applying developer contributions recouped to fund the works. If Council supports this approach this results in the following revised cash flows for the CIR.

Table Seven – Community Infrastructure Reserve - Review

Item	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Opening Balance	716,900	3,278,300	2,427,400	1,086,200	461,200	141,700
Cash Inflows						
Interest Earned on Reserve	10,000	27,000	35,000	16,000	7,000	2,000
Rental 89 Tamar Street	739,000	753,800	768,900	784,300	800,000	816,000
Rental Fawcett Park Café	68,000	69,400	70,800	72,200	73,600	75,000
Sale – Russellton Land	225,000	0	0	0	0	0
Sale – Miscellaneous Parcels	300,000	0	0	0	0	0
Section 7.11 Recoupments	1,800,000	450,000	450,000	450,000	450,000	450,000
Sub Total Inflows	3,142,000	1,300,200	1,324,700	1,322,500	1,330,600	1,343,000
Cash Outflows						
Property Operating Expenses	97,800	100,000	102,300	104,900	107,500	112,600
Ballina Sports Centre	(251,200)	0	0	0	0	0
Lake Ainsworth	163,000	0	0	0	0	0
Lennox Head Village Renewal	0	0	1,100,000	1,300,000	0	0
Swimming Pools	197,000	0	0	0	0	0
Loan Repayments	354,000	28,100	263,600	542,600	542,600	522,000
Dividend – Solar – Kentwell	0	25,000	0	0	0	0
Dividend – ALEC	0	400,000	0	0	0	0
Dividend – Shaws Bay Dredging	0	350,000	0	0	0	0
Dividend – Compton Drive Fencing	0	20,000	0	0	0	0
Dividend – Lennox Head Rural Fire	0	0	800,000	0	0	0
Dividend – Ballina SES Building	0	0	0	0	1,000,000	700,000
Dividend – Swimming Pools	20,000	80,000	400,000	0	0	0
Sports Fields – Hutley Drive	0	318,000	0	0	0	0
Wollongbar – District Park	0	830,000	0	0	0	0
Sub Total Outflows	580,600	2,151,100	2,665,900	1,947,500	1,650,100	1,334,600
Closing Balance	3,278,300	2,427,400	1,086,200	461,200	141,700	150,100

The dividends previously approved by Council remain in the forecast cash flow, and the \$25,000 for solar at the Kentwell Centre is also included as recommended in the solar report later in this agenda.

The SES building is still too far away and ideally Section 7.11 recoupments for 2019/20 onwards will be above budget, which will allow construction of this essential project to be brought forward.

Even though the 2019/20 closing balance is healthy it is not recommended that Council increase the proposed dividends from the CIR as it is essential that funds are held in future years for the Lennox Head Rural Fire Shed and the Ballina SES building.

9.6 Delivery Program and Operational Plan - Adoption

The separate report in this agenda on the EPIQ – Community and Sporting Facility Infrastructure also identifies that the Hutley Dive Sports Fields lighting may be able to be delivered through a voluntary planning agreement with Clarence Property.

If that does occur then the \$318,000 transfer from the CIR will not be needed and the funding can be applied to the SES building.

The recommendations to this report include this revised funding model.

Another point supporting this funding strategy is that the expenditure of these monies on the Wollongbar District Park will still allow Council to recoup that expenditure from future Section 7.11 contributions as this project is included in the Section 7.11 Open Spaces and Community Facilities Plan.

The plan includes an estimated embellishment cost of \$1m fully funded from developer contributions.

If Council approves the Hutley Drive Sports Field lighting in full for 2019/20 the four year sports field improvement program for the Delivery Program can be amended as follows:

<i>Current</i>	<i>2019/20</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2022/23</i>
Sports Fields	182,000	187,000	192,000	197,000
Hutley Drive Fields - Lighting	182,000	187,000		
Crawford Park Fields - Lighting			192,000	
Ballina Heights fields - Lighting				197,000
<i>Revised</i>	<i>2019/20</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2022/23</i>
Sports Fields	500,000	187,000	192,000	197,000
Hutley Drive Fields - Lighting	500,000			
Crawford Park Fields - Lighting		187,000		
Ballina Heights fields - Lighting			192,000	
Quays Reserve – Irrigation				197,000

The other recommendation for the Hutley Drive Sports Fields Lighting is not to call tenders for this project as Council has previously completed that process as reported to the April 2019 Ordinary meeting.

The preference is to engage the preferred tenderer from that process as they are completing the other two projects for Council and the pricing reflected in this report reflects the economies of scale generated from that process.

Sustainability Considerations

- **Environment**
This report encompasses the entire Council budget and proposed activities and operations.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

This report deals with all of Council's operations. Legal, resource and financial implications are all relevant to this report.

Consultation

Council advertised the Draft Delivery Program and Operational Plan for public comment during May and June, with four public meetings held during the exhibition period.

Options

Council has a legal obligation to adopt the Operational Plan and Delivery Program prior to 30 June each year.

The recommendations that follow are listed in the order of the report. Not all items included in the report are mentioned in the recommendations, as that is somewhat impractical, and the focus is on confirming items where a decision or direction is needed from Council. Items with no recommendation will be responded to as per the comments in the report.

The options available include amending the recommendations and / or varying the works and services and / or the proposed fees, charges and rates.

RECOMMENDATIONS

1. That Council adopts the 2019/20 to 2022/23 Draft Delivery Program and 2019/20 Operational Plan, which includes the Long Term Financial Plan (budget), Workforce Plan and Fees and Charges, as exhibited, inclusive of any amendments determined at this meeting.
2. That Council approves the formation of a Working Party, consisting of one Councillor from each Ward plus the Mayor, to review the submissions received for Community Donations and Capital Works Assistance for Sporting Groups, as per Tables One and Two of this report. The recommended allocation of the funding available from the Working Party is to be reported to the July 2019 Ordinary meeting. The Ward Council representatives are to be as follows (to be determined).
3. That Council notes the contents of this report in respect to the submissions received on the proposed fees, charges and rates and based on the contents of this report no changes are recommended to the information as exhibited.
4. That Council notes the contents of this report in respect to the submissions received for works and services.
5. That based on the submission from the Wardell & District Progress Association, Council approves an amendment to the Operational Plan to include an action to implement the street tree planting program for Wardell as per the Wardell Strategic Plan, during 2019/20 and 2020/21, with the entry statement project to be assessed following the installation of the RMS Town Bypass Signage.

9.6 Delivery Program and Operational Plan - Adoption

6. That based on the submissions for street lighting at Deadmans Creek Road, Council approves a change to the exhibited works program, as per the following table.

Description	2019/20 (\$)	2020/21 (\$)	2021/22 (\$)	2022/23 (\$)
Street Lighting	53,000	54,000	55,000	56,000
Lighthouse Parade, East Ballina	33,000			
Deadmans Creek Road – Solar Flag Lighting	20,000			
Ceretto Circuit, Wollongbar		19,000		
Megan Crescent, Lennox Head		15,000		
Quays Drive, West Ballina		12,000		
Riverside Drive, West Ballina			12,000	
Daydream Avenue / Sunnybank Drive, West Ballina			7,000	
Tamar Street, Ballina		8,000		
Hackett Lane, Ballina			36,000	56,000

7. That Council notes that the solar flag lighting for Deadmans Creek Road will not meet the relevant standard for street lighting and is designed for direction finding only. Installation will be subject to a risk assessment to ensure that there is no increased risk arising from the installation.
8. That Council include the latest revision of the Property Development Reserve, as per Table Four in this report, in the 2019/20 to 2022/23 Delivery Program. This includes funding in 2019/20 for the Shelly Beach café site and timing differences for the sale of the North Creek Road Industrial Land the construction of Airport Boulevard.
9. That Council include in the 2019/20 Operational Plan, \$35,000 for the installation of shade structures at Wardell Wharf, funded by \$29,000 from old section 7.11 reserves and \$6,000 from grant funding.
10. That Council amend the capital works program for road reconstruction for the 2019/20 to 2022/23 Delivery Program as follows to bring forward works for Burnett Street Segment 30:

Description	Draft Delivery Program		Revised Delivery Program	
	2019/20 (\$)	2022/23 (\$)	2019/20 (\$)	2022/23 (\$)
Burnett St Seg 50	199,000	0	0	0
Burnett St Segs 60-70	0	210,000	0	0
Bonview Segs 10-20 / 30-40	0	95,000	0	0
Burnett St Seg 30	0	0	200,000	0
Burnett St Segs 50, 60-70	0	0	0	304,000

11. That Council amend the coastal shared path budget to \$2,006,000 for the 2019/20 Operational Plan as outlined in this report.
12. That Council resolves to make a base rating structure applicable to all rateable land in the Shire for the levy of the 2019/20 Ordinary Rates as per the following structure.

9.6 Delivery Program and Operational Plan - Adoption

Rate Category	Rate in Dollar (cents in \$)	Base Amount (\$)	% Income from Base Amount
Residential	0.1844900	549	49.89
Business	0.8503300	549	14.47
Farmland	0.1572800	549	32.28
Mining	0.8503300	549	0.00

The rate in the dollar for 2019/20 applies to the land value of all rateable land in the Shire within the relevant category.

13. That Council resolves to make the annual charges for 2019/20 as detailed in the Fees and Charges document that forms part of the Delivery Program and Operational Plan for Domestic Waste Management, Stormwater, Waste Management Operations, Water Services, Wastewater Services and Onsite Septic Management.
14. That Council include in the Delivery Program an action to complete a management / master plan for Bicentennial Park during 2020/21.
15. That Council approves the appointment of the following positions, in addition to the positions already included in the Workforce Plan for 2019/20:
 - a) Information Services - Digital Services Officer – Annual cost to be funded from within existing operating budgets as identified by the General Manager
 - b) Design Engineer and Capital Project Manager (two positions) – Annual costs to be charged directly to capital projects.
16. That Council include the latest revision of the Community Infrastructure Reserve as per Table Seven in this report, in the 2019/20 to 2022/2 Delivery Program. The additional capital projects to be funded from the reserve movements (i.e. Wollongbar District Park - \$1.452m and Hutley Drive Sports Fields Lighting - \$0.5m) will also be included in the updated Delivery Program.
17. That based on the revised cash flows for the Community Infrastructure Reserve that Council amend the sports field four year program in the 2019/20 to 2022/23 Delivery Program as follows:

<i>Revised</i>	<i>2019/20</i>	<i>2020/21</i>	<i>2021/22</i>	<i>2022/23</i>
Sports Fields	500,000	187,000	192,000	197,000
Hutley Drive Fields - Lighting	500,000			
Crawford Park Fields - Lighting		187,000		
Ballina Heights fields - Lighting			192,000	
Quays Reserve – Irrigation				197,000

18. That in respect to the installation of the Hutley Drive Sports Field Lighting that Council authorises the General Manager to negotiate pricing that was presented to Council at the April 2019 Ordinary meeting as part of the tender from Alan Kneale Electrical Pty. Ltd.

9.6 Delivery Program and Operational Plan - Adoption

19. That in accordance with the *Local Government (General) Regulation 2005 Section 178(4)(a)* the reason Council has declined to invite fresh tenders is because the tender process was only completed in recent months; the pricing from Alan Kneale Electrical has established a competitive market; this firm is completing two other installations; and it is more efficient to negotiate with this contractor than call for tenders for this standalone project.

20. That upon the conclusion of negotiations Council authorises the General Manager to execute and affix the Council seal to the relevant contract documents.

Attachment(s)

1. Submissions - Fees and Charges
2. Submissions - Works and Services

10.1 Tender - Processing of Co-mingled Recyclables

10. Civil Services Division Reports

10.1 Tender - Processing of Co-mingled Recyclables

Delivery Program Waste Management

Objective To award the collective tender for processing of co-mingled recyclables.

Background

The NSW EPA introduced the container deposit return and earn scheme in December 2017. Councils had to have a refund sharing agreement in place with their material recycling facility by 1 December 2018 to be able to claim their eligible refund as part of the container deposit scheme.

Council is currently operating under an interim processing agreement with Lismore City Council that expires on 30 June 2019.

Ballina Shire, Byron Shire and Richmond Valley councils (the Councils) have a common interest in calling for tenders for contracts to receive and process co-mingled recyclables from their respective collection services (the Recycling Contracts).

This contract incorporates conditions for a refund sharing agreement with the successful tenderer to be entitled to a share of refunds from eligible containers from kerbside collections under the NSW Container Deposit Scheme.

The Councils signed a Memorandum of Understanding (MOU) to improve commercial outcomes. This MOU ensures that the contracts for the receipt of recyclables, and refund sharing agreements, are effective, implementable, financially sustainable, proportionate to risk and support economic stability.

By working together, the Councils were able to more efficiently and cost-effectively call for tenders and administer their individual contracts and refund sharing agreements. This agreement required the approval of the Australian Competition and Consumer Commission.

Byron Shire Council issued a Request for Tender (8 April 2019) on behalf of the Councils for the Collective Tender 2019-0009 for processing of co-mingled recyclables.

The Tender noted, that while Ballina Shire Council, Byron Shire Council and Richmond Valley Council collectively invited tenders for the processing of their combined recyclables, each Council will individually decide whether to accept a tender and/or choose a winning tenderer.

On selection, the successful tenderer (or tenderers) will be required to execute a (non-combined) separate Contract with each accepting council.

10.1 Tender - Processing of Co-mingled Recyclables

The participating councils each wish to engage an appropriately qualified and experienced contractor to carry out, for their respective local government areas, the receipt, sorting, processing, recovery and disposal of co-mingled recyclables.

Key Issues

- Comply with the *Local Government (General) Regulation 2005*
- Assess capacity to provide the requested service and value for money

Information

At the close of the tender period on 27 May 2019, one tender was received from the following organization:

- Polytrade Pty Ltd

This tender was assessed by the Tender Evaluation Panel in accordance with a tender evaluation plan established by the Councils.

The tender evaluation plan established certain mandatory criteria including insurance arrangements and the need for Quality, WHS and Environmental Management systems.

The evaluation also considered weighted price and non-price criteria. The non-price criteria comprised Capability, Experience and Performance History, Methodology and Program, and Local and Community.

The details of the outcome of the assessment undertaken by the evaluation panel has been provided to Council by a separate confidential memorandum.

An initial contract period of three years commencing at the sole discretion of each accepting Council, with an option to extend the contract for two additional periods of one year, which will be determined at the sole discretion of each accepting Council.

The contract commencement date proposed in the Tender is 1 August 2019.

Sustainability Considerations

- **Environment**
The participating councils are each committed to managing waste from households, businesses and public spaces in a sustainable way. Each council is committed to working towards the NSW state government's target to increase the rate of recycled material and to increase the overall waste diverted from landfill.
- **Social**
This tender is necessary to ensure the continuation of council's kerbside recycling service and provide some certainty to develop and roll out Council's recycling education campaign.
- **Economic**
Not Applicable

10.1 Tender - Processing of Co-mingled Recyclables

Legal / Resource / Financial Implications

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

The LG Act enables joint procurement of waste management services by councils in NSW. However, procurement processes must adhere to the competition, consumer and fair trading laws (in particular Division 1 of Part IV of the Cartel Conduct Act (CC) and section 45 of the CC Act (conduct that substantially lessens competition)).

The group lodged a collective bargaining notification with the Australian Competition and Consumer Commission (ACCC). This notification confirms that collective bargaining can be undertaken with protection from the ACCC until 29 March 2025.

Specialist legal services were utilised to develop the request for tender and co-mingled recyclable processing agreement (that incorporates council's refund sharing agreement for the container deposit scheme).

Sending our co-mingled recyclable material to Polytrade at Chinderah will not require any additional resources. Our undercover load out dome will provide some flexibility to optimise the bulk haulage of this material.

Council has the capacity to load and bulk haul Richmond Valley Council's co-mingled recyclables from our waste management centre if requested (as they currently direct haul material to Lismore via their garbage trucks).

The processing costs at Polytrade's Chinderah Facility is \$10 /tonne more than the interim gate fee being charged by Lismore City Council, under the current agreement, however as per the confidential memorandum, this price will increase significantly from 1 July 2019. Transport costs to Chinderah are approximately \$70,000 more annually.

Council's 2019/20 budget as well as the gate fees outlined in the fees and charges for the 2019/20 financial year are sufficient to cover the cost of this service.

In addition, a small income stream will be generated under the refund share agreement for the container deposit scheme.

Due to the significant increase in the gate fee that Lismore City Council will apply after 30 June 2019, an agreement with Polytrade has been established for the period 1 July 2019 until the 1 August 2019 commencement date of the contract.

Consultation

The public tender process was undertaken through Byron Shire Council's e-Tendering System. The Request for Tender was advertised as follows

- Sydney Morning Herald – Week commencing 15 April 2019
- Byron Echo – Week commencing 15 April 2019
- Ballina Advocate – Week commencing 15 April 2019
- Tenderlink – 8 April 2019 to 2 pm on 20 May 2019

10.1 Tender - Processing of Co-mingled Recyclables

The tender submission period was extended to 2pm on 27 May 2019 at the request of a prospective tenderer, and agreed to by the Tender Evaluation Panel.

The decision to seek competitive tenders was taken after consultation and negotiation with Lismore City Council for an extended period during 2018.

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.*

Option one is recommended 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 tender from Polytrade Pty Ltd for the processing of co-mingled recyclables.
2. That Council authorises the Council seal to be applied to the contract documents.

Attachment(s)

Nil

10.2 Tender - Tri-Axle Low Loader

10.2 Tender - Tri-Axle Low Loader

Delivery Program Support Operations

Objective To obtain approval to award the contract for the supply and delivery of one tri-axle low loader.

Background

Tenders were advertised in May 2019 for the supply and delivery of one tri-axle low loader with full hydraulic deck and axle widening.

Council's plant purchases are normally made under the various plant and equipment contracts offered through Local Government Procurement with Council exempt from tendering when using State Government approved organisations such as the State Government contracts system and Local Government Procurement.

For this item a suitable contract was not in place and Council has called for tenders.

Council's existing low loader is one of Council's oldest items of plant in that it has been in operation for 19 years.

This report provides the outcomes from the tender evaluation process.

Key Issues

- Comply with the *Local Government (General) Regulation 2005*
- Assess value for money

Information

Tender submissions closed 16 May 2019 and submissions were received from two tenderers:

- Drake Trailers
- Midland

These tenders were assessed by a tender evaluation panel in accordance with the internal tendering procedure.

Drake Trailers submission was conforming to the mandatory technical specifications.

Midland was a non-conforming tender and was not considered further as they were unable to meet the technical specifications.

The details of the price component of the tender submissions has been provided to Council by a separate confidential memorandum.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
Council replaces plant at optimum times to manage operational costs, while ensuring that plant meet the organisation's operational needs.

Legal / Resource / Financial Implications

The purpose of this report is to ensure Council is compliant with relevant tendering statutory requirements.

The endorsed Plant Replacement Program for 2018/19 allocated \$135,000 for the replacement of this plant item. This allocated replacement value is inclusive of the purchase of the new plant item and the income from the sale of the existing item of plant.

The replacement of the new item of plant is expected to be within 5% of the allocated budget. These variations are managed across the annual plant replacement program to ensure the reserve balance remains at forecast levels.

Consultation

A public tender process was undertaken.

Options

Considering Part 7 Clause 178 of the Local Government (General) Regulations 2005. The following options are available:

1. Accept the tender that, having regard to all the circumstances, appears to be the most advantageous:

Following the clarification and agreement of the level of insurance coverage provided by the supplier, it is recommended that the Drake Trailers submission be accepted. Drake Trailers was the only supplier that met the mandatory technical specifications.

The operator assessment for the Drake trailer is supportive of this recommendation and the price tendered is in accordance with the estimate. Only a few suppliers are available in the market and this level of response is not unexpected.

2. Decline to accept any tenders and invite fresh applications from persons interested in tendering for the proposed contract.

This is not recommended, as this item of plant is required to be replaced due to its age and condition.

RECOMMENDATIONS

1. That Council accepts the tender for the supply and delivery of one tri-axle low loader with full hydraulic deck and axle widening from Drake Trailers; following agreement being made between parties on an amended level of insurance liability coverage.
2. That Council authorises the Council seal to be attached to the contract documents.

Attachment(s)

Nil

10.3 Solar Power Generation - Opportunities

10.3 Solar Power Generation - Opportunities

Delivery Program Support Operations

Objective To identify opportunities for incorporating solar PV systems into Council Assets.

Background

Council has previously resolved to receive a report on the feasibility of incorporating solar photovoltaic (PV) specifically into playground and other Council assets.

Solar PV systems are made up of a mounting frame with PV modules and an inverter that converts the power from DC to AC, so that it can be used on-site or exported to the grid.

The largest benefit gained by solar PV systems is through 'self-consumption'.

Consuming the power generated on-site results in offsetting the higher retail tariff that would be paid if drawing power from the grid.

This report discusses options for investing in solar PV systems.

Key Issues

- Opportunities for increasing renewable energy
- Opportunities for reducing energy consumption and CO2 emissions
- Financial investment and return

Information

Energy Consumption and CO2 Emissions

Council has over 200 individual connections to the energy network for accessing power. The energy consumption for a typical year, and the CO2 emissions from the sites, is summarised in the following table.

Table One - Energy Consumption by Council Site

Site Category	Consumption (kWh)	CO2 Emissions (t)	Percentage of Total
Wastewater Treatment Plants	4,148,702	3,983	46
Street Lighting	1,330,868	1,278	15
Community Facilities	1,121,066	1,089	12
Sewerage Pump Stations	1,043,036	983	11
Commercial Services	708,316	425	8
Operational Sites	463,145	436	5
Waste Management Centre	82,528	79	1
Playgrounds, Open Spaces	66,514	64	1
Water Infrastructure	96,978	93	1
Quarry and Sandpit	19,580	19	0
Totals	9,080,733	8,448	100

10.3 Solar Power Generation - Opportunities

Wastewater Treatment Plants

Nearly 50% of Council's total power consumption occurs at the Wastewater Treatment Plants.

This is due to their constant operation to service the needs of the community, the power demand from the plant's equipment, and the additional treatment occurring at the recycled water treatment plants to produce and distribute a fit for purpose product.

Each of the treatment plants is shown below in order of energy consumption.

Table Two - Energy Consumption Wastewater Facilities

Site Name	Consumption (kWh)	CO2 Emissions (t)	Current Solar Installation (kW)
Ballina WWTP	1,850,095	1,776	300
Lennox Head WWTP	1,700,724	1,633	0
Alstonville WWTP	495,539	476	0
Wardell WWTP	102,344	98	0

With the Ballina WWTP already having a 300 kW operating solar system operating successfully, staff are assessing opportunities for future solar systems at each of the treatment plants.

One of the projects currently under investigation is at the Alstonville Waste Water Treatment Plant.

An update of the Master Plan for this plant is considering the business case for a proposal to install a floating solar system on the tertiary pond.

In addition to economic feasibility, a site like this needs to consider operational issues such as the potential to reduce algae management issues.

The findings from this business case will be used to analyse options at the other treatment plants as we continue the master planning process for all of the sites. This is planned to take two to three years, albeit a positive result for solar would justify bringing forward this work.

Street Lighting

Street lighting power consumption represents 13% of Council's total consumption and emissions.

Council is currently working with Essential Energy for the LED Replacement Program.

Once the LED streetlight installation is complete the energy consumption for street lighting will reduce by approximately 11%.

Due to the networked arrangement for the street lighting system, direct solar supply is not feasible.

10.3 Solar Power Generation - Opportunities

Community Facilities

Community Facility assets consume 12% of the total energy consumption. The following table lists the top ten power consumers, along with the current solar installations.

Table Three - Community Facilities Energy Consumption

Site Name	Consumption (kWh)	CO2 Emissions (t)	Current Solar Installation (kW)
Ballina Swimming Pool	420,000	425	67
Alstonville Swimming Pool	400,000	114	67
Lennox Head Community Centre	119,096	58	40
Community Gallery	60,286	24	0
Paradise FM	25,309	19	0
Kentwell Community Centre	20,011	19	10
Visitor Information Centre (VIC)	19,451	15	0
VIC Precinct (Museum, Toilets etc)	14,634	14	0
Alstonville Leisure Centre (ALEC)	13,076	13	10
Ballina Library / Richmond Room	11,340	11	10

The Ballina and Alstonville Swimming Pools are the greatest consumers and generators of CO2. Both sites have 67 kW solar PV systems and there is little opportunity within the existing site areas for additional solar installations.

For the Lennox Head Community Centre the existing 40kW system is being completely replaced as part of the roof replacement and installation of air-conditioning project. As part of these works, a new 80kW system will be installed to replace the existing system.

There are opportunities to expand on existing solar PV systems at the Kentwell Community Centre and the Alstonville Leisure and Entertainment Centre (ALEC).

Each facility currently has a 10kW system installed, with physical area located on the roof for solar panels.

A feasibility assessment of investing in additional PV solar on each of these two sites has been completed for the following options:

- Option 1 – Do nothing, continue paying for accessing power from the network
- Option 2 - Install an additional system which is sized to meet the sunlight hours power demand (increase from 10kW to 20kW)
- Option 3 – Install a system to fit the physical unshaded area of the existing roof, with over 90% of the unused power generation being returned to the network (increase from 10kw to 70kW). This option was only feasible at the Alstonville Leisure and Entertainment Centre as it has sufficient surface area.

Table Four – Kentwell and ALEC Feasibility Assessment

Description	Kentwell		ALEC		
	Option 1	Option 2	Option 1	Option 2	Option 3
System Details					
Size of System (kW)	0	10	0	10	70
Generation / day (kWh)	0	60	0	60	308
Costs					
Capital Investment	\$0	\$25,000	\$0	\$25,000	\$90,000
Operational Costs (pa)	\$6,000	\$1,500	\$9,000	\$1,500	(\$6,500)
Estimated Savings PA	\$0	\$4,500	\$0	\$7,500	\$15,500
Payback Period (years)	N/A	5.5	N/A	3.3	5.8

A capital investment in solar is forecast to provide a payback period of between three to six years.

The Northern Rivers Community Gallery, the Library and the building currently occupied by Paradise FM were also assessed.

For the Library, there is the potential for additional capacity to be installed on the roof fronting River Street. An issue for this project is the aesthetic amenity as the roof is curved and visible from the street.

The heritage requirements for the Gallery are an important consideration for that building. Also, for the Gallery and the Paradise FM building, there are tree cover issues to consider which have implications to the feasibility once the shade and cost and acceptability of pruning is considered.

These sites are estimated to cost \$25,000 per 10kW (the expected limit of the capacity of each site). Based on the forecast savings, the estimated payback period is in excess of ten years.

The newest Community Facilities asset to come online is the Ballina Indoor Sports Centre. This facility will include a 55kW solar system installation.

Sewerage Pump Stations

Council's sewerage pump stations make up 11% of Council's total consumption and emissions. Solar PV systems are not considered feasible at the pump stations due to:

- majority have minimal, unshaded roof area and
- they use significantly more power during wet weather events, when solar systems would not be generating energy.

Staff continue to work in the area of optimising existing pump stations to work more efficiently. This includes the installation of technology, such as variable speed drives, which reduces the total energy consumption by running pumps at a lower speed.

10.3 Solar Power Generation - Opportunities

Commercial Services

The Ballina Airport is the greatest power consumer at approximately 640,000 kWh per year. A feasibility assessment of investing in PV solar has been performed for the following options:

- Option 1 – Do nothing, continue paying for accessing power from the network
- Option 2 - Install a system which is sized to meet the sunlight hours power demand, 180kW. This installation could be installed on the terminal building with this roof being replaced this financial year.
- Option 3 – Construct new shade structures over car parking at the airport for installation of solar PV. This has a major capital expenditure of approximately \$1m, due to design and installation of the shade structures and a 180 kW solar system. The solar system has an installation cost of \$300,000 whereas the shade shelters are approximately \$700,000.

Table Five - Airport Feasibility Assessment

Description	Ballina Airport		
	Option 1	Option 2	Option 3
System Details			
Size of System (kW)	N/A	180	180
Generation / day (kWh)	N/A	794	794
Costs			
Capital Investment	\$0	\$300,000	\$1,000,000
Operational Costs (pa)	\$104,000	\$61,000	\$61,000
Estimated Savings PA	\$0	\$42,900	\$42,900
Payback Period (years)	N/A	7.0	23.3

A capital investment in solar at the Airport is expected to have a seven year payback period for direct installation on the terminal roof. A longer payback period is required for the car park shade structures although this analysis does not recognize the other benefits of the shade structures (amenity etc).

Operational Sites

The Council Administration Building and the Works Depot are the two significant users of power within the operational sites category.

Table Six - Operational Sites Energy Consumption

Site Name	Consumption (kWh)	CO2 Emissions (t)	Current Solar Installation (kW)
Administration Building	246,342	236	0
Works Depot	172,560	166	0

The operational nature of these sites results in the majority of the power consumption occurring during sunlight hours.

10.3 Solar Power Generation - Opportunities

These two sites also have significant potential for roofed areas to accommodate the installation of solar PV systems. A feasibility assessment of investing in PV solar on each of these two sites has been performed for the following options:

- Option 1 – Do nothing, continue paying for accessing power from the network
- Option 2 - Install a system which is sized to either meet:
 - The sunlight hours power demand – this appears possible at the Works Depot due to the significant amount of roof area.
 - The largest system possible to meet sunlight hours power demand while meeting physical constraints of existing roofing area – this is preferred for the Administration / Chambers Building due to the limited roof area.

Table Seven - Operational Sites Feasibility Assessment

Description	Admin / Chambers		Works Depot	
	Option 1	Option 2	Option 1	Option 2
System Details				
Size of System (kW)	N/A	70	N/A	90
Generation / day (kWh)	N/A	300	N/A	400
Costs				
Capital Investment	\$0	\$90,000	\$0	\$120,000
Operational Costs (pa)	\$44,800	\$21,200	\$34,800	\$3,500
Estimated Savings (PA)	\$0	\$23,500	\$0	\$31,400
Payback Period (years)	N/A	3.8	N/A	3.8

A capital investment in solar results in a four-year payback period, with significant savings in energy consumption costs.

Waste Management Centre

The Waste Management Centre currently has a 10kW solar system installed.

While the total power consumption of this site is less than 1% of Council's total power consumption, opportunities exist to increase the existing solar system.

A feasibility assessment of investing in PV solar on the existing roof has been performed for the following options:

- Option 1 – Do nothing, continue paying for accessing power from the network
- Option 2 - Install a system which is sized to meet the sunlight hours power demand (increase from 10kW to 20kW)
- Option 3 – Install a system to fit the physical unshaded area of the existing roof, with over 60% of the unused power generation being returned to the network (increase from 10kW to 50kW).

Table Eight - Waste Centre Feasibility Assessment

Description	Waste Management Centre – Transfer Station		
	Option 1	Option 2	Option 3
System Details			
Size of System (kW)	N/A	20	50
Generation / day (kWh)	N/A	88	220
Costs			
Capital Investment	\$0	\$32,000	\$75,000
Operational Costs (pa)	\$11,000	\$4,000	\$800
Estimated Savings (PA)	\$0	\$7,000	\$10,100
Payback Period (years)	N/A	4.6	7.4

A capital investment in additional solar at this facility, would result in a payback period of five or seven years, depending on the preferred option.

Playground Shade Structures

Playgrounds and Open Spaces make up 1% of Council’s total energy consumption.

The Council resolution specifically asked for this report to consider the potential of playgrounds for solar power.

Council has shade structures at several playgrounds. The shading structures are constructed from shade cloth material due to practicality, low maintenance costs and reduced capital costs.

This type of shading structure is not structurally suitable for the installation of solar PV, and would require engineering, manufacturing and installing a suitable structure to support solar panels.

The Missingham Playground is the only playground with a solid shade structure, which could be suitable for supporting the weight of solar infrastructure. As this is the only facility that would not require the installation of a new shade structure, a feasibility assessment has been performed for the installation of solar PV.

The assumption is that the existing structure is suitably sound for supporting the equipment, however this is not actually the case as there are issues with this structure and staff are currently investigating options to replace the structure as part of Council’s on-going works program. This replacement is funded from the open spaces capital budget.

The annual power consumption at Missingham Playground is in the order of 5,200kWh. This consumption is for the operation of lighting, a sewer pump station, and BBQs. The average daily consumption is 9kWh. This location has one of the higher power demands of all playground sites makes it ideal for the assessment.

10.3 Solar Power Generation - Opportunities

With power generation occurring in sunlight hours, approximately half of the power consumption per day (4.5kWh) could be utilised on site. Any excess generation would be exported back to the grid at the energy provider's tariff rates (currently at 8 c/kWh). Outside of these hours, the site would be required to draw power from the grid, at tariff prices, to meet consumption needs.

Alternatively, power may be stored from sunlight generation via a battery system. The inclusion of battery technology with solar systems comes with additional capital and maintenance costs. Current battery technology has a practical lifespan of five to ten years. This means the technology is costly with batteries replaced at these intervals.

A feasibility assessment of investing in PV solar at Missingham Playground has been performed for the following options:

- Option 1 – Do nothing, continue paying for accessing power from the network
- Option 2 - Installing a system which is sized to meet the sunlight hour power demand (1.5kW system) without a battery
- Option 3 – Install a system which is sized to meet the entire day and night power demand (2.0kW system), this will require a battery for the storage of power outside of sunlight hours
- Option 4 - Installing a system to fit the physical unshaded area of the existing shade structure (20kW), with approximately 95% of the unused power generation being returned to the network.

Table Nine - Playground Feasibility Assessment

Description	Missingham Park – Shade Structure			
	Option 1	Option 2	Option 3	Option 4
System Details				
Size of System (kW)	N/A	1.5	2	20
Generation / day (kWh)	N/a	6	8	81
Costs				
Capital Investment	\$0	\$3,500	\$9,000	\$35,000
Operational Costs	\$1,500	\$1,000	\$700	\$400
Estimated Savings (PA)	\$0	\$500	\$800	(\$1,100)
Payback Period (years)	N/A	7.0	11.2	31.8

From the options presented, installing a small solar system that is sized for sunlight energy consumption (option 2) at Missingham Park is the most feasible. This investment would result in payback period of seven years.

Other Shade Structures

Other shade structures include the smaller structures that exist over tables and BBQs. These assets have very minor power consumption as compared to the Missingham Playground, with power being utilised for lighting and power electric BBQs.

10.3 Solar Power Generation - Opportunities

An individual feasibility assessment was not performed on these smaller assets, as the factors for consideration and investment results would be similar to Missingham Playground. However, these would be on a much smaller scale.

Sustainability Considerations

- **Environment**
Consider effective opportunities to reduce CO2 emissions and increasing renewable energy generation from Council's Assets.
- **Social**
Not Applicable
- **Economic**
Effective opportunities for investing capital funds will result in reduced operational costs through the use of self-generated power.

Legal / Resource / Financial Implications

The capital investment costs included in this report are high-level estimates based on market data. The operational costs used for assessing the payback period are based on the actual annual consumption data and electricity rates for the site.

There may be opportunities to receive solar rebates, subsidies and incentives under Federal Government schemes. These rebates have not been factored into the capital cost and feasibility assessments; however, these schemes would be applied for at the time of the individual projects.

Additional costs that have not been considered in this assessment include: application fees to connect to the grid, meter change or reconfiguration, upgrades to switchboard or cabling, removal of trees or other shading, and other site preparation needs.

A summary of all sites and options is included as Attachment 1 to this report.

In looking at the viable options a proposed works program is detailed as follows. The program takes into account the payback period on the capital investments, savings generated per year through the reduced energy consumption from the grid and efficiencies that may be obtained in other building works occurring on these facilities.

The Library (and Ancillary Facilities), Northern Rivers Community Gallery, Paradise FM building, Missingham Park and Playgrounds have not been included in this program due to the longer payback periods and / or relatively low usage.

Table Ten – Priority Works Program

Site	System Size	Cost (\$)	Savings PA (\$)	Payback Years	ROI (%)
ALEC	70kW	90,000	15,500	5.8	17
Kentwell Centre	10 kW	25,000	4,500	5.6	18
Ballina Airport	180 kW	300,000	42,900	7.0	14
Admin Building	70kW	90,000	23,500	3.8	26
Works Depot	90kW	120,000	31,400	3.8	26
Waste Centre	50kW	75,000	10,100	7.4	14
Totals		700,000	127,900	5.6	19

A net payback period of 5.6 years represents a return on investment of approximately 19% (excluding any opportunity cost), which highlights the financial benefits to be gained from investing in this works program, even without considering the environmental benefits.

The Fit for the Future Program focuses on councils reducing operating expenses and this helps to support that objective with forecast annual savings of \$127,900. The difficulty is funding the works to generate the savings.

Both the Ballina Airport and the Waste Centre have internal reserves that can be applied to their projects. The Airport Long Term Financial Plan includes \$1.5m in 2019/20 for car parking and solar related works therefore this item can be funded, albeit that the \$1.5m may not be sufficient for all the airport works planned for 2019/20. The Waste Program has adequate reserves to fund the \$75,000 required, with the 14% return on that investment far higher than current cash investment rates.

Council is planning a refurbishment of the ALEC facility with the draft 2019/20 Delivery Program including the following funding:

- 2019/20 - \$609,000 – includes \$400,000 from Community Infrastructure Reserve
- 2020/21 - \$260,000

It may well be that additional funding is needed for the ALEC refurbishment however solar PV can form part of any proposed works program. If additional funds are needed a further report can be submitted back to Council.

For the Lennox Head Community Centre, the existing 40kW is already being doubled (80kW) as part of the grant funding for the major refurbishment project in 2019/20. The cost of the Kentwell Centre is \$25,000.

The recommended funding source for this item is the Community Infrastructure Reserve. Council has largely allocated the available monies in this reserve, in the short to medium term, to a range of projects as exhibited in the draft 2019/20 to 2022/23 Delivery Program and Operational Plan. However, there is a sufficient minimum balance in the reserve to allow the allocation of \$25,000, particularly when it results in recurrent savings to Council.

This then leaves the Administration Building and Works Depot, with a total estimated cost of \$210,000.

10.3 Solar Power Generation - Opportunities

The forecast savings are \$54,900 per annum, representing a payback period of 3.8 years, or a return on investment of approximately 26%.

This represents such a high return it makes sense to invest in the infrastructure.

As Water and Wastewater staff are located at the facilities, it is possible to apply reserves from those programs to the work. This represents approximately 34% (\$71,000) of the cost of the two projects, which then leaves \$139,000 unfunded.

In reviewing the internal reserves available, the property reserves are largely allocated to key property development or community infrastructure projects.

The majority of the other internal reserves are not of a sufficient scale to fund this work.

The one remaining reserve that could be considered is the Employee Leave Entitlements (ELE) Reserve. Council did flag using this reserve for the internal loan for the street lighting replacement program, with that loan now funded from Water Reserves.

The ELE reserve is forecast to be approximately \$3.0m as at 30 June 2019.

Council has a number of long serving staff retiring during the next few years and this will result in the reserve funding large retirement payouts, especially for staff that may be in the 50% sick leave scheme that existed until 2002.

Nevertheless, the relatively short time frame for the repayment period largely eliminates any risk and on that basis the remaining funding could be sourced from an internal loan from the ELE reserve.

Consultation

Consultation has been undertaken with internal stakeholders and suppliers.

Options

The options are to proceed with some, all or none of the works, or to examine other options.

Based on the information outlined in this report it is possible to implement a funding strategy to deliver the majority of the projects identified.

The recommendations that follow support this approach, as based on the return on investment the implementation of an expanded solar power generation programs make sounds financial and environmental sense.

If the planned projects are implemented in full Council will have the following solar installations in place.

10.3 Solar Power Generation - Opportunities

Table Eleven – Current and Planned Solar Installations

Site Name	Solar (kW)	Status
Ballina Wastewater Treatment Plant	300	Operational
Ballina Airport	180	180kW planned
Works Depot	90	90kW planned
Lennox Head Community Centre	80	80kW planned - 40kW operational
Alstonville Leisure Centre	70	70kw planned - 10kW operational
Council Administration Centre	70	70kw planned
Ballina Swimming Pool	67	Operational
Alstonville Swimming Pool	67	Operational
Ballina Indoor Sports Centre	55	55kW planned
Waste Centre	50	50kW planned – 10kw operational
Kentwell Community Centre	20	20kW planned – 10kw operational
Ballina Library / Richmond Room	10	Operational
Total	1,059	

This represents an increase of 545kW (106% increase) from the existing capacity of 514kW, representing an excellent financial and environmental outcome, on the capital investment.

RECOMMENDATION

That Council implement an expanded solar power generation program as follows, with the additional funding identified to be included in the 2019/20 Operational Plan and Long Term Financial Plan (LTFP)

Site	Estimate (\$)	System (kW)	Comment
Kentwell Centre	25,000	10	Increase existing 10kW to 20kW. To be funded from the Community Infrastructure Reserve.
Alstonville Leisure Centre	90,000	70	Increase from existing 10kW to 70kW. Works to form part of the refurbishment project for ALEC – Funds already included in LTFP.
Admin Building	90,000	70	To be funded based on a \$35,500 (\$71,000 in total) contribution each from Water and Wastewater and the balance of \$139,000 from an internal loan over four years from the Employee Leave Entitlements Reserve. Loan to be repaid from forecast operational savings.
Works Depot	120,000	90	
Ballina Airport	300,000	180	Funds already included in LTFP.
Waste Centre	75,000	50	To be funded from internal Waste Reserves.
Totals	700,00	470	

Attachment(s)

1. Summary of Council Assets and Solar Options

10.4 Plant Replacement Program - Review

10.4 Plant Replacement Program - Review

Delivery Program Support Operations

Objective To complete the annual review of the Plant Replacement Program.

Background

Council owns and operates a wide range of fleet and plant to meet the organisation's operational needs. The equipment ranges from light vehicles (utility and passenger) to heavy plant (graders, excavators, rollers, trucks backhoes, loaders, tractors and a street sweeper).

To maintain Council's fleet in a serviceable condition and to optimise operational costs a rolling replacement program is updated annually.

Replacement dates are based on industry recommended age intervals and utilisation (hours / kilometres), along with staff assessments to ensure the ownership decisions for the fleet are optimised.

This report presents an update on the Plant Replacement Program, which will be included in Council's adopted Delivery Program and Operational Plan.

Key Issues

- Optimum plant replacement to minimise operational costs

Information

The funding for the replacement program operates by charging internal hire rates to the Council jobs using the plant, with the net surplus (internal income charged less operating expenses) on the hire rates transferred to an internally restricted reserve to fund plant replacements.

The replacement program provides limited scope for expansion in the size of the fleet as the internal hire charges cover the cost of the existing fleet. Additional plant items often need external or extra funding for their purchase.

The replacement program is based on:

- Industry referenced material / advice on annual depreciation
- Forecasting of plant operational income and expenses
- Estimated plant changeover costs (net values)
- Reducing the risk of uneconomic major maintenance costs later in a plant item's life

The updated General Fund Plant Replacement Program for the four year term of the Delivery Program, from 2019/20 to 2022/23, is included as Attachment 1 to this report.

10.4 Plant Replacement Program - Review

The replacement program is based on a ten year financial plan, as per the following summary, which outlines the movements in the plant reserve for the ten years.

**Table One - Plant Reserve Movements - General Fund
2019/20 to 2028/29 (\$'000)**

Item	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29
Opening Reserve Balance	(139)	(17)	(102)	(213)	(260)	(280)	(249)	(165)	273	94
Add Net Operating Result	117	120	123	125	128	131	133	106	143	147
Less Depreciation	1,250	1,275	1,301	1,327	1,353	1,380	1,408	1,436	1,465	1,494
Net Transfer to Reserves	1,367	1,395	1,423	1,452	1,481	1,511	1,541	1,542	1,608	1,641
Less Capital Expenditure	1,246	1,480	1,534	1,499	1,501	1,480	1,457	1,104	1,787	1,932
Closing Reserve Balance	(17)	(102)	(213)	(260)	(280)	(249)	(165)	273	94	(197)
Net Reserve Movement	121	(85)	(111)	(47)	(20)	31	84	438	(179)	(291)

The reserve has a negative closing balance for the majority of the ten years.

In summary this means that the reserve is being drained each year to finance the required capital purchases.

There are inadequate reserves held to finance the preferred level of expenditure and this results in certain acquisitions being deferred to meet the forecast cash flows.

Even though the reserve has a forecast negative reserve balance, typically not all acquisitions planned each year are completed by 30 June, as they are acquired in a sequential manner, which then results in the reserve balance often remaining positive at year end.

In saying this operating expenses are trending high for 2018/19 and it may be necessary to reduce the planned capital expenditure for 2019/20 dependent on the final closing balance for 2018/19.

This will be the subject of further reporting to Council once the results for 2018/19 are confirmed.

The Water and Wastewater Funds are in a sound financial position and this allows replacement plant to be purchased as required.

The program for these two funds for the next four years is as follows.

**Table 2 - Water Fund
2019/20 to 2022/23 Plant Replacement Program (\$'000)**

MODEL	BODY TYPE	2019/20		2020/21		2021/22		2022/23	
		Sale	Price	Sale	Price	Sale	Price	Sale	Price
NPR400	TRUCK 4X2 SINGLE CAB TRAY	0	0	15	79	0	0	0	0
CANTER	TRUCK 4X2 DUAL CAB & CRANE	0	0	0	0	0	0	0	0
DMAX	UTILITY 2WD SINGLE CAB	0	0	7	30	0	0	0	0
DMAX	UTILITY 2WD SINGLE CAB	0	0	0	0	7	30	0	0
RANGER	UTILITY 2WD SINGLE CAB	0	0	0	0	0	0	7	30
RANGER	UTILITY 2WD SINGLE CAB	0	0	0	0	0	0	7	30
	TOTALS	0	0	22	109	7	30	14	60

10.4 Plant Replacement Program - Review

**Table 3 - Wastewater Fund
2019/20 to 2022/23 Plant Replacement Program (\$'000)**

MODEL	BODY TYPE	2019/20		2020/21		2021/22		2022/23	
		Sale	Price	Sale	Price	Sale	Price	Sale	Price
TRAILER/BOAT	TRAILER BOAT	1	8	0	0	0	0	0	0
GENERATOR	GENERATOR	3	36	0	0	0	0	0	0
RESPONSE	TRAILER BOX DUAL AXLE	1	5	0	0	0	0	0	0
NPR400	TRUCK CAB & CRANE	0	0	25	113	0	0	0	0
NPR400	TRUCK CAB CRANE	0	0	0	0	25	124	0	0
RANGER	UTILITY 2WD HIGH RIDE	7	33	0	0	0	0	0	0
RANGER	UTILITY 2WD HIGH RIDE	7	33	0	0	0	0	0	0
RANGER	UTILITY 2WD HIGH RIDE	0	0	0	0	0	0	8	36
RANGER	UTILITY 2WD SINGLE CAB	0	0	0	0	7	31	0	0
NEW ITEM	BACKHOE	0	185	0	0	0	0	0	0
TRANSPORTER	VAN 4X4	0	0	0	0	0	0	15	49
	TOTALS	19	300	25	113	32	155	23	85

Sustainability Considerations

- **Environment**
Environmental emissions is one factor considered in the plant acquisition process.
- **Social**
Not Applicable
- **Economic**
Cost effective programs and services are delivered through the efficient management of Council's fleet and plant.

Legal / Resource / Financial Implications

The replacement of plant is internally funded from the plant reserve. Income is generated from internal plant hire rates and the surplus (equivalent to depreciation) is transferred to the reserve for this purpose.

Consultation

Consultation has been undertaken with internal staff regarding the proposed replacement program.

Options

This program is submitted for inclusion in the adopted Delivery Program and Operational Plan, with the qualification that it is constantly monitored and reviewed in respect to alignment with the budget and operational needs.

RECOMMENDATION

That Council approves the inclusion of the Plant Replacement Program, as per Attachment 1 and Tables 2 and 3 as per this report, for inclusion in the 2019/20 to 2022/23 Delivery Program and Operational Plan.

Attachment(s)

1. Plant Replacement Program - General Fund

10.5 Crown Land Acquisition - Howards Road, Alstonville

10.5 Crown Land Acquisition - Howards Road, Alstonville

Delivery Program Asset Management

Objective To obtain Council approval for an acquisition of Crown land to resolve road alignment issues on Howards Road, Alstonville

Background

Howards Road has been the subject of a previous report for road opening and closing to facilitate the constructed road being located within a road reserve. The land actions have included road widening for new sections of road and the closing of unnecessary sections of road.

In the process of finalising the road closing actions, it has been identified that part of the existing Howards Road is located on a section of Crown land. This section of Crown land is part of Branch Creek and is identified as Lot 3 DP 1241702. It is proposed to acquire this 1697m² section of Crown land.

The purpose of this report is to obtain a Council resolution to compulsory acquire Crown land and subsequently dedicate that land as public road.

A location diagram is included as Attachment 1.

Key Issues

- Proposed acquisition of Crown land
- If acquired, the land will vest in Council and be dedicated as public road.

Information

Council resolved at the 24 September 2015 Ordinary meeting to rectify the numerous road reserve anomalies along Howards Road. A copy of the report to this meeting is provided in Attachment 2.

The surveys to identify both the land required for road and the land considered unnecessary for road have been completed. It was during this surveying that a 1,697m² section of land was identified as Crown land and that land would need to be acquired prior to dedication as a public road.

The constructed Howards Road currently traverses this section of Crown land. This issue is that until this section of Crown land is dedicated as road, the other sections of road identified to be closed and granted to adjoining land owners cannot be finalised.

The acquisition of Crown land has to be completed in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. The Council is required to submit the request for compulsory acquisition to the Minister and the Governor through the Office of Local Government.

If approved, then consent to issue acquisition notices upon the Crown and any other party that may have an interest in the land can be made.

10.5 Crown Land Acquisition - Howards Road, Alstonville

In order to establish if Native Title exists or Land Claims are applicable, the acquisition notices are also served on respective agencies.

Initial advice from NSW Department of Industry – Crown Land, indicates no Aboriginal land claims are currently listed.

Council will be responsible for any costs, including compensation to the Crown, should the acquisition proceed.

Sustainability Considerations

- **Environment**

The existing road formation occupies Crown land. There are no land clearing or construction activities required as part of this land acquisition. The land actions along Howards Road will enable efficient management of the site.

- **Social**

The existing Howards Road is located on public road except for the section through Crown land.

The acquisition of the Crown land is to formalise the road corridor. This will ensure public access and ongoing community benefit.

- **Economic**

The recommendation seeks to support efficient land management principles with the Crown land to be acquired and then dedicated as public road.

Council will be responsible for all costs and compensation assessed with this proposal.

Legal / Resource / Financial Implications

The acquisition process undertaken by Council and all costs associated with the land acquisition, including compensation, are to be met by Council and will be sourced from the existing roads program. Upon acquiring the land, Council will dedicate the land as public road.

An accredited/licensed valuer will be engaged to determine compensation applicable for the land being acquired. The value of the land is not expected to be significant given the location, the existing constructed road occupies the land, and that the land (if acquired) is to be dedicated as public road.

The final compensation amount will be negotiated between Council and the Crown.

Consultation

Council staff have discussed this matter with Crown Lands and they have not raised any objection to Council acquiring the subject land and have advised the acquisition process may formally commence.

10.5 Crown Land Acquisition - Howards Road, Alstonville

This proposed acquisition of Crown land enables other sections of land identified to be closed and disposed of to the adjoining landowner.

The pending land acquisition has been discussed with the adjoining landowner.

The owner is supportive of the process, however is very concerned about more delays in finalising this ongoing road matter.

Options

1. That Council supports the request for land acquisition procedures to commence to enable the acquisition of Lot 3 DP 1241702 being Crown land at Howards Road, Alstonville. This option would also authorise the General Manager to negotiate with the Crown to finalise the matter.

The advantage of this option is to enable land to be acquired to ensure a public road corridor is fully established along Howards Road.

2. That Council opposes the request for Lot 3 DP 1241702 to be acquired from the Crown for road.

There are minimal, if any, benefits associated with this option. As per the previous report to Council there are a number of issues or risks to Council with the constructed road not being located in the road reserve.

RECOMMENDATIONS

1. That Council resolves to compulsory acquire Crown land being Lot 3 DP 1241702 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of Lot 3 DP 1241702.
3. That Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Industry – Crown Lands to acquire Lot 3 DP 1241702.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of Lot 3 DP 1241702.
5. That Council confirms that upon acquisition, Lot 3 DP 1241702 is to be dedicated as public road.

Attachment(s)

1. Locality Plan
2. September 2015 Report

10.6 Cumbulam Urban Release Area B - Sewage Easement

10.6 Cumbulam Urban Release Area B - Sewage Easement

Delivery Program Water and Wastewater

Objective To determine whether the compulsory acquisition of an easement should proceed.

Background

The rezoning of land known as the Cumbalum Urban Release Area Precinct B (CURA B) was finalized in May 2014. This land is located generally in the locality now known as Kinvara and this land is to the north of the CURA A land (now known as Banyan Hill) and adjoins Ross Lane at its northern extremity.

The rezoning proposal included a Voluntary Planning Agreement (VPA). One of the matters dealt with by the VPA was the delivery of sewage infrastructure and a term in the VPA recognises the preferred infrastructure solution to service the CURA B area requires a sewage easement that traverses the CURA A land.

The negotiation of the terms for the creation of this easement are a matter for both landowners. Agreed terms however have not been established, despite this matter being an issue for many years.

At the May 2016 Ordinary meeting, Council considered a request from the CURA B proponent for Council to use its statutory powers to create the easement by compulsory acquisition. Council declined the request at that time, primarily because it was Council's position the matter was a commercial transaction between developers which should be resolved independently.

As the matter is still unresolved, Planning Resolutions, on behalf of the CURA B proponent, has again submitted a request for Council to intervene. A copy of the request is included as Attachment 1.

The purpose of this report is to enable Council to respond to the latest request.

Key Issues

- Equitable access to development opportunities.
- Use of statutory powers to compulsory acquire an easement.

Information

Generally, the lodgement and assessment of the rezoning applications for CURA A and CURA B, occurred concurrently. The staging of new subdivisions takes into account the most efficient roll out of new infrastructure required to meet the demands of the new development.

With these two large applications proceeding at one time, one of the issues considered by Council in the assessment was what this would mean in terms of providing infrastructure to support both proposals.

10.6 Cumbulam Urban Release Area B - Sewage Easement

Both applications were approved and in part, the VPA, was the mechanism to deal with the question of the delivery sequence for infrastructure which ordinarily would have been managed through the subdivision staging.

At the time of the rezoning, it was envisaged the proponents would negotiate the terms for the creation of the proposed easement to facilitate, and it was reasonable for Council to remain independent of the commercial negotiations between the parties.

Intrapac Properties (CURA A landowner) has previously confirmed in writing they do not raise any objection to the creation of the easement, subject to satisfactory commercial terms being finalised.

Later, Intrapac were reluctant to proceed until there was confirmation of the engineering design for their subdivision. This does not appear to be an impediment now with the extent of progress made to commence the development of the estate, including an approval for a development application.

Council's technical officers are aware that the parties have been in some discussion about this matter. It is clear this issue has not progressed over a long period of time and it is a significant restraint to progress for a proponent that has land in a large urban release area that is zoned for commercial and residential development.

Sustainability Considerations

- **Environment**
Construction work will subject to regulatory approval, including environmental assessment.
- **Social**
CURA A and CURA B are very large subdivisions that will provide opportunities for new housing and community facilities for the future.
- **Economic**
CURA A and CURA B will make a significant contribution to future economic development.

Legal / Resource / Financial Implications

Should the Council proceed to the compulsory acquisition of the easement, the CURA B proponent has agreed to meet all costs associated with this action.

Consultation

The rezoning process, including the VPA, was publicly exhibited.

Discussions with both landowners and Council have been ongoing for many years.

Previously Council has offered to facilitate meetings between the developers in an effort to assist them to reach agreement.

Options

The options available to Council are:

1. Decline the request to proceed to compulsory acquisition
2. Approve the request to proceed to compulsory acquisition.

The previous position of Council (in 2016) was option one. At that time the Council was reluctant to intervene in a commercial negotiation between two developers and the use of compulsory acquisition powers is typically considered as the final option to be used only when other alternatives have not been successful.

Furthermore, there are legal and financial risks for Council to be directly involved in this matter.

It is concerning this issue now remains unresolved after such a long period of time and the issue does limit the ability of the proponent to move forward on a proposal that was subject to a rezoning approval.

The recommendation to this report prefers option two, subject to a first step being to write to Intrapac Properties inviting them to agree to advance and finalise negotiations, with a timeline, to establish the required easement.

Council can again agree to facilitate this process if that assists the developers.

If the compulsory acquisition proceeds, further reporting to Council will be required to establish resolutions compliant with the regulations.

Accordingly the recommendation only seeks endorsement, at this point in time, and Council will be able to review its position, including consideration of any legal advice and further responses from the parties.

RECOMMENDATIONS

1. That Council write to Intrapac Properties and Planning Resolutions and request the parties finalise, by agreement and as soon as practical, the sewage matter affecting the Cumbulam Urban Release Area.
2. That Council endorses an in-principle position to commence a compulsory acquisition process to create an easement for CURA B sewage infrastructure if agreement, as per point one, cannot be achieved within a reasonable timeframe.

Attachment(s)

1. Planning Resolutions Letter

11.1 Rescission Motion - Policy (Review) - Mobile Vending on Public Land

11. Notices of Motion

11.1 Rescission Motion - Policy (Review) - Mobile Vending on Public Land

Councillor Cr Johnston
 Cr Willis
 Cr Cadwallader

We move

That Resolution 230519/33, as follows, be rescinded

1. *That Council adopts the amendment of the Mobile Vending on Public Land Policy and Guidelines as contained within Attachment 2 including references to the Sharpes Beach Site for fixed mobile vending purposes. Final locations for vending at Sharpes Beach are to be determined through an expression of interest process.*
2. *That Council place the amended Mobile Vending on Public Land Policy and Guidelines on exhibition for public comment, with any submissions received to be resubmitted back to the Council. If no submissions are received then no further action on the content of the policy is required.*
3. *That Council commences an expression of interest process for all fixed mobile food vending sites subject to point 4.*
4. *That the expression of interest process for Sharpes Beach be made available to potential vendors after Council has confirmed a timeframe for The Coast Road construction works to be undertaken and Council has made a decision on the scope of works and timing for the Sharpes Beach car parking area upgrade.*
5. *That no further permits be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete.*
6. *That Council engages with the landholder of the car park lease area in relation to the making of provision for fixed mobile food vending sites within the lease area.*
7. *That Council applies a fee of \$2,500 for fixed mobile food vending sites for the 2019/20 year (being the fee that will apply to any permits not issued through an expression of interest process).*
8. *That public notice of the fee set out in point 7 be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document for 2019/20.*
9. *That existing Mobile Vending on Public Land Permit holders be advised of the exhibition of the amended policy and be invited to make comment.*

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

11.1 Rescission Motion - Policy (Review) - Mobile Vending on Public Land

1. *That Council adopts the amendment of the Mobile Vending on Public Land Policy and Guidelines as contained within Attachment 2 including references to the Sharpes Beach Site for fixed mobile vending purposes. Final locations for vending at Sharpes Beach are to be determined through an expression of interest process.*
2. *That Council place the amended Mobile Vending on Public Land Policy and Guidelines on exhibition for public comment, with any submissions received to be resubmitted back to the Council. If no submissions are received then no further action on the content of the policy is required.*
3. *That Council commences an expression of interest process for all fixed mobile food vending sites subject to points 4 and 5.*
4. *That the expression of interest process for Sharpes Beach be made available to potential vendors after Council has confirmed a timeframe for The Coast Road construction works to be undertaken and Council has made a decision on the scope of works and timing for the Sharpes Beach car parking area upgrade.*
5. *That, as an interim measure, Council approves the extension of the existing permit for the "Sharpes Beach Coffee Cart" business, on a month to month basis until the expression of interest process is completed, subject to an appropriate and safe location being identified. No other permits are to be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete due to the site constraints during The Coast Road construction works,*
6. *That Council engages with the landholder of the car park lease area in relation to the making of provision for fixed mobile food vending sites within the lease area.*
7. *That Council applies a fee of \$2,500 for fixed mobile food vending sites for the 2019/20 year (being the fee that will apply to any permits not issued through an expression of interest process).*
8. *That public notice of the fee set out in point 7 be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document for 2019/20.*
9. *That existing Mobile Vending on Public Land Permit holders be advised of the exhibition of the amended policy and be invited to make comment.*

Staff Comments

Council staff are reviewing the options available in respect to the proposed motion as external advice has been received that the issuing of new permits will be in breach of the NSW Food Act due to a lack of adequate toilets for the food handlers.

Options such as the use of portable toilets, or the use of private premises located in close proximity, to allow permits to be issued are being examined.

Further advice on these matters will be provided before or at the Ordinary meeting.

COUNCILLOR RECOMMENDATION

That Resolution 230519/33, as follows be rescinded.

1. *That Council adopts the amendment of the Mobile Vending on Public Land Policy and Guidelines as contained within Attachment 2 including references to the Sharpes Beach Site for fixed mobile vending purposes. Final locations for vending at Sharpes Beach are to be determined through an expression of interest process.*
2. *That Council place the amended Mobile Vending on Public Land Policy and Guidelines on exhibition for public comment, with any submissions received to be resubmitted back to the Council. If no submissions are received then no further action on the content of the policy is required.*
3. *That Council commences an expression of interest process for all fixed mobile food vending sites subject to point 4.*
4. *That the expression of interest process for Sharpes Beach be made available to potential vendors after Council has confirmed a timeframe for The Coast Road construction works to be undertaken and Council has made a decision on the scope of works and timing for the Sharpes Beach car parking area upgrade.*
5. *That no further permits be issued for fixed mobile food vending at Sharpes Beach until the expression of interest process is complete.*
6. *That Council engages with the landholder of the car park lease area in relation to the making of provision for fixed mobile food vending sites within the lease area.*
7. *That Council applies a fee of \$2,500 for fixed mobile food vending sites for the 2019/20 year (being the fee that will apply to any permits not issued through an expression of interest process).*
8. *That public notice of the fee set out in point 7 be provided in accordance with Section 610F of the Local Government Act and be included in Council's fees and charges document for 2019/20.*
9. *That existing Mobile Vending on Public Land Permit holders be advised of the exhibition of the amended policy and be invited to make comment.*

Attachment(s)

Nil

11.2 Notice of Motion - Increase in Welfare Payments

11.2 Notice of Motion - Increase in Welfare Payments

Councillor

Cr Willis

I move

That Council submit the following motion to the 2020 ALGA annual conference:

That the ALGA initiate a campaign for the Federal Government to increase the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.

Councillor Comments

Australia's income support system was designed to help people, when they are going through tough times, to support them into suitable paid work. There is now widespread concern that the current income support system is inadequate. Many stakeholders, including business, union, academic, community groups and local councils support an increase in Newstart and Youth Allowance.

In 2018 Deloitte Access Economics reported that if Newstart and related allowances were increased by \$75 per week, the NSW economy would be boosted by \$905 million in the first year.

The Newstart rate has not been increased in real terms for 25 years while living costs have gone through the roof. The current rate of \$40 per day is too low to give people the support they need to scrape by through tough times. The current average fortnightly rent paid by those on Newstart is \$456.45 and a single person without children on Newstart gets \$555.70 fortnight.

For many people, leaving a violent relationship, becoming unwell or needing to pay car registration can be enough to push people into homelessness.

Raising the rate will get Newstart working by allowing people to focus on their futures rather than having to be totally consumed with their current situation of financial crisis.

COUNCILLOR RECOMMENDATION

That Council submit the following motion to the 2020 ALGA annual conference:

That the ALGA initiate a campaign for the Federal Government to increase the Newstart, Youth Allowance and related payments by a minimum of \$75 per week.

Attachment(s)

Nil

11.3 Notice of Motion - Gaming Practices

11.3 Notice of Motion - Gaming Practices

Councillor

Cr Willis

I move

That Council writes to Liquor Gaming and Racing NSW to express support for the action taken in relation to the disciplinary complaint against the Westower Tavern and to provide an outline of Council's consideration of gaming machine related issues in Ballina Shire.

Councillor Comments

Council has recently considered issues arising in relation to gaming machines within our community. A report looking at the issues discussed by Council is in preparation by staff, with the report likely to be presented to Council at the July Ordinary meeting. Issues relating to gaming machines are particularly relevant in our community at present as evidenced by the following media release issued by Liquor Gaming and Racing NSW:

TWO ALH-RUN HOTELS ON NORTH COAST TO FACE DISCIPLINARY COMPLAINT OVER GAMING PRACTICES

The NSW Independent Liquor & Gaming Authority (ILGA) will consider a disciplinary complaint alleging that two ALH-run hotels on the North Coast illegally gave free alcohol to gaming machine players to keep them gambling.

Liquor & Gaming NSW has lodged the complaint against Westower Tavern at West Ballina and South Tweed Tavern at South Tweed Heads.

This follows a comprehensive investigation into ALH venues which included inspections of more than 50 NSW hotels, with more focused investigations into four hotels.

The investigation included covert surveillance, coercive interviews of licensees, staff and other witnesses, review of CCTV, and examination of records and systems.

In two cases, where sufficient evidence was obtained, disciplinary complaints have been lodged.

In the other two cases, which involved Sydney metropolitan hotels, there was insufficient evidence to proceed to a formal complaint.

The complaint lodged with ILGA alleges that the practice of supplying gaming patrons free alcohol was systemic at both North Coast hotels.

Under NSW gaming laws, it is illegal to offer or supply free or discounted alcohol to induce gambling.

ILGA has broad disciplinary powers where it is satisfied that any of the grounds on which the complaint was made apply.

For hotels that breach gaming laws, penalties include formal reprimands, fines up to \$110,000 and suspension or cancellation of licences.

11.3 Notice of Motion - Gaming Practices

It is not appropriate to make any further comment until ILGA has considered the complaint.

It is usual practice for ILGA to publish reasons for decisions once it finalises disciplinary complaint proceedings.

Contact Gambling Help NSW on 1800 858 858

Given the above, I propose that Council writes to the NSW State Government expressing support for its action and providing an outline of Council's consideration of the issue to date.

COUNCILLOR RECOMMENDATION

That Council writes to Liquor Gaming and Racing NSW to express support for the action taken in relation to the disciplinary complaint against the Westtower Tavern and to provide an outline of Council's consideration of gaming machine related issues in Ballina Shire.

Attachment(s)

Nil

11.4 Notice of Motion - Ballina Heights Estate - Commercial Development

11.4 Notice of Motion - Ballina Heights Estate - Commercial Development

Councillor

Cr Williams

I move

That Council include in the 2019/20 Operational Plan an action to receive a report on planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate. The report is to canvass options such as providing additional commercially zoned land and the option of back zoning existing commercial land in association with provision of new commercial zoned land.

Councillor Comments

The growing population of Ballina Heights is not currently serviced by any local commercial retail outlets.

Provision was made in the relevant LEP Amendments for suitably zoned land, however to date, no commercial development has occurred.

The provision of commercial services in Ballina Heights has long been advocated by the Residents Association at Council's B Ward Committee meetings.

Representatives have repeatedly asked Council to take action to ensure the provision of basic services expected in such a growing community.

The motion seeks a report on options Council could pursue to ensure the provision of such services through appropriate commercial retail development in the area.

COUNCILLOR RECOMMENDATION

That Council include in the 2019/20 Operational Plan an action to receive a report on planning options to expedite the delivery of commercial and retail shops in the Ballina Heights Estate. The report is to canvass options such as providing additional commercially zoned land and the option of back zoning existing commercial land in association with provision of new commercial zoned land.

Attachment(s)

Nil

11.5 Notice of Motion - Dalwood Falls - Plan of Management

11.5 Notice of Motion - Dalwood Falls - Plan of Management

Councillor

Cr Eoin Johnston

I move

1. That Council include in the 2019/20 Operational Plan an action to complete a Plan of Management for Dalwood Falls.
2. The Plan of Management is to consider making the falls accessible to the public with basic amenities and provision for parking.

Councillor Comments

Attempts to relieve Council of its responsibility for the area have been unsuccessful and signage and barriers put in place to deter visitors have been ineffective.

It is an area of intense natural beauty and continues to attract visitors despite council's efforts to deter them.

Basic facilities could include specific road widening, a gravel track, litter bins, limited safety rails and comprehensive signage alerting users to their personal liability.

The preparation of a Plan of Management, which will involve wide community consultation, can canvass all of these matters to determine the preferred management strategy for this Council owned property.

Staff Comments

Council has previously resolved to assess whether this property could be transferred to the JALI Aboriginal Land Council, or sold, or if those are not viable options, then a plan of management should be completed to confirm the appropriate management arrangements for the property.

Discussions were held with the JALI Land Council and despite there being some initial interest JALI did not confirm they wished to proceed with the transfer.

The property has not been formally placed on the market for sale due to the on-going discussions with JALI, although there has been some minor interest from potential buyers when Council initially resolved to canvass disposal options in 2017. This buyer interest was generated from the media articles at the time and enquiries related to constructing a dwelling (there is no dwelling entitlement) or cabins (subject to more detailed planning advice).

11.5 Notice of Motion - Dalwood Falls - Plan of Management

As the land has not been formally placed on the market it may well still be an option to proceed with a formal sale process and place the land on the market for a period of three months, which was the previous position of Council. If no sale eventuates the plan of management could then proceed.

Based on this approach a recommendation could be as follows:

- 1. That Council authorises the General Manager to now proceed to formally place the Dalwood Falls property on the market, for a maximum period of three months.*
- 2. That Council include in the 2019/20 Operational Plan an action to complete a Plan of Management for Dalwood Falls, with this project to proceed if point one does not eventuate in the sale of the property.*
- 3. The Plan of Management is to consider making the falls accessible to the public with basic amenities and provision for parking.*

If the preference of Council is to retain the property and not proceed with a possible sale, the notice of motion should be supported.

COUNCILLOR RECOMMENDATIONS

1. That Council include in the 2019/20 Delivery Program and Operational Plan an action to complete a Plan of Management for Dalwood Falls.
2. The Plan of Management is to consider making the falls accessible to the public with basic amenities and provision for parking.

Attachment(s)

Nil

11.6 Notice of Motion - Steam Based Weed Control

11.6 Notice of Motion - Steam Based Weed Control

Councillor

Cr Parry

I move

That Council undertake a trial of steam-based weed control across the Shire, and report to Council on this trial together with best practice weed management options for Australian Coastal regions that are sustainable and supportable in environmental terms.

Councillor Comments

The now widely recognised active chemical, glyphosphate, is recognised in many countries as a key carcinogen, while in others, no legislative decision regarding its toxicity have been made (see, for example, <https://www.northernstar.com.au/news/thumbs-up-to-council-for-going-chemical-free/3204324/>). Nevertheless, there are class actions across the globe, including Australia, being brought against agencies that have routinely used it.

In Australia, it is routinely available in retail hardware outlets, so it has not been banned.

A NSW class action now before the court will have considerable impact on local Councils if the weight of scientific evidence is taken into consideration.

The Byron Shire Council in 2017 ran a trial demonstrated that steam spraying has merits and benefits, but overall, it seems that steam spraying of weeds in well-used public spaces, though more resource intensive, are effective.

They recommended a systemic approach, using steam-spraying in spaces with high public usage, to ameliorate the resource impact of steam spraying across its shire.

It seems reasonable, therefore, that Ballina Shire Council should consider a staff report on the benefits and drawbacks of steam spraying of weeds in public spaces, as part of a review of our approach to weed control of public spaces, and in particular, for our well-used public spaces.

This motion makes no assumptions about which approaches may be satisfactory in which public spaces, but it does seek to provide some level of assurance to our residents that Council has taken all reasonable steps to provide due care and concern for the wellbeing of people in the shire.

Staff Comments

Staff could conduct a limited trial within existing resources and then provide a report to Council, or alternatively there is already a significant amount of information available in respect to steam spraying and a report could be provided as the initial step.

11.6 Notice of Motion - Steam Based Weed Control

Council would then be in a better position to determine whether its wishes to proceed with the trial or even the possible implementation of steam spraying for certain activities.

Council should try and include key actions in the Operational Plan each year to ensure staff resources are allocated to projects in a structured manner and another option could be to include an action in the 2019/20 Operational Plan, which is reported elsewhere in this agenda, along the following lines:

That Council include in the 2019/20 Operational Plan an action to investigate the merits of implementing steam spraying for weed control, to then allow Council to determine whether this methodology is to be implemented on a permanent basis.

COUNCILLOR RECOMMENDATION

That Council undertake a trial of steam-based weed control across the Shire, and report to Council on this trial together with best practice weed management options for Australian Coastal regions that are sustainable and supportable in environmental terms.

Attachment(s)

Nil

11.7 Notice of Motion - "A" Frame Advertising Signage

11.7 Notice of Motion - "A" Frame Advertising Signage

Councillor

Cr Meehan

I move

That the Commercial Use of Footpaths Policy be amended to allow the placement of A frame advertising boards (sandwich boards) outside shopfronts in the commercial areas of Ballina Shire.

Councillor Comments

A frame advertising boards were discontinued by the current policy around 2006. Since that time we have seen the upgrade of the River Street commercial area which has resulted in wider footpaths and a more pedestrian friendly area. Upgrade has also occurred at Alstonville and is planned for Lennox Head.

It is now permissible to have sit down eating areas on designated sections of the footpaths and also racks with goods for sale. Annual fees and conditions apply.

It has been said that A frame advertising boards may be a hazard for pedestrians, but this could be said of the structures in eating areas, goods for sale and many other structures that are found on the footpaths. The reality is that our upgraded footpaths are wider enough and safe enough for the A frame boards to be permissible and safe.

Shopkeepers have approached me and want to be able to use A frame advertising boards to promote and draw public attention to their businesses. As well, the presence of these boards does enhance the aesthetic appearance of the shopping areas, moving from an empty space appearance to one that says 'things are happening here'.

The use of A frame boards should be against the shop wall and have size and design constraints. A fair annual fee should apply.

Staff Comments

The prohibition of free-standing A frame signs on public land in 2003 resulted from Council concerns at the time regarding the proliferation of generally poor quality signage being placed on the Shire's footpaths (the left hand side of the image that follows shows River Street in Ballina in 2003).

Since the prohibition was introduced, Council has had to regularly undertake compliance activity where businesses have placed A-frame signage within the footpath without permission (the right hand side of the attached image was taken in Lennox Head in 2010 prior to Council undertaking compliance action). Council's decision was also informed by insurance risk advice.

11.7 Notice of Motion - "A" Frame Advertising Signage



The main concerns regarding allowing free-standing signage of this type relate to potential tripping and navigation hazards for pedestrians in general and in particular for the vision and mobility impaired where obstructions are placed at the building edge.

In addition, monitoring compliance for such signage has the potential to consume significant Council resources.

The potential for these issues to arise increases as the number of businesses having such signage increases.

Whilst the impediment to pedestrian movement may be mitigated to some extent by requiring such signage to be placed at the road edge and away from the building edge, this placement is less desirable from the perspective of business operators and may obstruct access to the footpath to and from adjacent car parking.

Based on previous experience, enforcing restrictions on signage placement and design is expected to be a point of conflict and time consuming resulting in an impact on Ranger and other compliance resources.

Over the years, Council has expended considerable resources to reach a point where businesses are largely compliant in relation to A frame signage.

Ultimately, in the absence of additional resources, the reintroduction of A frame signage is likely to result in redirection of existing Ranger and compliance resources away from currently programmed and prioritised duties.

The change is also unlikely to be easily undone if Council wishes to retract its position in future.

From staff experience, the key reason business owners tend to state for wanting A frame signage is to indicate to customers that their premises is open for business.

11.7 Notice of Motion - "A" Frame Advertising Signage

An alternative to allowing free-standing signage that Council might consider is signage attached to the building façade and is supported such that the head of the sign is above the head height of passing pedestrians (at 1m from the building edge).

This could be in the form of a small teardrop or flag type sign affixed perpendicular to the façade of shop fronts. This may address the concern regarding indicating that businesses are open without obstructing pedestrian movement.

This approach may also minimise the potential for visual clutter within the footpath as well as maintain the standard of signage generally.

Further, fixing the signage to the building eliminates ambiguity about the placement of the signage in the public domain and hence addresses the concerns about enforcement resources.

Something to consider in relation to both A frame signage and teardrop/flag type signage on or projecting into the public footpath is that widespread proliferation of the signage may actually be counter to the original intent of advertising the presence of certain businesses.

From a land use planning perspective, a move to reintroduce A frame signage would require consideration of the planning framework.

Council would need to consider whether it is comfortable deeming A frame signage as a form of 'commercial use of footpaths' or whether it is a separate type of use.

Deeming of the signage as a commercial use of footpaths would likely enable the use to be classed as exempt development under the existing LEP.

If the signage is deemed a separate use, either a development application would be necessary or Council would need to amend its LEP to exempt the signage from the need for consent.

Regardless of the planning approach, approval under the Roads Act would be required.

If Council preferred to pursue the enabling of teardrop or flag type signage affixed to the building facades, amendment would be required to either the development control plan or the LEP to either set parameters for development assessment when a development application is lodged or to exempt the signage from the need for development consent.

Similar to the above, this signage would also require approval under the Roads Act.

Another consideration is that the Commercial Use of Footpaths policy was reviewed by Council last year. This included public exhibition of the policy.

The feedback received did not highlight the prohibition on A frame signage as a widespread concern of business.

11.7 Notice of Motion - "A" Frame Advertising Signage

Overall, Council has received very few complaints from Commercial Use of Footpaths licence holders about the operation of the policy in the last few years.

In summary, if Council wishes to further consider either reintroduction of A frame signage or enabling of teardrop or flag signage on building facades, it is recommended that the matter be deferred to a briefing to discuss the key issues arising including those associated with resourcing, enforcement, risk management and land use planning.

COUNCILLOR RECOMMENDATION

That the Commercial Use of Footpaths Policy be amended to allow the placement of A frame advertising boards (sandwich boards) outside shopfronts in the commercial areas of Ballina Shire.

Attachment(s)

Nil

11.8 Notice of Motion - Special Rate Variation

11.8 Notice of Motion - Special Rate Variation

Councillor

Cr Jeff Johnson

I move

1. That Council not proceed with the proposed 5.9% rate increase for the 2019/2020 financial year.
2. That Council informs the Office of Local Government of its decision not to implement the special rate variation increase for the 2019/2020 financial year.

Staff Comments

The IPART approved special rate variation of 5.9% is estimated to generate approximately \$740,000 in additional rate revenue as compared to the State Government rate peg limit of 2.7% for 2019/20.

This is the final year of Council's IPART approval with no further special rate variations included in Council's ten-year financial plan.

The \$740,000 in additional rate revenue has been allocated to increased asset renewal expenditure on roads, stormwater, playgrounds and community facilities.

If Council does not wish to proceed with the special rate variation approximately \$3m worth of projects will need to be deleted from the four year works program. The notice of motion has not identified the projects to be deleted.

Despite special rate variation increases in recent years, Ballina Shire Council's average residential rates remain one of the lowest in the region.

Also with Richmond Valley Council recently receiving IPART approval for 5.5% increases for the next four years, we anticipate that Council will have the lowest average residential rate in the region at the end of that four year period.

The attachment to this report is the regional benchmarking information provided as part of the public meetings held for the draft Delivery Program and Operational Plan.

The rating structure is also included in the Delivery Program and Operational Plan – Adoption report earlier in this agenda. If a rating structure is adopted as part of that report this notice of motion may well have already been debated.

COUNCILLOR RECOMMENDATIONS

1. That Council not proceed with the proposed 5.9% rate increase for the 2019/2020 financial year.
2. That Council informs the Office Local Government of its decision not to implement the special rate variation increase for the 2019/2020 financial year.

Attachment(s)

1. Regional Benchmarking - Delivery Program and Operational Plan - Public Meetings

12. Advisory Committee Minutes

12. Advisory Committee Minutes

Nil Items

13.1 Mayoral Meetings

13. Reports from Councillors on Attendance on Council's behalf

13.1 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the May 2019 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
16/5/19	Meeting – Bill Knoble – Intrapac
18/5/19	Surfing Far North Coast Regional Surfing Titles
19/5/19	Alstonville Antiques and Collectables Fair
24/5/19	Ballina Art Society Opening RSL
24/5/19	Tele Meeting – Elizabeth Shoemith
25/5/19	Meeting – Ben Franklin
30/5/19	Scooter Wise – Kentwell Centre
1/6/19	Love Lennox Festival
2/6/19	Commemoration Park Markets
3/6/19	Meeting – Elton Cummings – Kiosk
3/6/19	Briefing – Commercial Activities on Public Land and Hiring Watercraft
3/6/19	Briefing – Crown Land Classification
4/6/19	Alstonville / Wollongbar Chamber Meeting – Alstonville Gym
4/6/19	Briefing – Wollongbar District Park
4/6/19	Briefing – Wollongbar Strategic Plan
5/6/19	Meeting – White Ribbon Day
5/6/19	Meeting – Ballina Local History Group - Kentwell Centre
7/6/19	Lennox Head Tree Planting Day
8/6/19	Philippine Independence Day – ALEC
9/6/19	Commemoration Park Markets
9/6/19	Lennox Head Markets
9/6/19	Last Drinks – Ballina RSL Bowling Club
11/6/19	Church Group
11/6/19	Meeting – Phone – Kevin Hogan
11/6/19	Meeting – Interview ABC 24 Hours
11/6/19	3rd Birthday Celebration Maggies & Mr Jones
11/6/19	Public Citizenship Ceremony
11/6/19	Briefing – Rous County Council – Price Increases – Water Strategy
12/6/19	Traffic Committee
13/6/19	30th Memorial Service – CONSTABLE 1/C Peter Figtree and Senior Constable Glen Rampling
14/6/19	Launch – Mystify – A Musical Journey with Michael Hutchence
14/6/19	Rotary Club of Ballina 70th Anniversary Dinner
15/6/19	Craft Fair – Jockey Club Opening
15/6/19	Lily's Book Launch – Ramada
16/6/19	Commemoration Park Markets
16/6/19	Ballina Markets
17/6/19	Meeting John McKenna and Robyn Hordern – Community Housing
17/6/19	Meeting – Michael Hodgkinson – Summerland House
17/8/19	Meeting – Ashley Stafford – Smoke n Barrel
18/6/19	Meeting – Deborah Jones – Ballina Croquet
18/6/19	Audit Risk and Improvement Committee
18/6/19	Briefing – Hydrosphere Lake Ainsworth
19/6/19	Alstonville Lions – Annual Changeover

13.1 Mayoral Meetings

20/6/19	Northern Regional Planning Panel
20/6/19	Meeting – Chris Murphy – Airport Precinct
20/6/19	Rotary Club of Ballina on Richmond Changeover
23/6/19	Commemoration Park Markets
23/6/19	Presentation – Shirley O’Brien OAM - Netball Courts
24/6/19	CSPC – Lismore
25/6/19	Ballina Lions Changeover
26/6/19	International Day – CWA Rooms
26/6/19	Meeting – Heather Horley – Playgrounds
27/6/19	Council Meeting
28/6/19	Meeting Joint Organisation – Regional Deals
30/6/19	Commemoration Park Markets
30/6/19	Lennox Head Markets

RECOMMENDATION

That Council notes the contents of the report on Mayoral meetings.

Attachment(s)

Nil

14. 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:

14.1 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

Refer to Item 8.12 of this agenda.

14.2 Debtor Write-Off

Refer to Item 9.5 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.

14.1 Legal Proceedings - Vegetation Clearing - Pimlico Road, Wardell

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) (e) (g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- b) the personal hardship of any resident or ratepayer; and
- e) information that would, if disclosed, prejudice the maintenance of law; and
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it relates to the legal approach to enforcement action.

14.2 Debtor Write-Off

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(b) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- b) the personal hardship of any resident or ratepayer

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 relates to matters of a personal nature.