



## Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 26 March 2020 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

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.**

Due to COVID-19 social distancing measures,  
we urge you to access this meeting via our Live Streaming link  
*[ballina.nsw.gov.au/agendas-and-minutes](http://ballina.nsw.gov.au/agendas-and-minutes)*

## **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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  6. Deputations
  7. Mayoral Minutes
- 

**1. Australian National Anthem**

The National Anthem will be performed by Councillors and staff.

**2. Acknowledgement of Country**

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 February 2020 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 27 February 2020.

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

**6. Deputations**

## **7.1 Mayoral Minute - Plan to Save our Recycling**

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### **7. Mayoral Minutes**

#### **7.1 Mayoral Minute - Plan to Save our Recycling**

**Councillor**

David Wright

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I move

1. That Council acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
2. That Council endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:
  - a) Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions
  - b) The delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
  - c) Support for the purchase of recycled content by all levels of government, to help create new markets
  - d) Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
3. That Council write to our local State Members, the Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister the Hon Shelley Hancock MP, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
4. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute

#### **Mayoral Comments**

LGNSW has asked councils to support their Save Our Recycling campaign.

The NSW Government collects revenue from a Waste Levy via licensed waste facilities in NSW to discourage the amount of waste being landfilled and to promote recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018/19.

Revenue from the Waste Levy is expected to increase by about 70 percent from 2012/13 to 2022/23. By the end of this period the Waste Levy revenue is

## 7.1 Mayoral Minute - Plan to Save our Recycling

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forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion – less than one fifth – of this revenue is invested back into waste and recycling programs.

The NSW Government promised a major education campaign to help support kerbside recycling in 2015. However, this has not been delivered.

A Waste Infrastructure Plan and a new Waste Strategy are also overdue.

The Government is also likely to miss key targets in its existing Waste Avoidance and Resource Recovery Strategy 2014-21.

Its latest 2017/18 Progress Report shows that in NSW:

- household recycling rates are decreasing
- less waste per person is being diverted from landfill
- the amount of waste being generated is expected to grow by 36 percent by 2036 – well above population growth.

Recent decisions by China and other countries to put in place measures to stop the importation of plastic and paper recycling from countries like Australia are also making it more challenging to find markets for recycled products.

This combination of a lack of funding, planning and action has left our state-wide waste and recycling systems in a poor state.

Local councils in NSW are calling on the NSW Government to reverse this downward slide: to invest the money it collects from the Waste Levy to help fix our state's ailing waste and recycling, and help build a circular economy in NSW.

Local Government's Save our Recycling campaign outlines ways the State Government can work with us to properly develop, fund and deliver the waste and recycling systems our communities deserve.

It is a blueprint for the NSW Government to invest the money it collects from the Waste Levy to help fix our ailing recycling services and build a circular economy in NSW.

The campaign focuses on the following key areas for NSW Government action:

- Education: Fund a large-scale, state-wide education campaign to support recycling and markets for recycled products in NSW. The NSW Government must fund and work with councils to activate this campaign; community by community
- Innovation: Greater use of more recycled content by all tiers of government to help create scale, and then new markets, jobs and investment will follow
- Investment: Reinvest the Waste Levy in council-led regional waste-and-recycling plans and fund councils to deliver the infrastructure and services our cities and regions need.

In 2018, delegates at the LGNSW 2018 Conference unanimously voted to call on the NSW Government to reinvest the Waste Levy in recycling and waste

## **7.1 Mayoral Minute - Plan to Save our Recycling**

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infrastructure and programs. The 2019 Conference further supported this approach, outlining specific solutions to the waste and recycling crisis, which could be delivered in partnership with local government.

### **RECOMMENDATIONS**

I move

1. That Council acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
2. That Council endorses Local Government NSW's sector-wide Save our Recycling campaign, and asks the State Government to reinvest the Waste Levy in:
  - a) Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions
  - b) The delivery of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
  - c) Support for the purchase of recycled content by all levels of government, to help create new markets
  - d) Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
3. That Council write to our local State Members, the Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister the Hon Shelley Hancock MP, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm their support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
4. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute

### **Attachment(s)**

Nil



## 8.1 Wollongbar - Community Infrastructure

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### 8. Planning and Environmental Health Division Reports

#### 8.1 Wollongbar - Community Infrastructure

##### Delivery Program

Strategic Planning

##### Objective

To consider the requirements for community infrastructure at Wollongbar as specified within the Ballina Shire Open Space and Community Facilities Contributions Plan 2016.

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#### Background

Council at the 25 July 2019 Ordinary meeting resolved as follows:

1. *That Council receive a report on preferred options for the type and scale of community infrastructure that is to be delivered by Council for Wollongbar, as required by Council's Open Spaces and Community Facilities Developer Contributions Plan.*
2. *The information sourced from this report will provide clarification as to the community infrastructure needs for Wollongbar, which can then be incorporated into the next review of the Open Spaces and Community Facilities Developer Contributions Plan. This review is scheduled for 2020/21.*

This report examines the provision made for community facilities within the developer contributions plan and provides Council with options on how this issue may be further advanced.

#### Key Issues

- Community infrastructure benchmarks
- Contributions plan review

#### Information

*Section 94 (now sec 7.11) Contribution Plan: Community Facilities (in effect 1993 to 2008)*

This plan was adopted by Council in 1993 and levied an amount of \$800 per lot for the provision of the following community facilities on a Shire wide basis:

- A multi-use hall serving 1,500 dwellings
- A neighbourhood centre serving up to 1,500 dwellings
- A 40 place child care centre to serve 400 children in the 0 - 4 age group

The 1993 plan provided little rationale for the provision of these facilities.

## 8.1 Wollongbar - Community Infrastructure

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This plan remained in place until 2008 when a comprehensive review of community facility requirements was completed and a new contributions plan adopted.

### *Ballina Shire Community Facilities Strategy 2008 (BSCFS)*

Contemporary community infrastructure planning commenced in Ballina Shire with the adoption of the Ballina Shire Community Facilities Strategy in 2008.

This strategy was the basis upon which the community facilities component of the *Ballina Shire Contributions Plan 2008* (BSCP2008) was prepared.

The BSCFS was based on earlier work undertaken by consultants ERM in 2004 and contained within a *Community Facilities and Open Space Needs Analysis*.

The BSCFS was adopted by Council on 26 June 2008 and has to date not been replaced by a more contemporary document.

In respect to Wollongbar, the BSCFS is of relevance as it examines the requirements for multi-purpose halls and child care facilities.

### *BSCFS multi-purpose halls benchmark standards*

The benchmark standard nominated within the BSCFS for multi-purpose halls is 105m<sup>2</sup> gross floor area (GFA) per 1,000 population.

By way of comparison the *Wollongong Social Infrastructure Planning Framework 2018 – 2028* document noted that the benchmark figure for multipurpose community facilities in NSW local government areas range between 60m<sup>2</sup> and 100m<sup>2</sup> per 1,000 population.

In terms of the planning specifications for multi-purpose halls the BSCFS nominated:

- A minimum size of 250m<sup>2</sup> GFA
- An auditorium size of 170m<sup>2</sup>
- Capability for the meeting hall to be divided into two separate spaces suitable for activities of local groups
- At least two offices for groups or visiting services
- A capability for use for vacation care and after school care (including play areas)
- Kitchen, storage and amenities
- Access for the disabled
- Minimum site area requirement of 2,500m<sup>2</sup> which also allows for 60 car parking spaces to be provided for a 170 seat hall.

The BSCFS nominated the inclusion of child care facilities within the multi-purpose hall proposed for Wollongbar. The nature of this child care consisted of out of school hours, vacation child care, playgroups and occasional child care, as opposed to community based child care facilities.

### *Child care centres general information*

The provision of centre based child care or early childhood education consists of two different types of providers. They are either community (not for profit) or

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private (for profit) centres. Religious organisations such as St Francis Xavier Parish of Ballina also provide child care services.

The St Annes Long Day Care Centre at Skennars Head provides a full range of care and education facilities for children across the 0 to 5 year age range. Its operating hours are 7:30 am to 6 pm Monday to Friday.

Community based child care is provided by not for profit incorporated entities such as the Wollongbar Community Preschool and the Alstonville Community Preschool.

Typically these centres provide preschool education to children between hours such as 8:00 am to 3:30 pm, or 8:30 am to 4:00pm.

Community based preschools or child care centres typically do not provide long day care to 0 – 2 year olds, or occasional care but this is a matter for individual centres to determine.

Private child care providers may provide the full range of child care and early childhood education services.

These include long day care (typical hours of 6:30 am to 6:30 pm), child care for 0 – 2 year olds, 2 to 3 year old toddler care, and pre-school education for 3 – 5 year olds.

### *BSCFS community based child care benchmark standards*

In terms of community based (not for profit) child care the BSCFS assessed a future need to 2026 for an additional 95 places across the shire.

The Pacific Pines Estate at Lennox Head, the community precinct within the Wollongbar Urban Expansion Area (WUEA), and the Cumbalum Ridge development corridor were nominated as candidate areas for the location of new community based child care centres.

The standards nominated in the BSCFS for child care provision (includes all types of child care) are:

- 3.2 child care places per 10 children aged 0 – 4 years
- A minimum site area of 1,500 m<sup>2</sup> for a 40 place centre and
- 30% of assessed demand for child care places to be provided by Council in community based child care facilities. [In 2008 30% of the Shire's child care places were located in community based child care centres developed under Council's auspices. The BSCFS supported the maintenance of this ratio.]

Since 2011 there has been a significant increase in the number of 0 - 4 year olds accessing long day care in Australia.

Information contained in the 2017 ABS Child Care and Education Survey found that nationally the number of 0 - 4 year olds accessing long day care, as a proportion of all children in this age category, increased from 32.5% in 2014 to 36.7% in 2017.

## 8.1 Wollongbar - Community Infrastructure

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The implications of this is that the suggested 3.2 child care places per 10 children (32%) in the BSCFS may no longer meet demand if long day care facilities are incorporated within community based child care centres.

### *Ballina Shire Contributions Plan 2008 (BSCP 2008)*

The BSCP 2008 made provision for open space, community facilities, and access and transport works associated with the WUEA.

In respect to community facilities proposed for Wollongbar the BSCP 2008 made provision for a multi-purpose hall having a gross floor area (GFA) of 250m<sup>2</sup>. The hall incorporated an auditorium capable of seating at least 170 people.

The plan recognized that this proposed new facility would necessitate the acquisition of land.

The land was at that time proposed to be acquired from Council's land holdings located on the former drive-in site. This drive-in site had been purchased in the mid-1990s for investment purposes.

The planning standards used in the BSCP 2008 for multi-purpose halls were similar to those nominated in the BSCFS.

This included a reference to child care but not community based child care centres.

The BSCP 2008 apportioned 100% of the then estimated cost of the multi-purpose hall (\$900,000) and the cost of acquiring a 2,500m<sup>2</sup> site (\$153,000) to development proposed to take place within the WUEA.

The site for the proposed multi-purpose hall was at that time located within a proposed 5,000m<sup>2</sup> community precinct on the corner of Plateau Drive and Rifle Range Road as shown in the Diagram 1 as follows.

The community precinct proposed in 2008 was located on the former drive-in site at a time when a large part of this site (3.8ha) was zoned for open space purposes under the provisions of the 1987 LEP.

The 2012 LEP reduced the zoned open space area to 1.81ha.

This reduction occurred because of the acquisition of the Wollongbar Sports Fields site and the associated planned location of sporting facilities such as the netball courts to this site.

In 2015 a further reduction (from 1.81ha to approximately 1ha) and realignment of the open space occurred because of a Council initiated LEP amendment.

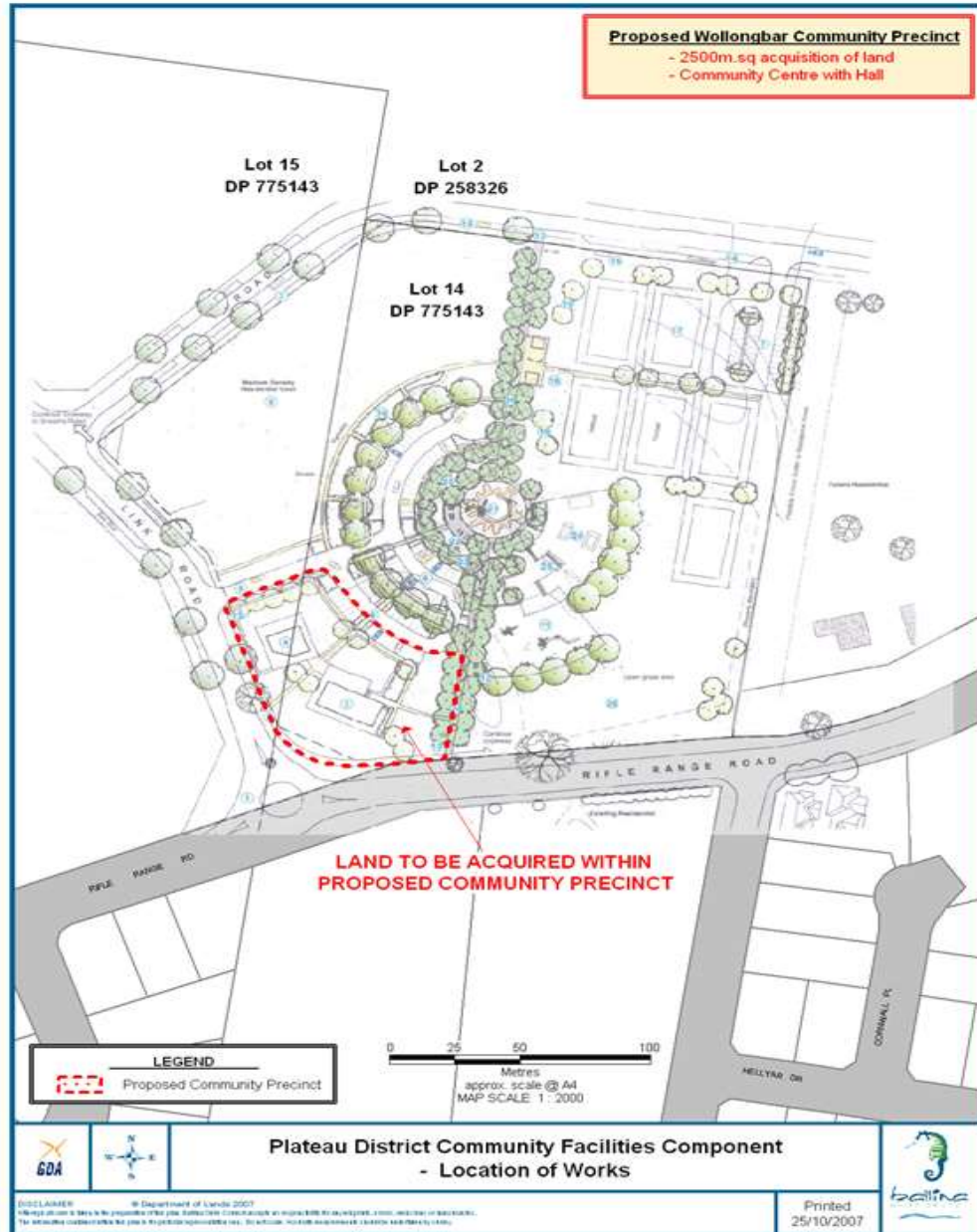
The planning proposal associated with the 2015 LEP amendment indicated that part of the land owned by Council, and adjoining the realigned open space area, would be zoned R3 Medium Density.

This zone also enables its use for the purpose of a child care facility.

## 8.1 Wollongbar - Community Infrastructure

The Commercial Services Committee in December 2013 endorsed an R3 zone for land proposed at that time to be used for a commercial (for profit) child care facility or a community (not for profit) based facility.

Diagram 1- Extract from BSCP 2008 Showing Community Precinct



*Ballina Shire Open Space and Community Facilities Contributions Plan 2016 (BSOSCFP 2016)*

This plan is the current contribution plan for community facilities.

The BSOSCFP 2016 was prepared in 2016 by GLN Consultants and adopted by Council in November 2016.

The BSOSCFP 2016 is scheduled for review in 2020/21 as indicated in the 2019/20 to 2022/23 Delivery Program and Operational Plan.

## 8.1 Wollongbar - Community Infrastructure

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BSOSCFCP 2016 continues to implement the 2008 Ballina Shire Community Facility Strategy (BSCFS), but with modified works schedules that reflect changes to the projected future population growth.

The plan also states that the facility planning benchmarks contained in the strategy remain valid, and have been used to inform an updated works schedule and cost apportionment rationale.

In terms of multi-purpose halls the BSOSCFCP 2016 nominates the following benchmarks (based on the benchmarks contained in the 2008 BSCFS):

- 105 m<sup>2</sup> GFA per 1,000 population, and
- Minimum size of 250m<sup>2</sup> GFA, with an auditorium size of approximately 170m<sup>2</sup>.

A community centre building is incorporated within the BSOSCFCP 2016 for Wollongbar. The works schedule attached to the contribution plan estimates a building value of \$900,000.

No land acquisition component has been included nor have costs been apportioned.

In respect to child care facilities the BSOSCFCP 2016 does not incorporate any references to the provision of land or facilities for a community based child care centre.

When Council considered the 2015 LEP amendment (26/6/2014), which reduced and realigned the open space land located on the former drive-in site, it was proposed that the community land requirements within the WUEA would be addressed during the review of the contributions plan.

The review of the contributions plan is scheduled for 2020/21.

### *Wollongbar Multi-purpose Community Hall Requirements*

Wollongbar has one community hall located in Hall Court. The hall building has a gross floor area (GFA) of 261m<sup>2</sup> with the auditorium having a floor area of 88m<sup>2</sup>. The hall has a stage, kitchen, storeroom, public toilets and separate toilets for playgroups.

A playground, used by a small playgroup associated with the community child care centre, also forms a part of the hall curtilage.

The hall is leased by the Wollongbar Progress Association (WPA). The WPA is in the process (January 2020) of renewing a new three year lease for the community hall.

Hall usage levels have been the subject of discussions with the President of the Wollongbar Progress Association in October 2019 and February 2020. It would appear that the hall, whilst in overall good condition, is underutilised.

The reasons for the underutilisation relate to the availability of meeting space within other facilities located at both Wollongbar and Alstonville.

## 8.1 Wollongbar - Community Infrastructure

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This includes meeting space in church halls, clubs, the tavern and the Alstonville Leisure and Entertainment Centre (ALEC).

In 2019, the four regular users of the hall, during the peak school term periods, used the hall between 13 and 17 hours per week.

Information obtained from hall users indicate that they use this facility due to its central location, fit for purpose design (stage for drama group), and overall amenity offered by this location.

Two of the four regular hall users indicated that they had no plans for expansion.

A third user indicated that they also used hall space at Alstonville and Lennox Head and may seek additional space at Wollongbar in the future.

Based on the 2016 population of Wollongbar (2,828 people), and applying the 105m<sup>2</sup> per 1,000 population benchmark for multi-purpose halls, indicates that approximately 300m<sup>2</sup> of hall floor space would be required.

The existing hall (261m<sup>2</sup>) is considered to be generally compliant with this benchmark.

The population of Wollongbar has been estimated to grow by an additional 2,200 people to 2038.

Such an increase would require an additional 230m<sup>2</sup> of multi-purpose hall space if the existing benchmark is applied.

The usage of the Alstonville Leisure and Entertainment Centre (ALEC) was also examined to determine whether any Wollongbar based groups use this facility.

It was found that no Wollongbar based groups use this facility but on occasions Wollongbar residents hire the multi-purpose room for private functions.

The ALEC has significant additional capacity to supply community meeting room space, if required by Wollongbar based groups.

Based on the analysis undertaken, there is no immediate need for a new community hall at Wollongbar.

### *Wollongbar Child care Requirements*

The provision of community based child care facilities has not been a part of Council contribution plans since 2008, primarily as the private sector has played a far more active role in this industry for the last 15 to 20 years.

The 2008 Community Facilities Strategy suggests that 30% of the demand for child care be provided in community based child care centres developed under Council's auspices. Typically through the provision of land which has been the model adopted by Council with services provided on Council owned or controlled land at Fox Street, River Street, Lennox Head, East Ballina, Alstonville and Wollongbar.

## 8.1 Wollongbar - Community Infrastructure

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In 2016 Wollongbar had a population of 2,828 people. There were 164 children in the 0 - 4 year age category. This being 20 more children than were contained within this age category in 2011.

This number of children generates a demand for 52 child care places (community and private) applying the criteria contained in the 2008 BSCFS (3.2 placed per 10 children aged 0 - 4 years).

Wollongbar village currently contains one community based child care facility, and one commercial child care centre.

The community based child care centre (Wollongbar Community Preschool) is located at 5 Hall Court (Council owned community land). This centre was approved in 1987 and has an approved capacity for 29 children. The centre is a one room centre with all children located within the one learning room.

Whilst there are currently no plans to extend the Hall Court child care centre, there may be some potential for this centre to be expanded into a two room centre in the future, if required.

Perceived amenity impact concerns, as well as car parking, drop off / pick up issues would need to be addressed with any expansion proposal.

The Director of the Wollongbar Community Preschool has indicated that the centre is currently operating at capacity. The preschool was fully booked for 2020 since early October 2019. It commenced term one of 2020 with all 29 places being filled.

According to the Director this is the first year that this has occurred. In previous years between 10 and 15 spaces would be available across the week.

In terms of future needs the Director indicated that the centre currently has one preschool room and that this limited the number of children that could be accommodated on site.

Potentially there is room for one additional place. Beyond that the options relate to the building of another centre or to examine the feasibility of extending the existing centre.

The Director also indicated that the preschool recently obtained funding for the establishment of a kitchen garden. The garden is to be established on land at the rear of the Wollongbar Community Hall, which can be accessed from the preschool outdoor play area.

A commercial child care centre is located at 3 Smith Lane, Wollongbar (The Learning Cottage formerly Little Angels Day Care Centre).

This centre provides long day and preschool care in the 0 to 6 year age category for up to 46 children.

This centre was estimated to be operating at approximately 85% capacity (40 children) prior to the start of the 2020 school year but then lost some enrolments once school resumed.



## 8.1 Wollongbar - Community Infrastructure

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Centre management stated that enrolment numbers were cyclical with the centre now in the process of again building up enrolments.

It is estimated that by 2038 Wollongbar will have a population of approximately 5,000 people of which 290 can be expected to be in the 0 - 4 year old age category (126 more children than in 2016).

If the 2008 child care supply benchmark is applied it indicates 93 child care places should be provided by 2038. Of these approximately 30 would be in a community based facility.

Given that there are already 75 Wollongbar based child care places available in 2020, of which 29 are in a community based centre that is operating at capacity, it may indicate a need for the 2008 standard to be reviewed to take into account the increase in children 0-4 years accessing long day care nationally, as indicated in the 2017 ABS Child Care and Education Survey.

The 2008 benchmark also does not reflect the change in funding that has occurred, from State and Federal sources, for child care places since 2008.

Fee subsidy funding (part of the National Quality Framework for Early Childhood Education and Care, and the NSW Strong Start program) is available to provide children, aged 3 to year before school, with up to 15 hours of child care per week if enrolled in community preschools.

### *Wollongbar Community Facilities Land Requirements*

The analysis of community facility needs for Wollongbar, undertaken during the preparation of this report, indicates that the existing community hall has surplus capacity. It readily meets the needs of the existing Wollongbar population as evidenced by the level of permanent hall bookings.

When considered in the context of other hall and meeting room space available at Wollongbar and Alstonville, it is possible that the existing Wollongbar hall could continue to meet a significant portion of the future community hall needs for Wollongbar based residents in the period to 2038.

Existing and planned future community facilities located at Alstonville (approximately 3.6km from the Wollongbar Community Preschool / Hall to the ALEC) may also be a relevant consideration when considering the specific community facility needs of the Wollongbar community.

For example if a new library facility is built at Alstonville, which incorporates meeting room space, then this may influence demand for meeting room space in Wollongbar.

It is likely that continued increases in demand for community based child care facilities on the plateau will drive demand for either increased capacity within the existing centre or the building of a new centre before 2038.

The Alstonville Community Preschool, which opened in February 2016, is providing weekly child care for up to 110 children. On a daily basis up to 50 children access this facility. In mid February 2020 the centre had capacity for an additional 13 child places.

## 8.1 Wollongbar - Community Infrastructure

Very few of the children attending the Alstonville centre originate from Wollongbar with the centre mostly meeting demand for child care places from Alstonville based parents.

In the event that further analysis of existing and proposed community facility needs for Wollongbar to 2038 supports additional preschool (child care) facilities, and a new multi-purpose community hall, then land availability may become a critical factor.

Located within the approved subdivision of the former drive-in site is proposed Lot 31. This lot is suitable for community infrastructure use due to its location adjoining the proposed district park, its generally flat topography, and it being Council owned land.

The Statement of Environmental Effects submitted with the subdivision application nominates the potential uses for Lot 31 as including medium density residential and a child care centre. Diagram 2 is an extract from the approved subdivision plan, which shows the location of proposed Lot 31.

**Diagram 2 - Extract from DA 2018/753 Approved 6 September 2019**



The area of proposed Lot 31 is 3,270m<sup>2</sup>. This area is sufficient for a 40 place preschool and multi-purpose community hall assuming co-location of parking and access facilities.

Council's current financial planning has this lot identified for sale as part of the Wollongbar Urban Expansion Area residential development, with an indicative sale price of \$1.4million.

## 8.1 Wollongbar - Community Infrastructure

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There has been commercial interest in this site from private child care operators, therefore Council will need to make a decision, at some point in time, as to whether the land is sold or retained.

### *Types of Community Infrastructure*

Contemporary community infrastructure is divided into *hard* and *soft* infrastructure. *Hard* infrastructure relates to buildings and other physical assets. *Soft* infrastructure relates to social facilities, groups and services available within the community.

New communities typically need *hard* and *soft* infrastructure to better create a sense of community and identity.

For example a playgroup needs a building space in which to meet (*hard* infrastructure) as well as group administrative structure (*soft* infrastructure).

Council has a role in facilitating *soft* infrastructure. That role includes identifying the types of community groups important from a community building perspective and to develop strategies which facilitate such groups being established.

Action 3 of the Wollongbar Strategic Plan 2019 – 2039 provides for Council to encourage the establishment of Wollongbar specific services and community groups. Such groups are the *soft* infrastructure that will be required as Wollongbar's population continues to grow over the next 20 year period.

### *Scheduled Review of Ballina Shire Open Space and Community Facilities Contributions Plan 2016 (BSOSCFCP 2016)*

The review of BSOSCFCP 2016 is due to be undertaken in the second half of 2020.

The review of the BSOSCFCP 2016 should include a review of the 2008 Community Facilities Strategy.

The review of the 2008 Community Facilities Strategy would focus on Shire specific benchmarks for facility supply. This would include consultation with existing and potential users of existing facilities.

It could also include consideration of the *soft* infrastructure needs of new and expanding communities and the degree to which Council has a role in this regard.

The review of the community infrastructure needs of Wollongbar is a high priority action contained within the Wollongbar Strategic Plan 2019 – 2039.

### **Sustainability Considerations**

- **Environment**  
Not Applicable.
- **Social**  
The provision of community infrastructure facilities such as community centres and child care facilities assist community building. This is

## 8.1 Wollongbar - Community Infrastructure

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particularly so in new or expanding population centres which often do not contain sufficient community meeting places.

- **Economic**

There may be significant cost implications associated with allocated land for community use that would otherwise be developed for commercial purposes. The mechanism of the contributions plan may be used to recoup all or some of the associated costs depending on the apportionment rationale developed.

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

The review of the Ballina Shire Open Space and Community Facilities Contributions Plan 2016 must be undertaken in accordance with the provisions of the Environmental Planning and Assessment Act and Regulations.

This report has highlighted that there may also be a need to review the applicable community facility benchmarks contained within the 2008 Community Facilities Strategy and to consider *soft* community infrastructure needs.

There are resource and financial implications associated with the proposed reviews. The anticipated costs associated with the review of the contributions plan and community facilities strategy are proposed to be funded, at this stage, from the administration component of the existing contribution plan.

### **Consultation**

Consultation has taken place with the President of the Wollongbar Progress Association, the Director of the Wollongbar Community Preschool, users of the Wollongbar Community Hall (4), staff of the Alstonville Community preschool and staff employed to manage bookings at the Alstonville Leisure Centre.

During the review phase of the community facilities strategy, targeted consultation with existing and prospective users of community facilities on a broader shire basis is proposed.

### **Options**

The options available to Council when considering the community facility needs of the Wollongbar community include the following:

*Option 1 - Incorporate the review of the 2008 Ballina Shire Community Facilities Strategy with the review of the 2016 Open Space and Community Facilities Contributions Plan, and place on hold the possible sale of proposed Lot 31, in the approved subdivision (DA 2018/753), until a strategy is confirmed for future community facilities.*

This is the recommended option. Adoption of this option would provide Council with the opportunity of reviewing community facility benchmarks.

It would also provide an opportunity to consider the specific demand for community facilities at Wollongbar as well as elsewhere in the Shire.

## 8.1 Wollongbar - Community Infrastructure

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In addition, it would enable Council to confirm a suitable site for such facilities at Lot 31 if the demand is required, subject to the foregone opportunity cost of selling the land, at Wollongbar in the period to 2038.

*Option 2 - Proceed with the review of the Open Space and Community Facilities Contributions Plan without reviewing community facility benchmarks or designating proposed Lot 31 for community facilities.*

This option is not recommended. It has been some time since community facility benchmarks were originally developed (2004 to 2008) and there is no guarantee that they reflect current demand for community facilities in Ballina Shire.

Not taking the opportunity to secure a suitable site for community facilities at Wollongbar is also considered a lost opportunity, which may result in additional costs being incurred at a future time.

*Option 3 - Determine that the community facility needs of the Wollongbar community would be best met by incorporating provision for an additional 40 place child care centre and multi-purpose community hall within the Open Space and Community Facilities Contributions Plan when it is reviewed in 2020.*

This approach is not recommended, as the need for these facilities within a new site at Wollongbar has not yet been definitively established.

One of the objectives of reviewing community facility benchmarks is to enable consultation to take place with existing and prospective users of facilities. It may be that different localities require different standards to be applied. Such standards would ideally also have regard to facilities already available in Council or other centres (church and school as examples).

Whilst this option is not recommended, should Council determine that this option should be adopted, then it is suggested that proposed Lot 31 also be designated as the site for proposed community facilities.

*Option 4 - Defer consideration of this report to a Councillor Briefing or request an additional report into an aspect not sufficiently discussed.*

This option is available to Council should it consider that additional information is required.

At this stage, the report recognizes that additional information will be required to adequately determine the community facility needs of Wollongbar and Ballina Shire.

To that extent it may be difficult to provide Council with additional information until the recommended reviews have been undertaken.

### **RECOMMENDATIONS**

1. That Council include a review of the Ballina Shire Community Facilities Strategy 2008, and the Open Space and Community Facilities Contributions Plan 2016 as actions in the 2020/21 Operational Plan.

## **8.1 Wollongbar - Community Infrastructure**

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2. That proposed Lot 31, in the approved subdivision (DA 2018/753), not be sold, until adoption of the documents referenced in point one confirms whether or not the site is required for Council owned community facilities at Wollongbar.

### **Attachment(s)**

Nil

## **8.2 Coastal Management Program - Lake Ainsworth, Lennox Head**

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### **8.2 Coastal Management Program - Lake Ainsworth, Lennox Head**

#### **Delivery Program**

Environmental and Public Health

#### **Objective**

To present the outcomes of the public exhibition of the Lake Ainsworth Coastal Management Program (CMP) and seek direction on submission of the CMP to the Minister for the Environment for approval.

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#### **Background**

Council resolved at the October 2019 Ordinary meeting to place the draft Lake Ainsworth Coastal Management Program (CMP) on public exhibition.

The draft CMP was placed on public exhibition between 29 October 2019 and 6 December 2019.

There were 10 submissions received in response to the exhibition. These are addressed in a submissions report prepared by project consultant, Hydrosphere (Attachment 3).

The final draft CMP has incorporated changes in response to the feedback received during the exhibition process. These changes are generally minor in nature. However, two more substantial changes are recommended as detailed in this report.

The CMP preparation process has progressed to the final stages. To complete the process, Council endorsement of the CMP and authorisation to send the CMP to the Minister for the Environment for approval is sought.

Approval of the CMP by the Minister will complete the programs preparation.

A copy of the CMP, as amended in response to the public exhibition, is included under separate cover as Attachment 1.

#### **Key Issues**

- Contents of CMP
- Actions and costs identified in the CMP
- Submission of CMP to Minister

#### **Information**

The CMP presents a contemporary investigation into issues relating to ecosystem health and community uses relevant to Lake Ainsworth. Various potential management options aimed at addressing the identified issues were investigated. The CMP refines these options into a suite of practical management actions that are recommended for implementation.

Some of the actions will require consent or approvals from State agencies to proceed. Approvals will be sought as required.

## **8.2 Coastal Management Program - Lake Ainsworth, Lennox Head**

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DPIE – Coast and Estuaries (formally OEH) have reviewed the CMP and have provided positive feedback. The CMP is still required to be submitted to the Minister who will assess whether the document is fit for approval or not.

Submissions were also received from several key stakeholders including DPIE - Crown Lands, NSW Office of Sport and several community groups.

Consideration of the submissions received resulted mainly in minor changes to the CMP.

The two additional actions that have been recommended, and have been included in the attached document, are as follows:

1. The provision of a shared pathway linking the Lennox Head CBD to the Lake precinct to encourage alternative transport to the Lake (refer to action 18) and
2. Installation of a raised boardwalk through the vegetation on the western side of the Lake to manage the increasing use of this area and to minimise resulting impacts (refer to action 15).

The provision of a shared pathway seeks to provide enhanced connectivity and accessibility between the village centre and the Lake.

An improved pathway connection between the village centre and the Lake may encourage more people to walk and/or cycle to the Lake instead of drive.

This may assist with the management of car parking around the Lake.

The shared pathway would also extend the coastal pathway link north of the Lennox Head village centre. Connectivity between existing shared pathway infrastructure south of the village centre and this proposed pathway to the north through the village centre is being investigated as part of the Lennox Village Vision project (village centre upgrade project).

Improving connectivity and accessibility is consistent with objectives in the adopted Ballina Coastal Reserve Plan of Management. This is reinforced with the management objective within the plan to “provide a continuous cycleway/walkway in appropriate areas, sensitive to community needs and environmental constraints”.

Council has a current requirement under the Crown Lands Management Act (2016) to undertake a review of the applicable Plan of Management by 30 June 2021, and can further consider connectivity and access as part of this review process.

Preliminary Native Title Manager advice has identified that proposed access improvements works would constitute a valid future act.

The installation of a raised boardwalk on the western foreshore is a measure proposed to limit the environmental damage occurring as a result of increased use of this area. Other measures include increased vegetation maintenance, signage and ranger patrols, as well as engineering design to restrict access to most of the western foreshore.



## **8.2 Coastal Management Program - Lake Ainsworth, Lennox Head**

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The shared pathway will add approximately \$295,000 to the CMP implementation costs and the raised boardwalk on the western side will add up to \$445,000 depending on the design and length.

The cost for the shared pathway could be offset by delaying or not providing a peak time shuttle bus between the village centre and the Lake (see action 18).

The cost of this bus is estimated at \$25,000 commencing in the third year of the program's implementation as set out in Attachment 1 and 2 (in relation to action 18).

An option in this regard is to specify Council's preferred approach to a bus by amending the CMP to adjust the relevant action before submission of the document.

Given the recent upgrade works at Lake Ainsworth there has been high usage of the Lake and surrounds by the community and visitors.

The approval and implementation of the CMP is an important step in ensuring the area is protected and enhanced for the community and natural environment into the future.

### **Sustainability Considerations**

- **Environment**

The CMP protects and enhances the environment whilst noting constraints on natural processes created by man-made features and other infrastructure.

- **Social**

Lake Ainsworth is a popular recreational area of significance to locals and visitors to the Shire. The CMP recognises the aesthetic, recreational and environmental values of Lake Ainsworth along with the anticipated Shire's growth and development.

- **Economic**

Lake Ainsworth is a prominent tourist attraction, which provides for passive and active recreation as well as providing important environmental values. This attraction creates important benefits to businesses in the Shire, which in turn benefits Lennox Head, and the broader Shire economically.

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

The proposed ten year cost for the implementation of the CMP is \$2,984,000. The funding is to be allocated similar to that outlined in the October 2019 Council report. A business plan that can be used to inform funding decisions through the long term financial plan is contained in Attachment 2.

The business plan sets out estimates for action implementation to guide allocation of Council funding. Once the CMP is approved by the Minister, Council can apply for grant money to implement it on a 1:1 funding model from DPIE – Coast and Estuaries.

## **8.2 Coastal Management Program - Lake Ainsworth, Lennox Head**

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In respect to the business plan, the April 2020 Finance Committee meeting, will include a funding report in respect to all the various non-recurrent community infrastructure projects that are priorities for Council.

If Council proceeds with funding \$500,000 of the cost of the Lennox Head Rural Fire Service station relocation from the Federal Government's National Bushfire Recovery Agency grant program, it does create opportunities to fund works identified in this CMP, albeit that the program delivery will still be heavily dependent on grant funding.

The report to the April 2020 Finance Committee meeting will confirm what is able to be achieved in the short to medium term and what actions may need to be deferred.

### **Consultation**

The CMP has been developed following extensive consultation within Council, the community, relevant stakeholders and various Government Departments. The specific consultation undertaken is detailed in section 1.4 of the CMP.

Submissions received in response to the exhibition are addressed in Attachment 3.

### **Options**

*Option 1 - That Council approves the CMP and proceeds with submission to the Minister for the Environment for approval and certification.*

The CMP provides long term direction for the management of Lake Ainsworth.

Having regard for the investigations and analysis undertaken, and the outcomes of the public exhibition process, it is recommended that the CMP, as amended, is endorsed for submission to the Minister.

Once endorsed by the Minister, Council will be able to seek State Government grant funding to support the implementation of the identified actions.

Option 1 is the recommended approach.

*Option 2 - That Council approves the CMP, with amendments detailed by Council, and proceeds with submission of the amended CMP to the Minister for the Environment for approval and certification.*

This option is available should the Council wish to make amendments to the CMP before it is submitted to the Minister for approval and certification.

*Option 3 - That Council not approve the CMP as attached.*

This option is not recommended. The already high usage of the Lake and surrounds by the community and visitors has been intensified by the recent upgrade works surrounding Lake Ainsworth.

Approval and implementation of the CMP is an important step in ensuring the area is protected and enhanced for the community and natural environment into the future.

## **8.2 Coastal Management Program - Lake Ainsworth, Lennox Head**

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*Option 4 - That Council defer the decision to a later Council meeting.*

This option is available to Council should it consider that additional information is required before a decision can be made on whether to approve the CMP for submission to the Minister for certification.

### **RECOMMENDATIONS**

1. That Council approves the Lake Ainsworth Coastal Management Program, as attached to this report.
2. That Council submit the Lake Ainsworth Coastal Management Program to the Minister for the Environment for approval and certification in accordance with the NSW Coastal Management Manual.
3. That Council receive a report to the April 2020 Finance Committee meeting outlining a preferred funding strategy, and sources, for the implementation of the actions identified in the Lake Ainsworth Coastal Management Program.

### **Attachment(s)**

1. Lake Ainsworth - Coastal Management Program (Under separate cover)
2. [Lake Ainsworth - Coastal Management Program - Business Plan](#)
3. [Lake Ainsworth - Coastal Management Program - Submissions Report](#)

### **8.3 Ballina Community Markets - Provision of temporary toilets**

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#### **8.3 Ballina Community Markets - Provision of temporary toilets**

**Delivery Program**

Open Spaces and Reserves

**Objective**

To determine a response to concerns from the Ballina Community Market regarding the provision of temporary toilet facilities.

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#### **Background**

Council records indicate that the Ballina Community Market has operated from the Canal Road site from in or about the early 2000s. Prior to that, the market was operated from Fawcett Street, Ballina. The relocation to Canal Road occurred when Council commenced upgrading the foreshore area at Fawcett Street.

The East Ballina Lions Club have been operating the market since 2005.

At the time of relocation the Canal Road site was Crown Land under the management of Council. However, during 2012, Crown Lands and Council “swapped” that parcel of land for a parcel of Department of Education owned land adjacent to Saunders Oval. This land swap was intended to provide an expansion option for the TAFE campus, and allow for the establishment of additional sporting fields at Saunders Oval.

As part of this process, Council was granted a 5 plus 5 year lease over the land for the purposes of community access and market operation. The result is that while Council does not own the land, which the markets operate on, Council secured an interest in the land for ten years commencing in 2011.

This lease is due to expire during 2021 with no options to extend in the current agreement.

Due to the length of time over which the market has operated on the current site, the market has not been subject to the provisions of Council’s markets policy. Further, Council does not charge a rental fee for use of the site as a community market.

Storage and toilet facilities utilised on the site by the East Ballina Lions for the purpose of the markets were destroyed by arson in April 2018.

A briefing was provided to Councillors in September 2018 regarding the short and long term response to the incident.

Since that time, temporary toilet facilities have been provided by Council using insurance monies. The insurance monies are, however, running out with sufficient funds available to provide temporary toilets from this source until April 2020.

Staff have communicated the above to the East Ballina Lions Club. In response, Council has received correspondence from the East Ballina Lions, dated 28 February 2020, which is provided as Attachment 1.

### **8.3 Ballina Community Markets - Provision of temporary toilets**

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As resolved at the 25 July 2019 Ordinary meeting, Council has agreed to provide key 'event sites' in various locations to accommodate large community events, including markets. A copy of this previous report is provided as Attachment 2.

In this context it is anticipated that the Ballina Community Market may relocate to Pop Denison Park once the upgrade works are complete. However, although stage 1 works are anticipated to be completed in the 2020/21 financial year, stage 2 and 3 works (which include improved amenities, car parking and play equipment) are currently not funded and a date for completion of these works is consequently unknown at this time.

The purpose of this report is to present options for Council's consideration with respect to this matter.

#### **Key Issues**

- Community markets
- Community donations
- Long term options

#### **Information**

The continued operation of the Ballina Community Markets at the Canal Street site is complicated by:

- Council does not own the current market site, with the lease set to expire on 16 October 2021
- It is currently uncertain when the site identified for potential relocation of the market, being Pop Denison Park, will be in a state suitable to accommodate community events, following completion of planned improvement works
- Funding for temporary amenities (toilets) at the Canal Street site is due to expire by 20 April 2020
- The potential for a temporary or interim relocation to an alternative site is complicated by a development application being required for markets above 30 stalls. Additional issues may also apply in the case of other Council managed sites depending on their status under the Local Government Act or Crown Land Management Act, further complicating potential interim options.

The correspondence received by Council from the East Ballina Lions Club, the managers of the Canal Street Markets, makes the following points regarding the community benefits associated with the community market (in summary):

- Provides low cost community atmosphere with affordable food and free entertainment
- Provides free stall sites for local charities fund raising efforts
- Is a major fund raising activity for the East Ballina Lions Club with money raised being donated to many charitable causes
- Provides a regular performance space for the Ballina Concert Band and
- Provides the cheapest stall fees in the region at \$15 per stall.

### 8.3 Ballina Community Markets - Provision of temporary toilets

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The East Ballina Lions go on to say that the loss of the storage shed and toilet in April 2018 threatened the continued operation of the market however Council's provision of portable toilets (from insurance monies) has allowed the market to continue. However, with the depletion of the insurance monies the club requests that Council continue to finance the provision of temporary toilets to preserve the profitability and viability of the market going forward.

The club also looks forward to working with Council to secure a relocation site to provide for the continued operation of the community market following the expiration of Council's lease with TAFE over the current site.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Community markets contribute to the social environment of the shire.
- **Economic**  
The operation of community markets contribute to the economic wellbeing of the shire.

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

It is estimated that the provision of temporary toilets would cost \$440 per month or \$5,280 per year. Consequently, continuing to provide temporary toilets to the site would incur Council costs of \$7,920 over the remaining term of the site lease (from 14 April 2020 to 16 October 2021).

Due to the period of time for which the market has been operating on the current site, the market is currently not licensed in accordance with Council's current markets policy, as the requirements of the markets policy apply to proposals arising after the introduction of the policy. Notwithstanding, the market will be required to comply with the terms of the markets policy when management arrangements or location change.

#### **Consultation**

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

#### **Options**

The following options are presented for Council's consideration.

*Option 1 – Council could resolve to finance the provision of temporary toilets to the Ballina Community Markets until such time as an alternative market site is secured.*

Council may select this option should there be the view that the financial costs associated with this option are outweighed by the community benefits associated with the market and associated charitable activities of the East Ballina Lions Club.

### **8.3 Ballina Community Markets - Provision of temporary toilets**

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*Option 2 – Council could decline to finance the continued provision of temporary toilets to the Ballina Community Markets and invite the managers of the market to explore other options for improving the viability of the community market.*

Council may select this option if there is the view that the costs associated with running community markets is a matter for the market managers and that other options could be explored such as raising stallholder fees (currently the regions lowest).

This option could also involve recommending that the East Ballina Lions Club seek to secure Council funding support through the annual community donations program, as has been sought in the past by other managers of community markets within the shire.

This option is consistent with the approach taken with other community markets in the shire.

*Option 3 – Council could resolve to defer the consideration of this matter and hold a Councillor briefing to receive further information.*

This option is presented should the Council wish to receive further information on the operation of markets via a Councillor briefing.

*Option 4 - A final option is a combination of options one and two.*

Council could pay for the toilets to the end of June, which then gives the East Ballina Lions Club time to apply for the annual community donations program.

This means that Council would pay for the toilets for the period from 14 April to 30 June 2020, at an estimated cost of \$1,000. This expenditure can be absorbed into existing budgets and the recommendation supports this approach.

Finally, it appears that the markets may also be cancelled for a period of time, which will eliminate the need for funding from Council in the short term. Nevertheless the recommendation remains relevant for when the markets do re-commence operating.

#### **RECOMMENDATIONS**

1. That Council confirms that it will continue to fund the provision of temporary toilets to the Ballina Community Markets to 30 June 2020.
2. That in respect to the period from 1 July 2020 onwards, the market managers are invited to apply for funding from Council's annual Community Donations program, with that program to be advertised during May and June.

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

1. [East Ballina Lions Club - Provision of Temporary Toilets](#)
2. [Council Report - 25 July 2019 - Community Events and Markets on Public Land](#)

## 8.4 Development Applications - Works in Progress - March 2020

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### 8.4 Development Applications - Works in Progress - March 2020

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

Further information relating to each application listed is available via Council's DAs online portal (accessible via [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au)).

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 99 residential lots, five super lots subject to future development, constructions of roads, installation of essential services and infrastructure, excavation works including cut and fill and retaining walls, stormwater drainage infrastructure including detention basins and piping of creek, vegetation clearing, landscaping works and temporary signage	Amended proposal on exhibition
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	Being assessed



#### 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
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
2018/746	5/12/2018	Ardill Payne & Partners	Alterations and Additions to the Ballina Central Shopping Centre, comprising the addition of one pad site, new commercial floor space and alterations to the car parking area – 44 Bangalow Road, Ballina	Determination pending
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	Awaiting additional information
2019/21	21/1/2019	Ardill Payne & Partners	Amended Proposal: Establishment of a Detached Dual Occupancy involving the relocation of a dwelling, and the erection of a new holiday cabin and associated works – 208 Fernleigh Road, Tintenbar	Determination pending

#### 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
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 floor levels, business premises at second floor level 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.	To be reported to Council for determination (Resolution 281119/15)
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
2019/170	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	Subject to Land and Environment Court appeal

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/223	11/4/2019	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.	On Exhibition.  To be reported to Council for determination (Resolution 241019/18).
2019/283	7/5/2019	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	Awaiting additional information
2019/316	20/5/2019	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	Awaiting additional information

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/376	11/6/2019	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	Awaiting Additional Information
2019/402	19/06/2019	Northern Rivers Land Solutions	Subdivision of two existing lots to create two modified lots being one 18.45 ha and one 49.9ha allotment – Tamarind Drive & Ballina Heights Drive, Cumbalum	Determination pending
2019/438	03/07/2019	Ardill Payne & Partners	To undertake the Torrens Title Subdivision of 4 x existing vacant lots to create 10 x vacant residential lots – 25-39 Fitzroy Street, Wardell	Awaiting additional information
2019/465	18/7/2019	Newton Denny Chapelle	To establish a warehouse or distribution centre for the storage of road base material pending its sale – Teven Road, West Ballina	Determination pending
2019/499	2/8/2019	Planners North	Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina	Awaiting additional information

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/505	6/8/2019	Newton Denny Chapelle	Construction of Multi Dwelling Housing development comprising three detached single-storey dwellings and associated earthworks, driveways and landscaping, and Strata Title Subdivision – 12 Cowrie Street, Lennox Head	Being assessed
2019/535	21/8/2019	Ardill Payne & Partners	To undertake a development in four stages comprising: Stage 1 - Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 – area of 801m <sup>2</sup> and Proposed Lot 3 – area of 1090m <sup>2</sup> ), Stage 2 - Erection of a Two Storey Dwelling on Proposed Lots 1, 2 and 3 Stage 3 - Strata Subdivision of Proposed Lots 1, 2 and 3 Stage 4 – Erection of a New Dwelling on each Vacant Strata Lot to create a Detached Dual Occupancy – 26-30 Fitzroy Street, Wardell	Awaiting additional information
2019/617	25/9/2019	Jamie Hoile	Vegetation management works comprising the removal of one tree – 2 Sunrise Crescent, Lennox Head	Being assessed
2019/643	4/10/2019	DJ Hauenstein	Vegetation management works comprising the removal of 13 trees – 67 Northumberland Drive, East Ballina	Being assessed
2019/666	16/10/2019	GHD Pty Ltd on behalf of Ballina Shire Council	Upgrades to the Marom Creek Water Treatment Plant – 65 Weis Lane, Rous	Being assessed

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/667	16/10/2019	Northern Rivers Land Solutions	Temporary Storage Premises, Truck Depot and Landscape Material Supplies – 14 Kays Lane, Alstonville	Awaiting additional information
2019/669	17/10/2019	Victor Holmes Town Planning	Two lot Torrens Title Subdivision to create one 600m <sup>2</sup> allotment and one 539m <sup>2</sup> allotment (below the 600m <sup>2</sup> minimum lot size development standard of the Ballina LEP 2012), demolition of gazebo, carport and swimming pool, site filling and drainage, infrastructure servicing, vegetation management works and associated works – 23 Skinner Street, Ballina	Awaiting additional information
2019/672	17/10/2019	Ardill Payne & Partners	Change of use of two of the existing industrial units (units 1c and 2b) to warehouses and unit 2c to gymnasium – 40 De-Havilland Crescent, Ballina	Awaiting additional information
2019/691	28/10/2019	Planners North	Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 10 two storey dwellings – Lot 6 DP 1225206 (approved Lot 345 in DA 2017/244) - The Coast Road, Skennars Head	Awaiting additional information
2019/694	28/10/2019	Planners North	Tourist and Visitor Accommodation comprising eight holiday cabins, communal recreation building and an information education facility for the purposes of a cooking school - 841 Fernleigh Road Brooklet	Awaiting additional information

#### 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/697	29/10/2019	Luke Shay	Strata Title subdivision of an existing dual occupancy – 9 Farrelly Avenue, Cumbalum	Awaiting additional information
2019/702	31/10/2019	Ardill Payne & Partners	Residential subdivision to create four lots ranging in size from 1,023sqm to 2,367sqm and associated infrastructure servicing - 81 Teven Road, Alstonville	Being assessed
2019/717	6/11/2019	Ardill Payne & Partners	Construction of a slip lane to Tamarind Drive including consequential modifications to the northern car parking area – 84 Kerr Street, Ballina	Being assessed
2019/729	15/11/2019	Ardill Payne & Partners	Erection of self-storage unit complex – 74 De-Havilland Crescent, Ballina	Being Assessed
2019/736	19/11/2019	D & S Greeney	Proposed Two Lot Torrens Title subdivision, erection of dwelling house and associated swimming pool, earthworks, vegetation removal, access driveway and change of use of existing dwelling to a secondary dwelling – 16 Tara Downs, Lennox Head	Referred to Government departments and awaiting additional information

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/743	22/1/2019	Ardill Payne & Partners	Refurbishment and expansion of the existing caravan park to provide a total of 87 long-term sites and one site for the manager residence/office. The proposal comprises demolition works, earthworks, removal of short-term and camping sites, removal of access from River Street and construction of new driveway access from Emigrant Lane, construction of new amenities and facilities, internal roadworks and car parking - 586 River Street & 21 Emigrant Creek Road, West Ballina	Awaiting additional information
2019/762	29/11/2019	RCS Group	Subdivision by way of boundary adjustment of two existing allotments to create one x 1.2ha and one x 14.9ha allotment - 225 & 249 Moylans Lane, Empire Vale	Determination pending
2019/764	2/12/2019	Ardill Payne & Partners	Erection of a multi-dwelling housing development involving the construction of two x two storey attached dwellings at the rear of the existing dwelling, demolition of existing garage and Strata Title subdivision – 43 Pacific Parade, Lennox Head	Awaiting additional information



## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/765	2/12/2019	Viru Investment Holdings Pty Ltd	Intensification of existing intensive horticulture facility and establishment of associated agricultural processing facility to be carried out as a staged development including construction of additional greenhouse, alteration to existing greenhouse, construction of agricultural processing industry building, construction of farm dam, construction of car park , erection of security fencing and associated landscaping works – 167 Rous Road, Rous	Referred to Government departments
2019/776	11/12/2019	Planit Consulting Pty Ltd	Change of use to establish a Vehicle Sales or Hire Business and Warehouse or Distribution Premises - 2/38 De-Havilland Cres, Ballina	Awaiting additional information
2019/794	12/12/2019	Ardill Payne & Partners	Two lot subdivision by way of boundary adjustment to create one x 42.46ha and one x 1.47ha allotment – Palm Lake Resort, 120 North Creek Road, Ballina	Referred to Government department
2019/799	16/12/2019	P & E Hudson	To formalise and expand an agricultural produce industry (macadamia nut processing and value adding facility) and to carry out associated works – 18 Johnston Road, Newrybar	Awaiting additional information
2019/812	20/12/2019	Ardill Payne & Partners	Erection of an industrial building for general industrial purposes – 64 De-Havilland Crescent, Ballina	Determination pending

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/5	7/1/2020	Newton Denny Chapelle	Subdivision of land by way of boundary adjustment and consolidation of three existing allotments to create one 45ha and one 3.5ha allotment – 39 Pearces Creek Road & 721 Houghlahans Creek Road, Pearces Creek	Awaiting additional information
2020/15	16/1/2020	Anthony Lolohea	Erection of Signage – 166 River Street, Ballina	Awaiting additional information
2020/23	21/1/2020	Newton Denny Chapelle	To establish the Wollongbar District Park including the Skate Park –93 Rifle Range Road & 55 Avalon Avenue, Wollongbar	On exhibition
2020/25	22/1/2020	Planners North	Multi Dwelling Housing Development comprising the Erection and Strata Title Subdivision of 15 Two Storey Dwellings – The Coast Road, Skennars Head	Referred to Government department
2020/28	22/1/2020	PRG Architects	Alterations and additions to the Alstonville Medical Centre - 15 Bugden Avenue, Alstonville	Being assessed
2020/33	28/1/2020	Planners North	To undertake the use of an outdoor area adjacent to bowling green No. 2 for outdoor seating and dining during Club opening hours and including every Sunday during daylight saving hours between 4pm and 7pm with amplified music – 10 Stewart Street, Lennox Head	Being assessed

## 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/49	5/2/2020	A & M Anderson	Subdivision of two existing allotments to create three allotments comprising Proposed Lot 1 (36.5ha), Proposed Lot 2 being a split lot (45.3ha) and Proposed Lot 3 (40ha) – 38 Newrybar Swamp Road, Kinvara and 447 Ross Lane, Lennox Head	On exhibition
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1465mm from the intersection of North Creek Road and Skennars Head Road to an existing sewer pump station east of Castle Drive, Lennox Head. The proposed new pipeline will replace an existing dilapidated main – North Creek Road, Skennars Head Road & Castle Drive, Lennox Head	Awaiting additional information
2020/58	10/2/2020	B Loch	Vegetation management works comprising the removal of one tree – 25 Bonview Street, East Ballina	Being assessed
2020/69	13/2/2020	Ardill Payne & Partners	Demolish an existing shed, change the use of an existing dwelling house and construct a new shed and associated facilities for the purposes of the Ballina community Men's shed, site filling and car parking – 44 Fishery Creek Road, Ballina	On exhibition

#### 8.4 Development Applications - Works in Progress - March 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/83	18/2/2020	Newton Denny Chapelle	Demolition of existing structures and the erection and Strata Title subdivision of a multi-dwelling housing development comprising nine single storey dwellings, earthworks, retaining, servicing and vegetation management works – 167 & 169 Tamar Street, Ballina	On exhibition
2020/84	19/2/2020	Vision Town Planning	Consolidation and Boundary adjustment subdivision to create two x 2ha allotments and one x 27.9ha allotment – 46 Cemetery Road, Rous	Being assessed
2020/86	20/2/2020	G Tranter	Vegetation management works comprising the lopping of one tree – 32 Coral Street, Alstonville	Being assessed
2020/91	24/2/2020	V Vaughan	Strata Subdivision of existing dual occupancy – 49 Farrelly Avenue, Cumbalum	Being assessed
2020/102	28/2/2020	R J Giles	Vegetation management works – 8 Thompson Crescent, East Ballina	Being assessed

## 8.4 Development Applications - Works in Progress - March 2020

### 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	Subject to NRPP's decision on the Site Compatibility Certificate following Land and Environment Court's findings.  Council was not a participant in the LEC proceedings.

#### 8.4 Development Applications - Works in Progress - March 2020

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	Awaiting additional information
2018/321	13/6/2018	Palm Lake 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 - s56A of the Land and Environment Court Act 1979 – appeal on decision made. Listed for hearing on 17 April 2020.

## 8.4 Development Applications - Works in Progress - March 2020

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### Major Development (Determined by Minister)

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

### RECOMMENDATION

That Council notes the contents of the report on the status of outstanding development applications for March 2020.

### Attachment(s)

Nil

**9.1 Use of Council Seal**

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**9. Corporate and Community Division Reports**

**9.1 Use of Council Seal**

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**RECOMMENDATION**

That Council affix the Common Seal to the following document.

US 20/09	That Council as the appointed Crown Land Manager for reserve R54223 approves the use of the Common Seal for the renewal of the 12 month short-term licence between Council and the Tintenbar Tennis Club Incorporated for the period 14 March 2020 to 13 March 2021 at statutory minimum rental.
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**Attachment(s)**

Nil



## 9.2 Investment Summary - February 2020

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### 9.2 Investment Summary - February 2020

#### Delivery Program

Financial Services

#### Objective

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

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#### Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly investments report setting out Council's cash and investments. The report is to be presented at the Ordinary Council meeting, immediately following the end of the respective month. This report has been prepared for the month of February 2020.

#### Key Issues

- Compliance with Investment Policy and the return on investments.

#### Information

Council's investments are in accordance with Council's Investment Policy, and the Local Government Act and Regulations.

The total balance of investments as at 29 February 2020 was \$87,038,300, increasing by \$5 million from January. Council's investments, as at 29 February, were invested at an average (weighted) interest rate of 1.812%, which was 0.929% above the February average 90 Day Bank Bill Index of 0.883%. The balance of the Commonwealth Bank cheque account as at 29 February 2020 was \$6,631,107 increasing by \$2,613,709 from January.

The total movement of investments and bank balances was an increase of \$7,613,709 due to the third instalment of rates and the third Financial Assistance Grant instalment, in addition to significant developer contributions.

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 (incl developer contributions)	External	12.46%
Water (incl developer contributions)	External	24.54%
Section 7.11 Developer Contributions	External	14.94%
Bonds and Deposits	External	3.37%
Other External Restrictions	External	5.13%
Carry Forward Works	Internal	5.03%
Bypass Maintenance	Internal	4.32%
Landfill and Resource Management	Internal	0.08%
Employee Leave Entitlements	Internal	3.72%
Quarries	Internal	1.02%
Property Reserves	Internal	6.76%
Plant and Vehicle Replacement	Internal	1.55%
Road Works	Internal	4.76%
Indoor Sports Centre	Internal	1.79%
Miscellaneous Internal Reserves	Internal	2.50%
Financial Assistance Grant in Advance	Internal	2.78%
Unrestricted		5.25%
<b>Total</b>		<b>100.00%</b>

\* Reflects reserves held as at 30 June 2019

## 9.2 Investment Summary - February 2020

### A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
<b>Grandfathered Investments</b>								
National Australia Bank	Yes	BBB	-	1,788	1,788	0	2.1%	2%
<b>Rated Institutions</b>								
AMP Bank	Yes	BBB+	A2	7,500	7,500	10%	8.6%	
Australian Unity bank	n/a	BBB+	-	7,000	7,000	10%	8.0%	
Auswide Bank	No	BBB	Baa2	-	2,000	10%	2.3%	
Bank of China	Yes	A	A1	3,000	3,000	20%	3.4%	
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.1%	
Bank of Queensland	Yes	BBB+	A3	-	3,000	10%	3.4%	
Beyond Bank	No	BBB	-	2,000	-	10%	0.0%	
Commonwealth Bank of Australia	Yes	AA-	Aa3	4,000	4,000	20%	4.6%	
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.7%	
Defence Bank Ltd	No	BBB	-	2,500	3,500	10%	4.0%	
Greater Bank Limited	No	BBB	-	1,000	-	10%	0.0%	
ING Bank (Australia) Ltd	Yes	A	A3	1,000	1,000	20%	1.1%	
ME Bank	No	BBB	Baa1	5,750	6,750	10%	7.8%	
Macquarie Bank Limited	Yes	A+	A2	12,500	12,500	20%	14.4%	
My State Bank Ltd	No	BBB+	Baa1	6,000	7,000	10%	8.0%	
National Australia Bank	Yes	AA-	Aa3	13,000	13,000	20%	14.9%	
Newcastle Permanent Bld Society	No	BBB	A3	4,700	4,700	10%	5.4%	
Teachers Mutual Bank Limited	No	BBB	Baa1	1,700	1,700	10%	2.0%	
Westpac Banking Corporation	Yes	AA-	Aa3	7,000	7,000	20%	8.0%	98%
<b>Total</b>				<b>82,038</b>	<b>87,038</b>	<b>100%</b>		
<b>Credit Rating Summary as per the Investment Policy</b>			<b>Maximum Allowed</b>		<b>Value</b>	<b>Value</b>	<b>%</b>	<b>%</b>
			<b>%</b>	<b>Value</b>	<b>Previous</b>	<b>Current</b>	<b>Previous</b>	<b>Current</b>
A- or Higher			100%	87,038	41,500	41,500	51%	48%
BBB			60%	52,223	40,538	45,538	49%	52%
<b>Total</b>					<b>82,038</b>	<b>87,038</b>	<b>100%</b>	<b>100%</b>

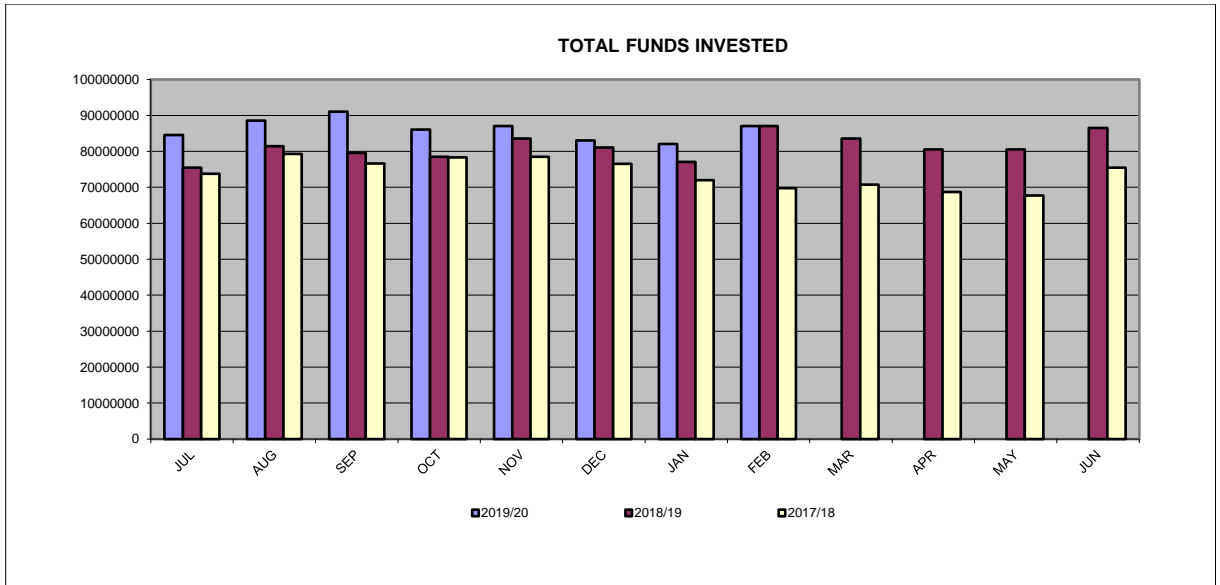
### B. Summary of Investments Fossil Fuel Aligned

	Previous Month (\$'000)	Current Month (\$'000)
<b>Fossil Fuel Aligned</b>	50,788 <b>62%</b>	53,788 <b>62%</b>
<b>Non-Fossil Fuel Aligned</b>	24,250 <b>30%</b>	26,250 <b>30%</b>
<b>Not Classified</b>	7,000 <b>9%</b>	7,000 <b>8%</b>
<b>Total</b>	<b>82,038</b> <b>100%</b>	<b>87,038</b> <b>100%</b>

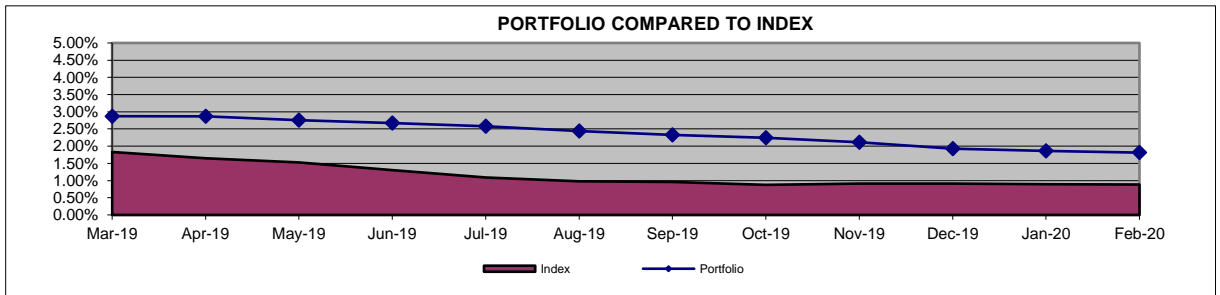
Classification based on advice from 'Market Forces'.

**9.2 Investment Summary - February 2020**

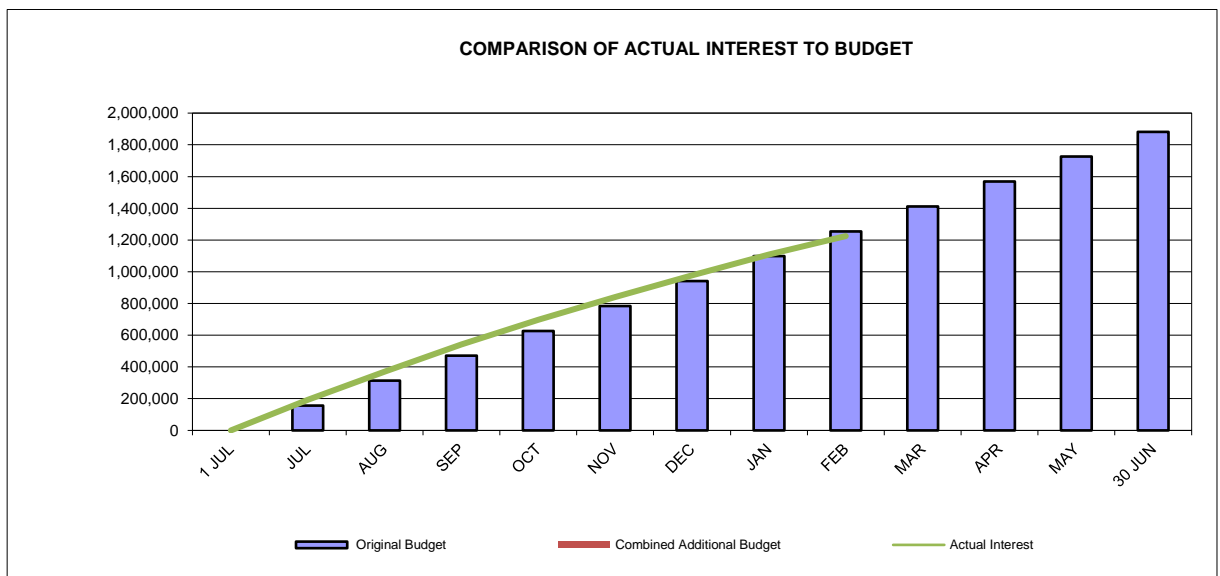
**C. Monthly Comparison of Total Funds Invested**



**D. Comparison of Portfolio Investment Rate to 90 Day BBSW**



**E. Progressive Total of Interest Earned to Budget**



## 9.2 Investment Summary - February 2020

### F. Investments held as at 29 February 2020

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/2004	National Australia Bank (ASX Listed)	FRN	2.85%	Perpetual	1,788	1,679
17/06/2016	Commonwealth Bank of Australia	FRN	1.95%	17/06/21	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	1.96%	30/06/21	1,000	1,000
29/06/2017	Teachers Mutual Bank Limited	FRN	2.34%	29/06/20	1,000	1,000
3/08/2017	Westpac Banking Corporation	FRN	1.91%	03/08/22	2,000	2,000
3/08/2017	Westpac Banking Corporation	FRN	1.95%	18/08/22	1,000	1,000
9/11/2017	ME Bank	FRN	2.16%	09/11/20	750	750
6/02/2018	Newcastle Permanent Bld Society	FRN	2.32%	06/02/23	700	700
2/07/2018	Teachers Mutual Bank Limited	FRN	2.30%	02/07/21	700	700
30/07/2018	Westpac Banking Corporation	FRN	1.82%	31/07/23	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	1.81%	02/08/23	1,000	1,000
6/09/2018	Credit Union Australia	FRN	2.14%	06/09/21	600	600
6/09/2018	Newcastle Permanent Bld Society	FRN	2.32%	06/02/23	1,000	1,000
10/09/2018	AMP Bank	FRN	1.97%	10/09/21	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	2.03%	11/01/24	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.96%	06/02/24	2,000	2,000
21/02/2019	Newcastle Permanent Bld Society	FRN	1.94%	22/02/21	2,000	2,000
22/02/2019	Newcastle Permanent Bld Society	FRN	1.93%	22/02/21	1,000	1,000
26/07/2019	Commonwealth Bank of Australia	FRN	1.93%	26/07/21	1,000	1,000
1/08/2019	AMP Bank	FRN	1.97%	10/09/21	2,000	2,000
7/08/2019	National Australia Bank	TD	1.72%	04/08/20	4,000	4,000
16/08/2019	AMP Bank	TD	2.00%	17/08/20	1,000	1,000
26/08/2019	AMP Bank	FRN	1.97%	10/09/21	1,000	1,000
27/08/2019	Defence Bank Ltd	TD	1.75%	27/08/20	1,000	1,000
4/09/2019	Macquarie Bank Limited	TD	1.75%	03/03/20	3,000	3,000
17/09/2019	Macquarie Bank Limited	TD	1.75%	17/03/20	1,000	1,000
20/09/2019	Macquarie Bank Limited	TD	1.75%	24/03/20	1,000	1,000
26/09/2019	Macquarie Bank Limited	TD	1.70%	28/04/20	1,500	1,500
1/10/2019	Macquarie Bank Limited	TD	1.65%	22/04/20	2,000	2,000
16/10/2019	National Australia Bank	TD	1.60%	10/03/20	3,000	3,000
28/10/2019	Bank of Communications	FRN	1.77%	28/10/22	1,000	1,000
6/11/2019	My State Bank Ltd	TD	1.70%	05/03/20	2,000	2,000
7/11/2019	Defence Bank Ltd	TD	1.65%	10/03/20	1,500	1,500
20/11/2019	Macquarie Bank Limited	TD	1.60%	20/05/20	2,000	2,000
26/11/2019	My State Bank Ltd	TD	1.70%	15/04/20	2,000	2,000
26/11/2019	ME Bank	TD	1.60%	26/08/20	2,000	2,000
28/11/2019	Macquarie Bank Limited	TD	1.60%	03/06/20	2,000	2,000
28/11/2019	Australian Unity Bank	TD	1.70%	10/06/20	1,000	1,000
28/11/2019	Australian Unity Bank	TD	1.70%	25/11/20	2,000	2,000
29/11/2019	Bank of China	TD	1.60%	24/06/20	3,000	3,000
3/12/2019	Australian Unity Bank	TD	1.75%	05/05/20	2,000	2,000
17/12/2019	AMP Bank	TD	1.80%	10/06/20	2,000	2,000
7/01/2020	National Australia Bank	TD	1.60%	07/04/20	3,000	3,000
22/01/2020	National Australia Bank	TD	1.60%	21/04/20	3,000	3,000
28/01/2020	ING Bank (Australia) Ltd	TD	1.65%	21/01/21	1,000	1,000
30/01/2020	Australian Unity Bank	TD	1.65%	11/08/20	2,000	2,000
5/02/2020	My State Bank Ltd	TD	1.70%	11/08/20	2,000	2,000

## 9.2 Investment Summary - February 2020

11/02/2020	Auswide Bank	TD	1.65%	04/02/21	2,000	2,000
19/02/2020	Bank of Queensland	TD	1.60%	19/08/20	3,000	3,000
20/02/2020	ME Bank	TD	1.60%	22/09/20	3,000	3,000
25/02/2020	ME Bank	TD	1.60%	16/09/20	1,000	1,000
26/02/2020	Defence Bank Ltd	TD	1.65%	23/02/21	1,000	1,000
27/02/2020	My State Bank Ltd	TD	1.65%	20/11/20	1,000	1,000
<b>Totals</b>					<b>87,038</b>	<b>86,929</b>
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

### RECOMMENDATION

That Council notes the record of banking and investments for February 2020.

### Attachment(s)

Nil

### 9.3 Donations - Australian Representation

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#### 9.3 Donations - Australian Representation

##### **Delivery Program**

Communications

##### **Objective**

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

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#### **Background**

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

The following request is from a Ballina Shire resident who has been selected to compete in South Africa. The request aligns with the scope of the policy and is considered justifiable in reporting to Council.

#### **Key Issues**

- Community benefit

#### **Information**

##### ***Australian Representation – Ms Serene Peiti***

Ms Peiti has been selected by Hockey Australia Masters to represent Australia at the World Cup 2020 – Over 45s Women's Team and is seeking financial assistance from Council towards travel costs to South Africa. The request for financial assistance is included in Attachment 1.

Council has a policy, *Donations - Australian Representation* that states Council may provide a \$469 contribution for applicants representing Australia overseas. In accordance with the policy provisions, the level of assistance that is able to be provided by Council to an individual, or as a member of a national team, in 2020 is \$469.

Confirmation from Hockey Australia Masters on selection of Ms Peiti as a player to represent Australia at the World Cup 2020 is included in Attachment 2. In accordance with the guidelines for selection, supporting documentation has also been provided, and verified by Council staff, to confirm that Ms Peiti is a resident in our Shire.

#### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
Donations support community groups and individuals in the Ballina Shire.

### 9.3 Donations - Australian Representation

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- **Economic**  
Not Applicable

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

There is no specific budget allocation for the *Donations - Australian Representation* policy as the donation requests are typically ad hoc and the funds donated are relatively minor in comparison to Council's overall budget.

The Community Donations – Financial Assistance for Community Groups budget has funds unallocated and can fund the donation from this budget.

#### **Consultation**

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

#### **Options**

The options are to approve or decline the request.

The application complies with the Council policy and on that basis the recommendation is for approval.

#### **RECOMMENDATION**

That Council approves a donation of \$469 for Ms Serene Peiti towards the cost of travel for her selection in the Over 45's Australian Women's Masters Hockey Team as per Council's *Donations – Australian Representation* policy.

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

1. Attachment 1 - Request for Financial Assistance - Serene Peiti
2. Attachment 2 - Notice of Team Selection - Serene Peiti

## 9.4 Tender - Screening and Security Services, Airport

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### 9.4 Tender - Screening and Security Services, Airport

#### **Delivery Program**

Commercial Services

#### **Objective**

To report the outcomes of the tender evaluation for the Screening and Security Services for the Ballina Byron Gateway Airport

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#### **Background**

The current contract for the provision of screening and security services at the Ballina Byron Gateway Airport has recently expired and has been extended on a month by month basis.

As the screening authority at Ballina Byron Gateway Airport, Council is required to provide passenger and checked bag screening for departing passengers in accordance with the Aviation Transport Security Act (ATSA) 2004, the Aviation Transport Security Regulations (ATSR) 2005 and the Aviation Screening Notice (ASN) 2013 or other statute, regulation or instrument that may be enacted at any time.

#### **Key Issues**

- Compliance with relevant legislation and regulations
- Engage suitably qualified and experienced provider
- Provide value for money in the delivery of services

#### **Information**

A public tender (RFT1186) was advertised for tender submissions to be received for the Provision of Screening and Security Services at Ballina Byron Gateway Airport. The tender specifications outlined the key areas for the provision of these services.

Submissions were to include hourly rates for personnel, as well as details on previous performance in aviation screening and resourcing.

The tender was advertised 5 November 2019 and closed 26 November 2019.

The contract is a schedule of rates contract to provide staffing in accordance with the relevant flight schedules. The total annual cost of security and screening services varies based on changes to the number of flights and timing of flights for any one month.

An evaluation team was established to assess the tender submissions.

The mandatory criteria for tender submissions was:

- Minimum Insurance Requirements
  - Public Liability Insurance - \$20million
  - Workers Compensation Insurance



## 9.4 Tender - Screening and Security Services, Airport

The weighted criteria for the evaluation were as follows:

Criterion	Weighting
Price / Rates <ul style="list-style-type: none"><li>• Comparison of tender provided rates</li></ul>	35%
Previous Performance–Aviation Screening <ul style="list-style-type: none"><li>• Ability to provide efficient and effective service</li><li>• Relevant experience - Minimum three similar contracts</li><li>• References and testimonials</li></ul>	30%
Resourcing <ul style="list-style-type: none"><li>• Demonstrated capability to provide experienced and qualified staff</li><li>• Assessed capacity to mentor and manage the regulatory and training requirements of staff to achieve compliance</li></ul>	20%
Local and Community <ul style="list-style-type: none"><li>• Knowledge and experience with local conditions</li><li>• Social impact on local economy</li></ul>	15%
<b>Total (Non-Price 65% Price 35%)</b>	<b>100%</b>

A total of three responses were received from the following respondents.

Respondents
MSS Security Pty Ltd
SecureCorp Pty Ltd
Wilson Security Pty Ltd

Further information regarding the pricing and tender assessment has been provided to Councillors by separate confidential memorandum.

### Sustainability Considerations

- **Environment**  
Not Applicable
- **Social**  
Continued airport operations provides for family/friends to fly directly to and from Ballina
- **Economic**  
The airport provides a large economic benefit to both the Ballina Shire and the Northern Rivers.

### Legal / Resource / Financial Implications

This report is provided to assist Council to meet its statutory requirements in regards to tendering and procurement. The provision of security and screening services are critical to the day to day operations of the airport and funding is included in the Long Term Financial Plan.

## 9.4 Tender - Screening and Security Services, Airport

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### Consultation

A public tender process was conducted.

### Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulations 2005 which says the following;

*(1) After considering the tenders submitted for a proposed contract, the council must either:*

*(a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*

*(b) decline to accept any of the tenders.*

It is recommended that Council accept the tender from MSS Security Pty Ltd based on the tender panel evaluation, as distributed to Councillors.

### RECOMMENDATIONS

1. That Council accepts the tender from MSS Security Pty Ltd for the Provision of Screening and Security Services at the Ballina Byron Gateway Airport for a three year period.
2. That Council authorises the Council seal to be applied to the contract documents.

### Attachment(s)

Nil

## **9.5 Policy (Review) - Private Structures within Council Owned Waterways**

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### **9.5 Policy (Review) - Private Structures within Council Owned Waterways**

#### **Delivery Program**

Commercial Services

#### **Objective**

To review the Private Structures within Council Owned Waterways Policy.

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#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Private Structures within Council Owned Waterways policy.

Council first adopted this policy in 28 July 2016. The intent of the policy when developed in 2016 was to introduce new management arrangements for private waterways structures within Council owned waterways.

The policy applies to Ballina Quays Canals, Banyanda Lake and Endeavour Lake. These three waterways are classified as Council operational land under the provisions of the NSW Local Government Act 1993.

#### **Key Issues**

- Whether the policy meets the requirements of Council and current legislation

#### **Information**

The review of this policy identified only minor changes such as:

- Remove reference to transitional arrangements as the policy has now been in force for four years
- Bring the policy in line with the *Environmental Planning and Assessment Act 1979* and Maritime Regulations
- Update references to related documents, policies and legislation.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary reflecting current legislation therefore no further changes are recommended.

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

#### **Sustainability Considerations**

- **Environment**

The Private Structures within Council's Owned Waterways policy provides the framework to manage the potential impact private structures may have on Council owned waterways.

## **9.5 Policy (Review) - Private Structures within Council Owned Waterways**

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- **Social**  
Not Applicable
- **Economic**  
A licence fee has been established to meet Council's administration costs.

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

The development and consistent application of a policy that manages private structures within Council's owned waterways provides a valuable tool to ensure and demonstrate adherence to Council's legislative obligations.

The policy applies to Ballina Quays Canals, Banyanda Lake and Endeavour Lake. These three waterways are classified as Council operational land under the provisions of the NSW Local Government Act 1993.

The administration costs associated with processing of the applications is met by the established application and licence fees.

### **Consultation**

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

### **Options**

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping therefore it is recommended that the policy be adopted as presented.

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

### **RECOMMENDATIONS**

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

### **Attachment(s)**

1. Policy (Review) - Private Structures within Council Owned Waterways

## **10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption**

### **10. Civil Services Division Reports**

#### **10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption**

##### **Delivery Program**

Open Spaces and Reserves

##### **Objective**

To report on the outcomes from the public exhibition and then adopt the sport and recreation facility plan, that will guide the development and management of sport and recreation facilities.

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### **Background**

Increasing demand on existing community sport and recreational facilities and requests for new facilities from many sporting and community groups has highlighted the need to develop a specific plan relating to sport and recreation facility provision for the current and future population of the shire.

Council last completed a Community Facilities and Open Space Needs Analysis in 2004 and an Open Space Strategy in 2008.

Council resolved to complete a Ballina Sport and Recreation Facilities Plan as part of the Delivery Program and Operation Plan 2018/19.

Ross Planning Pty Ltd was engaged to carry out consultation and development of the plan to address the sport and recreation facilities needs.

A review of existing documents, facilities and infrastructure was undertaken along with community consultation through surveys and workshops and targeted consultation with key user groups.

Key draft recommendations were presented by Ross Planning at a Councillor briefing held 2 September 2019.

The draft Ballina Sport and Recreation Facility Plan (Attachment 1) was reported to the 24 October 2019 Ordinary meeting and endorsed for public exhibition. Public exhibition of the draft Ballina Sport and Recreation Facility Plan was conducted from 6 November 2019 to 18 December 2019.

### **Key Issues**

- Availability of facilities
- Facilities that are fit for purpose
- Availability of suitable land
- Facility management and service levels
- Funding

### **Information**

The purpose of the Ballina Sport and Recreation Facilities Plan is to assess and document the current and future sport and active recreation needs of the Ballina

## **10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption**

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Shire community to provide a consolidated plan to guide Council and the community in the future provision of sport and recreation facilities across the Shire.

The objectives of the Plan are to:

- understand sport and recreation participation and needs
- establish a facility provision gap assessment for current and predicted future demand
- establish Council's and the community's role in addressing demand and facility development
- maximise efficiencies (through rationalisation, avoiding duplication and establishing key partnerships)
- detail preferred management arrangements
- develop a detailed and realistic implementation plan that will guide Council (and the community) in the future provision of (and investment in fit-for-purpose sport, recreation and open space facilities.

Development of the Plan has identified the following key priorities:

- Upgrade of facilities to be inclusive (complying with disability access and providing female and child friendly facilities)
- Irrigation of field surfaces
- Consolidation of under-utilised facilities
- Master planning of highly used facilities to provide efficiencies
- Improve facility management systems and procedures
- Develop a transparent process for identifying and prioritising projects through objective criteria.

To address community expectation regarding the quality and range of available facilities, changes in community demographics and the trend towards inclusive community facilities, the plan proposes a model to assess and prioritise capital works proposals by set criteria.

The capital works priority model is aimed at providing:

- A standardised, transparent and equitable assessment of the need and demand for facilities within the physical, legislative and funding constraints Council operates under.
- The ability to provide timely assessment and definitive responses to requests for facilities or funding application support.

The Plan also provides key recommendations and proposes initial prioritised actions for each identified sport and facility along with facility development guides, service level recommendations and proposed funding policy.

The finalisation and adoption of a Ballina Sport and Recreation Facilities Plan will:

- Support proactive and equitable management of sport and recreation facilities across the Shire and contribute to positive health and wellbeing outcomes for current and future generations.

## **10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption**

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- Deliver improved recreation and sporting opportunities through targeted investment and coordination of Council and community effort.
- Identify the most efficient way for funds to be invested and provide support for grant applications to help make funding go further.
- Provide direction for forward budget and works program development.

### **Sustainability Considerations**

- **Environment**

There are no direct environmental considerations in adopting the Ballina Sport and Recreation Facility plan. Implementation will require consideration of the potential environmental impacts of facility development.

- **Social**

Sport and recreation facilities that cater for the needs of the community can have very positive social effects. The comradery that forms within competitive and social clubs can have positive flow on effects to the general wellbeing of the wider community.

The plan aims to improve the quality and variety of facilities available, and provide a consistent evaluation process for the prioritisation and delivery of facilities. This should lead to equitable provision of facilities across the shire and improvement to community satisfaction and wellbeing.

- **Economic**

Improved facilities and better management systems can reduce operational costs and may attract more visitors and larger events to the shire. Large sporting events and increased visitors will have economic flow on benefits for the wider community.

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

It is important for Council to manage its sporting facilities in accordance with relevant regulations, standards and codes to ensure that they are fit for purpose, safe and meet the needs of the community.

Having a consolidated document to guide the management and development of facilities will help to ensure that they are maintained in accordance with the required standards.

A number of the high priority infrastructure and facility projects identified in the plan are already programmed into the Delivery Program or received grant funding, including Kingsford Smith and Crawford Park improvements which are expected to receive \$5m in funding from the NSW Government.

Adoption of the plan is not anticipated to require immediate changes to the existing financial plan.

Some of the key planning projects for facilities such as master plans for Kingsford Smith Reserve and Cawarra Park are already integrated into actions under Council's Delivery Program and Operational Plan.

## **10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption**

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A number of the key priorities identified by the plan relate to changes in Council policy and management systems.

These actions will largely require internal resourcing to make changes to existing systems and policy and make important improvement to the management of our sporting facilities.

Undertaking the recommended planning processes identified as key actions in the plan and using the priority model for facility development will help identify accurate costs and manage the timing for different priority projects that can inform future updates of the Long Term Financial Plan.

### **Consultation**

A shire wide community engagement strategy was adopted for the development of the draft plan to ensure all interested people had multiple opportunities to comment during the development of the plan.

Engagement with the general community and user groups involved community workshops, community surveys, sport and recreation specific surveys and interviews with sport and recreation committee representatives.

Consultation was also undertaken independently by Ross Planning along with representatives from various sections of Council to gain additional feedback and information on current procedures, issues and suggested improvements regarding the management of our sport and recreation facilities.

Consultation commenced on 2 February 2019 with Council staff and Ross Planning promoting involvement in the development of the plan, consultation and completion of surveys with the community and sporting groups at the Get Active Expo and Sports Sign on Day held at the Alstonville Leisure and Entertainment Centre.

Surveys were advertised through print media, social media, council website and direct communication with sport and recreation club committee members. The surveys were open to the public for a period of six weeks with a positive number of responses received over that period.

Two community workshops were also held by Ross Planning to enable direct interaction and gain insight into community sentiment and provide the ability for community members to workshop their ideas further.

Additional requests for information and completion of surveys from sport and recreation groups that had not yet responded were carried out over the review period.

All additional feedback and updates from the community and sport and recreation groups received during the review process and development of the plan were included and considered in the analysis and development of recommendations for the draft plan.

Public exhibition of the draft plan was carried out between the 6 November to 18 December 2019 to provide the community and key user groups the opportunity to provide feedback on the recommendations and proposed actions from the plan. Exhibition of the draft plan included:



## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

- Advertisement in the Ballina Shire Advocate
- Information displays on the Council Website, and at our Customer Service Centre and Libraries
- Letters to key user groups identified in the initial consultation process.

A total of 97 written submissions were received in response to the exhibition of the draft Ballina Sport and Recreation Plan.

Attachment 2 provides a copy of these submissions.

The submissions include responses that were specific to 13 of the sport or recreational activities identified by the plan.

One submission related to facility management and leasing and three submissions were supportive of the plan and provided no comments.

60 of the submissions were supportive of the draft plan, 13 were undecided and 24 did not support the plan.

The submissions have been summarised in Table One.

Submissions with comments provided by Ross Planning and comments from staff have been tabled in sequence with the layout of the plan.

**Table One - Summary of Submissions**

<b>Overview (Page 6)</b>	
<b>Submission</b>	<p>Page 6: The sport and active recreation list could consider including the ninja warrior style sport and outdoor fitness activities. Ninja Warrior has a high profile through national TV shows in recent years. This show was very popular with the younger demographics in Ballina (teenagers).</p> <p>Linked to this is a need for outdoor fitness equipment in Ballina. This form of recreation equipment would be very beneficial to a wide variety of ages (young and old).</p> <p>I agree strongly with the plans focus on gender equity and promoting activities/facilities for girls to use. This form of outdoor fitness equipment provides opportunities for teenage, young female adults and females of all ages really to exercise individually or in small groups.</p>
<b>Ross Planning Comment</b>	<p>The Plan's focus is on the provision of formal sport and active recreation, club-based facilities. Outdoor fitness and ninja warrior-style facilities are covered within Council's open space strategy which is the Strategic document that deals with informal recreation facilities within the open space network.</p>
<b>Comments</b>	<p>Council is planning the installation of outdoor fitness equipment as part of the current Delivery Program and Operational Plan. Additional locations for outdoor fitness</p>

## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

	<p>equipment including the possibility of an obstacle course park as described are being considered for future projects.</p> <p>The planning and development of outdoor fitness equipment will be managed through other Council plans and strategies.</p>
<b>Sport and Recreation facilities by Location (Page 19)</b>	
<b>Submission</b>	Ballina Dragon Boat Club identified that the plan did not indicate the location of their current facilities.
Ross Planning Comment	The mapping of existing facilities will be updated to include the Angling Club and Ballina Dragon Boat Racing Club.
Comments	The map on Page 22 should be amended to include the location of the Ballina Dragon Boat Club and Anglers Club.
<b>Demand for Sport and Recreation (Page 27)</b>	
<b>Submission</b>	<p>The University of the Third Age (U3A) request.</p> <ul style="list-style-type: none"> <li>• Office space</li> <li>• Storage</li> <li>• Meeting rooms</li> <li>• Flexible classroom space e.g. large rooms that have concertina walls to make smaller rooms</li> <li>• Access to parking for those with mobility issues</li> <li>• Increased parking for our growing membership numbers</li> <li>• Recreational space for gardens and outdoor events.</li> </ul> <p>Many sporting facilities lie idle on weekdays and the use by Community Groups such as ours cannot be discounted.</p> <p>Using idle resources for Community Groups provides additional security for the buildings during the day and if leases or rent are shared with the Community group it helps the sporting clubs.</p> <p>A shared facility would mean that the cost of rent or lease expenses, repairs and maintenance etc would be shared.</p>
Ross Planning Comment	ROSS Planning have spoken to the U3A during the consultation period and were advised that the Plan is focused on outdoor sports and active recreation as well as their supporting facilities.
Comments	<p>This request for facilities and the intended use relates more to community halls, event spaces and property management.</p> <p>These activities should currently be carried out at other locations, not at sports amenity buildings.</p> <p>Current land use classifications and Council lease documents do not support some of the proposed uses.</p> <p>The plan recommends further analysis be carried out on alternative management models for our sporting facilities.</p>

## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

	<p>Analysis of our management systems will consider opportunities for use of the amenity buildings for other appropriate uses when the venues main sport is not being played.</p>
<b>Sport and Active Recreation Analysis (Page 28)</b>	
<b>Submission</b>	9 Submissions questioned why particular sports were included as Tier Two sports in the plan rather than Tier One.
Ross Planning Comment	<p>The description for Tier one includes sports that are based on the provision of ovals, fields and courts. This automatically places some sports in Tier Two. Field sports are subject to planning provisions based on number of fields/courts per population and players.</p> <p>This is essentially the reason why there needs to be two tiers as they require different assessment measures for future provision.</p> <p>Tier two sports are not any less important or established within Ballina Shire and have been given the same weighting in regards to future recommendations and provision of facilities.</p>
Comments	<p>The classification has no weighting on the importance to the community or priority regarding infrastructure development.</p> <p>No change to the categorisation in the report is recommended.</p>
<b>Australian Football (Page 30)</b>	
Comment	No feedback or submissions have been received from the Plateau Saints Junior AFL Club. As no data has been provided on the club, reference should be removed from the plan.
Comment	The new fence at Fripp Oval has been constructed. The club priorities in the plan should be updated accordingly.
<b>Baseball and Softball (Page 38)</b>	
<b>Submission</b>	<p>The overwhelming response from our players is that they wish to stay at Cawarra Park and are vehemently against any move.</p> <p>The costs to build new netting and dugouts and to reposition the lighting at the proposed new location would be far more expensive than the cost to upgrade Cawarra Park to suit our needs.</p> <p>We note there is plenty of room for croquet to be played, between the batting cage and the dragon boat area, don't see why we need to move.</p>

## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

Ross Planning Comment	The current facility does not meet the requirements of the Club, including that the fields do not meet standard dimension for senior baseball. There is no suitable area for softball or junior baseball without affecting the senior baseball field. The Clubs are land locked at their current facility with recent residential development on the adjoining land.
Comments	<p>The request to relocate Baseball from Cawarra Park originated from representation made on behalf of the club to Tamara Smith MP and Councillors that the facilities at Cawarra park did not meet the facility needs of the club. A notice of motion at the July 2019 Council meeting resulted in a resolution that as part of the Sport and Recreation Facility Plan review, that consideration be given to the establishment of an expanded facility for Ballina Baseball.</p> <p>The space available at Cawarra Park does not allow for the full dimensions of a standard baseball diamond, and so alternative venues have been considered to enable the requested expansion of facilities for the sport.</p> <p>Chickiba Park currently has significant infrastructure in place to support football codes and has provided a valuable alternative venue for training, visiting sporting groups and for local clubs while much needed groundworks of facility upgrades at other major grounds are completed. There are benefits to retain the existing facilities.</p> <p>There are existing baseball facilities on the upper oval at the Gap Road Sports Fields. They are not currently functional, but could be upgraded to facilitate baseball and softball use again with potential space for expansion.</p> <p>The club has indicated that they believe there is sufficient space to support Croquet, Baseball and the Outrigger and Dragon Boat clubs at Cawarra.</p> <p>The master plan process will determine if the use is compatible and if an alternative location is required.</p> <p>The plan recommends investigation and basic master planning be completed to relocate baseball to Chickiba Park. Given the existing facilities and space at Gap Road, it should also be considered for relocation of Baseball and Softball.</p> <p>Therefore the master planning phase is considered the preferred time to examine the difference in the Club's preference and Strategy's direction in more detail.</p>
<b>Cricket (Page 42)</b>	
<b>Submission</b>	<p>Six submissions were received against the recommendation for cricket to relocate from Geoff Watt Oval.</p> <p>Supporting statements including the history and importance of cricket in this location for the community.</p>

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<p>Ross Planning Comment</p>	<p>The recommendation for relocation is based on the capacity of the field as well as the ongoing maintenance issues associated with over-use.</p> <p>The purpose of the relocation from Geoff Watt is not to restrict use to just one sport.</p> <p>Development of the Gap Road and/or Wollongbar sites for cricket will allow the Club to develop higher quality facilities as well as avoid the season over-lap with Soccer through booking management.</p> <p>It will also allow fields to have the proper rest required.</p>
<p>Comments</p>	<p>The recommendation to relocate cricket is a long term strategy. Council is currently working with representatives of Alstonville and District Cricket in upgrade of the practice nets at Geoff Watt Oval. Support of this project shows that cricket facilities and use will currently remain at Geoff Watt Oval.</p> <p>The recommendation does not mean that cricket use will be immediately or permanently removed from Geoff Watt Oval. It is a recommendation to look at providing improved facilities at a different location for cricket in the longer term and to enable better management of a variety of sport and recreational uses at Geoff Watt Oval to minimize the effects of overuse.</p> <p>No change to the plan is recommended.</p>
<p><b>Submission</b></p>	<p>Concern about the recommendations in the plan about the consolidation of cricket facilities across the shire.</p> <p>Lack of information regarding the Ballina Bears Cricket Club and their use of Fripp and Saunders Ovals.</p> <p>Concern over the relocation of cricket from Geoff Watt Oval.</p> <p>Concerns regarding the quality of facilities at the identified alternative locations of Gap Road and Wollongbar.</p> <p>Request for further extensive consultation in finalizing the plan.</p>
<p>Ross Planning Comment</p>	<p>The Plan recommends upgrade to the Gap Rd Field surface. The details of the proposed upgrades for cricket will be planned in conjunction with the clubs and association in due course.</p> <p>The Plan recommends development of turf wicket, practice nets, player shelters and storage at Wollongbar Sports Fields for use by cricket.</p>
<p>Comments</p>	<p>A number of facilities have been identified as being under utilised. Consolidation of facilities is intended to provide</p>

## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

	<p>higher quality facilities in specific locations with a focus on their use over others to provide overall improvement of sporting facilities. Existing facilities may still be available when needed, but the ability to book alternatives will improve overall management.</p> <p>The lack of information regarding the Ballina Bears Cricket Club is due to not receiving information from the club. They have provided some information with a submission to the draft plan and will be consulted further for information to be included in the final plan.</p> <p>The relocation of cricket from Geoff Watt oval is a long term strategy, as per the comments and recommendation for the previous submission.</p> <p>Extensive consultation and exhibition of the plan has been undertaken. All of the plans recommended facility upgrades will be developed in consultation with relevant clubs and associations.</p>
<b>Submission</b>	<p>The lack of information on the Ballina Bears Cricket Club in the plan.</p> <p>Details of the clubs history and involvement at Fripp and Saunders Oval and the importance of Fripp Oval as a premier cricket oval within the shire.</p>
Ross Planning Comment	<p>The Plan will be amended to include information provided by the Ballina Bears Cricket Club. Further consultation should be undertaken to ensure accurate information is captured.</p>
Comments	<p>Improvement of the cricket practice nets has been included as priority two at Fripp Oval by the Ballina AFL Club on behalf of the cricket club. This should be included in information for the Ballina Bears.</p> <p>The lack of information in the draft plan is noted as being due to information not being provided by the sporting club.</p> <p>The report will be updated to include details for the Ballina Bears regarding their facility usage needs and priorities.</p>
<b>Submission</b>	<p>I would like to see Hutley Drive become the sole area for cricket in Lennox, with money spent on the upgrade of facilities to a high standard for cricket.</p>
Ross Planning Comment	<p>Cricket and Rugby League are intended to be shared users of Hutley Drive Fields.</p>
Comments	<p>The desire to create new cricket facilities at Hutley Drive is supported.</p> <p>Council is currently working with Lennox Head Cricket Club in the development of new practice nets at Hutley Drive</p>

## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

	<p>Sports Ground and Megan Reserve with grant funding acquired through the efforts of the clubs committee.</p> <p>In consultation with the club, investigation is also being undertaken regarding other facility improvements including replacement of one of the synthetic wickets with a turf wicket.</p> <p>It is recommended the plan should be amended to change the priorities with a focus on development of facilities at the Hutley Drive Sports Grounds.</p>
<b>Submission</b>	<p>Assumption that Cricket participation is in decline should be carefully considered.</p> <p>Removal of cricket from Williams Reserve would be an extremely undesirable outcome for Lennox Head Cricket Club.</p> <p>Separation of juniors and seniors at training sessions.</p> <p>Recommendation for irrigation at Megan Reserve.</p> <p>Welcome the draft plan but hope to be involved in further consultation for the final plan.</p>
Ross Planning Comment	<p>The recommendation for relocation from Williams Reserve is based on the capacity of the field as well as the ongoing maintenance issues associated with over-use.</p> <p>The purpose of the relocation from Williams Reserve is to be able to provide better facilities for all user groups.</p> <p>Development of the Hutley Drive grounds and Megan Reserve for Cricket will allow the Club to develop higher quality facilities and allow fields to have the proper rest and maintenance cycles required.</p>
Comments	<p>The effects of over use on a venue can be seen most predominantly in the shire at Williams Reserve. It is a very busy open space area used as a thoroughfare, village green, school athletics oval, market space, event space, recreational fitness venue, meeting place and sports ground for cricket, rugby union and rugby league.</p> <p>Council is currently working with Lennox Head Cricket Club in the development of new practice nets at Hutley Drive Sports Ground and Megan Reserve to provide improved facilities and maintain the ability to separate senior and junior cricket when needed.</p> <p>Investigation is also being undertaken regarding other facility improvements including replacement of one of the synthetic wickets with a turf wicket and associated facility needs to support this.</p>

## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

	Other submissions support the relocation of cricket from Williams reserve following development of the new facilities at Hutley Drive and request that the synthetic wicket be removed from Williams Reserve once this occurs.
<b>Submission</b>	<p>With Council identifying that cricket may not be played at Williams Reserve (this has been identified as a High priority) this provides the opportunity for the removal of the synthetic pitch at Williams Reserve and an increase in the size of the junior playing field that is located at the northern end of Williams Reserve.</p> <p>The cost to remove the synthetic pitch would be minimal and now lighting is in place at Williams Reserve this would allow greater utilisation of the Reserve for winter football codes. If the entire area was grassed this would also increase the flexibility of Williams Reserve to host sporting, cultural and community events.</p>
Ross Planning Comment	The relocation of Cricket and Rugby League from Williams Reserve would enable the removal of the synthetic pitch and formalisation of the junior fields
Comments	The recommendation in the plan to relocate cricket and provide additional facilities at other facilities may enable the eventual removal of the synthetic pitch.
<b>Submission</b>	Community facilities like Geoff Watt are for all sports. No single sport should be able to have all the sporting fields in town allocated/dedicated. Cricket facilities are essential for my son and daughter to play in the town in which I live and pay rates. The council needs to consider what is best for the community for all not just one sport.
Ross Planning Comment	<p>The recommendation for relocation is based on the capacity of the field as well as the ongoing maintenance issues associated with over-use.</p> <p>The purpose of the relocation from Geoff Watt is not to restrict use to just one sport. Development of the Gap Road site for Cricket will allow the Club to develop a higher quality facility as well as avoid the season over-lap with Soccer. It will allow fields to have the proper rest required</p>
Comments	The recommendation in the report is not to restrict the use of Geoff Watt Oval to one sport or activity. It is to enable improved management between booking of different uses and grounds maintenance to provide improved facilities for all sports year round.
<b>Croquet (Page 46)</b>	
<b>Submission</b>	The comment, "Ballina Cherry Street Croquet Club have indicated a lack of facilities to accommodate club needs." (page 48 of the Plan) is incorrect and misleading.



## 10.1 Ballina Sport and Recreation Facility Plan - Finalisation and Adoption

	<p>Croquet enjoy the use of two superbly maintained croquet lawns, a very comfortable, serviced club house with adequate croquet equipment storage and all within close proximity to the Cherry Street Sports club. We have neither the desire nor intent to move.</p> <p>We recognise Ballina Croquet Incorporated's desire to relocate from the Cherry Street Sports croquet lawns and establish their own facility and believe that Ballina will benefit.</p> <p>Support the action of relocating Ballina Croquet Incorporated to Cawarra Park.</p>
Ross Planning Comment	Noted
Comments	<p>Support of the plans recommendations and additional comments are regarding the quality of the existing facilities is noted.</p> <p>The comments regarding Ballina Cherry Street Croquet Club should be amended in the final plan to reflect the comments provided with the submission.</p>
<b>Submission</b>	<ol style="list-style-type: none"> <li>1. Members of Ballina Croquet unanimously support the option of relocation to Cawarra Park.</li> <li>2. Ballina Croquet requests that the master plan assigns a lease/license over an area of land (approximately 1.2 hectares)</li> <li>3. Ballina Croquet requests its relocation and establishment at Cawarra Park of courts and clubhouse be given regional designation.</li> <li>4. Ballina Croquet acknowledges boating as a complementary user of Cawarra Park</li> <li>5. The adopted plan should give due weight to the unique role croquet plays.</li> <li>6. Ballina Croquet supports the Plan and requests BSC ensure its elderly membership - 49, mainly female are accommodated by the relocation.</li> <li>7. Ballina Croquet submits, there is no need to "undertake a cost-benefit analysis of establishing and maintaining two croquet facilities within the Shire prior to finalizing options for the relocation of Ballina Croquet Club, and the expansion of the Alstonville Croquet Club.</li> </ol> <p>Ballina Croquet Club submits that a Feasibility / Business Case is the preferred approach to determining the way forward for croquet in the Shire.</p>

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	<p>8. It was not possible to expand croquet facilities at Hampton Park Reserve</p> <p>9. Ballina Croquet supports the recommendation of a staged development within the Master Plan.</p> <p>10. Ballina Croquet's readiness and capacity to relocate, develop and manage a regional croquet facility with a 'Sports Plan/Business Plan' provided in submissions.</p> <p>11. Ballina Croquet submits 'Key Plan Recommendations and Action Plan' amendments are required to clarify priority and certainty.</p> <ol style="list-style-type: none"> <li>a. two courts do not address current demand.</li> <li>b. an initial two courts is inadequate for current needs. Four courts are justified by 49 members.</li> <li>c. a site of 1.2 hectares approximately of flat land required to build a purpose-built, multi-use club house, 4 courts initially (two more courts to be developed as demand dictates).</li> <li>d. actions needs to be more explicit regarding Council's commitment to the apportioning of funds to Cawarra Park for the establishment of croquet.</li> <li>e. Croquet is distinct from other sports in that there is no season. The croquet clubhouse is a cornerstone for croquet.</li> <li>f. Ballina Croquet supports Recommendation for relocation</li> </ol> <p>12. The alternative recommendation for Cherry Street Croquet Club to join Ballina Croquet Club is not supported as two courts are insufficient and they are aligned with Cherry Street Sports Club.</p> <p>13. Objection to statement that croquet is in decline at a state level.</p> <p>14. Ballina Croquet urges BSC Councilors and staff to support the facts and points made in the submission and promote their inclusion in the adopted Ross Planning Report.</p> <p>Proposed additional uses of potential facilities for Cawarra Park, potential funding sources and proposed infrastructure requirements have also been provided.</p>
<p>Ross Planning Comment</p>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. The assignment of a lease/license is premature at this level of planning - no change to the Plan.</li> <li>3. The current facility at Hampton Park is a district facility, with only two lawns. The future development of a regional facility will be dependent upon the outcomes of a cost-benefit analysis - no change to the Plan.</li> </ol>

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	<p>4. Noted.</p> <p>5. Each sport reflected in the Plan plays a unique role and benefit to the community - no change to the Plan.</p> <p>6. Noted - no change to the Plan.</p> <p>7. A cost benefit analysis is required to be undertaken. It will not replace or duplicate any of the information already provided by the Club - no change to the Plan.</p> <p>8. Noted.</p> <p>9. Noted.</p> <p>10. Noted.</p> <p>11a. the club currently do not have exclusive use of their current facility and have noted the restrictions on their use which limit time on the lawns. Subsequently, the development of a facility (with 2 lawns initially) in which they have exclusive use would better meet their current demand than the existing shared facility.</p> <p>11b. Noted. All sport and recreation projects recommended need to be aligned to both the council, community and club's capacity to fund and manage. No change to the Plan is recommended.</p> <p>11c. Noted.</p> <p>11d. The assignment of Council's commitment to apportioning of funds is premature at this level of planning - no change to the Plan.</p> <p>11e. The design of the clubhouse is premature at this level of planning - no change to the Plan.</p> <p>11f. Noted.</p> <p>12. Noted - no change to the Plan.</p> <p>13. The Club acknowledges that the new clubs referenced are not affiliated with Croquet NSW so in fact the statement of the slight decline at a state level stands - no change to the Plan.</p>
<p>Comments</p>	<p>The agreement with the recommendation to investigate the development of new facilities at Cawarra Park is noted.</p> <p>A summary of comments, objections and contentions from the submission have been reviewed in consultation with Ross Planning and addressed in summary by their comments above.</p>

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	<p>The additional information, comments and attachments provided with the submission regarding support for the proposal are appreciated and noted along with Ballina Croquets commitment to developing a new regional facility.</p> <p>The option to develop croquet facilities at Cawarra park and subsequent master planning with other site user groups is still subject to any decision and infrastructure requirements for Baseball and Softball to be relocated.</p> <p>The need to relocate a number of different sports that will impact on the management and use of a number of different venues and decisions around which options will be the best is the reason why cost benefit analysis is required before a decision can be made.</p> <p>Feasibility and business cases will also be required to determine the level of facility to be developed and how it will be managed.</p> <p>The detail regarding facility requirements, designs and management strategies will become relevant during feasibility and master planning when a site is determined and project planning is undertaken, but is entirely premature in finalising the plan.</p> <p>The indicative costs shown in the action plan are estimated costs for proposed actions they are not a financial commitment from Council.</p> <p>The additional requirements and details will be further analysed in consultation with the club in undertaking the actions identified by this plan.</p> <p>It is not the intention of this plan to include these details and the plan should not be amended to include the proposed points.</p>
<b>Football (Page 50)</b>	
<b>Submission</b>	<p>Football is identified as the largest participation sport in the shire and should receive Council capital funding to provide facilities to support the clubs and community.</p> <p>The football club receiving grant funding for facility upgrades should not change the allocation of Council capital funding for facility improvements.</p> <p>Improvements should be made to the sports field booking forms and booking systems. The available space for seasonal bookings on the forms is insufficient.</p> <p>Do not support user pays management systems as they will increase costs to clubs resulting in increased fees for family</p>

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	<p>members and may negatively affect community participation in sports.</p> <p>Maintenance of grounds at Crawford Park and Geoff Watt Oval have had little attention for many years. They require Council improvement works.</p> <p>Electricity costs are increasing and becoming a financial burden on clubs.</p> <p>Alstonville FC's priorities have changed since the consultation for the draft plan and should be updated.</p>
Ross Planning Comment	Noted
Comments	<p>The number of participants using facilities is only one criteria in determining the priorities for Council works.</p> <p>The award of grant funding and changes to the priorities of Alstonville FC are noted.</p> <p>Initial discussions have been undertaken between club representatives and Council staff regarding the upgrade projects. Further discussions will continue regarding upgrades and management of facilities at both Crawford Park and Geoff Watt Oval.</p> <p>The feedback regarding the booking forms is noted. Improvement to the booking forms and booking system is a key priority identified by the plan.</p> <p>The comments regarding electricity and operating costs are noted.</p> <p>The comments regarding user pays management systems are noted. To clarify, there would be no rationalisation to charge one user group with any user pays system. It would need to be carefully considered and would have to be a fee for all users booking the facilities not just the clubs. It would also need to be incorporated with other facility management changes that reduced the operational requirements and associated costs currently carried by user groups.</p> <p>The plan should be amended to represent the new priorities of the club.</p>
<b>Netball and Basketball (Page 58)</b>	
<b>Submission</b>	<p>Additional and updated information has been provided regarding the structure, participation and engagement of Netball in Ballina and scope of the competition and sport.</p> <p>Facility requirements in accordance with state and national facility policy.</p>

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	<p>Inclusion of sustainability and green technologies in new facilities.</p> <p>Current key issues and priorities for the club, particularly in light of the building fire.</p> <p>The 15 grass courts mentioned in the report should not be included as they have been unused for over 10 years.</p> <p>Netball and Basketball should be separated in the plan.</p> <p>Courts should be developed in other locations and expansion of courts at Kingsford Smith.</p> <p>Request for advice if netball courts were considered at Hutley Drive.</p>
Ross Planning Comment	<p>The Plan will be updated to acknowledge the recent loss of the Netball Clubhouse and the updated priorities of the club.</p> <p>We acknowledge the different needs of basketball and netball and have not suggested that they are the same.</p> <p>All recommendations for the sports are clearly separate.</p>
Comments	<p>The additional participation and operational information is noted and the plan should be amended to include updated information.</p> <p>The list of priorities for the sport is noted and there has been ongoing discussion between the club committee and Council staff regarding short and long term priorities for the club following the fire at the facilities. Priorities should be updated in the plan.</p> <p>The facility requirements are noted. Development of new facilities will be carried out in consultation with the club committee with consideration for facility standards.</p> <p>The plan should be amended to remove reference to the grass courts.</p> <p>Netball Courts were not included in the final plan and layout of the Hutley Drive sports ground.</p> <p>Four new courts have been created at Wollongbar. Refer to the comments for Tennis for the discussion regarding the future use of this space.</p> <p>Consultation for the master plan to be developed for Kingsford Smith Reserve will include the Ballina netball association and consideration for new courts.</p> <p>It is recommended that Basketball and Netball be separated in the plan. The BISC, ALEC, Swift Street court, Kays Lane</p>

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	<p>court and half court at Porter park can be included in the plan for basketball with additional information included in consultation with Council staff.</p>
<p><b>Oztag and Touch Football (Page 62)</b></p>	
<p><b>Submission</b></p>	<p>Details have been provided regarding the history of the Ballina Touch Association, there membership and operations.</p> <p>Comment that Touch were not contacted directly for consultation on development of the plan.</p> <p>Disagreement to the grouping of Oztag and Touch in the Plan.</p> <p>Maintenance issues on shared fields associated with seasonal wear and concerns over proposed field allocations.</p> <p>Club upgrade priorities to the building, amenities and storage, carpark and field drainage.</p> <p>Local or regional facility allocation.</p> <p>Comment on the prioritisation model and responsibility for plans, analysis and modelling between clubs and Council.</p>
<p>Ross Planning Comment</p>	<p>We acknowledge the different needs of Touch and Oztag and have not suggested that they are the same.</p> <p>It should be noted that all recommendations for the sports are clearly separate. It is a matter that does not impact upon the recommendations or outcomes of the Plan.</p> <p>Field allocations will not reduce the number of Touch Football fields or their use. Council staff will be in touch with the club to further discuss the allocation of fields.</p> <p>The designation of Saunders Oval as a local facility is not based on the large events that the site can host and as such won't restrict this into the future.</p>
<p>Comments</p>	<p>The additional information regarding Ballina touch is welcome and noted. The plan should be amended to include relevant information.</p> <p>Ballina Touch were afforded the same notification and opportunities to engage in the community and club surveys and participate in the workshops. The clubs contact details were included in communications regarding the consultation process.</p> <p>Touch were contacted directly on the 29 July 2019 in order to gain information to develop the draft plan due to no response being received over the initial consultation period.</p>

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	<p>Touch are acknowledged as one of the largest participation sports in the shire. It is recommended the clubs information and priorities are updated in finalising the plan.</p> <p>Oztag and Touch should be separated in the final plan.</p> <p>Facilities and bookings for Oztag are currently managed through the Ballina Rugby League club. The plan should be amended to include Oztag as its own activity.</p> <p>Operational maintenance and allocation of fields as recommended by the plan in consultation with the user groups will improve the ability to manage bookings and maintenance activities to improve field conditions.</p> <p>The prioritisation model identifies the need to consider the implications for proposed upgrades and a system for equitable consideration and will include consultation between user groups and council regarding the responsibility of different aspects of project development. It is acknowledged that committee members are volunteers and may not have the ability to manage the reporting requirements for larger projects.</p>
<b>Rugby Union (Page 64)</b>	
<b>Submission</b>	<p>More playing fields are required to enable development of the sport in the shire.</p> <p>The new lighting upgrades at Williams Reserve will help.</p> <p>Removal of the synthetic cricket pitch in line with the recommendation for cricket to be relocated from Williams Reserve will provide the ability for additional junior fields and greatly assist junior development.</p> <p>Upgrade of facilities and playing surfaces is requested.</p>
Ross Planning Comment	<p>The Club's survey response provided only one priority for the Williams Reserve Facility - upgrade of playing surface.</p> <p>The additional priorities listed in the club's response can be added to the Plan.</p>
Comments	<p>The consideration of Williams Reserve as a district rather than local facility is noted.</p> <p>Support of the lighting improvements and other recommendation in the plan are noted.</p> <p>Support for removal of the synthetic wicket from Williams reserve is noted.</p> <p>The additional facility upgrades listed are noted and can be amended in the plan.</p>



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<b>Submission</b>	<p>Deterioration of playing surface at Quays Reserve over the season is a problem.</p> <p>Some funding has been awarded for installation of irrigation.</p> <p>Disabled Facility Upgrades have been awarded funding, have development consent and are being constructed by the club.</p> <p>Ballina Rugby believe that there will be negative implications of a user pays system, both social and financial.</p> <p>Recommended changes to the funding and project management process on p126 of the plan - change supervised by a Council Project Manager to 'A Project Manager agreed to between the club and Council'</p>
Ross Planning Comment	Noted
Comments	<p>Council staff have been liaising with the club committee regarding the proposed facility upgrades and condition of the playing surface to improve the grounds and work towards installation of irrigation and amenity improvements.</p> <p>The comments on user pay management systems are noted.</p> <p>The wording regarding project management between clubs and Council should be amended to allow for an agreed project manager.</p>
<b>Tennis (Page 72)</b>	
<b>Submission</b>	<p>Ballina Tennis Club request that the 2005 Plan of Management for Hampton Park should be implemented.</p> <p>Provide new vehicular access, including new improved drainage, from Moon Street to the Bowling Club. Close vehicular access to Burnet Street. Construct a further 4 tennis courts.</p> <p>The club has spent \$250,000 on new LED lighting and court improvements.</p> <p>A further priority is to implement an On Line Booking System.</p>
Ross Planning Comment	<p>The Plan recommends the amendment of the Plan of Management for Hampton Park, assessing the need for additional Tennis Courts (as per the outdated Plan of Management). The level of planning for these types of facility upgrades will also address the vehicular access, drainage etc.</p>
Comments	<p>The clubs request to activate the actions in the Plan of Management are noted.</p>

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	<p>The plan recommends assessment and possible amendment of the Plan of Management regarding the development of 4 additional courts compared with potential other uses.</p> <p>Council's Finance Committee met 17 March 2020 and provided a further resolution in respect of completing the review of The Plan of Management before consideration is given to endorsing the proposed car park construction.</p> <p>Recent studies carried out on the Shire's tennis facilities by Tennis NSW identified improvement opportunities for facility management including improved booking systems and facility plans over the requirement for more facilities.</p> <p>The work carried out by the club is noted.</p> <p>The investigation and implementation of an online booking system is a key recommendation of both the plan and Tennis NSW facility review.</p>
<b>Submission</b>	<p>The Alstonville Tennis Club identify problems with the club managing two sites.</p> <p>Cost and difficulties in completing upgrade of the Lumley Park facilities.</p> <p>Preference to develop two new courts at Wollongbar over two of the currently unused netball courts.</p> <p>Request an undercover outdoor area attached to the club house with spectator seating.</p> <p>Request implementation of an online booking system.</p> <p>Support two courts remaining for community use at Lumley Park.</p>
<b>Ross Planning Comment</b>	<p>ROSS Planning support the re-development of two netball courts at Wollongbar to cater for junior tennis.</p> <p>There may however, be a need in the future to have joint tennis and netball marking should there be a demand for Netball.</p> <p>Future extension of the Wollongbar tennis clubhouse is supported should there be the room to do so without impacting upon the existing courts or other site uses.</p>
<b>Comments</b>	<p>Recent studies carried on the Shire's tennis facilities by Tennis NSW identified improvement of facility management including improved booking systems and facility plans over the requirement for more facilities.</p> <p>The plan should be amended to include the new priorities of the club and include actions to further investigate the</p>

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	proposed changes of use at both Lumley Park and to the netball courts at Wollongbar.
<b>Archery (Page 77)</b>	
<b>Submission</b>	<p>Ballina Devils Archers preference is to stay where they are currently located at Saunders Oval.</p> <p>The facility requirements of the Ballina Devils archers have been provided with regards to storage and field space and topography.</p>
Ross Planning Comment	<p>Noted.</p> <p>There are issues associated with the over-use of the existing facility, as well as safety for the community and other site users.</p>
Comments	<p>The clubs desire to remain at Saunders Oval is noted.</p> <p>The current facilities do not achieve all of the listed requirements for the sport. The provided requirements will be considered when investigation of an alternative venue is undertaken.</p>
<b>Equestrian (Page 78)</b>	
<b>Submission</b>	<p>25 submissions were received requesting the equestrian grounds not be shut down.</p> <p>Request for the facilities to be upgraded and continued lease to be provided to the club for ongoing operation of the site.</p> <p>Many stating the importance of the facility for the community.</p> <p>Ability to assist on the site and use of the site as an evacuation point for emergencies such as the recent fires were also raised.</p>
Ross Planning Comment	<p>The Plan acknowledges the value of the sport and the facility within the Ballina Shire. It does not recommend the closure of the Equestrian Centre.</p> <p>In line with current demand for the sport, the Plan recommends to monitor the demand and continue consultation with the club regarding management of the site.</p>
Comments	<p>The number of submissions is attributed to the fact that the site had been temporarily closed at the time the document was exhibited.</p> <p>Council staff had liaised with representatives from the club for over two years trying to get a new lease signed for tenure at the facility. Although several meetings were held, the club did not provide appropriate documentation or signed agreements. Further investigation identified that the club</p>

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	<p>committee had not paid service bills or maintained the facilities to an acceptable standard. No notification or reports had been provided to Council regarding the poor condition of the facilities.</p> <p>It was also identified that agistment was being carried out on the site by the club against the holdover terms of the lease.</p> <p>Council staff had to temporarily close the site to carry out works to make it safe and have continually liaised with the equestrian club to allow it to re-open for community use.</p> <p>Monitoring of usage will continue in consultation with the club to ensure the facility remains viable. No change to the plan is recommended.</p>
<b>Mountain Biking (Page 80)</b>	
<b>Submission</b>	<p>40 Submissions were received requesting expansion of the existing facility or more mountain bike facilities for the shire.</p> <p>Details regarding the popularity of the site and participation rates at the site and in the sport nationally are provided in support of the demand for more facilities.</p> <p>The majority of submissions are that toilets and water are not the highest priority and that the money intended for provision of toilets and water at the site would be better used to expand the park into the adjoining quarry.</p> <p>Some submissions state that water at the site is not a problem and toilets are provided currently by a portable toilet arranged for the site by the club.</p> <p>The club submit strong preference against the toilet and water and preference for expansion into the quarry and a regional facility.</p> <p>Argument for the sport to be included in Tier One.</p> <p>Request for additional parking at the site.</p> <p>Request for additional facilities at other locations to provide beginner friendly trails because there have been injuries to beginners and younger riders due to the difficulty of the trails at the Duck Creek Mountain Site.</p> <p>Request for trails on the headlands between Lennox Head and East Ballina.</p>
<b>Ross Planning Comment</b>	<p>Expansion of the Mountain Bike trails within the existing site is supported provided that they are in accordance with the requirements of the DA consent.</p> <p>Council investigations into the feasibility of the quarry are being undertaken. If feasible, this will be a long term option</p>

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	<p>due to the current lifespan of the quarry operation and DA requirements.</p>
Comments	<p>The plan acknowledges the high participation and growth of the sport and the popularity of the venue.</p> <p>It recommends investigation of additional future facilities.</p> <p>The need for more beginner friendly facilities is noted and will be considered when considering potential locations for facilities.</p> <p>The request for toilet facilities at the mountain bike park and identification as the key priority for the club came from the initial consultation for the draft plan with the community and club members.</p> <p>This is a change in the clubs priorities not an error in the draft plan. If this is no longer a priority for the club or participants; it is not a recommended action by Council and it should be removed as a priority from the plan.</p> <p>a) There is still an active development consent on Stokers Quarry for quarrying activities to continue. At present, quarry operations are not occurring, but the ability to start up again can occur.</p> <p>b) Investigative drilling has indicated that there is additional valuable material at Stokers Quarry should a quarry expansion ever occur, this potential expansion could place the quarries in operation again for up to 50 years. (Perusing this expansion would be subject to a Council report and endorsement).</p> <p>c) Access/egress to the quarry is off Gap Road, through private residential land.</p> <p>Remediation works and safety mitigation works are also likely to be needed before any alternate use could be carried out on the site, specifically around the bench within the pit which needs stabilisation.</p> <p>Further feasibility studies, safety assessments and a decision to cease any future use of the site will be needed before mountain biking could be properly considered for the quarry site.</p> <p>The proposal for expansion into the adjoining quarry site is not considered a viable option for expansion of mountain bike facilities in the short term.</p> <p>Creation of mountain bike trails on the headlands is not consistent with the Coastal Plan of Management being for conservation and ecological restoration.</p>

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	Recommendations to assist the club to identify sites for future expansion of facilities should remain unchanged in the plan.
<b>Water Craft (Page 86)</b>	
<b>Submission</b>	Ballina Dragon Boat Club are dissatisfied with the plan in regard to the mapping of Ballina Dragons facilities, inclusion in tier 2 sports and misrepresentation of priorities and needs of their sport.
Ross Planning Comment	<ol style="list-style-type: none"> <li>1. The mapping of existing facilities will be updated to include the Angling Club and Ballina Dragon Boat Racing Club.</li> <li>2. The description for Tier one includes sports that are based on the provision of ovals, fields and courts. This automatically places sports such as dragon boating in Tier Two. Field sports are subject to planning provisions based on number of fields/courts per population and players. This is essentially the reason why there needs to be two tiers as they require different assessment measures for future provision. Tier two sports are not any less important or established within the Ballina Shire and have been given the same weighting in regards to future recommendations and provision.</li> <li>3. The Plan will be amended to reflect the Anglers Club's Boat Ramp, the Ballina Dragon Boat's Storage facility and the location of the Angling Club.</li> <li>4. There were four surveys received from the Ballina Dragon Boat Racing Club. Not one of these responses requested tenure at its current site. Should the Club agree on its priorities the Plan can be amended accordingly?</li> </ol>
Comments	<p>The information in the plan will be amended to include the additional comments and information now provided by the club.</p> <p>Council has liaised with the Office of Crown Lands regarding the club's desire to develop facilities. The club must resolve any development consent requirements for proposed facilities in that location and gain owners consent directly from Crown Lands.</p>
<b>Submission</b>	Ballina Outrigger Canoe Club Incorporated would like to be included as a stakeholder in the consultation process for the Cawarra Park Master Plan in respect to watercraft facilities.
Ross Planning Comment	Noted
Comments	It is noted that the Ballina Outrigger Canoe Club are not listed as a club with priorities in the key issues table on page 87 of the plan. It should be amended to include them.

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	<p>Preliminary discussions with both the Outrigger Clubs and Dragon Boat Clubs has been undertaken regarding facility requirements. Ballina Outrigger Canoe Club incorporated were included in discussion. Further consultation will occur with the planning of any new facilities.</p>
<b>Submission</b>	<p>Is there an opportunity to look into the World Surfing Reserve process?</p> <p>Also, I feel that water craft sports being tier 2 may not capture the volume of participation in these activities.</p> <p>Additional items for water sports that may help maintain these natural sports grounds (for example; fences, formalised paths, extra bins, notice boards, coastal restoration, marine clean up, education).</p> <p>The Sport and Recreation Facilities Plan will be around for a decade or so.</p> <p>With continuing and increasing use of beaches, estuaries and creek systems, perhaps this broader action could be looked into.</p> <p>This may tie into some other programs that are being pursued by Ballina, like healthy waterways, Coastal management and ongoing restoration of the coastal strip.</p> <p>Is fishing within this scope? I think similar to water craft sports - it relies on a healthy system to which to participate in. Also the demographics are interesting, I have seen people enjoying fishing across Ballina, aging from 5 to over 75.</p>
Ross Planning Comment	<p>The World Surfing Reserve is outside of the scope of the Plan.</p> <p>The scope of the Plan can only accommodate the land-based component of these sports.</p> <p>We feel that the Plan currently acknowledges these sports, and based on the feedback received has addressed all known demand for additional land-based facilities to support them.</p>
Comments	<p>The process regarding World Surfing Reserves would require further investigation outside the scope of this plan.</p> <p>The need for improved change facilities, public amenities and shade along the coastal reserves has been identified as infrastructure that would improve conditions for surfing, fishing and other coastal recreational activities.</p> <p>The recommendations in the plan identify consideration for these facilities.</p>

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A number of amendments have been identified based on the submissions to improve the information in the plan.

A summary of recommended amendments is listed in Table Two.

**Table Two - Summary of Recommended Changes**

Page	Recommended Amendments
22	Mapping to include Ballina Dragon Boats and Ballina Anglers Club
30	Update AFL information and priorities
38-40	Update Baseball information, priorities and recommendations to include consideration for facilities at Gap Road.
42-45	Update Ballina Bears Cricket Club information and priorities Update Lennox Head Cricket Club priorities
48	Amend comments regarding Ballina Cherry Street Croquet Club Facilities Substitute 'court' for all references to 'lawn' or 'green'.
58-61	Separate Netball and Basketball in the Plan Remove reference to fifteen grass courts Update Ballina Netball priorities
62-63	Separate Oztag and Touch Football in the plan Update Touch information and priorities.
70	Update Lennox Head Rugby Union Club priorities
74	Update Ballina Tennis Club priorities Update Alstonville Tennis Club priorities
80	Remove recommendation to investigate water and eco-toilets at Duck Creek facility
87	Update Ballina Dragon Boat Club information and priorities Update to include information and priorities for Ballina Outrigger Canoe Club Update to include information and priorities for Northern Rivers Outrigger Canoe Club
126	Amend to include 'or project manager agreed to between clubs and Council'.

### Options

1. Council defer the adoption of the draft plan.

This option could involve further consideration of the draft plan by way of another Councillor briefing or additional community engagement on particular aspects of the plan.

Given the previous briefing to Councillors on the draft, the level of community consultation undertaken and generally positive support of the draft plan, this option is not recommended.

2. Council adopt the draft plan as exhibited with the recommended amendments in response to the submissions identified in Table Two.



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Most of the recommended amendments are specific to improvements in activity and facility information and priorities rather than changes to key actions or outcomes for the plan.

Under this approach, staff will proceed to finalise the plan with the engaged consultants to incorporate all of the recommended amendments to information, correct formatting and typographical inconsistencies before the final plan is published.

As this plan is a strategic planning document, Council will still need to consider various approvals and decisions on individual projects and policies at appropriate times and in the ordinary manner during the staged development of these proposals. This process will facilitate further and more detailed consultations with the various clubs.

Finally it is not possible, or even desirable, for all of the changes to be implemented immediately.

The purpose of the strategy is to guide funding and actions over the longer term.

### **RECOMMENDATIONS**

1. That Council adopts the Ballina Sport and Recreation Facility Plan, as exhibited, subject to the recommended amendments set out in Table Two of this report.
2. That Council thank all the key stakeholders and submissions for their active participation in the preparation of the draft plan.

### **Attachment(s)**

1. Ballina Shire Sport and Recreation Facility Plan (Amended) (Under separate cover)
2. Submissions - Ballina Shire Sport and Recreation Facility Plan (Under separate cover)

## 10.2 Beach Naming - East Ballina

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### 10.2 Beach Naming - East Ballina

#### Delivery Program

Open Spaces and Reserves

#### Objective

To report on submissions for the naming of the small beach area to the immediate east of the northern end of Missingham Bridge and seek a Council resolution for a Geographical Names Board submission.

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#### Background

At the 28 March 2019 Ordinary meeting Council resolved as follows:

1. *That Council invite submissions for the naming of the small beach area to the immediate east of the northern end of Missingham Bridge.*
2. *That Council actively engage with our Indigenous community in relation to an Indigenous name appropriate to the area.*
3. *That once submissions are closed Council receive a report on the preferred option for Council endorsement.*

This report reviews the submissions and recommends a preferred name.

#### Key Issues

- Community consultation submissions
- NSW Geographical Names Board requirements

#### Information

Council commenced a communication plan inviting submissions for the naming of the beach in August 2019, with the plan including a media release and promotion, local advertising and on-site signage. Submissions and feedback were sought for a four week period. A written request to JALI Aboriginal Land Council inviting feedback was also undertaken.

During the consultation period a total of 80 people made submissions, resulting in 106 comments or suggestions. The submissions identified 62 potential beach names for consideration.

A copy of all the submissions is included as Attachment 1.

The top responses identified through the consultation include:

- Kiosk Beach (approximately 17)
- Preference for Aboriginal Naming (approximately six)
- Dolphin Beach (approximately six)
- Missingham Beach (three)
- Pioneer Beach (three)
- The Grassy Knoll (three)

## 10.2 Beach Naming - East Ballina

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There were many submissions that included names that were somewhat similar (i.e. Dolphin Beach, Dolphin Cove etc).

A Councillor briefing was held in January 2020 to review the submissions. There was general consensus that the preferred outcome was to have a connection between Dolphin Beach and the preference for an Aboriginal name. The Bundjalung word for dolphin is Gawandii.

This outcome is further supported by the Geographical Names Board of NSW place naming policy, which dictates that Aboriginal place names are preferred for the name of any place that does not have an assigned geographical name.

JALI Aboriginal Land Council has recently provided written endorsement for the use of Gawandii Beach.

### **Sustainability Considerations**

- **Environment**  
Not Applicable
- **Social**  
The proposal gives consideration to the social significance and usage of the beach and is intended to strengthen the significance of this beach for the community and visitors to the area
- **Economic**  
Not Applicable

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

Compliance with the requirements of the NSW Geographical Names Board is needed. Costs identified to install signage can be funded through existing operational budgets.

### **Consultation**

When a local government authority submits a naming proposal to the Geographical Names Board of NSW it must be supported by a Council resolution and evidence that community feedback has been sought through exhibition of the proposal via appropriate media.

### **Options**

1. Council make an application to the Geographical Names Board to name the beach area immediate east of the northern end of Missingham Bridge, Gawandii Beach. This is a compliant name.
2. Council make an application for another name.
3. Council make no application and the beach remains unnamed.

Option one is recommended.

**RECOMMENDATION**

That Council confirms its support to make an application to the Geographical Names Board to name the beach area immediate east of the northern end of Missingham Bridge, Gawandii Beach.

**Attachment(s)**

1. Beach Naming - Submissions (Under separate cover)

### **10.3 Angels Beach Drive - Acquisition of Crown Land**

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#### **10.3 Angels Beach Drive - Acquisition of Crown Land**

**Delivery Program**

Asset Management

**Objective**

To obtain Council approval for the acquisition of Crown land over parts of Angels Beach Drive, Ballina.

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**Background**

Angels Beach Drive has been in use since 1994. There are two sections of the constructed Angels Beach Drive proposed to be acquired for road, which are located on or over Crown land and are the subject of this report.

Section One is north from Bangalow Road (roundabout) to, and including, Little Fishery Creek (first small bridge).

The Crown land is identified as Lot 456 DP 729144 and contains approximately 14.4 hectares and part of Little Fishery Creek.

It is proposed to acquire the land currently containing the existing road formation, bridge, drainage structures and cycleway. This area is approximately 1.5 hectares.

Section Two is that part of North Creek where the Prospect Bridge and approaches are located in or over North Creek. This area is approximately 1.0 hectare.

Location diagrams are included as Attachment 1.

The purpose of this report is to obtain a Council resolution to compulsory acquire the Crown land and subsequently dedicate that land as public road.

**Key Issues**

- Acquisition process
- The land will vest in Council and be dedicated as public road

**Information**

The proposed upgrading for the Angels Beach Drive / Bangalow Road roundabout and to four lane Bangalow Road involve works on Crown land.

In seeking approval for these works, the Crown has identified sections of Angels Beach Drive not covered by road reserve and indicated that the land be acquired for road.

There are many instances where Council roads are located on Crown land. On a day to day basis, the location and use of these roads will not be hindered by other parties and the land acquisition is primarily a land administration matter.

### **10.3 Angels Beach Drive - Acquisition of Crown Land**

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However, to ensure Council has the ability to undertake works in these areas without requiring concurrence from the Crown or objection from other interested parties, it is beneficial to acquire the land.

Council and Crown Lands have discussed this land acquisition matter over many years with Crown Lands providing concurrence for land acquisitions to proceed in 2007 and 2011.

This matter has not progressed as no funds or staff resources were allocated to this project.

As the matter has not been resolved, and along with recent legislation changes, a new application for land acquisition has been requested by Crown Lands.

The acquisition of Crown land has to be undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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.

In order to establish if Native Title exists or Land Claims are applicable, the acquisition notices are also served on the respective agencies.

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 Angels Beach Drive will enable efficient management of the road.

- **Social**

Over its full length, Angels Beach Drive is located on both public road and sections of 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 is 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.

### **10.3 Angels Beach Drive - Acquisition of Crown Land**

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An accredited/licenced valuer will be engaged to determine compensation applicable for the land being acquired. The value of the land is unknown at this stage, however given the existing constructed road occupies the land, and that the land (if acquired) is to be dedicated as public road, there are limited other potential uses of the land.

Based upon the existing and future use of the land as road, the monetary value is anticipated to be of nominal value, however no valuations or negotiations have been undertaken.

There is the ability to defer this matter and for negotiations to commence with the Crown and reach agreement on what, if any, compensation is required.

This negotiation could be delegated to the General Manager to finalise or the matter reported back to Council for further advice.

With any land acquisition there will be direct survey and valuation costs for the project. The costs for this proposal are estimated at \$10,000 to \$15,000.

The budget for the Bangalow Road Upgrade project will be a source of funds for these costs.

#### **Consultation**

This matter has been discussed with Crown Lands and they have not raised any objection to Council lodging a Proposed Acquisition Notice (PAN) to formerly commence the land acquisition process.

#### **Options**

1. That Council supports the request for land acquisition procedures to commence to enable the acquisition of Crown land for parts of Angels Beach Drive at Ballina.

The advantage of this option is to enable land to be acquired to ensure a public road corridor is fully established along Angels Beach Drive.

2. That Council defers a decision on the land acquisition until an agreement on compensation with Crown Lands is agreed.

The advantage of this option is that Council is provided with some certainty regarding what, if any, compensation is required.

The disadvantage is that the Bangalow Road upgrade works may be delayed until the compensation is resolved.

3. That Council opposes the request for the land to be acquired from the Crown.

There are minimal, if any, benefits associated with this option. 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 for Angels Beach Drive, as shown on the diagrams attached to this report, 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 the Crown land.
3. That Council authorise the General Manager to conduct and finalise negotiations with NSW Planning, Industry & Environment - Crown Lands to acquire the Crown land.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of the Crown land.
5. That Council confirms that following acquisition the land is to be dedicated as public road.

#### Attachment(s)

1. [Land Acquisition - Location Diagrams](#)



## 10.4 Policy (Review) - Festival and Events Sponsorship

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### 10.4 Policy (Review) - Festival and Events Sponsorship

#### Delivery Program

Open Spaces and Reserves

#### Objective

To review the Festival and Events Sponsorship (Community and Commercial) Program policy.

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#### Background

The purpose of this report is to review the Festival and Events Sponsorship (Community and Commercial) Program policies.

Council first adopted the Festival and Events Sponsorship Program (Community) policy in December 2010. It was originally established to provide funding to eligible community groups who coordinate events and festivals in the Ballina Shire.

The program is now guided by two policies being Council's Festivals and Events (Community) Sponsorship Program and the Festivals and Events (Commercial) Sponsorship Program.

Both policies were updated and amended in July 2017. At the time it was decided to develop the Commercial Sponsorship Policy to provide an opportunity for commercial groups to also apply for funding under the existing program and recognise the economic and social development opportunities commercial operators may bring to our festival and event program.

#### Key Issues

- Whether the policies meet the Council's objectives of the support program
- Equitable process for organisations seeking event financial support
- Open and transparent decision making process for event support

#### Information

Whilst considering the 2019 Festival and Events Sponsorship Program it was identified that the current policies impacted the eligibility of a number of event applications. At the 19 December Ordinary meeting Council resolved as follows:

*"To review the program and policies to ensure they reflected the financial realities of conducting festivals and events."*

The response to this resolution for each policy is below.

Both policies have been updated to ensure the presentation of the policy is contemporary. Generally the policies are still considered to be contemporary and reflect current legislation therefore no further changes are recommended.

The suggested changes have been highlighted in yellow.

## **10.4 Policy (Review) - Festival and Events Sponsorship**

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To promote more interest in the program, the Commercial Sponsorship policy eligibility amount has been reduced from \$50,000 to \$25,000 to increase eligibility for more commercial events.

The Community Sponsorship policy has been drafted retaining the requirement to be eligible for support, the total cost of the festival or event must be estimated at over \$20,000, however the requirement that a minimum of \$15,000 (excluding Council's contribution) must be allocated towards cash expenses, has been deleted.

This means for smaller events, a community group will be able to request Council's contribution to be the major source of funds applied to host the event.

Copies of the amended policies are attached to this report.

### **Sustainability Considerations**

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

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

The Festival and Events (Community and Commercial) Sponsorship Programs is identified in Council's current Delivery Program with a \$120,000 budget.

Council has not been able to support all eligible submissions at the funding levels requested, however this budget amount has typically been sufficient to provide a series of grants that support the overall policy objective with a number of successful events held each year, including some newer initiatives.

The process to approve the funding distribution is completed ahead of the standard timeline for the budget process as there is a need for festival and event organisers to be aware of their overall budget prior to commencing their planning and development phase as this can involve an extended period of time.

A central application process for community and commercial events to obtain financial support from the Council allows for the efficient use of financial and human resources. It also provides clarity and transparency for community organisations and commercial businesses.

### **Consultation**

As the document affects a number of community organisations, it is recommended they be placed on exhibition for public comment. If any submissions are received, they are to be reported back to the Council; however there will not be a need for any further report if there are no submissions.

## 10.4 Policy (Review) - Festival and Events Sponsorship

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### Options

Council may accept the proposed changes to the policies. This is the preferred option as it will simplify the policies whilst maintaining the broad objectives of the program.

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

Council may determine to make other/additional amendments to the policies.

Changes identified in this report are based on the review from staff coordinating the program consecutively over a period of four years.

The Council may also determine to make the policies obsolete, however this is not a recommended option given the success of the Festival and Events Sponsorship (Community and Commercial) Program and associated funding.

### RECOMMENDATIONS

1. That Council adopts the amended Festival and Events (Community and Commercial) Sponsorship Program Policies, as attached to this report.
2. That Council place these policies on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

### Attachment(s)

1. Policy (Review) - Festivals and Events (Community) - Sponsorship Program
2. Policy (Review) - Festivals and Events (Commercial) - Sponsorship Program

## 10.5 Policy (Review) - Street Light Shielding

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### 10.5 Policy (Review) - Street Light Shielding

#### Delivery Program

Asset Management

#### Objective

To review the Street Light Shielding policy.

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#### Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Street Light Shielding policy. The policy sets out an application and approval process to respond to requests to install street light shields. This process balances the interest of some residents to reduce the impact of lighting on their property to the broader interest of ensuring appropriate levels of pedestrian safety and security.

Council first adopted this policy in November 2012. It was last reviewed in 2016.

#### Key Issues

- Whether the policy meets the requirements of Council and current legislation

#### Information

Council receives many requests to shield street lights. In most cases, an assessment will determine that the street lighting meets the requisite standards and no changes are recommended.

Advice from our insurer is that the Council needs to justify and document any decision that is a departure (reduction) from the standard and reduces the light available to pedestrians, as this decision could expose Council to a liability claim from a slip, trip or fall incident. The adoption of a policy has assisted staff to explain to customers that we have considered this issue and have a consistent, equitable approach to enquiries. The review of this policy has concluded that it is still contemporary and reflects current legislation. However, a minor change is proposed as follows:

- A clause is to be inserted stipulating that only proprietary brands of shield are to be used, as approved by Council.

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

#### Sustainability Considerations

- **Environment**  
Not Applicable.
- **Social**  
The policy provides some options to respond to concerns that arise regarding obtrusive light spilling from street lights.

## 10.5 Policy (Review) - Street Light Shielding

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- **Economic**  
Not Applicable.

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

The intention of the policy is for Council to maintain the requirements of the Australian Standards for public lighting on the road network when dealing with obtrusive lighting complaints.

The Council needs to take care when modifying street lighting. In the event of a public liability claim, the decision to reduce the available street lighting will be examined in respect of Council's potential negligence.

In respect of financial implications, in most circumstances it will be the responsibility of the applicant to meet the costs to install a shield. The costs to install a shield are estimated to be \$500-\$700. The Council will incur costs when it is installing a new light and the budget allocation for each project will accommodate the cost of the shield.

The occasions where Council elects to install a shield are not expected to be frequent and the general streetlight operations and maintenance allocations will be able fund those needs.

### **Consultation**

As there is only a minor change it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If submissions are received they can be reported back to Council. However, there will be no need for a further report if there is no public comment.

### **Options**

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping and it is recommended that the policy be adopted as presented.

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

### **RECOMMENDATIONS**

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

### **Attachment(s)**

1. Policy (Review) - Street Light Shielding

## **10.6 Policy (Review) - Building Over or Adjacent to Council Assets**

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### **10.6 Policy (Review) - Building Over or Adjacent to Council Assets**

#### **Delivery Program**

Asset Management

#### **Objective**

To review the Building over or adjacent to Council Assets policy.

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#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Building Over or Adjacent to Council Assets policy.

The policy provides direction in respect of construction over or adjacent to Council's gravity and rising sewer mains, water mains and stormwater assets.

The primary objective is to ensure Council's assets are protected and suitable access is provided for future repairs.

Council first adopted this policy in May 2008.

#### **Key Issues**

- Whether the policy meets the requirements of Council and current legislation

#### **Information**

This review of this policy identified changes as follows:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- The policy name has been changed from "Building over Council Assets" to "Building over or Adjacent to Council Assets".
- New sections have been added to the policy clarify matters of regular enquiry.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended.

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

#### **Sustainability Considerations**

- **Environment**  
Not Applicable

## 10.6 Policy (Review) - Building Over or Adjacent to Council Assets

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- **Social**

Good policy and management practice of Council assets supports the local community.

- **Economic**

The protection of Council assets is important to ensure infrastructure delivers expected lifetime value. Any damage to assets decreases the life of the asset and increases repair and maintenance costs.

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

Council's infrastructure is located on both public and private land. Easements are provided in many situations, however there is infrastructure not contained within easements. In both cases, the protection of assets helps protect property (public and private) and infrastructure by minimising damage and additional maintenance costs.

### **Consultation**

The changes to the policy have resulted from staff discussions to provide clarity on how sections of the policy are interpreted.

As the changes are only minor, it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

### **Options**

Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping and it is recommended that the policy be adopted as presented.

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

### **RECOMMENDATIONS**

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

### **Attachment(s)**

1. Policy (Review) - Building Over or Adjacent to Council Assets

## 10.7 Policy (Review) - Cemetery Management

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### 10.7 Policy (Review) - Cemetery Management

**Delivery Program**

Open Spaces and Reserves

**Objective**

To review the Cemetery Management policy.

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#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Cemetery Management Policy.

Council first adopted this policy in March 2011. The policy provides guidance on the services and operating requirements for our cemeteries.

#### **Key Issues**

- Whether the policy meets the requirements of Council and current legislation

#### **Information**

This review of this policy identified only minor changes as follows:

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.
- Terminology updated to represent legislation changes, including the Cemetery and Crematoria Act
- Updated references to other legislation and best practices
- Clarification and embellishment has been made to minor operational and administration points to assist interpretation.

The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

#### **Sustainability Considerations**

- **Environment**  
Properly planned maintenance and policy assists in protecting the environment surrounding cemeteries
- **Social**  
Cemeteries are an essential community service.
- **Economic**  
Not Applicable



## **10.7 Policy (Review) - Cemetery Management**

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

There is no resource or financial implications directly associated with this policy, albeit there is a relationship between services provided in the policy and Council's Fees and Charges.

The policy provides legal information associated with the management of the cemeteries in relation to the requirements of relevant Acts.

### **Consultation**

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

### **Options**


Council may accept or amend the proposed changes to the policy. The changes included are largely housekeeping and it is recommended that the policy be adopted as presented.

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

### **RECOMMENDATIONS**

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

### **Attachment(s)**

- 1  Policy (Review) - Cemetery Management

## **11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville**

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### **11. Notices of Motion**

#### **11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville**

**Councillor** Cr Parry  
Cr Williams  
Cr Johnson

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We move

That resolution 270220/6, as follows, be rescinded:

*That Development Application 2019/519 to establish a depot and storage premises and to undertake earthworks and retaining of the site at Lot 2 DP 1237064, No. 23 Northcott Crescent, Alstonville be **APPROVED** subject to standard planning, civil and environmental health conditions.*

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

*That Development Application 2019/519 to establish a depot and storage premises and to undertake earthworks and retaining of the site at Lot 2 DP 1237064, No. 23 Northcott Crescent, Alstonville be **APPROVED** subject to standard planning, civil and environmental health conditions, as well as the following additional conditions:*

- 1. That the bins be covered either individually or collectively.*
- 2. That the area where the bins are to be stored is to be sealed.*

#### **Staff Comment**

The proposal relates to the establishment of a depot and storage premises and to undertake earthworks and retaining of the site.

The applicant has indicated that the property will primarily be utilised as a depot for the storage of empty skip bins associated with the proponent's business on the adjacent property at 19 Northcott Crescent.

Private storage of larger items (such as caravans and boats) may also occur on a commercial basis. Storage is to occur outside, in the open air.

Council planning staff have reviewed the additional recommended conditions.

Reference is made to *Newbury District Council v Secretary of State for the Environment* [1981] from which the "Newbury tests" were established.

The "Newbury tests" are established 'planning principles' that relate to the limitations in applying development consent conditions, being:

- it must have planning purpose, not an ulterior purpose
- it must relate to the permitted development to which it is annexed (i.e. nexus) and

## 11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville

- it must be reasonable, i.e. not unreasonable that no reasonable planning authority could have imposed it.

In this regard, it is critical that the permitted development (i.e. depot and storage premises) creates the need for the conditions, rather than matters associated with the adjoining resource recovery facility.

In addition, DA 2016/705 was determined on 9 March 2017 and approved the establishment of a storage premises (empty waste skip bins) and associated works at No. 34, No. 36 and No. 38 Northcott Crescent, Alstonville.

It was considered unnecessary to impose conditions on this consent requiring the site to be sealed or for the skip bins to be covered whilst on the site.

In this regard, it is considered unreasonable for the additional conditions to be imposed to the subject application.

Council planning staff have also provided comments in response to the submission prepared by GeoLINK, dated 26 February 2020, regarding DA 2019/519, a copy of which is included as Attachment 1.

Concern	Staff Response
<p>It is understood that DA 2019/519 has not been notified or advertised, and that Council have scheduled determination of the DA on Thursday, 27 February 2020.</p>	<p>With respect to the notification of the proposal, Page 25 of Council's Community Participation Plan states that notification is not required for industrial uses in Zone IN1 General Industrial. In this regard, the proposal was not required to be placed on public exhibition.</p>
<p>Our client is concerned that the current DA 2019/519 is not being properly considered given its nexus to the adjoining existing resource recovery facility and the associated DA 2017/600 for its expansion. The proposed use under DA 2019/519 is not a stand-alone, independent storage depot, but rather development that is directly associated with the resource recovery facility. As such, all components of the resource recovery facility, including the storage of waste/skip bins and their associated transport and management, should be holistically assessed as part of the one DA. This is because the current proposal effectively serves the resource recovery facility.</p> <p>Under the principles of development characterisation set out by the Department of Planning, Industry and Environment (DPIE), development is considered to be for a particular purpose if that purpose is the dominant purpose of the development. This purpose is the reason for which the development is to be undertaken or the</p>	<p>It is acknowledged that the proposed use includes the storage of empty skip bins associated with the proponent's business on the adjacent property at No. 19 Northcott Crescent.</p> <p>However, there is no approval being sought for the recovery of resources from waste from No. 23 Northcott Crescent.</p> <p>In the case of the subject application, the proposed depot and storage premises is a separately defined land use and is not reliant upon ancillary use provisions (i.e. is a standalone land use which is permissible with consent within the IN1 zone). It should also be noted that there is a component of the business (i.e. storage of caravans, boats) that is <u>not</u> in any way associated with the adjoining waste operations.</p> <p>The applicant has not sought, nor is the consent as recommended, to limit the use of No. 23 to be associated with the resource recovery facility on the adjoining lot. The consent would run with the land and not the current occupier. Therefore, subject to compliance with the terms and conditions of the consent, if granted, any future owner/occupier could operate a depot and storage premises business from</p>

## 11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville

Concern	Staff Response
<p>end to which the development serves. To determine whether a development is (or will be) for a particular purpose, an enquiry into how that purpose will be achieved by the development is necessary.</p> <p>In this case, it is submitted that the proposed storage depot, for large waste skip bins, serves the end and dominant purpose of the resource recovery facility. Hence, it should be assessed and considered in connection with the resource recovery facility. To put it simply, DPIE's planning circular states that: if a component serves the dominant purpose, it is ancillary to that dominant purpose. In this case the storage depot is not considered to be an independent use, and the application fails to adequately take into account inter-related and cumulative impacts when considered in association with the resource recovery facility.</p>	<p>No. 23 Northcott Crescent with the benefit of the development consent.</p>
<p>Our client is concerned that the proposal under DA 2019/519 presents similar issues compared to that identified in DA 2017/600. However, the application fails to properly consider these potential impacts and risks. The concern is that the proposal does not satisfy particular objectives of the IN1 General Industrial Zone, including:</p> <ul style="list-style-type: none"> <li>• To minimise the adverse effect of industry on other land uses</li> <li>• To ensure that development does not expose adjoining uses to hazard risk.</li> </ul>	<p>Within the Section 4.15 assessment, it was commented that the nature of the proposed use is such that it will result in minimal impact on surrounding development.</p> <p>It is considered the cleaning of skip bins will minimise any impacts with respect to air quality and hazardous materials. The recommended conditions of consent are considered sufficient in this regard.</p>
<p>In is our client's view that the DA and Statement of Environmental Effects (SEE) inappropriately define the proposal as a depot and storage premises, despite inconsistencies with the land use definitions in the Ballina Local Environmental Plan (LEP) 2012, as follows:</p> <p><b>Depot:</b> <i>Depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.</i></p>	<p>Council staff have assessed the proposal's compliance with the BLEP 2012 definitions for both a depot and storage premises within the Section 4.15 assessment. It remains the view that the proposed development is appropriately characterised as a depot and storage premises.</p> <p>The application states the following in relation to the hire of skip bins:</p> <p><i>"In the short to medium term, the property will primarily be utilised as a depot for the storage of empty skip bins associated with our client's skip bin hire businesses (which operates from the property adjoining the current site)".</i></p>

## 11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville

Concern	Staff Response
<ul style="list-style-type: none"> <li>The LEP definition excludes the sale or hire of stored plant, machinery or other goods. However, the application clearly states the skip bins are available for hire.</li> </ul> <p><b>Storage premises</b> means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.</p> <ul style="list-style-type: none"> <li>The above LEP definition outlines that the storage is not to be ancillary to any industry, business premises or retail premises. However, as outlined earlier, there is a clear nexus with the adjoining waste resource recovery facility and the storage of the skips is deemed to be ancillary to the dominant purpose of the waste resource recovery facility.</li> </ul>	<p>It is not considered the above statement implies bins will be available for hire from the site. Notwithstanding this, to alleviate these concerns, an additional condition is recommended requiring that no hiring of goods is to occur directly from the subject premises. It is noted from the existing operations at 19 Northcott Crescent that skip bins are delivered to building sites directly (rather than being picked up by customers).</p> <p>With respect to the use of the site as a storage premises, the applicant has indicated that the storage of other items (e.g. caravans, boats) may occur on a commercial basis, which would have no association with the adjoining waste facility. This component is considered to meet the definition of a storage premises as contained within the BLEP 2012.</p> <p>With respect to the comments made regarding 'ancillary' and 'dominant' purposes, the proposed use of No. 23 Northcott Crescent is not ancillary to any other industry, business or retail premises on the same parcel of land.</p>
<p>Our client is concerned with the following impacts and risks, which we do not believe have been adequately considered:</p> <p>The skip bins are continually engaged in transport of construction waste – therefore potentially contaminated with Asbestos Containing Material (ACM), lead and mineral fibres. There is a risk of hazard and contamination, especially from any fine residue that resides in the bins during their storage. The current proposal to hold the skips temporarily between deployments without covers and stored, exposed to the elements, fails to account for or address these potential airborne and waterborne contaminant risks. On this basis, the stormwater management plan needs to manage these risks and the potential for residue/contaminant laden runoff.</p>	<p>Council's Environmental Health Officer has carried out an assessment of the proposed development.</p> <p>The following condition is recommended with respect to the condition of skip bins entering the site:</p> <ul style="list-style-type: none"> <li>The depot permits the storage of empty bins and skips. The bins and skips shall be stored in suitably clean condition to prevent the creation of an odour or pest nuisance or leachate generation. A procedure must be developed and implemented during operations to ensure all bins are received in a suitably clean condition. No waste shall be transported to or stored at the site, other than any waste generated at the site itself, without the prior approval of Council.</li> </ul> <p>It is considered the cleaning of skip bins will minimise any impacts with respect to air quality and hazardous materials. The recommended conditions of consent are considered sufficient in this regard.</p>
<p>Dust, dust-borne hazards, stormwater-borne hazards, noise, and traffic need to be considered in-light of the DA</p>	<p><u>Dust and dust-borne hazards</u> Council's Environmental Health Officer has carried out an assessment of the proposal.</p>

## 11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville

Concern	Staff Response
<p>2017/600 for the resource recovery facility and the use/storage of the subject skips. These issues should be managed and subject to conditions/requirements similar to those applicable for the resource recovery facility.</p> <p>Furthermore, the SEE does not adequately assess the heavy vehicle traffic movements associated with the transportation of the skips to and from the site. Previous concerns have been raised about the capacity of the industrial estate's roads.</p> <p>Recent independent engineering analysis undertaken by GeoLINK has identified that although Kays Lane and Russellton Drive each have a carriageway width of 13 m, the majority of the remaining roads within the Russellton Industrial Estate have been constructed with substandard width.</p> <p>These include the two roads in addition to Kays Lane and Russellton Drive which must be travelled in order to access the site, being Northcott Crescent and Hugh Street, both of which have a kerb-to-kerb carriageway width of 11 m. Thus, 40 per cent of the 700 m haul route does not comply with the standard requirements for a road servicing industrial lots.</p>	<p>The nature of the proposed use (i.e. depot and storage premises) is such that it will not generate significant amounts of dust.</p> <p>A condition is recommended to be imposed requiring the surface of the site to be maintained during operation to prevent the generation of dust.</p> <p>A standard condition is also recommended requiring that the use does not interfere with the amenity of the locality by way of dust or other emissions.</p> <p>It is considered the conditions requiring the cleaning of skip bins before entering the site will minimise any impacts with respect to air quality and hazardous materials.</p> <p><u>Stormwater-borne hazards</u> It is considered the conditions requiring the cleaning of skip bins before entering the site will minimise any impacts with respect to stormwater-borne hazards.</p> <p><u>Noise</u> Council's Environmental Health Officer has commented that the proposed use is unlikely to generate noise at a level or character that would lead to offensive or intrusive noise on sensitive receivers. However, conditions are recommended to be imposed on the consent with respect to the management of operational noise.</p> <p><u>Traffic</u> With respect to traffic impacts, Council's Civil Services Division have carried out an assessment of the proposal.</p> <p>Council's Civil Services Division has commented that following construction, there is expected to be minimal/low traffic impacts on the surrounding road network. Additional traffic generation is expected to be minimal and likely to occur at random intervals, generally attributed to the delivery/removal of waste bins and the longer term storage of vans/boats.</p> <p>It should be noted that the anticipated vehicle trips for a depot/storage premises are significantly less than that of a resource recovery facility and applying similar conditions to the waste facility is not considered appropriate.</p> <p>In this regard, a detailed traffic assessment was not warranted for the proposal.</p>
<p>Given the previous use of the subject site (macadamia oil factory and storage) and a recent fire, there are concerns that the site may be contaminated, and the proposed</p>	<p>As part of the assessment of the subject application, Council's Environmental Health Officer provided the following comments regarding land contamination:</p>

## 11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville

Concern	Staff Response
<p>earthworks may disturb and expose this.</p> <p>The requirements of the State Environmental Planning Policy No 55— Remediation of Land need to be satisfied prior to determination. Disposal of any spoil must be to a licensed facility and in accordance with Environmental Protection Authority (EPA) requirements.</p>	<p><i>Previous Contamination Assessment as a result of fire at nearby macadamia nut processing facility CM 18/36976 prepared by Ardill Payne and Partners, May 2018 has determined the contamination status is suitable for commercial/industrial use and is therefore suitable for the proposed development.</i></p> <p><i>Details of the Assessment and determination is included in Council's Contaminated Land Register – 130-2018-339-1.</i></p> <p>In this regard, no issues are raised in relation to the requirements of SEPP 55.</p>
<p>For these reasons, our client submits that the current application should be put on hold and assessed with, or after, DA 2017/600 has been resolved (we note that an appeal has been lodged against the decision to grant consent). This is a reasonable approach given the proposed "storage depot" is intrinsically linked with the resource recovery facility. The same issues raised in relation to DA 2017/600, including contamination, dust, noise and hazardous materials, and the questionable capacity of the local street access, apply to the considerations of DA 2019/519. However, these do not appear to have been adequately evaluated and there is insufficient information to determine the DA 2019/519 at this time.</p>	<p>As previously discussed, it is considered reasonable for the business operations to be carried out on a separate title (provided the site has the appropriate approvals in place).</p> <p>The proposed development can operate as a standalone development on a separate site as it comprises a permissible land use and is not reliant on 'ancillary' use provisions.</p> <p>The adjoining premises currently has approval for the processing of waste and skip bin hire via DA 2012/88 (regardless of whether DA 2017/600 is allowed to proceed).</p> <p>In this regard, it is not considered reasonable to put the subject application on hold until DA 2017/600 is resolved.</p>

The following comments are provided with respect to the recommended conditions of consent prepared by GeoLINK regarding DA 2019/519, as per correspondence dated 2 March 2020, included as Attachment 2.

Recommended condition	Response
<b>Prior to construction/commencement</b>	
<p>A site plan of the development must be submitted to the satisfaction of Council, showing vehicle movement areas, skip and caravan storage spaces, with typical dimensions, verifying swept path movement dimensions for skip-carrying vehicles and caravan towing vehicles can be achieved.</p>	<p>The site plan submitted with the application contains a suitable level of detail to assess and determine DA 2019/519. Council's Civil Services Division did not require further information in this regard.</p>
<p>The site plan must show, and verify, that all vehicle movement areas will be designed to carry the largest vehicles to</p>	<p>Council's Civil Services Division has commented that it is not practical to bitumen seal the internal areas of the site, as the use of this area (particularly the location of skip bins and other items) is variable. In</p>

## 11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville

<p>be utilised by the development and will be bitumen sealed or asphalt surfaced.</p>	<p>addition, the durability of this material is not ideal in supporting heavy skip bins. In this regard, the current conditions of consent are considered adequate.</p>
<p>The site plan must include dedicated on-site parking for staff, in accordance with the relevant rate in Council's Development Control Plan (or to the satisfaction of Council if no specific rate is identified). Parking must be constructed to Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.</p>	<p>With respect to dedicated on-site car parking, Council's Development Control Plan does not contain a parking rate for depots or storage premises. It has been assessed that there is ample space for informal car parking to occur on the site, where required, to adequately cater for this type of development. This was also considered acceptable as part of DA 2016/705.</p>
<p><b>During construction</b></p>	
<ul style="list-style-type: none"> <li>• A Dust Management Plan shall be prepared for the site by a suitably qualified person. The management plan shall identify all potential dust generating activities and specify mitigation measures to minimise dust emissions, monitoring requirements and complaint handling procedures. The plan must be in accordance with applicable requirements/guidelines of the NSW Environment Protection Authority and Australian Standards. The Dust Management Plan must include a construction air quality monitoring program that:             <ul style="list-style-type: none"> <li>• is capable of evaluating the performance of the construction works</li> <li>• includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints</li> <li>• adequately supports the air quality performance objectives</li> <li>• evaluates and reports on the effectiveness of air quality management for the construction works.</li> <li>• Guidelines and standards relevant to air quality and also the development of an associated management plan include the following publications:                 <ul style="list-style-type: none"> <li>• National Environment Protection Council's (NEPC) – NEPM for Ambient Air Quality Guidelines</li> <li>• Protection of the Environment Operations (Clean Air) Regulation, 2002</li> <li>• AS 2922 Ambient Air Guide for Citing of Sampling Equipment</li> </ul> </li> </ul> </li> </ul>	<p>A condition is recommended to be imposed on the consent as follows:</p> <p><i>Dust shall be managed using water suppression, re-establishment of vegetation cover, stockpile management, covering loads, preventing spoil tracking onto roads and halting works on site in extreme wind events. Further guidance can be sourced from 'No Dust No Fuss: Guidelines for controlling dust from construction sites' NSW EPA.</i></p> <p>A further condition is recommended to be imposed requiring the surface of the site to be maintained to prevent the generation of dust.</p> <p>It should be noted a dust management plan was not required for the operations approved as part of DA 2016/705.</p> <p>Having regard for the above, it is considered the recommended conditions of consent adequately assess any potential dust impacts associated with the proposed development.</p> <p>Imposing such a condition, as suggested in the GeoLINK submission, would be unnecessary and unreasonable for such a proposed land use in industrial zoned land.</p>



<ul style="list-style-type: none"> <li>• AS 3580.1.1-2007 Methods for Sampling and Analysis of Ambient Air – Guide to Siting Air Quality Monitoring Equipment</li> <li>• AS 3580.10.1-2003 Methods of Sampling Analysis of Ambient Air</li> <li>• Action for Air 2009 (NSW DEC)</li> <li>• Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in New South Wales (DEC 2005)</li> <li>• - Air Quality Monitoring Criteria for Deposited Dust (DEC Guideline).</li> </ul>	
<p>The applicant must implement an approved Stormwater Management Plan during the construction phase. Details must be submitted to The Principal Certifying Authority prior to other construction works commencing demonstrating compliance with the requirements of the approved Stormwater Management Plan. The Stormwater Management Plan is to include water quality monitoring techniques to be adopted to ensure that the water quality targets to be achieved for the Site are always maintained.</p>	<p>With respect to the management of stormwater on the site, the following condition has been recommended by Council's Civil Services Division:</p> <p><b>Stormwater Management Plan &amp; Designs</b></p> <p>The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and in general accordance with the Site Stormwater Management Plan by Newton Denny Chapelle, dated June 2019.</p> <p>Overland flow paths must be incorporated into the design directing overflows around the perimeter of the site to the stormwater treatment/attenuation structure and from the structure via the easement at the north/east of the site.</p> <p>Detailed design and construction plans must be submitted with the Stormwater Management Plan, to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate, detailing (but not limited to), the following:</p> <ul style="list-style-type: none"> <li>• Typical cross-sections of the proposed drainage swales adjacent to the top of the retaining walls and perimeter of the site; design of the swale capacity to manage and capture up to the 100 year ARI event; details of how the stormwater flows transition from the swale into the stormwater treatment /attenuation structure; swale profile and material (concrete or an approved equivalent).</li> <li>• Design details of how the perimeter drainage flows transition and enter into the treatment/attenuation structure.</li> <li>• Design details of the overflow weir in the event the treatment/attenuation structure overflows.</li> <li>• Design details of the overland flow path profile and construction materials for the length of the swale throughout the easement downstream of the treatment/attenuation structure.</li> <li>• Details of the maintenance access into the treatment/attenuation structure for people and</li> </ul>

**11.1 Rescission Motion - DA 2019/519 - 23 Northcott Crescent, Alstonville**

	<p>plant/machines in a safe, workable and practical manner.</p> <ul style="list-style-type: none"> <li>• Details of how debris/gravel/silt is to be cleaned out of the treatment/attenuation structure.</li> <li>• Note that the use of mulch is not permitted.</li> <li>• Structural design of the proposed block retaining walls to the treatment/attenuation structure.</li> </ul> <p>Further conditions have been recommended as follows (during construction):</p> <ul style="list-style-type: none"> <li>• Soil erosion and sediment control measures shall be designed, installed and maintained in accordance with Managing Urban Stormwater – Soils and Construction, LANDCOM, March 2004.</li> <li>• Sediment and erosion control measures shall be installed and effectively maintained to control stormwater runoff. All disturbed and exposed areas shall be immediately stabilised with hard surface or revegetated on completion of earthworks.</li> </ul> <p>Having regard for the above, it is considered the recommended conditions of consent are adequate to manage stormwater impacts.</p>
<p><b>During operation</b></p>	
<p>Only skip bins, caravans, shipping containers and the like, and the associated delivery vehicles – equipment that is either road registered for unrestricted public road use OR able to be loaded and unloaded by truck mounted equipment - can be unloaded, stored, and loaded on the site.</p>	<p>This requirement is considered onerous and unreasonable for the purposes of the proposed depot and storage premises and was not a requirement of DA 2016/705.</p> <p>In this regard, it is not considered appropriate to impose this condition.</p>
<p>The landscaped buffer identified in the approved plans must be established prior to operation and is to be maintained to provide an effective screen to the activities carried out on the site. The buffer shall achieve a minimum effective screen height of two metres when viewed from the public roadway adjacent to the development.</p>	<p>With respect to landscaping, the following condition is recommended to be imposed on any consent granted:</p> <p><b>Landscaping</b></p> <p>A landscaped area with a minimum width of 3.0 metres across the entire frontage (apart from the driveway) is to be provided as shown on Drawing No. 190091-AP-CI-01, Revision A dated 5 July 2019 prepared by Newton Denny Chapelle, with plantings chosen that will screen the development from the street and consist of native and endemic species. Species should be selected for their relatively fast growth and low maintenance characteristics.</p> <p>It is considered the above condition will adequately address the visual impact of the proposed operations.</p>
<p>Skip bins are to be either cleaned to remove construction debris prior to being brought to the site for storage each time they are utilised, OR are to be effectively covered to prevent wind</p>	<p>With respect to the cleaning of skip bins, condition is recommended to be imposed as follows:</p> <ul style="list-style-type: none"> <li>• The depot permits the storage of empty bins and skips. The bins and skips shall be stored in</li> </ul>

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<p>or rain disturbing construction debris/residue potentially containing hazardous material, causing it to be transported to and through the local environment. Any hazardous material must be managed in accordance with relevant EPA requirements and guidelines.</p>	<p>suitably clean condition to prevent the creation of an odour or pest nuisance or leachate generation. A procedure must be developed and implemented during operations to ensure all bins are received in a suitably clean condition. No waste shall be transported to or stored at the site, other than any waste generated at the site itself, without the prior approval of Council.</p>
<p>No other vehicles, machinery or plant involved in the waste recovery industry are to be brought to the site before being effectively cleaned to remove all potential hazardous material.</p>	<p>In formulating development consent conditions, it is critical that these requirements are generated by the permitted development, not an adjoining development (refer to previous discussions regarding the “Newbury tests”).</p> <p>In this regard, it is not appropriate or practical to require cleaning of vehicles, machinery or plant from the adjacent property, which operates under a separate development consent.</p>
<p>Stormwater detention systems are to be sampled by a suitably qualified person and assessed by a registered laboratory at intervals of no less than six months to verify that no hazardous materials are being released/discharged from the site to the local environment.</p>	<p>The sampling of stormwater detention systems is considered onerous for the purposes of a depot and storage premises.</p> <p>It is considered the conditions requiring the cleaning of skip bins prior to entering the site will minimise any impacts with respect to stormwater-borne hazards.</p> <p>In this regard, it is not considered appropriate to impose this condition and the recommended conditions regarding stormwater management should remain unchanged.</p>
<p>Dust monitoring must be carried out at each property boundary for a period of 12 months from the commencement of operation and be managed by a suitably qualified person. The monitoring is to be carried out to establish compliance with air quality requirements and determine if further operational dust management is required on an on-going basis. The monitoring program must:</p> <ul style="list-style-type: none"> <li>• Be capable of evaluating the performance of the operation</li> <li>• Include a protocol for determining any exceedances of the relevant air quality parameters and responding to complaints</li> <li>• Adequately support air quality performance objectives</li> <li>• – Evaluate and report on the effectiveness of air quality management for the operation.</li> </ul>	<p>Council’s Environmental Health section have carried out an assessment of the proposal and dust monitoring has not been deemed necessary with respect to the proposed use of the site for a depot and storage premises, which is not considered to be a significant dust generating activity.</p> <p>In this regard, it is not considered appropriate to impose this condition.</p> <p>A condition is recommended to be imposed requiring the surface of the site to be maintained during operation to prevent the generation of dust.</p> <p>A general condition is also recommended requiring that the use does not interfere with the amenity of the locality by way of dust or other emissions.</p>

The draft conditions of consent, which are considered appropriate and reasonable for the subject application, are included as Attachment 3.

**COUNCILLOR RECOMMENDATION**

That resolution 270220/6, as follows, be rescinded:

*That Development Application 2019/519 to establish a depot and storage premises and to undertake earthworks and retaining of the site at Lot 2 DP 1237064, No. 23 Northcott Crescent, Alstonville be **APPROVED** subject to standard planning, civil and environmental health conditions.*

**Attachment(s)**

1. [Geolink Submission - 2019/519 - 26 February 2020](#)
2. [Geolink Submission - DA 2019/519 - 2 March 2020](#)
3. [Draft Conditions of Consent](#)

## **11.2 Notice of Motion - Tender - Coastal Recreational Walk**

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### **11.2 Notice of Motion - Tender - Coastal Recreational Walk**

**Councillor** Cr McCarthy  
Cr Johnston  
Cr Williams

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We move

That Council replace the proposed sand path (from chainage 4420.00 to 4660.0 and chainage 4880.00 to 5039.776) with compacted gravel path consistent with the development application plan consent (approved 26 June 2014). This then provides improved accessibility for the section from the southern end of Boulder Beach to the new boardwalk around the back of Boulder Beach and continues to the base of the southern side of Lennox Headland.

#### **Staff Comment**

In debating this tender at the February 2020 Ordinary meeting (Item 10.1), this point was moved as part of an amendment that was eventually lost.

The resolution adopted authorised the General Manager to enter into negotiations with 'B&S Landscaping and Earthworks' with a view to entering into a contract for the construction of the coastal walk. Those negotiations have commenced.

In discussions with staff managing those negotiations there is still an opportunity to amend the proposed works as per the above motion. Currently the surface for the sections mentioned is based on a sand path and there is likely to be little or no difference in the construction price in respect to this change, if approved. The impact on future maintenance costs is unknown as it will ultimately depend on the frequency of weather and wave events impacting on the surface.

As this motion was lost at the February 2020 Ordinary meeting, three signatures are required to re-debate the matter within three months. There is no need to rescind the February resolution as all points in that resolution can still be enacted. If this motion is carried it will only result in a change to the nature of the works delivered.

#### **COUNCILLOR RECOMMENDATION**

That Council replace the proposed sand path (from chainage 4420.00 to 4660.0 and chainage 4880.00 to 5039.776) with compacted gravel path consistent with the development application plan consent (approved 26 June 2014). This then provides improved accessibility for the section from the southern end of Boulder Beach to the new boardwalk around the back of Boulder Beach and continues to the base of the southern side of Lennox Headland.

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

1 [↗](#). Coastal Recreational Walk - Tender Drawings selected areas

### **11.3 Notice of Motion - National General Assembly of Local Government**

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### **11.3 Notice of Motion - National General Assembly of Local Government**

**Councillor**

Cr Cadwallader

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I move

That Council submit the following Motion to the 2020 ALGA National General Assembly of Local Government to be held in Canberra from 14 – 17 June 2020:

*That the National General Assembly call on the Australian Government to work in collaboration with councils and the states and territories to develop and implement a national climate change adaptation plan to minimise the destructive impact on our communities of coastal erosion, inundation and other hazards, including extreme weather events and bushfires. One way of funding the plan would be to allocate a portion of funds from the coronavirus stimulus package to councils to implement coastal adaptation works.*

#### **Councillor Comment**

The objective of the motion is consistent with the theme of the 2020 National General Assembly – *working together for our communities* – and is aimed at strengthening the capacity of local government to improve sustainability and resilience in local communities and regions. Developing a national plan to respond effectively to the hazards associated with climate change, including coastal erosion, inundation, extreme weather events and bushfires, is critical to the sustainability of our communities.

#### **Summary of key arguments**

Local government is at the forefront of responding to climate change impacts which represent a clear threat to communities throughout Australia. Communities located along the nation's 36,000 kms of coastline are at particular risk from the increasing impact of coastal erosion, inundation, and other hazards, including extreme weather events and bushfires. The coastal zone is home to Australia's state capitals, to most of the nation's commercial assets and to more than 85% of Australia's population. It plays a pivotal role in the life of the nation, however it is under increasing threat from a complex set of coastal hazards associated with a changing climate.

Given the scale of the threat and the limited resources available to local government it is no longer feasible for state, territory and local governments to respond adequately to climate impacts without additional support from the Australian Government. The climate challenge is immense and can only be addressed effectively through a coordinated national approach, with the three levels of government working collaboratively and in partnership to manage the risks.

One way of funding a national climate change adaptation plan would be to allocate a portion of funds from the coronavirus stimulus package to councils to implement coastal adaptation works to increase the resilience of coastal communities. The funds would stimulate economic activity throughout Australia's coastal zone, which is home to the majority of the nation's

### **11.3 Notice of Motion - National General Assembly of Local Government**

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population. The stimulus package could be structured to leverage co-payments by state and local governments and would have the effect of future-proofing Australia's coastal communities.

#### **COUNCILLOR RECOMMENDATION**

That Council submit the following Motion to the 2020 ALGA National General Assembly of Local Government to be held in Canberra from 14 – 17 June 2020:

*That the National General Assembly call on the Australian Government to work in collaboration with councils and the states and territories to develop and implement a national climate change adaptation plan to minimise the destructive impact on our communities of coastal erosion, inundation and other hazards, including extreme weather events and bushfires. One way of funding the plan would be to allocate a portion of funds from the coronavirus stimulus package to councils to implement coastal adaptation works.*

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

Nil

## **11.4 Notice of Motion - 4WD Permit System - South Ballina**

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### **11.4 Notice of Motion - 4WD Permit System - South Ballina**

**Councillor**

Cr Eoin Johnston

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I move

1. That Council convene a meeting with the land authorities responsible for management of the 4wd accessible area of South Ballina / Patches Beach (i.e. National Parks and Wildlife, Crown, Richmond Valley Council) to examine whether all agencies can work together to implement a permit system along the following principles:
  - Permits as per Seven Mile Beach
  - Revenue to be allocated to ranger resources to regularly patrol this locality (this may be full time or part-time)
  - The ranger resource could be employed by any one of the agencies
  - Any estimated shortfall in the cost of funding the ranger resource is to be funded through joint contributions from the various agencies.
2. That Council receive a report back on the outcomes from these discussions.

#### **Councillor Comment**

Residents of South Ballina, Patches Beach and Wardell have repeatedly expressed concern and frustration at the increased number of 4wd drive owners using the area with scant regard for preserving what was once a pristine beach and its surrounds. Their concerns regard a threat to pedestrians, destruction of dunes, disregard for flora, fauna and bird life, reckless and dangerous driving and an obvious neglect in removing rubbish from meeting and camping places. There are no toilet facilities on the beach. The authorities are bound by various strands of legislation and are reluctant to act alone or to take sole responsibility of this issue. The intent of this motion is to provide a united and effective response to address this escalating problem.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council convene a meeting with the land authorities responsible for management of the 4wd accessible area of South Ballina / Patches Beach (i.e. National Parks and Wildlife, Crown, Richmond Valley Council) to examine whether all agencies can work together to implement a permit system along the following principles:
  - Permits as per Seven Mile Beach
  - Revenue to be allocated to ranger resources to regularly patrol this locality (this may be full time or part-time)
  - The ranger resource could be employed by any one of the agencies
  - Any estimated shortfall in the cost of funding the ranger resource is to be funded through joint contributions from the various agencies.
2. That Council receive a report back on the outcomes from these discussions.

**Attachment(s)** Nil



## **11.5 Notice of Motion - Proposed Access on Bruxner Highway at Alstonville**

### **11.5 Notice of Motion - Proposed Access on Bruxner Highway at Alstonville**

**Councillor**

Cr Eoin Johnston

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I move

1. That Council confirms that it does not support any proposal for the eastern access to Alstonville from the Bruxner Highway which results in traffic being directed back through Alstonville as a consequence of not being able to head west from the eastern access.
2. Council's preferred response is for a roundabout or an overpass at the eastern access, subject to any design being to the satisfaction of Council's engineering staff.

#### **Councillor Comment**

The suggestion to rectify a dangerous intersection known as the eastern access to Alstonville was raised by a candidate prior the last State elections. That proposal included totally banning right hand turns leading onto the bypass from Alstonville and specifically all traffic emanating from Teven Road. All vehicles would be directed back into the town centre through two roundabouts, along Wardell Road and onto a new ramp on the southern side of the bypass.

If this proposal is embraced by the RMS it would be contrary to the outcomes sought by community leaders who worked for many years to alleviate traffic problems in the centre of Alstonville.

#### **Staff Comment**

Following previous feedback from Council, the RMS have gone to considerable effort to scope and assess a number of design options for this project.

This process has included the development of a traffic model, which is informed by a number plate survey. This model provides a useful data set to compare the benefits and impacts of the different options.

The analysis undertaken also looks at cost, constructability and environmental impacts, including impacts on the broader community and affected landholders.

RMS propose to present a Councillor briefing to discuss the options and to seek some feedback from Councillors on how they would like to see a community consultation undertaken. This notice of motion will provide direction to the RMS in respect to the proposed briefing.

#### **COUNCILLOR RECOMMENDATIONS**

1. That Council confirms that it does not support any proposal for the eastern access to Alstonville from the Bruxner Highway which results in traffic being directed back through Alstonville as a consequence of not being able to head west from the eastern access.

## **11.5 Notice of Motion - Proposed Access on Bruxner Highway at Alstonville**

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2. Council's preferred response is for a roundabout or an overpass at the eastern access, subject to any design being to the satisfaction of Council's engineering staff.

### **Attachment(s)**

Nil

## 11.6 Notice of Motion - Farmland Rating Policy

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### 11.6 Notice of Motion - Farmland Rating Policy

**Councillor**

Cr Williams

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I move

That the Farmland Rating Policy be amended so that an application for special consideration can be made on the basis that the property would have otherwise met the Minimum Gross Margin criteria when expenditure on Landcare activities, bush regeneration or the introduction of regenerative farming practices are excluded.

#### **Councillor Comment**

At present the costs of landcare, bush regeneration or regenerative agricultural practices (improving soil health) undertaken on a rural property would count as business expenses and reduce a property's capacity to meet the Minimum Gross Margin criteria.

Those on smaller rural blocks that are putting most of their profit back into the property could be financially penalised (by a higher rate) than those that are comparatively poor managers of rural lands (eg. fail to manage weeds).

This in effect penalises those people for undertaking works that are also a public good.

Given that there is already provision for an application for special consideration this could be addressed as an additional matter that could be taken into account. As it requires the ratepayer to make the application it would also ensure that this does not need to be considered by staff in the ordinary course of events.

#### **Staff Comment**

Council adopted the Farmland policy, copy attached, at the July 2019 Ordinary meeting. This was the first time Council had adopted such a policy with the objectives stated as follows:

- To provide clear guidelines for Council and property owners on how to qualify for the farmland rating category
- To ensure that all farmland assessments are determined using a consistent criteria.

A key component of the policy is the requirement to produce an annual Gross Margin equal or greater than \$20,000. The policy also states as follows:

*An assessment will be deemed to meet this criteria if it meets the minimum gross margin criteria in any one of the previous four years. Alternatively, if the above criteria is not met, an applicant may make application for special consideration based on the property's expected future viability.*

## **11.6 Notice of Motion - Farmland Rating Policy**

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The policy is already somewhat generous in that the criteria only has to be met once in every four years and the threshold was lowered to \$20,000 from \$24,000 as part of the debate in adopting the policy.

The notice of motion can be included in the policy although it could result in an increased level of subjectivity in determining what expenditure would fit within these activities.

It is also important to acknowledge that the purpose of the policy is to provide genuine farmers, typically on large land parcels with high land values, a discount in their annual rates bill, with that discount then distributed to all other ratepayers.

An applicant must also demonstrate that they are actually operating as a farm, and not a hobby farm, with the farming definitions included on page one of the policy.

### **COUNCILLOR RECOMMENDATION**

That the Farmland Rating Policy be amended so that an application for special consideration can be made on the basis that the property would have otherwise met the Minimum Gross Margin criteria when expenditure on Landcare activities, bush regeneration or the introduction of regenerative farming practices are excluded.

### **Attachment(s)**

1 [↗](#). Policy - Farmland Rating

## **11.7 Notice of Motion - Cumbalum Interchange**

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### **11.7 Notice of Motion - Cumbalum Interchange**

**Councillor**

Cr Johnson

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I move

1. That Council write to the our local Federal and State MP's and all relevant Government Ministers requesting that funding consideration be given to complete the Cumbalum Interchange project.
2. That Council also approach Transport for NSW to confirm the proposed design for the completion of the Cumbalum Interchange along with a current cost estimate for the project.

#### **Councillor Comment**

The Cumbalum Interchange was only half completed as part of the Pacific Highway Ballina Bypass Project. This was either an oversight or a cost cutting measure given that the Cumbalum area is the major residential growth corridor for the Ballina Shire.

The NSW Government as part of its North Coast Regional Strategy insisted that the land on the eastern side of the highway from the Cumbalum Interchange all the way up to Ross Lane at Tintenbar (now called Kinvara) be rezoned from rural to residential allotments. This designated urban expansion area will have an eventual yield of more than 3,500 homes plus a commercial precinct, large open space areas and schools.

The traffic congestion heading into Ballina from the North, including from the Cumbalum area, will only increase as the roll out of new homes continues over the next 10 – 15 years.

The completion of the Cumbalum Interchange would also provide a safer link between Cumbalum-Alstonville-Wollongbar-Lismore. Currently an increasing number of vehicles are using the Tintenbar/Teven road instead of driving through Ballina to access the Bruxner Highway.

The Ballina Shire is fortunate to have great regional roads that link our villages and towns. The missing link to make these roads fully available is the Cumbalum Interchange completion.

With Ballina Council considering alternative bypass options such as Barlows Road and the Western Arterial road (which is estimated to cost over \$40 million) a concerted effort to complete the Cumbalum Interchange should be a key priority in terms of managing the expected increase in traffic volumes and to ensure that our road network can still function with the 1,000's of additional homes that will be constructed over the next 10-15 years.

With the likelihood that there will be additional significant State and Federal Government stimulus measures being provided to local councils this project should be one of the priorities in terms of road funding initiatives.

## **11.7 Notice of Motion - Cumbalum Interchange**

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### **COUNCILLOR RECOMMENDATIONS**

1. That Council write to the our local Federal and State MP's and all relevant Government Ministers requesting that funding consideration be given to complete the Cumbalum Interchange project.
2. That Council also approach Transport for NSW to confirm the proposed design for the completion of the Cumbalum Interchange along with a current cost estimate for the project.

### **Attachment(s)**

Nil

## 11.8 Notice of Motion - Ross Lane Flooding

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### 11.8 Notice of Motion - Ross Lane Flooding

**Councillor**

Cr Johnson

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I move that

1. Council thank the NSW State Government for their recent announcement that Council has been allocated \$3.5m over three years for safety improvements to Ross Lane and Byron Bay Road (between Ross Lane and Byron Street Lennox Head).
2. Council write to our local State and Federal Government Parliamentarians, and the relevant Ministers, seeking additional funding support to allow the proposed works for Ross Lane to also include mitigation measures (eg. culverts, raising the road) to reduce the need to close the road during flooding.
3. This request for funding recognises that Ross Lane has become a major transport connection for the high population growth area of Lennox Head and also acts as a key detour route when the freeway is closed in this location.

#### **Councillor Comment**

Whenever there is a few days of heavy rain Ross Lane, which links Lennox Head with the Pacific Highway, Cumbalum, Tintenbar and our hinterland, becomes flooded. With the rapid increase in the population of Lennox Head and Cumbalum, as well as Ross Lane being a key Highway Detour route when the freeway is closed, it's important that this regional connector road remains open.

During the last six weeks there have been numerous occasions that Ross Lane has been closed to traffic. Council, in the interests of public safety, contracted road traffic controllers to manage the period when the road was half flooded, as well as directing traffic and ensuring motorists didn't attempt to drive through the flood waters when it was deemed unsafe.

This not only resulted in costs to Council but also conflict between road users and the contracting company.

With the Cumbalum, CURA A and CURA B urban expansion areas being developed as well as significant new developments in Lennox Head, including over 600 new homes and a new commercial precinct, the importance of keeping Ross Lane open to traffic only increases.

Given Council has already received Black Spot funding and the dangerous nature of this regional road has been recognised on numerous occasions, additional funding is likely.

Furthermore, the likely increase in grants to local Councils in the near future provides a timely opportunity to request funding for this project at this point in time.

**COUNCILLOR RECOMMENDATIONS**

1. That Council thank the NSW State Government for their recent announcement that Council has been allocated \$3.5m over three years for safety improvements to Ross Lane and Byron Bay Road (between Ross Lane and Byron St Lennox Head)
2. That Council write to our local State and Federal Government Parliamentarians, and the relevant Ministers, seeking additional funding support to allow the proposed works for Ross Lane to also include mitigation measures (eg. culverts, raising the road) to reduce the need to close the road during flooding.
3. This request for funding recognises that Ross Lane has become a major transport connection for the high population growth area of Lennox Head and also acts as a key detour route when the freeway is closed in this location.

**Attachment(s)**

Nil



**12. Advisory Committee Minutes**

**12.1 Finance Committee Minutes - 17 March 2020**

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**Attendance**

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Tara McGready (acting Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sarah Carden (Secretary) were in attendance.

There were two people in the gallery at this time.

**1. Apologies**

An apology was received from Cr Nathan Willis and Cr Phil Meehan

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**2. Declarations of Interest**

- **Cr Eoin Johnston** - declared an interest in Item 4.1 – Ocean Pool Update (Nature of Interest: non-significant, non-pecuniary – he was a member of the Ocean Pool Committee). He will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Jeff Johnson** - declared an interest in Item 4.1 – Ocean Pool Update (Nature of Interest: non-significant, non-pecuniary – he is currently a member of the Ocean Pool Committee). He will be remaining in the meeting while the matter is discussed and voting on the matter.

**3. Deputations**

Nil

**4. Committee Reports**

**4.1 Ocean Pool - Update**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the dissolution of the Council Ocean Pool Committee.
2. That Council continues to endorse the preparation of an application to seek the necessary planning approval for the Ballina Ocean Pool project at Shelly Beach, Ballina, subject to the application being inclusive of appropriate planning and technical assessments, consistent with resolution reference RT270918/3.
3. That Council confirms that the endorsement in point two does not provide approval to lodge a planning application, with that decision to be made by the elected Council, once the documentation is at a point where the General Manager, or nominated delegate, is of the opinion that satisfactory information is available for the planning assessment.
4. That Council continue to provide in-kind assistance to the Ballina Ocean Pool Committee Inc, through the provision of the Council Committee meeting room for meetings, and access to staff, as and when required, within reasonable limits as determined by the General Manager.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**4.2 Hampton Park - Car Park**

**RECOMMENDATION**

(Cr Jeff Johnson/Cr Sharon Parry)

1. That Council defer consideration of its support to a new car park at Hampton Park until the Hampton Park Plan of Management is reviewed.
2. That Council write to the Cherry Street Bowling Club to advise the Club of its decision and request the Club's consideration of using the available grant funds to finance, part or all of the review of the Hampton Park Plan of Management. If the Club is not able to support this request, Council will receive a further report assessing funding options to the April 2020 Finance Committee meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**4.3 National Bushfire Recovery Agency Funding Assistance**

**RECOMMENDATION**

(Cr Eoin Johnston/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to submit the following program of work for approval to National Bushfire Resource Recovery Agency for the funding available to Council;

1. Rural Fire Service (RFS) Facility Lennox Head	2. \$5 00,000
3. Asset Protection Zones (APZ)	4. \$2 25,000
5. Koala Management and Biodiversity Conservation Strategies	6. \$2 00,000
7. Indigenous Protected Area Repairs	8. \$2 00,000
9. Richmond Room Enhancements	10. \$1 00,000

2. The Council notes the information in the above report regarding the application submitted under the Regional Tourism Bushfire Recovery Grant program for funding to continue the Cultural Ways Project for the Coastal Shared Path and Coastal Recreational Walk.
3. That Council authorises the General Manager to develop, in consultation with the Jali Land Council, an application to the Bushfire Community Resilience and Economic Recovery Fund to allow the implementation of recovery activities and works to support future resilience capacity for the community located at Cabbage Tree Island.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

A **Motion** was moved by Cr Cadwallader and seconded by Cr Johnson

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council allocate \$12,000 from General Revenue to clean up the beaches to mitigate tourism impacts.

FOR VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Stephen McCarthy and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**4.4 Land Valuations and Rating Structure - 2020/21**

**RECOMMENDATION**

(Cr Ben Smith/Cr Eoin Johnston)

1. That for the draft 2020/21 Operational Plan, Council approves the application of a base rating structure, which applies the following principles:
  - a) Marginally less than 50% of the rate income for the residential category of properties being generated from the base amount
  - b) Business, farmland and mining categories to have the same base amount as the residential base amount
  - c) A total of 19.35% income from the rate yield to be sourced from the business category properties
  - d) Farmland rate in the dollar is approximately 83% of the residential rate in the dollar
  - e) The mining category rate in the dollar to be set as the same rate as the business category (currently no mining category properties in the shire).
2. That Council notes the indicative figures for this rating structure for 2020/21, are as per Tables Eleven and Twelve of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**4.5 Wastewater Operations - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Ben Smith/Cr Keith Williams)

That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the wastewater operations, for exhibition in the draft 2020/21 Operational Plan.

<b>Charge Type</b>	<b>2019/20 \$</b>	<b>2020/21 \$</b>	<b>% Increase</b>
Residential Availability Charge	1,001	1,027	2.6%
Vacant Land Charge	755	775	2.6%
Non Residential Usage Charge	2.54	2.61	2.6%
Non Residential Access Charge	Variable based on meter size		
Recycled Water	80% of potable water step 1		

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**4.6 Water Operations - Long Term Financial Plan**

**RECOMMENDATION**

## 12.1 Finance Committee Minutes - 17 March 2020

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(Cr Sharon Parry/Cr Ben Smith)

That Council endorses the annual charges, as per the following table, as well as the long term financial plan, as per the attachments to this report, for the water operations, for exhibition in the draft 2020/21 Operational Plan.

Charge Type	2019/20	2020/21	% Increase
Water Access Charge 20mm meter	204	209	2.6
Water Consumption under 350kl	2.29	2.35	2.6
Water Consumption over 350kl	3.44	3.53	2.6
Vacant Land Charge	204	209	2.6

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

## 4.7 Waste Operations - Long Term Financial Plan

### RECOMMENDATION

(Cr Eoin Johnston/Cr Steve McCarthy)

1. That Council resolves not to support the introduction of a targeted free voucher system for pensioners for 2020/21 due to the following reasons:
  - a) The system will result in additional cost pressure on Council's waste management operations at a time when the Landfill and Resource Management Reserve is overdrawn, Council is facing significant increases in operating costs and there remain numerous uncertainties in respect to how waste streams are to be managed into the future
  - b) The information Council has available on pensioners only includes pensioners registered for property rate rebates and no information is available on the number of non-registered pensioners and health care cardholders
  - c) The system is inconsistent with Council's waste management strategic objectives which focus on responsibility for waste management
  - d) There is no evidence available to support that the system will have any beneficial impact on illegal dumping in the Shire.
2. That Council endorses the draft fees and charges and Landfill and Resource Management and Domestic Waste Management long term financial plans, as per the attachments to this report, for exhibition in the draft 2020/21 Operational Plan.

i.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson and Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Nathan Willis

**MEETING CLOSURE**

5.15 pm

**RECOMMENDATION**

That Council confirms the minutes of the Finance Committee meeting held 17 March 2020 and that the recommendations contained within the minutes be adopted.

**Attachment(s)**

Nil

## 13.1 Mayoral Meetings

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### 13. Reports from Councillors on Attendance on Council's behalf

#### 13.1 Mayoral Meetings

**Councillor** David Wright

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Activities I have attended, or propose to attend, as at the time of writing this report, since the February 2020 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
20/2/20	Meeting – Col Lee – Caravan Launch
22/2/20	Alstonville – Elizabeth Ann Brown Park Markets
24/2/20	Briefing – Coastal Recreational Walk
28/2/20	Meeting – Tony Gilding – Wildlife Centre/Hospital
1/3/20	Commemoration Park Markets
2/3/20	Church Group
3/3/20	Alstonville/Wollongbar Chamber of Commerce
3/3/20	Lions Club of Ballina – Youth of the Year Quest
4/3/20	Men’s Shed 10th Anniversary - Cherry Street
5/3/20	Meeting – Lucy Lomax – Alstonville Red Cross
8/3/20	Commemoration Park Markets, Lennox Head Markets
9/3/20	East Ballina Lions – Youth of the Year Quest – Ballina Coast High
10/3/20	Citizenship Ceremony, ‘A’ Ward Committee
10/3/20	Meeting - Kevin Hogan re Airport Funding Opportunities
11/3/20	Launch – Meals on Wheels, Meeting – White Star Aviation
12/3/20	‘C’ Ward Committee, Gallery Opening
13/3/20	Meeting – Edwin Collins re Traffic and Transport Issues
13/3/20	People, Places and Prosperity – Presentation
14/3/20	Lennox Village Vision – Lennox Community Centre
15/3/20	Ballina Markets, Commemoration Park Markets
15/3/20	Lennox Head Village – Design Charrette
16/3/20	‘B’ Ward Committee
17/3/20	Finance Committee
18/3/20	Strandbags Opening – Ballina Fair
19/3/20	Police Teleconference
22/3/20	Commemoration Park Markets
23/3/20	Presentation – Helirescue, Presentation – Paul Duncan – Total Erosion
26/3/20	Council Meeting
29/3/20	Country Music Club - SES Charity Fund Raising Day RSL
29/3/20	Commemoration Park Markets, Lennox Head Markets
30/3/20	Briefing – Local Strategic Planning Statements, Land Use Agreements
31/3/20	Australian Bravery Association – Presentations - RSL Downstairs Cafe

#### **RECOMMENDATION**

That Council notes the contents of the report on Mayoral meetings.

**Attachment(s)** Nil

14. Confidential Session

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**14. Confidential Session**

Nil Items