



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 28 November 2019 commencing at 9.00 am.**

Business

1. Australian National Anthem
2. Acknowledgement of Country
3. Apologies
4. Confirmation of Minutes
5. Declarations of Interest and Reportable Political Donations
6. Deputations
7. Mayoral Minutes
8. Planning and Environmental Health Division Reports
9. Corporate and Community Division Reports
10. Civil Services Division Reports
11. Notices of Motion
12. Advisory Committee Minutes
13. Reports from Councillors on Attendance on Council's behalf
14. Confidential Session

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.

The meeting will adjourn at 11.30 am to resume the Facilities Committee meeting and again at 12.00 noon to resume the Commercial Services Committee meeting from 20 November 2019.

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.

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Planning and Environmental Health Division Reports	2
8.1	DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar	2
8.2	DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court	30
8.3	Lake Ainsworth Precinct - Car Parking	48
8.4	Local Environmental Plan Framework - Water Extraction	59
8.5	Market Proposals - Market on Dusk, Alstonville and Ballina	69
8.6	Ballina Ocean Pool - Update	73
8.7	Community Participation Plan - Adoption	79
8.8	Development Applications - Works in Progress - November 2019	84
9.	Corporate and Community Division Reports	95
9.1	Use of Council Seal	95
9.2	Investment Summary - October 2019	96
9.3	Community Donation - Ballina Presbyterian Church	101
9.4	High Water Consumption - 11 Bonito Place, Ballina	103
9.5	Flat Rock Tent Park Fees and Charges - 2020/21	107
9.6	Financial Statements - 2018/19	110
9.7	Financial Review - 30 September 2019	112
10.	Civil Services Division Reports	134
10.1	Bangalow Road / Angels Beach Drive Intersection - Public Exhibition	134
10.2	Western Arterial Bypass - Analysis of Route Options	138
10.3	Residential Rear Lanes - Management of Parking	153
10.4	Festival and Event Sponsorship Program	159
10.5	No Parking Zone, Dalwood Road	166
10.6	Policy (Review) - Urban Water Quality	169
10.7	Policy (Review) - Temporary Storage Containers on Community Land	171
10.8	Policy (Review) - Pesticide Use and Pesticide Notification Plan	173
11.	Notices of Motion.....	176
11.1	Rescission Motion - Lake Ainsworth - Dog Management	176
11.2	Local Government Remuneration Tribunal - 2020 Annual Review	181
11.3	Climate Emergency Declaration	183
11.4	Pedestrian Safety Improvements - Main Street Alstonville	187

12.	Advisory Committee Minutes	188
12.1	Facilities Committee Minutes 20 and 28 November 2019	188
12.2	Commercial Services Committee Minutes 20 and 28 November 2019	192
13.	Reports from Councillors on Attendance on Council's behalf	194
13.1	Mayoral Meetings	194
14.	Confidential Session	195

DISCLAIMER ©NSW Spatial Services 2017. Although all care is taken in the preparation of plans within Council's business paper (both agendas and attachments), Ballina Shire Council accepts no responsibility for any misprints, error, omissions or inaccuracies. The information contained within each plan is for pictorial representation only and not to scale. Accurate measurements should be undertaken by survey.

1. Australian National Anthem
 2. Acknowledgement of Country
 3. Apologies
 4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 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 24 October 2019 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 18 November 2019 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 October 2019.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Monday 18 November 2019.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

8.1 DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar

8. Planning and Environmental Health Division Reports

8.1 DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar

Applicant	Mrs J White & Mr J R White
Property	Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar
Proposal	Decommissioning of an existing dwelling and construction of a new dwelling and swimming pool and upgrade of an internal vehicular access way
Effect of Planning Instrument	The land subject to the proposed development is part zoned 7(d1) Environmental Protection (Newrybar Scenic/Escarpment) under the provisions of the Ballina Local Environmental Plan 1987 and part zoned RU1 Primary Production under the Ballina Local Environmental Plan 2012.
Locality Plan	The subject land is depicted on the locality plan in Figure 1.

1. Introduction

The proposed development is located at 404 Old Byron Bay Road, Newrybar. The land parcel has an area of 36 hectares. The location of the land is shown in Figure 1.

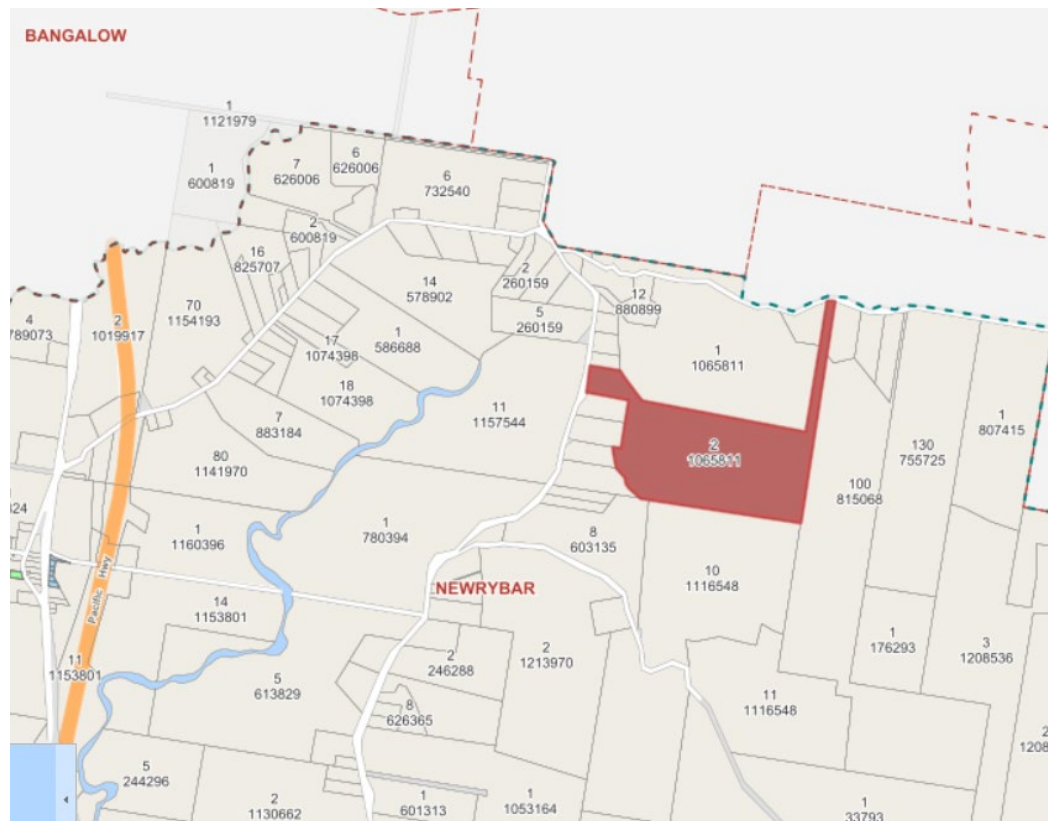


Figure 1: Locality Plan 404 Old Byron Bay Road

8.1 DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar

The lot is largely cleared grazing land other than for a vegetated area in the western part of the property.

This vegetated area is on the western side of a ridgeline that extends into the property from the north.

Within the vegetated area is a watercourse, with relatively steep embankments, that runs across the property in a north to south direction.

To the east of the ridgeline, the property slopes moderately to steeply toward the low-lying areas of the property below the escarpment.

Surrounding properties consist of a number of rural residential lots ranging in size from approximately 0.6 ha to 3 ha in size fronting Old Byron Bay Road.

Other adjoining properties to the north, east and south are larger agricultural properties ranging in size from approximately 36 hectares to 62 hectares.

There is an existing dwelling on the property that is located approximately 18m from the frontage to Old Byron Bay Road.

This application is for the decommissioning of the existing dwelling and construction of a new two storey dwelling and swimming pool and the upgrade of an existing internal access way.

The design for the new dwelling is to incorporate off-grid solar electricity, independent of the Essential Energy power supply and the proposal is to use the decommissioned building for the storage of solar batteries, farm equipment and additional toilet/shower facilities.

The proposed new dwelling is to be located on the eastern side of the ridgeline.

Access to the location of the proposed dwelling is via a previously formed internal access way.

The internal access way is approximately 450m in length and incorporates a culvert water crossing.

The battle-axe handle of the allotment that extends north to the frontage to Midgen Flat Road was created in the previous subdivision of the land.

However, there is a Section 88B instrument restricting vehicular access to Lot 2 via this battle-axe handle. Therefore, access to the property and proposed building site is from the frontage to Old Byron Bay Road.

The layout of the subject land is shown in Figure 2.

8.1 DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar

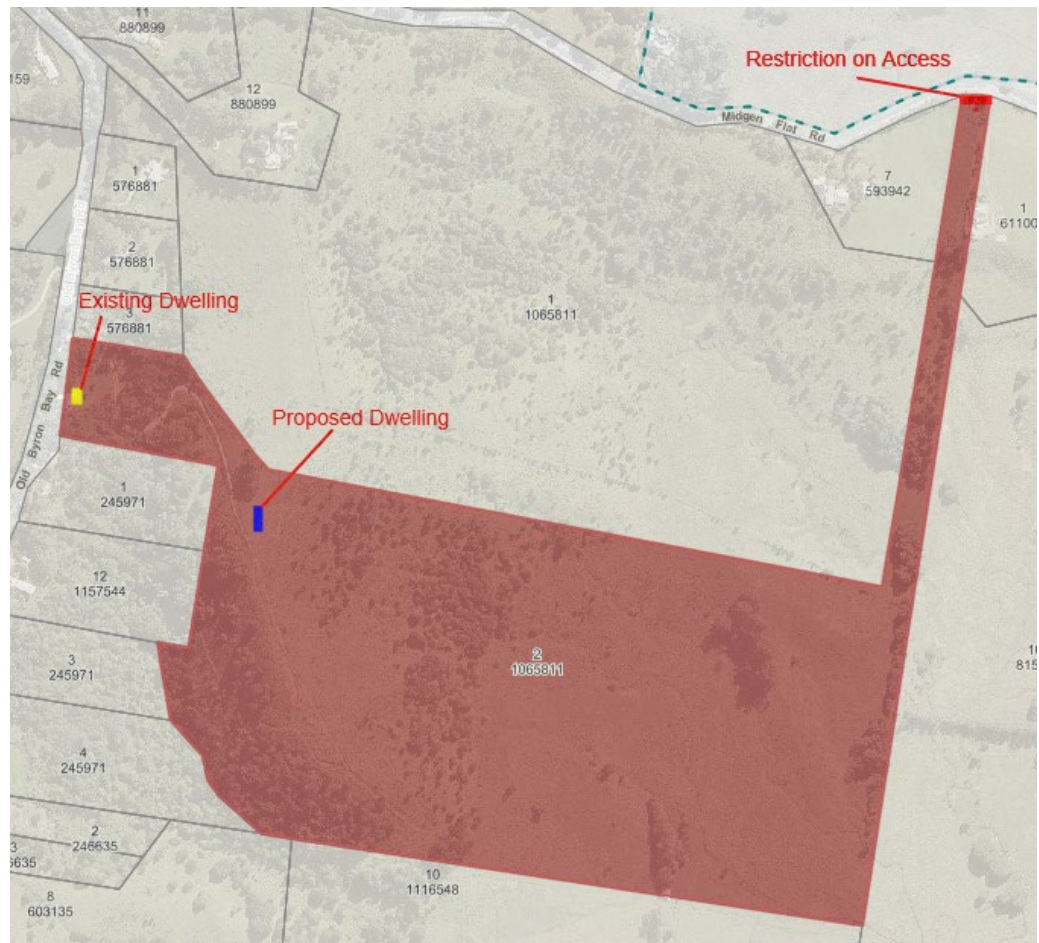


Figure 2: Site Layout and Features

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

2. Reportable Political Donations

Details of known reportable political donations are as follows:

Nil

3. Public Exhibition

The proposed development was notified in accordance with the Level 1 – Targeted Notification process as outlined in Chapter 1 of the Ballina Shire Development Control Plan 2012. The notification period ended on 8 August 2018.

Twenty two submissions in objection were received from 16 parties prior to the closing date.

Submissions were received from four parties in support of the development prior to the closing date.

The submissions received are contained in Attachments 7 and 8.

Those submissions received in objection have been summarised as relating to the following matters:

- Non-compliance with 7(d1) zoning objectives
- Non-compliance with development controls
- A Statement of Environmental Effects (SOEE) not being lodged
- Road access issues not addressed in the application
- Earthmoving impacts and noise during construction
- Impacts on visual amenity
- Impacts on the natural scenic vista and wildlife corridor
- Loss of scenic views, natural character of the area
- Impacts on the scenic escarpment and ridgeline
- Interruption to scenic rural outlooks
- Visual impact of access way and noise from its use
- Impact on the visual amenity of neighbouring properties
- Environmental damage from vegetation removal and environmental damage to watercourse
- Tree removal without Council planning approval
- Impacts on recognised environmental protection area
- Impact on the visual amenity for surrounding properties and from Old Byron Bay Road
- Impact on privacy and the views of surrounding properties
- Proposed driveway is unnecessary
- Alternative site for proposed dwelling available
- Access road constructed without approval
- Access road has caused erosion of the escarpment
- Earthworks undertaken impacting on amenity of the area
- Objectives of the Scenic Escarpment Protection Alliance (SEPA) not met
- Request Council to engage staff with expertise in ecology and broader development and planning issues in addition to construction matters.
- Impacts of access way on wildlife corridor and environmental protection zone
- Requirement for a Biodiversity Assessment Report (BDAR) will not be enforced
- Location of access way and dwelling
- Access way has caused landslip
- Location of access way and dwelling
- Impacts on ecological values
- Planting of non-native species being carried out
- Impact on flow of the water course
- Noise, dust, light spill and sedimentation
- Irrigation from creek of plantings that have been undertaken.

A further single submission in support and 11 expanded submissions, from previous objectors, were received outside of the notification period.

Chapter 1 of the Ballina Shire Development Control Plan 2012 states that objections received after the specified close of the submission period relating to a development application may not be taken into consideration by Council in the assessment of the application.

However, in this instance, the matters raised in the late submissions have also been considered in the assessment of the application.

A summary of all submissions is included as Attachment 1.

4. Applicable Planning Instruments

Environmental Planning and Assessment Act 1979 (EPA Act)
Biodiversity Conservation Act 2016 (BC Act)
Ballina Local Environmental Plan 1987 (BLEP 1987)
Ballina Local Environmental Plan 2012 (BLEP 2012)
Ballina Shire Development Control Plan 2012 (DCP)

5. Report

This report addresses the key matters identified in relation to the proposed development.

The section 4.15 assessment report for the application is contained in Attachment 2.

A Statement of Environmental Effects by Planners North, dated June 2018, was lodged with the initial lodgement document set.

Various amendments to the plans and associated documents have been made during the course of the prolonged assessment process.

A complete set of the current plans are included as Attachment 3.

5.1 Land Use Zoning

The land is partly zoned RU1 Primary Production under the Ballina Local Environmental Plan 2012 (BLEP 2012).

The remainder, and majority, of the site is identified as a deferred matter under the BLEP 2012.

All of the proposed development is located in the DM area. The DM area is subject to the Ballina LEP 1987.

This land is zoned 7(d1) Environmental Protection (Newrybar Scenic/Escarpment) under the 1987 LEP.

The zoning of the land is shown in Figure 3.

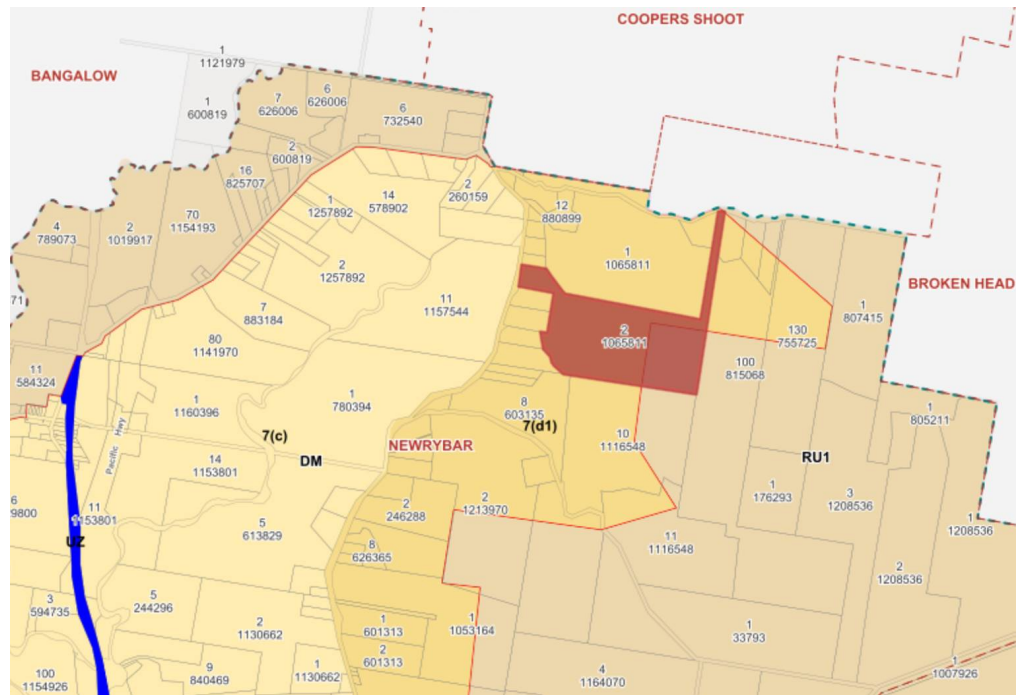


Figure 3: Land Use Zoning Map

The proposal has been assessed in relation to the 7(d)1 zone objectives as below.

5.1.1 Primary Objectives

To protect and enhance areas of particular scenic value to the local government area of Ballina

The location of the dwelling and swimming pool does not require any vegetation removal.

From the building pad, the land has a relative steep decent down the escarpment to the low-lying coastal land adjacent Midgen Flat Road and neighbouring allotments.

The siting of the dwelling in the proposed location is predominately to take advantage of the panoramic vista of the low lying lands extending to the coast and is not an unreasonable location for a building to be situated.

Temporary height poles depicting the overall building height of the western elevation were installed by the applicant to aid in assessment of the scenic and visual impacts of the proposed dwelling. See Figure 4.



Figure 4: Height poles depicting western elevation overall height of dwelling (viewing from Old Byron Bay Road)

A number of properties along this section of Old Byron Bay Road will have some degree of outlook of the proposed development.

The site selection has avoided the need for vegetation removal on the ridgeline. The proposed dwelling does not unreasonably protrude into the skyline and is not visually prominent when viewed from the public land.

The proposed building materials and colours are complementary to the natural environment.

Some objections relate to the planting of non-native species that has been recently carried out. There are no controls within the BLEP 1987 of DCP that prevent such planting being carried out when it is unrelated to an active development consent.

A landscaping plan has been submitted for the areas immediately adjacent to the dwelling. This plan includes only native species. If approved, conditions would also be imposed in relation to the implementation of the landscape plan. This condition would be to the effect that:

- *Prior to issue of an Occupation Certificate, all landscaping is to be planted and established in accordance with the approved landscape plan.*

To encourage the productive use of land within the zone and enable development ancillary to agricultural land uses, particularly dwelling-houses, rural workers' dwelling and rural industries

The proposed development constitutes a double storey, three bedroom dwelling. The upper level contains the bedrooms, main living component and an eastern facing verandah to encompass the ocean and rural views to the east. The lower level comprises a double garage, family room (with attached bathroom) and a storage room. The swimming pool is located to the north of the dwelling.

Dwellings are permissible, and encouraged, in the zone and the scale and design of the proposed dwelling is not inconsistent with other modern rural dwellings in Newrybar and its surrounding localities.

Vehicular access, including any required access for the RFS, must be provided to any dwelling house that is to be established on the property.

Considering the restriction of use from Midgen Flat Road and the topography of the land, the current positioning of the internal access way is the only reasonable option for gaining vehicular access to the proposed dwelling site.

An engineering design has been submitted for the works to the internal access way. When completed in accordance with the design it will meet the requirements for a domestic driveway, RFS access and also serve as vehicular access for the carrying out any agricultural uses of the land.

Detached Dual Occupancies are not permissible in 7(d)1 zone. However, converting the existing dwelling into a non-habitable building, as proposed, will satisfy the criteria sufficiently to enable the construction of the proposed development as being the only dwelling on the allotment.

The proposed development does not prevent other parts of the property being used for primary production purposes.

To ensure development within the zone maintains the rural character of the locality and minimises any detrimental scenic impact

The siting of the dwelling is on the eastern side of the ridgeline on a gently sloping section of land. Cutting and filling of the site is proposed to create the level building pad. The proposed cut is to the north and western side of the dwelling, with rock retaining walls on the downslope side to retain the fill and accommodate the driveway.

The cutting of the site assists in reducing the out of ground height of the development and minimises the potential visual prominence of the dwelling when looking in an eastward direction from the residential properties to the west and Old Byron Bay Road.

The construction methodology for the dwelling incorporates composite construction principles utilising a mixture of pre-cast concrete tilt panels, stone feature walls, external timber paneling and aluminum framed glazed panels.

The dwelling has a minimal 2 degree pitched colorbond cliplok roof, which will be hidden behind a parapet wall. The dwelling is to have 64 solar panels positioned on the eastern side of a central ridgeline. The design indicates these panels are to be mounted low to the roof and at a similar pitch as the roof. Mounting the panels in this manner does not increase the overall height of the building.

The proposed building materials and colour palette are non-reflective and of earthy tones, which will not be visually obtrusive or dominant in the skyline.

Some submissions from Scenic Escarpment Protection Alliance (SEPA) have suggested that the proposal does not meet the SEPA objectives which are:

- *To protect the unique and sensitive environment of the Scenic Escarpment area in accordance with the Objectives of the Environmental Protection Zone, and*
- *To support the best design development and development conditions to maintain the rural character, scenic beauty and wildlife protection of the natural habitat location.*

These objectives are consistent with the objectives of the BLEP 1987 and Natural Areas and Habitat provisions of the DCP which are addressed in the relevant sections of this report and the associated Environmental Scientist's report.

To address scenic amenity issues, a *Visibility and Visual Assessment* has been provided by the applicant. This is included as Attachment 4.

Having regard for the information contained within the visibility and visual assessment report, the design of the dwelling and associated development and the characteristics of the locality, the development does not result in significant adverse impact on the scenic amenity of the area or the rural character to the locality.

To ensure development within the zone is of a scale and nature that will not adversely impact on the existing amenity of the area.

Whilst some objectors feel that an alternative location exists for a dwelling in the location of the existing dwelling, it is not an unreasonable expectation of the applicant to be able to construct a dwelling of this scale and appearance in the proposed location. This is particularly so when a swimming pool is proposed in association with the dwelling. The limited size and slope of the land adjacent to Old Byron Bay Road is not conducive to construction of a dwelling and swimming pool such as that which has been proposed.

The access way is visible, in part, from some residential properties and Old Byron Bay Road. However, due to the location and scale of it, it will have minimal impact on the amenity of the area and will be consistent with the rural character of the area.

The dwelling is designed to be integrated into the terrain of the site and the locality is characterised by the presence of dwelling houses amongst open rural land and vegetated areas.

Overall, the provision of a dwelling of the type proposed does not adversely impact on the amenity of the area and is consistent with the character of the locality.

5.1.2 Secondary Objectives

To minimise soil erosion from escarpment areas and prevent development in geologically hazardous areas or excessive gradient

Access from Old Byron Bay Road is the only route of obtaining access to the eastern extents of the subject allotment. The provision of a driveway is permissible development within the property.

The location of an internal access way to service the property is somewhat restricted to the current route. Due to the topography of the land and the narrow width of the allotment near the gully, an alternative route is not readily available.

Due to the gradient of the unsealed access way being greater than permissible, work is proposed to seal it to meet the Rural Fire Service (RFS) standards.

Additional work is also required to be carried out to lower the culvert crossing to restore flow to the watercourse. If approved, conditions specific to this work would be applied (Refer to Section 5.3.1 for further details).

Part of the land is within the area that may be susceptible to slip as identified by a preliminary geotechnical analysis carried out previously by the Department of Mineral Resources. However, Council has not adopted a policy to restrict development on the subject land because of the likelihood of slip.

A minor landslip is evident on the lower side of the access way that has been constructed.

The applicant's consultant engineer, Peter Lucena, and engineering staff from Council's Civil Services Section have assessed the access way, the proposed building site and the site of the landslip. The conclusion reached is that should approval be granted, the recommendations in the report from Peter Lucena dated 28 May 2019, including those to stabilise the table drains along the access way, are acceptable to be implemented. This could be conditioned to the effect that:

- *The three recommendations contained in the Updated Road Drainage report by Peter Lucena dated 28 May 2019 are to be implemented as soon as practical and maintained as recommended in the report.*

Further, the proposed and required revegetation works to be carried out will likely minimise further erosion and landslip issues.

Issues relating to the proposed construction works on the access way, dwelling and swimming pool can be addressed by standard environmental protection conditions relating to hours of work, erosion and sediment control measures, blowable waste and dust suppression.

To ensure that development within the zone does not create unreasonable or uneconomic demands, or both, for the provisions or extension of public amenities or services.

The proposal will result in one dwelling house and an associated swimming pool, a separate non-habitable farm building and minor ancillary structures within a rural allotment zoned for agricultural use. This will not create any additional demand for public amenities or services that would be over and above those already envisaged in the creation of the previous subdivision to establish the lot and the zoning of the land.

5.2 Ballina Shire Development Control Plan 2012

Where land is located within a BLEP 1987 zone, the DCP provides a list of equivalent Ballina LEP 2012 zones for the assessment of the DCP provisions. In this instance, the equivalent zone is that of E3 Environmental Management and based on the type of development and the equivalent E3 zone. Key elements of the applicable DCP provisions are addressed below.

5.2.1 Land Use Conflict

The location of the proposed dwelling meets the minimum buffer distances to other land uses in the locality.

5.2.2 Ridgelines and Scenic Areas

Part of land is included on the Ridgelines and Scenic Areas Map as indicated Figure 5.

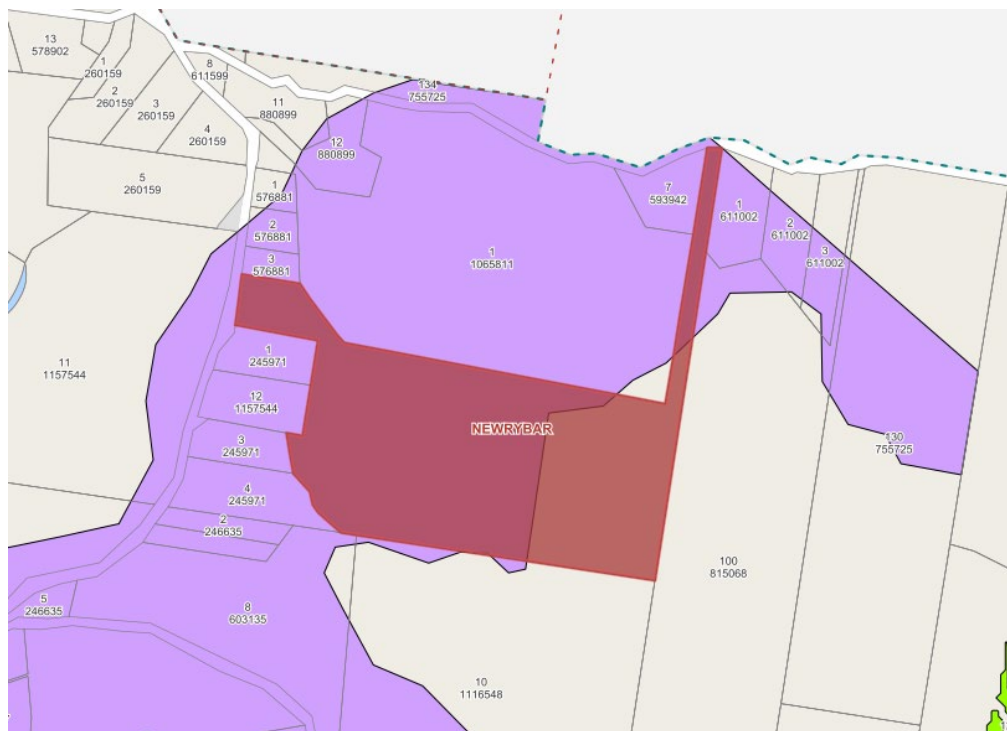


Figure 5: Ridgelines and Scenic Areas Map

The proposal has been designed to protect the scenic values and minimise intrusion into the skyline by locating the dwelling on eastern side of the ridgeline and cutting it into the hillside. This will reduce not only the appearance of the dwelling from the public land as required by the objectives of the DCP provision, but also from the private properties in the locality.

The proposal does not include any removal of prominent vegetation along the ridgeline.

Overall, having regard for the nature of the proposed dwelling, the specific characteristics of the proposed site of the dwelling and the proposed retention (but decommissioning) of the existing dwelling on the site, the proposed development has been assessed as meeting the objectives of the ridgelines and scenic areas provision.

8.1 DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar

If approved, a condition could be included to minimise any impacts on adjoining properties and the sensitive environmental area from light spill. This condition would be to the effect that:

- *Any external lighting to the dwelling and pool area is not to be directed towards the west and/or shielded to minimise glare nuisance to adjoining properties.*

5.2.3 Natural Areas and Habitat

Part of the land is included on the Natural Areas & Habitat Map and Wildlife Corridors Map as indicated in Figures 6 and 7.

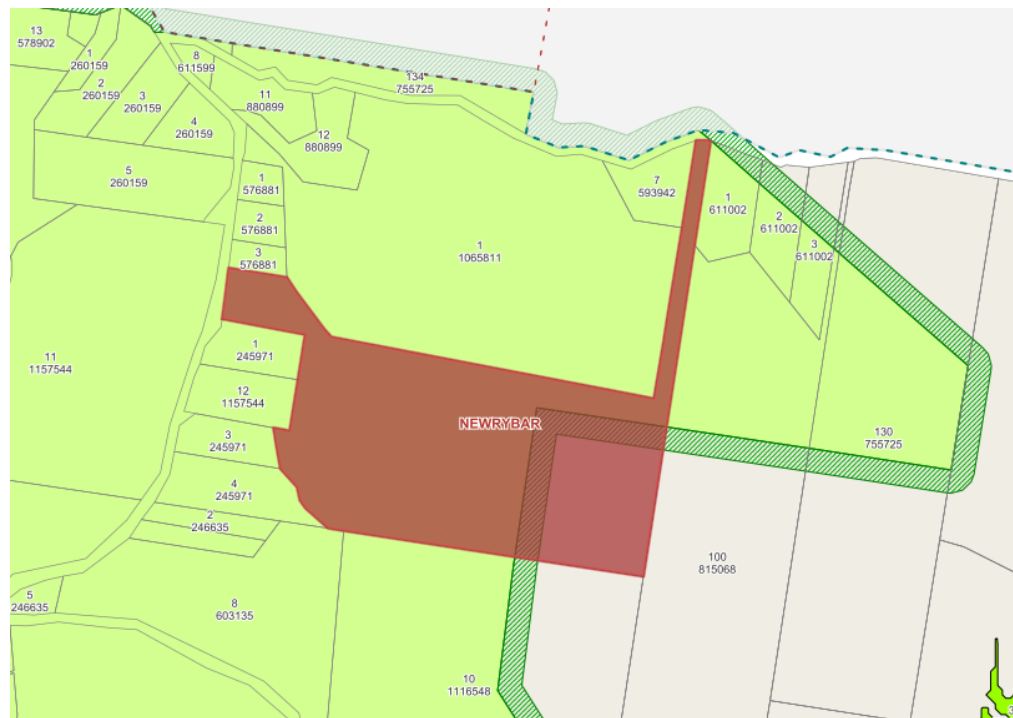


Figure 6: Natural Areas Habitat Map

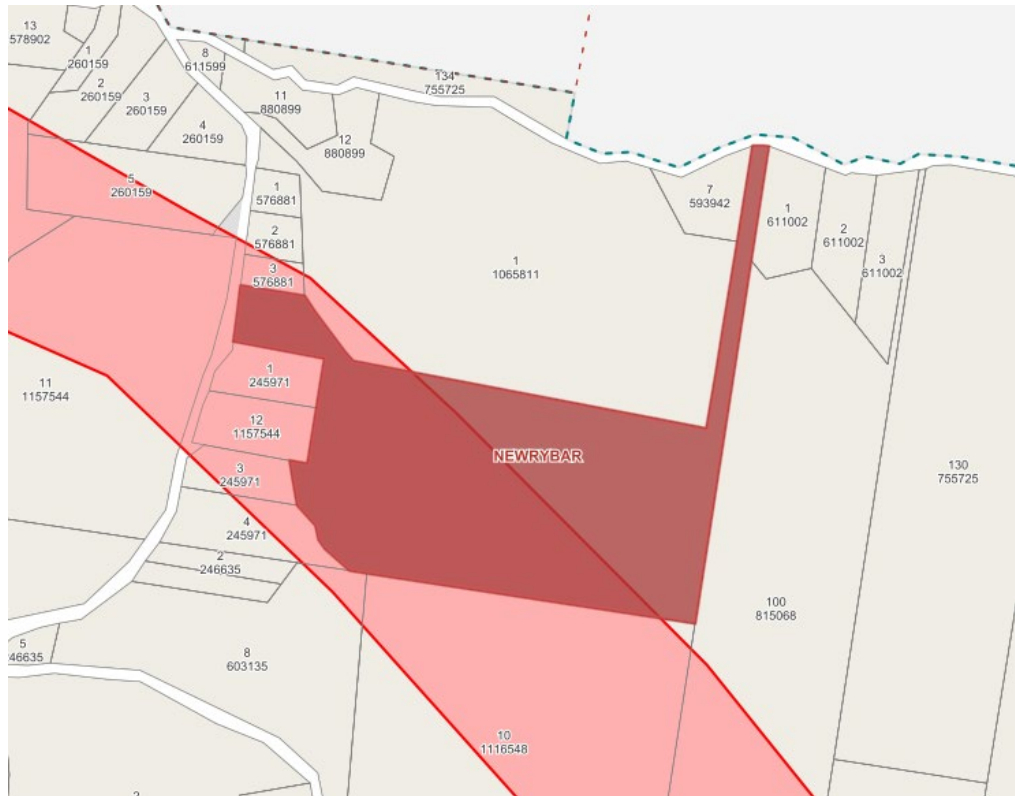


Figure 7: Wildlife Corridors Map

Council's Environmental Scientist has assessed the proposal in relation to the impacts on these areas. The report and recommendations are contained in Attachment 5.

5.2.4 Land Slip/Geotechnical Hazard

This section of the DCP has been addressed by the previous comments in relation to the zone objectives.

5.2.5 On-Site Sewage Management systems (OSSM)

A design report has been provided for assessment by Council's OSSM officer. The report confirms that the land will accommodate the on-site disposal and management of sewage for the dwelling.

The assessment of the OSSM report will not be completed until an OSSM application form is lodged and payment is made of the applicable fees. It is normal for conditions of consent to be included for this to occur after development consent is obtained. The condition would be to the effect that:

- *Prior to issue of a Construction Certificate, an application under Section 68 of the Local Government Act 1979, along with payment of the applicable fees, is to be lodged with Council and approved for the installation of an On-Site Sewage Management (OSSM) System to service the proposed dwelling. The application is to include full details of the proposed system and the contracted licensed plumber's details.*

5.2.6 Car Parking and Access

The proposed parking vehicular access within the property has been designed by an engineer and will comply with the required design standards for residential driveways. If approved, a Section 138 application will be required

for the existing driveway crossing within the road reserve to be upgraded to comply with Council's residential driveway crossing standards. The condition would be to the effect that:

- *Prior to issue of a Construction Certificate, an application under Section 138 of the Roads Act 1979, along with payment of the applicable fees, is to be lodged with Council and approved for the construction of a footpath and gutter crossing in accordance with The Northern Rivers Local Government Design and Construction Manual drawings R-14 and R-15.*

5.2.7 Bushfire Management

A Bushfire Assessment Report has been provided by an Accredited Practitioner, Peter Thornton, and referred to the Rural Fire Service (RFS) for comment. The RFS response has provided recommended conditions of consent in relation to Asset Protection Zones, water and utilities, vehicular access, design and construction standards for the dwelling and landscaping. If consent is granted, these conditions would be included as below:

- *The proposed dwelling and pool is to comply with the layout identified on the approved plans as endorsed with the Council stamp.*
- *At the commencement of building works and then in perpetuity the property around the proposed dwelling and pool, for the following specified distances, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':*
 - *South and SW for 46m*
 - *East for 36m*
 - *North for 14m*
 - *West for 25m.*
- *Electricity and gas supply are to comply with the requirements of section 4.1.3 Services – Water, Electricity and Gas of 'Planning for Bush Fire Protection 2006'.*
- *In recognition that no reticulated water supply is available to the proposed dwelling, a total of 20,000 litres fire fighting water supply shall be provided for fire fighting purposes. The fire fighting water supply shall be installed and maintained in the following manner:*
 - a) *Fire fighting water supply tank(s) shall be located within the inner protection area and away from the dwelling.*
 - b) *New above ground fire fighting water supply storage's are to be manufactured using non combustible material (concrete, metal, etc). Where existing fire fighting water supply storage's are constructed of combustible (polycarbonate, plastic, fibreglass, etc) materials, they shall be shielded from the impact of radiant heat and direct flame contact.*
 - c) *Non combustible materials (concrete, metal, etc) will only be used to*
 1. *elevate or raise fire fighting water supply tank(s) above the natural ground level.*

- d) *A 65mm metal Storz outlet with a gate or ball valve shall be fitted to any above ground fire fighting water supply tank(s) and be accessible for a fire fighting truck.*
- e) *The gate or ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material.*
- f) *All associated fittings to the fire fighting water supply tank(s) shall be
 - i. *non-combustible.**
- g) *Any below ground fire fighting water supply tank(s) constructed of
 - i. *combustible (polycarbonate, plastic, fibreglass, etc) materials shall be shielded from the impact of radiant heat and direct flame contact.**
- h) *A hardened ground surface for fire fighting truck access is to be constructed up to and within 4 metres of the fire fighting water supply (tank or Storz fitting).*
- i) *Any fire fighting water supply tank(s) located below ground shall be clearly delineated to prevent vehicles being driven over the tank.*
- j) *All water supplies for fire fighting purposes shall be clearly signposted as a fire fighting water supply.*
- k) *Below ground fire fighting water supply tank(s) shall have an access hole measuring a minimum 200mm x 200mm to allow fire fighting trucks to access water direct from the tank.*
- l) *Fire fighting water supply tank(s) and associated fittings, located within 60 metres of a bushfire hazard and on the hazard side of an approved building, shall be provided with radiant heat shielding to protect the tank from bush fire impacts and maintain safe access to the water supply for fire fighters.*
- m) *A minimum 5hp or 3kW petrol or diesel powered pump(s) shall be made available to the water supply. A 19mm (internal diameter) fire hose(s) and/or reel(s) shall be connected to the pump. Fire hose(s) and/or reel(s) must be installed so that each elevation of the building can be reached by a fire hose(s). The fire hose(s) and/or reel(s) must be constructed in accordance with 'AS/NZS 1221:1997, Fire hose reels' and shall be installed in accordance with 'AS 2441:2005 Installation of fire hose reels'.*
- n) *Pumps are to be shielded from the direct impacts of bush fire.*
- o) *A Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - i. *Markers must be fixed in a suitable location so as to be highly visible; and**

- i. Markers should be positioned adjacent to the most appropriate access for the water supply.*

Note: The definition of below ground dedicated fire fighting water supply tank(s) is when the outlet valve is located below natural ground level.

- *The single property access road shall be made to comply with the requirements of section 4.1.3 Access (2) Property Access Roads of 'Planning for Bush Fire Protection 2006', except for the following;*
 - *The access road is able to exceed 200m in length without an alternative access road being provided,*
 - *A reversing bay may be provided in lieu of a looped road, around the dwelling, or a turning circle. Where a reversing bay is provided it shall be not less than 6 metres wide and 8 metres deep with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres, and*
 - *The culvert crossing, located between chainage 180.00 and 200.00, is permitted to be 3.5m wide (the overall trafficable width) as a short constriction to the 4m wide property access road required width.*
- *New construction shall comply with Section 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bushfire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.*
- *Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.*

An amended Bushfire report dated 19 November 2019 and a revised landscaping plan "Plan 2" dated November 2019 have been submitted. These were provided to address revegetation, landscaping and Asset Protection Zone conflicts.

5.2.8 Design Principles for Dwellings

The design of the building is architecturally suitable for a modern rural dwelling in this locality.

5.2.9 Dual Occupancies

On decommissioning of the existing dwelling there will be only one dwelling on the property. Therefore, the dual occupancy provisions under the DCP are not applicable.

5.2.10 Water Supply

Rainwater tanks are proposed to be installed under the driveway adjacent to the new dwelling. The volume of the tanks exceeds the minimum required volume for a rural dwelling. The use underground tanks will also aid in reducing any visual impact of the development.

5.3 Other Matters

Further assessment of matters raised in the submissions is provided below.

5.3.1 Internal Vehicular Access Way

The internal access way linking the development site to Old Byron Bay Road has been constructed without prior Council approval. This vehicular access way incorporates a concrete culvert water crossing and transverses through a portion of land with Bio-diversity values, which is mapped by the Department of Planning, Industry and Environment under the Biodiversity Conservation Act 2016 (BC Act). See Figures 8, 9 and 10.

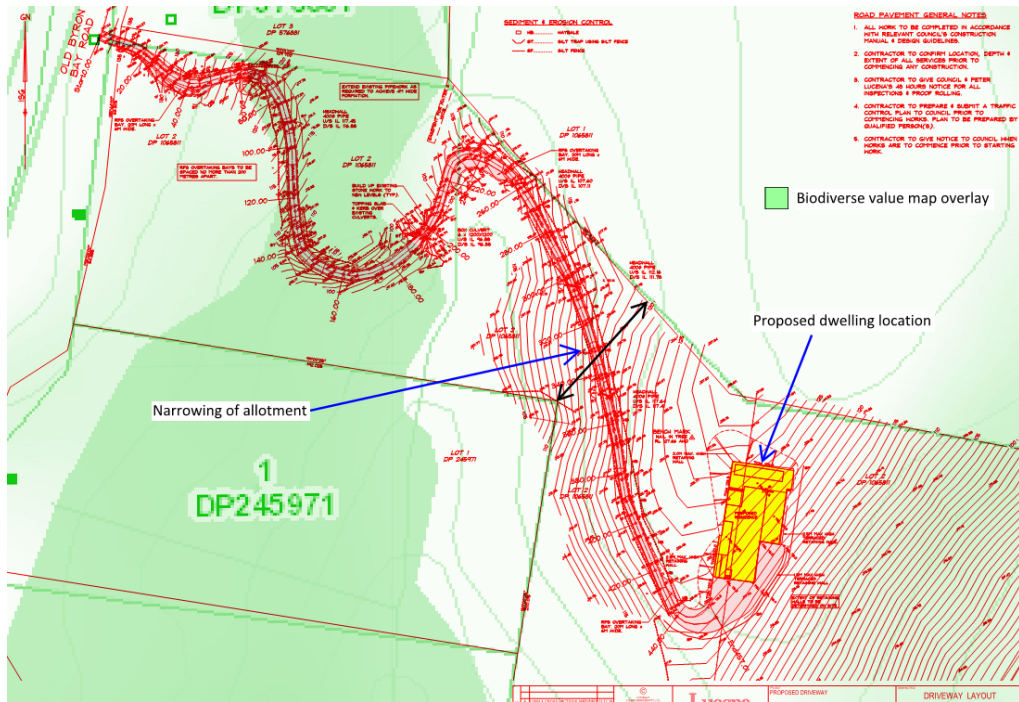


Figure 8: Internal Access Way with Biodiversity Value Map Overlay



Figure 9: Internal Vehicular Access Way - depicting steep gradient



Figure 10: Concrete Culvert Water Crossing

A 'Prevention Notice' under the Protection of the Environment Operation Act 1997 was served by Council in relation to the work that has been carried out to construct the vehicular access way. The matter has been the subject of Court proceedings that have now concluded.

As part of the access works, the landowner installed box culverts over an intermittently flowing creek. It would appear culverts were installed without having regard for the ecological flow requirements of the creek. The base level (invert level) of the culverts is too high and, as such, restricting the natural flow of the creek. To address this matter the landowner will be required to remove and reinstall the culverts to reinstate the natural hydrology. If approved, this could be enforced by a condition to the effect that:

- *Within three months of the issuing of this Consent the applicant is to submit to Council for approval a Culvert Replacement Plan (CRP). The purpose of the CRP is to ensure the natural flow regimes of the creek which, traverses the approved internal driveway are restored to their predevelopment state. The CRP is to be prepared by a suitably qualified professional to address the following matters:*
 - *methods for removing the existing culverts without causing environmental harm to the creek and/or adjacent vegetation*
 - *identify by survey the natural base level of the creek bed and other environmental constraints*
 - *based on the results of the survey data include detailed design plans to ensure all low flow events from the creek can pass through the culverts unimpeded*
 - *the culvert design is to ensure that velocity of natural creek flows are not altered and the installation of the new culverts will not cause erosion and/or upstream ponding*
 - *environmental actions to be incorporated to ensure the new culverts will not cause environmental harm to the creek and/or adjacent vegetation*
 - *a reporting and the implementation monitoring program for the installation and post operation of the approved*

- *the provision of monitoring reports to be submitted to Council's Planning and Environmental Health Division.*

As the development application was lodged on 28 June 2018 the ecological impacts of the development are assessed under the BC Act rather than the repealed Threatened Species Conservation Act (1995).

Under the BC Act the ecological impacts of a development area are assessed via a standardised assessment process referred to as the Biodiversity Assessment Method (BAM).

The BAM is supported by an online database, which allows accredited assessors (typically ecological consultants) to enter field data and determine the number and class of biodiversity credits.

An accredited assessor must apply the BAM following assessment of a Biodiversity Development Assessment Report (BDAR).

The applicant submitted a BDAR for Council's review and it was also referred to the Office of Environment and Heritage (OEH) for their comment. Unfortunately, the submitted BDAR was found to be non-compliant with the requirements of the BC Act. Consequently, the applicant resubmitted a revised BDAR. However, this revised report was also deficient.

From an ecological perspective the application can only be supported if the shortcomings of the applicant's BDAR can be nullified.

One of the key issues in the processing of the current application and the BDAR revolved around how the current development application would account for the loss of vegetation associated with unapproved construction activities in 2016.

Council's assessment is that it is evident vegetation was removed to facilitate the unapproved access road. This has been considered in the address of the BC Act requirements.

The BC Act allows Council to increase the number of biodiversity credits that would otherwise be required to be retired if Council determines the increase is justified having regard to the environmental, social and economic impacts of the proposed development.

In this case, it is considered appropriate that the ecological impact of the development should be assessed on the condition of the land prior to the construction of the internal access way.

To derive suitable offsetting values Council employed the services of an accredited ecological consultant to calculate the required biodiversity credits. The results of that work confirmed the applicant will be required to retire 12 biodiversity credits which at the time of calculation having a market value of \$22,678.00 plus GST to offset their development. The consultant's report is included as Attachment 6.

If approved a Condition to the effect as shown below would be applied requiring the landowner to pay the required (biodiversity credits).

8.1 DA 2018/381 - Lot 2, DP 1065811, 404 Old Byron Bay Road, Newrybar

- Prior to issue of issuing of the construction certificate the class and number of ecosystem credits and species credits in detailed in Attachment 1, the BAM Credit Summary Report Table prepared by Ian Colvin, Biodiversity Accredited Assessor (BAAS 18055) and dated 18 November 2019 (to be attached to the Notice of Determination as below) must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this Condition must be provided to the Ballina Shire Council prior to issue of construction certificate.



BAM Credit Summary Report

Proposal Details

Assessment Id	Proposal Name	BAM data last updated *
00018282/BAAS18055/19/00018283	404 Old Byron Bay Rd	30/10/2019
Assessor Name	Report Created	BAM Data version *
	18/11/2019	16
Assessor Number	BAM Case Status	Date Finalised
	Open	To be finalised
Assessment Revision	Assessment Type	
0	Part 4 Developments (General)	

* Disclaimer: BAM data last updated may indicate either complete or partial update of the BAM calculator database. BAM calculator database may not be completely aligned with Bionet.

Ecosystem credits for plant communities types (PCT), ecological communities & threatened species habitat

Zone	Vegetation zone name	Vegetation integrity loss / gain	Area (ha)	Constant	Species sensitivity to gain class (for BRW)	Biodiversity risk weighting	Potential SAI	Ecosystem credits
Soft Corkwood - Yellow Carabeen - Cryptocarya spp. subtropical rainforest of the NSW North Coast Bioregion								
1	1201_Low		21.2	0.1	0.25 High Sensitivity to Potential Gain		2.00	1
							Subtotal	1
							Total	1

Assessment Id: 00018282/BAAS18055/19/00018283 Proposal Name: 404 Old Byron Bay Rd Page 1 of 3



BAM Credit Summary Report

Species credits for threatened species

Vegetation zone name	Habitat condition (HC)	Area (ha) / individual (HL)	Constant	Biodiversity risk weighting	Potential SAI	Species credits
Arthraxon hispidus / Hairy Jointgrass (Flora)						
1201_Low		21.2	0.1	0.25	2 False	1
						Subtotal
						1
Coeranoscincus reticulatus / Three-toed Snake-tooth Skink (Fauna)						
1201_Low		21.2	0.1	0.25	2 False	1
						Subtotal
						1
Isoglossa eranthemoides / Isoglossa (Flora)						
1201_Low		21.2	0.1	0.25	2 False	1
						Subtotal
						1
Marsdenia longiloba / Slender Marsdenia (Flora)						
1201_Low		21.2	0.1	0.25	2 False	1
						Subtotal
						1
Myotis macropus / Southern Myotis (Fauna)						
1201_Low		21.2	0.1	0.25	2 False	1
						Subtotal
						1
Nurus brevis / Shorter Rainforest Ground-beetle (Fauna)						
1201_Low		21.2	0.1	0.25	2 False	1
						Subtotal
						1

Assessment Id: 00018282/BAAS18055/19/00018283 Proposal Name: 404 Old Byron Bay Rd Page 2 of 3



BAM Credit Summary Report

<i>Oberonia complanata / Yellow-flowered King of the Fairies (Flora)</i>						
1201_Low	21.2	0.1	0.25	3	True	2
					Subtotal	2
<i>Sarcochilus dilatatus / Brown Butterfly Orchid (Flora)</i>						
1201_Low	21.2	0.1	0.25	3	True	2
					Subtotal	2
<i>Sarcochilus fitzgeraldii / Ravine Orchid (Flora)</i>						
1201_Low	21.2	0.1	0.25	2	False	1
					Subtotal	1

Assessment Id: 00018282/BAAS18055/19/00018283
 Proposal Name: 404 Old Byron Bay Rd
 Page 3 of 3

***Proposed Attachment 1 to Notice of Determination
 BAM Credit Summary Report Table prepared by Ian Colvin, Biodiversity
 Accredited Assessor (BAAS 18055) and dated 18 November 2019***

In relation to other ecological impacts of the development that the objectors have raised, the following comments are provided.

The mapped wildlife corridor occurs over a highly fragmented landscape which includes areas of native and exotic vegetation interspersed with rural farming land. Consequently, the wildlife corridor it is primarily a stepping stone corridor for a range of mobile species of fauna. As such, the internal driveway will have a limited impact on the functionality of the wildlife corridor.

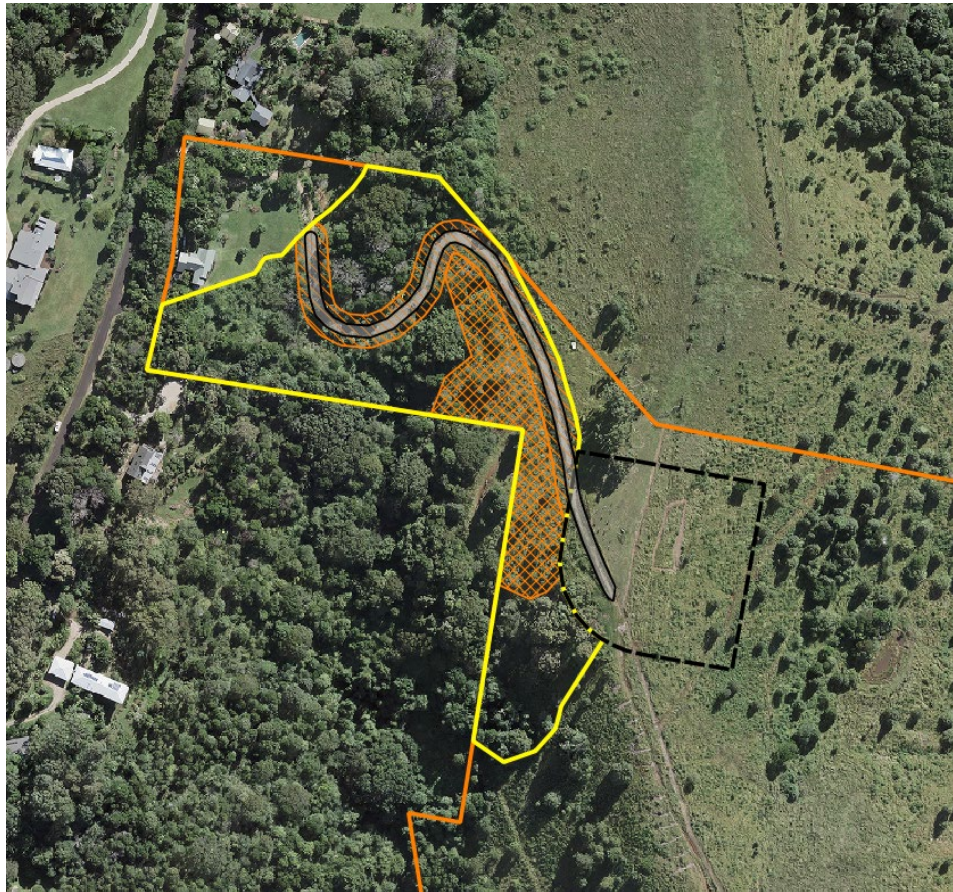
The issues of erosion and inappropriate planting can be addressed by the required amendments to the submitted Ecological Restoration Action Plan. As previously discussed, a Condition of Consent will remedy the ecological impacts to the creek.

While, it is likely that some of the threatened species of fauna identified by the objectors may occur on the development site overtime the impact of the development on those species is expected to be negligible given the size of the development and the range of mitigation measures which are to able to be included as conditions if approval is granted.

The landowner has submitted an “Ecological Restoration Action Plan” to restore the more ecologically significant portions of their land. The landholder has also employed the services of a suitably qualified bush regenerator to undertake these works. To address some other environmental issues and to ensure the development complies with Chapter 2 of the DCP it is proposed to increase the geographic extent of the revegetation program. The landholder has been consulted and is accepting with the increase to the proposed restoration program. This could be conditioned to the effect that:

- *The landowner is to amend the ‘Ecological Restoration Action Plan’ so that;*

- *The aims and objections to include “Restore and provide resilience of environmental and scenic values surrounding development areas – dwelling and internal access”*
- *Dates within the implementation schedule (Section 2.5) to reflect approval month of the application.*
- *c. Clarify in Section 2.5 – Implementation Schedule*
 - *Responsibility of person to undertake restoration work and/ or under what sort of suitable guidance*
 - *responsibility and timing of monitoring and evaluation*
 - *performance criteria for each relevant stage*
 - *Extension of program to a minimum period of five years and include follow up, maintenance and adaptive management/ trigger points for activities like planting, management of any failed tubestock.*
- *Adopt and implement monitoring and evaluation measures to measure the success of the rehabilitation plan. Council will require all restored restoration areas to achieve a 80% closed canopy after five years. The plan needs to state if the restoration objectives are not achieved the program will be extended until the goals are achieved. Annual monitoring reports to be provided to Council’s Planning and Environmental Health Division.*
- *Extension of the rainforest restoration program to include the area of land depicted by the orange polygon in Attachment 2 (to be attached to the Notice of Determination as below). The edge of the extended rainforest planting program is commence 5 meters from the edge of the internal driveway access.*
- *Shrubs and native groundcovers only – planted within the first 5 m of internal access to filter weeds, capture sediment run-off and minimize maintenance burden for emergency and daily access.*
- *Inclusion of weed control works within the eucalypt forest (PCT 693) to the south of the internal driveway access.*
- *Confirmation that all restoration work shall be undertaken by or overseen by a qualified bush regenerator. The bush regenerator must hold the Bushland Regeneration Certificate II or equivalent and have a minimum of two years experience regenerating rainforest communities.*



***Proposed Attachment 2 to Notice of Determination
Plate 1: Extended restoration program. Orange hatched polygon depicts planting area while the yellow line represents the boundary of required restoration works.***

Having regard for the address of the BC Act credit requirements and the conditions of consent that can be applied, the technical assessment is that the requirements of the BC Act (noting the concerns identified in relation to the applicant's BDAR) and consideration of ecological issues have or can be suitably addressed.

The full report of Council's Environmental Scientist is included as Attachment 5.

5.3.2 Decommissioning of existing dwelling

As part of the development application, it is proposed to retain the existing building on the property and de-commission it from a dwelling to be a non-habitable farm building (Figure 11). As previously mentioned it is the applicant's intention to retain the building to use for solar battery and farm storage, as well as for backup amenities.

The external building structure of the existing dwelling is to remain unchanged. The extent of the proposed decommissioning includes the removal of the kitchen sink, cooking facilities, dishwasher, laundry facilities and plumbing fixtures. The capping-off of all disused plumbing and drainage service pipes will also be required.

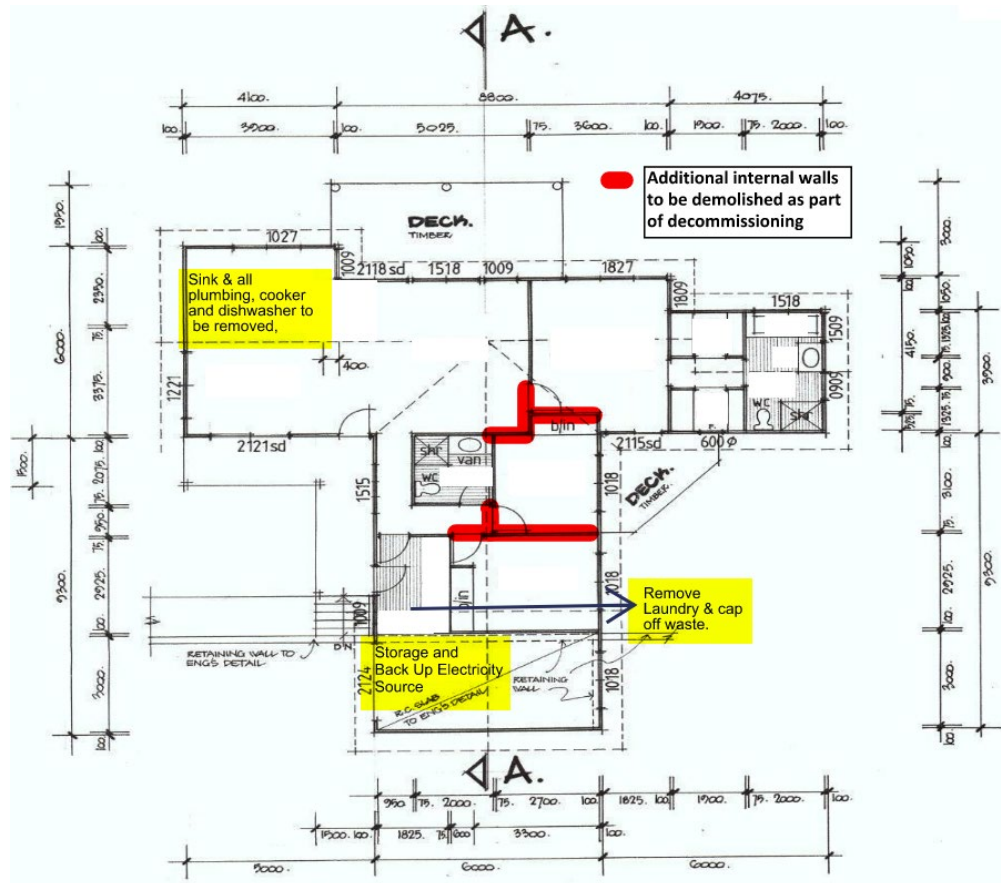


Figure 12: Additional internal walls recommended to be demolished

The applicant's desire not to fully demolish the building may also relate to the potential for detached dual occupancies to become permissible on this land in future should Council integrate the DM areas into the BLEP 2012.

If the determination of the application is by way of approval, it would be necessary to impose conditions of consent in relation to the additional decommissioning works and on-going non-habitable use. This would assist in enabling Council's Compliance section to take the appropriate action should the redundant dwelling be utilised for future habitable purposes with the appropriate approval in place. The conditions would be to the effect that:

- *Prior to issue of a Construction Certificate, a plans depicting the decommissioning works to the existing dwelling are to be submitted to and approved by Council.*
- *Prior to carrying out any decommissioning works to the existing dwelling, a Construction Certificate is to be obtained for the decommissioning works along with approval under Section 68 of the Local Government Act 1979 for the carrying out of the associated plumbing and drainage works.*
- *Prior to issue of an Occupation Certificate for the new dwelling, the existing dwelling is to be fully decommissioned as a dwelling by the removal of the kitchen sink, cooking facilities, dishwasher, laundry facilities and plumbing fixtures and the capping-off of all disused plumbing and drainage service pipes and termination of disused electrical services.*

- *The use of the decommissioned dwelling is to be as a non-habitable building, the use of which is to be ancillary to the agricultural use of the land or ancillary non-habitable purposes associated with the new dwelling.*

6. Options

Option 1 – Approve the application as submitted with appropriate conditions to address those matters noted in the report above.

Option 2 - Refuse the application due to the impacts it may have on the natural environment and/or the scenic value of the locality.

Alternatively, Council could defer the matter to hold a briefing or if further information from the applicant or staff is desirable.

7. Conclusion

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

In particular, the EPA Act states that if the DCP set standards with respect to an aspect of the development and the development application does not comply with those standards, Council is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objectives of those standards for dealing with that aspect of the development. The proposed development, subject to the recommended conditions of consent, has been assessed as meeting the DCP objectives.

Subject to the decommissioning of the existing dwelling, the construction of the proposed dwelling and ancillary swimming pool and access way is permissible with consent in the 7(d)1 zone.

The development of a residential dwelling and associated swimming pool is generally suitable development on this site and in this locality

The completion of the internal vehicular access way and its ongoing use is unlikely to have any unreasonable adverse impact on the amenity of the adjoining properties or the rural character of the locality.

Although neighbouring residents have enjoyed unencumbered views across the subject site for many years, the design of the dwelling has considered, and is sympathetic to, the applicable planning controls and character of the area, in that:

- the building will have the appearance of a single storey dwelling when viewed from the west;
- the siting of the dwelling is on the eastern side of the ridgeline;
- the external building materials are considerate to reducing the visual prominence;
- vegetation removal is not required in relation to the actual siting of the dwelling and swimming pool;
- although the building will be within the view of properties to the west, it will not be visually prominent or result in significant view loss.

Environmental issues associated with the construction of the internal access way have been assessed in accordance with the BC Act and can be conditioned to suitably address environmental considerations. The address of ecological matters includes imposition of offsets and required rehabilitation works.

It is recognised that there have been a number of concerns raised in the submissions received about works undertaken to date to construct the internal access way. However, Council is required to consider the application before it on its particular merit. In this instance this includes the consideration of compensatory measures associated with the construction of the internal access way as outlined in the ecological assessment.

However, the circumstances associated with the creation of the access way, as it presently exists, is not a sufficient ground for refusal of the application. The access way as proposed is permissible and the technical assessment is that it can be constructed to a suitable standard and that it does not cause significant adverse impacts.

If the following mitigation measures are incorporated in conditions of approval the proposed development can be approved from an environmental perspective.

- Payment by the landowner to retire 12 biodiversity credits to offset the impacts of the development.
- The landowner will be required to remove and reinstall the culverts to reinstate the natural hydrology of the creek.
- The applicant is required to amend their draft "Ecological Restoration Action Plan" to include the additional restoration areas.
- The applicant is required to employ a suitably qualified bush regenerator to undertake an audit of all planting works undertaken to date with the aim of the audit to remove all inappropriate species of plants.

Refusal of the application based on the issues associated with the construction of the internal access way is not recommended as those issues can be offset and managed by the above conditions of consent.

Based on the outcomes of the assessment, it is the staff assessment that the development application is suitable for approval with conditions. In particular, key issues such as access provision, ecological impacts and visual amenity have been assessed as having been suitably addressed by the applicant or can be suitably addressed through conditions of consent.

The development has been assessed against the relevant considerations under Section 4.15 of the EPA Act, the objectives of 7(d)1 Environmental Protection (Newrybar Scenic/Escarpment) Zone and the relevant sections of the DCP.

The issues raised in the submissions have been considered in the assessment of the development and can be addressed in the formulation of appropriate conditions of consent.

Option 1 is recommended with specific conditions to address the issues as noted in the report.

RECOMMENDATION

That DA 2018/381 for the decommissioning of an existing dwelling and construction of a new two storey dwelling and swimming pool and the upgrading of an existing internal access way be **APPROVED** subject to the application of standard planning, engineering and environmental health conditions of consent for this type of development and other conditions as outlined in this report.

Attachment(s)

1. Summary of Submissions
2. Section 4.15 Assessment
3. Complete Plan Set
4. Visibility and Visual Assessment
5. Environmental Scientist Report
6. Assessment and bio-diversity credit advice
7. Submissions (Public) (Under separate cover)
8. Submissions (Confidential) (Under separate cover)

8.2 DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court

8.2 DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court

Applicant	Ardill Payne & Partners
Property	Lot 3 DP 1041589, No. 5-9 Sapphire Court, Lennox Head
Proposal	To demolish an existing garage and shed and erect a single car carport and to undertake a Torrens Title subdivision to create 1 x 1321m ² lot (existing dwelling house) and 1 x 951m ² lot (vacant)
Effect of Planning Instrument	The land is zoned R2 Low Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plan contained in Attachment 1 and in Figure 4.

Introduction

Council is in receipt of Development Application DA 2019/133 to demolish an existing garage and shed and erect a single car carport and to create 1 x 1,321m² lot (existing dwelling house) and 1 x 951m² lot (vacant) at Lot 3 DP 1041589, No. 5-9 Sapphire Court, Lennox Head.

The purpose of this report is to seek Council's determination of the subject application, given the proposal seeks a variation to *Clause 4.1 Minimum lot size* under the *Ballina Local Environmental Plan (BLEP) 2012*, which relates to a numerical development standard and the proposed variation is greater than 10%.

To assist Council in its consideration and determination of this application, this report outlines the background of the subject lot and provides an assessment of the variation to a development standard via Clause 4.6 of the BLEP 2012 and the key relevant matters of the proposal under Section 4.15 of the *Environmental Planning and Assessment Act (EP & A Act) 1979*.

The full Section 4.15 report, which provides an assessment of all required matters under the EP & A Act 1979, is contained in Attachment 2.

Background

The subject lot (Lot 3 DP 1041589) was created via DA 2001/199, which also related to a concurrent rezoning via Amendment No.69 to the Ballina Local Environmental Plan (BLEP) 1987 and Draft Amendment No.45 to the Ballina Development Control Plan (BDCP) No.1 – Urban Land.

The amendment to the former BLEP 1987 was for a small “spot rezoning” and also facilitated the creation of 12 residential allotments and one residue parcel (stormwater infrastructure) via DA 2001/199.

The development application DA 2001/199 and BDCP/BLEP amendments involved a number of inter-related matters that were grouped into a single report.

Details of Proposal

The proposal seeks to create two Torrens Title lots with Proposed Lot 1 having an area of 1,321m². This will contain the existing dwelling. Proposed Lot 2 has an area of 951m² and will be vacant land. The subject site has a total area of 2,272m² and is zoned R2 Low Density Residential under the *Ballina Local Environmental Plan (BLEP) 2012*.

The proposal also involves the demolition of an existing garage and shed and the erection of a new carport associated with the existing dwelling. The proposal will result in the following lot areas:

Proposed Lot	Area and Shape	Improvements	Road Frontage	Access
Lot 1	1,321m ² – irregular	Existing dwelling house	11.79 to Sapphire Court	Via a new kerb crossing/driveway to Sapphire Court
Lot 2	951m ² – irregular	Vacant (garage to be demolished)	18.65m to Sapphire Court	Via existing kerb crossing/driveway to Sapphire Court

The subject site has a minimum lot size standard of 1,200m² under the provisions of the BLEP 2012 (Figure 3). As a consequence, Proposed Lot 2 with an area of 951m² does not comply with the development standard.

Despite the departure from the minimum lot size, the applicant has demonstrated that Proposed Lot 2 is sufficient in size and dimension in order to accommodate a future dwelling house by providing a 12m x 15m concept building envelope (refer to Figure 2).

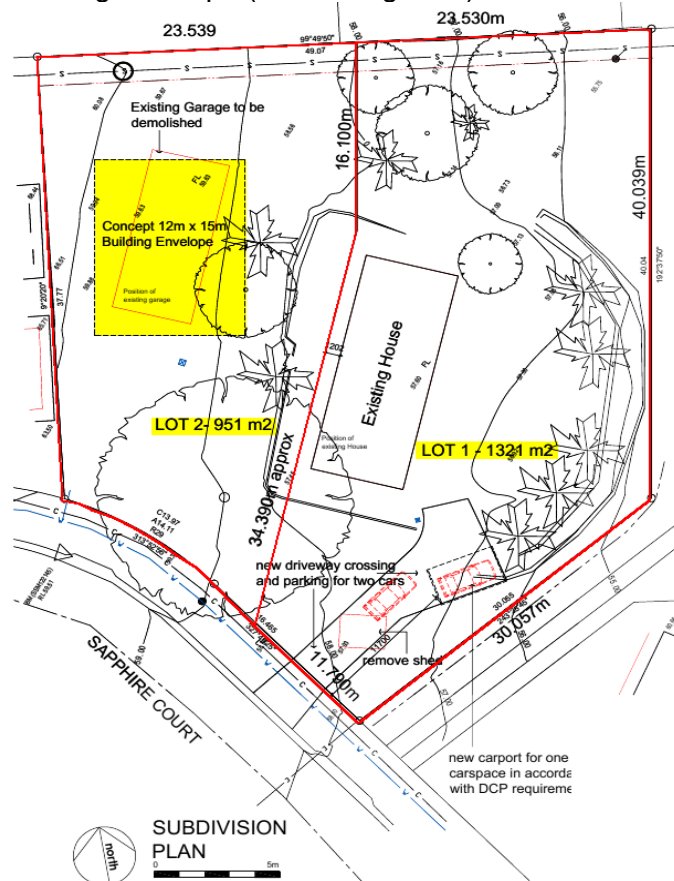


Figure 2. Proposed lot layout and lot size.

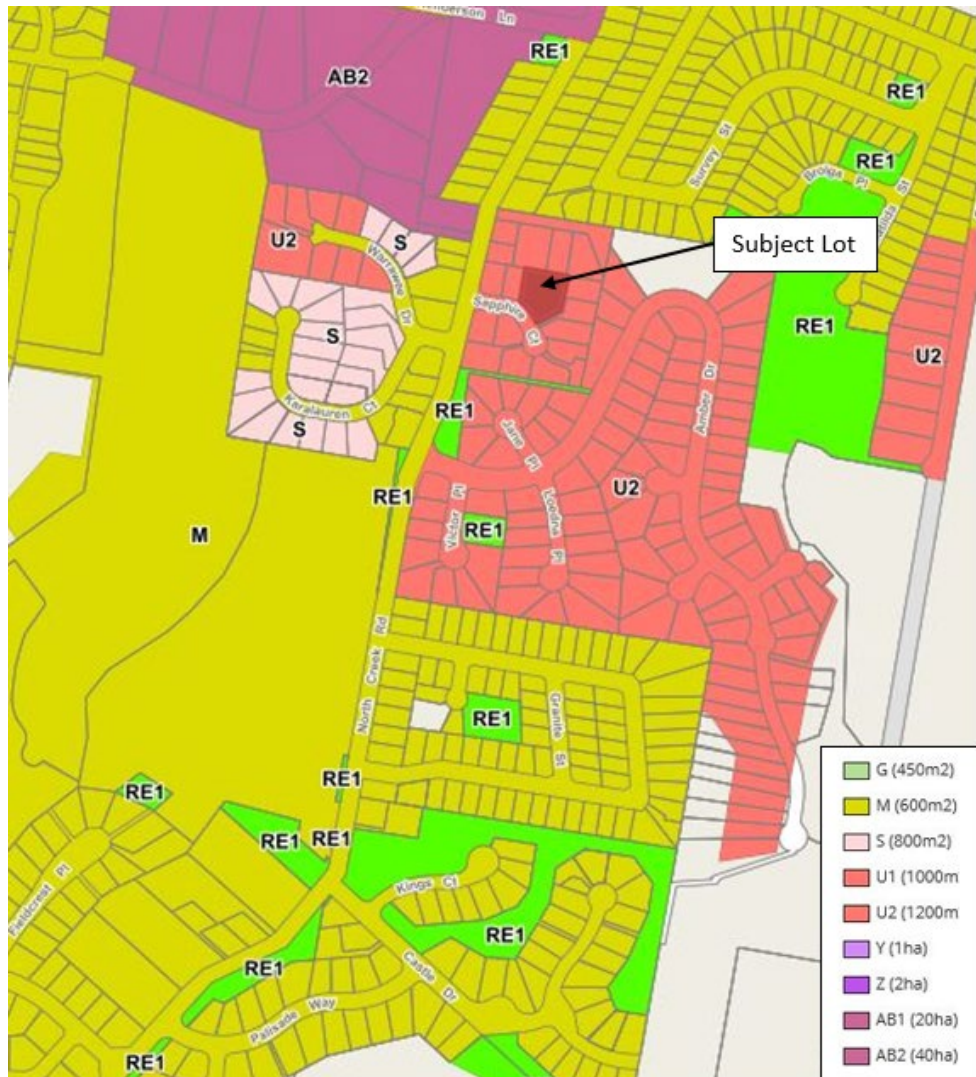


Figure 3. Colour code of minimum lot sizes within the immediate and surrounding locality. Key within figure identifies the colour code of the minimum lot sizes. i.e. U2 – 1200m²

Description of the Subject Site

The subject land (as shown in Figure 4) is irregular in shape, with the following dimensions and area:

- 40.07m northern boundary (adjoining Lot's 3-5 DP 804357).
- 70.1m eastern boundary (adjoining Lot's 4, 5 & 6 DP 1041589).
- 30.44m southern boundary (to Sapphire Court).
- 37.77m western boundary (adjoining Lot 2 DP 1041589).
- 2,272m² site area.

Existing on the land is a single storey brick and tile dwelling house and detached garage with mature domestic landscaping and a small fibro shed.

Vehicular access to the detached garage is via a single kerb crossing/driveway to Sapphire Court.

8.2 DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court

The locality is characterised by a mix of single and double storey dwelling houses (refer to Figure 4).



Figure 4, Aerial of subject property and subdivision plan within locality.

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition in accordance with Council's local advertising policy. Council received two submissions in relation to the proposal. The main concerns raised in the submissions related to view loss, impact on amenity and lifestyle and non-compliance with the minimum lot size standard.

The key matters raised within the two objections are summarised and addressed in the Matters for Consideration section of this report.

The submissions received are provided in Attachment 4.

Report

Matters for Consideration

The proposed development has been assessed under the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

8.2 DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court

The assessment has identified the following key issues in relation to this development application which are elaborated upon for the consideration of the elected members of Council.

This report should be read in conjunction with the attached Section 4.15 assessment report (Attachment 2).

Section 4.15(1)(a)(i) provisions of any environmental planning instrument

<ul style="list-style-type: none"> • SEPP 55 – Remediation of Land • SEPP – (Coastal Management) 2018 	<p>No issues are raised in relation to any applicable SEPP. Refer to Attachment 2 for further comment and assessment.</p>
<ul style="list-style-type: none"> • Ballina Local Environmental Plan 2012 • Clause 4.1 • Clause 4.6 	<p>The proposal generally complies with the aims and objectives of the BLEP 2012. The application seeks a variation to Clause 4.1 – Minimum Lot Size for Proposed Lot 2 via Clause 4.6 of the BLEP 2012.</p> <p>Clause 4.1 has been addressed below.</p> <p>The assessment of the request for variation via Clause 4.6 has been elaborated upon below for Council’s consideration.</p> <p>Refer Attachment 2 for further comment and assessment of the relevant controls (Clauses 1.2, 1.4, 2.3, 2.6, 2.7, 7.7 and 7.8).</p>
<p>Clause 4.1 Minimum lot size</p>	
	<p>Clause 4.1 provides that the size of any lot resulting from subdivision of any land is not to be less than the minimum lot size shown on the Lot Size Map. The subject land has a minimum lot size of 1200m².</p> <p>Proposed Lot 1 (existing dwelling lot) will result in an area of 1321m², which complies with the standard.</p> <p>Proposed Lot 2 (vacant lot) will result in an area of 951m², which does not comply with the standard.</p> <p>The applicant has submitted a written request to vary the standard pursuant to Clause 4.6 of the BLEP 2012. Refer below for comment in relation to Clause 4.6.</p>
<p>Clause 4.6 – Exceptions to development standards</p>	
<p>a) What is the development standard being varied?</p>	<p>Clause 4.1 – Minimum lot size. The minimum lot size as shown on the Lot Size Map for the land is 1200m².</p> <p>Proposed Lot 1 has an area of 1321m² and</p>

	<p>complies with the minimum lot size development standard, within Clause 4.1. No further discussion is required in relation to Proposed Lot 1, given its compliance with the standard.</p> <p>Proposed Lot 2 has an area of 951m² and as a result does not comply with the minimum lot size.</p> <p>In relation to the assessment of Proposed Lot 2 and Clause 4.6, the following comments are made.</p> <p>The objectives of Clause 4.1(1) are as follows:</p> <ul style="list-style-type: none"> (a) To ensure that subdivision is compatible with the character of the locality, (b) To ensure that in the case of urban areas – <ul style="list-style-type: none"> (i) The subdivision pattern reflects and reinforces the current or planned subdivision pattern of the locality, and (ii) lot configurations are suitable to enable development that is consistent with relevant development controls. (c) Not Applicable in this instance. <p>Proposed Lot 2 will result in a total land area of 951m², which is below the minimum lot size for the land. The numerical departure is 249m² and the percentage departure is 20.75%.</p>
<p>b) What is the underlying objective of this development standard?</p>	<p>The underlying objective is to ensure that the proposed lot size is reflective of the existing and planned subdivision pattern and that the lot size and configuration is adequate to accommodate development that is capable of compliance with Council's controls.</p>
<p>c) In accordance with clause 4.6 of BLEP 2012:</p> <ul style="list-style-type: none"> • Has the applicant's written request adequately addressed the matters required to be demonstrated by subclause (3) of Clause 4.6? (i.e. that compliance with the 	<p>To determine whether there are sufficient grounds to support the 4.6 objection, it is necessary to establish that compliance with the development standard is unreasonable or unnecessary in the circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.</p> <ul style="list-style-type: none"> • The applicant has submitted : <ul style="list-style-type: none"> – The subject land is an existing developed urban residential lot in a

<p>development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard)?</p> <ul style="list-style-type: none"> • Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, as required pursuant to subclause (4) of Clause 4.6? 	<p>developed urban residential area – the proposed development is “in-fill” in nature.</p> <ul style="list-style-type: none"> – Excluding the subject land, the residential lots in Sapphire Court (within DP 1041589) range in size from 761.8m² – 1318m². Excluding the subject land, only two allotments within Sapphire Court comply with the stipulated minimum lot size. – Excluding the subject land and Lot 13 DP 1041589 (public reserve), the residential lots in Sapphire Court (within DP 1041589) have an average size of 1017.11m². – The proposed new lots will each have frontage to an existing constructed urban road and will be connected to all required public infrastructure services. – The size and shape of the proposed lots are consistent with the size, shape and subdivision pattern in the immediate and broader locality. – It has been demonstrated that both lots have sufficient dimensions and area to enable the existing dwelling house and a future dwelling house to be situated thereon. – There will not be any adverse impacts on the environment resulting from the creation of a marginally undersized residential lot (in relation to the minimum lot size), which is still a large residential lot in the context of Lennox Head and contemporary residential lot size standards. – The subdivision will not have any adverse impact on the scenic amenity or character of the local environment. <p>The applicant has also stated that <i>Proposed Lot 2 is expressly consistent with the objectives of Clause 4.1(1)(a) & (b) in that it is compatible with the character of the locality, will reflect and reinforce the current/planned subdivision pattern in the locality and its size and shape is suitable to enable the construction of a future dwelling house and any ancillary residential improvements/structures.</i></p> <p>With regard to the above, Council is satisfied that the applicant has adequately justified that the departure from the minimum lot size</p>
--	--

	<p>and has satisfied the requirements of Clause 4.6(3).</p> <ul style="list-style-type: none">• The objective of the minimum subdivision lot size standard is as follows:<ul style="list-style-type: none">a) To ensure that subdivision is compatible with the character of the locality,b) To ensure that in the case of urban areas<ul style="list-style-type: none">(iii) The subdivision pattern reflects and reinforces the current or planned subdivision pattern of the locality, and(iv) lot configurations are suitable to enable development that is consistent with relevant development controls. <p>The creation of one additional residential lot with a land area of 951m² is reflective of the existing subdivision pattern within the immediate locality. As mentioned previously, the allotments within DP 1041589 range from 761m² to 1318m² (excluding the subject site) and only two lots comply with the minimum lot size standard. Further to this, the average lot size is 1017.11m².</p> <p>The proposal to create one additional lot which is consistent with the average lot size within the immediate locality is compatible with the character of the locality and reflects the current subdivision pattern. Further to this, Proposed Lot 2 is of a suitable size and configuration to enable development that is capable of compliance with Council's controls. In view of the above, it is therefore considered that the proposal is consistent with the objectives of the minimum lot size standard.</p> <p>In relation to objectives of the R2 zone, it has been satisfactorily demonstrated that the proposed subdivision layout is adequate in size and dimension for low density residential. The proposed lot layout is consistent with the existing subdivision layout in the immediate locality. As stated previously, the proposed lot layout is consistent with the average lot size within the locality and therefore will be compatible with the existing character and amenity of the</p>
--	---

	<p>The proposal is considered to be consistent with the objectives of the R2 zone by providing for additional land for the housing needs of the community within a low density residential environment.</p> <p>With regard for the above, the development is considered to be in the public's interest.</p>
<p>d) Will the cumulative effect of similar approvals undermine the objective of the development standard or the objectives of the zone?</p>	<p>The circumstances of the proposal are such that the vast majority of the allotments within the immediate and surrounding locality do not have the land available or of an area to allow for subdivision in the same manner (refer to Figure 3).</p> <p>Under DA 2001/199, only two of the 12 residential lots complied with the minimum lot size stipulation (Figure 1). This highlights that the existing subdivision pattern within the immediate and surrounding locality is not representative of the minimum lot size required under the BLEP 2012. Therefore, it is unlikely that there would be a significant number applications lodged in the same manner as proposed under this DA.</p> <p>It has been satisfactorily demonstrated that Proposed Lot 2 meets the objectives of the standard and the objectives of the zone, despite non-compliance with the standard. Further to this, the proposed subdivision layout is consistent with the character of the locality and Proposed Lot 2 will have an area capable of siting a reasonably sized dwelling that can comply with Council's controls within the DCP.</p> <p>Therefore, it is unlikely that this proposal would set a precedent that would undermine the objective of the standard or the objectives of the zone.</p>
<p>e) The Five Part Test (Note: established by the NSW Land and Environment Court). Only one test needs to be satisfied.</p> <ol style="list-style-type: none"> 1. Are the objectives of the standard achieved notwithstanding non-compliance with the development standard? 2. Is the underlying objective or purpose of 	<p>Proposed Lot 2 involves the creation of one lot with an area of 951m², which is a 20.75% departure from the minimum lot size of 1200m². Therefore, to determine a variation to a development standard under Clause 4.6, Council needs to be satisfied that compliance with the standard is unreasonable or unnecessary in the circumstances.</p> <p>To demonstrate the above, Council can apply one of the justifications (five part test) established in <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827. The applicant has not specifically identified the test in which</p>

<p>the development standard not relevant to the development and therefore compliance is unnecessary?</p> <p>3. Will the underlying object of the purpose be defeated or thwarted if compliance was required and therefore is compliance unreasonable?</p> <p>4. Has the development standard been virtually abandoned or destroyed by Council's actions in granting consents departing from the development standard and therefore is compliance with the development standard unnecessary and unreasonable?</p> <p>5. Is compliance with the development standard unreasonable or inappropriate due to the existing use of the land and current environmental character of the subject property (should this property have been included in the current zone)?</p>	<p>they rely to support the Clause 4.6 request. However, Council is to assume that Test 1 is of relevance as the applicant has justified the departure on the basis that Proposed Lot 2 is consistent with the objectives of the standard.</p> <p>Test 1 provides whether the objectives of the standard can be achieved despite the non-compliance with the development standard specified by Clause 4.1.</p> <p>The objectives of Clause 4.1 are specifically stated and are as follows:</p> <ul style="list-style-type: none"> (a) To ensure that subdivision is compatible with the character of the locality, (b) To ensure that in the case of urban areas – <ul style="list-style-type: none"> (i) The subdivision pattern reflects and reinforces the current or planned subdivision pattern of the locality, and (ii) Lot configurations are suitable to enable development that is consistent with relevant development controls. <p>Proposed Lot 2 is consistent with the size, shape and subdivision pattern within the immediate and broader locality (refer to Figures 1, 3 and 4). Further to this, the proposal will result in a lot layout that is reflective of the existing character of the locality. This is on the basis that the residential lots in Sapphire Court range in size from 761.8m² to 1318m² (excluding the subject land) and the subject land is 2272m², which significantly exceeds the lot sizes within the immediate locality.</p> <p>Proposed Lot 2 is generally consistent with the objectives of the standard in that it will provide for a lot that is compatible with the existing subdivision layout in the immediate vicinity and surrounding locality. It has been demonstrated that Proposed Lot 2 is of a suitable size and dimension to enable a future dwelling house that can comply with Council's development controls.</p> <p>Given that only one test within the 5 part test needs to be satisfied, the remaining tests have not been assessed further to support the justification of the application.</p>
---	---

Section 4.15(1)(a)(ii) the provisions of any proposed instrument

<ul style="list-style-type: none"> • Draft Amendment to State Environmental Planning Policy 44 - Koala Habitat Protection. • Draft State Environmental Planning Policy - Remediation of Land. • Draft Amendment to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007. • Draft Amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. • Draft Amendment to State Environmental Planning Policy (Short-term Rental Accommodation) 2019. 	<p>No issues raised in regard to any Draft SEPP.</p>
---	--

Section 4.15(1)(a)(iii) provisions of any development control plan

<p>Ballina Shire Development Control Plan 2012</p>	
<p>Chapter 2 – General and Environmental Considerations</p> <ul style="list-style-type: none"> • 3.4 – Potentially Contaminated Land • 3.6 – Mosquito Management • 3.7 – Waste Management • 3.9 – Stormwater Management • 3.10 – Sediment and Erosion Control • 3.11 – Provision of Services • 3.19 – Car Parking and Access 	<p><u>Part 2 Chapter Planning Objectives</u></p> <p>The proposed development is generally consistent with the planning objectives and controls of this chapter. There are no issues raised in this section that would specifically preclude the development from being granted development consent, subject to the imposition of conditions, where relevant.</p> <p>Refer to the Attachment 2 for an assessment of the clauses that are relevant to this application.</p>
<p>Chapter 3 – Urban Subdivision</p> <ul style="list-style-type: none"> • 3.1.2 – Minor Subdivision Control Elements A – G 	<p><u>Chapter 3 Minor Subdivision Control Elements</u></p> <p>The overarching objectives have been considered in relation to the proposal. The proposal is for a two lot Torrens Title subdivision of an existing residential lot, which is zoned R2 Low Density Residential under the BLEP 2012. The proposal has satisfactorily demonstrated a general compliance with the relevant controls of this chapter and as such, no issues are raised that would specifically preclude the development from being granted consent. Refer</p>

	to Attachment 2 for an assessment of the controls that are relevant to this application.
--	--

4.15 (1) (a) (iia) – any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

Comment: None Applicable.

4.15 (1) (a) (iv) – any matters prescribed by the regulations

Comment: No issues raised. Refer to Attachment 2 for further comment.

4.15 (1) (b) – the likely impacts of that development

Comment: The proposal is not expected to result in adverse impacts to the environment or broader locality, subject to compliance with conditions. Refer to Attachment 2 for further assessment in relation to the likely impacts of the development.

4.15 (1) (c) – The suitability of the site for the development

Comment: The subject site is considered to be suitable for the proposed two lot subdivision. Refer to Attachment 2 for further assessment of the suitability of the site for the development.

4.15 (1) (d) Any submission made in accordance with this Act or the Regulations?

Is advertising required because the development is designated or “advertised” development?	No
Is advertising required in accordance with established Council policy and practice?	Yes
If YES, how many submissions were received?	Two

Public Submissions:	
Issues Raised:	Response:
Proposal does not meet designated minimum lot size.	The applicant has submitted a written request in accordance with Clause 4.6 of the Ballina Local Environmental Plan 2012 with regard to the departure from the minimum lot size as required via Clause 4.1. Assessment of the departure from the standard is set out earlier in this report.
Future demolition of existing dwelling	The demolition of the existing dwelling does not form part of this application. The proposed lot layout has been created in an attempt to retain the existing dwelling house and provide appropriate boundary setbacks to the existing dwelling house on Proposed Lot 1. The applicant has stated that should the existing dwelling be demolished, it may be possible to create

8.2 DA 2019/382 - Two Lot Torrens Title Subdivision - 5-9 Sapphire Court

	<p>one 1200m² lot and one 1072m². Nonetheless, the dwelling is to be retained under this application and Council can only assess the application, as proposed. Therefore, should Council receive a future application to demolish the dwelling and a boundary adjustment, Council would be required to assess the application in its merits.</p>
<p>Impact on amenity and lifestyle (views, dwelling/lot density, erosion of lifestyle)</p>	<p>The proposal will result in one additional residential allotment with a lot size consistent with the existing subdivision layout within the immediate locality. Proposed Lot 2 will be larger than the two allotments to the west (existing Lot 1 – 903m² and Lot 2 – 761m²), both of which have a minimum lot size standard of 1200m² applying and formed part of the original subdivision via DA 2001/199.</p> <p>The proposal does not involve the erection of any dwelling and therefore, the extent of any impact on the existing 'lifestyle', views and dwelling/lot density is unknown. The assessment is that the proposal to create one additional allotment, which is consistent with the existing subdivision layout, is an acceptable outcome having regard for the applicable planning provisions and key issues identified. Any future application for a dwelling on Proposed Lot 2 will be assessed on its merits, with consideration given to view loss and compliance with Council's DCP.</p> <p>The subdivision will not directly impact on any views and views may be improved via the demolition of the existing garage.</p>
<p>Precedent</p>	<p>There are no opportunities for further subdivisions to be created within the immediate locality (lots with 1200m² minimum lot size designation) based on the same set of circumstances after this proposal.</p>
<p>View loss across subject property</p>	<p>The potential view loss in question, is a view across the side boundary of the property (not across the front or rear boundary). This type of view is generally defined as 'view sharing'. The protection of views across side boundaries is more difficult than the protection of views from front or rear boundaries and the expectation to retain side views is often unrealistic.</p> <p>The subject application relates to a two lot subdivision of an existing residential lot (and demolition of existing garage and erection of single carport). No dwelling is proposed as part of this application and therefore, the extent of any impact on views is unknown. A further development application or application via a complying development certificate would need to be lodged to seek approval for a dwelling house. Consideration of any view loss (and compliance with Council's DCP) would form part of that assessment process.</p>

However, the following commentary is provided in relation to the direct and indirect impacts of view loss that may result from this application.

Under the established planning principle in relation to views, as established in *Tenacity Consulting v Waringah [2004] NSWLEC 140*, there are four steps to determine whether any potential view loss is reasonable.

1. The first step is to assess the views that the proposal will effect. This step also establishes a value system for assessing different kinds of views, i.e. water views and iconic views are valued more highly. Whole views are valued more highly than partial views, e.g. a water view in which the interface between water and land is more valuable than an obscured view.

Comment: The views in question are an obscured partial water view with no direct interface between the land and the water. The view could be considered to be of moderate value under this principle. Views to the ocean from Lots 1 and 2 DP 1041589 will remain due to the slope and orientation of the existing dwellings (and design of dwellings) on these lots.

2. The second step is to consider how reasonable it is to expect to retain the views. Protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. Consideration is to be given to whether the view is enjoyed from a standing or sitting position.

Comment: The view in question is across a side boundary. The existing dwelling on the adjoining property to the west has been designed in such a way that there is no significant reliance on any view across the subject property from the ground floor living zones. Refer below for further comment in relation to the layout of the existing dwelling on the adjoining property to the immediate west.

3. The third step is to assess the extent of the impact. The impact on views from living/kitchen areas is more significant than from bedrooms or service areas.

Comment: The dwelling on the adjoining property (as approved via DA 2003/128) does not contain windows or building elements on the eastern elevation of the ground floor that would offer views across the subject land.

With regard to the design, the existing dwelling has

	<p>been designed in a manner that it has views to the south across Sapphire Court and the north across their backyard and pool. The first floor plans for DA 2003/128 show a window within the main living area on the eastern and southern elevation and windows on the northern elevation. The only window on the eastern elevation on the first floor is a low level highlight window (for solar access). This provides for a partial view across the southern and northern portion of the subject property. This partial view is likely to be retained should a dwelling be erected on Proposed Lot 2 given the slope of the land and location of the existing windows.</p> <p>4. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them.</p> <p><u>Comment:</u> The subject application relates to a two lot subdivision and demolition of some existing structures only. A future application would need to be lodged for any new dwelling. The proposal is generally consistent with the relevant planning controls in this instance.</p> <p>The design of any future dwelling house that may be erected on the proposed lot is unknown at this stage. However, the applicant has adequately demonstrated that Proposed Lot 2 will be of a suitable size and dimension to accommodate a reasonably sized dwelling that is capable of complying with Council's controls via the BDCP 2012.</p> <p>The proposal itself will not directly impact upon any view across the subject land. Any future development application for a dwelling house would need to consider the potential for shared view loss to adjoining properties and should be designed to provide an acceptable level of view sharing. This will be a matter for assessment as part of that future application.</p>
Previous advice	<p>Preliminary planning advice was given in relation to the future subdivision potential of the subject property. This advice did provide that Council may be able to consider a variation to the development standard for minimum lot size with a Development Application. Further to this, Council requested that a formal request to Council's Development Services Section be submitted, so staff could investigate the enquiry in further detail and provide a letter of response. Council's records indicate that no formal letter was received by staff in relation to the subject lot.</p>

4.15(1) (e) The Public Interest

Comment: The proposal will result in additional housing stock into the market and is considered to be in the interest of the community, with the approval of the variation to the development standard. Refer to Attachment 2 – Section 4.15 Assessment for further comment.

Conclusion

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including the provisions of the *Ballina Local Environmental Plan 2012*, the *Ballina Development Control Plan 2012* and the submissions made in response to the exhibition of the proposal.

The applicant has satisfactorily demonstrated that there are sufficient environmental planning grounds to justify the variation to the development standard.

The proposal is suitable within the locality and is generally consistent with the objectives of the R2 Low Density zone and the objectives of the standard can be achieved, despite the variation to Clause 4.1 Minimum lot size.

The matters raised within the two submissions received in relation to the proposal have been adequately addressed with this assessment and the section 4.15 assessment report contained in Attachment 2.

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

Approve - That Council approve the development application for a two lot Torrens Title subdivision and demolition of the existing garage, shed and erection of new carport, subject to standard planning, civil and environmental health conditions, on the basis that Council is satisfied that the proposal has adequately demonstrated that the objectives of the R2 Low Density zone and the objectives of Clause 4.1 minimum lot size will be achieved despite the variation to the minimum lot size for Proposed Lot 2.

Refuse - That Council refuse the development application. This option could be taken if Council considers that the departure from the minimum lot size as excessive and is not satisfied that the proposal is consistent with the objectives of the standard or the objectives of the R2 Low Density zone.

It may be difficult defending an appeal in this regard, given the objectives of the development standard and the objective of the R2 zone have been met despite the non-compliance.

Further to this, the existing subdivision layout created via Council approved DA 2001/199 resulted in a number of lots that do not comply with the current minimum lot size development standard.

Approval is recommended for the reasons outlined in this report.

RECOMMENDATION

That Development Application 2019/382 to undertake a two lot Torrens subdivision and demolition of existing garage, shed and erection of new carport at Lot 3 DP 1041589, No. 5-9 Sapphire Court, Lennox Head be **APPROVED** subject to any conditions referred to within this report and standard planning, civil and environmental health conditions.

Attachment(s)

1. Locality Plan
2. Section 4.15 Assessment Report
3. Variation Request
4. Public Submissions
5. Proposed Subdivision Plan

8.3 Lake Ainsworth Precinct - Car Parking

8.3 Lake Ainsworth Precinct - Car Parking

Delivery Program Environmental and Public Health

Objective To investigate options to better manage car parking and access in the Lake Ainsworth Precinct

Background

This report has been prepared in response to the following resolution from the 26 September Ordinary meeting:

- 1. That Council receives a report on options to ensure that the overflow cars from the caravan park are not parked in the public car parking spaces or the surrounding residential streets.*
- 2. As part of this report, Council to follow up on other matters previously agreed to by the caravan park including a boundary fence along the northern boundary to formally separate the public parking area/road network and the caravan park grounds.*

The Lake Ainsworth precinct is an important recreational area with adjoining land uses inclusive of the caravan park, surf club and Seven Mile Beach that attracts locals and visitors to the area all year round.

These interactions generally occur as a concentration at the South / East section of the lake catchment, as represented in Figure 1.



Figure 1 – Lake Ainsworth Southern Precinct

Car parking and vehicle movements in this area have been a topic of significant discussion with the community and Council over many years.

8.3 Lake Ainsworth Precinct - Car Parking

Lake Ainsworth, as detailed in the draft Lake Ainsworth Coastal Management Program (CMP), which is currently on exhibition, is described as a unique and sensitive ecosystem and hence key management issues currently affecting the health and amenity of Lake Ainsworth that cross over into parking and vehicle access include:

- *Parking at the lake during peak times (i.e. school holidays, public holidays and long weekends) has been an issue for many decades and with increasing population and tourism pressures into the future, this impact is likely to increase. There is concern that this will result in more cars parking along Camp Drewe Road and subsequently greater use of the western side of the lake as well as increased parking by lake users extending into town.*
- *Overcrowding and overuse of the lake during peak holiday periods places high pressure on facilities, parking, recreational amenity and environmental values. Recent (2017) estimates during peak times reveal that visitor numbers now exceed 10 times the estimated carrying capacity of the lake. The carrying capacity represents the maximum number of visitors the area can accommodate without there being excessive deterioration of the environment or declining visitor satisfaction.*

With the new improvement works there has been considerable debate in the community about the loss of car parking spaces.

Council has added car parking spaces in recent years to help offset the loss from the closure of the eastern road (this has included works along Ross Street and construction of a car park adjacent to the caravan park opposite the surf club).

The parking demands in this precinct are at a peak during Christmas / New Year and Easter holiday periods, when it is also peak occupancy at the Reflections Holiday Park.

During these peak periods, there appears to be an overflow of vehicles from holiday park guests in the surrounding public car parks, which at times impacts on car park availability.

Council has previously discussed car parking arrangements with the NSW Crown Holiday Parks Land Manager trading as Reflections Holiday Parks.

Council has also raised other matters such as the installation of a fence/barrier along Camp Drewe Road and the caravan park and the future of the road reserve running through the caravan park (connecting Gibbon Street and Camp Drewe Road).

No formal agreement is in place with the caravan park land manager or NSW Crown Lands at present in relation to these items.

The purpose of this report is to canvass issues and options associated with car parking at Lake Ainsworth as well as examine other issues related to access to, and within, the precinct.

8.3 Lake Ainsworth Precinct - Car Parking

Key Issues

- Actions in the draft Lake Ainsworth Coastal Management Program
- Land tenure and management framework
- Environmental impacts
- Community consultation and expectations

Information

Land Tenure and Management

Lake Ainsworth and the surrounding land is Crown Land. The land is managed by multiple parties as summarised below and shown in Figure 2.

- Lake foreshore to the east, west and south - Council is Crown Land Manager
- Lake foreshore and reserve area to the north - NSW Sport and Recreation is Crown Land Manager
- Lake water body – NSW Crown Lands is Crown Land Manager
- Reflections Caravan Park – Holiday Parks Trust is Crown Land Manager

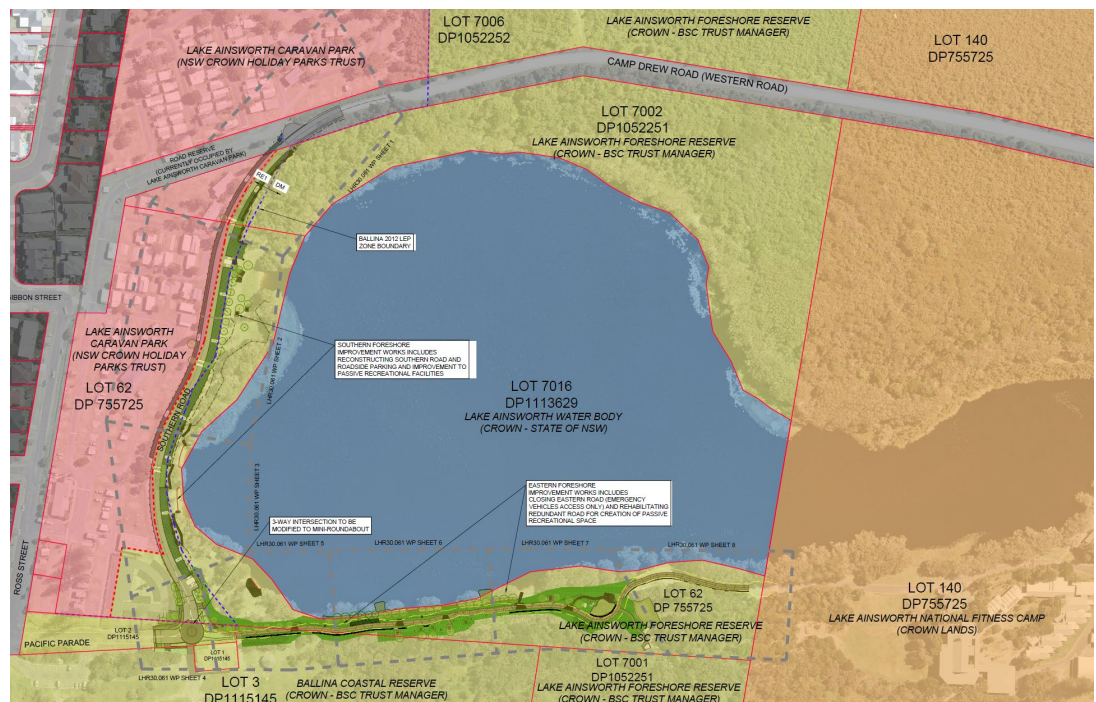


Figure 2 – Crown Land Management Plan Lake Ainsworth

The land tenure and Crown Land management structure is central to the consideration of options available for the ongoing management of the lake area.

Importantly, the boundary between Council's management area and the caravan park management area is not a cadastral or survey accurate boundary and the roads running through the reserve area are not formal roads contained within a road reserve (they are vehicle accesses across public land).

8.3 Lake Ainsworth Precinct - Car Parking

The land under Council's management is managed under the transitional arrangements of the *Crown Land Management Act 2016*, at present.

The land will ultimately progress to be Crown Land managed under the terms of the *Local Government Act 1993* once Council has achieved conformity with the *Crown Land Management Act 2016* (this is due to occur by June 2021).

Lake Ainsworth CMP

The Lake Ainsworth CMP provides a management framework that aims to protect the social, ecological and cultural values associated with the lake and to manage the often conflicting desire for protection of ecological values as well as optimising recreational opportunities.

The approach is consistent with the long-term vision, the management objectives and the locally derived community values for the lake.

The CMP recognises that the lake has suffered impacts from past and current human use and faces current and future pressures including population increases (traffic and pedestrian) and natural influences such as flooding, sea level rise and climate change.

Management of future parking arrangements in the Lake Ainsworth precinct have been addressed in the draft CMP through several actions (actions 18, 19 and 24) as follows:

Action 18: Encourage alternative transport to the lake

Desired Outcome	To reduce congestion, parking pressure and vehicle use, leading to lower carbon emissions/pollution and increased safety. It also encourages exercise and community connectivity with associated increased health benefits.
Priority ranking	Medium (16)
DESCRIPTION OF TASKS:	
<ol style="list-style-type: none"> 1. Planning and design of potential options which may include provision of bike racks and mobility scooter parking, a peak time shuttle bus service through town to the lake (i.e. summer holidays, Easter and October long weekends) and improved connectivity of walking and cycling pathways to the lake. 2. Stakeholder engagement: community consultation to determine preferred options and likely uptake. 3. Implementation/construction. 4. Integrate with Action 22: Education campaign to raise awareness of these additional services and facilities and promote use. 	
Lead Organisation	BSC
Support Organisation	EES – Coast and Estuaries
Total Cost Estimate (10 yr)	\$220,000 (staff time and allowance of \$20,000 for implementation, \$25,000/yr for peak time shuttle bus service)
Potential Funding Sources	BSC, NSW Coastal and Estuary Grants Program
Timing	Ongoing (DP1 - DP3 2020-2029)
Location	Lennox Head and Lake surrounds (Zone 1), CMA 3 – Coastal Environment Area, CMA 4 – Coastal Use Area
Performance Targets	<ul style="list-style-type: none"> • Planning and design and consultation complete by June 2023. • Implementation and education underway by June 2024.

8.3 Lake Ainsworth Precinct - Car Parking

Action 19: Management of future parking arrangements

Desired Outcome	To evaluate the extent of parking issues following completion of Foreshore Improvement Works and assist in directing further management effort.
Priority ranking	High (6)
DESCRIPTION OF TASKS:	
<ol style="list-style-type: none"> 1. Review results of car parking monitoring conducted as part of Action 24: Monitoring program 2. Based on monitoring results recommend additional parking management. 3. Planning and design of new parking arrangements as needed. 4. Consideration and approval by BSC Local Traffic committee. 5. Implementation. 	
Lead Organisation	BSC
Support Organisation	EES – Coast and Estuaries
Total Cost Estimate (10 yr)	Staff time
Potential Funding Sources	BSC, NSW Coastal and Estuary Grants Program
Timing	Short-Medium term (DP1 2020-2022 and DP2 2023-2026)
Location	Parking areas along Camp Drewe Road (Zone 2) and urban areas of Lennox Head, CMA 3 – Coastal Environment Area, CMA 4 – Coastal Use Area
Performance Targets	<ul style="list-style-type: none"> • Report on parking monitoring program results completed by June 2022.

Action 24: Monitoring program

Desired Outcome(s)	To track performance of actions implemented as part of the CMP and allow for timely maintenance and adaptive management measures to be implemented as required. To better understand the level of issues and priority for management.
Priority ranking	Fundamental
DESCRIPTION OF TASKS:	
<p>k. Parking - monitor car parking patterns following the closure of the eastern road with a focus on assessing parking along Camp Drewe Road and into suburban areas of Lennox Head and subsequent impacts on environmental values, amenity and public safety. Also track the effectiveness of and dog walker use of beach access at the end of Camp Drewe Road. It is recommended that monitoring is conducted over a year to capture seasonal changes in demand. The information will assist in evaluating the extent of the problem and potential further management options for the western side.</p>	
Lead Organisation	BSC
Support Organisation	EES – Coast and Estuaries, Southern Cross University
Total Cost Estimate (10 yr)	\$343,000 (Total allowance of \$73,000 for program design and equipment, \$270,000 ongoing implementation across all components over 10 years)
Potential Funding Sources	BSC, NSW Coastal and Estuary Grants Program, Southern Cross University
Timing	Initial design short-term (DP1 2020-2022) ongoing implementation (DP1 - DP3 2020-2029)
Location	All zones, CMA1 – Coastal Wetlands and Littoral Rainforests, CMA 3 – Coastal Environment Area, CMA 4 – Coastal Use Area
Performance Targets	<ul style="list-style-type: none"> • Planning and design and complete by June 2021. • Implementation underway by September 2021.

Car Parking and Access Arrangements

Based on the actions for assessing future parking arrangements at Lake Ainsworth identified in the draft CMP it is necessary to further understand traffic volumes and pedestrian movements now that the improvement works along the southern and eastern roads are nearing completion. The CMP actions advocate first monitoring parking and access arrangements before taking steps to change parking and access conditions around the lake.

A parking study, as recommended under the draft CMP, will look at the parking supply and demand characteristics and the parking turnover of the area. Ideally this study would be completed before any parking restrictions are introduced into a new precinct.

8.3 Lake Ainsworth Precinct - Car Parking

Once the study is complete the recommendations may need to be presented to the Local Traffic Committee for consideration and any approval or concurrence.

The study should also give consideration to the capacity of the area to sustain a continual increase in visitors to the area and the direct impact of this on the health of the lake and surrounding catchment.

A further complication in relation to the application of traffic and parking controls is the enforceability of road traffic and parking rules on Crown Land (given the road and parking is not contained within a road reserve).

Clarification is presently being sought to determine the legality of regulatory parking and other traffic signage within the Lake Ainsworth Crown Reserve area.

Separate to caravan park or lake day user parking, recent observations have indicated that illegal camping and staying over night in this precinct has dramatically reduced. This may be because of the current construction works.

To assist in promoting no camping or staying overnight it is recommended that Council install signage under the *Local Government Act* in the lake precinct to restrict overnight camping in the reserve and road areas under Council's management.

This type of signage is applied in other reserve areas and can be enforced within the reserve area.

With respect to the application of timed parking restrictions such as no parking between 1am and 5am, it is difficult to ascertain the benefit of such signage in the absence of information about car parking patterns, post completion of the foreshore improvement works.

Limiting only this time period may have minimal impact as it does not prevent caravan park patrons from parking in the lake precinct at any other time, including during the day when visitors attend the lake.

As mentioned above, it is also uncertain whether car parking restrictions could be enforced on Crown Land (that is not a road). Council ranger rosters will also need to be changed, on an as required basis, to enforce this restriction.

To enforce this restriction, Council would need to allocate two rangers, due to the time and it is questionable as to whether a shift covering this time period (or part of it) is the optimal use of available ranger resources (i.e. this type of shift will reduce typical staff availability during the day around periods where the night parking restriction is enforced).

Discussions have also re-commenced with the Executive Manager at Reflections Holiday Parks and the need to manage overflow parking from guests at the caravan park.

Currently the caravan park does not have a management plan for the site, however Council staff have been advised that one is programmed to be developed over the next three to five years.

8.3 Lake Ainsworth Precinct - Car Parking

At this time the caravan park will give consideration to additional on site parking to assist in vehicle management. The caravan park has indicated a willingness to work with Council to encourage guests to park within the site and ensure public spaces are more freely available to short term day visitors to the precinct.

Previous advice is that park guests have been able to park at least one but often more vehicles at their campsite or cabin. The park also offers additional accommodate spaces for vehicles across various locations on their site.

Overflow parking is an issue for many caravan parks, at peak times, and depending on location there may be different options to help manage the impact on local residents and in this case users of Lake Ainsworth.

Options in the public domain outside the caravan park, other than a specific time period restriction on parking, include introduction of timed parking (e.g. two or four hour stay limits) and provision of additional car parking in the vicinity of Lake Ainsworth

The use of timed parking can assist to manage parking, although this can often result in vehicles being relocated to other surrounding residential streets.

Limitations on the parking period may have the result of causing lake visitors and caravan park patrons to more frequently park in surrounding residential streets.

This is one key reason why it is recommended that Council undertakes monitoring of the parking situation before making any changes that limit timing associated with vehicle parking at the lake.

Opportunities to increase car parking spaces in the precinct may be possible, subject to further concept designs and costing.

Options in this regard include additional parking at the precinct entrance off what is the extension of Pacific Parade into the Crown Reserve (east and west sides of the road) and extension of the beachside car park to the south of the surf club.

An increase car parking spaces may assist in a more proactive and long term sustainable approach in supporting and managing vehicle movements and parking in the precinct.

This could be considered as part of any traffic and parking study done in relation to the lake precinct post completion of the improvement works.

Fencing Along Caravan Park Boundary

The fence/barrier along Camp Drewe Road was a high priority for the caravan park a few years ago due to an increase in theft and vandalism in the caravan park.

In recent times this anti social behavior and activities appear to have reduced and the fence/barrier is no longer a priority for the caravan park.

8.3 Lake Ainsworth Precinct - Car Parking

Reflections Holiday Parks has advised that this will be further investigated when they commence the study and feasibility options for the management plan for the caravan park.

A fence may also have the advantage of minimise traffic and pedestrian conflict along the southern foreshore area.

However, as with the car parking issue, it is suggested that further data on the use of the lake would be beneficial to inform any decision about fencing including fence design and purpose, fence location and crossing points.

It may also be beneficial to gain a more complete understanding of how Camp Drewe Road is utilised (including traffic volumes and speeds) along the caravan park frontage to the lake after the foreshore improvement works have been completed.

Currently if Council wishes to install a fence/barrier between Camp Drewe Road and the caravan park it would be at Council's cost.

The estimated cost for a fence is in the order of \$55,000 for chain wire and timber.

This type of fence is not a suitable fit to the character of the precinct.

Fencing of a more suitable aesthetic quality is likely to significantly exceed this cost estimate.

The lack of a survey accurate or cadastral boundary between the Council and Crown/caravan park managed land is a further complication in the location of fencing.

That is, if a fence is to be installed it would be ideal to formalise the boundary between the Council and Crown/caravan park managed land.

Depending on the location of caravan park and Council infrastructure this may result in the need for revised definition of Crown Land management areas and identification of road reserve areas.

It is suggested if the definition of Crown Land management areas becomes a consideration associated with the fence, this should be considered having regard for the caravan park's current occupation of the southern end of the Camp Drewe Road Reserve.

It is also important to be aware that there may be costs to Council associated with the rationalisation of Crown Land management areas and roads.

Sustainability Considerations

- **Environment**

Lake Ainsworth is a significant local, regional and State recreation asset. The lake and its surrounding environment is subject to a range of complex management issues that have a variety of environmental, social and economic factors associated with them.

8.3 Lake Ainsworth Precinct - Car Parking

Under the recommended approach, these factors can be further examined having regard for observed use of the lake precinct following completion of the improvement works.

- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

Under the recommended approach, funding for traffic and parking analysis would be considered as part of the adoption of the draft Coastal Management Program for Lake Ainsworth.

Alternatively, if Council prefers initiating a parking study immediately, a funding source will be need to be identified.

Approaches involving installation of regulatory signage can be accommodated within existing operational budgets.

Consultation

Consultation regarding this review and proposed car parking options and movements has been undertaken with various sections of Council.

Initial discussions have also been held with Reflections Holiday Park Executive Officer.

The draft Lake Ainsworth Coastal Management Program is subject to extensive community consultation.

Feedback obtained through this process to date has been considered in the formulation of the contents of this report.

Options

The following options are presented.

1. Council could undertake monitoring of parking, access and traffic in the lake precinct following the completion of the foreshore improvement works.

Under this option, Council would await the adoption of the draft Coastal Management Program for Lake Ainsworth, with a view to implementing the proposed Lake Ainsworth monitoring program in relation to parking and access (if this action is adopted by Council). This also allows Council to consider funding priorities as part of the broader implementation of the management plan.

Under this approach, the installation of regulatory signage to limit car parking overnight is not recommended. However, installation of signage at the reserve entry points to restrict overnight camping is recommended.

8.3 Lake Ainsworth Precinct - Car Parking

This approach is recommended as it provides time for usage patterns, car parking habits and traffic movement to be studied to inform options analysis in greater depth (but addresses overnight camping in a similar manner to that applied in other reserve areas). There may be a variety of other ways to achieve desired parking outcomes rather than restrictions on parking at certain times.

If this option is adopted, it is recommended that staff continue to liaise with the Reflections Holiday Park in relation to within caravan park car parking solutions and fencing arrangements. In the short term, it is recommended that Council staff work with the caravan park management to create an information sheet for park users to encourage behaviour change in relation to parking along the lake foreshore (outside the caravan park).

This option would result in further reporting on issues outlined in this report following the completion of the set monitoring period.

As a variance to this option, Council could seek to commence a parking, access and traffic study over the coming peak period during Christmas and New Year holidays. If this approach is preferred a funding source will need to be identified. The estimated cost for such a study is approximately \$20,000 to \$30,000 (estimate only).

2. Council could resolve to erect timed regulatory signage to the precinct.

This could involve a variety of approaches including limiting parking during certain periods of the day or night, introducing short term timed car parking spaces (e.g. 15 minute drop off areas) or introducing broader timed parking controls (e.g. four hour limits)

This is not recommended until an overall parking, access and traffic study is completed to enable further consideration of the advantages and disadvantages of this type of approach.

3. Council could defer this matter to a briefing

If Councillors would like further details about the issues addressed in this report, a briefing could be held.

Regardless of the option adopted, it is recommended that Council staff continue liaison with the management of the Reflections Caravan Park with respect to the ongoing management of the Lake Ainsworth area.

RECOMMENDATIONS

1. That Council undertake monitoring of parking, access and traffic in the Lake Ainsworth precinct following the completion of the foreshore improvement works in line with the actions that are ultimately adopted by Council in the Lake Ainsworth Coastal Management Program.
2. That Council engage in ongoing discussions with NSW Crown Lands and Reflections caravan park management in relation to the overall management of the Lake Ainsworth precinct.
3. That Council develop in consultation with the Reflections caravan park management a suitable factsheet on Lake Ainsworth and parking considerations in the precinct for distribution in the 2019/20 holiday period.
4. That Council install appropriate signage regarding no camping in the Lake Ainsworth and Camp Drew Road Precinct.

Attachment(s)

Nil

8.4 Local Environmental Plan Framework - Water Extraction

8.4 Local Environmental Plan Framework - Water Extraction

Delivery Program Strategic Planning

Objective To provide Council with information relating to the permissibility of water extraction within rural zones for non agricultural or domestic use purposes and seek direction on this matter in relation to the LEP framework in the Shire.

Background

Development application DA 2018/597 was lodged on 26 September 2018. The application proposed the establishment and operation of a *water supply system*. The proposal included the drawing of water from two existing bores, the construction of a shed and associated works, and the transport of water to a remote site for bottling.

The DA2018/597 related to a site known as Lot 15 DP 1067330, Ellis Road, Rous (Lot 15).

Lot 15 is zoned partly RU1 Primary Production (RU1) under the provisions of Ballina LEP 2012 (LEP 2012) and partly 7(c) Environmental Protection (Water Catchment) under the provisions of Ballina LEP 1987 (LEP 1987). The works and activities proposed by the DA were confined to that part of Lot 15 zoned RU1.

In considering issues arising in relation to the extraction of water for bottled water production and other non agricultural or domestic uses Council at the Ordinary meeting held 22 November 2018 resolved as follows:

- 1. That Council receives a report on options to amend the LEP to prohibit water extraction for the purposes other than for agricultural or domestic uses.*
- 2. That Council write to the relevant State Government Departments and the Minister for Primary Industries, Lands and Water, Mr Niall Blair and other relevant Ministers calling for a halt to any new water licences for non-agricultural purposes such as bottled water within the Ballina Shire. As part of this correspondence clarification is requested on whether existing licences can be transferred to third parties for non-agricultural uses.*
- 3. That Council engage with Rous Water with regards to water supply security for the Ballina Shire and neighbouring Councils.*

Items 2 and 3 have previously been actioned.

This report relates to Item 1 of the above resolution and presents options to prohibit water extraction other than for agricultural or domestic uses.

The report has been prepared at this time as DA 2018/597 was formally withdrawn on 21 October 2019.

8.4 Local Environmental Plan Framework - Water Extraction

The applicant did not provide written reasons for the withdrawal of the application (an applicant is not required to give reasons for withdrawal of an application under the *Environmental Planning and Assessment Act*).

This report examines the permissibility of water extraction in Ballina Shire's rural areas for purposes unrelated to uses otherwise permitted on the land.

Key Issues

- Characterisation of water extraction as a land use
- Consideration of legal advice
- Planning proposal preparation

Information

A key factor in the consideration of the provisions of the LEP relative to water extraction is the definition of particular land uses. Attachment 1 contains the definitions applicable to the terms in italics within this section of the report.

Ballina LEP 2012

Council has obtained legal advice which indicates, based on the details of the application submitted, that the use as proposed under DA 2018/597 would reasonably be characterised as a *light industry* rather than a *water supply system*, and is therefore a prohibited use in the RU1 zone.

Water supply systems are permitted with consent within the RU1 and RU2 zones under the provisions of LEP 2012 whereas *light industry* is a prohibited use.

The applicant also obtained legal advice. The applicant's advice expresses the view that the development should be characterised as a *water supply system* and not a *light industry*.

The applicant's legal advice was referred to Council's solicitors and barrister for further advice. Following review of the applicant's information, the legal advice obtained by Council maintains the original position being that the use proposed under DA 2018/597 is a prohibited use within the RU1 zone.

The advice obtained by Council from its legal representatives is considered sound. It also confirms the conclusions reached by senior planning staff prior to seeking the advice.

Ultimately, the Land and Environment Court may have been required to determine this issue had the application not been withdrawn.

In summary, based on the legal advice obtained by Council, water extraction for uses not otherwise permitted within the RU1 or RU2 zone, such as what was proposed by DA 2018/597, are prohibited.

This being the case an amendment to LEP 2012 is not required to prohibit such use.

8.4 Local Environmental Plan Framework - Water Extraction

It is noted that the letter received from the Hon. Scot MacDonald MLC, Parliamentary Secretary for Planning, the Central Coast and the Hunter, (Attachment 2) states that:

‘there are currently no planning policies specifically covering water extraction and bottling in NSW and that such developments are generally prohibited in rural areas.’

The subject letter was one of a number of responses received following the actioning of Item 2 of Council’s November 2018 resolutions.

The permissibility comments made by the Parliamentary Secretary also add some weight to the view that water extraction for bottling is not a use intended to be permitted in rural areas.

In considering the above, it is important to not though that permissibility is determined based on the manner in which a use is characterised.

The characterisation process in turn is required to consider the particular details of any proposed application and relevant case law. This means that every proposal is required to be individually assessed and characterised.

Tweed LEP 2000 and 2014 and planning proposal to prohibit water bottling facilities in the RU2 zone.

A Gateway determination was issued in May 2019, by the Department of Planning and Environment, to amend Tweed LEP 2014 so as prohibit water bottling facilities in the RU2 zone.

The Tweed RU2 zone is similar to the Ballina RU2 zone in various respects including that both zones permit with consent a *water supply system*, and prohibit *light industry*.

Tweed Shire Council had previously approved a number of water bottling and extraction plants within its rural zones under the provisions of Tweed LEP 2000. Such uses appear to have been characterised at the time as a *rural industry*. This *rural industry* definition changed when Tweed LEP 2014 came into force in June 2014. From that time it was considered to no longer permit the water bottling and extraction plants previously approved.

To facilitate the expansion of a water bottling and extraction plant in 2015 Tweed Shire Council prepared a planning proposal to permit *water bottling facility* within the RU2 zone.

Tweed Shire Council initially sought to limit the application of the planning proposal to those sites that already had approved water bottling and extraction plants rather than permit them throughout the RU2 zone. The Department of Planning and Environment, however, required that the planning proposal proceed as a general zone amendment as opposed to an additional permitted use on a few sites.

The consequence of the above was that a number of new DAs were submitted to Tweed Council for *water bottling facilities*. Community opposition to the proposed new facilities led to the Council resolving (November 2018) to prepare a new planning proposal.

8.4 Local Environmental Plan Framework - Water Extraction

This new planning proposal now seeks to amend Tweed LEP 2014 (removal of clause 7.15 *Water bottling facilities in the RU2 zone*) and will, once the LEP amendment is made, restore the previous position being the prohibition of water bottling facilities in the RU2 zone.

The Tweed case is of interest because neither Tweed Council, nor the Department of Planning, Industry and Environment, have sought to insert additional provisions within the Tweed LEP 2014 which seek to reinforce the prohibition of *water bottling and extraction facilities* within the RU2 zone.

Tweed LEP 2014 and Ballina LEP 2012 share Standard Instrument definitions for *water supply system* and *light industry*, with the former being permitted with consent, and the latter being prohibited, in the respective RU2 zones (light industry is also prohibited in the Ballina LEP 2012 RU1 zone). It therefore reinforces the view that water extraction for commercial purposes such as bottling is a use that is prohibited within the RU2 zone in both LEPs.

Ballina LEP 1987 (LEP1987)

A portion of Ballina Shire is still subject to the provisions of LEP 1987, being those areas subject to deferred matters resulting from the proposed application of environmental protection zones under the Standard Instrument LEP.

The definition of *rural industry* and *light industry* contained within LEP 1987 are the same as contained within Tweed LEP 2000.

The matrix below shows relevant LEP 1987 zones which permit with consent *rural industry* and or *light industry*.

Table 1 - Ballina LEP 1987 Permissibility Matrix (Permitted ✓ Prohibited x)

Zone	Rural Industry	Industry / Light Industry
1(a1) Rural (Plateau Lands Agriculture)	✓	x
1(a2) Rural (Coastal Lands Agriculture)	✓	x
1(b) Rural (Secondary Agricultural Land)	✓	✓
1(d) Rural (Urban Investigation)	✓	x
1(e) Rural (Extractive and Mineral)	✓	✓
2 (b) Village Area Zone	✓	✓
7 (d) Environmental Protection (Scenic/Escarpment)	✓	x
7 (d1) Environmental Protection (Newrybar Scenic/Escarpment)	✓	x
7 (i) Environmental Protection (Urban Buffer)	✓	x
9 (a) Roads (Main Roads Proposed)	✓	✓
9 (b) Roads (Local Roads Proposed)	✓	✓

The approach used by Tweed Council to characterise water bottling and extraction facilities, under the provisions of Tweed LEP 2000, as a *rural industry* requires water to be classified as a primary product.

It is not clear as to whether water in 2019 would still be regarded as a primary product. It is however, arguable that water could be regarded as a primary product within the context of the applicable definition for *rural industry*.

8.4 Local Environmental Plan Framework - Water Extraction

Primary products, in a contemporary context, consist of plant and animal derived products not resources such as water. This is reinforced by the new Standard Instrument definition of *primary industry* contained in LEP 2012. However, the previously applicable definition could be interpreted far more broadly to include resources such as water.

Ballina Shire Council has historically applied a similar approach to Tweed Council in relation to water bottling and rural industry. In 1993 Ballina Shire Council also consented to a *rural industry* on a property in Fernleigh being for the processing and bottling of spring water. The land the subject of this consent is now zoned RU1 Primary Production under the provisions of LEP2012.

Water bottling and extraction facilities may also, in certain circumstances, be characterised as *light industry* or *industry* under the provisions of LEP 1987. Were this to occur then such use would also be permitted with development consent within the zones indicated above.

The location of the LEP 1987 zones that permit rural industry, and or industry / light industry on the Plateau, as indicated in Table 1 are shown on the maps contained in Attachment 3.

Attachment 4 only shows the 1(b) Rural (Secondary Agricultural Land) on the Plateau and adjoining areas.

In summary, by applying definitions as outlined above, it remains possible to establish a water bottling facility or otherwise extract water for bottling under the current provisions of the Ballina LEP 1987.

Amending Ballina LEP 1987

LEP 1987 may be amended to address the permissibility of water bottling facilities (and water extraction for other non agricultural or domestic uses) through the planning proposal process. This is discussed further in the options section of this report.

Whilst an amendment to address definitions and permissibility in this instance is not likely to be technically difficult, the difficulty Council may face relates to the reasons behind the deferred matters and the ongoing operation of the Ballina LEP 1987. That is, the Department of Planning, Industry and Environment may take a position that seeks to encourage Council to address other Standard Instrument LEP related matters that are not related to the water extraction matter at hand.

To address this potential difficulty, it is recommended that any amendment of LEP 1987 should be kept as simple as possible. Ideally, it should avoid introducing new specific provisions and minimise the locations in the LEP where changes are proposed.

LEP 1987 zones that permit *industries* or *light industries* consist of the 1(e) Rural (Extractive and Mineral) zone the 1(b) (Secondary Agricultural Land) zone.

The extractive mineral industry zone affects four Plateau sites. Of these two are owned by Council, one is owned by the RMS and the other is privately

8.4 Local Environmental Plan Framework - Water Extraction

owned (land located off Stokers Lane at Teven). These sites are not considered at high risk of being further developed for ground water harvesting purposes.

The land within the 1(b) (Secondary Agricultural Land) zone, as indicated on the map forming part of Attachment 4, affects numerous sites. There is therefore a risk that some of this land may be proposed to be utilised for ground water harvesting purposes in the future.

Some 1(b) (Secondary Agricultural Land) zoned land was deferred from LEP 2012 due to its higher ecological value. Transitioning of this land to into LEP 2012 is in progress in accordance with Council's previous April 2017 resolution covering deferred areas. This is also the case for the land zoned 1(e) Rural (Extractive and Mineral).

Although timing for this transition is not yet confirmed (this is dependent on mapping that is in preparation), it is recommended that no further action be taken at this time in terms of addressing the *industry / light industry* permissibility issue as this will be resolved once the land is transitioned into LEP 2012. This is because of the greater degree of complexity involved in addressing this issue and a lower relative risk associated with this avenue being pursued to enable water extraction for non agricultural or domestic purposes.

The sites that permit *rural industry* under the provisions of LEP1987 are far more extensive and include the 1(b) and 1(e) zoned sites. For this reason an approach which seeks to replace the definition of *rural industry* contained within LEP1987, with the current Standard Instrument definition of *rural industry*, through a planning proposal is recommended.

Such an approach maintains the integrity of zones and minimises legal drafting complexities. This approach has also been discussed with Department of Planning, Industry and Environment (DPIE) planning staff who have indicated that it appears to be a supportable, and a relatively uncomplicated option.

The above approach does risk the DPIE exerting pressure to broaden the planning proposal to incorporate other matters related to the transitioning of E zones under LEP 1987 to LEP 2012. If this were to occur then this matter can be reported back to Council for the consideration of appropriate responses.

Overall, the recommended approach in relation to the LEP 1987 is to pursue the most technically simple amendment to exclude water bottling facilities from being permissible in the majority of the deferred matter areas. This approach though does not entirely eliminate the potential for this use to occur in rural areas.

Report of the NSW Chief Scientist and Engineer (NSWCSE) – Independent Review of the Impacts of the Bottled Water Industry on Groundwater Resources in the Northern Rivers region of NSW

The initial report of the NSWCSE was published in February 2019.

This report was focused on information gathering and analysis as well as documenting stakeholder views.

8.4 Local Environmental Plan Framework - Water Extraction

Stakeholders are awaiting the release of the final report. Council's November 2018 submission to the NSWCE raised, amongst other matters, the issue of a lack of a clear planning framework, including State based guidelines, to regulate the extraction of ground water for the bottled water industry.

It is hoped that the final report of the NSWCE will address this issue and provide some clear recommendations related to appropriate State and local planning controls for regulation of this industry.

The timing for the release of the final report is not known to Council.

Sustainability Considerations

- **Environment**

The preparation of a planning proposal, which removes substantially the potential for water extraction not associated with uses otherwise permitted within Ballina's rural hinterland, is considered to give rise to significant environmental benefits. It better maintains regional water security by providing a source of drinking and agricultural water for use especially in times of drought.

The proposed restriction on industrial type uses from being established within the rural parts of the Shire also assists to maintain the environmental and scenic amenity of these areas by reducing heavy vehicle traffic and presence of industrial style buildings.

- **Social**

It is clear from the number and nature of submissions received against DA2018/597 that a large number of Plateau community residents do not support water extraction not associated with uses otherwise permitted within Ballina's rural hinterland.

Preparation of a planning proposal, which seeks to reduce the likelihood of similar water extraction development being again proposed, is considered to have net social benefits. It will likely assist to reinforce the sense of community which exists amongst the Plateau's rural community.

- **Economic**

There are considered to be no substantive adverse economic consequences from adopting a strategy designed to prohibit the extraction of water for uses not otherwise permitted within rural zones or other zones.

Legal / Resource / Financial Implications

There are no specific legal or financial implications associated with the preparation of a planning proposal, which seeks to substitute the *rural industry* definition contained within LEP1987 with the Standard Instrument definition of *rural industry*.

Progression of this matter can be accommodated within the existing resources of the Planning and Environmental Health Division.

Consultation

Should the matter proceed, an affirmative Gateway determination will specify government agencies consultation requirements and the minimum community consultation period. It is considered that a minimum consultation period of 14 days is appropriate given that the planning proposal will seek to better align LEP 1987 with LEP 2012.

At this stage no specific public agency consultation is proposed.

Options

The following options are presented for Council's consideration.

1. Council may resolve to prepare a planning proposal which seeks to substitute the definition of *rural industry* contained within Ballina LEP 1987 with the Standard Instrument definition of *rural industry* for submission to the Department of Planning, Industry and Environment for Gateway determination.

The finalisation of such a planning proposal would then ideally await the release of the final report of the NSWCSSE so as to ensure that there is no conflict between both documents.

This is the preferred and recommended option.

2. Council may resolve to prepare a planning proposal which addresses the *rural industry* as well as *industry / light industry* issues identified within this report related to LEP 1987, as well as seeking to reinforce the position that certain types of water extraction are prohibited within the RU1 and RU2 zones.

This option is not supported as it is considered to add significant complexity to the planning proposal and may not result in a positive Gateway determination being received. Such a planning proposal may also have unintended consequences for zones contained within LEP 1987 and LEP 2012.

It may also affect uses already legitimately established as was the case when Tweed Shire Council introduced its 2014 LEP. Substantial research would be required to clarify how existing established uses are likely to be impacted. Such a process will add significantly to the cost and time involved in preparing a planning proposal.

3. Council may defer consideration of this report pending the release of the report of the NSWCSSE and then further consider its options with respect to the preparation of a planning proposal or the taking of other action.

This is also a sound option, which would enable Council to further consider the scope of any planning proposal that it may resolve to prepare. This option also reduces the potential for any significant amendment of a planning proposal to incorporate matters that may be recommended by the NSWCSSE for implementation at the local government level.

8.4 Local Environmental Plan Framework - Water Extraction

This action has not been recommended as the alignment of the definition of *rural industry* contained in LEP 1987 and LEP 2012 is logical and is a relatively simple amendment to complete (assuming it is supported by the Department of Planning, Industry and Environment).

Option 1 addresses this issue by commencing the planning proposal process and then delaying finalisation until such time that the final report of the NSWCE has been considered.

4. Council may resolve to note the contents of this report and take no further action.

This action has not been recommended on the basis that it does not result in any additional limitation on water extraction activities in the deferred matter areas that are subject to the Ballina LEP 1987. The reasons why the change is recommended are outlined in this report.

If however, the position of Council is not to change the existing situation, this approach is the appropriate course of action.

5. Council may also defer this report to a briefing if there are any issues identified that require explanation beyond that contained within this report.

This approach is not recommended at this stage. However, a briefing could be held post exhibition of proposed changes to the LEP to enable considering of key issues arising before Council makes a decision on the implementation of the changes.

RECOMMENDATIONS

1. That Council prepare a planning proposal which seeks to substitute the definition of rural industry contained within Ballina LEP 1987 with the Standard Instrument definition of rural industry.
2. That the planning proposal once prepared be forwarded to the Department of Planning Industry and Environment for a Gateway determination.
3. That the Department of Planning Industry and Environment be advised that Council seeks to exercise the functions of the local plan-making authority under section 3.36(2) of the *Environmental Planning and Assessment Act* 1979 for this LEP amendment.
4. That upon an affirmative Gateway determination being received from the Department of Planning and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.
5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal and after the release of the final report of the NSW Chief Scientist and Engineer into the Impacts of the Bottled Water Industry on Groundwater Resources in the Northern Rivers Region of NSW.

Attachment(s)

1. Relevant LEP Definitions
2. Letter from Hon Scot MacDonald MLC
3. Location of Ballina LEP 1987 zones referenced in Table 1
4. Location of 1(b) Rural (Secondary Agricultural) zone - Alstonville Plateau

8.5 Market Proposals - Market on Dusk, Alstonville and Ballina

8.5 Market Proposals - Market on Dusk, Alstonville and Ballina

Delivery Program Strategic Planning

Objective To invite Council's consideration of a proposal for Saturday markets at Alstonville and Ballina.

Background

"Market on Dusk" was an approved trial market that operated during the 2018/19 Christmas period at the Missingham Park in Ballina.

Following success of the trial market, the manager of the market, Ms Ainsley Schumacher (trading under the name "Known Effects"), is seeking Council's approval to hold two separate markets through a more regular arrangement. This latest proposal is presented for Council's consideration, in accordance with Council's Markets Policy.

The market manager describes the "Market on Dusk" concept as follows:

'KNOWN EFFECTS' is dedicated to supporting, uplifting and showcasing local small businesses.

Our incredibly creative stallholders have been carefully sourced to ensure high quality products that are eco-friendly and ethically produced.

Our aim is to provide the Ballina Shire with green innovations that help:

- educate and promote community action to shop locally*
- provide environmental sustainable products to assist daily and bring an awareness of friendly alternatives.*

After our trial period and receiving our public feedback we were successful in creating meaningful conversation between our community, visitors and stallholders with regards of becoming more ethical, sustainable and conscious consumers.

Our afternoon to dusk market provides a highlight of well-loved food trucks, Local acoustic musicians, along with eco face painting, kids cubby houses supplied by Castle Cubby and North East Waste Educational volunteers.

The proposed location and timing for the proposed markets are as follows:

- 2nd Saturday of each month at Missingham Park, Ballina (December – April inclusive).
- 4th Saturday of each month at Elizabeth Anne Brown Park, Alstonville (December – April inclusive; with adjustments for public holidays such as to provide for markets on 21 December and 18 April).

8.5 Market Proposals - Market on Dusk, Alstonville and Ballina

The markets are proposed to occur between the hours of 10am and 6:30pm outside daylight savings period and 11am and 8:30pm during daylight savings period, with additional time permitted for set-up and pack-down (one hour either side).

Key Issues

- Economic development
- Open space management
- Community events
- Markets

Information

As outlined, the application seeks approval for two markets, one each at Missingham Park, Ballina; and Elizabeth Ann Brown Park, Alstonville.

Each market would have less than 30 market stalls (as tents or marquees) meaning the proposal does not require development consent and may be considered under Council's Markets Policy.

A licensed stall is proposed at each market (subject to liquor licensing) however it is understood this would not occur in the first year due to licensing timeframes.

Market at Missingham Park

The proposal would involve the use of Missingham Park in the area around the Amphitheatre on the second Saturday of each month.

The set up for this market is essentially the same as the initial "Market on Dusk" that was held at the site during the 2018/19 summer period, however with flexibility to trial other stall layouts.

Market at Elizabeth Ann Brown Park, Alstonville

The proposal involves the use of Elizabeth Ann Brown Park on the fourth Saturday of each month.

Key features of the proposal include the following:

- The market would partly rely on parking within the Alstonville Plaza car park. The Plaza management have provided written support for the proposal. Due to the timing of the market (Saturday afternoon), it is anticipated that parking will be sufficient.
- Elizabeth Ann Brown Park contains Alstonville's War Memorial. The Alstonville RSL support the proposal (confirmed by staff).

Markets Policy

The information submitted with respect to the market proposals is consistent with that required by Council's Markets Policy and Guidelines for Markets on Public Land (M01).

8.5 Market Proposals - Market on Dusk, Alstonville and Ballina

Both sites comprise Crown Land for which Council has been appointed Land Manager.

Council has previously undertaken an expression of interest process in some cases relating to management of markets (such as the Ballina Farmers Market and Lennox Head Community Market). In this particular case, however, the proposed market comes about as the initiative of a market manager who is seeking to provide a new market experience in the Shire. Providing a licence to an operator without an EOI process in such cases is provided for in Council's Markets Policy.

With the previous 'Market on Dusk' market, the market manager (Ms Ainsley Schumacher) has demonstrated competency in the delivery of an attractive and innovative market event.

If supported, it is recommended that the market be approved for a three year period with a temporary licence issued annually, and fees charged as per Council's Fees and Charges Schedule.

This would provide for certainty for the manager to establish the viability of the market as well as balance the administrative burden with respect to reporting, with opportunities for Council to review the arrangement.

Further refinements to operational aspects of the markets can be managed by staff and the market manager as required, under the terms of the standard temporary license.

Sustainability Considerations

- **Environment**
The market proposals include elements of sustainable education and seek to support creators of locally produced sustainable products.
- **Social**
The holding of community events, such as markets, provide opportunities for social interaction, thus having the potential to support community cohesion and wellbeing.
- **Economic**
Community markets provide opportunities for local small businesses and more broadly contribute to the amenity of the locality in terms of tourism.

Legal / Resource / Financial Implications

The assessment and administration of community market licences can be accommodated within existing resources.

Consultation

Council's Markets Policy has previously been the subject of community engagement processes. The "Market on Dusk" proposal has not been the subject of any specific community engagement.

Options

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

1. Council resolve to approve the markets for a three year period with a temporary license issued annually.

This option is recommended on the basis that the proposal is consistent with Council's Markets Policy and is likely to provide a popular community event with benefits for the community and the local economy.

Under this option this matter would be reported back to the Council after the three year period if the market operator proposes a continuation of the markets.

2. Council could resolve to decline the market proposal.

This option is not recommended for the reasons set out under option one.

3. Council could resolve to receive a staff briefing on this matter.

This option is available should the Council have particular concerns regarding the proposal. This approach is not recommended given the market proposals are consistent with Council's policy.

4. Council could resolve to hold an expression of interest (EOI) process for the markets.

This option is not recommended on the basis that this would result in delays to the markets of several months and may discourage innovation and initiative of would-be market managers in bringing such proposals forward. Further, on the basis of previous EOI processes it is unclear that many competitive proposals would be forthcoming.

RECOMMENDATIONS

1. That Council approves the 'Market on Dusk' proposals for a period of three years, with temporary license issued annually, to be held:
 - 2nd Saturday of each month at Missingham Park, Ballina (December – April inclusive).
 - 4th Saturday of each month at Elizabeth Anne Brown Park, Alstonville (December – April inclusive; with adjustments for public holidays such as to provide for markets on 21 December and 18 April).
2. That Council authorises the use of the Council Seal to execute the required licence documents and any associated documentation to enable the operation of the market as set out in point one.

Attachment(s)

Nil

8.6 Ballina Ocean Pool - Update

8.6 Ballina Ocean Pool - Update

Delivery Program Open Spaces and Reserves

Objective To provide Council with an update on the status of the Ballina Ocean Pool project.

Background

Council considered the Ballina Ocean Pool project at the March 2019 Ordinary meeting in response to a Notice of Motion. The resolution from that meeting was as follows:

That Council, as part of the May 2019 Ordinary meeting, receive an update report on the development of the planning application for Ballina Ocean Pool. The report should include information on the issue of Native Title, design and engineering plans, the use of and balance of the \$50,000 preliminary works grant, together with an overview of other necessary components of the application.

In September 2018, the Reserve Trust considered the status of the project and provided direction on the further involvement of the Trust (and Council as the Trust Manager) in the project. The Trust resolved as follows:

1. *That the Ballina Coastal Reserve Trust endorses the lodgement 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.*
2. *That the Ballina Coastal Reserve Trust endorses the application of staff resources to address the applicable requirements of the Crown Land Management Act 2016 in relation to the Ballina Ocean Pool project.*
3. *That the Trust obtains legal advice addressing Native Title in relation to the Ballina Ocean Pool proposal before an application for planning approval is lodged with Ballina Shire Council.*

More recently, Council considered an update on the ocean pool at the May 2019 Ordinary meeting. The May report sought to address the March 2019 Council resolution and the September 2018 Trust resolution.

At the May 2019 meeting Council resolved in part that an update report be provided on the ocean pool project at the November 2019 Ordinary meeting.

This report responds to the May 2019 resolution.

Key Issues

- Planning status

Information

The ocean pool is proposed on a site at Shelly Beach generally in the location shown in Figure 1 as follows.

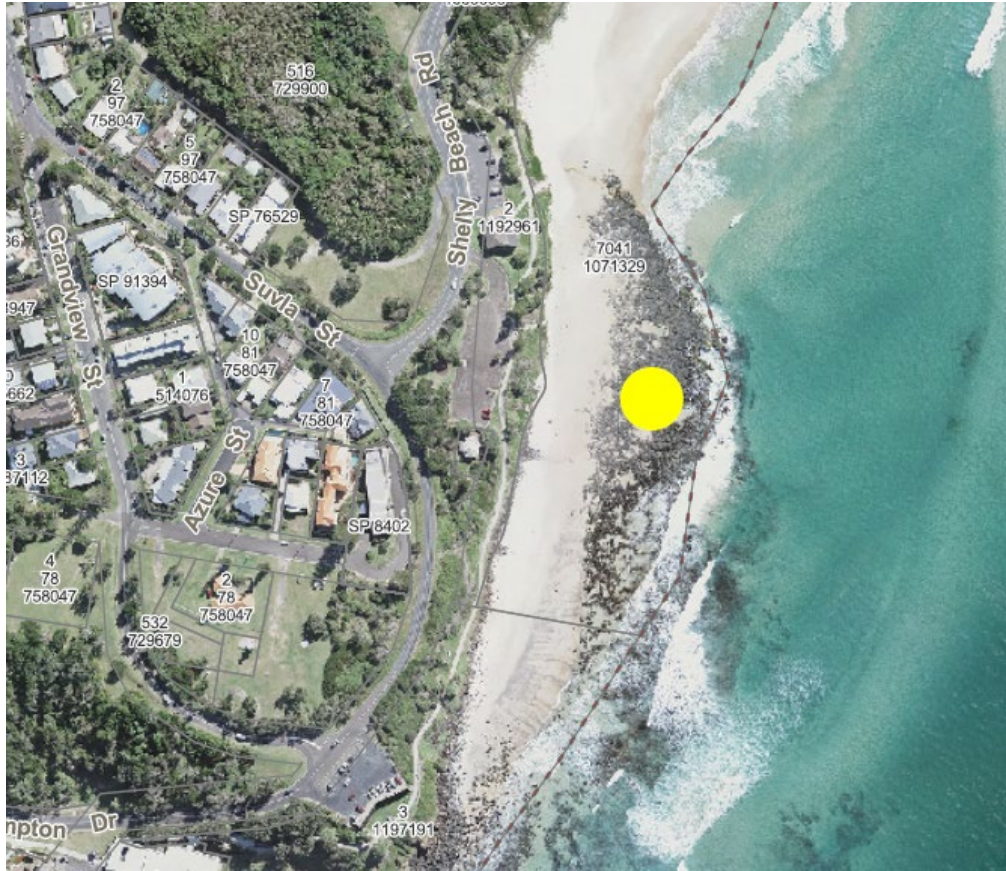


Figure 1: General location for proposed Ballina Ocean Pool at Shelly Beach Ballina (indicated by yellow dot)

The area proposed for the ocean pool is located on Crown Land, including land within the Ballina Coastal Reserve. The land is managed by Council as Crown Land Manager.

In November 2015 Council resolved to create the Ballina Ocean Pool Committee Inc as a Committee of Council, with the terms of reference for the Committee as follows:

Terms of Reference – To oversee and implement the actions necessary to allow a planning application to be lodged with Council for the establishment of an ocean pool at Shelly Beach, Ballina. The Committee is to be set up on the basis that the ocean pool will be constructed through funding sources other than Council, and the pool is to be designed to ensure that nil, or minimal maintenance, is required for the facility on an on-going basis.

The Ballina Ocean Pool Committee was subsequently formed as a Committee of Council under Section 355 of the *Local Government Act 1993*.

The Committee has operated both in its capacity as a Committee of Council and in its capacity as an incorporated community based project group.

8.6 Ballina Ocean Pool - Update

The members of the Ballina Ocean Pool Committee Inc (BOPCI) meet more regularly as the incorporated community based group, rather than as the Council Section 355 Committee, as that is more administratively efficient as there is no need to advertise and agendas and minutes are not required to the same standard as a Council Committee.

It is more important for the BOPCI to meet as the Council Ocean Pool Section 355 Committee when they wish to make a decision that has potential implications for Council; eg. expenditure of grant monies, matters that may need reporting to Council etc.

At the April 2017 Ordinary meeting, Council accepted grant funding of \$50,000 for the project offered by the NSW State Government.

This money has been administered by Council, with the BOPCI able to draw on the funds to complete investigations and reporting. Council has not allocated any of its own funds to the project to date although staff have been providing support to the project in relation to planning, Crown Land management, native title and grant management functions.

The grant funds are now almost exhausted with \$6,700 unexpended. The NSW Department of Premier and Cabinet is pursuing Council for the acquittal of the total expenditure as the monies were intended to be expended by early 2018.

The BOPCI has advised Council that they are still seeking to progress to the lodgement of an application with Council to seek the necessary planning approval for the project. Council has been advised that a review of environmental factors is in preparation and is approximately 85% complete.

Reports and Information

In October 2018, representatives of the BOPCI provided Councillors with an overview of the project and the findings of investigations undertaken. The Councillor briefing included discussion about pool design, engineering, ecological, location and cultural heritage issues.

Subsequently, Council received advice from Lindsay Taylor Lawyers in relation to native title considerations that was outlined in the May 2019 Ordinary meeting report and forms part of the summary information in this report.

In response to the Council's March 2019 resolution, the BOPCI advised that the following reports had been prepared (copies were provided to Councillors under separate cover with the May 2019 business agenda):

- Coastal Engineering Advice Report (Water Research Laboratory December 2018). This is a coastal engineering study to assist with the design of the pool.
- Community and Business Impacts Report (Southern Cross University November 2017). This report provides information on feedback from Ballina residents and business operators in relation to the ocean pool concept.

8.6 Ballina Ocean Pool - Update

- Marine Ecological Surveys for the Proposed Ballina Ocean Pool Report (Southern Cross University 2017). This report addresses marine ecology issues.
- Traffic Impact Assessment (Ardill Payne and Partners March 2018). Provides an assessment of traffic issues and impacts associated with the pool proposal.

The members have also indicated they have various letters of support for the pool including from Associate Professor Rob Brander of the University of NSW (coastal geomorphologist).

Council has not to date received further technical information beyond that already submitted.

In September 2019, Council obtained further legal advice from Lindsay Taylor Lawyers regarding the address of native title considerations. This advice is summarised below.

Native Title

A key issue in relation to native title is whether the ocean pool is a valid future act having regard for the requirements of native title legislation and Council's obligations as land manager under the *Crown Land Management Act*.

Because the construction of the pool is considered to be a future act under the relevant legislation, it is important to determine whether the act of constructing the pool can be validated under the applicable legislation. The advice provided to Council indicates that based on the information available at present, the construction of the ocean pool is not classed as a valid future act.

Notwithstanding the above, under the present legislation, Council as the land manager can consider other options to enable the ocean pool project to proceed in compliance with the relevant native title legislation.

These options include acquisition of native title rights, seeking a native title determination, entering into an indigenous land use agreement (ILUA) or seeking a native title certificate under the *Crown Land Management Act*.

The BOPCI has indicated that it wishes to pursue the establishment of an indigenous land use agreement (ILUA). An ILUA will require Council involvement as the land manager and the negotiation of an ILUA will have resource implications for Council. It is also important to recognise that Council may wish to invite negotiations in relation to an ILUA in relation to other matters over time.

Therefore, if Council is to become involved in any ILUA process, it is recommended that this is considered in the context of Council's overall priorities rather than on a one off basis.

With respect to meeting the requirements of the *Crown Land Management Act*, the legal advice obtained also indicated that the ocean pool project would need to be recognised in a valid plan of management applying to the land.

Council's ability to include the project within a plan of management is also affected by native title considerations. That is, compliance with native title

8.6 Ballina Ocean Pool - Update

legislation is also a matter to be addressed in preparing a plan of management. This reinforces the importance of addressing native title up front in relation to the ocean pool project.

Having regard for the earlier advice from Lindsay Taylor Lawyers and Council's May 2019 decision, further advice was sought from Lindsay Taylor Lawyers on the process associated with the preparation of an ILUA.

In summary, the advice indicates that there are several types of ILUA under the *Native Title Act*. In relation to the ocean pool project Council could enter into an area ILUA or an alternative procedures ILUA. The main difference is that a procedures agreement cannot extinguish native title.

Both ILUAs are subject to specific procedural requirements, including requirements to enable the involvement of persons or groups that have an interest in the matter being considered.

With respect to timeframes, the only specified period to consider is a three month notice and public exhibition period for an ILUA. The total time to complete an ILUA is unknown as it is dependent on the engagement between the parties involved in an ILUA and the extent to which other parties might have an interest in the matter.

In response to the advice obtained the BOPCI has indicated that it has engaged with the Jali LALC in relation to an ILUA.

If the BOPCI is able to advance an ILUA to the point that agreement is reached with the native title stakeholders, this will be reported to Council as Crown Land Manager to determine a course of action with respect to the ILUA.

Sustainability Considerations

- **Environment**
This report has been prepared to provide an update on the status of the project for the Council. Environmental, social and economic matters would be further considered as part of the planning process.
- **Social**
As above.
- **Economic**
As above.

Legal / Resource / Financial Implications

Council has been engaged in the ocean pool project on the basis of a minimal allocation of staff resources and no direct project funding. Council's responsibilities as Crown Land Manager for the Ballina Coastal Reserve require certain matters to be considered when the Council endorses a project on the land. This inevitably has resourcing implications for Council.

8.6 Ballina Ocean Pool - Update

Consultation

The BOPCI has undertaken a survey and prepared an associated report.

Council also examined the ocean pool concept as part of the Ballina Major Regional Centre Strategy. The strategy includes action A1.2 to facilitate the construction of an ocean pool at a convenient, cost effective and achievable location. This action is identified in the strategy as a facilitate and advocate action rather than a direct delivery of infrastructure.

The BOPCI has indicated that it has undertaken engagement with the Jali Local Aboriginal Land Council.

Options

This report is provided for the information of Council in response to Council's May 2019 resolution.

RECOMMENDATION

That Council notes the content of this report regarding the status of the Ballina Ocean Pool project.

Attachment(s)

Nil

8.7 Community Participation Plan - Adoption

8.7 Community Participation Plan - Adoption

Delivery Program Strategic Planning

Objective To inform Council of the outcomes of the public exhibition of the Draft Community Participation Plan and associated proposed amendments to the Ballina Shire Development Control Plan 2012 and to seek direction in relation to the adoption of the draft documents.

Background

The land use planning functions performed by Council are governed by the legislative requirements of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).

All NSW planning authorities, including councils, are required to prepare a Community Participation Plan (CPP) in response to new requirements under the EP&A Act. A CPP is to outline how and when a planning authority such as Ballina Shire Council will engage with the community when undertaking planning activities and functions under the EP&A Act.

All applicable NSW planning authorities are required to have a final version of their first CPP published on the NSW Department of Planning, Industry and Environment (DPIE) planning portal by 1 December 2019.

A draft CPP was reported to Council for public exhibition at the September 2019 Ordinary meeting, where Council resolved as follows:

1. *That Council proceed to undertake the public exhibition of the Draft Community Participation Plan (as contained in Attachment 1), in accordance with the terms of the Environmental Planning and Assessment Act 1979 and the associated Regulation.*
2. *That Council proceed to undertake the public exhibition of draft amendments to the Ballina Shire Development Control Plan 2012 relating to the Community Participation Plan (as contained in Attachment 2), in accordance with the terms of the Environmental Planning and Assessment Act 1979 and the associated Regulation.*
3. *That a further report on the outcomes of the exhibition process be submitted to Council following the public exhibition of the Draft Community Participation Plan and Ballina Shire Development Control Plan 2012 amendments.*

This report provides an update on the public exhibition process and seeks Council's adoption of the draft CPP.

Key Issues

- Community participation in the planning system
- Meeting legislative requirements

8.7 Community Participation Plan - Adoption

Information

The planning functions of Council include the assessment and determination of development applications (DAs) and the preparation or amendment of strategic plans including local environmental plans, development control plans, contributions plans, local strategic planning statements, planning agreements and other land use plans and strategies.

This CPP is not required to relate to any other functions of Council beyond planning.

The exhibition timeframes for DA assessment and the preparation or amendment of land use plans is currently guided by the EP&A Act and associated Environmental Planning & Assessment Regulation 2000 (EP&A Reg).

The current approach taken by Council in relation to community participation in DA matters is set out in the notification and public exhibition timeframes section of Chapter 1 the Ballina Shire Development Control Plan 2012 (DCP).

The purpose of the draft CPP is to consolidate Council's community participation approaches on planning matters into a single document.

The draft CPP incorporates the minimum standards set out in the EP&A Act for how long certain types of plans and DAs need to be exhibited for, together with those timeframes and notification processes that are standard Council practice.

The draft CPP was placed on exhibition for the mandatory period of 28 days.

No submissions were received on the draft CPP during the submission period.

In response to the public exhibition, no substantial amendments are recommended to the draft CPP document.


Finalisation of this document will involve making formatting adjustments and correcting typographical errors.

The draft amendments to the DCP (as per the following diagram) were also placed on exhibition for the mandatory period of 28 days.

Amendments to the DCP involve removing the current exhibition and notification requirements as listed under Chapter 1 Section 3.2.4 to avoid uncertainty in relation to minimum exhibition periods and reduce future amendments regarding notification requirements in two documents (i.e. the DCP and the CPP).

8.7 Community Participation Plan - Adoption

- ~~Ballina Shire Development Control Plan 2012 – Chapter 1 Administration~~
- ~~Draft Amendments~~
- ¶
- → Delete the requirements relating to public notification and exhibition of development proposals in section 3.2.4 ~~(and 3.2.5, 3.2.6)~~ as noted in red below. ¶
- ¶
- → Replace with the following: ¶
- 3.2.4 → Public Notification and Exhibition of Development Proposals ¶
~~This section was deleted on XXX (Date of Council Resolution) when Council adopted the Ballina Shire Community Participation Plan in accordance with new legislative requirements of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act).~~ ¶
- ¶



Note: The requirements for public notification and exhibition of development proposals are now contained within the Ballina Shire Community Participation Plan. ¶
Refer to Council's website or the NSW Planning Portal. ¶

- ¶
- 3.2.4 → Public Notification and Exhibition of Development Proposals ¶
~~Certain applications that will not, in the opinion of Council, create any unreasonable impacts on surrounding properties will generally not be subject to any notification including but not limited~~

Upon amendment of the DCP, the final CPP will supersede the DCP notification provisions and provide the one document for Council's notification requirements for both statutory and strategic planning functions.

Once Council has adopted the CPP, staff will proceed to upload the plan for publishing on the NSW Planning Portal by the 1 December 2019 deadline.

The final CPP and the amended DCP will be uploaded to Council's webpage.

Sustainability Considerations

- **Environment**
The notification and exhibition requirements for a proposed development is influenced by the potential scope of impacts including potential consequences to the environment. The CPP outlines what types of developments this may include.
- **Social**
The involvement of the community in Council's decision making in relation to planning matters leads to better planning outcomes for the shire. The CPP seeks to provide clarity on how and when the community can participate in this process.
- **Economic**
Not applicable.

Legal / Resource / Financial Implications

The CPP is a new legislative requirement of the EP&A Act. A key legal function of the CPP is to inform the community of the different minimum public exhibition timeframes Council sets for different types of development applications and land use plans.

8.7 Community Participation Plan - Adoption

To avoid confusion, the CPP will replace the notification requirements currently outlined in the DCP, and the DCP updated accordingly.

Where there are inconsistencies between the EP&A Act and the CPP, due to updates to the EP&A Act or EP&A Reg, the Act will prevail until the CPP can be amended and exhibited in accordance with the mandatory 28 day timeframe.

Financing and resource requirements for the preparation and public exhibition of this draft CPP together with the exhibition of the amended DCP have been met through the existing strategic planning budget.

Consultation

Internal consultation has been undertaken with staff across the statutory and strategic planning functions of Council to prepare the draft CPP.

The draft CPP and associated amendment to the DCP has been publically notified in the local newspaper and placed on public exhibition for a period of 28 days in accordance with the requirements of the EP&A Act.

Hardcopies of the draft CPP were provided at Council's community access points at the Ballina Shire Council Customer Service Centre and the Lennox Head, Ballina and Alstonville libraries.

No submissions were received in response to the public exhibition.

Options

1. Adopt the Draft Ballina Shire Community Participation Plan (CPP) and the amended Ballina Shire Development Control Plan 2012.

This approach would involve making minor formatting and typographic adjustments to the draft CPP and DCP. The final CPP would be uploaded to the DPIE's planning portal and Council's website.

If this is the approach adopted, the amended DCP will take effect from the date of publication in the Ballina Shire Advocate.

Public notice must be given of the amendment's adoption within 28 days of the Council's decision under the requirements of the EP&A Reg.

The draft DCP, once updated, will be loaded to Council's website.

This approach is recommended as it meets the requirements of the EP&A Act regarding the timeframe for the preparation of a CPP by 1 December 2019 and seeks to avoid any confusion regarding the duplication and possible inconsistency regarding notifications currently listed in Chapter 1 of the DCP.

Alternatively, Council could proceed to adopt the draft CPP and DCP amendments subject to changes as specified by the Council.

A copy of the Draft CPP, as recommended for adoption, is included as Attachment 1.

8.7 Community Participation Plan - Adoption

2. Defer the endorsement of draft CPP and hold a Councillor briefing or cease preparation of the CPP.

Deferral or cessation of the plan preparation process is not recommended as these courses of action will result in Council missing the 1 December 2019 deadline for the CPP to be published.

If a council does not meet the December deadline it must apply the mandatory community participation requirements in Schedule 1 to the EP&A Act.

These approaches are also not recommended because the CPP reflects legislative requirements and existing Council practice and no submissions raising concerns with the draft CPP were received in response to the public exhibition of the document.

Cessation also has the disadvantage of not realising the benefits of the CPP in communicating Council's core planning engagement framework to the community in a single document.

RECOMMENDATIONS

1. That Council adopts the Community Participation Plan and associated amendments to the Ballina Shire Development Control Plan 2012 as exhibited for public comment.
2. That Council upload the adopted Community Participation Plan to the NSW Department of Planning, Industry and Environment's (DPIE) planning portal by 1 December 2019 as required by the Environmental Planning and Assessment Act 1979, and provide a copy of the amended Ballina Shire Development Control Plan 2012 to DPIE as required by the Environmental Planning and Assessment Regulation 2000.
3. That Council provide public notice of the adoption of the Community Participation Plan and amended Ballina Shire Development Control Plan 2012, with the amended DCP to take effect from the date of publication in the Ballina Shire Advocate.

Attachment(s)

1. Community Participation Plan (Draft) (Under separate cover)

8.8 Development Applications - Works in Progress - November 2019

8.8 Development Applications - Works in Progress - November 2019

The following schedule sets out the status of current development applications that have not yet been determined.

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2017/223	5/5/2017	Ardill Payne & Partners	Two lot residential subdivision to create 1 x 1,157sqm and 1 x 1,145sqm allotments and associated works – 31 Tara Downs, Lennox Head	Awaiting additional information
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 103 residential lots and seven super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage – 20 North Creek Road, Lennox Head	Being assessed
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/554	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

8.8 Development Applications - Works in Progress - November 2019

2018/616	9/10/2018	Northern Rivers Land Solutions	To undertake bulk earthworks associated with the subdivision consented to under DA 2016/184 – 658 Tamarind Drive, 33 Mitchell Close, 52 Albert Sheathers Lane & 88 Sandy Flat Road, Cumbalum (Banyan Hill)	Subject to Land & Environment Court Appeal – hearing dates 31 January 2020 & 10-12 February 2020
2018/631	17/10/2018	GM Project Management	Proposed two lot subdivision to create one x 574sqm and one x 708sqm allotments and partial demolition and reconstruction of existing dwelling house – 7 Evelyn Villa Drive, Alstonville	Being assessed
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	Being assessed
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	Establishment of a detached dual occupancy involving the relocation of a dwelling and tourist and visitor accommodation comprising the change of use of an existing studio to a holiday cabin and the erection of a new holiday cabin and associated works – 208 Fernleigh Road, Tintenbar	Awaiting additional information

8.8 Development Applications - Works in Progress - November 2019

2019/30	24/1/2019	Newton Denny Chapelle	Staged development involving the temporary use of the land for five years as a function centre for the purpose of hosting wedding ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people. The proposal also involves staged development of eight holiday cabins and associated amenities and infrastructure – 43 Tuckombil Lane, Tuckombil	Being assessed To be reported to Council for determination as per Council's resolution 240419/9 – April 2019
2019/123	28/2/2019	Newton Denny Chapelle	Demolition of all structures on-site and erection and Strata Title subdivision of a mixed use development comprising a three storey 9.7m high building (above the 9.0m height of buildings development standard) including food and drink premises and retail premises at ground and second floors, business premises at second floor and shop top housing consisting of two residential dwellings on the third floor, on-site car parking, vegetation removal and associated works. A pedestrian walkway linking Ballina Street and Park Lane is proposed - 74 Ballina Street, Lennox Head	Being assessed
2019/133	4/3/2019	Ardill Payne & Partners	Subdivision to create eight residential Torrens Title lots varying in size from 690sqm to 1200sqm and one residue 2.72 hectare allotment and associated works – 44-52 Blue Seas Parade, Lennox Head	Being assessed
2019/137	7/3/2019	P A Lowndes	Alterations/Additions to an existing Recreation Establishment - 1305 Eltham Road, Alstonvale	Determination pending

8.8 Development Applications - Works in Progress - November 2019

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	Being assessed
2019/223	11/4/19	Tim Fitzroy & Associates	Expansion of the existing solid waste transfer station with a processing capacity of up to 28,000 tonnes per annum. The proposed expansion will allow for sorting of construction/demolition waste, general mixed waste, recycling, paper/cardboard, green waste, steel, timber, waste oil and community recycling centre for household chemicals. The transfer station is proposed to operate 6.00am to 6.00pm Monday to Friday and 7.00am to 4.00pm Saturdays and Sundays and the waste transfer (haulage) operations to occur 24 hours Monday to Sunday.– 2 Northcott Crescent, Alstonville	Referred to Government Department
2019/233	15/4/19	Planners North	To establish trial fill embankments and installation of settlement monitoring plates– 550-578 River Street, West Ballina	Determination pending
2019/283	7/5/19	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Awaiting additional information

8.8 Development Applications - Works in Progress - November 2019

2019/316	20/5/19	RJ Westblade	Establishment of a multi dwelling housing development comprising the staged construction and Strata Title Subdivision of two detached dwellings - 20 Canal Road, Ballina	Awaiting additional information
2019/370	6/6/19	Newton Denny Chapelle	Construction of a bridge across Duck Creek - 163 & 253 Wardell Road, Lynwood	Determination pending
2019/376	11/6/19	Newton Denny Chapelle	Erection of five greenhouses to be used for the propagation of potted plants, expansion of farm dam, and associated earthworks and other civil works – 348 Rous Road, Rous Mill	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 allotments – Tamarind Drive & Ballina Heights Drive, Cumbalum	Being assessed
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	Referred to Government Department Awaiting additional information
2019/452	12/07/2019	House With No Steps	Alterations and additions to rural workers dwelling and farm building and the use of that building and two approved dwellings for permanent group home accommodation, and associated works – 163 Wardell Road, Alstonville	Determination pending
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	Awaiting additional information
2019/487	29/7/2019	Ardill Payne & Partners	Erection of five pole signs associated with the Ballina RSL – 1 Grant Street, Ballina	Being assessed

8.8 Development Applications - Works in Progress - November 2019

2019/498	2/8/2019	Ardill Payne & partners	Alterations and additions to an existing dwelling in attached dual occupancy and use as a transitional group home – 2 Jamie Place, Ballina	Being assessed
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	Being assessed
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	Awaiting additional information
2019/519	15/8/2019	Newton Denny Chapelle	To establish a depot and storage premises and to undertake earthworks and retaining of the site – 23 Northcott Crescent, Alstonville	Awaiting additional information
2019/520	15/8/2019	Newton Denny Chapelle	Two lot Torrens Title subdivision to create one x 902m ² and one 831m ² allotments and associated works – 25 Sandbreak Crescent, 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 ² and Proposed Lot 3 – area of 1090m ²), 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	Referred to Government Departments Awaiting additional information

8.8 Development Applications - Works in Progress - November 2019

2019/539	23/8/2019	Newton Denny Chapelle	Alterations and additions to an existing commercial building – 34 Cherry Street, Ballina	Being assessed
2019/562	2/9/2019	Newton Denny Chapelle	Change of Use from dwelling house to a specialist medical centre comprising one consulting room, including demolition of existing garage, alterations to existing building, carparking, drainage works and vegetation management works – 42 Ballina Street, Lennox Head	Being assessed
2019/598	18/9/2019	Newton Denny Chapelle	Erection of a sports amenities and community centre – Hutley Drive, Lennox Head	Being assessed
2019/605	19/9/2019	The Ballina Players Inc.	Alterations to The Ballina Players Theatre – 24 Swift Street, Ballina	Being assessed
2019/617	25/9/2019	Jamie Hoile	Vegetation management works comprising the removal of one tree – 2 Sunrise Crescent, Lennox Head	Being assessed
2019/624	26/9/2019	Simo Holdings Trust	Proposed Strata Title Subdivision of Existing Dual Occupancy – 29 Perkins Close, Cumbalum	Referred to Government Departments
2019/628	27/9/2019	Newton Denny Chapelle	Temporary use of the commercial kitchen and outdoor seating area at the Wollongbar Christian Church for the purposes of a café - 66 Rifle Range Road, Wollongbar	On exhibition
2019/638	2/10/2019	Newton Denny Chapelle	Erection of a new building for the purposes of a café with indoor and outdoor dining for 120 people and associated earthworks, retaining walls, infrastructure servicing and landscaping – 1 Shelly Beach Road, East Ballina	On exhibition
2019/639	3/10/2019	Petal Niemack	Vegetation management works comprising the removal of two trees – 110 Ballina Road, Alstonville	Being assessed

8.8 Development Applications - Works in Progress - November 2019

2019/641	3/10/2019	Discovery Parks Pty Ltd c/ Masterplan Pty Ltd SA	Upgrade to existing Park including six new relocatable cabins, removal of eight existing cabins and re-configuration of 10 existing park sites – 25-43 Fenwick Drive, Ballina	Being assessed
2019/642	3/10/2019	Newton Denny Chapelle	Change of Use of part of the premises from office premises to medical centre – 1/317 River Street, Ballina	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
2019/663	19/10/2019	D G Walters	Vegetation management works comprising the removal of one tree – 10 Bernard Street, Ballina	Being assessed
2019/665	19/10/2019	CVSG Media & Signage Pty Ltd	Installation of new signage – 86 Tamar Street, 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	On exhibition
2019/667	16/10/2019	Northern Rivers Land Solutions	Temporary Storage Premises, Truck Depot and Landscape Material Supplies – 14 Kays Lane, Alstonville	Being assessed
2019/669	17/10/2019	Victor Holmes Town Planning	Two lot Torrens Title Subdivision to create one x 600m ² allotment and one x 539m ² allotment (below the 600m ² 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	On exhibition
2019/672	17/10/2019	Ardill Payne & Partners	Change of use of two of the existing industrial units (units 1c and 2b) to warehousing and unit 2c to gymnasium – 40 De-Havilland Crescent, Ballina	Being assessed

8.8 Development Applications - Works in Progress - November 2019

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	On exhibition
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	On exhibition
2019/696	29/10/2019	Luke Shay	Strata Title subdivision of an existing dual occupancy – 7 Farrelly Avenue, Cumbalum	Being assessed
2019/697	29/10/2019	Luke Shay	Strata Title subdivision of an existing dual occupancy – 9 Farrelly Avenue, Cumbalum	Being assessed
2019/702	31/10/2019	Ardill Payne and Partners	Residential subdivision to create four lots ranging in size from 1023sqm to 2367sqm and associated infrastructure servicing - 81 Teven Road, Alstonville	On exhibition
2019/703	31/10/2019	Simon Gava	Strata Title subdivision of an existing dual occupancy – 36 Fox Valley Way, Lennox Head	Being assessed
2019/704	1/11/2019	Michael Lacey	Strata Title subdivision of an existing dual occupancy – 27 Highfield Terrace, Cumbalum	Being assessed
2019/711	4/11/2019	Bernice Hajjar	Vegetation management works comprising the removal of one tree - 2/81 Tamar Street, Ballina	Being assessed
2019/714	6/11/2019	Brett Adlington	Vegetation management works comprising the removal of one tree – 53 Waterford Parade, Skennars Head	Being assessed

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 Land and Environment Court proceedings. Council is not a participant in the proceedings.
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	Being assessed
2017/600	30/10/2017	Newton Denny Chapelle	Expansion of an Existing Resource Recovery Facility - 19-21 Northcott Crescent, Alstonville	To be reported to NRPP for determination at 21 November 2019 Determination meeting

8.8 Development Applications - Works in Progress - November 2019

2018/321	13/6/2018	PalmLake Works Pty Ltd	Staged erection of an extension to an existing Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works – 120 North Creek Road, Ballina	Subject to Land and Environment Court Appeal - s56A of the Land and Environment Court Act 1979 – Appeal on decision made. Listed for mention on 26 November 2019 for directions
----------	-----------	------------------------	--	---

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 November 2019.

Attachment(s)

Nil

9.1 Use of Council Seal

9. Corporate and Community Division Reports

9.1 Use of Council Seal

RECOMMENDATION

That Council affix the Common Seal to the following document.

US 19/11	Ballina Shire Council Sublease to T Woznitza for a further term of three years for premises being the Areas 3 & 4 Old Tintenbar Council Chambers, 2 High Street, Alstonville. Explanation: T Woznitza executed a 3 + 2 year sublease with Council with a commencing date of 1 January 2017 and terminating on 31 December 2019. T Woznitza has exercised the option and requested the further term to be three years.
----------	---

Attachment(s)

Nil

9.2 Investment Summary - October 2019

9.2 Investment Summary - October 2019

Delivery Program Financial Services

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

Background

In accordance with the Local Government Financial Regulations, the responsible accounting officer of a Council must provide a monthly report (setting out all money Council has invested), to be presented at the Ordinary meeting of Council, immediately following the end of the respective month. This report has been prepared for the month of October 2019.

Key Issues

- Compliance with Investment Policy and the return on investments.

Information

Council's investments are all in accordance with the Local Government Act and the Regulations.

As reported to the September 2019 Ordinary Council meeting, the investments breached Council's Investments Policy on 27 August 2019, when Standard and Poor's lowered AMP's credit rating from A- to BBB+.

Clause 12.3 of the Investments Policy states that a maximum of 10% of the portfolio can be invested with one institution rated BBB and BBB+. The threshold is 20% for institutions rated A- or higher.

As at 31 October, Council had \$9.5 million invested with AMP, representing 11% of the total portfolio (reduced from \$10.5 million as at 30 September).

The AMP deposit renewals to bring the investments back into compliance are:

- \$2.0 million on 13 November 2019

This will bring the portfolio back into compliance by the end of November 2019, in accordance with Council's Investment Policy.

The total balance of investments as at 31 October was \$86,038,000. This was a decrease of \$5m from September. Council's investments, as at 31 October, are at an average (weighted) rate of 2.24%, which is 1.36% above the 90 Day Bank Bill Index of 0.88%. The balance of the cheque account at the Commonwealth Bank, Ballina, as at 31 October 2019, was \$1,848,135. This balance is lower than the balance of \$2,793,090 as at 30 September 2019.

The combined movement of investments and bank balances was a decrease of \$5,944,955. The overall decrease is attributable to creditor payments and timing of capital works.

9.2 Investment Summary - October 2019

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%
Total		100%

* Reflects reserves held as at 30 June 2019.

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	ADI Rating *	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments							
National Australia Bank	Yes	BBB	1,788	1,788	0	2.1%	2%
Rated Institutions							
AMP Bank	Yes	BBB+	10,500	9,500	10%	11.0%	
Auswide Bank	No	BBB	3,000	3,000	10%	3.5%	
Bank of China	Yes	A	12,000	8,000	20%	9.3%	
Bank of Communications	Yes	A-	0	1,000	20%	1.2%	
Bank of Queensland	Yes	BBB+	6,000	3,000	10%	3.5%	
BankVic	No	BBB+	3,000	3,000	10%	3.5%	
Bendigo & Adelaide Bank	No	BBB+	2,000	2,000	10%	2.3%	
Beyond Bank	No	BBB	2,000	2,000	10%	2.3%	
Commonwealth Bank of Australia	Yes	AA-	4,000	4,000	20%	4.6%	
Credit Union Australia	No	BBB	4,100	4,100	10%	4.8%	
Defence Bank Ltd	No	BBB	3,500	3,500	10%	4.1%	
Greater Bank Limited	No	BBB	1,000	1,000	10%	1.2%	
ME Bank	No	BBB	4,750	4,750	10%	5.5%	
Macquarie Bank Limited	Yes	A	6,500	8,500	20%	9.9%	
My State Bank Ltd	No	BBB+	3,500	3,500	10%	4.1%	
National Australia Bank	Yes	AA-	10,000	10,000	20%	11.6%	
Newcastle Permanent Bld Society	No	BBB	4,700	4,700	10%	5.5%	
Teachers Mutual Bank Limited	No	BBB	1,700	1,700	10%	2.0%	
Westpac Banking Corporation	Yes	AA-	7,000	7,000	20%	8.1%	98%
Total			91,038	86,038		100%	
Credit Rating Summary as per the Investment Policy							
	Maximum Allowed		Value	Value	%	%	
	%	Value	Previous	Current	Previous	Current	
A- or Higher	100%	86,038	39,500	38,500	43%	45%	
BBB	60%	51,623	51,538	47,538	57%	55%	
Total			91,038	86,038	100%	100%	

9.2 Investment Summary - October 2019

B. Summary of Investments Fossil Fuel Aligned

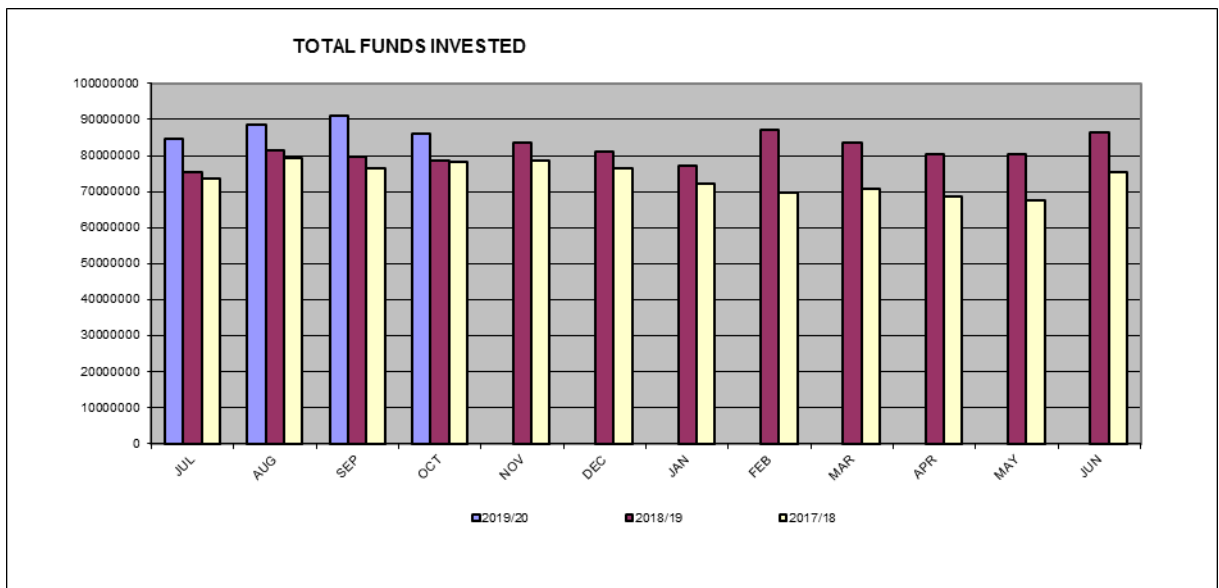
	Previous Month	Current Month
Fossil Fuel Aligned	57,788 63%	52,788 61%
Non-Fossil Fuel Aligned	33,250 37%	33,250 39%
Total	91,038 100%	86,038 100%

Classification based on advice from 'Market Forces'.

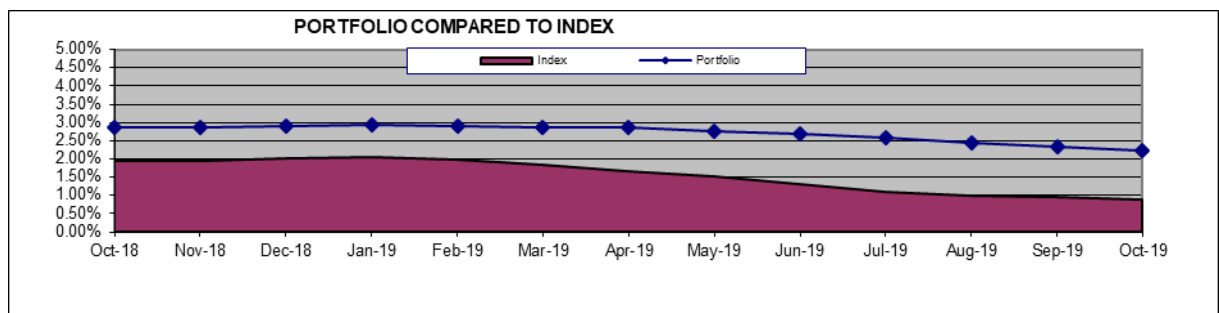
From the four renewed investments totaling \$6.7m, in the month of October, \$6m were with fossil and \$700,000 was with non-fossil fuel aligned institutions.

As per the October 2019 Ordinary Council meeting, Council amended clause 13.1 of the Investments Policy to further encourage investment in non-fossil fuel aligned investments, by providing a 0.05% margin. This comparison is now being applied.

C. Monthly Comparison of Total Funds Invested

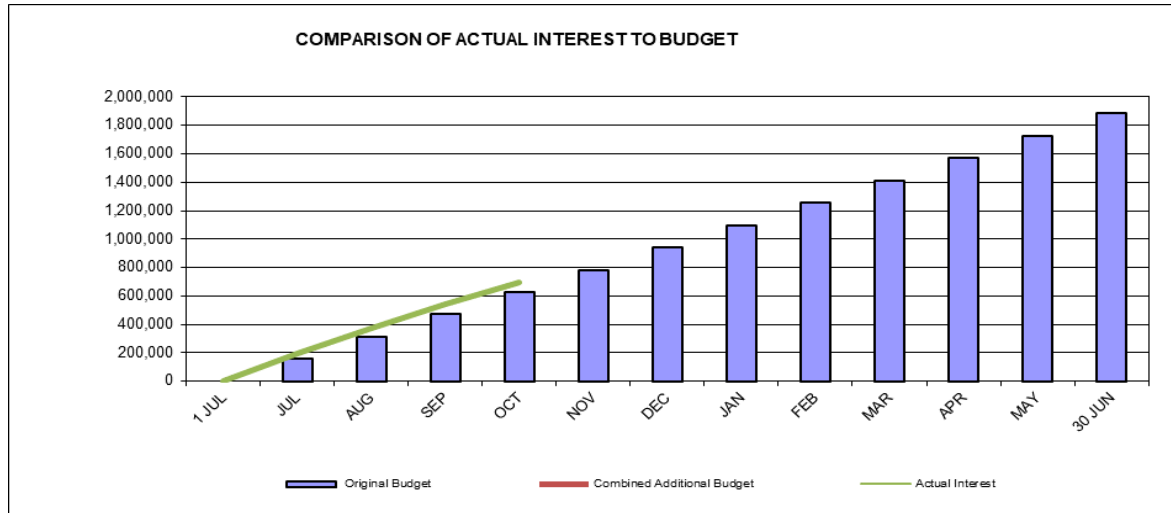


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - October 2019

E. Progressive Total of Interest Earned to Budget



F. Investments held as at 31 October 2019

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/2004	National Australia Bank (ASX Listed)	FRN	2.89%	Perpetual	1,788	1,618
17/06/2016	Commonwealth Bank of Australia	FRN	2.09%	17/06/21	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	2.25%	30/06/21	1,000	1,000
26/07/2016	Commonwealth Bank of Australia	FRN	1.94%	26/07/21	1,000	1,000
24/02/2017	Greater Bank Limited	FRN	2.41%	24/02/20	1,000	1,000
29/06/2017	Teachers Mutual Bank Limited	FRN	2.63%	29/06/20	1,000	1,000
18/08/2017	Westpac Banking Corporation	FRN	2.02%	18/08/22	1,000	1,000
9/11/2017	ME Bank	FRN	2.22%	09/11/20	750	750
6/02/2018	Newcastle Permanent Bld Society	FRN	2.41%	26/07/21	700	700
30/07/2018	Westpac Banking Corporation	FRN	1.84%	31/07/23	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	1.86%	02/08/23	1,000	1,000
6/09/2018	Westpac Banking Corporation	FRN	2.04%	26/07/21	2,000	2,000
6/09/2018	Newcastle Permanent Bld Society	FRN	2.41%	26/07/21	1,000	1,000
6/09/2018	Credit Union Australia	FRN	2.25%	06/09/21	600	600
10/09/2018	AMP Bank	FRN	2.09%	10/09/21	1,500	1,500
2/11/2018	My State Bank Ltd	TD	2.85%	01/11/19	2,500	2,500
6/11/2018	Bank of China	TD	2.86%	06/11/19	1,500	1,500
8/11/2018	Defence Bank Ltd	TD	2.85%	07/11/19	1,500	1,500
22/11/2018	Defence Bank Ltd	TD	2.85%	22/11/19	1,000	1,000
27/11/2018	Bank of China	TD	2.88%	26/11/19	2,000	2,000
29/11/2018	Bank of China	TD	2.88%	29/11/19	3,000	3,000
3/12/2018	Credit Union Australia	TD	2.86%	03/12/19	3,500	3,500
24/12/2018	Bank of China	TD	2.87%	23/12/19	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.97%	11/01/24	1,000	1,000
15/01/2019	My State Bank Ltd	TD	2.86%	15/01/20	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	2.02%	08/02/24	2,000	2,000
12/02/2019	Beyond Bank	TD	2.81%	11/02/20	2,000	2,000
19/02/2019	AMP Bank	TD	2.80%	19/11/19	2,000	2,000
21/02/2019	Newcastle Permanent Bld Society	FRN	2.03%	22/02/21	2,000	2,000
22/02/2019	Newcastle Permanent Bld Society	FRN	2.03%	22/02/21	1,000	1,000
17/05/2019	AMP Bank	TD	2.60%	13/11/19	2,000	2,000
19/06/2019	Auswide Bank	TD	2.20%	17/12/19	3,000	3,000
24/06/2019	Bendigo & Adelaide Bank	TD	1.95%	21/11/19	2,000	2,000
24/06/2019	ME Bank	TD	2.00%	29/11/19	1,000	1,000
28/06/2019	National Australia Bank	TD	2.00%	07/01/20	3,000	3,000
2/07/2019	BankVic	TD	2.10%	22/01/20	3,000	3,000
16/07/2019	Bank of Queensland	TD	1.95%	21/01/20	2,000	2,000
25/07/2019	Bank of Queensland	TD	1.95%	28/01/20	1,000	1,000
31/07/2019	AMP Bank	FRN	2.09%	10/09/21	2,000	2,000
7/08/2019	National Australia Bank	TD	1.72%	04/08/20	4,000	4,000

9.2 Investment Summary - October 2019

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
16/08/2019	AMP Bank	TD	2.00%	17/08/20	1,000	1,000
19/08/2019	ME Bank	TD	1.75%	20/02/20	3,000	3,000
26/08/2019	AMP Bank	FRN	2.09%	19/09/21	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
2/10/2019	Teachers Mutual Bank Limited	FRN	2.23%	02/01/20	700	700
16/10/2019	National Australia Bank	TD	1.60%	10/03/20	3,000	3,000
28/10/2019	Bank of Communications	FRN	1.78%	28/10/22	1,000	1,000
	Totals				86,038	85,868
	CDA = Cash Deposit Account	FRN = Floating Rate Note				
		TD =				
	FRTD = Floating Rate Term Deposit	Term				
		Deposit				

RECOMMENDATION

That Council notes the record of banking and investments for October 2019.

Attachment(s)

Nil

9.3 Community Donation - Ballina Presbyterian Church

9.3 Community Donation - Ballina Presbyterian Church

Delivery Program Communications

Objective To consider a donation request from a community group received outside the advertised timeframe.

Background

Council approved a number of community donations at the July 2019 Ordinary meeting for the 2019/20 financial year.

Applications received outside of the standard advertising timeframe, applicants are typically advised to re-apply in the following financial year. This allows Council to assess all applications at the one time and to achieve a more equitable distribution of funding.

The following request is late as the applicant was unaware or missed the Donations Program timeline. As it relates to a Christmas event with positive social outcomes that addresses social disadvantage, it is justifiable in reporting to Council.

Key Issues

- Community benefit
- Funding available

Information

Ballina Community Free Christmas Lunch (Ballina Presbyterian Church)

Representatives from the Ballina Presbyterian Church are requesting a donation towards the cost of running the Ballina Community Free Christmas Lunch.

The event caters for people that are lonely, homeless or simply doing it tough and the event is held at the Ballina Presbyterian Hall on Christmas Day.

The event is in its sixth year, caters for around 200 people, and is an alcohol free event.

Last year Council provided \$500 by way of donation for a supermarket voucher. The group are seeking the same again for 2019 that will go towards buying food from a local supermarket. The event organizer advised the lunch costs approximately \$2,000.

The event is run by volunteers, and any funds left over are banked for the next year's event.

The Ballina Community Free Christmas Lunch has a special account for these funds auspice by the Ballina Presbyterian Church.

Sustainability Considerations

- **Environment**
N/A
- **Social**
The donation request will provide community benefits to the people of Ballina Shire.
- **Economic**
N/A

Legal / Resource / Financial Implications

The Community Donations – Financial Assistance for Community Groups budget is \$83,000 for 2019/20 and has approximately \$2,000 unallocated.

Consultation

The annual donation program is subject to public exhibition and Council attempts to ensure that all donations are considered at the same time to maximise equity in the allocation process.

Options

Council can approve the donation, not approve or approve a lesser amount. As this request is consistent with the approval provided in 2018, the recommendation is to support this request.

RECOMMENDATION

That Council provide the Ballina Presbyterian Church with a donation to the value of \$500 for the purchase of food for the Ballina Community Free Christmas Lunch. That the funds come from the Financial Assistance – Community Donations budget and acquittal of the funds is by way of receipts and a Statutory Declaration.

Attachment(s)

1. 2019/2020 Donations Application - Ballina Presbyterian Church - Ballina Community Free Christmas Lunch

9.4 High Water Consumption - 11 Bonito Place, Ballina

9.4 High Water Consumption - 11 Bonito Place, Ballina

Delivery Program Water and Wastewater

Objective To determine the preferred course of action in respect to a ratepayer's request for write-off of excess water charges.

Background

On a quarterly basis, Council contractors undertake water meter reads to facilitate water usage billing as part of the quarterly rates instalment billing process.

The June 2019 quarter water meter read for Assessment 111144, residential property owned and occupied by Verlene Johnston, resulted in a recorded water consumption of 3,007 kilolitres (KL) (3,007,000 litres).

The corresponding water consumption charges total \$9,747.53.

This is an extremely excessive usage and inconsistent with previous consumption figures.

Council staff contacted the property owner on 26 June 2019 to alert her to the high water consumption. Subsequent consultation has taken place with the owner's son-in-law and appointed Power of Attorneys.

The family members have requested that Council write-off these charges on the basis that this identified usage for the property owner could not be correct as there has been no change to standard usage by the property owner and there has not been any identified water leaks at this property.

Key Issues

- Usage
- Affordability

Information

The water meter read for Assessment 111144 was completed by contractors on 19 June 2019 and was provided to Council on 26 June 2019. An image provided by the meter reading contractor confirmed a meter reading of 6,506 on 19 June 2019.

Based on the read provided, water consumption of 3,007 kilolitres (KL) (3,007,000 litres) was recorded for the meter reading period 21 March 2019 to 19 June 2019.

This is an extreme usage and was identified by staff as part of their review processes. To put this into perspective, the Ballina 50 metre pool contains approximately 1,500,000 litres.

9.4 High Water Consumption - 11 Bonito Place, Ballina

Excluding that quarter, the average consumption for this property has been in the range of 14KL to 26KL per quarter.

The water consumption charges total \$9,747.53.

Council contacted the property owner on 26 June 2019 to alert her to the high water consumption.

The property owner's son-in-law contacted Council on 27 June 2019.

A current meter reading was then provided showing that water consumption since the reading on 19 June 2019 was within normal historical consumption range.

Subsequent meter reads undertaken also indicate the average daily usages are at normal historical usage levels.

Discussions with various family members noted that there had not been a leak event and they were unable to provide any information to shed light on the high read.

A possible explanation may have been a mechanical fault with the meter.

It was then agreed that Council arrange for the testing of the meter. It was also agreed that if the meter was proven to not have a fault then the costs for the testing and freight would be passed on to the property owner.

Council arranged for the meter to be removed and tested by a National Association of Testing Authorities (NATA) approved testing laboratory. The tests conducted included a number of flow tests and a full strip test to examine each component of the meter.

The results of the testing, received on 18 October 2019, concluded with no mechanical faults and the meter appeared to be in good working order. The test results are included as an attachment to this report. The test results were provided to the property owner.

The owner's son (also Power of Attorney), requested a meeting to discuss options.

At a meeting held with Council staff, and a number of family members, on 28 October 2019 Council was advised that the property owner, who is a pensioner, did not have the resources to meet the water consumption charges and that they were not prepared to cover the charges.

The family reiterated that there was not a water leak and it would have been impossible for the property owner to have used that amount of water.

In summary possible causes of the high water consumption include:

- A water leak at the property. If a leak of this magnitude had occurred, this would be known to the property owner and/or family members and the leak subsequently fixed. The family members state that there have not been any water leaks or plumbing rectification work.

9.4 High Water Consumption - 11 Bonito Place, Ballina

- Theft, by way of swapped meters. That is, the meter had been previously swapped with a meter from another property and had now been swapped back. If this was the case, the water usage did occur but on a different property.
- Theft of water from the premises, by way of a water truck or similar. If this were the case, the water could not have been taken without drawing attention. For instance, a water truck would hold around 12 to 16 kilolitres, which would take multiple visits to the property to take water, and as the flow of water would be through a 20mm hose. This would take hours to fill each time.
- A mechanical fault with the meter. The testing undertaken has verified that the meter did not have a fault and was in good working order. Verbal enquiry of the contracted testing authority confirmed that they were of the view that it is extremely unlikely that the meter had a one off glitch. Furthermore, if there had been a fault with a meter then it is generally expected that the fault would be ongoing and provide erratic meter readings. Notwithstanding, there may be a possibility that despite the test findings there has been an underlying mechanical fault.

The following table compares the actual consumption charge for the period to an estimate of water consumption based on historical usage:

Details	Amount (\$)
Water consumption charges 21 March to 19 June 2019	9,747.53
Less estimated normal usage for 21 March to 19 June 2019	31.22
Estimate of "excess" water consumption	9,716.31

Sustainability Considerations

- **Environment**
Water loss is a negative environmental outcome.
- **Social**
Compassion to the property owner.
- **Economic**
There is a loss of revenue if any of the charges are written off; albeit there is some doubt as to whether or not the water was actually used.

Legal / Resource / Financial Implications

Any financial relief provided to the ratepayers against water consumption charges is treated as a write-off, with that amount of revenue foregone.

Consultation

Consultation with the property owner and family members (including appointed Power of Attorneys) has been undertaken.

9.4 High Water Consumption - 11 Bonito Place, Ballina

Meter testing with a National Association of Testing Authorities (NATA) approved testing laboratory.

Options

The following options are available:

- 1) Approve the request for write-off of the estimated “excess” water consumption charges of \$9,716.31.
- 2) Refuse the request for a write-off and provide the property owner with the opportunity to enter into a suitable payment plan.
- 3) Approve a partial write-off, with the amount to be determined by Council.
- 4) Defer the matter and seek further information.

As outlined in the information section of this report, Council staff are unable to identify the cause of the high water meter reading and Council policies do not have provision for write-off of water charges where the cause of a significant consumption cannot be determined.

Based on the fact that the property owner has long standing low usage, this does appear to be an error or theft.

On this basis the recommendation is to approve the write-off.

RECOMMENDATION

That Council approves the write-off of \$9,716.31 as detailed in this report for property assessment number 111144 based on the following reasons:

- 1) Council and the property owner have not been able to determine the basis for the excessive water usage at this property.
- 2) The property owner is a pensioner who does not have the financial means to meet the water consumption charges.
- 3) The usage is inconsistent with previous readings for this property and property owner.

Attachment(s)

1. PROVE - Water Meter Testing Laboratory Report

9.5 Flat Rock Tent Park Fees and Charges - 2020/21

9.5 Flat Rock Tent Park Fees and Charges - 2020/21

Delivery Program Commercial Services

Objective To seek Council's concurrence to exhibit the draft fees and charges for the Council operated tent park for the period 1 February 2020 to 31 January 2021

Background

The NSW Local Government Act requires councils to formally advertise and adopt their fees and charges prior to implementation. The majority of Council's fees are set each June as part of the annual Operational Plan however Flat Rock Tent Park's fees are set for the twelve months from 1 February each year.

With Flat Rock Tent Park it is important that our regular guests are informed well in advance as to the fees for their next holiday and also to enable the fees and charges to be included in holiday and camping publications.

This report has been prepared to obtain Council approval to advertise next year's tent park fees and charges. The period the fees are applicable for is 1 February 2020 to 31 January 2021.

Key Issues

- Variation in fees
- Conditions attached to the fees

Information

The occupancy rates and revenue for the park are monitored on a regular basis to ensure that it is both sustainable and meeting customer expectations.

The following table provides a summary of the revenue collected on a quarterly basis as per Council's financial records. The figures are calculated on a cumulative basis for each quarter as the year progresses.

Year	30 September	31 December	31 March	30 June
2019/20	132,000	N/A	N/A	N/A
2018/19	111,789	272,000	390,000	474,640
2017/18	108,000	225,369	335,000	417,870
2016/17	81,000	222,000	341,000	413,800
2015/16	106,900	248,200	338,000	421,500
2014/15	82,700	235,700	331,400	432,400

The results have identified that this year is trending positively.

Flat Rock is a park with limited facilities and occupancy is heavily dependent on external factors such as weather and marine activity.

The September quarter figures vary dependent on weather and the timing of NSW and QLD school holidays.

9.5 Flat Rock Tent Park Fees and Charges - 2020/21

The proposed fees take into account factors such as park facilities and standards, feedback from Park Managers and guests, as well as industry comparisons with similar parks on the NSW Far North Coast and the latest Consumer Price Index (CPI).

A copy of the proposed fees, charges and cancellation policy is included in Attachment 1.

Minimal changes have been recommended based on current market conditions. The key fee changes are set out below:

Current Fees	Off Peak	Shoulder	Peak
Unpowered site (based on 2 people)	\$36.00	\$42.00	\$48.00
Adult (extra)	\$16.00	\$16.00	\$16.00
Child (4-16 years incl)	\$9.00	\$9.00	\$9.00

Proposed Fees	Off Peak	Shoulder	Peak
Unpowered site (based on 2 people)	\$37.00	\$42.00	\$49.00
Adult (extra)	\$16.00	\$16.00	\$16.00
Child (4-16 years incl)	\$9.00	\$9.00	\$9.00

Sustainability Considerations

- **Environment**
Council needs to operate the tent park in a sustainable manner, taking into account any environmental impacts
- **Social**
The tent park plays a major social role in that people holidaying in the tent park come from broad socio-demographic groups, this creates a large social interaction of people.
- **Economic**
The tent park provides economic benefits to both Council and the broader business community.

Legal / Resource / Financial Implications

Council is legally required to exhibit and adopt its fees.

Consultation

The draft fees and charges are to be exhibited for public comment.

Options

The options are to either adopt the proposed fees or amend the fees.

The recommended option is to exhibit the proposed fees and charges as the changes are consistent with industry trends and competitors. The fees will be re-submitted to Council for adoption following the exhibition period.

RECOMMENDATION

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2020 to 31 January 2021, as per Attachment 1 to this report, for public comment.

Attachment(s)

1. Fees and Charges 2020/21 (Draft) - Flat Rock Tent Park

9.6 Financial Statements - 2018/19

9.6 Financial Statements - 2018/19

Delivery Program Financial Services

Objective To present the audited financial statements.

Background

Council considered the annual financial statements for the financial year ended 30 June 2019 at the October 2019 Ordinary meeting. Council's auditor, Mr Geoff Dwyer, Contract Auditor for the Audit Office of New South Wales also addressed Council at that meeting.

The audit opinion was that Council's accounting records had been kept in accordance with the requirements of the Local Government Act and Australian accounting standards. The records fairly presented the Council's financial position and the results of operations. The audit was unqualified. Council subsequently endorsed the reports.

In accordance with Section 419 of the Local Government Act the Council must then formally present the financial reports to the public. This public presentation must be advertised as per Section 418. The advertising process has been completed and this report complies with the Local Government Act.

Key Issues

- Compliance with the Local Government Act
- Content of the financial reports
- Submissions to the advertised reports

Information

In accordance with the Local Government Act and Council's resolution the reports were advertised for public comment. No submissions were received.

Councillors may wish to bring their copy of the annual financial reports, as distributed at the October meeting, in case there is any further discussion on the matter. A copy is also available on the Councillor hub.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable
- **Economic**
The Financial Statements summarise the financial position of Council.

Legal / Resource / Financial Implications

The annual financial statements detail the financial position of Council.

Consultation

Notice of the reports was advertised in the local paper and on Council's website.

Options

Council may adopt the annual financial reports presented to the public or choose not to adopt the reports. The recommendation is to adopt the reports.

RECOMMENDATION

That Council adopts the annual financial reports and auditor's reports for the financial year ended 30 June 2019, as publicly exhibited.

Attachment(s)

Nil

9.7 Financial Review - 30 September 2019

9.7 Financial Review - 30 September 2019

Delivery Program Financial Services

Objective To provide a quarterly review of the 2019/20 financial year budget based on the known results to 30 September 2019.

Background

In accordance with Clause 203 of the Local Government (General) Regulations, the responsible accounting officer of a council must, not later than two months after the end of each quarter, prepare and submit to the council a budget review statement that shows a revised estimate of the income and expenditure for that year. This report provides the review for the first quarter of the 2019/20 financial year.

Key Issues

- Variations to the budget and financial performance of Council

Information

The purpose of this report is to provide information on known budget variance as at 30 September 2019. The format of the report complies with the Quarterly Budget Review Statement Guidelines set down by the Office of Local Government (OLG).

To comply with these guidelines an Operating Statement, Capital Budget, Cash and Investment Statement, Key Performance Indicators, Contractors, Consultants, Legal Information and Certification by the Responsible Accounting Officer are required. Commentary on the variations is provided after the tables.

A brief overview of the information provided in the report is as follows:

Section One - Operating Income and Expenditure - These tables provide the operating income and operating expenditure budgets for the Funds (General, Water and Wastewater).

Section Two - Capital Budget - These tables outline the capital expenditure budgets.

Section Three - Cash and Investment Statement - These tables provide details on the projected movements in the cash reserve balances.

Section Four - Key Performance Indicators - The ratios provide an indication of the financial health of the organisation.

Section Five - Contractors/Consultants/Legal Expenses - This information provides details of specific expenses incurred and contracts entered.

9.7 Financial Review - 30 September 2019

Section Six - Certification - This is a Statement by the Responsible Accounting Officer as to whether the current year's estimated financial performance is or is not satisfactory.

Section 1 – Operating Income and Expenditure

General Fund – Operating Income and Expenses

This section deals with the General Fund operations.

The next two tables detail operating income and operating expenses including recommended variations to budget.

Following the tables are comments in respect to proposed budget variations that are considered to be material.

General Fund – Operating Income (\$'000)

Operating Income	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Planning and Environmental Health Division								
Strategic Planning	170	0	170	0	170	0	170	17
Development Services	630	0	630	0	630	0	630	173
Building Services	1,570	0	1,570	0	1,570	0	1,570	500
Env and Public Health	483	186	669	0	669	0	669	303
Public Order	265	0	265	0	265	0	265	70
Sub Total	3,118	186	3,304	0	3,304	0	3,304	1,063
Civil Services Division								
Asset Management	313	0	313	0	313	2	315	83
Depot and Anc Building	0	0	0	0	0	0	0	0
Stormwater and Env Protect	485	0	485	0	485	3	488	388
Roads and Bridges	770	49	819	0	819	0	819	90
Ancillary Transport Services	761	722	1,483	0	1,483	28	1,511	213
RMS	783	0	783	0	783	0	783	521
Open Spaces	900	100	1,000	0	1,000	0	1,000	370
Fleet Mgmt and Workshop	238	0	238	0	238	0	238	1,120
Emergency Services	204	0	204	0	204	(29)	175	0
Quarries and Sandpit	67	0	67	0	67	0	67	30
Landfill and Resource Mgmt	2,102	0	2,102	0	2,102	90	2,192	1,664
Domestic Waste Management	6,962	0	6,962	0	6,962	0	6,962	7,215
Sub Total	13,585	871	14,456	0	14,456	94	14,550	11,694
Corporate and Community Division								
Governance	28	0	28	0	28	0	28	30
Communications	15	0	15	0	15	0	15	12
Financial Services	257	0	257	0	257	0	257	0
General Purpose Revenues	29,770	0	29,770	0	29,770	207	29,977	24,897
Information Services	201	0	201	0	201	0	201	34
People and Culture	122	0	122	0	122	25	147	30
Property Management	2,615	0	2,615	0	2,615	0	2,615	1,024
Airport	7,174	0	7,174	0	7,174	0	7,174	1,318
Community Facilities	810	16	826	0	826	(39)	787	195
Library Services	81	0	81	0	81	85	166	0
Swimming Pools	1,069	0	1,069	0	1,069	0	1,069	233
Tourism	65	90	155	0	155	0	155	113
Sub Total	42,207	106	42,313	0	42,313	278	42,591	27,886
Total Operating Income	58,910	1,163	60,073	0	60,073	372	60,445	40,643

General Fund – Operating Expenses (\$'000)

Operating Expenses	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Planning and Environmental Health Division								
Strategic Planning	1,239	235	1,474	37	1,511	(18)	1,493	307
Development Services	1,739	0	1,739	0	1,739	329	2,068	816
Building Services	1,290	0	1,290	0	1,290	43	1,333	357
Env and Public Health	1,631	705	2,336	0	2,336	(6)	2,330	358
Public Order	574	2	576	0	576	(2)	574	152
Sub Total	6,473	942	7,415	37	7,452	346	7,798	1,990
Civil Services Division								
Asset Management	2,606	70	2,676	0	2,676	12	2,688	746
Depot and Anc Building Mgmt	1,938	0	1,938	0	1,938	(23)	1,915	593
Stormwater and Env Protection	1,008	23	1,031	0	1,031	0	1,031	227
Roads and Bridges	3,537	191	3,728	0	3,728	(97)	3,631	729
Ancillary Transport Services	1,983	722	2,705	0	2,705	29	2,734	397
Roads and Maritime Services	783	0	783	0	783	0	783	210
Open Spaces	4,260	304	4,564	(47)	4,517	0	4,517	1,140
Fleet Mgmt and Workshop	(1,129)	0	(1,129)	4	(1,125)	0	(1,125)	974
Emergency Services	540	0	540	0	540	(22)	518	141
Quarries and Sandpit	44	0	44	0	44	0	44	20
Landfill and Resource Mgmt	1,707	0	1,707	0	1,707	30	1,737	1,149
Domestic Waste Management	6,606	0	6,606	0	6,606	360	6,966	1,635
Sub Total	23,883	1,310	25,193	(43)	25,150	289	25,439	7,961
Corporate and Community Division								
Governance	2,045	0	2,045	0	2,045	(10)	2,035	994
Communications	1,419	20	1,439	0	1,439	(70)	1,369	370
Financial Services	(4,974)	0	(4,974)	0	(4,974)	(45)	(5,019)	(575)
General Purpose Revenues	0	0	0	0	0	0	0	0
Information Services	3,109	0	3,109	0	3,109	277	3,386	1,412
People and Culture	156	78	234	0	234	0	234	277
Property Management	1,561	72	1,633	0	1,633	0	1,633	513
Airport	5,202	0	5,202	0	5,202	0	5,202	1,002
Community Facilities	1,920	91	2,011	0	2,011	(1)	2,010	560
Library Services	1,539	0	1,539	0	1,539	67	1,606	755
Swimming Pools	1,834	0	1,834	0	1,834	0	1,834	341
Tourism	524	54	578	0	578	(12)	566	129
Sub Total	14,335	315	14,650	0	14,650	206	14,856	5,778
Total Operating Expenses	44,691	2,567	47,258	(6)	47,252	841	48,093	15,729
Operating Result Before Dep	14,219	(1,404)	12,815	6	12,821	(469)	12,352	24,914
Depreciation and Non Cash	14,779	0	14,779	0	14,779	0	14,779	3,695
Net Operating Result	(560)	(1,404)	(1,964)	6	(1,958)	(469)	(2,427)	21,219

General Fund Working Capital Forecast

Operating Expenses	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Working Capital Surplus / (Deficit)	(185,900)	0	(185,900)	0	(185,900)	(5,900)	(191,800)	N/A

Working capital is a measure of short term liquidity and as a rule Council aims to target a break even result for the General Fund.

Comments - General Fund

The **forecast operating result as at September** is a loss of \$2.4m, which is a deterioration of \$1.8m from the original adopted budget forecast of a loss of \$560,000.

When Council approved the carry forward budget variations at the August 2019 Ordinary meeting the forecast operating loss increased to \$1,964,000.

Other changes subsequently approved by Council decreased the forecast operating loss to \$1,958,000.

The changes proposed in this report worsen the operating result by a net \$469,000 resulting in the current forecast deficit of \$2,427,000.

The estimated movement in **unrestricted working capital** has deteriorated only slightly, from an anticipated deficit of \$185,900 to an anticipated deficit of \$191,800.

Comments on the larger budget variations are contained in the report as follows. The adjustments shown in the tables are inclusive of all amendments and the comments do not account for minor budget changes.

General Fund - Operating Revenues

Civil Services Division

Stormwater and Environmental Protection

The income budget for the stormwater annual charge has increased by \$3,000 based on amounts levied.

Ancillary Transport Services

A new budget of \$22,100 has been raised for the Pedestrian Activity Zone Lake Ainsworth, with an offsetting operating expense budget, based on confirmed funding.

A new budget of \$6,600 has been raised for Frederick's Lane Tintenbar, with an offsetting operating expense budget, based on confirmed funding.

Emergency Services

The operating grant budget from Rural Fire Service (RFS) for Hazard Reduction has decreased from the adopted budget of \$84,000 to \$62,400, based on information from the Rural Fire Service. The expenditure budget for Hazard Reduction has decreased by a corresponding amount.

The operating grant budget from RFS for Maintenance and Repairs has decreased from the adopted budget of \$120,000 to \$113,100, based on information from the RFS.

Landfill and Resource Management

The forecast income for waste disposal fees has increased by \$90,000, from \$610,000 to \$700,000.

This increase in income is resultant from handling additional waste in response to the fire at the Lismore City Council waste facility earlier this financial year.

Corporate and Community Division

Financial Services - General Purpose

The budget for Rates revenue has increased by \$120,000, based on actual rates levied to date, bringing the total income to \$24.72m.

The budget for the Federal Assistance Grant has increased by \$87,900, to a total of \$4,652,900, based on confirmation of the 2019/20 grant.

People and Culture

The income budget for long service leave contributions received has increased by \$25,000, to \$40,000, based on contributions to date.

Community Facilities

The forecast income for the Lennox Head Cultural and Community Centre has decreased by \$45,000, to a revised total income of \$75,000.

This adjustment is due to the scheduled upcoming capital works, which are expected to impact income levels for possibly six months of the current financial year.

Forecast income for Northlakes Hall has increased by \$5,000, to \$16,000, based on positive trending to date. This is thought to be impacted by movement of some users from the Richmond Room to this facility.

Library Services

The budgeted Library Subsidy has increased by \$27,300, to \$108,300, based on receipt of the grant funding for 2019/20.

A budget of \$57,700 has been raised for Library Local Special Projects, with a corresponding expenditure budget, based on receipt of this grant funding.

General Fund - Operating Expenses

Planning and Environmental Health Division

Strategic Planning

Budget of \$18,000 transferred from the Sundry Office Administration to the Information Services Printing and Stationary budget, along with budget transfers from a number of sections of Council, so that the costs of photocopier and printing are managed collectively from one budget.

Development Services

An update of legal matters was provided in a report to the September 2019 Ordinary meeting, whereby it was noted that an increase of at least \$300,000 to legal budgets would be considered for this September quarterly budget review.

9.7 Financial Review - 30 September 2019

Since that report legal expenditure for planning and building related matters now totals over \$0.5m as per the following summary.

Legal Expenditure 2016/17 to 2019/20 (20 November 2019)

Description	2016/17	2017/18	2018/19	2019/20
Byron Highlander – DA 2017/557 (Function Centre)	0	2,800	9,500	0
Planners North / Northern Rivers Land Solutions – DA 2016/184 (CURA A), 2018/616	273,000	832,100	78,400	49,200
Skennars Head – DA 2017/244	0	1,100	31,100	0
Tara Downs – DA 2017/223	0	0	2,200	0
Sand Quarry Advice – Newrybar Swamp Road	0	4,000	22,100	14,800
Northcott Crescent - Resource Management Facility	0	0	12,300	0
The Beach House	0	0	31,600	10,500
White (404 Old Byron Bay Road)	0	0	900	0
Michael Young – DA 2017/321	0	0	22,600	0
Ardill Payne – 5 Rayner Lane – DA 2017/707	0	0	9,300	30,000
Palm Lakes – DA 2018/321	0	0	256,600	379,200
Water Extraction – DA 2018/597	0	0	6,400	0
Page Court – Shed DA 2018/189	0	0	0	5,600
Seabreeze Caravan Park	25,000	104,500	0	0
Parrington Advice – DA 2016/140 – 47 Ellis Road	0	4,800	0	0
Complex Field – DA 2015/377 (51 Blue Seas Parade)	0	300	0	0
Quays Drive Advice – DA 2016/690	0	9,800	0	0
Retail Fuel – DA 2016/25	5,000	0	0	0
North Creek – Wall	6,000	0	0	0
Riveroaks / Ferngrove Consent	6,000	0	0	0
Fire Safety Statements	0	0	9,200	2,400
Miscellaneous	38,000	7,800	10,900	13,800
Total Expenditure	353,000	967,200	503,100	505,500
Expenditure Budgets	167,500	1,005,000	220,000	222,000
Legal Budget – Surplus / (Overdrawn)	(185,500)	37,800	(29,300)	(283,500)

As previously reported Council is pursuing costs recovery for the CURA A matter and there is also the opportunity for some costs recovery for Palm Lakes.

No adjustment has been recommended to the cost recovery budget (i.e. income) as there is still some risk as to when and how much Council will collect in costs.

Based on this latest expenditure it is proposed that the legal budgets be increased by a total of \$400,000.

The budget for Development Services Legal expenses has increased by \$350,000 to \$550,000, and the budget for Building Services Legal expenses has increased by \$50,000 to \$66,000.

Of this increase of \$400,000, an amount of \$250,000 has been funded from the PEHD Salaries and Legals Reserve with \$220,000 transferred to Development Services area and \$30,000 transferred to Building Services area.

The PEHD Salaries and Legals Reserve is a reserve that is often created at the end of each financial year, if Council has done better than financially forecast, to assist with funding extra resources or offsetting excessive legal costs.

The transfer of \$250,000 still leaves \$133,300 in the reserve for the remainder of the financial year.

In addition to the legal expenditure adjustment, a budget of \$21,000 is transferred from the Development Services Sundry Office Administration budget to the Information Services section Printing and Stationary budget.

Building Services

The budget for Building Services Legal expenses has increased by \$50,000 to \$66,000, with \$30,000 of this increase funded by a transfer from reserves. This expenditure relates to the 5 Rayner Lane, Lennox Head court case.

A budget of \$7,000 is also transferred from the Sundry Office Administration budget to the Information Services section Printing and Stationary budget.

Environmental and Public Health

Budget of \$6,000 transferred from the Sundry Office Administration budget to the Information Services section Printing and Stationary budget.

Public Order

Budget of \$2,400 transferred from the Other Public Order & Safety budget to the Information Services section Printing and Stationary budget.

Civil Services Division

Asset Management

The budget for Roads Condition Assessments increased from the original budget of \$80,000 to \$116,000, to meet costs for outsourced roads condition assessments.

Of this, \$20,000 is funded from the Civil Asset Management Reserve.

Budget of \$34,000 transferred from the Sundry Office Administration budget to the Information Services section Printing and Stationary budget.

A budget of \$8,100 has been raised for the MUSIC-link software for Development Engineers.

This budget had been raised in 2018/19 and unspent as at the end of 2018/19 should have been included in the carry forward budgets.

Depot and Ancillary Building Management

Budget of \$26,000 transferred from the Printing and Stationary budget to the Information Services section Printing and Stationary budget.

The sports fields buildings insurance budget has increased by \$2,500 to match the premium expenditure incurred for 2019/20.

Stormwater and Environmental Protection

The net movement in operating budgets for this section is nil. Budget of \$17,000 transferred from the Beach and Foreshore Maintenance budget to the Canal Dredging budget to cover costs incurred for canal dredging.

Roads and Bridges

Operating budget of \$96,000 transferred from the Gravel Roads Maintenance budget to capital budgets.

This budget transfer is to cover Council's required co-contribution for capital projects funded by the Marine Estate Management Strategy grant.

Ancillary Transport Services

Operating expenditure budgets of \$22,100 and \$6,600 raised for the Pedestrian Activity Zone Lake Ainsworth and Frederick's Lane Tintenbar, to match the grant income budgets raised.

Emergency Services

The operating expenditure budget for Hazard Reduction has decreased from the adopted budget of \$84,000 to \$62,400, based on funding confirmation from the RFS.

Landfill and Resource Management

A new disposal expenditure budget of \$30,000 raised for solid waste dust, odour and vermin control.

This is for critical operation expenditure required to maintain compliance with NSW Environmental Protection Authority Licence.

Domestic Waste Management

The forecast budget for Organics Collection and Disposal has increased by \$360,000, to \$1,660,000.

A fire at Lismore City Council's Waste Management Facility resulted in cessation of the acceptance of Ballina's FOGO (Food, Organic and Garden) material, with that facility expected to be closed for six to nine months of this year.

An alternative processing facility has been sourced in Yatala QLD however additional budget is required to fund significantly higher transport and gate fees.

Corporate and Community Division

Governance

The budget for public risk insurance has decreased by \$10,000, to \$600,000, based on the actual premium expenditure incurred.

Communications

Budget of \$70,000 transferred from the Printing and Stationary budget to the Information Services section Printing and Stationary budget.

Financial Services

Overheads income shows as a negative expense within Financial Services. There has been an increase to the overheads income of \$29,200, being adjustments to overheads charged to the water, wastewater and airport, for GIS salaries and Information Services printing budgets.

The expenditure budget for debt recovery and legal expenses has decreased by \$10,000, based on a review of prior year actual expenses and trending for the year to date. The expenditure budget for valuation fees has decreased by \$5,000, to \$103,000, based on payment for the 2019/20 valuations.

Information Services

A new budget of \$250,000 has been raised for Printing and Stationary, with a cumulative amount of \$215,400 transferred from other sections of council operations. This is to allow better transparency and management of these costs. The Information Services salaries budget has increased by \$23,000, with a restructure of a position within the GIS team following a vacancy in the team.

Ballina Byron Gateway Airport

The net movement in operating budgets for this section is nil. Budget of \$18,000 transferred from the Sundry Office Administration budget to the Information Services section Printing and Stationary budget, with an offsetting increase in the overhead charge.

Community Facilities

Budget of \$5,000 transferred from the LHCC Printing and Stationary budget to the Information Services section Printing and Stationary budget. The adopted budget for security costs for LHCC has increased by \$4,000, to \$8,000, based on a review of prior year actual expenses and expected costs to be incurred for 2019/20. Budget of \$3,000 transferred from the Gallery Sundry Office Administration budget to the Information Services section Printing and Stationary budget.

Library Services

An expenditure budget of \$57,700 raised for Library Local Special Projects matching the grant income received. The insurance budget has increased by \$9,000, to \$10,000, to match the premium expenditure incurred for 2019/20, correcting a transposition error in the adopted budget raised.

Tourism

Budget of \$12,000 transferred from Tourism Printing and Stationary budget to the Information Services section Printing and Stationary budget.

Water Operations

This next section of the report deals with Council's Water operations. The following table details the forecast operating result for the Fund.

Water - Statement of Operating Income and Expenses

Item	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Operating Income	12,951	0	12,951	0	12,951	170	13,121	3,504
Operating Expenses (excl. dep)	10,485	0	10,485	0	10,485	4	10,489	2,005
Operating Result Before Dep	2,466	0	2,466	0	2,466	166	2,632	1,499
Depreciation and Non-cash	1,500	0	1,500	0	1,500	0	1,500	375
Net Operating Result	966	0	966	0	966	166	1,132	1,124

The **forecast operating position** (inclusive of depreciation) **as at September** is a surplus of \$1,132,000, which is an improvement of \$166,000 from the original adopted budget surplus of \$966,000.

When Council approved the carry forward budget variations at the August 2019 Ordinary meeting the forecast operating surplus remained at \$966,000. The changes proposed in this report increase the operating surplus by a net \$166,000, resulting in the current forecast surplus of \$1,132,000.

Forecast operating income has increased by \$170,000. The budget for annual charges has increased by \$70,000, based on amounts levied. Review of quarter one for water consumption indicates this income is trending up. An increase of \$100,000 to budgeted income is recommended bringing total user charges to \$7,636,100. This may trend downwards due to water restrictions. Forecast operating expenditure is largely unchanged.

Wastewater Operations

This next section of the report deals with Council's Wastewater operations. The following table details the forecast operating result for the Fund.

Wastewater- Statement of Operating Income and Expenses

Item	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Operating Income	19,539	0	19,539	0	19,539	500	20,039	15,939
Operating Expenses (excl. dep)	13,833	0	13,833	0	13,833	7	13,840	2,458
Net Operating Result Before Depreciation	5,706	0	5,706	0	5,706	493	6,199	13,481
Depreciation Expense	3,969	0	3,969	0	3,969	0	3,969	992
Net Operating Result from Continuing Operations	1,737	0	1,737	0	1,737	493	2,230	12,489

The **forecast operating position** (inclusive of depreciation) **as at September** is a surplus of \$2,230,000, which is an improvement of \$493,000 from the original adopted budget surplus of \$1,737,000.

When Council approved the carry forward budget variations at the August 2019 Ordinary meeting the forecast operating surplus had remained at \$1,737,000. The changes proposed in this report increase the operating surplus by a net \$493,000, resulting in the current forecast surplus of \$2,230,000.

9.7 Financial Review - 30 September 2019

Forecast operating income has increased by \$500,000. Forecast income from annual access charges has increased by \$450,000, based on actual income received. User charges have increased by \$50,000 due to recycled water usage. Forecast operating expenditure is largely unchanged.

Section Two – Capital Budget

This section of the report looks at capital expenditure.

General Fund - Capital Budget - Source and Application of Funds

Capital Funding / Expenditure	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
General Fund Funding								
General revenue	6,600	712	7,312	(1,289)	6,023	107	6,130	
Reserves	17,213	4,639	21,852	231	22,083	5	22,088	
Loans	15,520	2,401	17,921	(6,152)	11,769	0	11,769	
Section 7.11 contributions	5,101	163	5,264	0	5,264	0	5,264	
Grants and contributions	11,102	(911)	10,191	(720)	9,471	0	9,471	
Total Funding	55,536	7,004	62,540	(7,930)	54,610	112	54,722	
General Fund Expenditure								
Planning and Environmental Health Division								
Environment and Public Health	700	168	868	0	868	0	868	77
Public Order	40	0	40	0	40	0	40	4
Civil Services Division								
Asset Management	0	20	20	0	20	0	20	3
Depot and Anc Building Mgmt	920	61	981	(100)	881	0	881	30
Stormwater and Env Protection	765	71	836	15	851	0	851	117
Roads and Bridges	22,022	901	22,923	(1,176)	21,747	111	21,858	3,576
Ancillary Transport Services	3,529	120	3,649	(1,062)	2,587	25	2,612	704
Water Transport and Wharves	41	0	41	0	41	10	51	0
Roads and Maritime Services	185	0	185	0	185	0	185	0
Open Spaces – Parks/Reserves	2,494	373	2,867	77	2,944	0	2,944	69
Open Spaces – Sporting Fields	2,700	516	3,216	300	3,516	0	3,516	583
Fleet and Plant	1,246	1,441	2,687	400	3,087	27	3,114	60
Waste Management	2,475	0	2,475	125	2,600	0	2,600	0
Corporate and Community Division								
Information Services	20	0	20	0	20	0	20	0
Property	10,364	1,687	12,051	(4,509)	7,542	(72)	7,470	963
Flat Rock Tent Park	100	79	179	0	179	0	179	9
Ballina-Byron Gateway Airport	3,600	1,962	5,562	(2,000)	3,562	0	3,562	755
Community Facilities	4,227	(441)	3,786	0	3,786	11	3,797	730
Swimming Pools	80	46	126	0	126	0	126	123
Community Gallery	28	0	28	0	28	0	28	1
Total Capital Expenditure	55,536	7,004	62,540	(7,930)	54,610	112	54,722	7,804

General Fund

The capital works program was reviewed at the October 2019 Ordinary meeting.

Further adjustments to capital budgets are as follows.

Civil Services Division

Roads and Bridges

Budgets increased by a total of \$111,000.

9.7 Financial Review - 30 September 2019

Of this increase, \$96,000 is a transfer from operating to capital to fund Council's contribution to Marine Estate Management Strategy expenditure.

The remaining \$15,000 is for expenditure funded from the Tintenbar to Ewingsdale (T2E) reserve.

The changes are as follows:

Description of Works	Adjustment (\$)	Comments
Leadbeatter Lane Reconstruction	+120,000	New budget of \$120,000, funded from Rural Roads Reseals budget.
Rural Roads Reseals budget	-120,000	Transfer of budget to Leadbeatter Lane Reconstruction.
Pimlico Rd Segs 110 and 20	+25,000	Additional budget of \$25,000. Revised budget \$321,000.
Chickiba Dr Seg 10-20 and Part 30	-25,000	Transfer of budget to Pimlico Rd. Revised budget \$344,000.
T2E Highway Handover Traffic Facilities	+15,000	New budget of \$15,000, funded from T2E reserve.
Links Ave Seg 60	+9,000	New budget of \$9,000.
Simmons St Seg 20	+1,500	New budget of \$1,500.
Crane St Seg 70	+2,000	New budget of \$1,500
Teven Rd	-12,500	Transfer of budget for Links Ave, Simmons St and Crane St. Revised budget of \$420,500.
Houghlahans Crk Rd Seg 120	+90,000	New budget, \$65,000 funded from Marine Estate Management Strategy
Houghlahans Crk Rd Seg 130	+85,000	New budget, \$60,000 funded from Marine Estate Management Strategy
Cumalum Rd Seg 40 Stage 2	+72,000	New budget, \$55,000 funded from Marine Estate Management Strategy
Howards Rd Seg 40	+50,000	New budget, \$23,000 funded from Marine Estate Management Strategy
Cumalum Rd Seg 40 Stage 1	+32,000	New budget, \$30,000 funded from Marine Estate Management Strategy
Marine Estate Management Strategy (unallocated)	-233,000	Allocation of funds for projects noted above. Revised (unallocated) budget of \$431,200.
Total	+111,000	

Ancillary Transport Services

New budget of \$25,000 raised for the Shared Path Coastal Recreation Path, funded from the Ancillary Shared Path Vegetation reserve.

Water Transport and Wharves

A new budget of \$10,000 raised for the Fishery Creek Pontoon, funded from the Vegetation management reserve.

Fleet and Plant

Additional budget of \$27,200 raised for plant purchases, for the purchase of vehicle for waste management. This is funded from the LRM reserve.

Property Development and Management

A decrease of \$71,500 to Wollongbar Land Development land sales, as this budget was carried forward in error.

The corresponding adjustment is a decrease in the income transfer to the Property Development Reserve.

9.7 Financial Review - 30 September 2019

Community Facilities

Rectification works completed on 32 Swift Street, with a net cost to Council, after insurance received, of \$11,000.

Water Fund

Water - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Water Fund Funding								
Reserves	4,364	439	4,803	(235)	4,568	0	4,628	
Section 64 contributions	855	0	855	245	1,100	0	1,100	
Total Funding	5,219	439	5,658	10	5,668	0	5,668	
Water Fund Expenditure								
Main Renewal	713	144	857	(165)	692	0	692	39
Reservoirs	475	3	478	70	548	0	548	0
Pressure Management	0	0	0	0	0	0	0	0
Water pump and bores	665	0	665	245	910	0	910	4
Trunk mains	540	25	565	(140)	425	0	425	0
Treatment Plant	1,857	0	1,857	0	1,857	0	1,857	49
Plant	0	0	0	0	0	0	0	0
Connections	490	0	490	0	490	0	490	99
Other	479	267	746	0	746	0	746	49
Total Capital Expenditure	5,219	439	5,658	10	5,668	0	5,668	240

The water capital works was reviewed at the October 2019 Ordinary meeting. No further adjustments are proposed.

Wastewater Fund

Wastewater - Capital Budget - Source and Application of Funds (\$'000)

Capital Funding / Expenditure	Original Budget	Approved Carry Forwards	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget	Actual to Sept
Wastewater Fund Funding								
Reserves	4,077	326	4,403	(482)	3,921	0	3,921	
Section 64 contributions	2,761	0	2,761	0	2,761	0	2,761	
Total Funding	6,838	326	7,164	(482)	6,682	0	6,682	
Wastewater Fund Expenditure								
Pumping stations	1,708	9	1,717	0	1,717	0	1,717	49
Treatment Plants	2,280	256	2,536	(480)	2,056	0	2,056	26
Trunk Mains	95	0	95	0	95	0	95	0
Mains renewals	1,371	3	1,374	0	1,374	0	1,374	330
Service Connection	60	0	60	0	60	0	60	24
Plant	282	58	340	0	340	0	340	0
Reuse program	891	0	891	(2)	889	4	889	64
Other	151	0	151	0	151	0	151	37
Total Capital Expenditure	6,838	326	7,164	(482)	6,682	0	6,682	530

The wastewater capital works program was reviewed at the October 2019 Ordinary meeting.

No further adjustments are proposed.

Section Three – Cash and Investment Statement

The next table shows the projected (30 June 2020) cash and investments.

Forecast Cash and Investment Statement as at 30 June 2020 (\$'000)

Description	Revised Budget	Other Approved Changes	Current Budget	Changes for Approval	Revised Budget
Unrestricted	5,492	0	5,492	0	5,492
Externally Restricted					
Section 7.11	10,892	(50)	10,842	0	10,842
Domestic Waste Management	1,507	0	1,507	(360)	1,147
Section 64 Water	9,521	(245)	9,276	0	9,276
Water	7,618	235	7,853	166	8,019
Section 64 Wastewater	5,648	0	5,648	0	5,648
Wastewater	(136)	481	345	493	838
Total Externally Restricted	35,050	421	35,471	299	35,770
Internally Restricted					
Employee Leave Entitlements	2,994	0	2,994	0	2,994
Financial Assistance Grant	2,339	0	2,339	0	2,339
Insurance Reserve	151	0	151	0	151
Community Infrastructure Reserve	3,286	(350)	2,936	245	3,181
Property Development Reserve	1,095	(40)	1,055	(71)	984
Wigmore Arcade	386	0	386	0	386
Flat Rock Tent Park	410	0	410	0	410
Crown Properties Rental	91	0	91	0	91
Council Elections	200	0	200	0	200
Airport	1,121	0	1,121	0	1,121
Community Centre Halls	52	0	52	0	52
Swimming Pools Capital	(46)	0	(46)	0	(46)
Ballina Indoor Sports Centre	(78)	0	(78)	0	(78)
Library Special Projects	133	0	133	0	133
Other Corporate and Community	674	0	674	0	674
Strategic Planning	378	(37)	341	0	341
Sec 7.11 Plan Reviews	365	0	365	0	365
Shaws Bay / Lake A Mgmt Plans	39	0	39	0	39
PEHD Salaries and Legal	383	0	383	(250)	133
Richmond River Mgmt Plan	98	0	98	0	98
Other Planning and Env Health	179	0	179	0	179
Vegetation Grants	74	0	74	(25)	49
Open Spaces	85	0	85	0	85
Boat Ramps and Infrastructure	145	0	145	(10)	135
Plant Renewal/Replacement	(18)	100	83	(18)	65
Quarries	880	0	880	0	880
Cemeteries	405	0	405	0	405
Admin Centre and Depot	0	120	120	0	120
Landfill and Resource Mgmt	291	(125)	166	33	199
Waste Levy	520	0	520	0	520
Ancillary Footpaths	169	312	481	0	480
Roadworks	1,306	1,148	2,454	0	2,454
Bypass Funds	3,479	0	3,479	(15)	3,464
Canal Dredging	144	0	144	0	144
Stormwater capital	168	(15)	153	0	153
Stormwater and Env Mgmt Plans	330	0	330	0	330
Other Civil	111	77	188	(20)	168
Total Internally Restricted	22,338	1,190	23,528	(131)	23,395
Total Restricted	57,388	1,611	58,999	168	59,165
Total Cash and Investments	62,880	1,611	64,491	168	64,657

The unrestricted cash figure is not inclusive of transactions that would normally be included when calculating working capital; i.e. it is exclusive of movements in items such as debtors and creditors.

The available cash figure is taken from note six of the financial statements as at 30 June 2019.

Statements

1. Council's investments are all in accordance with the Local Government Act, the regulations and Council's investment policy.
2. As per the investments summary for September 2019, funds invested amounted to \$91,038,000. All restricted monies are included in these investments.
3. Cash has been reconciled to the bank statement as at 30 September to the amount of \$2,793,090.
4. Actual year to date cash and investments amounted to \$93,831,090 at 30 September 2019. This amount includes cash at bank of \$2,793,090 and funds invested of \$91,038,000, which has been reconciled to bank statements and investment reports.

Comment on Cash and Investment Position

When Council approved the carry forward budget variations at the August 2019 Ordinary meeting the forecast reserves, the forecast total cash and investments for 30 June 2020 was \$62.880 million.

Other changes subsequently approved by Council increased the forecast cash and investments to \$64.491 million.

The changes proposed in this report increase the reserves by a net \$168,000, resulting in the current forecast cash and investments of \$64.657 million.

All changes to reserves made as part of this review have been noted earlier in this report within either 'Section One-Operating Income and Expenditure' or 'Section Two – Capital Budgets'.

The larger changes made as part of this review, of \$25,000 or more, are summarised below.

Domestic Waste Management

There is a decrease of \$360,000 to this reserve representing the decrease from operating surplus.

Water Reserve

Net reserves have been increased by \$166,000 being the net of adjustments made to operating budgets within this report.

Wastewater Reserve

Net reserves have been increased by \$493,000 being the net of adjustments made to operating budgets within this report.

Community Infrastructure Reserve

With the sale of 3 Brunswick Street now completed, net proceeds of \$245,000 have been realised. This amount is transferred to the Community Infrastructure Reserve.

Property Development Reserve

An adjustment of \$71,500 to the Wollongbar Land Development land sales, as this budget was carried forward to 2019/20 in error.

Salaries and Legals Reserve

An amount of \$250,000 is proposed as funding towards the large increase to the legals budgets.

Vegetation Reserve

An amount of \$25,000 has been transferred for the expenditure on vegetative works on the Shared Path Coastal Recreation Path.

Landfill and Resource Management

There is a net increase of \$32,800 to this reserve being an increase from operating surplus of \$60,000 offset by the purchase of vehicle of \$27,200.

Section Four - Key Performance Indicators

This section of the report takes selected financial benchmarks and compares the 30 June 2018 and 2019 ratios with the forecast at September to 30 June 2020.

The performance indicators that have been selected have a short term focus, which suits the quarterly review, which focuses on the short term. Each ratio typically contains numerous variables and the forecast should be viewed as a good indication only.

Key Performance Indicators - Description

1. **Unrestricted Current Ratio** - Unrestricted current assets divided by unrestricted current liabilities.

Measured: as a ratio

Purpose: this ratio is used to measure Council's ability to meet short term liabilities with available short term assets.

Indicator type: Financial Position

Benchmark: >1.5:1 (NSW Code of Accounting Practice)

2. **Operating Performance Ratio** – Total continuing operating revenue (excluding capital grants/contributions and fair value adjustments) less operating revenue (excluding capital items and profit or loss on sale) as a percentage of continuing operating revenue (less capital items and fair value adjustments).

Measured: as a ratio

Purpose: this percentage measures whether the Council is sustainable in terms of its operating result. Council should not be recording recurring operating deficits or funding operating results from capital revenue.

Indicator type: Financial Performance

Benchmark: = > 0: 1 (NSW Code of Accounting Practice)

3. **Debt Service Cover Ratio** – Operating result (excluding fair value adjustments, capital grants/contributions, depreciation/amortisation, interest expense and profit or loss on sale) as a percentage of loan interest and capital payments

Measured: as a ratio

Purpose: The purpose of this percentage is a measure of whether Council has excessive debt servicing costs relative to the adjusted operating result.

Indicator type: Financial Position

Benchmark: >2:1 (NSW Code of Accounting Practice)

Benchmark Indicators – General Fund

1. Unrestricted Current Ratio – General Fund

Benchmark: >1.5:1

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
4.60:1	3.11:1	1.33:1
Pass	Pass	Fail

Comment

The current LTFP indicates that the General Fund is expected to fail this benchmark in 2019/20.

The loans for Boeing Avenue Lots 1 & 2 and WUEA Stage 3 Projects, to the value of \$12.8m, are anticipated to be drawn at the end of 2019/20 with a repayment term of two years.

The principal repayments for 2020/21 are forecast to be \$7.4m, which impact the forecast current liabilities as at 30 June 2020 and are the reason for the deterioration of this ratio.

9.7 Financial Review - 30 September 2019

The land sales for these above projects are forecast to take place from 2020/21 to 2022/23, expecting to subsequently improve the ratio from 2021/22.

Management of the investments portfolio in the later part of this financial year will, however, allow for maturity dates to be managed so as to not cause a cash flow issue.

2. Operating Performance Ratio – General Fund

Benchmark: >0

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
0.41%	3.11%	-3.31%
Pass	Pass	Fail

Comment

This is a key ratio for “Fit for the Future” assessments and has historically been a difficult benchmark to achieve. The ratio is affected by many variables. The strategy to improve this ratio is to continue to closely monitor, maintain and even reduce operating expenses and increase income.

The ratio is expected to be negative in 2019/20, due to the forecast operating result being a deficit. The forecasts for 2020/21 and onwards are expected to be positive.

3. Debt Service Cover Ratio – General Fund

Benchmark: > 2

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
3.86	4.03	3.10
Pass	Pass	Pass

Comment

The strategy to continue to meet the benchmark is to limit further borrowings, unless matched by offsetting revenues, and strengthen the operating result by a combination of increasing income and decreasing expense.

Benchmark Indicators - Water

1. Unrestricted current ratio - Water

Benchmark: >1.5:1

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
117.77:1	94.28:1	43.46:1
Pass	Pass	Pass

Comments

The ratio meets the benchmark comfortably as the Fund has reasonable reserves and no debt.

2. Operating Performance Ratio - Water

Benchmark: > 0

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
11.71%	15.47%	8.63%
Pass	Pass	Pass

Comments

The Water Fund has achieved a positive operating performance ratio and this trend is expected to continue for future years.

3. Debt Service Cover Ratio - Water

Benchmark: >2

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
0.0	0.0	0.0
N/A	N/A	N/A

Comments

The Fund has no external borrowings.

Benchmark Indicators - Wastewater

1. Unrestricted current ratio - Wastewater

Benchmark: >1.5:1

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
0.99:1	0.89:1	1.58:1
Fail	Fail	Pass

Comments

This ratio is expected to meet the benchmark for the 2019/20 year and is expected to remain around the benchmark moving forward.

2. Operating Performance Ratio - Wastewater

Benchmark: >0

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
5.89%	12.18%	11.13%
Pass	Pass	Pass

Comments

The wastewater fund moved to a positive result in 2017/18 which means a pass in comparison to the benchmark and this is expected to continue.

3. Debt Service Cover Ratio - Wastewater

Benchmark: > 2

2017/18	2018/19	2019/20 Sept
Actual	Actual	Estimate
1.14	1.30	1.37
Fail	Fail	Fail

Comments

This ratio will fail the benchmark for many years due to the extremely high level of borrowings for the Fund.

The forecast is that the ratio will gradually improve year on year as the operating surplus continues to grow.

Section Five – Contractors/Consultants/Legal Expenses

Contractors

New contracts entered into during the quarter that meet the definition are detailed in the table below.

Contractor Name	Purpose	Amount (GST Incl)	Award Date	Duration of Contract	Incl in Budget Yes/No
Douse Fire	Fire Equipment Inspection, Testing, Maintenance and Reporting	Schedule of Rates	25/07/19	36 months	Yes
All Above Earth Landscapes Pty Ltd	Installation of Pavers Ballina CBD Stage 4	Schedule of Rates	1/08/19	5 months	Yes
Eire Constructions Pty Ltd	Construction and Upgrade of Booster Pump Stations	\$1,052,036	22/08/19	8 months	Yes
Haulmark Trailers	Supply Tri-Axle Tipper Trailer	\$115,200	22/08/19	4 months	Yes
Drake Trailers	Supply Tri-Axle Low Loader	\$277,147	02/09/19	8 months	Yes

Consultants

The Office of Local Government defines a consultant as:

“A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decisionmaking by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors”.

9.7 Financial Review - 30 September 2019

Total expenditure to 30 September 2019 on consultants that meet this definition is as follows.

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Consultancies	\$6,400	Yes

Legal Expenses

The next table summarises the expense incurred to the end of September 2019 on legal fees.

For the purposes of the report legal fees have been included where there is a dispute situation. This includes for example recovery of rates not paid but excludes processing of infringement notices (no dispute at this point) and amounts paid to legal firms that may be related to the creation of a lease or sale of land.

Item	Expenditure YTD (excl GST)	Included in Budget Y/N?
Legal Fees	\$469,400	Yes (following adjustments)

The expenditure shown in this table is for the period ended 30 September 2019.

Section Six - Certification

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Ballina Shire Council for the quarter ended 30 September 2019 indicates that Council's projected financial position at 30 June 2020 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. The satisfactory position is based on the short term (twelve month) outlook.



Signed Linda Coulter, Responsible Accounting Officer

Sustainability Considerations

- **Environment**
This report encompasses the entire Council budget and as such has implications for environmental, social and economic outcomes. Council needs to bear in mind the implications of allocating or not allocating resources to particular works and services.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

This report informs Council of actual financial results to date in comparison to budget.

Consultation

This report has been prepared to inform the community of budget variations. Staff have been consulted in the preparation of this report.

Options

Council may approve the budget amendments proposed, make changes or not approve any changes. It is considered that the proposed changes reflect either Council policy or necessary adjustments that reflect the trending of actual incomes and expenses.

RECOMMENDATION

That Council notes the contents of the September 2019 Quarterly Budget Review and approves the changes identified within this report.

Attachment(s)

Nil

10.1 Bangalow Road / Angels Beach Drive Intersection - Public Exhibition

10. Civil Services Division Reports

10.1 Bangalow Road / Angels Beach Drive Intersection - Public Exhibition

Delivery Program Engineering Works

Objective To obtain approval to exhibit the concept design plan for the Bangalow Road/Angels Beach Drive intersection and approaches upgrade.

Background

The Bangalow Road / Angels Beach Drive intersection and approaches upgrade is a major part of Council's adopted 2019/23 Delivery Program for arterial road works. These works will reduce traffic congestion on key arterial roads providing access to Ballina.

A concept design plan has been produced, which identifies the preferred lane / intersection configurations.

It is proposed to exhibit the concept design plan and invite submissions from the public. Following this process, the concept design can be amended if need be before proceeding with the detailed design and construction.

Key Issues

- Reduce traffic congestion by upgrading a key arterial road access
- Inform the public of the proposed concept design and invite feedback

Information

Traffic modelling completed by Council in 2014/15 identified the current carrying capacity of the Bangalow Road / Angels Beach Drive roundabout and its approach roads as a major congestion issue now and in future years as traffic volumes increase.

Council's adopted 2019/23 Delivery Program recommends funding for a number of arterial road works to improve road capacity, reduce congestion and queueing on arterial roads feeding into Ballina Island. These include:

Item	Proposed Expenditure			
	2019/20	2020/21	2021/22	2022/23
Bangalow Road/Angels Beach Drive roundabout, duplication of lead-in roads	50,000	1,500,000		
River Street four-laning, Kerr Street to highway, duplication of Fishery Creek bridge	100,000	100,000	21,612,000	
Tamarind Drive, four-laning Kerr Street to North Creek Road, duplication of canal bridge	200,000	100,000	100,000	13,091,000

10.1 Bangalow Road / Angels Beach Drive Intersection - Public Exhibition

The works in 2021/22 and 2022/23 assume a significant amount of grant funding, without which Council will not be able to proceed with the projects.

Analysis of the Bangalow Road / Angels Beach Drive roundabout has been completed using intersection modelling software.

The results indicate that the dual lane roundabout has adequate carrying capacity however this is compromised by the current approach/departure road configurations, which do not have sufficient lengths of dual lane to allow free flow in the roundabout itself.

The proposed project will improve the roundabout's capacity through dual laning the approach / departure roads.

The attached concept design plan of the Bangalow Road / Angels Beach Drive roundabout and its approach roads (Attachment 1) provides an overview of the project, but does not provide full construction details.

Exhibition of the concept design will provide an opportunity to consider improvements arising from public submissions before commencing the detailed design phase.

The main objective of the concept design has been to improve traffic flow through the intersection, and to accommodate present and future traffic volumes, whilst providing acceptable levels of access to adjoining properties and intersecting streets.

The concept plan outlines the following road modifications:

- Dual eastbound lanes will be constructed on Bangalow Road from the Angels Beach Drive roundabout to Moon Street. Dual westbound lanes will be provided for 130m on Bangalow Road approaching the Angels Beach Drive roundabout.
- Four lanes will be constructed on Bangalow Road, extending from Kerr Street to the Angels Beach Drive roundabout. A raised concrete median island will be provided, preventing west-bound traffic from turning right into Clark Street. Clark Street will become a left-in/left-out only access to the industrial precinct.
- A new second access to the industrial precinct will be constructed by extending Sheather Street onto Angels Beach Drive. This will compensate for west-bound traffic on Bangalow Road no longer being able to turn right into Clark Street.
- The four-lane roundabout approaches on Angels Beach Drive will be extended to around 200 m. A raised concrete median island will be provided, preventing south-bound traffic from turning right into the new Sheather Street access to the industrial precinct. Sheather Street will be a left-in/left-out only access to the industrial precinct.
- The roundabout will be widened at its eastern corner to improve efficiency of the left turn onto Bangalow Road from Angels Beach Drive.

10.1 Bangalow Road / Angels Beach Drive Intersection - Public Exhibition

- The roundabout will be widened at its western corner (adjacent Ballina Central). The kerb and concrete path will be realigned. This will require a small amount of land acquisition.
- Paths alongside Angels Beach Drive and Bangalow Road will be partially realigned to accommodate the increased road widths.
- Underground services will need to be relocated, including high-voltage electricity, Telstra, NBN and water mains. Storm-water outlets and overhead electricity poles will also require relocation.

Sustainability Considerations

- **Environment**

The project will be subject to environmental assessment and planning approvals. The project will reduce vehicle travel times and congestion leading to reductions in fuel consumption and greenhouse gas emissions.

- **Social**

The project will significantly improve traffic flow through the intersection of Bangalow Road and Angels Beach Drive. This will improve amenity for the travelling public and Ballina residents. During construction there will be some disruption to traffic flow through the intersection and access to adjoining industrial and commercial areas.

- **Economic**

The resultant reduction in traffic congestion and delays will significantly benefit businesses in the immediate vicinity and more generally on Ballina Island. Economic benefits include reduced fuel consumption, improved delivery times for businesses and improved access for customers and suppliers.

Legal / Resource / Financial Implications

There is funding for the current planning phase although there are significant funding shortfalls for the construction phase unless grants are obtained.

There are issues to consider, including statutory consultation requirements to be undertaken with the local Aboriginal community as the works proposed for the Angels Beach Drive portion of this project are not in a road reserve and the land is subject to a Native Title claim.

Consultation

It is proposed to exhibit the concept plan for at least four weeks to enable impacted persons and businesses the opportunity to identify issues of concern and to make submissions to Council. The public exhibition will comprise the following:

- The concept design plan and explanatory notes will be provided for inspection / download on Council's website and static displays will be provided at libraries and the Council Chambers.

10.1 Bangalow Road / Angels Beach Drive Intersection - Public Exhibition

- Letters summarising the project, advising where more information can be obtained and how to make submissions will be provided to all residents, businesses and property owners adjoining impacted sections of Bangalow Road and Angels Beach Drive.
- Letters will also be provided to business occupants and owners within the industrial precinct comprising Clark Street, Hogan Street and Sheather Street.
- A number of information sessions will be conducted at the Council offices to inform stakeholders and impacted persons and to answer questions on the overall project and its specific impacts on adjacent properties.

Options

Public exhibition of the concept design plans is an important early step in the implementation of this project.

Following exhibition Council will need to endorse the concept design (as amended after consideration of submissions) before further preconstruction activities, planning applications and detailed designs can proceed.

The following options are available:

1. Council endorses public exhibition of the concept design plan.
2. Council does not endorse public exhibition of the concept design plan. This action would suspend further preconstruction activity and suspend further implementation of the project.

Option one is recommended as it enables the project to proceed to the next preconstruction phase.

This option also enables the public to view the project and make submissions, which Council can then consider at a later meeting to determine any required concept design amendments.

RECOMMENDATIONS

1. That Council approves public exhibition of the concept design plan for the upgrade of approach roads to the Bangalow Road/Angels Beach Drive intersection, as per Attachment 1 to this report.
2. That submissions from the public be considered at a future meeting prior to Council considering adoption of the concept design and proceeding to the next preconstruction phase of the project.

Attachment(s)

1. Concept Design Plan - Bangalow Road/Angels Beach Drive Intersection and Approaches Upgrade

10.2 Western Arterial Bypass - Analysis of Route Options

10.2 Western Arterial Bypass - Analysis of Route Options

Delivery Program Engineering Works

Objective To consider an analysis of the short-to-medium and long-term route options for a Ballina Western Arterial Bypass

Background

This report relates to two Council resolutions passed at the 26 September 2019 Ordinary Meeting in response to Councillor Notice of Motions. The resolutions are as follows:

Resolution 11.3:

“That Council receive a report on the possibility, including the benefit and cost of:

- *using the RMS access road that currently exists from Flat Head Lane to the Teven Road interchange; OR*
- *the Council road reserve that exists from Flat Head Lane to Barlows Road*

as a short to medium term solution to allow traffic to move north and south (and vice versa) from areas such as Ballina Heights, the airport, and the Southern Cross Industrial Precinct, without the need to travel through the Ballina Island.”

Resolution 11.4:

“That Council receive a report on options for the timing, cost and funding of the Western Arterial Road.”

These two resolutions are discussed together due to the nexus between them; principally the influence that a short-to-medium term solution (resolution 11.3) might have on the delivery program for the longer-term Western Arterial Road (resolution 11.4).

The Western Arterial road has for some time been recognised as the long-term solution to reducing traffic congestion on Ballina Island.

Current estimates are it will cost around \$34.4M (including land acquisitions) and take many years for all the land acquisitions, planning approvals and funding to be confirmed before construction can take place.

Overall the project is expected to take at least six years to complete and is unable to be staged.

It has been suggested that construction of a short-to-medium term alternative to the Western Arterial, together with the four-lane and bridge duplication project in River Street, could significantly reduce traffic congestion on Ballina Island.

10.2 Western Arterial Bypass - Analysis of Route Options

Two short-to-medium term alternatives have been suggested:

- Flat Head Lane to Teven Road Interchange, via an RMS-owned access road.
- Flat Head Lane to Barlows Road, via an existing Council road reserve.

This report responds to both resolutions.

Key Issues

- Provide an optimised, affordable road network to service traffic needs
- Evaluate the costs, benefits and timeframes of short-to-medium and long-term route options
- Affordability

Information

Western Arterial Road – Strategic Context

The Western Arterial is a proposed two-lane arterial road connecting Tamarind Drive at the North Creek Road roundabout to River Street at Brampton Avenue – see Figure 1 below.

The Western Arterial functions as part of a comprehensive long-term strategic plan for upgrading the arterial roads accessing Ballina.

The Western Arterial is proposed as a two-lane road, which would have more than sufficient capacity to convey the 2036 predicted traffic volume of 14,411 vehicles per day.

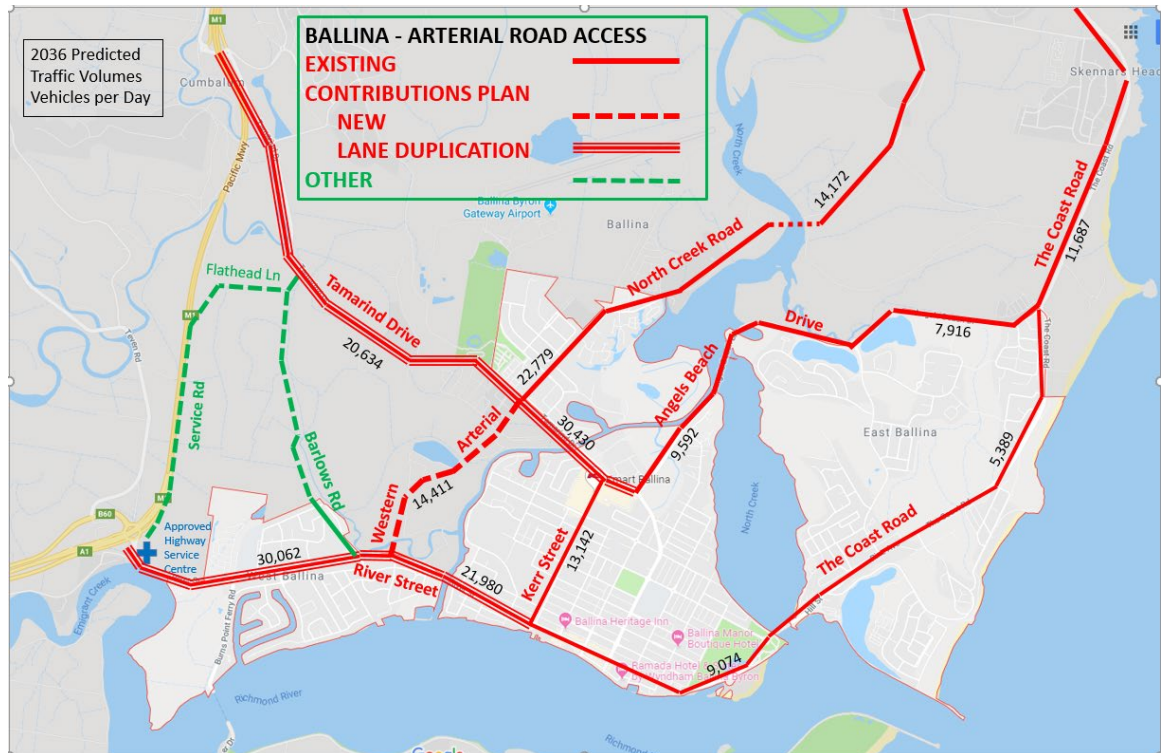


Figure 1 – Ballina Arterial Road Access
(Note: Numbers are the predicted daily traffic volumes in 2036)

10.2 Western Arterial Bypass - Analysis of Route Options

Based on Austroads Guide to Traffic Management Part 3, Table 5.1:

- a two-lane road has a typical mid-block capacity of 18,000 vehicles per day, and
- a dual (four) lane divided road has a typical mid-block capacity of 38,000 vehicles per day.

The strategic planning of arterial road access into Ballina is based on an analysis of modelled traffic volumes up to the year 2036.

New road links and capacity improvements (dual-laning of selected sections) have been planned to ensure all major arterial roads accessing Ballina can operate without excessive congestion and queueing.

The planned improvements for the Western Arterial and the other arterial roads accessing Ballina, and their strategic functions, are summarised in Table 1.

Project	Function
Dual lane River Street and Tamarind Drive	Increase road capacity to accommodate predicted increased traffic volumes.
Improve approach lanes (and capacity) of Angels Beach Drive/Bangalow Road roundabout	Accommodate predicted traffic volume increases
Reconstruct bridge over North Creek on North Creek Road	Divert traffic from The Coast Road to reduce congestion and avoid duplication of The Coast Road north of Angels Beach Drive
	Provide an alternative north/south arterial road link between Lennox Head and Ballina
	Provide a direct link between Lennox Head, the airport and North Ballina industrial area
	Reduce traffic volumes and congestion on Angels Beach Drive
	In conjunction with Western Arterial, provide a more direct connection for traffic to/from Lennox Head through to River Street and West Ballina
Construct Western Arterial between Tamarind Drive and River Street	Connect North Ballina and West Ballina with a direct link that avoids Kerr Street and Ballina Island
	Divert (to Western Arterial) and reduce predicted traffic volumes on Kerr Street, reduce Kerr St congestion and remove need to provide dual lanes for all of Kerr Street
	For industrial traffic, connect the North Ballina Industrial area directly to River St and beyond to West Ballina, the Pacific Highway (South), Teven Interchange and the Bruxner Highway
	Provide an onwards connection for traffic to/from Lennox Head South through to River Street and West Ballina
	Provide an alternative route between the southern parts of Ballina Island and North Ballina/Airport that avoids Kerr Street
	Provide a faster, more direct link between Cumbalum and the Pacific Hwy (south)/Bruxner Hwy Teven Interchange

10.2 Western Arterial Bypass - Analysis of Route Options

Western Arterial Road – Project Timeline

In order to gain some understanding of the time required to complete the Western Arterial, a preliminary attempt has been made to split the project into identifiable tasks, allocate estimated durations and dependencies and construct a Gantt chart (program) for the works.

For illustration purposes only, the program below assumes the project is given the go-ahead in late 2019 and commences early 2020, full-funded.

It also assumes no major hurdles that may seriously stop or significantly delay the project.

A screen shot of the Gantt chart program (see Attachment 1) shows the project split into 36 individual tasks and six summary tasks.

Indicative summary tasks and estimated times are given in Table 2.

Table 2 - Western Arterial Project			
Summary Tasks	Duration	Start	Finish
Route and scope definition	40 weeks	Feb 2020	Nov 2020
Property acquisition	84 weeks	Nov 2020	June 2022
Concept design	58 weeks	Nov 2020	Dec 2021
Environmental assessment, planning application, approval	70 weeks	Sept 2021	Jan 2023
Procure design consultant, detailed design	70 weeks	Aug 2022	Oct 2023
Tendering and Construction	116 weeks	Oct 2023	Jan 2026
Total	6 years	Feb 2020	Jan 2026

In this indicative program of six years, whilst early costs would be significant, major expenditure would not occur until the final two to three years.

The first summary task, i.e. “route and scope definition”, consists of the following sub tasks:

- Tender detailed survey
- Consultation with landowners on route
- Detailed survey route corridor envelope
- Design route centreline options
- Preliminary geotechnical investigation of route options
- Analysis of route centreline options
- Select preferred route centreline
- Preliminary design to identify land acquisition and project scope
- Adopt defined project route and scope.

Currently there is an indicative Western Arterial route adopted in the Roads Contribution Plan between Tamarind Drive (at North Creek Road) and River Street (at Brampton Avenue).

This route is not sufficiently defined geometrically to properly identify the footprint of the road formation nor the land corridor required for land acquisition.

10.2 Western Arterial Bypass - Analysis of Route Options

The “route and scope definition” summary task (as defined in Table 1) will enable the project to be defined sufficiently to then advance to the next major stages of “property acquisition” and “concept design”.

Whilst no estimates have been prepared for the “route and scope definition”, costs in the order of \$500,000 could be expected.

Alternative Routes – Comparison of Estimated Travel Times

Before discussing the planning, engineering and environmental constraints of the proposed short-to-medium term alternative routes, it is worth comparing their distances and travel times against those of the Western Arterial and Kerr Street. Attachment 2 illustrates these route options in more detail.

Cumbalum Precinct to Teven Interchange – Estimated Travel Times

Tables 3 to 6 show estimated travel times via the various route options between the Flathead Lane turnoff on Tamarind Drive and the highway’s Teven interchange.

Estimates are for comparison purposes only and are typical northbound (NB) and southbound (SB) travel times outside of congested peak periods, based on assumed travel speeds and intersection delays.

Table 3 – RMS Service Road (see map: NB = A-B1/B2-D, SB = D-B1/B2-C-A)				
Section	Road	Length	Time NB	Time SB
Tamarind Drive to River Street junction via Service Rd	Flathead Lane, RMS Service Road	3.5	210	210
River Street Junction to Interchange NB		0.7	50	
River Street Junction to Interchange SB, via Burns Pt Ferry Dr roundabout		1.38		99
Intersections delay allowance			60	90
Total Travel Time			320 seconds	399 seconds
			5 min 20 sec	6 min 39 sec

Table 4 – Barlows Road (see map: NB = A-E-D, SB = D-F-E-A)				
Section	Road	Length	Time NB	Time SB
Tamarind Drive to River Street SB	Barlows Road	2.5		180
Barlows Road to southern Interchange SB	River Street	2.1		151
Tamarind Drive to River Street NB	Barlows Road, Horizon Drive	2.8	202	
Horizon Drive to southern Interchange NB	River Street	1.2	86	
Intersection delay allowance			30	60
Total Travel Time			318 seconds	391 seconds
			5 min 18 sec	6 min 31 sec

10.2 Western Arterial Bypass - Analysis of Route Options

Section	Road	Length	Time
Flathead Ln turnoff to North Creek Rd	Tamarind Drive	2.2	122
Tamarind Dr to River St	Western Arterial	1.6	96
Western Arterial to southern Interchange	River Street	2.4	173
Intersection delay allowance			120
Total Travel Time			511 seconds
			8 min 31 sec

Section	Road	Length	Time
Flathead Lane turnoff to North Creek Road	Tamarind Drive	2.2	122
North Creek Road to Kerr Street	Tamarind Drive	0.9	72
Tamarind Drive to River Street	Kerr Street	1.4	112
Kerr Street to southern Interchange	River Street	3.7	266
Intersection delay allowance			180
Total Travel Time			752 seconds
			12 min 32 sec

These tables demonstrate that estimated journey times between Cumbalum and the southern interchange are less via the RMS service road and the Barlows Road routes when compared with Kerr Street and less than the Western Arterial.

Airport/Industrial Precinct to Teven Interchange – Estimated Travel Times

Estimated travel times via the various route options between the Airport / Southern Cross industrial precinct and the highway's Teven interchange are provided in Tables 7 to 10. Estimates are for comparison purposes only and are typical travel times outside of congested peak periods, and are based on assumed travel speeds and intersection delays.

Section	Road	Length	Time NB	Time SB
North Creek Road roundabout to Flathead Lane	Tamarind Drive	2.2	122	122
Tamarind Drive to River Street junction via Service Rd	Flathead Lane, RMS Service Rd	3.5	210	210
River Street Junction to Interchange NB	River Street	0.7	50	
River Street Junction to Interchange SB, via Burns Point Ferry Dr roundabout	River Street	1.38		99
Intersections delay allowance			60	90
Total Travel Time			442 seconds	521 seconds
			7 min 22 sec	8 min 41 sec

10.2 Western Arterial Bypass - Analysis of Route Options

Section	Road	Length	Time NB	Time SB
North Creek Road roundabout to Flathead Lane	Tamarind Drive	2.2	122	122
Tamarind Drive to River Street SB	Barlows Road	2.5		180
Barlows Road to southern Interchange SB	River Street	2.1		151
Tamarind Drive to River Street NB	Barlows Road, Horizon Drive	2.8	202	
Horizon Drive to southern Interchange NB	River Street	1.2	86	
Intersection delay allowance			30	60
Total Travel Time			440 seconds	513 seconds
			7 min 20 sec	8 min 33 sec

Section	Road	Length	Time
Tamarind Drive to River Street	Western Arterial	1.6	96
Western Arterial to southern Interchange	River Street	2.4	173
Intersection delay allowance			120
Total Travel Time			389 seconds
			6 min 29 sec

Section	Road	Length	Time
North Creek Road to Kerr Street	Tamarind Drive	0.9	72
Tamarind Drive to River Street	Kerr Street	1.4	112
Kerr Street to southern Interchange	River Street	3.7	266
Intersection delay allowance			180
Total Travel Time			630 seconds
			10min 30 sec

These tables demonstrate that estimated travel times between the Airport / Southern Cross industrial precinct and Teven interchange are less via both the RMS service road and Barlows Road when compared with Kerr Street; although this benefit is not as great as it is for the Cumbalum residents.

Perhaps the most important observation is the future impact of the Western Arterial on both the RMS service road and Barlows Road routes, with the Western Arterial becoming a faster option by around two minutes when travelling between the Airport/Southern Cross industrial precinct and the Teven interchange.

Alternative Routes - Comparison of Estimated Traffic Volumes

No data or modelling is currently available to accurately determine how much traffic using Tamarind Drive will be diverted onto the RMS service road or Barlows Road options.

Further traffic counts and origin-destination surveys would be required to determine these volumes with any certainty. Consequently, the following traffic volumes are crude estimates.

Cumalum Precinct to Teven Interchange – Estimated Traffic Volumes

As an estimate, data from 2017 indicates typical daily traffic on Tamarind Drive north of North Creek Road to be 10,937 vehicles per day (vpd). Around 30% of this traffic, or 3,281 vpd, may have originated from the Cumalum/Ballina Heights urban area.

If we assume that say 30% of this traffic is heading to/from the Bruxner Highway (to Lismore, Alstonville etc.) with the remainder heading to/from Ballina (i.e. airport, industrial area, Ballina Island, schools, etc.), then much of the traffic to/from Bruxner Highway, or 984 vpd, would likely utilise the shorter/quicker alternative routes.

The preference for these alternative routes to/from Cumalum would continue after the Western Arterial is constructed as there is still an estimated saving in trip time, albeit reduced.

Airport / Industrial Precinct to Teven Interchange – Estimated Traffic Volumes

The latest available (2015) traffic counts indicate daily traffic counts to/from Tamarind Drive at the North Creek Road intersection to be 8,084 vpd and at the Southern Cross Drive intersection to be 4,656 vpd, which indicates a total traffic count of 12,740 vpd to/from the Airport / Southern Cross industrial precinct.

Without further traffic counts and origin-destination surveys, it is not possible to estimate, even crudely, what proportion of this traffic is travelling to / from the Bruxner Highway (to Lismore, Alstonville, etc.).

Alternative Routes – Environmental, Engineering and Planning Constraints

RMS Service Road – Constraints Analysis

The RMS service road was constructed as an access route to assist with the construction of the new highway.

It has been reported that the access road has a reasonable foundation and even though some sections have been removed it may be a cost-effective solution in the short-to-medium term to assist with traffic movements through Ballina.

A site visit and desk top analysis has revealed significant issues with the RMS service road route:

- The service road is located on RMS land.
- The existing southern access onto River Street is a not feasible proposition and would require modification (as shown on the attached map = B1 and B2).

10.2 Western Arterial Bypass - Analysis of Route Options

- The modified southern access would need to cross private land, which brings it into conflict with an approved, but not yet constructed highway service centre and other potential future development proposals on the affected private land.
- The modified southern access would cross a floodway, which would require construction of a bridge or culverts.
- Flathead Lane would need realigning to remove a sharp bend at its northern end.
- Substantial fill may be required subject to more detailed investigation.
- Flood studies and geotechnical investigations would be needed to accurately determine the full extent of issues to be addressed including a more accurate assessment of the project costs.
- Traffic modelling is required.

Barlows Road – Constraints Analysis

The Barlows Road option makes use of a Council road reserve from Flat Head Lane to Barlows Road.

The principle benefit of this route is that the land is totally owned by Council, except for a small area.

A site visit and desk top analysis has revealed a number of issues with the Barlows Road route:

- The formed road deviates from the road reserve in places and would require resolution with the RMS who own the adjacent farmland.
- Traffic modelling would be required, and the resultant additional traffic on Barlows Road could exacerbate congestion at the intersection with River Street (as shown on the attached map at point “F”).
- A line of trees will require removal within an area that has been mapped as preferred Koala habitat, albeit not currently identified as having a known Koala population. This will require further investigation to determine whether there are any impact/offset requirements.
- Flood studies and geotechnical investigations are required to accurately determine the full extent of issues to be addressed including a more accurate assessment of the project costs.
- Additional traffic on Horizon Drive through existing residential areas and alongside Emmanuel school may cause loss of amenity to residents and possible congestion during school drop-off/pick-up times.
- Additional traffic on the urbanised section of Barlows Road could cause similar loss of amenity.

Sustainability Considerations

- **Environment**

The delivery of the new roads and upgrading of existing roads are subject to environmental assessment and applicable planning approvals.

Reduced vehicle travel times and traffic congestion will lead to reductions in fuel consumption and greenhouse gas emissions.

- **Social**

An improved network of arterial roads will reduce travel time and traffic congestion. This will improve amenity for the travelling public and Ballina residents.

- **Economic**

An efficient and uncongested road network will significantly benefit businesses in the immediate vicinity and more generally on Ballina Island.

Economic benefits include reduced fuel consumption, improved delivery times for businesses and improved access for customers and suppliers.

Legal / Resource / Financial Implications

The Ballina Shire Roads Contributions Plan version 4.1 enables Council to levy section 7.11 developer contributions for the augmentation works required to the shire road network to accommodate future traffic growth resulting from development.

There is a comprehensive program for works to address the traffic growth to the year 2036 associated with projected growth in population and industrial/commercial development.

Version 4.1 of the contribution plan came into effect on 8 August 2018 and applies to all development applications submitted after this date, which includes the Western Arterial Road.

The Roads Contribution Plan has a works program of total estimated cost (2018 values) \$163,617,726 with \$142,759,131 to be met by development contributions and \$20,858,595 to be met by other Council funding sources.

The Western Arterial is Item 1a in the Roads Contribution Plan.

The cost allocation for the Western Arterial in version 4.1 of the plan is:

Western Arterial	31,669,625
Land component	754,220
Subtotal	32,423,845
Indexation for V 4.1, 6.004%	1,946,728
Total Western Arterial	34,370,573

The Roads Contribution Plan provides indicative staging for all the works listed over three distinct time periods, being 2011-to-2019, 2019-to-2028 and 2028-to-2036.

The Western Arterial is currently in the final, 2028-to-2036 trimester.

10.2 Western Arterial Bypass - Analysis of Route Options

Major roadworks that currently have a higher priority in the Roads Contributions Plan include:

- Over the Four-Year Delivery Program Period:
 - Hutley Drive extension to connect with Byron Bay Road
 - River Street (Kerr Street to Highway Interchange) lane duplication
 - Tamarind Drive (North Creek Road to Kerr Street) lane duplication
 - Angels Beach Drive/Bangalow Road roundabout and approach lane improvements.

- Beyond the current Delivery Program Period:
 - North Creek Road lane duplication Tamarind Drive to Southern Cross Drive
 - North Creek Road and Bridge (connects North Ballina to Skennars Head Road)
 - Ross Lane improvements
 - North Creek Road (North) traffic calming
 - Sandy Flat Road.

There is currently no funding allocated for the Western Arterial in the current operational budget or the Four-Year Delivery Program

Unlike the duplication of River Street, the Western Arterial project cannot be constructed in useable stages, as it needs to be completed all the way from Tamarind Drive to River Street to be functional.

At the current estimated cost of \$34.4M, the project is expensive and beyond the scope of normal grant funding.

Grant funding opportunities are always a possibility.

However, for the Western Arterial to be eligible it would most likely need to be close to “shovel ready”.

The indicative program indicates that time required to reach completion of the planning approval stage would take three years and another nine months to complete the detailed design which would be required to go to tender for construction.

Costs in the order of several million would be required to advance to this stage, which would also need to include land acquisition.

The Western Arterial project has significant risks that could significantly impact on the project and its timing including:

- Land acquisition obstacles
- Geotechnical conditions (poor soil for road and bridge foundations)
- Flood impacts
- Environmental/ecological issues
- Cost escalation.

10.2 Western Arterial Bypass - Analysis of Route Options

If Council is of a mind to hasten the timing of the Western Arterial, then provision of say \$500,000 for the first part of the project “route and scope definition” could be considered in the next budget cycle for inclusion in Council’s 2020/21 Operational Plan. This would enable the project to commence, but defer decisions on major funding commitments.

It is important to note, however, that realising the full benefit of the Western Arterial Road is contingent on other strategically important projects being completed, such as the restoration of North Creek Road and a bridge linking Lennox Head with the Southern Cross industrial estate and Airport Boulevard.

Neither the RMS service road option nor the Barlows Road option are eligible for funding using s.7.11 (cf s.94) developer contributions as these contributions can only be targeted at projects included in an adopted Contributions Plan, being projects that are demonstrably needed to accommodate increased traffic volumes due to increased development and urban subdivision.

Therefore, the cost of any works (including preconstruction works) on these two short-to-medium term routes would need to come out of the general fund, unless of course grant funding is acquired.

The preliminary total cost estimate for Barlows Road is up to \$3.5M. Further detailed flood modelling, geotechnical and environmental investigations could substantially reduce this sum. The cost of undertaking these further investigations would be around \$35,000.

A preliminary total cost estimate for the RMS service road option has not been determined because the private landholdings including the proposed highway service centre development at the route’s southern end are a major and potentially unresolvable problem, hence a cost estimate is difficult to calculate.

Consultation

The Ballina Shire Council Roads Contribution Plan Version 4.0 was adopted in 2015. Version 4.1 was adopted in 2018. Both these amended versions of the plan went through a public exhibition process and resulting submissions were considered by Council prior to the amended versions being adopted.

A community information session was held at Ballina Shire Council chambers on 6 August 2019 which provided projections on the delivery of road projects around the shire, including the Western Arterial Road.

Options

Based on the information provided above, Council has the following options:

1. Council could further investigate the Barlows Road route as a short-to-medium term solution to ease traffic congestion on Ballina Island.

Preliminary investigations of the two short-to-medium term routes have identified Barlows Road option as the more viable of the two alternative routes and worthy of further investigation should Council decide to further pursue a short-to-medium term solution.

10.2 Western Arterial Bypass - Analysis of Route Options

Further investigation of the Barlows Road option would as a minimum require flood modelling, geotechnical and environmental investigations. This would allow fill requirements and pavement design to be more fully developed. A more accurate timeframe and cost estimate could then be developed. The cost of undertaking these further investigations would be around \$35,000.

As stated earlier, these investigations would need to be funded from general revenue as s.7.11 (cf s.94) developer contributions are not permitted.

Although the Barlows Road option appears feasible, it is arguably premature to pursue further investigation at this time, at least until the benefits of the River Street and Tamarind Drive duplication projects have been realised following their completion.

There is also concern that the unintended consequence of constructing a short-to-medium solution would be to delay the Western Arterial Road by lessening the imperative for its construction.

The same could be said of efforts to secure a southbound access onto the highway from Tamarind Drive because it too may become less of an imperative.

Undertaking further investigations does not require significant funding and as such there may be merit in completing this task now. The main advantage is the investigation would confirm a better cost estimate.

If the Council then intends to proceed, a funding source for the construction would need to be identified.

There could potentially be the option of amending the Roads Contribution Plan, at a future date, although the apportionment of the cost of this road between existing and future population would need to be determined.

Also, as Council is at the cap in respect to the allowed developer contribution limit (i.e. \$20,000 and \$30,000 for eligible greenfield sites), other works in the plan to a similar value would need to be deferred.

The most likely funding method would be loan funding and a 25 year loan for \$3.5m, currently equates to annual principal and interest repayments of approximately \$200,000.

This is potentially achievable (would need cost savings across a number of other programs) although Council would need to be convinced that any benefits gain (traffic improvements) justify the cost.

The priority at this point in time from the perspective of the works in the Roads Contribution Plan, is to address congestion in River Street and this option may have limited benefits in respect to that congestion.

Based on this this option is not recommended however further investigation could be undertaken if Council so wishes. The \$35,000 estimate would need to be sourced from the Roads Contingency Reserve.

10.2 Western Arterial Bypass - Analysis of Route Options

2. Council could further investigate the RMS service road as a short-to-medium term solution to ease traffic congestion on Ballina Island.

However, the preliminary assessment of the RMS service road route suggests it will be substantially more problematic than the Barlows Road route, hence there would be little value in further pursuing the former unless the latter were subsequently discounted for any reason.

This option is not recommended for the above reason.

3. Traffic modelling has consistently confirmed the need for the Western Arterial Road, which will remain an essential arterial link irrespective of any short-to-medium term solution.

Council could note the contents of this report regarding options for the timing, cost and early funding of the Western Arterial Road, while deferring further investigation into the Barlows Road route as a short-to-medium term solution until the benefits of the River Street and Tamarind Drive duplication projects can be realised following their completion.

It is anticipated that these two projects (River Street and Tamarind Drive land duplications) will substantially ease traffic congestion on Ballina Island at which time the need for a short-to-medium term alternative to the Western Arterial can be reappraised.

There are a number of issues in respect of the early commencement the preconstruction activities for the Western Arterial.

Firstly, the cost of \$500,000 diverts resources from immediate project needs.

In addition to the duplication of River Street and Tamarind Drive and parts of Kerr Street, Council's program includes the upgrade to Bangalow Road and Angels Beach Drive (mentioned elsewhere in this agenda for public exhibition), and North Creek Road between Tamarind Drive and Southern Cross Drive.

Secondly, once route options are confirmed, there are property ownership impacts to consider and equitably Council would need to be in a position to manage the costs of these impacts.

As stated earlier, with the Barlows Road route being the more favourable of the two short-to-medium term options, there appears little value in further considering the RMS service road.

This option is is recommended for the above reasons albeit Council could further investigate the Barlows Road option if that option was considered to have reasonable merit.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding options for the timing, cost and funding of the Western Arterial Road.
2. That Council defers further consideration of the Barlows Road route option as a short-to-medium term solution to traffic congestion on Ballina Island until such time as the benefits of the River Street and Tamarind Drive duplication projects can be realised following their completion.
3. That Council discontinue further consideration of the RMS service road as a short-to-medium term solution to traffic congestion on Ballina Island.

Attachment(s)

1. Western Arterial Project Gantt Chart
2. Short-to-Medium and Long-Term Route Options for the Western Arterial Bypass

10.3 Residential Rear Lanes - Management of Parking

10.3 Residential Rear Lanes - Management of Parking

Delivery Program Engineering Works

Objective To confirm Council's practice to manage parking in residential rear lanes.

Background

Council has not actively sought to manage or restrict parking in rear residential lanes and has instead relied on NSW Road Rules to manage lane parking.

The reason for this is to avoid the unnecessary costs and impacts associated with the proliferation of signage.

Over time there has been an increase in the number of requests for signage. With the increasing number of requests, this report has been prepared to confirm Council's position in response to this issue.

Key Issues

- Vehicular access along lanes
- Access to adjacent driveways and garages
- Impact of parked vehicles on access
- Costs and impacts

Information

The Ballina Local Traffic Committee meeting, held 14 October 2019, considered a resident's request to restrict parking on the side of a lane opposite a garage.

The Committee recommended:

1. *In accordance with Council practice of not regulating parking in rear residential lanes, the Committee does not support installation of NO PARKING signage in lanes however agrees this particular situation requires monitoring.*
2. *A report requesting confirmation from Council on how to manage parking in lanes be presented to a future Council meeting.*

This report responds to point two in the above recommendation.

The problem of vehicles finding it difficult to access driveways and garages on narrow (standard width 6 m) laneways, due to the presence of parked cars (on the opposite side of the lanes), occurs in many rear residential lanes in residential areas of Ballina Shire. The problem has increased as more existing residential lots are redeveloped/subdivided to create additional residences in back yards that only have access onto rear lanes.

10.3 Residential Rear Lanes - Management of Parking

The problem is worst when garages are located very close to lane boundaries.

These garages can be prone to blockage when vehicles are legally parked on the other side of the lane, even with the 3m minimum clearance required by NSW Road Rules. Whilst most drivers may be able to manoeuvre back and forward multiple times to turn in and out using the available 3 m clearance, some drivers find this difficult.

From time to time requests are received from residents to create No Parking zones on sections of rear lanes. Up to this time these requests have been resisted due to:

- Practical and equity (between residents) issues in choosing which sections and sides of a particular lane should be designated No Parking. Determining which sections and sides of lanes should have restricted parking depends on a number of factors including garage/driveway location, spacing between driveways, which side of the lane garages are on, how they alternate from side to side etc. It needs to be individually determined for each lane and sometimes there is no optimal solution. The determinations may also need to be changed when new flat/units are developed with additional access to lanes.
- Providing No Parking zones in lanes decreases the total available supply of parking. Parking is often in high demand in lanes due to the increasing number of secondary type residences being built in backyards with lane only access and the increasing numbers of cars per residence.
- The cost to Council's budget if this form of parking management is adopted throughout residential lanes:
 - The current annual budget for local road signage and markings of \$102,000 is always fully expended and many important tasks such as regular renewal of roundabout markings, centreline markings and establishment of more angle parking space delineations are the priority for these funds to ensure these works are undertaken at or close to preferred frequencies.
 - Council also has some access to the RMS Block Grant of \$120,000 per year for classified roads and local roads signage and markings, and as per above, this source of funds is also fully expended on an annual basis.
 - There is around 20 km of rear residential lanes in the urban areas of Ballina Shire. If all these lanes were to be regulated for parking using signage, a preliminary estimate for the initial cost could be in the order of \$60,000 and annual maintenance/replacement costs of around \$5,000.
- Additional resource time would be required from Council's compliance staff to monitor parking compliance in lanes.

Some lane parking management has been undertaken in lanes at the rear of CBD areas where the amount of general and commercial traffic is sufficient to warrant this level of regulation and cost.

10.3 Residential Rear Lanes - Management of Parking

The main NSW Road Rules that govern parking in areas such as narrow lanes are Rules 198(2) and 208(7) reproduced as follows:

198 Obstructing access to and from a footpath, driveway etc

- (1) A driver must not stop on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath, or a bicycle path or passageway unless:
- (a) the driver is driving a public bus that is dropping off, or picking up, passengers, or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Rules.

Maximum penalty: 20 penalty units.

Note.

Bicycle path is defined in rule 239, and **footpath**, **parking bay** and **public bus** are defined in the Dictionary.

- (2) A driver must not stop on or across a driveway or other way of access for vehicles travelling to or from adjacent land unless:

- (a) the driver:
 - (i) is dropping off, or picking up, passengers, and
 - (ii) does not leave the vehicle unattended, and
 - (iii) completes the dropping off, or picking up, of the passengers, and drives on, as soon as possible and, in any case, within 2 minutes after stopping, or
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Rules.

Maximum penalty: 20 penalty units.

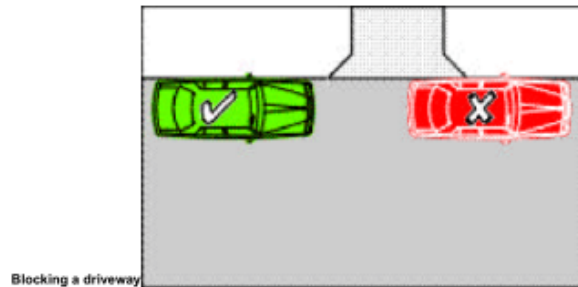
Note 1.

Adjacent land is defined in the Dictionary.

Note 2.

A driver stops on or across a driveway or way of access if any part of the vehicle is on or across the driveway or way of access—see rule 350.

Example.



In the example, the vehicle marked with an "X" is stopped in contravention of subrule (2).

10.3 Residential Rear Lanes - Management of Parking

208 Parallel parking on a road (except in a median strip parking area)

- (1) A driver who parks on a road (except in a median strip parking area) must position the driver's vehicle in accordance with subrules (2) to (8).

Maximum penalty: 20 penalty units.

Note.

Driver's vehicle and *median strip parking area* are defined in the Dictionary.

- (2) The driver must position the vehicle to face:
- (a) in the direction of travel of vehicles in the marked lane or line of traffic on, or next to, the part of the road where the driver parks, or
 - (b) if there is no traffic on, or next to, that part of the road—in the direction in which vehicles could lawfully travel on that part of the road.

Note.

Marked lane is defined in the Dictionary.

- (3) If the road is a two-way road, the driver must position the vehicle parallel, and as near as practicable, to the far left side of the road.

Note.

Two-way road is defined in the Dictionary.

- (4) If the road is a one-way road, the driver must position the vehicle parallel, and as near as practicable, to the far left or far right side of the road, unless otherwise indicated by information on or with a parking control sign.

Note.

One-way road, *parking control sign* and *with* are defined in the Dictionary.

- (5) If the driver does not park in a parking bay, the driver must position the vehicle at least 1 metre from the closest point of any vehicle in front of it and any vehicle behind it.

Note.

Parking bay is defined in the Dictionary.

- (6) If the road has a continuous dividing line or a dividing strip, the driver must position the vehicle at least 3 metres from the continuous dividing line or dividing strip, unless otherwise indicated by information on or with a parking control sign.

Note.

Dividing line and *dividing strip* are defined in the Dictionary.

- (7) If the road does not have a continuous dividing line or a dividing strip, the driver must position the vehicle so there is at least 3 metres of the road alongside the vehicle that is clear for other vehicles to pass, unless otherwise indicated by information on or with a parking control sign.

- (8) The driver must position the vehicle so the vehicle does not unreasonably obstruct the path of other vehicles or pedestrians.

These rules require vehicles to be parked on the left side of the road (lane), facing the direction of travel, clear of driveways and leaving at least 3m clearance alongside the vehicle.

In most lanes where there are issues, neighbours can generally work things out amongst themselves to arrange parking that does not conflict with other neighbours access.

However this negotiated arrangement sometimes breaks down where there is conflict and it does not apply when vehicles are parked by persons who do not live in the neighbourhood (eg. parking by persons attending sporting events at a nearby park).

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Parking in lanes that blocks a person's access can cause significant distress, loss of amenity and access to essential services.
- **Economic**
Parking in lanes that blocks a person's access could cause significant economic loss.

Legal / Resource / Financial Implications

Parking in lanes is governed by NSW Road Rules. The more active management option of designating certain sections NO PARKING would require the concurrence of the Local Traffic Committee.

Estimated cost to erect signage to regulate all residential lanes is \$60,000 with annual renewal/maintenance costs of \$5,000. Further costs would be required for follow up compliance action. This is not currently available and would need to be considered in future Council budgets.

Consultation

No consultation has been completed at this time. The Local Traffic Committee has considered individual requests for management of parking in lanes.

Options

Option 1. Maintain the status quo.

Under this option, staff will continue to rely on NSW Road Rules for management of parking in residential lanes, assisted by negotiated arrangements between neighbours.

This option maintains the discretion for staff to approve the installation of signage where there are extenuating circumstances.

Option 2: Develop a program to implement active management of parking in residential lanes.

This option would respond positively the requests we receive, however, additional funding would be required, there are practical and equity issues to consider, as well as amenity impacts from the increased level of signage.

As well as maintenance and installation costs, once implemented, parking regulation must be enforced to be effective and the impacts on the resource capabilities for Council's Compliance Team would need careful consideration.

10.3 Residential Rear Lanes - Management of Parking

Option one is the recommendation to this report.

The recommendation includes incorporating a note in the Council's Road and Transport Asset Management Plan. The purpose of this is to assist staff explain to residents Council has been informed of the issue and on balance Council prefers to rely on NSW Road Rules without additional signage regulation, except in extenuating circumstances.

RECOMMENDATIONS

1. That Council confirms it will rely on NSW Road Rules for management of parking in residential lanes, instead of the installation of signage unless there are extenuating circumstances.
2. That Council update the Road and Transport Asset Management Plan with information in response to point one and the contents of this report.

Attachment(s)

Nil

10.4 Festival and Event Sponsorship Program

10.4 Festival and Event Sponsorship Program

Delivery Program Open Spaces and Reserves

Objective To allocate funding for the Festival and Events (Community and Commercial) Sponsorship Program for the 2020/21 financial year.

Background

The Festival and Event (Community and Commercial) Sponsorship Program is now in its ninth year.

The program was established in 2010 to provide funding to eligible community groups who co-ordinate events and festivals in the Ballina Shire.

The program is guided by two policies being Council's Festivals and Events (Community) Sponsorship Program and the Festivals and Events (Commercial) Sponsorship Program, copies of which are available on our website.

These policies were last updated in July 2017.

At that time it was decided to develop the Commercial Sponsorship Policy to provide an opportunity for commercial groups to be able to 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.

Both policies state that Council will invite submissions, with an expression of interest (EOI) process having recently been completed for the 2020/2021 funding program.

This report deals with the outcomes from the EOI process.

Key Issues

- Equitable process for organisations seeking event support
- Compliance with Council policy

Information

The Festival and Event (Community and Commercial) Sponsorship Program application period opened for four weeks from the end of September to the end of October 2019.

Council received ten applications as follows:

10.4 Festival and Event Sponsorship Program

Name of organisation	Name of event	Request (\$)
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	20,000
Le-Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000
Truckstop Sk8	Fair Go Skatefest 2020	10,000
Lennox Weddings and Events	The Wedding Gathering 2021	5,000
Lennox Weddings and Events	Health and Wellness Festival	5,000
The Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2020	10,000
Cherry Street Sports Club	Ballina Country Music Fest 2020	35,000
Ballina Chamber of Commerce and Industry	Christmas on River Street 2020	10,000
TOTAL		\$145,000

The budget allocation for the program in 2020/21 is \$120,000

Policy

The applications for community sponsorship from the Quota Club of Alstonville Craft and Garden Fair 2020, Alstonville Agricultural Society Incorporated New Years Eve and Ballina Chamber of Commerce and Industry Christmas in River Street events do not meet the minimum threshold criteria for expenditure.

The relevant clause from the policy is provided below:

"To be eligible for support, the total cost of the festival or event must be estimated at over \$20,000 (ex GST), with a minimum of \$15,000 (ex GST) allocated towards cash expenses, excluding Council's contribution."

The applications for commercial sponsorship from Truckstop Sk8 Fair Go, Lennox Weddings and Events for the Wedding Gathering and the Health and Wellbeing Festival events do not meet the minimum threshold criteria for expenditure.

The relevant clause from the policy is provided below:

"To be eligible for support, the total cost of the festival or event must be estimated at over \$50,000 (ex GST), excluding Council's contribution."

The purpose of the policy clauses is to ensure the funding is applied to large scale events that can make a significant contribution to economic and social outcomes.

Council staff requested additional information from the Ballina Chamber of Commerce and Industry to enable an assessment of their application.

The Chamber confirmed the objective of the event "will be promoted for River Street and will be held on the Friday from 10 am to 7 pm with Santa, carols, colouring in competition, face painting, shop locally competition and best window make up completion".

10.4 Festival and Event Sponsorship Program

Truckstop Sk8 Fair Go

Council has a separate budget of \$4,000 for the Fair Go skating competition event.

It was resolved at the February 2018 Ordinary meeting that Council continue to grant \$4,000 funds to Truckstop Sk8, the successful and only applicant of the EOI process completed in 2017, to organise the Fair Go Skateboarding event for 2018 and 2019 subject to a finance agreement between Council and Truckstop Sk8.

They have requested a total of \$10,000 funding to assist with the successful additional competition day and larger event.

Council could apply \$4,000 from the Skateboarding budget and provide the additional \$6,000 from this program to provide the \$10,000.

Truckstop Sk8 has successfully grown this youth event to two days and in line with one of the key objectives of Council's current Destination Management Plan, attracting visitors to our area and increasing overnight stays.

Previous Funding

The following table provides a summary of funding allocated by Council for the last four financial years for the applicants for 2020/21.

Name of organisation	Name of Event	2016/17 Funded	2017/18 Funded	2018/19 Funded	2019/20 Funded	2020/21 Request
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	10,000	15,000	15,000	15,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	20,000	25,000	25,000	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	5,000	5,000	5,000	5,000
Alstonville Agricultural Society	New Years Eve Family Event	15,000	20,000	20,000	20,000	20,000
Truckstop Sk8	Fair Go Skate Competition	*4,000	*4,000	*4,000	*4,000	10,000
Cherry Street Sports Club	Ballina Country Music Festival	**25,000	25,000	35,000	35,000	35,000
Rotary Club of Ballina on Richmond	Ballina Food & Wine Festival	25,000	10,000	10,000	10,000	10,000
Lennox Weddings & Events	The Wedding Gathering	0	0	0	0	5,000
Lennox Weddings & Events	Health & Wellbeing Festival	0	0	0	0	5,000
Ballina Chamber of Commerce & Industry	Christmas on River Street	0	0	0	0	10,000

*Funded under the Fair Go Skateboarding Budget

**Applicant for 2016/17 was the Rotary Club of Ballina

Sustainability Considerations

- **Environment**
Events are managed to limit adverse environmental impacts.
- **Social**
Events provide social benefits to the broader community.

10.4 Festival and Event Sponsorship Program

- **Economic**

Events make a positive contribution to the local economy.

Legal / Resource / Financial Implications

The Festival and Event (Community and Commercial) Sponsorship Programs are identified in Council's Delivery Program and Long Term Financial Plan, with a \$120,000 budget forecast for 2020/21.

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 and this can involve an extended period of time.

In addition to the direct cash allocations provided by Council, significant staff resources support the operations of events, with this expenditure absorbed within the event budget and staff salary budgets.

Consultation

The Festival and Event (Community and Commercial) Sponsorship Program opportunity was advertised for four weeks from 23 September to 25 October 2019.

The Program was promoted through a number of channels including:

- Advertised in the Ballina Shire Advocate
- Distributed media releases to outlets
- Promoted on Paradise FM Community Radio
- Letters to previous recipients
- Information on Council's website
- Emails to event organisers
- E-blast to event organisers through Council database
- Social media posts on councils Facebook page

Options

The Festival and Event (Community and Commercial) Sponsorship Programs for 2020/21 has a budget of \$120,000.

The total amount requested from the applicants is \$145,000 exceeding the budget by \$25,000.

Options on the appropriate distribution of funds were considered at a Councillor briefing and are presented as follows.

Option One

Allocate funds to applicants that have met the eligibility criteria based on amounts provided in previous years.

10.4 Festival and Event Sponsorship Program

Name of organisation	Name of Event	2020/21 Request	Option One
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	0
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	0
Truckstop Sk8	Fair Go Skatefest 2020	10,000	(*4,000)
Lennox Weddings and Events	The Wedding Gathering 2021	5,000	0
Lennox Weddings and Events	Health and Wellness Festival	5,000	0
The Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2020	10,000	10,000
Cherry Street Sports Club	Ballina Country Music Fest 2020	35,000	35,000
Ballina Chamber of Commerce and Industry	Christmas on River Street 2020	10,000	0
TOTAL		145,000	90,000

* Amount from Fair Go Skate annual budget

The advantage of this option is that it mostly maintains the level of support Council has previously provided. It also provides a saving of \$30,000. The disadvantage of this option is it does not reassess the relative of priorities if Council was of the mind changes are needed. It also does not provide continued funding for the Alstonville Agricultural Society's New Years Eve event and the Quota Alstonville Craft & Garden Fair event.

Option Two

Allocate funds to applicants that are within the current budget allocation of \$120,000 and based on amounts provided in previous years.

Name of Organisation	Name of Event	2020/21 Request	Option Two
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	5,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	20,000
Truckstop Sk8	Fair Go Skatefest 2020	10,000	(*4,000)
Lennox Weddings and Events	The Wedding Gathering 2021	5,000	0
Lennox Weddings and Events	Health and Wellness Festival	5,000	0
The Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2020	10,000	10,000
Cherry Street Sports Club	Ballina Country Music Fest 2020	35,000	35,000
Ballina Chamber of Commerce and Industry	Christmas on River Street 2020	10,000	0
TOTAL		145,000	115,000

* Amount from Fair Go Skate annual budget

10.4 Festival and Event Sponsorship Program

The advantage of this option is it maintains the level of support Council has previously provided and includes the events excluded under option one. It also provides a surplus of \$5,000 in this budget.

The disadvantage of this option is it does not reassess the relative of priorities if Council was of the mind changes are needed and new events are not financially supported.

Option Three

Allocate funds to applicants that are within the current budget allocation of \$120,000, based on amounts provided in previous years and additional funding for the Fair Go Skatefest 2020.

Name of Organisation	Name of Event	2020/21 Request	Option Two
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	5,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	20,000
Truckstop Sk8	Fair Go Skatefest 2020	10,000	(*4,000) 5,000
Lennox Weddings and Events	The Wedding Gathering 2021	5,000	0
Lennox Weddings and Events	Health and Wellness Festival	5,000	0
The Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2020	10,000	10,000
Cherry Street Sports Club	Ballina Country Music Fest 2020	35,000	35,000
Ballina Chamber of Commerce and Industry	Christmas on River Street 2020	10,000	0
TOTAL		145,000	120,000

* Amount from Fair Go Skate annual budget

The advantage of this option is it maintains the level of support Council has previously provided.

An additional \$5,000 is applied to cover the second event day for the Fair Go Skatefest (with the additional \$4,000 from the skateboard budget providing a total of \$9,000). This would ensure all funding allocations are within the budget of \$120,000.

The disadvantage of this option is it does not reassess the relative of priorities if Council was of the mind changes are needed.

The recommendation to this report, option three, follows the feedback from Coucillors attending the briefing arranged to review the applications.

This option continues support of previous events at the same level of funding, complies with the budget allocation, includes the New Years Eve and Craft and Garden Fair on merit (noting again these events do not comply with the current policy terms however are recognized to be beneficial), and additional support to continue the Fair Go Skate Competition was considered reasonable.

10.4 Festival and Event Sponsorship Program

The second recommendation is to review the two policies guiding the allocation of these funds.

With the funding allocated being regularly inconsistent with the policies, it is appropriate to review the policies to ensure they better reflect the realities and financial difficulties that groups face in conducting events.

Based on the current process there may be groups not applying for the funding as they don't comply with the policy, whereas other groups are applying even though they do not comply.

RECOMMENDATIONS

1. That Council approves the following funding allocations for the 2020/21 Festival and Events Sponsorship Program.

Name of Organisation	Name of Event	2020/21 Request	Funding Approved
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	5,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	20,000
Truckstop Sk8	Fair Go Skatefest 2020	10,000	(*4,000) 5,000
Lennox Weddings and Events	The Wedding Gathering 2021	5,000	0
Lennox Weddings and Events	Health and Wellness Festival	5,000	0
The Rotary Club of Ballina-on-Richmond	Ballina Fine Wine and Food Fair 2020	10,000	10,000
Cherry Street Sports Club	Ballina Country Music Fest 2020	35,000	35,000
Ballina Chamber of Commerce and Industry	Christmas on River Street 2020	10,000	0
TOTAL		145,000	120,000

* Plus funding from the Fair Go Skate annual event budget

2. That Council receive a report reviewing the Festivals and Events (Community) Sponsorship Program and the Festivals and Events (Commercial) Sponsorship Program to ensure the policies better reflect the financial realities of conducting festivals and events.

Attachment(s)

Nil

10.5 No Parking Zone, Dalwood Road

10.5 No Parking Zone, Dalwood Road

Delivery Program Engineering Works

Objective To provide information to Council regarding the option for a No Parking zone on Dalwood Road.

Background

Council resolved at the June 2019 Ordinary meeting to request the Roads and Maritime Services (RMS) to conduct a speed zone review on Dalwood Road and to receive a report on providing a No Parking zone on Dalwood Road, Dalwood.

The following report responds to this resolution.

Key Issues

- Traffic management options
- RMS support

Information

The June 2019 resolution was as follows:

1. *That Council write to the RMS with respect to a speed zone review.*
2. *That Council receive a report on providing a no parking zone along Dalwood Road.*
3. *That Council maintain its management of Dalwood Falls as per the Coroner's Report and Council's Insurer's Report.*

A request was forwarded to RMS and they have the speed zone review on their program. The review has not been finalised.

The proposal for a No Parking zone was referred to the Local Traffic Committee meeting held 9 October 2019.

The Committee were informed on:

- Dalwood Falls is on a Council property on the south side of Dalwood Road, 1.3 km west of Wardell Road.
- For public liability reasons (risk of falling from cliff edges, drowning etc), Council's position is to prevent trespassing on the Council property and the falls area.
- Provision of barriers and prohibition signage has been ineffective and direct removal/prosecution of trespassers has proven difficult to enforce.
- Restriction of parking in the falls vicinity is being pursued as an additional measure.

10.5 No Parking Zone, Dalwood Road

There is dense vegetation on the south side of Dalwood Road (the falls site) and barriers to vehicle access.

It appears the opposite (northern) side of the road is the preferred parking location for visitors as it is relatively level and clear of obstructions.

To deter visitors to the falls, any No Parking zone would need to be on both sides of the road and extend some distance to deter persons walking to the site.

If the No Parking zone was, say 1.0 km long, this would require visitors to the falls to park just beyond the restricted area and walk an additional 500m.

Whilst this may be some deterrent, those who strongly desire to visit the falls could park just beyond the restricted parking area and still walk to the falls.

A No Parking zone of 1.0 km long on both sides of a rural road, with a purpose not related to traffic safety or management can be considered an inappropriate use of parking regulation powers.

Given the remote location of the area, and likely infrequent visitation by rangers, effective compliance action would also be difficult to maintain.

The Local Traffic Committee recommended:

“The Committee advise Council that parking restrictions on Dalwood Road adjacent to Dalwood Falls are not supported.”

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The purpose of this report is to consider an option in response to the safety risks associated with visitors to the site.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The “*Guide to the Delegation to Councils for the Regulation of Traffic*” at clause 5.3.6(e) advises;

“If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RMS and NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the RTC (Regional Traffic Committee)”.

10.5 No Parking Zone, Dalwood Road

Consultation

As detailed in this report.

Options

Option one is to for Council to note the recommendation of the Local Traffic Committee.

Option two is for Council to approve the zone and in accordance with the procedural process noted formally advise the RMS and NSW Police of Council's decision.

Option one is recommended as the marking of an extensive no parking zone on a rural road with a purpose not related to traffic safety or traffic management is not a preferred use of parking regulation powers.

RECOMMENDATIONS

1. That Council notes the recommendation of the Local Traffic Committee that parking restrictions on Dalwood Road, adjacent to Dalwood Falls, are not supported.
2. That Council take no further action in regards to the proposal to implement parking restrictions on Dalwood Road, adjacent to Dalwood Falls.

Attachment(s)

Nil

10.6 Policy (Review) - Urban Water Quality

10.6 Policy (Review) - Urban Water Quality

Delivery Program Water and Wastewater

Objective To review the Urban Water Quality Policy.

Background

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

Council first adopted this policy in October 2015.

Key Issues

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

Information

The purpose of this policy is to outline Council's commitment to providing a high quality water supply. The policy is required under of Section 25 of the Public Health Act 2010 and Council's approval to supply recycled water for dual reticulation under Section 60 of the Local Government Act 1993.

A review of the policy identified only minor changes as follows although the information provided in the policy background has been substantially amended to provide an improve summary.

Also the template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc. The changes have been marked in yellow.

Otherwise the policy is still considered to be contemporary and reflects current legislation.

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

Sustainability Considerations

- **Environment**
The National Water Quality Management Strategy guidelines provide systematic and risk based approaches for assessing and addressing environmental risks.
- **Social**
The National Water Quality Management Strategy guidelines provide a systematic and risk based approach for assessing and addressing public health risks and stakeholder feedback.

10.6 Policy (Review) - Urban Water Quality

- **Economic**

Effective management of public infrastructure and services supports economic growth.

Legal / Resource / Financial Implications

This policy is a requirement of Section 25 of the Public Health Act 2010 and Council's approval to supply recycled water for dual reticulation under Section 60 of the Local Government Act 1993.

Management and implementation of the systems described within the policy are resourced through current staff allocations or the delivery program for projects such as the installation of continuous monitoring instrumentation at Marom Creek Water Treatment Plant.

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 house keeping 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 Urban Water Quality 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) - Urban Water Quality

10.7 Policy (Review) - Temporary Storage Containers on Community Land

10.7 Policy (Review) - Temporary Storage Containers on Community Land

Delivery Program Open Spaces and Reserves

Objective To review the Temporary Storage Containers on Community Land Policy.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Temporary Storage Containers on Public Land policy.

Council first adopted this policy in April 2015.

Key Issues

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

Information

The purpose of this policy is to provide guidance in respect to the management of temporary storage containers and the policy originated as the requests for containers was becoming excessive.

The 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.
- Legislation has been updated as required
- References to Community Property Leasing and Licensing Policy have been updated
- Updated the removal provisions of containers in poor condition

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**
By providing an approval process for the use of containers, Council is able to manage any potential environmental impacts from their use.
- **Social**
Sporting and Community Groups form vital components of the

10.7 Policy (Review) - Temporary Storage Containers on Community Land

community and the use of containers can be an effective support to their activities.

- **Economic**

The use of shipping containers is an opportunity for clubs to reduce their costs and thereby allow them to continue to provide cost effective community outcomes.

Legal / Resource / Financial Implications

Council has a requirement to formalise storage containers under licence agreement where the application results in the exclusive occupation of community land.

The policy includes approval and risk management processes, Council is appropriately responding to public liability issues associated with the use of its land.

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 house keeping 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 Temporary Storage Containers on Public Land 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) - Temporary Storage Containers on Public Land

10.8 Policy (Review) - Pesticide Use and Pesticide Notification Plan

10.8 Policy (Review) - Pesticide Use and Pesticide Notification Plan

Delivery Program Open Spaces and Reserves

Objective To review the Pesticide Use Policy and Pesticide Notification Plan.

Background

All of Council's existing policies are progressively being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Pesticide Use Policy (the policy) and related Pesticide Notification Plan (the plan).

Council first adopted this policy and plan in November 2010.

Key Issues

- Statutory compliance
- Maintaining contemporary policy directions.

Information

Pesticides are an effective and economical way of controlling pests in a regulated environment. Their use remains an important method of pest management throughout Ballina Shire.

The policy covers pesticide use by Council staff, contractors, authorities and community members. The plan assists notifying the community when and where, and what type of pesticides are required to be used to control pests.

The Australian Pesticide and Veterinary Medicines Authority (APVMA) is the regulatory authority governing the use of pesticides. All pesticides used by Council are APVMA registered. The methods to use these pesticides follow APVMA and manufacturer requirements, including Safety Data Sheets.

The key elements of the policy and plan have been retained with no significant policy or plan changes required. This includes the retention of the Roadside Pesticide Free Areas Fact Sheet. This fact sheet provides guidance for landholder who wish to maintain land adjacent to roadsides.

Copies of the reviewed policy and plan are attached to the report.

This review of the policy and plan identified only minor changes as follows:

- The template for Council policies has changed since this policy was first adopted and the update uses the new template.
- The policy, plan and fact sheet has updated references for legislation, relevant authority referencing, and contact details.

The changes have been marked in yellow.

10.8 Policy (Review) - Pesticide Use and Pesticide Notification Plan

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

Sustainability Considerations

- **Environment**

The policy and plan ensure pesticides are applied to public places in a safe, responsible manner minimising potential harm to the environment.

- **Social**

The policy and plan ensure pesticides are applied to public places in a safe, responsible manner minimising potential harm to the community. Pesticide use helps the community's expectations for aesthetically appealing parks and public facilities.

- **Economic**

Pesticides are used in public places when necessary to eliminate weeds, to protect public property from pest damage, and to protect the users of public places from nuisance or danger.

Legal / Resource / Financial Implications

Council has the responsibility to ensure pesticide usage is justified, minimised and the community is duly notified of the usage. Council also has the responsibility as a landowner to control Biosecurity risks (weeds) in accordance with legislation.

Consultation

As the changes are only minor it is recommended that Council adopt the draft policy and draft plan as presented and to proceed with public consultation on the draft plan for four weeks as per the Pesticide Regulation 2017.

Following the consultation period, Council must finalise the plan taking into consideration any comments during consultation. Once the plan is finalised, Council is required to notify the Environment Protection Authority.

Options

Council may accept or amend the proposed changes to the policy and plan.

It is recommended that the revised policy and plan be placed on exhibition for public comment.

RECOMMENDATIONS

1. That Councils adopt the amended Pesticide Use Policy and Pesticide Use Notification Plan as attached to this report.
2. That Council place this policy and plan on exhibition for public comment, with any submissions received to be resubmitted back to Council.
3. If no submissions are received, the General Manager notify the NSW Environment Protection Authority the Pesticide Use Notification Plan has been updated and finalise any other statutory notifications associated with this review process.

Attachment(s)

1. Policy (Review) - Pesticide Use
2. Policy (Review) - Pesticide Use Notification Plan

11.1 Rescission Motion - Lake Ainsworth - Dog Management

11. Notices of Motion

11.1 Rescission Motion - Lake Ainsworth - Dog Management

Councillor Cr Meehan
Cr Johnston
Cr Smith

We move

That Resolution 241019/16, as follows, be rescinded:

- 1. That Council endorses the implementation of the dog access and management arrangements as set out in Figure 2.*
- 2. That staff give further consideration to the retention of a small on-leash area on the beach at the end of the path depicted in Figure 2.*
- 3. That early morning, late afternoon and weekend community participation/information drop in sessions at Lake Ainsworth to educate the public on the new dog access practices and dog restrictions be undertaken.*
- 4. That Council supports ongoing community education and compliance action regarding dog management in the Lake Ainsworth locality.*

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

1. That Council endorses the implementation of the dog access and management arrangements as set out in Figure 2, subject to an amendment that allows dogs on-leash continuing to be allowed on the eastern side of the new path (inclusive of the path) on the eastern side of Lake Ainsworth.
2. That staff give further consideration to the retention of a small on-leash area on the beach at the end of the path depicted in Figure 2.
3. That early morning, late afternoon and weekend community participation/information drop in sessions be conducted at Lake Ainsworth to consult with the public about 'dog access' and educate them about the new dog access practices and dog restrictions to be undertaken.
4. That Council supports ongoing community education and compliance action regarding dog management in the Lake Ainsworth locality.

Councillor Comments

The banning of 'dogs on leash' from the eastern park area of Lake Ainsworth, as adopted at the Council meeting of 24 October 2019, was done without any specific public consultation.

It was also in conflict with the Council rhetoric over a number of years that 'dogs on leash' would be permissible in the new parkland, "you will just have to park your car in another space and walk". This is the message that we believe the community have been hearing and believing.

The decision has also been made with reference to the draft Coastal Management Program for Lake Ainsworth which is only now going on exhibition for community review and feedback. Effectively, one of the draft actions in the CMP has been implemented prior to the CMP being finalised and adopted by Council. This is not usual Council practice.

The action of banning 'dogs on leash' from the eastern parkland, is punishing and disappointing the vast majority of responsible dog owners; who follow the instructions of council signage, who 'pick up' after their dog; who do not permit their dog in the lake; who have trained their dog to be well behaved / sociable with other people and other dogs. All due to the actions or perceived actions of a few. We do not believe this is a fair response.

'Dogs on leash' through the eastern parkland is necessary to support the patrol operations of the Lennox Head Surf Club. By allowing people with dogs to access Seven Mile Beach through the parkland via the current northern access path, the number of dogs being walked through the Surf Club precinct will be decreased. It will also enable, in the event of the flagged area being placed to the north of the dog access path (near surf club), the beach to be temporarily closed to dogs at that point, so that dogs are not being walked through the patrol area where beach goers are most densely aggregated. As mentioned in the report of 24 October 2019, this is the current practice at both the Gold Coast City and Sunshine Coast Councils.

Dog ownership, as pets and companion animals, is widespread in Lennox Head and Ballina Shire. The many community members who exercise with their dogs at Lake Ainsworth and Seven Mile Beach are most affected by this change and deserve the opportunity to have their say in a consultative process.

The proposed 'community participation/information drop in sessions' at Lake Ainsworth, should be conducted during the period that the draft CMP is on exhibition and the parkland is being completed.

People, including dog-walkers should be asked if they support/or not, 'dogs on leash' in the new parkland – on the eastern side of the new path (inclusive of the path).

The responses gained will give an accurate representation of public opinion about this matter.

We believe that Council needs to keep faith with its community and that the restricted access by people with 'dogs on leash' to the eastern parkland at

11.1 Rescission Motion - Lake Ainsworth - Dog Management

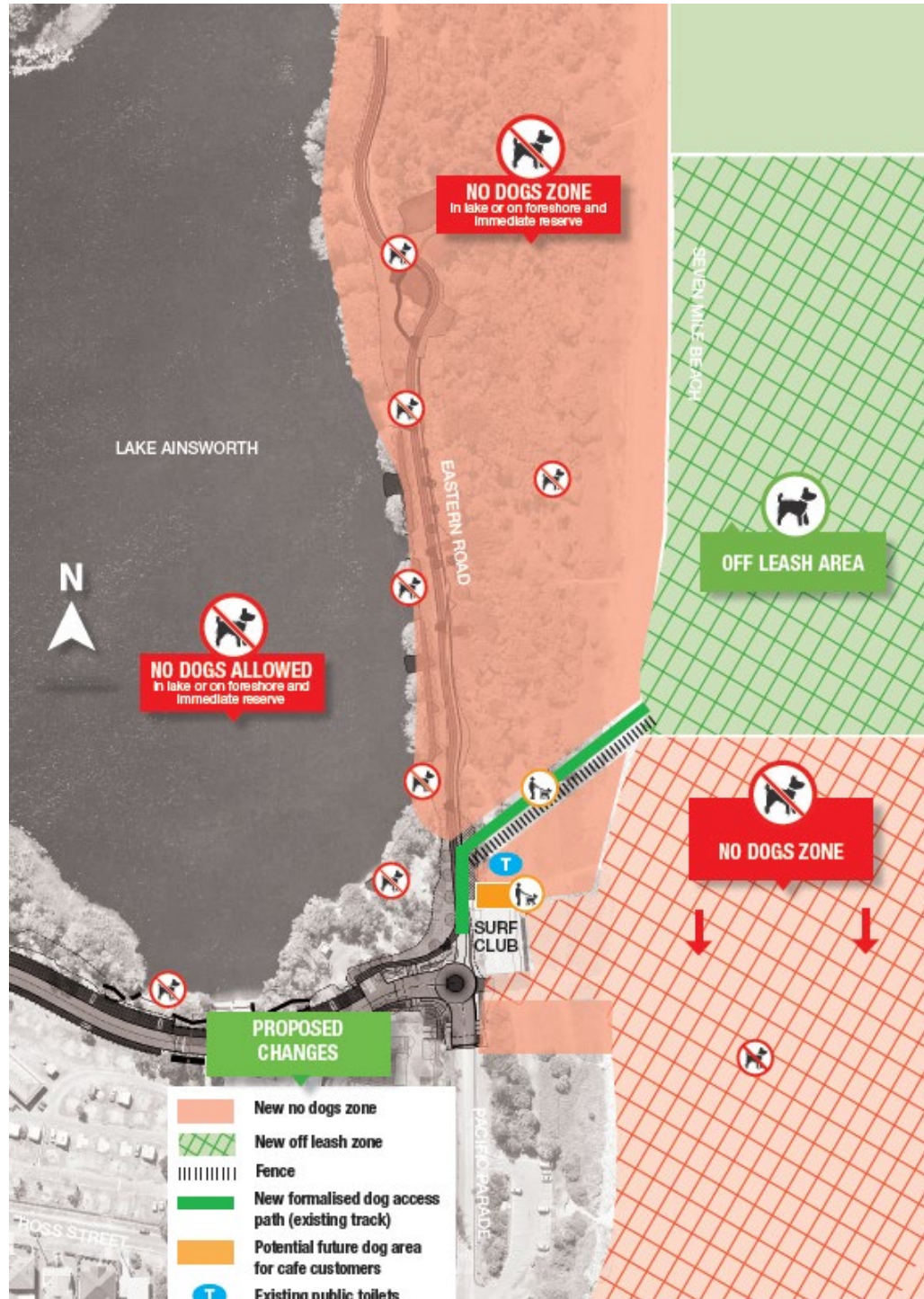
Lake Ainsworth, as described in this alternate motion, is a reasonable balance.

Following the public consultation and an initial period of 'dogs on leash' access while the CMP is being finalised, if it does not work out it can always be changed and objective reasons then given.

Staff Comments

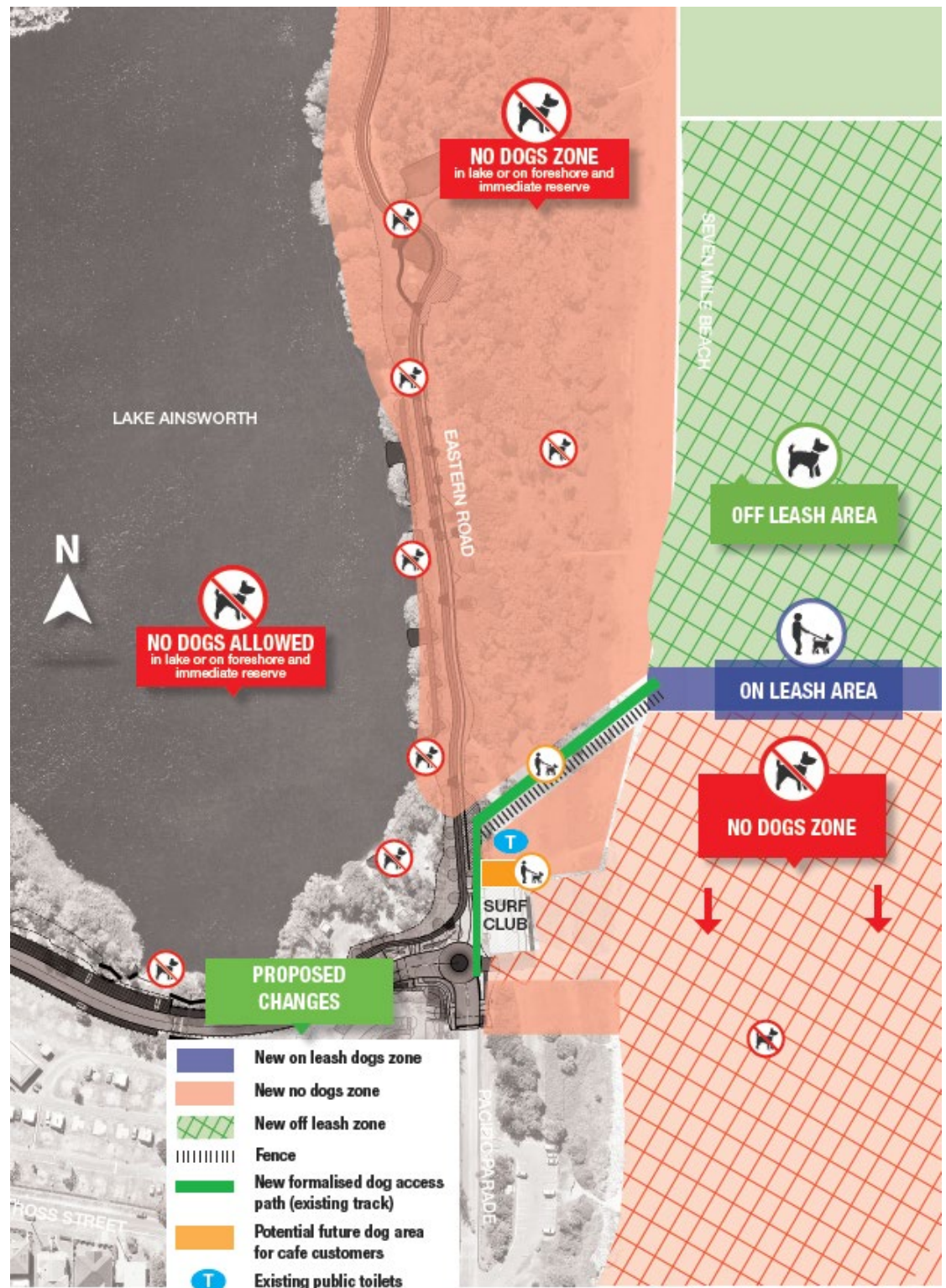
Figure 2 from the October 2019 Ordinary meeting is as follows.

Figure 2 – Proposed Dog Access Arrangements Lake Ainsworth and Surrounds



11.1 Rescission Motion - Lake Ainsworth - Dog Management

A revised map has been produced based on the resolution from the October 2019 Ordinary meeting, as follows.



COUNCILLOR RECOMMENDATIONS

That Resolution 241019/16, as follows, be rescinded:

1. *That Council endorses the implementation of the dog access and management arrangements as set out in Figure 2.*
2. *That staff give further consideration to the retention of a small on-leash area on the beach at the end of the path depicted in Figure 2.*
3. *That early morning, late afternoon and weekend community participation/information drop in sessions at Lake Ainsworth to educate the public on the new dog access practices and dog restrictions be undertaken.*
4. *That Council supports ongoing community education and compliance action regarding dog management in the Lake Ainsworth locality.*

Attachment(s)

Nil

11.2 Local Government Remuneration Tribunal - 2020 Annual Review

Councillor Cr Willis

I move

1. That Council make a submission to the Local Government Remuneration Tribunal calling for an immediate increase in the remuneration paid to Councillors in NSW.
2. Any increase should at least ensure that the remuneration is equal to Victorian councils noting that Councillors in Ballina Shire are currently paid \$20,280 while Councillors in comparable sized councils in Victoria are paid up to \$25,730 (plus superannuation) and in Queensland \$69,372.

Staff comments

Submissions to the NSW Local Government Remuneration Tribunal's 2020 Annual Review are due by 20 December 2019. LGNSW typically make a submission to the Tribunal and a copy of their 2019 submission is included as Attachment 1.

Mayor and councillor allowances from the latest remuneration reports for NSW, Victoria and Queensland, for similar sized councils to Ballina Shire Council, are as per the following table:

State	NSW	Victoria (*)	Queensland
Mayor	\$28,770 to \$64,530	Up to \$79,612	\$130,584
Councillors	\$9,190 to \$20,280	\$10,700 to \$25,730	\$69,372

(*) 9.5% superannuation guarantee paid on top of allowance

Ballina Shire pays the maximum allowance for the Mayor and Councillors.

The Tribunal in their 2019 Determination indicated that they would review the existing categorization model as part of the 2020 review and they are also considering the establishment of a new category of Regional Centre for non-metropolitan councils. The range of fees payable to the proposed new category, if approved, would be between the range of fees paid to the Regional Rural and Regional Strategic categories.

There are currently two councils in the Regional Strategic category being Central Coast and Lake Macquarie and 37 in the Regional Rural, which includes the following councils:

Albury, Armidale, Ballina, Bathurst, Bega, Blue Mountains, Broken Hill, Byron Cessnock, Clarence Valley, Coffs Harbour, Dubbo, Eurobodalla, Goulburn Mulwaree, Griffith, Hawkesbury, Kempsey, Kiama, Lismore, Lithgow, Maitland Mid-Coast, Mid-Western, Orange, Port Macquarie-Hastings, Port Stephens Queanbeyan-Palerang, Richmond Valley, Shellharbour, Shoalhaven, Singleton, Snowy Monaro, Tamworth, Tweed, Wagga Wagga, Wingecarribee, Wollondilly

11.2 Local Government Remuneration Tribunal - 2020 Annual Review

There is also currently a Regional City category, which includes Newcastle and Wollongong.

The current fees payable for those categories are as follows.

2019/20 Local Government Remuneration Tribunal Fees

Category	Councillor Annual Fee		Mayor Additional Fee	
	Minimum	Maximum	Minimum	Maximum
Regional City	18,430	32,040	39,160	99,800
Regional Strategic	18,430	30,410	39,160	88,600
Regional Rural	9,190	20,280	19,580	44,250

With Ballina having been identified by the State Government as an emerging regional centre, (NSW State Government's Far North Coast Regional Strategy), if Council does wish to make a submission to the Tribunal on the overall level of fees, the submission could also support the inclusion of Ballina Shire Council in a new category of Regional Centre.

This could be included as a third point in the notice of motion; i.e.

- 3. That Council's submission also support the creation of the new category of Regional Centre with Ballina Shire to be included in that category based on the State Government's confirmation that Ballina has been identified as an emerging regional centre.*

COUNCILLOR RECOMMENDATIONS

1. That Council make a submission to the Local Government Remuneration Tribunal calling for an immediate increase in the remuneration paid to Councillors in NSW.
2. Any increase should at least ensure that the remuneration is equal to Victorian councils noting that Councillors in Ballina Shire are currently paid \$20,280 while Councillors in comparable sized councils in Victoria are paid up to \$25,730 (plus superannuation) and in Queensland \$69,372.

Attachment(s)

1. LGNSW 2019 Submission

11.3 Climate Emergency Declaration

11.3 Climate Emergency Declaration

Councillor Cr Johnson

I move

1. That Council declares we are in a state of climate emergency that requires urgent action by all levels of government.
2. That Council notes that at least 71 Local Government areas in Australia have already declared a 'Climate Emergency'.
3. That Council acknowledges Ballina Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods.
4. That Council calls upon the State and Federal Governments to declare a climate emergency, and to back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements or a maximum 1.5 degree warming.
5. That Council writes to all NSW and Federal Government MP's advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis.
6. That Council receives receives an updated report on the likely impacts that a 1 metre sea level rise scenario will have on the Ballina Shire and our region.
7. That Council notes that a recent Bureau of Meteorology (BoM) and CSIRO report, *State of the Climate* states that 'Australia's climate has warmed by just over 1 degree C since 1910.

Councillor Comments

For the vast majority of people the debate about whether human induced Climate Change is real has long been decided. Given that, the debate then shifts to the level of impact and the rate of change that must be achieved to prevent the global temperature from rising above 1.5 degrees (the maximum increase agreed to at the Paris Agreement)

For too long the debate, particularly from the conservative side of politics has focused on one line catch phrases seeking to make climate change a wedge issue by associating a rapid increase in renewable energy (and a phase out of coal) as 'increasing electricity prices' and 'costing jobs and export dollars'.

The costs of inaction (or inadequate action) far out way the costs of action (rapid reduction in fossil fuels). This has been highlighted by conservative institutions such as the Reserve Bank of Australia and the Australian Insurance Council.

11.3 Climate Emergency Declaration

I choose to quote these sources to highlight the huge gap between the debate in mainstream political circles and conservative institutions who base their reports and the predicted implications of climate change based on the overwhelming scientific evidence.

A huge milestone was achieved recently when the wholesale cost of renewables (large scale solar) in India fell below coal, resulting in the government cancelling the building of 14 gigawatts of proposed new coal fired electricity generation.

Last year, India's Power Minister RK Singh made the following comment. "We have missed the first and second industrial revolutions, we caught up with the digital revolution, but we need to lead this revolution towards clean energy and renewable energy."

India has shelved or cancelled nearly 550 thermal coal projects in the past seven years with more projects likely to be cancelled as the price of renewables continues to fall. A recent report by Bloomberg's New Energy Finance estimated the cost of solar and wind in India was now 50% cheaper than coal.

In July this year, The Institute for Energy Economics and Financial Analysis reported that the cost of new large scale renewable projects were now 14% cheaper than coal-fired power. There is a clear trend away from coal based on cost alone.

I believe that most of the proposed increase in coal fired power generation around the world will also be canned as the rapid growth and reduced cost of renewables continues. The sooner the Australian Federal Government acknowledges this fact and puts its collective mind towards reducing our reliance on coal exports the better off Australia's future economy and our future standard of living will be.

Germany, one of the world's biggest consumers of coal, will shut down all 84 of its coal-fired power plants over the next 19 years to meet its international commitments in the fight against climate change. This policy also has provisions for the retraining of affected workers and communities.

In Australia we see the opposite with the recent approvals of new mega-coal mines such as Adani, with the support of all three major political parties (Labor, Liberal, National).

Both the latest IPCC and BoM/CSIRO reports highlight the changed environment that the economy will need to adapt to. They also provide evidence on what change is predetermined and what can be affected by actions to strengthen the global response to the threat of climate change.

I have brought this motion forward to give Ballina Council the opportunity to join a growing list of Council's concerned about the impacts that climate change will have on their communities.

Ballina is particularly vulnerable being situated on a low lying Island in the mouth of the Richmond River where both flooding, storm surge, rising sea levels and increased intensity of weather events pose serious risks to both private property and community infrastructure.

11.3 Climate Emergency Declaration

In March this year, the Deputy Governor of the Reserve Bank of Australia, Mr Guy Debelle, made the following comments in a speech titled 'Climate Change and the Economy',.

The United Nations' Intergovernmental Panel on Climate Change (IPCC) report documents that 1 degree of warming has already occurred from pre-industrial levels as a result of human activities.

It provides strong evidence that another half degree of warming will occur in the next 10 to 30 years if warming continues at the current rate. That is the average outcome, with some areas experiencing greater warming.

These comments and predictions are of great concern and highlight why a climate emergency declaration is appropriate and that urgent actions and policy settings, particularly at the State and Federal level need to be put in place to reduce CO2 emissions.

Other extracts from the Deputy Governors speech and recent reports.

There is also likely to be significant volatility around that outcome, with an increase in the frequency of extreme temperatures. This volatility is highlighted in the first graph in the recent Bureau of Meteorology (BoM) and CSIRO report, *State of the Climate*. The report states that 'Australia's climate has warmed by just over 1 degree C since 1910, *leading to an increase in the frequency of extreme heat events*', and expects further warming over the next decade. These extreme events may well have a disproportionately large physical impact.

There is also a greater possibility of compound events, where two (or more) climatic events combine to produce an outcome that is worse than the effect of one of them occurring individually.

Combined with the increased volatility, this increases the likelihood of non-linear impacts on the economy.

Having talked about the macroeconomic impact of climate change and how that might affect monetary policy, I will briefly discuss climate through the lens of financial stability implications. Financial stability is also a core part of the Reserve Bank's mandate. Challenges for financial stability may arise from both physical and transition risks of climate change.

For example, insurers may face large, unanticipated payouts because of climate change-related property damage and business losses. In some cases businesses and households could lose access to insurance. Companies that generate significant pollution might face reputational damage or legal liability from their activities, and changes to regulation could cause previously valuable assets to become uneconomic. All of these consequences could precipitate sharp adjustments in asset prices, which would have consequences for financial stability.

<https://www.rba.gov.au/speeches/2019/sp-dg-2019-03-12.html>
<https://ieefa.org/woodmac-solar-costs-in-india-beat-out-coal-fired-power/>
<https://about.bnef.com/new-energy-outlook/>
<https://www.theguardian.com/world/2018/jun/30/indias-huge-solar-ambitions-could-push-coal-further-into-shade>

11.3 Climate Emergency Declaration

Staff Comments

Council has included in the 2019/20 Operational Plan an action to review our Climate Action Strategy 2012-2020.

The Planning and Environmental Health Division are advancing this project and it was intended to provide a briefing with Councillors on the review during the first half of 2019/20. Due to other project priorities and cross-overs with other briefings, the Climate Action Strategy briefing will now be held late January / early February.

COUNCILLOR RECOMMENDATIONS

1. That Council declares we are in a state of climate emergency that requires urgent action by all levels of government.
2. That Council notes that at least 71 Local Government areas in Australia have already declared a 'Climate Emergency'.
3. That Council acknowledges Ballina Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods.
4. That Council calls upon the State and Federal Governments to declare a climate emergency, and to back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements or a maximum 1.5 degree warming.
5. That Council writes to all NSW and Federal Government MP's advising them of Council's resolution and urging them to acknowledge a climate emergency and to act with urgency to address the crisis.
6. That Council receives receives an updated report on the likely impacts that a 1 metre sea level rise scenario will have on the Ballina Shire and our region.
7. That Council notes that a recent Bureau of Meteorology (BoM) and CSIRO report, *State of the Climate* states that 'Australia's climate has warmed by just over 1 degree C since 1910.

Attachment(s)

Nil

11.4 Pedestrian Safety Improvements - Main Street Alstonville

11.4 Pedestrian Safety Improvements - Main Street Alstonville

Councillor Cr Johnston

I move that:

To improve safety, the central pedestrian crossing in Main Street Alstonville be modified, with the cost for this work to funded by an allocation of \$5,000 from the 2019/20 Roads Maintenance budget.

Councillor Comments

There have been numerous reports of drivers not complying with the law in regard to a pedestrian's rights when using the crossing and community members have requested for the actual crossing to be raised to make it more visible to road users and also to deter those who approach the site at excessive and unsafe speeds.

The crossing is in the centre of town and has a high usage, particularly during business hours. Reports of negligent driving and "near misses" have been received from the newsagent and its customers, from supporters of the coffee shops on both sides of the road and from patrons of the Federal Hotel.

Staff have advised suitable works compliant with the relevant road design standards can be implemented at this location. This works would involve modifying the road profile with asphalt to provide a graded approach to a raised and marked pedestrian crossing. A preliminary cost estimate for the modifications is \$5,000.

Something needs to be done without delay and I suggest that the funds be transferred from the roads maintenance budget, with staff to accommodate this change within their regular operation and management of resources and program tasks completed under this budget.

COUNCILLOR RECOMMENDATION

To improve safety, the central pedestrian crossing in Main Street Alstonville be modified, with the cost for this work to funded by an allocation of \$5,000 from the 2019/20 Roads Maintenance budget.

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Facilities Committee Minutes 20 and 28 November 2019

Attendance

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

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

There were three people in the gallery at this time.

1. Apologies

An apology was received from Cr Nathan Willis.

RECOMMENDATION

(Cr David Wright/Cr Sharon Parry)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

2. Declarations of Interest

Nil

3. Deputations

- **Alan Hicks, President Ballina & District Historical Society** - spoke in support of Item 4.1 – Pimlico Hall – Proposed Use

4. Committee Reports

4.1 Pimlico Hall - Proposed Use

A **Motion** was moved by Cr Keith Williams and Cr Sharon Cadwallader

1. That based on the contents of this report Council confirms its support for the Ballina and District Historical Society to manage and operate the Pimlico Hall as a Historical Museum.
2. That Council authorizes the General Manager to affix the seal to the lease documents and any other documents required to allow tenure to

12.1 Facilities Committee Minutes 20 and 28 November 2019

be granted to Ballina and District Historical Society Inc for the Pimlico Hall for a period of three years at a nominal lease fee.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

That Council provides in-principle support to the lease of the building to the Ballina and District Historical Society subject to a further report confirming costing and funding to rectify the access issues.

The **Amendment** was **LOST**.

FOR VOTE - Cr Phillip Meehan

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That based on the contents of this report Council confirms its support for the Ballina and District Historical Society to manage and operate the Pimlico Hall as a Historical Museum.
2. That Council authorizes the General Manager to affix the seal to the lease documents and any other documents required to allow tenure to be granted to Ballina and District Historical Society Inc for the Pimlico Hall for a period of three years at a nominal lease fee.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

4.2 **Alstonville Leisure and Entertainment Centre - Redevelopment**

RECOMMENDATION

(Cr Sharon Cadwallader/Cr David Wright)

1. That in respect to future planning for the Alstonville Leisure and Entertainment Centre, Council;
 - a) Supports, in principle, the concept of expanding the existing library to meet current and future demands; and
 - b) Authorises, the General Manager to engage industry experts to assist with preparing possible designs and more detailed costings for this work. This is to include consultation with key stakeholders such as the Richmond Tweed Regional Library.
2. That Council receive a further report once the designs and costings have been completed, with that report to outline possible funding options, if

any, for the works.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

4.3 Swimming Pools - Tender for Management Contracts

A **Motion** was moved by Cr Eoin Johnston and seconded by Cr David Wright

That Council authorises the General Manager to call tenders for the contract management of the Alstonville and Ballina War Memorial Pool based on the following specifications:

- a) A contract management arrangement with a term of five plus five years with the option to the contractor.
- b) Based on an eleven month season with Ballina closed during June and Alstonville during July. The Alstonville Pool is also scheduled to be closed during July and August 2020 to refurbish the amenities.
- c) Opening hours as follows:
 - Monday to Friday 5.30am to 7pm Ballina and Alstonville
 - Saturday 7am to 6pm Ballina
 - Saturday 8am to 6pm Alstonville
 - Sunday 9am to 5pm Ballina
 - Sunday 10am to 6pm Alstonville
- d) Revenue derived from gate takings is to be retained by Council with all other revenue generated at the facility through kiosk operations and swim programs to be retained by the contractor.
- e) The contractor is responsible for day to day maintenance expenses associated with building and grounds maintenance and amenity consumables and cleaning. Council is responsible for all costs associated with the major plant room, chemicals, electricity, rates and charges, building insurance and building maintenance expenses outside of day to day maintenance.
- f) Council must approve all swimming programs to ensure that adequate public access to the facilities is maintained.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

That Council authorises the General Manager to call tenders for the contract management of the Alstonville and Ballina War Memorial Pool based on the following specifications:

- a) A contract management arrangement with a term of five plus five years with the option to the Council.
- b) Based on an eleven month season with Ballina closed during June and Alstonville during July. The Alstonville Pool is also scheduled to be closed

during July and August 2020 to refurbish the amenities.

- c) Minimum opening hours as follows:
- Monday to Friday 5.30am to 7pm Ballina and Alstonville
 - Saturday 7am to 6pm Ballina
 - Saturday 8am to 6pm Alstonville
 - Sunday 9am to 5pm Ballina
 - Sunday 10am to 6pm Alstonville
- d) Revenue derived from gate takings is to be retained by Council with all other revenue generated at the facility through kiosk operations and swim programs to be retained by the contractor.
- e) The contractor is responsible for day to day maintenance expenses associated with building and grounds maintenance and amenity consumables and cleaning. Council is responsible for all costs associated with the major plant room, chemicals, electricity, rates and charges, building insurance and building maintenance expenses outside of day to day maintenance.
- f) Council must approve all swimming programs to ensure that adequate public access to the facilities is maintained.

The **Amendment** was **LOST**

FOR VOTE - Cr Sharon Parry and Cr Jeff Johnson

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

ADJOURNMENT OF MEETING

The meeting was adjourned at 5:14 pm, to be continued at 11:30 am Thursday 28 November 2019.

Please note: The minutes in this agenda will be updated once the meeting is completed following the resumption at 11.30 am Thursday 28 November 2019.

RECOMMENDATION

That Council confirms the minutes of the Facilities Committee meeting held 20 November 2019 and resumed 28 November 2019 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

Attendance

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

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services) and Sarah Carden (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

An apology was received from Cr Nathan Willis.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy and Cr Nathan Willis

2. Declarations of Interest

Nil.

3. Deputations

Nil.

4. Committee Reports

4.1 Tuckombil Quarry - Bitupave Limited (Boral) Lease Renewal

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

1. That Council authorises the General Manager to grant a renewal lease for a term of five years over Lot 21 DP 1243105, Gap Road Alstonville based on an agreed rental for year one of \$47,745.23 p.a. + outgoings + GST to Bitupave (Boral) Pty. Ltd.
2. That Council authorises the General Manager to attach the Council seal to the documentation associated with this lease.

12.2 Commercial Services Committee Minutes 20 and 28 November 2019

3. That Council confirms the continued deferral of the \$50,000 allocated for expenditure on independent noise and air pollutant assessment for the Boral Asphalt Plant for a further period of six months to allow the EPA to carry out odour sampling and analysis.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

That Council defer the matter whilst we seek further legal advice in respect to Boral's compliance with their lease.

ADJOURNMENT OF MEETING

The meeting was adjourned at 5.58 pm, to be continued at 12:00 noon Thursday 28 November 2019.

Please note: The minutes in this agenda will be updated once the meeting is completed following the resumption at 12 noon Thursday 28 November 2019.

RECOMMENDATIONS

That Council confirms the minutes of the Commercial Services Committee meeting held 20 November 2019 and resumed 28 November 2019 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the October 2019 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
25/10/19	Meeting – Mark Holden, Reclaim the Night
26/10/19	Missingham Park - Pet Day
30/10/19	BISC – Futsal Competition
31/10/19	Work, Health and Safety Expo – ALEC
1/11/19	Ballina Country Music Concert Opening Night
2/11/19	Ballina Country Music, BACCI Art Show, Rotary Duck Race
3/11/19	BISC – Basketball Conference Games
3/11/19	Commemoration Park Markets, Ballina Country Music
6/11/19	BISC Opening
6/11/19	Briefing – Festival and Event Sponsorship Program
8/11/19	NRJO Meeting – Lismore
8/11/19	RSL Lifecare – 2019 Remembrance Day Service – Deputy Mayor
9/11/19	Richmond Room – Evacuation Centre, Newrybar Hall - 120 Years
10/11/19	Commemoration Park Markets, Lennox Head Markets
11/11/19	Meeting – Richmond River Sailing Club, Remembrance Day Ballina
11/11/19	Remembrance Day Alstonville – Deputy Mayor
12/11/19	'A' Ward Committee
12/11/19	Alstonville/Wollongbar Chamber Meeting – Plateau Tyres
13/11/19	Scope Club – Annual Quiet Achiever Award Night
14/11/19	'C' Ward Committee
17/11/19	Naval Association of Australia - Wreath Laying
17/11/19	Commemoration Park Markets
17/11/19	Lennox Head Landcare 20th Anniversary Planting
17/11/19	Ballina Markets, NCS Basketball Finals – BISC
18/11/19	Church Group, Extraordinary Meeting, 'B' Ward Committee
19/11/19	Community Information Session – River Street Duplication
19/11/19	Ballina Hospital Auxiliary Afternoon Tea
19/11/19	Briefing – Ballina Island and West Ballina Flood Mitigation
19/11/19	Briefing – Lake Ainsworth Coastal Management Plan
20/11/19	Community Drop-In Session Lennox Head
20/11/19	Facilities Committee, Commercial Services Committee
20/11/19	Ballina Food and Wine Presentation, NRRPP – 19 Northcott Crescent
21/11/19	Community Information Session – River Street Duplication
22/11/19	Summerland House - Sod Turning, Domestic Violence Walk
24/11/19	Commemoration Park Markets
25/11/19	Meeting – Tony Hart - Staff
26/11/19	Site Visit – 404 Old Byron Bay Road
28/11/19	Council Meeting

RECOMMENDATION

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

Attachment(s) Nil

14. Confidential Session

14. Confidential Session

Nil items.