



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 17 December 2020 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

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

**Due to COVID-19 - Social distancing applies in the Public Gallery.
You may access this meeting via our Live Streaming link
*ballina.nsw.gov.au/agendas-and-minutes***

Deputations to Council – Guidelines

- Deputations by members of the public may be made at Council meetings on matters included in the business paper.
- Deputations are limited to one speaker in the affirmative and one speaker in opposition.
- Deputations, per person, will be limited to a maximum of two items on the agenda.
- Requests to speak must be lodged in writing or by phone with the General Manager by noon on the day preceding the meeting.
- Deputations are given five minutes to address Council.
- Deputations on the same matter will be listed together with the opposition first and the speaker in affirmative second.
- Members of the public are advised that any documents tabled or given to Councillors during the meeting become Council documents and access may be given to members of the public in accordance with the requirements of the Government Information (Public Access) Act 2009.
- The use of powerpoint presentations and overhead projectors is permitted as part of the deputation, provided that the speaker has made prior arrangements with the General Manager's Office at the time of booking their deputation. The setup time for equipment is to be included in the total time of five minutes allocated for the deputation.
- To avoid conflicts of interest, real or perceived, deputations will not be accepted from:
 - Tenderers during a public tender or request for quotation
 - Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
 - Consultants who are engaged by Council on the matter the subject of the deputation.

Public Question Time – This Session Does Not Form Part of the Ordinary Meeting

- A public question time has been set aside during the Ordinary meetings of the Council. The Ordinary meeting will be adjourned from 12.45 pm for Public Question Time. If the meeting does not extend to 12.45 pm Public Question Time will be held after the meeting closes.
- The period for the public question time is set at a maximum of 15 minutes.
- Questions are to be addressed to the Chairperson. The period is set aside for questions not statements.
- Questions may be on any topic, not restricted to matters on the Ordinary meeting agenda.
- The Chairperson will manage the questions from the gallery to give each person with a question, a "turn".
- People with multiple questions will be able to ask just one question before other persons with a question will be invited to ask and so on until single questions are all asked and, time permitting, multiple questions can be invited and considered.
- Recording of the questions will not be verbatim and will not form part of the minutes of the Ordinary meeting.
- The standard rules of behaviour in the Chamber will apply.
- Questions may be asked from the position in the public gallery.

Recording and Livestreaming of Council Meetings

- The meeting (with the exception of the confidential session) is being livestreamed and recorded for on-demand viewing via Council's website (***ballina.nsw.gov.au/agendas-and-minutes***) and a person's image and/or voice may be broadcast.
- Attendance at the meeting is taken as consent by a person to their image and/or voice being webcast.
- All speakers should refrain from making any defamatory comments or releasing any personal information about another individual without their consent.
- Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. All liability will rest with the individual who made the comments.
- This meeting must not be recorded by others without the prior written consent of the Council in accordance with Council's Code of Meeting Practice.

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1. Australian National Anthem
 2. Acknowledgement of Country
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-

1. Australian National Anthem

The National Anthem will be played.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 November 2020 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 26 November 2020.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 DA 2020/292 - 180-190 North Creek Road, Lennox Head

8. Planning and Environmental Health Division Reports

8.1 DA 2020/292 - 180-190 North Creek Road, Lennox Head

Applicant	Newton Denny Chapelle (on behalf of Justice Fox Property Group)
Property	Lot 4 DP 241585, Lot 6 DP 598177, No. 180 and No. 190 North Creek Road Lennox Head
Proposal	Staged Subdivision of Land involving the creation of 12 Torrens Title lots, road and infrastructure servicing, bulk earthworks, retaining walls and vegetation removal. Staging comprises: Stage 1 – Creation of a vacant ‘development lot’ (Lot 13) and a single residential lot (Lot 12) containing the existing house on 180 North Creek Road and associated Norfolk Island Pine Trees. Stage 2 – Subdivision of Lot 13 to create 11 residential lots and all associated roads, infrastructure servicing and vegetation removal.
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential zone under the provisions of the Ballina LEP 2012
Locality Plan	The subject land is depicted on the locality plans in Attachment 1 and Figure 1.

Introduction

Council is in receipt of Development Application 2020/292 for the subdivision of land involving the creation of 12 Torrens Title lots, road and infrastructure servicing, bulk earthworks, retaining walls and vegetation removal.

A formal amendment to the development application pursuant to Clause 55 of the Environmental Planning and Assessment Regulations was received on 16 September 2020. The amendment requests that the development be staged as outlined above.

To assist Council in its consideration and determination of this application, this report outlines the background of the proposal and the key relevant matters for consideration by the Council including the address of issues raised in public submissions. 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.

Details of Proposal (as amended)

The proposal seeks to undertake a staged subdivision to create 12 Torrens Title residential allotments comprising eleven vacant allotments and one allotment containing the existing dwelling house and swimming pool, and the construction of a road and installation/extension of public infrastructure to service the development, bulk earthworks, retaining walls and vegetation removal.

The removal of 21 trees is required to facilitate the proposed development.

It is proposed to stage the development as:

Stage 1 – Creation of a vacant ‘development lot’ (Lot 13) and a single residential lot (Lot 12) containing the existing house on 180 North Creek Road and associated Norfolk Island Pine Trees.

Lot 12 will have an area of 4,139m² and Lot 13 will have an area of 1.1955ha.

Stage 2 – Subdivision of Lot 13 to create 11 residential lots and all associated roads, infrastructure servicing and vegetation removal.

The resulting subdivision will comprise:

Proposed Lot	Proposed Lot Size	Access
1	825m ²	Directly from cul-de-sac
2	978m ²	Directly from cul-de-sac
3	851m ²	Directly from cul-de-sac
4	842m ²	Directly from cul-de-sac
5	842m ²	Directly from cul-de-sac
6	826m ²	Directly from cul-de-sac
7	1,143m ²	Directly from cul-de-sac
8	1,151m ²	Directly from cul-de-sac
9	715m ²	Directly from cul-de-sac
10	1,078m ²	Directly from cul-de-sac
11	788m ²	Directly from cul-de-sac
12 (existing dwelling house)	4,139m ²	Directly from North Creek Road

Following exhibition of the original proposal and a request for further information the application was amended.

The application was amended to:

1. Stage the development as outlined above.
2. Relocate the boundary between proposed Lots 11 and 12 to increase the area of Proposed Lot 12 to accommodate No Build Zones to provide more suitable protection for the Norfolk Island Pine trees.
3. Provide for retention of four koala food trees within proposed Lot 10. No Build Zones are also proposed to provide protection for these trees.
4. Show alternate building envelopes on proposed Lots 10 and 11.

8.1 DA 2020/292 - 180-190 North Creek Road, Lennox Head

The location of the subject land is shown in Attachment 1 and Figure 1.



Figure 1: Site Locality Plan

A plan of the proposed subdivision is provided in Figure 2 and a full set of plans is contained in Attachment 3.



Figure 2: Plan of Proposed Subdivision

Description of the Subject Site

The subject land has frontage to North Creek Road at Lennox Head.

The subject property has a total area of 16,094m². Lot 4 has an area of 8,094m² and contains an existing dwelling house and swimming pool. Lot 4 contains vegetation including three Norfolk Island Pines, a Hoop Pine, Cook Island Pine, Benjamin Fig, a stand of Fiddlewood along the southern boundary, and a mix of various mature natives along the northern boundary. Smaller scale native vegetation is also present in the understory. Lot 6 has an area of 8,000m² and is vacant. Lot 6 contains a large Moreton Bay Fig tree.

The surrounding locality is predominantly R2 Low Density Residential zoned land and is characterised by residential dwellings of one or two storeys (Figure 3).



Figure 3: Aerial of Subject Land and Surrounding Locality

Reportable Political Donations

Details of known reportable political donations are as follows:

- Nil

Public Exhibition

The application was placed on public exhibition from 10 June 2020 to 25 June 2020. Thirty seven notifications were sent to adjoining owners/occupiers and eight submissions of objection were received.

The main concerns raised relate to configuration, lack of integration with adjoining land, density/character, amenity, noise, traffic and parking, pedestrian safety, building envelopes/built form, vegetation removal, stormwater, sewerage, water pressure and easements/access to Fieldcrest Place.

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

A copy of all submissions is 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*.

The assessment has identified the following key issues in relation to this development application.

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

Section 4.15 (1)(a)(i)

State Environmental Planning Policies (SEPP)	
<ul style="list-style-type: none">• SEPP 55 – Remediation of Land	No issues are raised in relation to SEPP 55. Refer to Section 4.15 assessment in Attachment 2 for further comment and assessment.
<ul style="list-style-type: none">• SEPP (Vegetation in Non-Rural Areas) 2017• SEPP (Koala Habitat Protection) 2020	<p>The application requires the removal of 21 mature trees including koala food trees and native understory vegetation.</p> <p>See further discussion in the DCP section of this report and the Section 4.15 assessment in Attachment 2.</p>

Ballina Local Environmental Plan 2012	
<ul style="list-style-type: none"> • Clause 1.2 • Clause 1.4 • Clause 2.3 • Clause 2.6 • Clause 4.1 • Clause 7.2 • Clause 7.5 • Clause 7.7 	<p>The proposal complies with the aims and objectives of the BLEP 2012 and the objectives of the R3 Medium Density Residential zone.</p> <p>Refer Attachment 2 for further comment and assessment of the relevant controls (Clauses 1.2, 1.4, 2.3, 2.6, 4.1, 7.2 and 7.7).</p>

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

Ballina Shire Development Control Plan 2012	
<p>Chapter 2 – General and Environmental Considerations</p> <ul style="list-style-type: none"> • 3.1 – Land Use Conflict • 3.4 – Potentially Contaminated Land • 3.5 Land Slip/Geotechnical Hazard • 3.6 Mosquito Management • 3.7 – Waste Management • 3.9 Stormwater Management • 3.10 Sediment and Erosion Control • 3.11 – Provision of Services • 3.12 - Heritage • 3.15 Crime Prevention through Environmental Design • 3.19 – Car Parking and Access 	<p><u>Part 2 Chapter Planning Objectives</u> The overarching objectives have been considered in relation to the proposal. The proposed development is consistent with these objectives.</p> <p>Refer to the Section 4.15 Assessment at Attachment 2 for an assessment of the clauses that are relevant to this application.</p>
<p>Chapter 2A – Vegetation Management</p>	<p><u>Part 2 Chapter Planning Objectives</u> The overarching objectives have been considered in relation to the proposal</p> <p>Refer to the Section 4.15 Assessment at Attachment 2 for an assessment of this Chapter of the DCP.</p>
<p>Chapter 3 – Urban Subdivision</p>	<p><u>Part 2 Chapter Planning Objectives</u> The overarching objectives have been considered in relation to the proposal.</p>

	<p>The development provides for urban development in a planned and orderly way and provides the required service infrastructure, and provides allotments of a size and shape suitable for future housing which are able to achieve passive solar access.</p> <p>The proposed development is consistent with the overarching objectives of Chapter 3.</p>
<ul style="list-style-type: none"> 3.1 Minor Subdivision General Controls. 	<p>Refer to the Section 4.15 report at Attachment 2 for an assessment of the controls that are relevant to this application.</p>

4.15 (1) (a) (iiia) – 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.

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

Comment: As a result of the proposed vegetation removal there will be impact associated with the cumulative loss of vegetation.

Notwithstanding this, it is acknowledged that the land has been zoned for residential purposes and the proposed subdivision is considered a suitable infill residential development outcome. The consent, should the application be approved, will be conditioned to require No Build Zones in the vicinity of retained vegetation and a requirement for native habitat offsets or funding for compensatory restoration in a nearby reserve, commensurate with the amount of vegetation removed.

Refer to the Sec 4.15 (1)(b) Assessment in 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: In considering the suitability of the site for the proposed development, several key issues were raised in submissions and are of particular relevance including:

- Council's preference during the rezoning process for an integrated development outcome
- Configuration of lots
- Vegetation removal

A brief overview of the rezoning and subsequent subdivisions which have resulted in the present configuration of the rezoned land in the locality is provided for Council in its and determination of the subject application.

Rezoning

Amendment No. 1 to the BLEP 2012 involved rezoning of four adjoining parcels of land to R3 Medium Density Residential zone. This LEP amendment related to the land the subject of the current application (Lot 4 DP 241585 and Lot 6 DP 598177) together with two neighbouring properties to the north, previously known as Lots 2 and 3 DP 241585 as shown in Figure 4.



Figure 4: Lots Rezoned to R3 Zone (BSCPP 12/001)

An integrated development approach, over the four properties, was sought by Council throughout the rezoning process.

Various matters were identified in the rezoning process through the technical assessment and submissions.

Two of these matters of particular relevance to the current application and associated submissions are:

1. Retention of Norfolk Island Pine Trees
2. Access - A single cul-de-sac was proposed, however following rezoning Council advised that a loop road was the preferred option for road access.

The LEP amendment process did not incorporate any specific measures to require the retention of particular vegetation. The removal of vegetation on the site was a matter identified for further consideration at the development application stage and in association with the proposed subdivision layout.

8.1 DA 2020/292 - 180-190 North Creek Road, Lennox Head

This relates to all vegetation on the site including planted and landscaping trees like the Moreton Bay Fig, as well as naturally occurring and regenerating native vegetation throughout the development site.

It was noted in the reporting accompanying the LEP amendment that the development of the subject land would likely have minimal implications for the natural environment of the site and its locality. The proposal provides for 'infill' development on a site that is located within an existing residential neighbourhood.

The LEP was amended and the rezoning of the land to R3 Medium Density Residential was finalised on 8 March 2013.

While it was Council's preference at the time of rezoning to have an integrated development over the four lots, there is no requirement or legal obligation for any of the landowners to participate.

The subject application for the subdivision of Lots 4 and 6 is considered a suitable design and a reasonable outcome given that the northernmost landholder has to date not wished to participate in any development, and the land owner immediately to the north of the subject land has already undertaken subdivision and did not propose an integrated subdivision.

Provided below is a brief overview of subdivisions undertaken which have resulted in the present configuration of the land to the north.

DA 2014/218

Following rezoning DA 2014/218 was lodged on 14 May 2014 (by Newton Denny Chapelle on behalf of KP, DK and L Walsh) for the subdivision of Lot 3 DP 241585 into four lots.

An extract from the Section 79(c) assessment of that application is provided below:

Council's Strategic Services Group raised no objection to the subdivision despite the adjoining allotments not accompanying the DA and the previous commitments of the Planning Proposal not being achieved.

Council's Manager Strategic Services provided the following specific comments:

Further to our discussion regarding the proposed subdivision of Lot 3 DP 241585 on North Creek Road at Lennox Head, I confirm that the key site issues arising from the rezoning were as follows:

- *Potential impacts associated with the loss of mature trees, primarily relating to mature fig and pine trees across the four lots that were rezoned*
- *Provision of suitable access off North Creek Road*
- *Provision of suitable on site stormwater management infrastructure.*

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The rezoning process also identified that future subdivision that allows for integrated development of the four lots is desirable. Part of the rationale for this was to optimise access and stormwater infrastructure provision as well as minimise the potential for one subdivision to make the development of adjoining lots difficult.

The applicant provided the following comments in the SEE for that subdivision:

“given the geometry of North Creek road in this location, there are effectively only 2 locations available to provide compliant separation and site distances for public roads. These are located generally at the boundary of Lot 6 DP 598177 and Lot 4 DP 241585 and at the boundary of Lots 2 and 3 DP 241585.

If a loop road is provided through the site, the two outer blocks receive substantial subdivision opportunities, whilst the two central blocks, need to have a road traversing across them, but have only limited development potential resulting. In addition, when debating the rezoning, Councillors showed particular interest in retaining the existing mature Norfolk Island Pines on Lot 4 DP 241585. Given their central location on Lot 4, this further limits the route for future road access linkages through the Precinct.

Accordingly, it is NDC’s view that a single loop road through the Precinct is an unlikely development outcome. Rather, two individual cul-de-sacs (servicing the northern and southern halves of the Precinct respectively) is a more feasible outcome on the land. We note that this will result in the number of road intersections with North Creek road as would be achieved with a loop road.

In order to ensure that the northern cul-de-sac is able to be provided in the future, the subdivision proposal lodged herewith provides an 8m wide access corridor along the northern property boundary, which represents in excess of half of the width of a future 16m road corridor. We note, however, that no aspect of the current application is reliant on the construction of a cul-de-sac in this location.”

The subdivision was approved as per Figure 5.

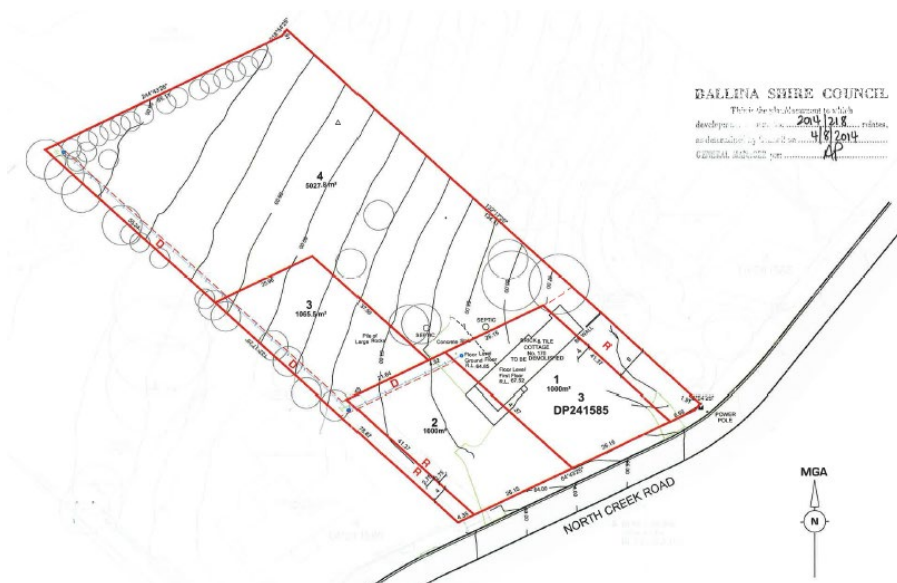


Figure 5: DA 2014/218 Approved Plan of Subdivision

8.1 DA 2020/292 - 180-190 North Creek Road, Lennox Head

An amendment to DA 2014/218 was lodged by Newton Denny Chapelle (on behalf of KP, DK and L Walsh) on 3 October 2014 to modify a number of conditions including Condition 72 of the consent. An extract of the application to modify DA 2014/218, which refers to the No Build Zone, is provided below.

Condition 72

Existing Condition

72. *A suitable 88B Restriction on Use is to be created to limit the future placement of a dwelling-house or associated structures/buildings on proposed Lot 4 to the nominated building envelope indicated on Plan 4 – Proposed Subdivision with Building Envelopes & Vegetation Removal prepared by Newton Denny Chapelle Ref. No. 12396 Dated 30 April 2014. In addition, the 88B Restriction on Use is to limit the vehicular access/egress of proposed Lots 1 and 2 to the proposed Rights of Carriageway only. Council is to be nominated as the sole person/party to release/vary or modify the restriction on use.*

Proposed Revised Condition

72. A suitable 88B Restriction on Use is to be created to limit the future placement of a dwelling house or associated structures / buildings on proposed Lots 1 and 4 to ensure that they are not located within the "no build zone" illustrated on NDC Plan 5 dated 17.09.14. In addition, the 88B Restriction on Use is to limit the vehicular access/egress of proposed Lots 1 and 2 to the proposed Rights of Carriageway only. Council is to be nominated as the sole person/party to release/vary or modify the restriction on use.

Rationale

Our clients intend to retain Lot 4, but do not wish to be restricted to the building envelope nominated in NDC Plan 4 as lodged with the application. It is understood that the intent of this condition is to ensure that future development of Lot 4 does not adversely impact on the capacity to construct a future cul-de-sac within the northern section of this block. The creation of a no-build zone as illustrated in Plan 5 (attached) provides an effective alternative approach to achieve this aim, whilst not un-duly limiting the future dwelling footprint on the land.

The "no build zone" has been extended onto proposed Lot 1 to ensure that a future dwelling would be set back from a future road in accordance with the standard DCP setback requirements for corner blocks.

A copy of the approved plan which includes the No Build Zone along the length of the northern boundary of Lot 3 is shown in Figure 6.

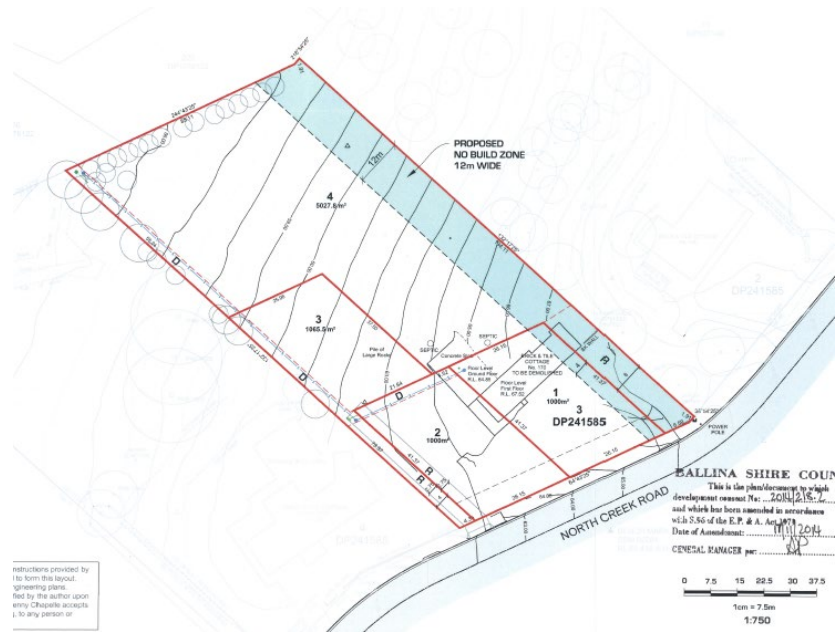


Figure 6: Approved Plan DA 2014/218.002

A further amendment to DA 2014/218 was lodged by Newton Denny Chapelle (on behalf of KP, DK and L Walsh) on 14 August 2015.

The amendments proposed and approved are not directly relevant to the subject application.

DA 2018/452

DA 2018/452 was lodged by Victor Holmes Town Planning (on behalf of KP, DK and L Walsh) for a Boundary Adjustment Subdivision between existing Lots 3 and 4 DP 1220992 and the subdivision of reconfigured Lot 4.

The proposal sought approval for the adjustment to the common boundaries between existing Lots 3 and 4 and for the subdivision of the remaining Lot 4 (i.e. the approved residue) into proposed Lot 4 battle axe configuration (with legal frontage to North Creek Road) and Lot 5 (proposed residue) which would be landlocked with only a Right of Carriageway.

The applicant contended that the proposed subdivision kept the possibility open for the future integrated development of Lot 5 in conjunction with the development of either or both of the adjoining properties at No. 160 and 180 North Creek Road via maintaining the existing 12 metre wide No Build Zone along the northern boundary of Lot 4 and the proposed new 12 metre wide No Build Zone along the eastern boundary of the future residue proposed Lot 5 (i.e. for either the provision of a future cul-de-sac or loop road for vehicular access to future integrated development with adjoining properties).

The originally submitted proposal sought two variations to Council's DCP provisions in relation to the number of battle axe lots served by an existing access handle and the maximum length of an access handle.

The applicant contended that these variations were required to meet Council's desire for future integrated development with the adjoining properties.

The developer is to comply with one of the following options:

1. Basic Vegetation Management/ Ecological Rehabilitation Plan

The applicant is to submit to Council for approval - a Vegetation Management Plan (VMP)

Guidelines for preparation of the VMP:

The VMP is to be prepared in accordance with the Big Scrub Landcare - Subtropical Rainforest Restoration – A practical manual and data source for Landcare groups, land managers and rainforest regenerators 2019.

- The VMP shall be prepared by a suitably qualified environmental consultant or bush regenerator with theoretical and practical experience in native vegetation restoration and management and weed control, in particular in local rainforest communities.*
- A works program must be incorporated in the plan to ensure that all primary weed control and revegetation works are completed within a suitable timeframe including key milestones of practical completion of planting and primary weed control events.*
- All revegetation works are to be undertaken with a five-year maintenance and monitoring and period to follow completion of initial vegetation management works*
- All restoration work must be undertaken by or overseen by a suitably 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 and riparian vegetation communities.*
- Council requires all forested areas to achieve 80% closed native vegetation cover over a minimum 5-year period.*
- GIS acquisition - polygons, lines and points supplied to Council as a shapefile (.shp) for all clearing, rehabilitation and monitoring areas.*

Management zones

At a minimum, the following management zones must be identified in the VMP to adequately compensate for the clearing of 1,490m² of vegetation.

Zone No.	Management zone	Management zone description
1	Zone A	Assisted regeneration works
2	Zone B	Reconstruction/ revegetation works

Details of the proposed on-site restoration areas (Zone 1 and 2), planting palette, plant spacing and mix of trees, shrubs and groundcover ratios that replicate good quality vegetation are to be submitted to Council's Planning and Environmental Health Division for approval prior to construction works commencing.

Or alternatively,

2. Provide funding for restoration elsewhere

The Developer is to provide funding for the restoration of 4,470 m² or 5,960 m² (depending on the intensity of works needed at site) of degraded native vegetation, being land under Council's management and within 5 km of the development site. Works will be guided by an approved vegetation/restoration management plan.

The funding amount will be calculated by obtaining three quotes for works inclusive of GST (comprising cost of works plus 30% contingency). The funding amount shall be provided in the form of a payment to Council's Open Space (Planning and Environmental Health Division) prior to the issue of the Subdivision Certificate for Stage 1.

Specific Tree Management

Pruning of retained tree #10 (as shown in the updated Arboricultural Impact Assessment Report, prepared by Northern Tree Care, dated 26 August 2020) must be minor and restricted to the outer 2 m of the lower crown. If this pruning is required to be carried out, it must be the minimum necessary. The work must be carried out in accordance with the Australian Standard AS 4373-2007 Pruning of amenity trees and by an Arborist qualified to a minimum of AQF 5 in Arboriculture.

Specific Tree Management (as per the updated arborist report)

Where boundaries are located within retained Tree Protection Zones, fences are to be constructed by the developer as part of the subdivision works using pier footings to minimise any root disturbance (as per Section 9. Recommendations of the updated Arboricultural Impact Assessment Report, prepared by Northern Tree Care, dated 26 August 2020).

Where footings are within the TPZ of any trees identified for retention, a Project Arborist (qualified to a minimum of AQF 5 in Arboriculture) must attend to manage any roots that are encountered and that root management must be carried out in accordance with the recommendations of the Australian Standard AS 4970-2009 Protection of trees on development sites.

Street trees

Following the completion of construction works, suitable, locally-native trees are to be incorporated into the streetscape. The location, size, species selection and maintenance/management schedule must be prepared by a suitably qualified landscape architect. Details are to be provided to Council for approval.

Vegetation Management Plan update

In the event that the developer nominated **Option 1 in Condition X – Offsets for impacts to habitat (area)**, then prior to the completion of works, an update of completed and to be completed milestones relating to the 5 year Vegetation Management Plan is to be provided to Council's Planning and Environmental Health Division.

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?	Eight objections

Public Authority Submissions:	N/A
Public Submissions:	<p>Thirty seven notifications were sent to adjoining owners and occupiers on 4 June 2020. Eight submissions were received objecting to the proposed development. The issues identified in submissions are outlined below.</p> <p>Refer to Section 4.15 Assessment report (Attachment 2) for further discussion regarding issues raised in submissions.</p> <p>A copy of the applicant’s response to submissions is provided as Attachment 5.</p>
Issues Raised:	Response:
Configuration	See further discussion relating to this issue in the 4.15 (1) (c) section of this report (above).
- Inconsistent with Council’s preference for integrated development (with lots to the north)	<p>The two subject lots and two lots to the north were rezoned to R3 Medium Density Residential in 2012. An integrated development approach (incorporating the four lots) was sought by Council during the rezoning process. A single cul-de-sac was proposed however following rezoning Council advised that a loop road would be the preferred option.</p> <p>Further comment relating to the issue of integration is provided below.</p>
- Proposed configuration limits development opportunity of Lot 5 DP 1220992	Subsequent subdivisions were undertaken by the owner of the lot immediately to the north of the subject land which has resulted in two No Build Zones which were set aside for future access corridors for a loop road to service an integrated subdivision of the four lots.
- Request for amended configuration which	While it was Council’s preference for an integrated development approach there is no requirement for individual owners to undertake an integrated approach. Indeed the owner of

8.1 DA 2020/292 - 180-190 North Creek Road, Lennox Head

provides access to Lot 5	Lot 5 effectively did not partake in an integrated approach and has benefitted by undertaking the subdivision of the land and subsequent sale of three of those lots. Similarly, there is no requirement for the proponent of the subject application to undertake an integrated development with the owner of Lot 5 or to provide a design that provides access to Lot 5. The current application represents an integrated subdivision of Lots 4 and 6.
- Preference for loop road	A loop road (which utilises the No Build Zone on Lot 5) would require the removal of at least one and possibly two of the Norfolk Island Pine trees.
- Request Council approves the release of No Build Zone on Lot 5 DP 1220992 without additional cost to owner	There are avenues that the owner can take to have the No Build Zones removed from Lot 5.
Density/character	
- Medium density not in keeping with locality	The subject site is zoned R3 Medium Density Residential under the Ballina LEP 2012 and has a minimum lot size of 600m ² .
- Overdevelopment, unsightly particular if multiple townhouse development	The subdivision creates 12 lots (including proposed Lot 12 which will contain the existing dwelling house). Proposed Lot 12 will have an area of 4,139m ² . The remaining Lots 1 to 11 range in size from 715m ² - 1,151m ² (average 911m ²) and as such are compliant with the minimum lot size.
- Eleven lots not compatible with locality, preference for fewer lots (four)	
- Devalued property values due to overdevelopment	While the minimum lot size for multi dwelling housing is 1,000m ² , the intersection to North Creek Road has only been designed to accommodate a theoretical density of a dual occupancy on each allotment. Additionally, some of the allotments do not meet the DCP design criteria for dual occupancies and therefore may only be suitable for single dwelling houses.
- Out of character with North Creek Road streetscape (i.e. free standing homes with wide frontages such as Lot 170 North Creek Road)	It is noted that the average size of surrounding adjoining lots (i.e. lots in Montwood Drive, Fieldcrest Place and North Creek Road) is approximately 1,037m ² . Lots in Montwood Drive and Fieldcrest Place are all zoned R2 Low Density Residential. With respect to property values, it is important to recognise that the land is zoned R3 Medium Density Residential and development of the kind proposed is a permitted land use within the zone.

Amenity	
- Loss of privacy by multiple dwellings overlooking property and swimming pool	The development application is for the subdivision of land only and not for town houses or multi-dwelling housing as described in submissions.
- Overshadowing of property by two storey dwellings	All lots are greater than the minimum lot size of 600m ² .
- Detrimental impact on neighbours when future owners maximise their building envelope	Any future development on the proposed lots will be required to comply with Chapter 4 of the DCP in relation to overshadowing, overlooking and privacy etc.
- Detrimental effect on values, amenity and privacy of surrounding properties	With respect to property values, the land is zoned R3 Medium Density Residential and development of the kind proposed is a permitted land use within the zone.
- Impact from car headlights using cul-de-sac	The location of the cul-de-sac is considered suitable. It is considered that once the subdivision is complete, any impact will be reduced due to street trees, future dwelling houses and private landscaping.
Noise	
- Noise from additional traffic	No noise assessment was submitted with the application. Council's Environmental Health Officer considered noise and provided the following comments:
- Noise from additional residences	
<p><u>Traffic noise</u></p> <p>Chapter 2 Part 3.22 of the DCP outlines that road noise must be assessed in accordance with the NSW Road Noise Policy and consider the criteria in Appendix C of the Policy. Appendix C refers to the NSW Infrastructure SEPP. While application of the Infrastructure SEPP requirements is mandatory only for residential developments near specific highly trafficked roads, the design advice offered in the SEPP may be useful when designing such a development near other high traffic roads.</p> <p>Part 3 Division 17 Subdivision 2 Clause 102 Impact of road noise or vibration on non-road developments of the SEPP refers to residential developments on land adjacent to roads with an average daily traffic volume (ADTV) of more than 20,000 vehicles. The estimated ADTV for this part of North Creek Road was estimated to be 2359 in 2014, 4863 in 2036 and 9885 in 2036 if the North Creek Road bridge between Ballina and Lennox was constructed (ADTV estimates provided by Council's Development Engineer on</p>	

	<p>30 June 2020). Given these volumes it would be difficult to justify requesting a noise impact assessment to determine if road traffic noise was a concern. The Planning Proposal did not include commentary or controls in relation to road traffic noise.</p> <p><u>Residential noise</u> Location of pumps/air conditioners will be considered when dwelling applications are submitted for future dwelling houses.</p>
Traffic and parking	
- No traffic report submitted	An Engineering Services Report which provided an assessment of traffic and the intersection was prepared by Newton Denny Chappelle, dated March 2020 and submitted with the application. Council's Development Engineer is satisfied with the traffic and intersection analysis provided in the report.
- Increased traffic causing further congestion at existing and new intersections	The proposed development is expected to generate approximately 84 vehicle trips per day and Council's Development Engineer is satisfied that the intersection requires a Basic Left Turn intersection.
- Traffic hazard at entry/exit to North Creek Road	The south bound lane of North Creek Road is 6.3m in width which is sufficient to allow through traffic to slip past a vehicle turning right into the proposed cul-de-sac. Additional line marking is not warranted for the turn movement.
- North Creek Road already congested, blind spot in mornings at site of intersection, have been accidents previously.	<p>It is acknowledged that the proposed intersection is in close proximity to the intersection with Palisade Way, however there is no minimum intersection offset requirement under the Austroad Guides to Road Design. The location of the intersection was discussed pre lodgement of the DA and was considered to be an acceptable location by Council's Infrastructure Planning Manager.</p> <p>Council's Development Engineer is satisfied that there is adequate sight distances and stopping distances at the proposed intersection in accordance with the Austroad Guides.</p>
- Is cul-de-sac suitable for garbage trucks	The cul-de-sac has been designed in accordance with the Northern Rivers Development Design Manual (NRDDM), has a length of 92m and a carriageway width of 6m and a reserve width of 16m.
- Pedestrian safety compromised	The proposed development provides for pedestrian linkages by the provision of a footpath on the southern side of the cul-de-sac. The footpath also extends south from the cul-de-sac on the western side of North Creek Road to

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	<p>the existing bus stop located adjacent to the southern boundary of the subject land. A pedestrian refuge will also be installed adjacent to the bus stop to provide linkage to the footpath on the eastern side of North Creek Road. It is considered that pedestrian safety in the vicinity will benefit from the proposed development.</p>
<ul style="list-style-type: none"> - Is on street parking in cul-de-sac? - Will parking overflow into neighbouring streets? - Inadequate parking for visitors, service and commercial vehicles 	<p>There is no requirement as such to provide on street parking in subdivisions however the cul-de-sac has been designed with a reserve width of 16m and a carriageway width of 6m as per the NRDDM.</p> <p>Future dwelling houses are required to provide two spaces per dwelling.</p>
<p>Building envelopes/built form</p>	
<ul style="list-style-type: none"> - Plans submitted did not show indicative building envelopes on all lots 	<p>Council's DCP requires that irregular shaped lots must demonstrate the capability of containing a building envelope of 10m x 15m. Plans submitted showed building envelopes only on Lots 1, 7, 9, 10 and 11. Amended plans were submitted following the RFI which show alternative building envelopes on Lots 10 and 11 as the size and shape of these lots was reduced to provide greater protection to the Norfolk Island Pine trees.</p> <p>Further, reconfiguration of proposed Lots 9, 10 and 11 provides a greater area on each lot for building pads to be located and negates the need for restrictive building envelopes.</p> <p>Remaining lots are of a size and shape which can accommodated building envelopes of 10m x 15m.</p>
<ul style="list-style-type: none"> - Battle axe allotments (proposed Lots 2, 7 and 10) have reduced building envelope size 	<p>Building envelopes are indicative only and future dwelling houses can be built outside of these nominated envelopes.</p>
<ul style="list-style-type: none"> - Request demonstration of maximum built allowance 	<p>Development standards and controls regarding built form and maximum built allowances are determined at the development application stage of future dwelling houses.</p>
<ul style="list-style-type: none"> - Request consent conditions to show built forms are achievable 	

Vegetation removal	Refer to Section 4.15 Assessment at Attachment 2 (SEPP sections and DCP Chapter 2A and 3 sections). Refer also to comments in the 4.15 (1) (c) section of this report regarding vegetation removal, potential offsets and protection of retained vegetation.
- Unnecessary removal of 24 trees, only one tree would require removal if cul-de-sac moved	Amended plans submitted reduced the number of trees required for removal to 21. Of the trees to be removed 15 are exotic Fiddlewood trees, one exotic Benjamin Fig and one exotic Cook Island Pine. Native trees to be removed are a Hoop Pine, Swamp Mahogany, Tindale's Stringybark and a Moreton Bay Fig.
- Objection to removal of old growth Moreton Bay Figs and Norfolk Island Pines	The Moreton Bay Fig located on Lot 6 was planted in the 1980s and is not considered 'old growth'. The Norfolk Island Pines are to be retained.
- Six trees for removal straddle boundary with Lot 5 to the north	The applicant confirmed that plans submitted showing trees to be removed are survey accurate and are contained within the subject land (and not Lot 5).
- Objection to removal of six trees in north western corner of subject land due to loss of wildlife habitat and visual amenity, request for this area to be set aside as small reserve	Amended plans were submitted following the RFI which retains a further four trees in this area of the development. No Build Zones will be required to provide protection of these trees. It is not considered suitable to provide a reserve.
- Removal of trees will devalue Lots 3, 4 and 5 DP 1220992	These lots are largely devoid of vegetation and it is considered that there is sufficient area for the owner(s) of these lots to provide further native plantings within the boundaries of these lots.
Stormwater	
- Stormwater entering adjacent properties	There is an existing easement to drain water 2.5m wide located within the rear of the adjoining Fieldcrest Place properties. There is a concrete dish drain and retaining walls within this easement which has previously been damaged (i.e. retaining wall collapsed) as a result of stormwater. This application is supported by an Engineering Services Report prepared by Newton Denny Chapelle dated March 2020 which provides for stormwater management. An RFI was issued regarding stormwater management and further discussions were held with Council's
- Additional stormwater entering concrete dish drain at rear of Fieldcrest Place properties, previous damage to retaining walls	

	Development Engineer who is satisfied with the proposed stormwater management and who provided the following comments:
	<p><i>In accordance with Council's Stormwater Management Guidelines for Development, an applicant may either provide onsite detention to control post-developed stormwater flows to pre-developed rates or augment Council's downstream network to convey stormwater without adverse effects to downstream properties.</i></p> <p><i>In this case the developer is proposing to augment the downstream network to convey the 1%AEP (100 year storm event) without detention. It is proposed to provide a drainage reserve between the head of the proposed cul-de-sac and the drainage reserve that runs between Lot 227 and Lot 228. Stormwater will be directed via the proposed drainage reserve to the existing drainage reserve in Fieldcrest Place via an augmented pit and pipe network.</i></p>
Sewerage	
- Impact of additional sewage	The gravity sewer will be extended from a stub at the rear of 180 North Creek Road (Lot 4) into the subdivision. The Sewerage network can accommodate this development.
Water pressure	
- Water pressure is already low, what will impact of additional housing be?	Council's Water Engineer identified that potable water is in the reduced pressure zone and issues have been experienced in the locality. The consent, should the application be approved, will be conditioned to ensure design is suitable prior to issue of a Construction Certificate.
Easement/access to Fieldcrest Place	
- Will this be a public thoroughfare?	There is an existing drainage reserve between Lot 227 and Lot 228 Fieldcrest Drive and between Lot 220 and 221 Fieldcrest Drive and these reserves will be utilised for the drainage of stormwater from the site of the proposed development.
- Increased pedestrian traffic will cause privacy and security issues for adjoining owners	<p>The proposal provides that overland flow swales will be reinstated within these existing reserves.</p> <p>Council's Development Engineer is satisfied with the design for stormwater management.</p>
Miscellaneous	
- What variation is being sought?	The applicant submitted a Request to Vary a DCP control which requires a Geotechnical

	Assessment to be submitted with the development application. The variation requests that the consent be conditioned to require this prior to Construction Certificate. This is considered an acceptable variation.
- Lot 9 has narrow frontage (5m) is this a variation	The lot size and shape is compliant with Council's DCP.
- Parts of development application form not complete	Those parts of the development application form required to be complete for a residential subdivision application were complete to the satisfaction of Council.

4.15(1) (e) The public interest

Comment: Overall the development is considered to be in the public interest as it is consistent with the zoning of the land and associated planning provisions, and the intended planning outcome for the site (being infill residential development).

Refer to Attachment 2 – Section 4.15 Assessment for further comment.

Conclusions

The proposed development has been assessed and consideration has been given to all the relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979, including the provisions of the Ballina Local Environmental Plan 2012, the Ballina Shire Development Control Plan 2012 and submissions made in response to the exhibition and notification of the proposed development.

Thirty seven notifications were sent to adjoining owners/occupiers and eight submissions of objection were received to the proposal. Issues identified were lack of integration, configuration, density/character, amenity, noise, traffic and parking, pedestrian safety, building envelopes/built form, vegetation removal, stormwater, sewerage, water pressure and easements/access to Fieldcrest Place.

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

In relation to the issues of integration of development and vegetation on the site, the address of these matters is summarised below.

Integrated development

The proposed development does not provide any linkage to the No Build Zone on Lot 5 to the north which was set aside for a road corridor to provide for an integrated development.

However, while it may have been Council's preference at the time of rezoning and at the time of subsequent subdivisions undertaken by the owner of Lot 5, there is no legal requirement for any owner to undertake an integrated development approach.

The owner of Lot 5 acted independently in undertaking subdivision of the property to the north of the subject lands.

While the owner suggests that they are disadvantaged by this proposal, there are avenues available, as outlined previously in this report, to have the No Build Zones removed from that property.

The current proposal is an integrated subdivision outcome between Lots 4 and 6.

Vegetation Retention / Removal

The proposal retains the Norfolk Island Pine trees on proposed Lot 12 and provides No Build Zones extending 15m from the trunk of the trees.

Other native vegetation to be retained along the northern boundary include a Sydney Blue Gum, Tallowood and Swamp Mahogany.

No Build Zones are also provided along the northern boundary to provide protection to these retained trees.

Concerns were raised by Council during the assessment of the application regarding suitable protection of the trees and solar access to future dwelling houses on proposed lot 10 and 11.

The plans were further amended, by undertaking minor reconfiguration of proposed Lots 9, 10 and 11 which provide more suitable areas for building pads.

The proposal initially required the removal of 24 trees. Amended plans submitted reduced the number of trees required for removal to 21.

Of the trees to be removed 15 are exotic Fiddlewood trees, one exotic Benjamin Fig and one exotic Cook Island Pine.

Native trees to be removed are a Hoop Pine, Swamp Mahogany, Tindale's Stringybark and a Moreton Bay Fig.

Native rainforest understory vegetation is also removed as a consequence of the proposed development.

As a result of the vegetation removal required for the subdivision, the developer will be required to provide either native habitat offset through local rehabilitation/reconstruction works or provide funding for restoration elsewhere.

Options

Option One – Approval

That Council consent to the development application subject to conditions of consent. Should Council choose to proceed with this option, it must be satisfied that the proposal is generally consistent with the provisions of the relevant Environmental Planning Instruments, Ballina Shire Development Control Plan 2012 and the likely impacts on the neighbourhood.

This is the recommended option.

Option Two – Refusal

That Council refuse the development application on the grounds that:

- the proposal precludes the ability to undertake an integrated development across the rezoned land
- the subdivision has not been suitably designed with regard to significant vegetation such as the Moreton Bay Fig and the long term retention of vegetation on site including the Norfolk Island Pines.

Option Three – Deferral

That Council defer the development application to obtain further information.

Options two and three are not recommended as the technical assessment has concluded there is sufficient information available to determine the application and that the proposed development warrants approval with conditions.

RECOMMENDATION

That DA 2020/292 for a Staged Subdivision of Land involving the creation of 12 Torrens Title lots, road and infrastructure servicing, bulk earthworks, retaining walls and vegetation removal on land at 180-190 North Creek Road Lennox Head be **APPROVED** subject to the application of standard planning, building and engineering conditions and specific conditions identified within this report.

Attachment(s)

1. Locality Plan
2. Section 4.15 Assessment
3. Plans of Proposed Subdivision
4. Submissions
5. Applicant's Response to Submissions

8.2 Dog Management - Lennox Head Surf Club Reserve

8.2 Dog Management - Lennox Head Surf Club Reserve

Delivery Program

Environmental and Public Health

Objective

To review dog access and restrictions for the public foreshore reserve adjacent to the Lennox Head Surf Club.

Background

Council resolved at 26 November 2020 Ordinary meeting as follows in relation to dog management in the foreshore area adjacent to the Lennox Head Surf Club:

'That this matter be deferred to the December 2020 Ordinary meeting and that a Councillor Briefing be held prior to the meeting'.

A briefing was held on the matter on 2 December 2020.

The matter was also the subject of a notice of motion to the August 2020 Ordinary meeting and an onsite briefing in September 2020.

Following the December briefing, this report seeks direction on the management approach to be applied to the reserve area in the vicinity of the surf club.

Key Issues

- Dog access and restrictions
- Ability to implement changes at this time of year
- Compliance and regulatory action

Information

In October 2019, Council considered a report on the dog access arrangements for the Lake Ainsworth Precinct including the foreshore reserve adjacent to the Lennox Head Surf Club and Seven Mile Beach.

The arrangements that are currently in place at the Lennox Head Surf Club foreshore reserve are those that were adopted at that time and prohibit dogs along the entire frontage of the reserve (aside from use of the walkway to the beach and in the immediate vicinity of the kiosk).

At the time, a request to allow access to the kiosk for the purchase of products was facilitated, hence the existing configuration and the dog on leash access between the surf club building and the toilet block as illustrated in Figure 1. This enabled dog walkers to access the kiosk whilst taking their dogs along the pathway to the exercise area at Seven Mile Beach.

The changes in 2019 sought to balance access to, and the use of, the foreshore reserve and to support ongoing management of the area from a compliance perspective for Council's rangers.

8.2 Dog Management - Lennox Head Surf Club Reserve



Figure 1: Current Dog Access Arrangements – Lennox Head Surf Club Area

A significant portion of the people that frequent this area with dogs, appear to do so in order to access and use the pathway to the off leash dog exercise area on Seven Mile Beach.

The kiosk operations are popular and there is regular activity at varying scales associated with the surf club. Currently there are compliance matters relating to the surf club building and use of the reserve, which are under investigation.

8.2 Dog Management - Lennox Head Surf Club Reserve

There are a variety of options for the configuration of the dog access arrangements within the reserve, each with advantages and disadvantages.

If changes are to be made, it is unlikely that the required works could be undertaken prior to the Christmas / New Year period, along with ensuring there is sufficient education and information provided to the community.

This then raises the question of how to manage the area, in any interim period, if a change to the current arrangement is adopted by Council.

If changes are endorsed, and put on hold until the New Year, it may create further confusion and conflict, and difficulties for Council's rangers in managing this high activity precinct.

Given the discussions to date have not identified a clear position of Council, it may be beneficial to consider this issue within a broader context where the different stakeholders and the community as a whole have an opportunity to examine and provide comment on dog management arrangements more broadly.

This could be done in the context of the planned review of the Companion Animals Management Plan due to be undertaken in 2021. This approach has the advantage of enabling a holistic review of different stakeholder needs, companion animal management principles and community feedback.

Given the difficulty in implementation of any changes over the Christmas / New Year period and the opportunity the pending review of the Companion Animals Management Plan presents, it is recommended that Council maintains and enforces the existing arrangements in the reserve (as shown in Figure 1) with any changes to be considered as part of the Companion Animals Management Plan review.

However, if immediate changes are preferred by Council, the creation of an extended area adjacent to the beach access path along the northern frontage of the reserve is proposed as the most practical and enforceable arrangement. This is illustrated in Figure 2 as follows.

This approach is proposed on the basis of enabling a greater area for dogs on leash and practicality of defining the on leash areas to support community understanding and ultimately enforcement.

The configuration aims to avoid creation of disconnected and isolated dog on leash area in the reserve and also allows people to actively keep their dogs on leash and under effective control at all times.

This approach also provides for a reasonable spread of people and dogs in the reserve and logical physical markers and compliance parameters for the rangers.

Consistency and clarity are key principles to encourage optimal compliance outcomes in this locality.

Regulations need to consider the enforceability and willingness of the community to also comply.



Figure 2: Expanded Dog On Leash Area Concept – Lennox Head Surf Club Area

Summary

In consideration of the factors outlined in this report and discussed at the Councillor briefings, including the time of the year and the difficulties in implementing any changes in the short term, it is recommended that the current arrangements as indicated in Figure 1 are maintained and the matter be considered further as part of the review of the Companion Animals Management Plan.

8.2 Dog Management - Lennox Head Surf Club Reserve

Under this approach, changes to the area can be considered more holistically (in relation to the overall approach to dog management in the shire). This approach also allows for broader community input, including those who support dog access and those who don't.

The Companion Animals Management Plan sets the strategic and holistic approach to dog management in the shire. By looking at the surf club reserve area in the context of the overall management of dogs in the shire, possible changes and actions can be weighed and balanced in light of feedback and big picture planning for companion animal management.

To ensure a timely response to this matter, the Companion Animals Management Plan Review can be brought forward to occur earlier in 2021. The recommendation embodies an approach where the plan review occurs in the first quarter of 2021.

Sustainability Considerations

- **Environment**

Protection of the natural and built environment through the introduction of clear guidelines for the management of dogs is an important consideration. It is anticipated that the land can be suitably managed in relation to environmental attributes under both options presented in this report.

- **Social**

Dog ownership brings both great benefits and significant adverse impacts for people living in the community.

Irresponsible owners of dogs can be the cause of many neighbourhood disputes. Dog attacks cause serious injury to people and other animals and have occasioned death.

Dogs provide great support and companionship to owners and help with loneliness and assist in rehabilitation of people.

Ballina Shire has an extensive network of dog accessible areas. The recommended approach provides for consideration of the surf club area in the context of this broader network and Council's overall dog management principles.

- **Economic**

If there are changes, the costs are expected to be minimal, but are dependent on the approach adopted.

Legal / Resource / Financial Implications

The responsibility and cost to Council in managing dogs is substantial and there is a need to balance the allocation of resources to meet legislative requirements and the expectations and demands of the local community.

Requests to provide additional ranger activity and further presence in the community on dog matters is increasing.

8.2 Dog Management - Lennox Head Surf Club Reserve

This needs to be balanced with the overall responsibilities of Council's ranger function.

If Council resolves to make changes to the dog management arrangements in the reserve, minor costs such as new signs and markers can be met from existing budget allocations.

Consultation

Consultation regarding this review and proposed changes has been undertaken with various internal sections of Council and in response to community concerns and requests.

Feedback from the community has also been considered.

This feedback has been in the form of correspondence to Council and discussions between staff and members of the community that occurred as part of the community education program implemented when the first change to dog management in the reserve was made at the end of 2019.

The Lake Ainsworth Coastal Management Program was adopted through extensive community consultation. Feedback obtained through that process has also been considered in the formulation of the contents of this report.

However, if the recommendation is endorsed in this report the whole community would have an opportunity to provide comment and submissions through a public exhibition period at the next review of the Companion Animal Management Plan.

Options

1. *Maintain current dog management arrangements and further consider the matter as part of the next review of the Companion Animals Management Plan.*

Given the issues raised in relation to the use of the reserve at present, it is advantageous to provide a clear direction on the approach to dog management.

Maintenance of the status quo (Figure 1) is the recommended approach to achieve consistency until such time as Council has been able to carry out a broader consideration of dog management through the Companion Animals Management Plan.

In summary, the recommendation is to look at the dog management arrangements in the reserve from a broader perspective via the established Companion Animals Management Plan review.

Under this approach, there would be no change to the dog access arrangements currently in place until the review of the Companion Animals Management Plan is completed.

Council's rangers will seek to enforce the existing arrangements in the meantime.

8.2 Dog Management - Lennox Head Surf Club Reserve

2. Amend the dog management in the precinct as illustrated in Figure 2.

This approach may not resolve the conflict between all users of the area but with improved signage and separation measures/indicators may provide clarity for dog users and other members of the public in relation to dog access and management arrangements in the reserve area.

It will allow members of the public that wish to use this area with their dogs to have a greater spatial separation.

This option will, however, be difficult to implement prior to the busiest time of the year and hence this approach is not supported at this time.

This has the risk of creating confusion and uncertainty for users and for compliance activity in the reserve (e.g. with a change pending (if this option is adopted) what is the community understanding of how to behave in the reserve and what is the community expectation around rangers enforcing the current arrangements over the Christmas / New Year period).

There are also other options, as discussed in the briefing(s), including:

- As per figure 2, with the south eastern location of the dog area moved further north – it will be important to clearly delineate the southern boundary if this option is preferred.
- Only allow dogs north of the existing off-leash access path, within a defined precinct. The difficulty with this option is defining that location (may need some sort of perimeter boundary) and it does create a disconnect with the kiosk.
- Don't allow dogs on the reserve and only allow access along the path to the dog off-leash area. This will need a period of community education to assist with compliance.

In summary the difficulties that Council is facing with this decision is that there are numerous options available, all with advantages and disadvantages.

Any final decision needs to reflect how Council wishes to balance the competing stakeholders, which include dog owners, people who don't want dogs in this location, kiosk users, surf club members and nippers, beach users and holiday makers.

The complexities of this precinct, and the potential for any decision to impact a number of people, is why the recommendation is to make any changes through a holistic review, as part of the Companion Animals Management Plan.

This ensures that any proposed changes are exhibited for public comment, with Council then in a position to make a final decision based on the submissions received.

RECOMMENDATIONS

1. That Council maintain the current arrangements for dog management in the reserve area adjacent to the Lennox Head Surf Club, with further consideration given to dog access and restrictions in the area as part of the next review of the Companion Animals Management Plan in 2021.
2. That Council commence the review of Companion Animals Management Plan within the first quarter of 2021.
3. That Council continue to undertake community education and compliance action regarding dog related matters in this reserve area.

Attachment(s)

Nil

8.3 Festival and Events Sponsorship Program - 2021/22

8.3 Festival and Events Sponsorship Program - 2021/22

Delivery Program

Open Spaces

Objective

To allocate funding for the Festival and Events (Community and Commercial) Sponsorship Program for the 2021/22 financial year.

Background

The Festival and Events (Community and Commercial) Sponsorship Program is now in its tenth year.

The program was established in 2010 to provide funding to eligible community groups who coordinate 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 reviewed in March 2020.

The Commercial Sponsorship Policy was developed to provide an opportunity for commercial groups to be able to apply for funding under the existing community events program and recognise the economic and social development opportunities commercial operators may bring.

Both policies state that Council will invite submissions for funding support, with an expression of interest process recently completed for the 2021/22 funding program.

Councillors received a briefing on the expressions of interest received on 1 December 2020.

This report seeks confirmation of the funding allocations for the 2021/22 year.

Copies of the submissions have been previously provided to Councillors (email dated 30 November 2020).

Key Issues

- Equitable process for organisations seeking event funding and support
- Funding allocations for festivals and events in 2021/22
- Compliance with Council policies

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 2020.

8.3 Festival and Events Sponsorship Program - 2021/22

As a result of the exhibition process Council received eight applications as follows:

Name of organization	Name of event	Request (\$)
Lennox Head Chamber of Commerce	Love Lennox Festival 2022	20,000
Le-Ba Boardriders	Skullcandy Oz Grom Open 2021	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2021	8,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000
Truckstop Sk8	Fair Go Skatefest 2021	9,000
Alstonville Rotary Club	Northern Rivers Green Living Expo	50,750
Ballina's Festival of the Arts	Ballinale	19,700
Sand Events Pty Ltd	Live at the Smokehouse	25,000
TOTAL		177,450

The forecast budget allocation for the program in 2021/22 is \$120,000.

Truckstop Sk8 Fair Go

In respect to this application, Council has a separate budget of \$4,000 for the Fair Go skating competition event.

This year, Truckstop Sk8 Fair Go has requested a total of \$9,000 in funding to assist with the successful additional competition day and a larger event in 2021/22.

Council could apply \$4,000 from the skating competition budget and provide the additional \$5,000 from this program to provide a total of \$9,000.

Truckstop Sk8 has successfully grown this youth event to two days. It is also aligned with one of the key objectives of Council's Destination Management Plan, being to attract visitors to our area and increasing overnight stays.

Previous Funding

The following table provides a summary of funding allocated by Council for the last three financial years for the applicants for 2021/22.

Name of organization	Name of Event	2018/19 Funded	2019/20 Funded	2020/21 Funded	2021/22 Request
Lennox Head Chamber of Commerce	Love Lennox Festival 2021	15,000	15,000	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2020	25,000	25,000	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2020	5,000	5,000	5,000	8,000
Alstonville Agricultural Society	New Years Eve Family Event	20,000	20,000	20,000	20,000
Truckstop Sk8	Fair Go Skate Competition	*4,000	*4,000	(*4,000) 5,000	9,000
Alstonville Rotary Club	Northern Rivers Green Living Expo	N/A	N/A	N/A	50,750
Ballina's Festival of the Arts	Ballinale	N/A	N/A	N/A	19,700
Sand Events Pty Ltd	Live at the Smokehouse	N/A	N/A	N/A	25,000

*Funded from the Fair Go Skateboarding Budget

Sustainability Considerations

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

Legal / Resource / Financial Implications

The Festival and 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 2021/22.

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 operational budgets.

Consultation

The Festival and Event (Community and Commercial) Sponsorship Program opportunity was advertised for four weeks from Friday 25 September 2020 to Friday 23 October 2020.

The Program was promoted through a number of channels including:

- Advertised in The Lennox Wave
- 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 2021/22 has a budget of \$120,000.

The total amount requested from the applicants this year is \$177,450 exceeding the budget by \$57,450.

8.3 Festival and Events Sponsorship Program - 2021/22

Some options on the appropriate distribution of funds were considered at the 1 December 2020 Councillor briefing and are presented as follows.

Option One – Council could allocate funds to applicants that have met the eligibility criteria and within the current budget allocation of \$120,000, based on amounts provided in previous years. For new applicants, an equitable method is to consider the anticipated profit/loss statements in their applications and also the anticipated attendance numbers.

The primary advantage of this option is that it maintains the level of support Council has previously provided and it helps to reflect the size and scale of the new events. The key disadvantage is that it does not reflect any preference for a particular event by Council, based on potential community priorities, or gaps in the current festival and event program.

Option Two – Council could allocate funds to applicants that are within the current budget allocation of \$120,000, based on amounts provided in previous years, with new applicants sharing the remaining funding in equal shares.

Similar to option one, the advantage of this option is that it maintains the level of support Council has previously provided and the disadvantage is that it does not reflect the priorities of Council, or the scale and / or cost of the event.

For example it is expected that the Alstonville Rotary Club will require additional funding (beyond their initial event estimate) to cover the costs to hire large marquees if the Alstonville Leisure and Entertainment Centre is not available to hire for their event.

Options one and two are summarised in the following table.

Name of organization	Name of Event	2021/22 Request	Option One	Option Two
Lennox Head Chamber of Commerce	Love Lennox Festival 2022	20,000	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2021	25,000	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2021	8,000	8,000	8,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	20,000	20,000
Truckstop Sk8	Fair Go Skatefest 2020	9,000	(*4,000) 5,000	(*4,000) 5,000
Alstonville Rotary Club	Northern Rivers Green Living Expo	50,750	25,000	14,000
Ballina's Festival of the Arts	Ballinale	19,700	8,500	14,000
Sand Events Pty Ltd	Live at the Smokehouse	25,000	8,500	14,000
TOTAL		177,450	120,000	120,000

* Amount from Fair Go Skate annual budget

Option Three - It is open to Council to allocate the funding in a number of different ways different to the options presented above.

Council may wish to consider factors such as the commercial aspects of the proposals (and breakdown of costs), alignment with the principles of the Community Strategy Plan or retention of some funds (to reduce expenditure).

8.3 Festival and Events Sponsorship Program - 2021/22

Based on the discussion at the briefing, and the general consensus that the Northern Rivers Green Living Expo has significant potential and higher costs, the preferred option is option one as it is an approach that reflects current priorities, and takes into account the forecast scale of the new events.

RECOMMENDATION

That Council approves the following funding allocations for the 2021/22 Festival and Events Sponsorship Program.

Name of organisation	Name of Event	2021/22 Request	Option One
Lennox Head Chamber of Commerce	Love Lennox Festival 2022	20,000	20,000
Le Ba Boardriders	Skullcandy Oz Grom Open 2021	25,000	25,000
Quota International Alstonville/Wollongbar	Craft & Garden Fair 2021	8,000	8,000
Alstonville Agricultural Society	New Year's Eve Family Festival	20,000	20,000
Truckstop Sk8	Fair Go Skatefest 2020	9,000	(*4,000) 5,000
Alstonville Rotary Club	Northern Rivers Green Living Expo	50,750	25,000
Ballina's Festival of the Arts	Ballinale	19,700	8,500
Sand Events Pty Ltd	Live at the Smokehouse	25,000	8,500
TOTAL		177,450	120,000

* Amount from Fair Go Skate annual budget

Attachment(s)

Nil

8.4 Land Classification - Western Side of Hutley Drive Extension

8.4 Land Classification - Western Side of Hutley Drive Extension

Delivery Program

Strategic Planning

Objective

To determine the approach to the future use of residue land following completion of the Hutley Drive North extension road works.

Background

Council at the October 2019 Ordinary meeting considered a report relating to the Part V assessment of the northern extension of Hutley Drive to Byron Bay Road. At that meeting Council approved the Hutley Drive North extension subject to planning, engineering and environmental measures. Council also resolved to receive a report on options to categorise the residual land on the west side of the road as community land and develop appropriate concept plans.

This report reviews Council's options with respect to the residual land and seeks direction on the preferred future use of this land prior to the development of concept plans.

Key Issues

- Preferred land use for residue land following completion of road works
- Optimum community outcomes

Information

Council's purchase of 9 Byron Bay Road, Lennox Head (Lot 2 DP 620838) was finalised in March 2018.

Lot 2 had an area of 9,735m² and at the time of acquisition was zoned RU1 Primary Production under the provisions of Ballina LEP 2012.

Prior to the purchase of Lot 2, Council at the July 2017 Ordinary meeting endorsed the preparation of a planning proposal to rezone this lot to a R2 Low Density Residential zone and apply a 600m² minimum lot size. This rezoning, which eventually also included the Telstra site, corner of North Creek Road and Byron Bay Road, was finalised in November 2019 as Amendment No. 41 to Ballina LEP 2012.

Following the purchase of Lot 2, Council resolved to classify the land as operational land at the April 2018 Ordinary meeting. Lot 2 was acquired by Council to facilitate the construction of Hutley Drive North and its connection with Byron Bay Road. Land not required for road purposes was proposed to become available for subdivision, or for other Council purposes.

Subsequent to the purchase, land on the eastern side of Hutley Drive has been confirmed by Council for use by the Lennox Head Community Pre-school and the Lennox Head Rural Fire Service.

8.4 Land Classification - Western Side of Hutley Drive Extension

Land on the western side of Hutley Drive, outlined by red edge in Figure 1 below, which has an area of approximately 3,790m², is the subject of this report. Approximately 40% of this land consists of a batter associated with Hutley Drive, the remaining land, which adjoins four residential properties is more gently graded.

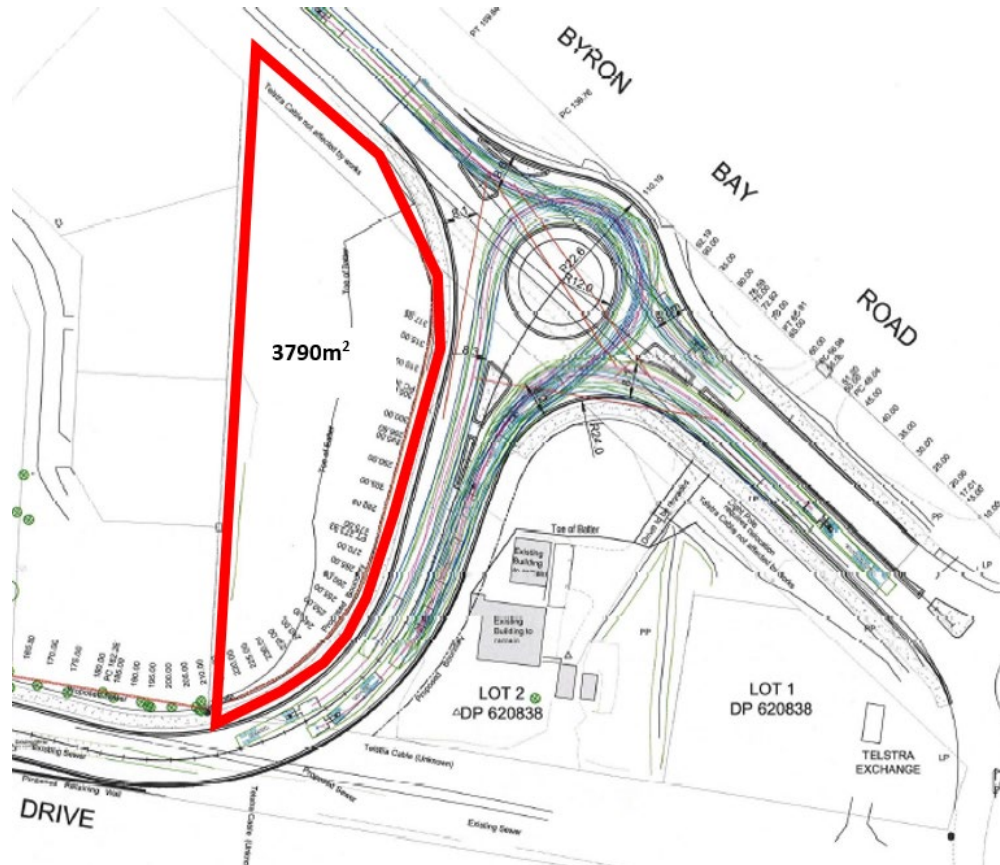


Figure 1: Location of residue land following road works

The following photos show the residue land and adjoining development.



8.4 Land Classification - Western Side of Hutley Drive Extension



The Local Government Act 1993 (LG Act) enables Council to classify land as community or operational land.

Section 33 of the LG Act relates to the reclassification of operational land as community land. It provides that a council may resolve that public land classified as operational land is to be reclassified as community land.

Section 34 of the LG Act requires a council to give public notice of a proposed resolution to classify or reclassify public land.

The public notice must include the terms of the proposed resolution and a description of the land.

A period of not less than 28 days must be allowed in which submissions may be made to council.

There are a number of potential uses which may be suitable for the land which include:

8.4 Land Classification - Western Side of Hutley Drive Extension

Landscaping and tree planting

The land could be extensively landscaped by Council and used as a green buffer between the dwellings (four), which obtain access from Ocean Breeze Drive, and Byron Bay Road. Landscaping works could be undertaken without reclassifying the land as community land.

Access to the land is constrained with only one access driveway, utilised by Council staff, provided from Hutley Drive. This is a gated access point, which is unsuitable for general public access.

Given the access constraints, landscaping works undertaken on the land would mainly benefit the four adjoining residential properties. They would largely be unseen from Byron Bay Road or Hutley Drive due to the acoustic fencing which surrounds the eastern side of the lot and the topography of the land.

If the land remains in public ownership, landscaping of the site to create a self-sustaining bushland area would be beneficial from the perspective of minimising ongoing mowing of the land.

Alternatively funding of planting/landscape works may be achieved through a vegetation management plan approach. This involves use of the site as a compensation for the removal of EEC vegetation on other sites (private development or Council projects).

Having regard to tree management buffers required from the existing residential properties (six metres from tree drip line) and the land's isolated nature (not contiguous to other substantial vegetated areas), using the site as an offset area is not the preferred outcome and is not recommended.

Consolidation of the land with adjoining residential properties

Subject to interest from adjoining property owners, the land could be subdivided and then sold to adjoining property owners. This outcome could be achieved under existing the operational classification of the land.

There are four residential properties which back onto the land, ranging between approximately 950m² and 2,850m² in size. These properties are zoned R2 Low Density Residential and are subject to a 1,200m² minimum lot size.

To enable this outcome to be progressed would initially require land owners to be approached to determine interest. This would then be followed by the preparation of a concept subdivision plan, and the obtaining of valuations.

The final step would then be to offer the land for sale to adjoining owners and require its consolidation with existing lots. The process may result in an opportunity being created for the subdivision of the consolidated lots should the resulting size of a lot enable this. Other factors such as access and suitable building envelopes would also need to be considered in determining subdivision suitability.

The subdivision potential of the land can be considered further should there be land holder interest in purchase of the Council land in relation to any proposal for sale of the site.

8.4 Land Classification - Western Side of Hutley Drive Extension

Offer the land to community organisations through an expression of interest process.

There may be some suitable community uses for the land. These could be revealed through an expression of interest process.

The difficulties associated with community use of the land also relate to the constrained site access and potential amenity impacts on adjoining residential properties. It is likely that this process may result in few, if any, potentially suitable uses being nominated.

Residential or other urban land use

Given the zoning of the land, it is possible that the site could be used for the purpose of residential development or some other urban land uses. There are difficulties with this though that would require more detailed investigation.

Key issues to consider include the suitability of the land particularly with respect to the batter associated with the road works, access to the land and potential impacts on the adjoining neighbours.

Sustainability Considerations

- **Environment**

The consideration of potential land use options for the land does not give rise to specific environmental consequences.

- **Social**

The consideration of potential land use options for the land does not give rise to specific social consequences.

- **Economic**

At this stage the consideration of potential land use options for the land does not give rise to specific economic consequences.

Legal / Resource / Financial Implications

Council is able to reclassify the land to community land as outlined in this report. Council is also able to subdivide lot 2 and offer the resultant lots to adjoining owners given the operational classification currently applying to this land.

Reclassification, or subdivision and sale of the land may be undertaken utilising existing resources.

In terms of financial implications, these vary considerably depending on Council's land use preference for the land.

Consultation

No community consultation has been undertaken during the preparation of this report. Should Council resolve to reclassify or seek to sell the land, community and stakeholder consultation will occur in accordance with the requirements of the Local Government Act.

Options

Option 1 – Pursue the Sale of the Land to Adjoining Landholders

Under this option, Council would write to adjoining residential property owners to determine if there is any interest in the purchase of residue land sections contiguous to existing rear property boundaries.

Subject to interest, a preliminary plan of subdivision would be prepared and valuations obtained, with this information reported to Council for further consideration.

Council from time to time offers suitable residue land, resulting from roadworks, for purchase by adjoining owners. In this case given the shape of the land, and its access constrained and enclosed nature, this is the recommended option.

It is noted that a significant batter, required to support the adjoining road infrastructure, impacts part of the land. The batter area would likely become burdened by an easement for support or a s88B restriction preventing building within the batter area. This issue may then impact the value of the land.

Option 2 – Prepare and Implement a Landscape Concept Plan

Under this option, Council would prepare a landscape concept plan for the land, and subject to consultation with adjoining owners, proceed to landscape the residue land. This option may include the reclassification of the land from operational to community land.

The retention of an operational classification is of most utility to Council as it provides for the maximum flexibility in the management of the land. However, a community land classification can provide for more certainty in relation to the future use of the land from a community perspective.

A community land classification would be accompanied by a land categorisation (such as natural area or general community use) that would be determined in association with the landscape concept planning process.

If the land is to be retained for landscaping purposes, it is recommended that the operational land classification be retained to provide flexibility in the management of the land and in particular, the batter that is associated with the Hutley Drive North road construction.

Option 3 – Invite Expressions of Interest for the Use of the Land

This involves Council calling for expressions of interest for the use of the land. A further report would be presented to Council on any responses received.

Option 4 – Undertake Detailed Investigation of Urban Use Potential

Under this option, a detailed analysis would be undertaken to identify potential urban land use outcomes such as residential development of the land (e.g. sale of the land for a dwelling or subdivision of the land for residential lots).

8.4 Land Classification - Western Side of Hutley Drive Extension

If this option is to be pursued it is recommended that any investigation incorporate specific engagement with the adjoining neighbours to the west of the land.

Option 5 - Council could resolve to defer this matter to a Councillor briefing.

It is open to the Council to defer consideration of this matter to obtain further information.

On balance the deferral to a briefing is the preferred approach as this enables discussion of the options for the future use of the land presented in this report in more depth and within the context of the completed Hutley Drive North works, as well as exploration of any other options Councillors would like to consider.

This is the recommended approach.

If Councillors wanted any particular option(s) evaluated as part of the briefing, the resolution could include the option(s) of interest.

RECOMMENDATION

That Council receive a briefing on options for the future use of the part of Lot 2 DP 620838 (9 Byron Bay Road) Lennox Head that is located on the western side of the Hutley Drive North extension.

Attachment(s)

Nil

8.5 Land Classification - Lot 160 DP 1261459, Carroll Avenue

8.5 Land Classification - Lot 160 DP 1261459, Carroll Avenue

Delivery Program

Strategic Planning

Objective

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

Background

Lot 160 DP 1261459 (Lot 160) entered into Council's ownership on 23 October 2020 upon the registration of the plan of residential subdivision for Stage 1a within the Aureus Estate at Skennars Head.

The plan of subdivision designates Lot 160 as a drainage reserve as the lot contains infrastructure designed and constructed as part of the drainage system servicing the allotments and road system within this new subdivision.

Lot 160 is shown outlined by red edge in the locality plan below.

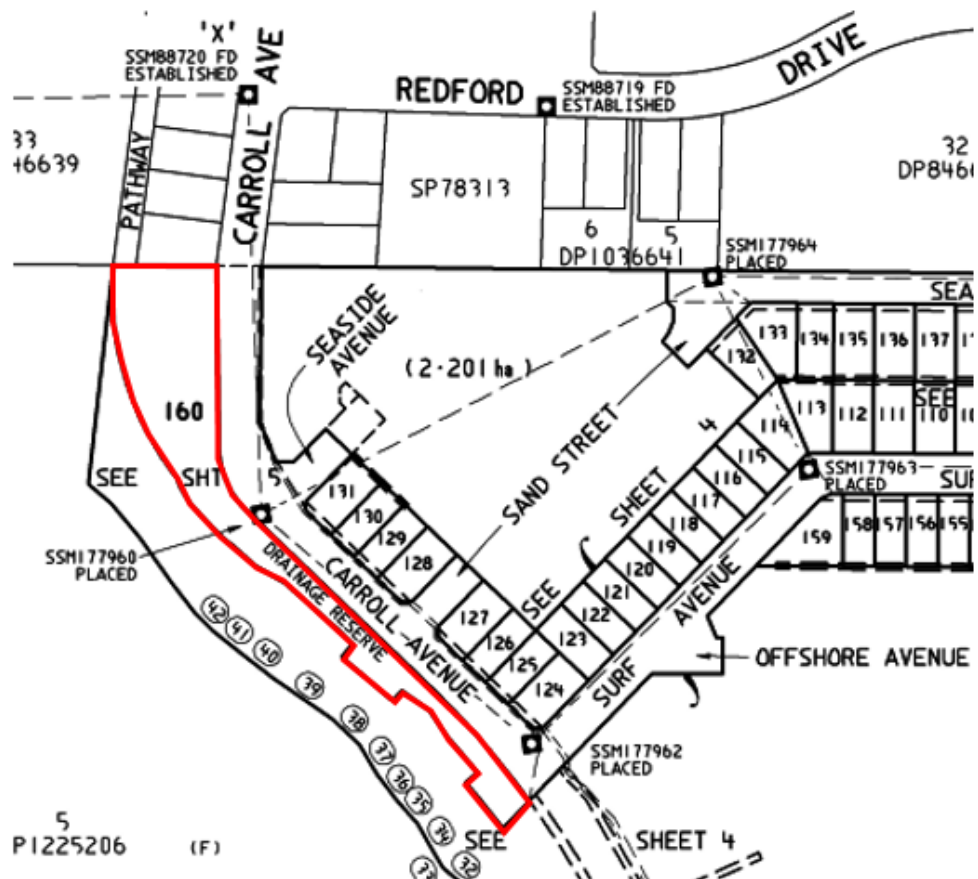


Figure 1: Locality Plan

The purpose of this report is to determine the classification of Lot 160 under the terms of the *Local Government Act 1993* (LG Act). Part 2 of Chapter 6 of the LG Act regulates the management of public land.

8.5 Land Classification - Lot 160 DP 1261459, Carroll Avenue

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

Key Issues

- Classification of the land under the terms of the Local Government Act
- Nature and use of the land

Information

The subject lot has been dedicated to Council by the developer of the Aureus Estate subdivision for the purpose of a drainage reserve.

The land contains stormwater management infrastructure provided as part of the residential development on the adjacent land.

Lot 160 has an area of 6,415m² and is zoned R2 Low Density Residential under the provisions of the Ballina Local Environmental Plan (LEP) 2012.

As Lot 160 has been created to contain stormwater management infrastructure and does not function as open space for public recreation, it is recommended that it be classified as operational land in accordance with the provisions of the LG Act.

Section 31 of the LG Act provides that before a council acquires land, or within three months after it acquires land, it may resolve that the land be classified as either community land or operational land.

If the land has not been classified within the three month period then it is taken to have been classified as community land.

The subject land came into Council’s ownership on 23 October 2020 upon the registration of Deposited Plan 1261459 and the three month classification “window” expires on 23 January 2021.

Section 34 of the LG Act requires that public notice of a proposed resolution to classify land must be given and that a period of not less than 28 days to receive submissions must be provided.

A public notice of the proposal to classify the subject land as operational land was displayed on Council’s website on 4 November 2020 in accordance with section 34 of the Act.

Submissions were invited until 4 December 2020.

No submissions were received in response to the notification.

Given that the land is now in Council’s ownership and the required public notification has been completed, it is necessary for Council to confirm whether the land is to be classified as operational land under the terms of the LG Act.

Sustainability Considerations

- **Environment**

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

- **Social**

As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

The classification of Lot 160 in DP 1261459 as operational land is a legal mechanism under the LG Act that provides Council with flexibility in the management and maintenance of the land for stormwater infrastructure.

The proposed classification will not result in direct adverse resource or financial implications but will enable the efficient management and maintenance of the land for its intended public utility purpose in the long term.

Consultation

Public notification of the proposal to classify the land as operational land has occurred in accordance with the requirements of section 34 of the *Local Government Act* 1993. Public submissions were invited, with the closing date being 4 December 2020. No submissions in response to the notification were received.

Options

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

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

This is the recommended approach.

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

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

The classification of the land as operational land, as per option one, is the recommended approach as the land has been specifically acquired for a use compatible with an operational classification.

8.5 Land Classification - Lot 160 DP 1261459, Carroll Avenue

Classification as operational land allows for Council's relatively unfettered ongoing management and maintenance of the land for stormwater infrastructure purposes.

Option 3 – Defer consideration of classification of the site.

Council may defer consideration of the classification of the lot in order to receive further information. This is not recommended given the three month classification "window" expires on 23 January 2021 and the next opportunity for Council to make a decision via an Ordinary meeting would be 28 January 2021.

Under this scenario, the subject lot would be classified as community land by default, which is not recommended for the reasons specified in option 2 above.

RECOMMENDATION

That Council classifies the land identified as Lot 160 DP 1261459, being land located on the western side of Carroll Avenue, Skennars Head, as operational land under the provisions of the Local Government Act 1993 and that this classification takes effect immediately.

Attachment(s)

Nil

8.6 Development Applications - Works in Progress - December 2020

8.6 Development Applications - Works in Progress - December 2020

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

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/74	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	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 and 22 Scarlett Court, Wollongbar	Awaiting additional information
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
2019/283	7/5/2019	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - December 2020

2019/376	11/6/2019	Newton Denny Chapelle	Amended Proposal: Erection of two , six shade house structures, two sheds, eight rainwater tanks, earthworks, access driveways, vegetation removal and landscaping – 348 Rous Road, Rous Mill	Awaiting additional information
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
2019/535	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 1,090m 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	Awaiting additional information
2019/666	16/10/2019	GHD Pty Ltd on behalf of Ballina Shire Council	Upgrades to the Marom Creek Water Treatment Plant – 65 Weis Lane, Rous	Being assessed
2019/736	19/11/2019	D & S Greeney	Proposed Two Lot Torrens Title subdivision, erection of dwelling house and associated swimming pool, earthworks, vegetation removal, access driveway and change of use of existing dwelling to a secondary dwelling – 16 Tara Downs, Lennox Head	Determination pending
2019/743	22/11/2019	Ardill Payne & Partners	Refurbishment and expansion of the existing caravan park to provide a total of 87 long-term sites and one site for the manager residence/office. The proposal comprises demolition works, earthworks, removal of short-term and camping sites, removal of access from River Street and construction of new driveway access from Emigrant Lane, construction of new amenities and facilities, internal roadworks and car parking - 586 River Street and 21 Emigrant Creek Road, West Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - December 2020

2019/794	12/12/2019	Ardill Payne & Partners	Two lot subdivision by way of boundary adjustment to create one x 42.46ha and one x 1.47ha allotments – Palm Lake Resort, 120 North Creek Road, Ballina	Being assessed
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1,465m from the intersection of North Creek Road and Skennars Head Road to an existing sewer pump station east of Castle Drive, Lennox Head. The proposed new pipeline will replace an existing dilapidated main – North Creek Road, Skennars Head Road and Castle Drive, Lennox Head	Referred to Government Departments
2020/76	14/2/2020	Newton Denny Chapelle	Proposed filling of land to establish a building pad for future development purposes and associated works – 210 Southern Cross Drive & Corks Lane, Ballina	Awaiting additional information
2020/153	13/3/2020	Planners North	Erection of a mixed use development comprising recreation facility (indoor) and information and education facility and associated works – 68 De-Havilland Crescent, Ballina	Being assessed
2020/194	30/3/2020	Ardill Payne & Partners	To undertake the construction of a car park and associated access driveway to service an existing seniors housing development – 148 and 120 North Creek Road, Ballina	Determination pending
2020/199	1/4/2020	Newton Denny Chapelle	Alterations and Additions to an Existing Industrial Building and Associated Works – 6 Piper Drive, Ballina	Awaiting additional information
2020/242	23/4/2020	Planners North	Multi dwelling housing development comprising the erection and Strata Title subdivision of 44 two storey dwellings and associated works - Lot 6 DP 1225206 The Coast Road, Skennars Head	Being assessed
2020/244	23/4/2020	Northern Rivers Land Solutions	Three Lot Torrens Title Subdivision to create one x 800m ² , one x 860m ² and one x 1,084m ² allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell	Awaiting additional information

8.6 Development Applications - Works in Progress - December 2020

2020/270	4/5/2020	R & J Harris Consulting Pty Ltd	Alterations and additions to an existing waste management facility comprising the erection of a waste transfer shed used for the storage of excavation drilling mud and the transfer of recycled containers (Container Deposit Scheme Materials) and parking of vehicles – 540 Pimlico Road, Pimlico	Determination pending
2020/284	12/5/2020	Ballina Island Developments Pty Ltd	Subdivision of proposed Super Lot 102 in DA 2018/51 comprising the creation of 17 Torrens Title residential lots and one super lot, road construction, installation of infrastructure and services, earthworks and vegetation clearing – 20 North Creek Road, Lennox Head	Determination pending
2020/364	12/6/2020	Ardill Payne & Partners	Boundary adjustment subdivision of two lots to create two modified lots comprising one proposed 1.3ha and one 17.3 ha allotments - 13 Kamala Place, Tintenbar	Being assessed
2020/431	8/7/2020	Ardill Payne & Partners	Change of use of part of the existing operation of a general industry – brewery to an artisan food and drink industry - 2/188-202 Southern Cross Drive, Ballina	Determination pending
2020/439	14/7/2020	Newton Denny Chapelle	Erection of industrial building and associated infrastructure and earthworks and the use of Unit 1 for the purpose of a warehouse or distribution centre and Units 2 to 5 for the purpose of general industry - 46 Kays Lane, Alstonville	Being assessed
2020/450	20/7/2020	Ray Cavill	Establishment of an Information and Education Facility (art gallery and studio) comprising conversion of existing church building to gallery space, erection of pottery studio, kiln shed, ancillary amenities including caretaker's accommodation and associated infrastructure works – 36 Rous Mill Road, Rous Mill	Awaiting additional information To be determined by Council Resolution No: 270820/10
2020/518	14/8/2020	T Fitzroy	Extensions to existing industrial building and associated works and change in use of existing premises from a vehicle repair station to light industry – 11 Owens Crescent, Alstonville	Being assessed

8.6 Development Applications - Works in Progress - December 2020

2020/529	21/8/2020	Ardill Payne & Partners	To establish a detached dual occupancy and associated works involving the change of use of a shed to a dwelling (retrospective). The application is supported by a variation to a development standard request to enable the proposed dual occupancy to be detached rather than attached to the existing dwelling house as required by Clause 14 of the Ballina Local Environmental Plan 1987 – 76 Phillips Road, Newrybar	Awaiting additional information
2020/540	26/8/2020	Ardill Payne & Partners	Subdivision involving the staged creation of three Torrens Title Lots, demolition of dwelling house and associated infrastructure works – 71 Teven Road, Alstonville	Being assessed
2020/542	26/8/2020	Newton Denny Chapelle	Expansion of an existing Rural Industry involving the processing of natural extracts and including the erection of a new shed and the carrying out of associated earthworks, services and driveway access- 226 Hinterland Way, Knockrow	Being assessed
2020/548	27/8/2020	Tim Fitzroy & Associates	Erection of an industrial building and associated works- 66 De-Havilland Crescent, Ballina	Being assessed
2020/562	3/9/2020	Newton Denny Chapelle	Temporary earthworks stockpile and rock crushing - Super Lot 5 DP 1239938 Montwood Drive at EPIQ, Lennox Head	Being assessed
2020/566	3/9/2020	Ardill Payne & Partners	Subdivision to create 10 Torrens Title residential lots and associated infrastructure services – Approved Lot 605 (as per DA 2015/468) DP 1265586 Ballina Heights Drive, Cumbalum	Determination pending
2020/568	4/9/2020	Planners North	Construction of a dwelling and associated earthworks and vehicular access - Lot 3 DP 611002 Midgen Flat Road, Newrybar	Being assessed
2020/582	8/9/2020	L Cramp	To undertake vegetation removal – 400 Old Byron Bay Road, Newrybar	Being assessed
2020/591	14/9/2020	Newton Denny Chapelle	Subdivision comprising the creation of 25 industrial lots ranging in size from 1,181sqm to 4,493sqm, one residue lot of 4.13hectares and associated infrastructure servicing and bulk earthworks – 25-39 Boeing Avenue and Corks Lane, Ballina	Awaiting additional information

8.6 Development Applications - Works in Progress - December 2020

2020/596	15/9/2020	Ardill Payne & Partners	Industrial development comprising the demolition of one existing industrial building and the construction of two new industrial buildings to be used for a combination of general industrial purposes and warehousing and the carrying out of associated works – 14-16 Southern Cross Drive, Ballina	Being assessed
2020/618	23/9/2020	Newton Denny Chapelle	Multi-dwelling housing development comprising the erection of 25 two storey dwellings, Strata Title subdivision and associated works. A variation is sought to the 8.5m height of building development standard contained in Clause 4.3 of the Ballina Local Environmental Plan 2012 for a number of the proposed dwellings – 2, 6 and 12 Anchorage Avenue, Lennox Head	Awaiting additional information
2020/625	23/9/2020	H Nguyen	Change of use to establish a beauty/nail salon and associated fit out works – 127-129 River Street, Ballina	Determination pending
2020/632	25/9/2020	Newton Denny Chapelle	Warehouse or distribution centre involving the construction of a 40m x 40m shed and associated civil, car parking and landscaping works. A variation to the 8.5m Height of Building development standard is being sought for the proposed shed – Lot 228 DP 1121079 Teven Road, West Ballina	Being assessed
2020/641	20/9/2020	Northern Rivers Land Solutions	Two lot boundary adjustment subdivision to create one x 17.1ha and one x 36.7 ha allotments – 9 Houghlahans Creek Road and 1668 Eltham Road, Teven	Referred to Government Departments
2020/649	2/10/2020	Ardill Payne & partners	Subdivision to create three Torrens Title residential allotments and associated infrastructure servicing – 30 Kellie-Ann Crescent, Lennox Head	Being assessed
2020/657	7/10/2020	O Ben Harush	Strata Title Subdivision of an existing dual occupancy – 38 Calnan Crescent, Cumbalum	Awaiting additional information
2020/668	13/10/2020	P Sammut	Erection of an industrial building for the purposes of general industry – 16 Ascot Road, Ballina	Determination pending
2020/672	13/10/2020	Ardill Payne & Partners	To establish temporary stockpiles of soils and rock surplus to the subdivision works in the western precinct of Ballina Heights Estate – Mitchell Close, Cumbalum	Awaiting additional information

8.6 Development Applications - Works in Progress - December 2020

2020/681	15/10/2020	Ardill Payne & Partners	Change of use to general industry and alterations and additions to the industrial premises - 15 Clark Street, Ballina	Awaiting additional information
2020/682	15/10/2020	Newton Denny Chapelle	Multi dwelling housing development comprising three dwellings, Strata Title subdivision and associated earthworks - 62 Avalon Avenue, Wollongbar	Awaiting additional information
2020/687	16/10/2020	R Hammond	Change of use to establish a mixed use development comprising a vehicle repair station with ancillary sales of spare parts and tyres and vehicle sales or hire premises - 16-18 Owens Crescent, Alstonville	Awaiting additional information
2020/705	27/10/2020	J Brady	Alterations and Additions to existing shop (Hair Dressing Salon) - 66 Ballina Street, Lennox Head	Being assessed
2020/714	29/10/2020	Newton Denny Chapelle	Strata title Subdivision of an Existing Dual Occupancy Development - 55 Snapper Drive, Lennox Head	Being assessed
2020/716	29/10/2020	Newton Denny Chapelle	Subdivision by boundary adjustment of three existing lots to create one 1.3hectare lot, one 53 hectare lots and one 52 hectare lot - 898 River Drive, Lot 5 River Drive and Lot 6 Church Lane, Empire Vale	On exhibition
2020/717	30/10/2020	The Owners - Strata Plan 2442	Rectification of Existing Revetment Wall - 8 Norlyn Avenue, Ballina	Awaiting additional information
2020/718	30/10/2020	Northern Rivers Land Solutions	Establishment of an agricultural produce industry (micro-distillery) - Lot 192 Fernleigh Road, Tintenbar	Being assessed
2020/750	10/11/2020	S Cho	Change of Use of Tenancy 14 to establish a food and drink premises in conjunction with tenancy 15 and alterations to premises - 44 Bangalow Road, Ballina (Tenancy 15)	Being assessed
2020/756	17/11/2020	Newton Denny Chapelle	Vehicle Repair Station involving demolition of the former Big W nursery, erection of new building extending west from the Big W western façade, erection of free standing associated building and reconfiguration of existing on-site car parking - 44 Bangalow Road, Ballina (Big W Nursery)	On exhibition
2020/757	17/11/2020	GM Project Development	To establish a storage premises (damaged vehicles) - 26 Smith Drive, West Ballina	Being assessed

8.6 Development Applications - Works in Progress - December 2020

2020/760	18/11/2020	J Mengel	Vegetation management works comprising the removal of one tree – 106 Eyles Drive, East Ballina	Being assessed
2020/766	19/11/2020	Ardill Payne & Partners	Construction of an industrial complex containing two buildings to be used for light/general industrial and a gymnasium and cafe - Lot 8 Ascot Road, Ballina	Being assessed
2020/767	19/11/2020	Ardill Payne & Partners	Extension to Council's reticulated sewerage system (sewer main) and the connection of six private lots - Paperbark Close and Teven Road, West Ballina	Being assessed
2020/771	20/11/2020	Serpentine Australia Pty Ltd	Vegetation management works comprising the pruning of one tree - 6-7 Easton Place, East Ballina	Being assessed
2020/776	24/11/2020	Ardill Payne & Partners	Alterations and additions to St Andrews Village including demolition of two units and construction of two replacement units - 140-150 Cherry Street, Ballina	On exhibition
2020/778	24/11/2020	R&J Harris Consulting Pty Ltd	Proposed Rural Industry comprising the erection of 30 silos and including a variation to the 11.2m AHD building height development standard under clause 4.3A of the BLEP 2012– Silos - 540 Pimlico Road, Pimlico	Being assessed
2020/786	26/11/2020	A Stafford	Alfresco Dining – Lennox Smokin' Barrell - 9 Moon Street, Ballina	Being assessed
2020/791	27/11/2020	D Wallace	Vegetation management works comprising the removal of two trees - 20 Mellis Circuit, Alstonville	Being assessed

8.6 Development Applications - Works in Progress - December 2020

Regional Development (Determined by Northern Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/524	16/9/2016	Planners North	Seniors living development pursuant to SEPP (Housing for Seniors and People with a Disability) comprising amended layout, 147 (previously 211) self-care housing, clubhouse, recreation facilities, roads and infrastructure, environmental management and protection works – 67 Skennars Head Road	Awaiting additional information
2020/192	27/3/2020	Planners North	Establishment of a proposed 300 site Manufactured Home Estate with associated manager's residence, club house, recreation facilities, roads, utility services, earthworks and other associated works. The application seeks a variation to Clause 4.3 Height of Buildings development standard under the Ballina Local Environmental Plan 2012. A Section 82 Objection under the Local Government Act 1993 has been submitted to enable the onsite construction of manufactured homes in variance to Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 requiring construction offsite – 550-578 River Street, West Ballina	Class 1 Appeal – Deemed Refusal

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 December 2020.

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 documents.

US/25	<p>Ballina Shire Council lease to Y & T Ebihara for Shop 11 Wigmore Arcade Ballina for a period of two years with a one year option at market rent + outgoings + GST.</p> <p>Explanation: Shop 11 Wigmore Arcade has been vacant for some time. The proponents intend to open a Japanese takeaway.</p>
US/26	<p>Council, as Crown Land Manager ('CLM') for the Captain Cook Park and RSL Memorial Park (R71612)</p> <p>12 month short-term licence between Council as CLM (R71612) and the Country Women's Association of New South Wales Incorporated for Lot 8 Section 5A in DP 758047 (River Street, Ballina), at a statutory minimum rental, commencing 1 January 2021 to 31 December 2021.</p> <p>Explanation: The NSW State Government has provided a 12 month transition period for councils managing Crown reserves under the Crown Land Management Act 2016, which commenced 1 July 2018. Under the new framework, Council as CLM can issue a short-term licence under s2.20 of the Act for a maximum period of 12 months.</p>

Attachment(s)

Nil

9.2 Investment Summary - November 2020

9.2 Investment Summary - November 2020

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 investments report setting out Council's cash and investments.

The report is to be presented at the Ordinary Council meeting, immediately following the end of the respective month. This report has been prepared for the month of November 2020.

Key Issues

- Compliance with Investment Policy

Information

As at 30 November 2020, Council's investments are in accordance with Council's Investment Policy and the Local Government Act and Regulations.

The total balance of investments as at 30 November 2020 was \$89,788,300. This is an increase of \$3,250,000 from October. Council's investments, as at 30 November, were invested at an average (weighted) interest rate of 1.030%, which is 1.004% above the November average 90 Day Bank Bill Index of 0.026%.

The balance of the Commonwealth Bank business account as at 30 November 2020 was \$10,617,089. This is an increase of \$4,983,544 from the balance as at 31 October 2020.

The total increase in investments and bank balances was \$8,233,544. This increase is primarily attributable to the quarter two rates instalment payments received on 30 November 2020. In addition, Council received significant grant payments during the month including the 2019/20 pensioner concession subsidy (\$817K), the quarter two financial assistance grant (\$562K) and the quarter two Roads to Recovery grant (\$540K).

A higher cash balance has been sustained at the time of writing this report. This is intentional and aligned to Council's forecast cash outflows to occur during December which includes \$2.7 million in loan repayments and anticipated significant creditor payments as suppliers prepare for the Christmas / New Year break.

TCorp's weekly economic commentary report for the week ending 30 November 2020 can be reviewed online using the following link:

<https://www.tcorp.nsw.gov.au/resource/301120.pdf>

9.2 Investment Summary - November 2020

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for the following purposes, as shown in the following table:

Reserve Name	Restriction	% Portfolio*
Wastewater (incl developer contributions)	External	13.3%
Water (incl developer contributions)	External	21.9%
Section 7.11 Developer Contributions	External	13.4%
Bonds and Deposits	External	4.6%
Other External Restrictions	External	1.9%
Carry Forward Works	Internal	4.3%
Bypass Maintenance	Internal	4.3%
Bushfire Recovery	Internal	1.4%
Airport	Internal	2.5%
Landfill and Resource Management	Internal	1.0%
Employee Leave Entitlements	Internal	4.2%
Quarries	Internal	0.9%
Property	Internal	4.3%
Plant and Vehicle Replacement	Internal	0.6%
Road Works	Internal	3.5%
Community Facilities	Internal	1.4%
Miscellaneous Internal Reserves	Internal	6.1%
Financial Assistance Grant in Advance	Internal	2.6%
Unrestricted		7.8%
Total		100.00%

* Reflects reserves updated as at 30 June 2020.

Rates and Charges Debtor Balances

Council's cash flows are directly impacted by the turnover rate of debtor balances.

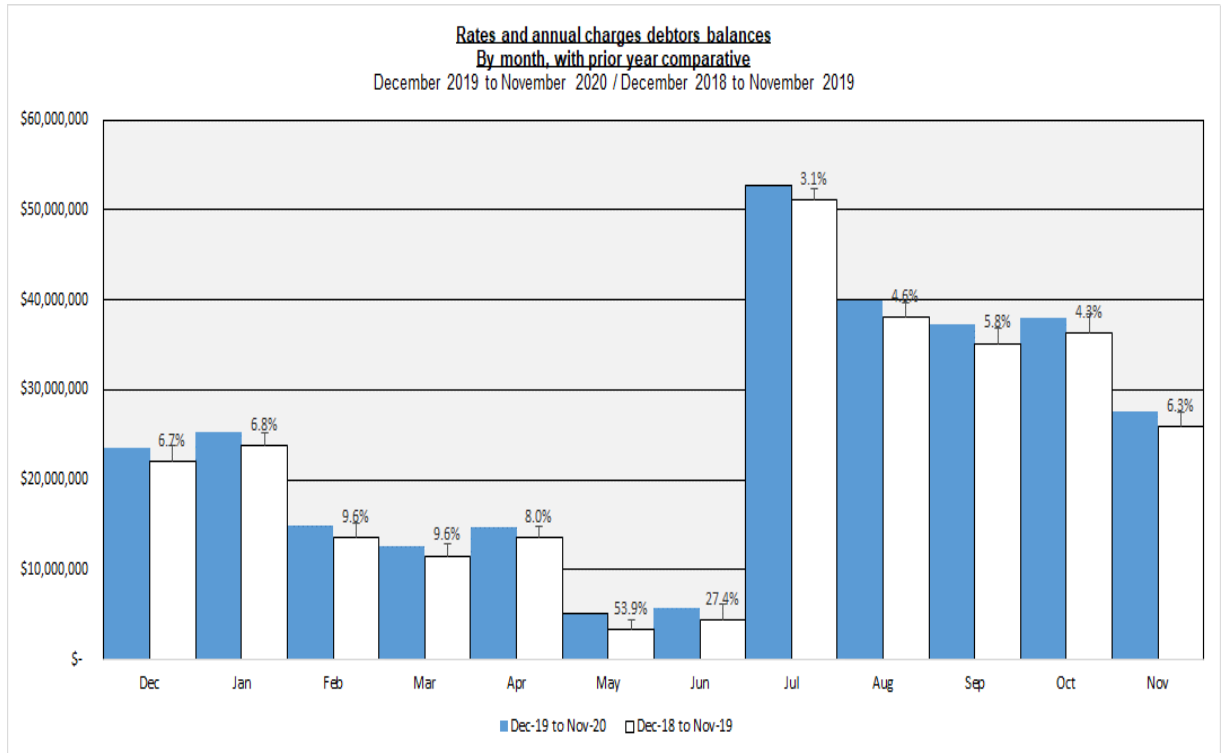
As a consequence of COVID-19, Council experienced increased debtor balances due to a decline in the timely payment of rates and annual charges.

The following chart shows the monthly balance of rates and annual charges debtors for the year ended 30 November 2020, in comparison to the year ended 30 November 2019.

The percentages shown in the table represent the change from the monthly balance in the current year compared to the previous year. As per the percentages, since June 2020, the level of rates and annual charges debtors have continued to normalise to pre-COVID 19 levels, with the percentage figures now ranging from 4% to 6% higher, as compared to 53% and 27% in May and June, although this dollar value difference is similar.

This improvement has been assisted by active measures that have assisted ratepayers to manage their rates and annual charges, such as establishing payment plans and issuing reminder letters.

9.2 Investment Summary - November 2020



A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments								
National Australia Bank	Yes	BBB	-	1,788	1,788	0	2.1%	2%
Rated Institutions								
AMP Bank	Yes	BBB	A2	6,500	6,500	10%	7.2%	
Australian Unity bank	n/a	BBB+	-	3,000	1,000	10%	1.1%	
Auswide Bank	No	BBB	Baa2	2,000	2,000	10%	2.2%	
Bank of China	Yes	A	A1	5,000	5,000	20%	5.6%	
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.1%	
Bank of Queensland	Yes	BBB+	A3	6,000	6,000	10%	6.7%	
Bendigo & Adelaide Bank	No	BBB+	A3	6,000	6,000	10%	6.7%	
Commonwealth Bank Aus	Yes	AA-	Aa3	11,000	11,000	20%	12.3%	
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.7%	
Defence Bank Ltd	No	BBB	-	5,500	5,500	10%	6.1%	
IMB Ltd	No	BBB	Baa1	-	2,000	10%	2.2%	
ING Bank (Australia) Ltd	Yes	A	A3	1,000	1,000	20%	1.1%	
ME Bank	No	BBB	Baa1	1,750	6,000	10%	6.7%	
Macquarie Bank Limited	Yes	A+	A2	1,000	1,000	20%	1.1%	
My State Bank Ltd	No	BBB+	Baa1	3,000	2,000	10%	2.2%	
National Australia Bank	Yes	AA-	Aa3	9,000	9,000	20%	10.0%	
Newcastle Perm Bld Soc	No	BBB	A3	4,700	4,700	10%	5.2%	
Suncorp Limited	No	A+	A1	4,000	4,000	20%	4.5%	
Teachers Mutual Bank Ltd	No	BBB	Baa1	700	700	10%	0.8%	
Westpac Banking Corp	Yes	AA-	Aa3	13,000	13,000	20%	14.5%	98%
Total				86,538	89,788		100%	

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value Previous	Value Current	% Previous	% Current
	%	Value				
A- or Higher	100%	89,788	45,000	45,000	52.0%	50.1%
BBB	60%	53,873	41,538	44,788	48.0%	49.9%
Total			86,538	89,788	100%	100%

9.2 Investment Summary - November 2020

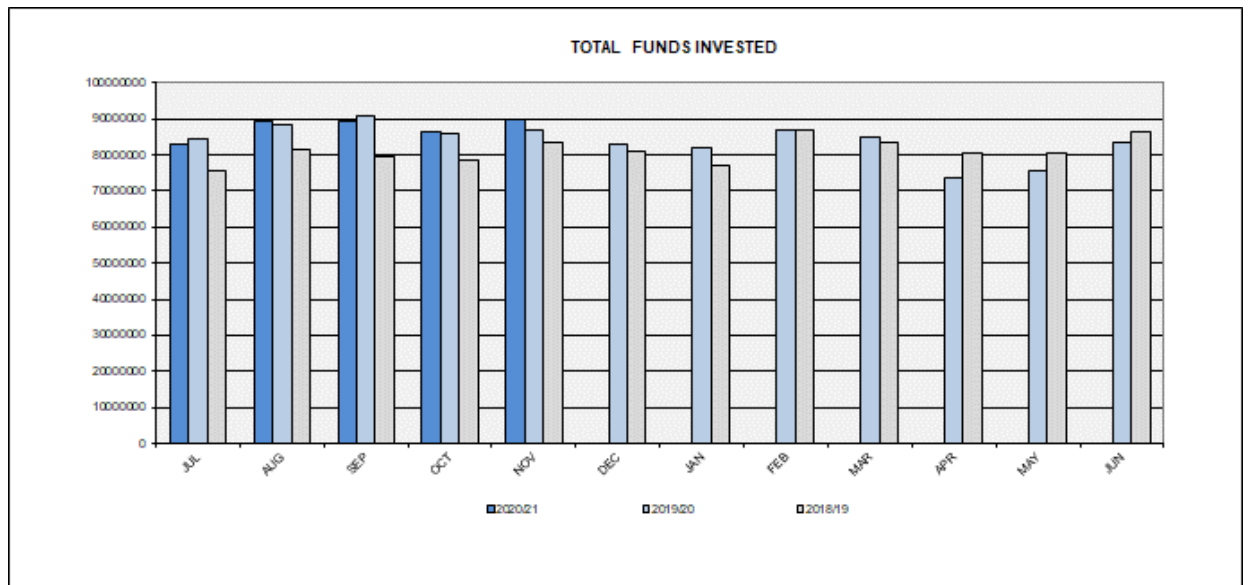
B. Summary of Investments Fossil Fuel Aligned

During the month of November 2020, Council's four new term deposits were invested with non-fossil fuel institutions. This has resulted in an increase in the portfolio percentage of non-fossil fuel investments from 33% to 37%. As Council's fossil-fuel investments mature, staff will continue to actively seek opportunities to invest in either non-fossil fuel investments or, alternatively, the green deposits as noted in the prior period Investment Summary.

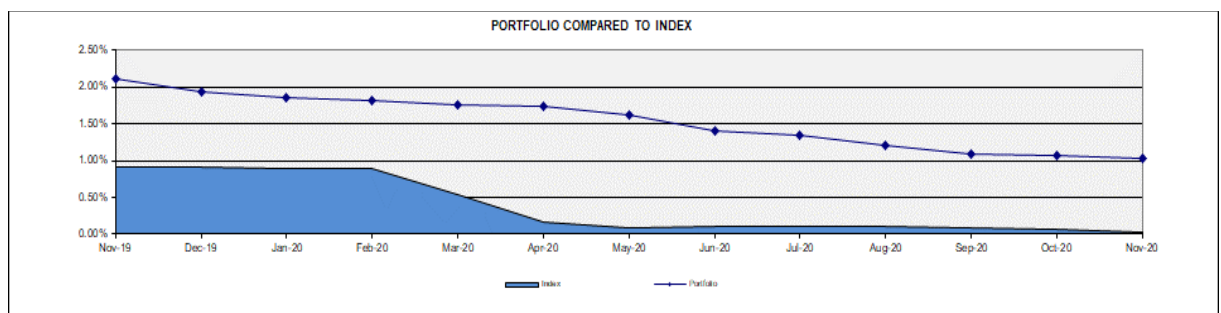
	Previous Month (\$'000)	Current Month (\$'000)
Fossil Fuel Aligned	55,288 64%	55,288 62%
Non-Fossil Fuel Aligned	28,250 33%	33,500 37%
Not Classified	3,000 3%	1,000 1%
Total	86,538 100%	89,788 100%

Classification based on advice from 'Market Forces'.

C. Monthly Comparison of Total Funds Invested

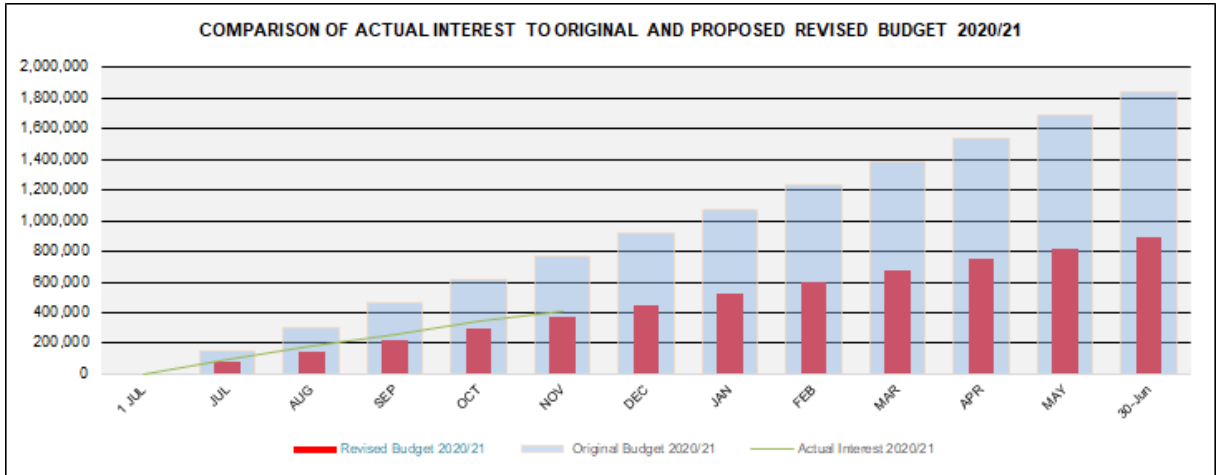


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.2 Investment Summary - November 2020

E. Progressive Total of Interest Earned to Budget



F. Investments held as at 30 November 2020

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
20/09/04	National Australia Bank (ASX Listed)	Perpetual	1.3500%	Perpetual	1,788	1,749
17/06/16	Commonwealth Bank of Australia	FRN	1.1400%	17/06/21	1,000	1,000
30/06/16	Commonwealth Bank of Australia	FRN	1.1300%	30/06/21	1,000	1,000
03/08/17	Westpac Banking Corporation	FRN	1.1048%	03/08/22	2,000	2,000
18/08/17	Westpac Banking Corporation	FRN	1.0700%	18/08/22	1,000	1,000
06/02/18	Newcastle Permanent Bld Society	FRN	1.4200%	06/02/23	700	700
02/07/18	Teachers Mutual Bank Limited	FRN	1.4600%	02/07/21	700	700
30/07/18	Westpac Banking Corporation	FRN	0.9868%	31/07/23	1,000	1,000
31/07/18	Westpac Banking Corporation	FRN	0.9868%	02/08/23	1,000	1,000
06/09/18	Credit Union Australia	FRN	1.3400%	06/09/21	600	600
06/09/18	Newcastle Permanent Bld Society	FRN	1.4200%	06/02/23	1,000	1,000
10/09/18	AMP Bank	FRN	1.1700%	10/09/21	1,500	1,500
11/01/19	Commonwealth Bank of Australia	FRN	1.2101%	11/01/24	1,000	1,000
08/02/19	Westpac Banking Corporation	FRN	1.0710%	06/02/24	2,000	2,000
21/02/19	Newcastle Permanent Bld Society	FRN	1.0682%	22/02/21	2,000	2,000
22/02/19	Newcastle Permanent Bld Society	FRN	1.0682%	22/02/21	1,000	1,000
26/07/19	Commonwealth Bank of Australia	FRN	1.1100%	26/07/21	1,000	1,000
01/08/19	AMP Bank	FRN	1.1700%	10/09/21	2,000	2,000
26/08/19	AMP Bank	FRN	1.1700%	10/09/21	1,000	1,000
28/10/19	Bank of Communications	FRN	0.9456%	28/10/22	1,000	1,000
28/01/20	ING Bank (Australia) Ltd	TD	1.6500%	21/01/21	1,000	1,000
11/02/20	Auswide Bank	TD	1.6500%	04/02/21	2,000	2,000
26/02/20	Defence Bank Ltd	TD	1.6500%	23/02/21	1,000	1,000
03/03/20	Defence Bank Ltd	TD	1.6500%	02/03/21	1,000	1,000
05/03/20	My State Bank Ltd	TD	1.6500%	03/03/21	1,000	1,000
07/03/20	Defence Bank Ltd	TD	1.6000%	08/12/20	1,500	1,500
17/03/20	My State Bank Ltd	TD	1.7500%	16/12/20	1,000	1,000
17/03/20	Macquarie Bank Limited	TD	1.6000%	22/12/20	1,000	1,000
24/03/20	Defence Bank Ltd	TD	1.8500%	23/03/21	1,000	1,000
04/06/20	National Australia Bank	TD	0.9900%	18/05/21	3,000	3,000
04/06/20	Bank of China	TD	0.9500%	01/06/21	2,000	2,000
10/06/20	AMP Bank	TD	1.5500%	10/12/20	1,000	1,000

9.2 Investment Summary - November 2020

Purch Date	Issuer	Type	Rate	Final Maturity Date	Purch Value \$'000	Fair Value \$'000
10/06/20	Australian Unity Bank	TD	1.0500%	08/04/21	1,000	1,000
10/06/20	Bank of China	TD	0.9200%	08/06/21	1,000	1,000
24/06/20	Bank of China	TD	0.9500%	23/06/21	2,000	2,000
29/06/20	Commonwealth Bank of Australia	TD	0.7400%	05/01/21	4,000	4,000
29/06/20	Bank of Queensland	TD	1.0500%	22/06/21	1,000	1,000
29/06/20	Bank of Queensland	TD	1.0500%	28/06/21	2,000	2,000
30/07/20	Commonwealth Bank of Australia	TD	0.7200%	04/02/21	3,000	3,000
04/08/20	National Australia Bank	TD	0.8500%	28/07/21	2,000	2,000
04/08/20	National Australia Bank	TD	0.8500%	03/08/21	4,000	4,000
11/08/20	Bendigo & Adelaide Bank	TD	0.7500%	05/08/21	2,000	2,000
11/08/20	Bank of Queensland	TD	0.8500%	10/08/21	3,000	3,000
17/08/20	AMP Bank	TD	0.8000%	17/08/21	1,000	1,000
20/08/20	Westpac Banking Corporation	TD	0.7500%	21/07/21	4,000	4,000
27/08/20	Defence Bank Ltd	TD	0.9000%	26/08/21	1,000	1,000
31/08/20	Westpac Banking Corporation	TD	0.7600%	03/09/21	2,000	2,000
31/08/20	Suncorp-Metway Limited	TD	0.7000%	09/03/21	2,000	2,000
02/09/20	Suncorp-Metway Limited	TD	0.7000%	02/03/21	1,000	1,000
02/09/20	Bendigo & Adelaide Bank	TD	0.7000%	01/09/21	2,000	2,000
16/09/20	ME Bank	TD	0.6500%	16/03/21	1,000	1,000
08/10/20	Suncorp-Metway Limited	TD	0.5500%	14/04/21	1,000	1,000
14/10/20	Bendigo & Adelaide Bank	TD	0.6000%	13/10/21	2,000	2,000
05/11/20	ME Bank	TD	0.4500%	12/01/21	2,000	2,000
27/11/20	ME Bank	TD	0.5000%	30/03/21	1,000	1,000
27/11/20	IMB Bank	TD	0.4000%	30/03/21	2,000	2,000
30/11/20	ME Bank	TD	0.5000%	20/04/21	2,000	2,000
	Totals				89,788	89,749
	TD = Term Deposit	FRN = Floating Rate Note				

RECOMMENDATION

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

Attachment(s)

Nil

9.3 Long Serving Employees - Recognition

9.3 Long Serving Employees - Recognition

Delivery Program

People and Culture

Objective

To formally recognise long serving Council employees.

Background

Council has a practice of annually recognising employees who have completed either 10, 20, 30 and 35 years plus, of service by providing an annual presentation at the December Council meeting, along with joining the Councillors for morning tea.

Key Issues

- Acknowledgment of the service of employees

Information

At 10.30 am Council will recognise the service of the following employees:

40 years

Paul Henderson
Mark Newsham

35 years

Anthony (Tony) Farrugia

30 years

David Kelly
Janelle Snellgrove

20 years

Jason Vidler
Nick Wheeler
Sandra Bailey
Malcolm Fox
Peta-Lyn Dalli

10 years

Carlos Alcaino
Daniel Leigh
Benjamin Robinson
David Tyler
Brendon Moore
Sarah Carden

9.3 Long Serving Employees - Recognition

Vernon Lister
Jennifer McDonald
Graeme Rishworth
Graham Brown
Matt Collins
Susan Mulherin
Brendan Sanders
Garry Connors
Gregory Loomes
Michael Delaney
Christopher Baker

A number of the employees will be present at the meeting.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Long term employees make a significant contribution to the expertise, tradition and social fabric of the Council.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Council has a recurrent budget for this program.

Consultation

This report is provided to publicly recognise long serving employees.

Options

This report recognises long servicing employees and the valuable contribution they have made to the Ballina Shire.

RECOMMENDATION

That Council acknowledges, congratulates and thanks the staff members outlined in this report on their service for Council and the community.

Attachment(s)

Nil

9.4 Financial Assistance - Council Fees and Community Donation

9.4 Financial Assistance - Council Fees and Community Donation

Delivery Program

Communications

Objective

To consider two requests for financial assistance from the Alstonville Wollongbar Rural Fire Brigade and the Ballina Sub-Section Naval Association of Australia.

Background

Council approved a number of donations at the July 2020 Ordinary meeting for the 2020/21 financial year. Since that time additional requests have been received. Typically the applicants are advised to reapply next financial year, however the policies do allow applications to be submitted to Council, where there may be exceptional circumstances.

Council has received two such requests which are supported by the following policies:

- *Donations – Assistance with Council Fees for Community Groups*
- *Donations – Financial Assistance for Community Groups*

The report that follows provides a summary of the requests.

Key Issues

- Community benefit
- Funding available

Information

Alstonville Wollongbar Rural Fire Brigade

The Alstonville Wollongbar Rural Fire Brigade (RFS) recently submitted a development application (DA) 2020/703 for the erection of an awning along the northern elevation of the Fire Station.

The RFS is seeking reimbursement of the DA fees paid in October 2020 (refer to Attachment 1).

A description of the fees is as follows:

Fee Description	Amount (\$)	Comments
Development Application Fee – Planning	200	Paid / Council fee
Compliance Levy – Plan	20	Paid / Council fee
Information and Technology Services Fee	7	Paid / Council fee
Commercial/Industrial Alterations and Additions Inspection	1,045	Paid / Council fee
Total	1,272	Receipt # 01273509

9.4 Financial Assistance - Council Fees and Community Donation

The Alstonville Wollongbar Rural Fire Brigade's application for \$1,272 aligns with the *Donations - Assistance with Council Fees for Community Groups* policy.

The project is on Council owned land and the consent for which the fees apply, relates to the improvement of the asset on the land.

Ballina Sub-Section Naval Association of Australia

The Ballina Naval and Maritime Museum is seeking financial assistance to cover the cost of a special frame to house memorabilia relating to Seaman Edward "Teddy" Sheehan, the first recipient of a Victoria Cross Medal in the Second World War.

Further details of the VC memorial tribute are included in Attachment 2.

The total cost of the VC memorial tribute frame is \$1,171. The application is seeking \$1,000 from Council.

The request from the Ballina Sub-Section Naval Association of Australia (Ballina Naval and Maritime Museum) for \$1,000 aligns with the *Donations – Financial Assistance for Community Groups* policy.

Sustainability Considerations

- **Environment**
N/A
- **Social**
The RFS works and VC memorial tribute provide community benefits to the people of Ballina Shire.
- **Economic**
Any donation will represent income foregone or an expense incurred by Council.

Legal / Resource / Financial Implications

The budget for assistance with Council fees for 2020/21 is \$4,000, with no funds expended this year. The budget for community donations 2020/21 is \$75,000, with \$10,210 unallocated. The amount unallocated is due largely to the cancellation of events as a result of the COVID-19 pandemic.

Consultation

Expressions of interest were called for community donations during May and June 2020. This is relevant to the Ballina Sub-Section Naval Association of Australia request, which is a late submission. The Alstonville Wollongbar Rural Fire Brigade request is relevant to a more recent planning application.

9.4 Financial Assistance - Council Fees and Community Donation

Options

Option one is to approve the requests from both organisations. This is the recommended option due to the availability of funding and alignment with these applications with Council's established Donations Policies.

Alternatively, Council may also determine not to approve the requests or approve a lesser amount.

This option is not recommended due to the reasons outlined in the information section of this report.

RECOMMENDATIONS

1. That Council approves the reimbursement of \$1,272 in fees paid by the Alstonville Wollongbar Rural Fire Brigade for development consent 2020/703.
2. That Council approves the request from the Ballina Sub-Section Naval Association of Australia (Ballina Naval and Maritime Museum) for a community donation of \$1,000 for the purchase of VC memorial tribute frame.

Attachment(s)

1. Reimbursement of Fees for DA 2020/703 - Alstonville Wollongbar Rural Fire Brigade
2. Community Donation - Ballina Sub-Section Naval Association of Australia (Ballina Naval and Maritime Museum)

9.5 Local Roads and Community Infrastructure Program - Extra Funding

9.5 Local Roads and Community Infrastructure Program - Extra Funding

Delivery Program

Financial Services

Objective

To confirm the projects to be completed through extra funding allocated to Council as part of the Federal Government's Local Roads and Community Infrastructure Program.

Background

On May 2020 the Federal Government announced \$500m for the Local Roads and Community Infrastructure (LRCI) Program to support local councils deliver priority local road and community infrastructure projects across Australia.

This funding was one of many State and Federal Government COVID-19 pandemic stimulus packages.

The Ballina Shire's initial allocation was \$880,000 with Council allocating the funding to the following projects:

Project	Allocation (\$)
Ballina Heights Sports Fields – Lighting	200,000
Pat Morton Car Park – Upgrade	40,000
Chesworth Lane – Sealing	120,000
Pimlico Hall – Improvements	50,000
Wardell Hall – Improvements	20,000
Ross Park – Playground Redevelopment	250,000
Wollongbar Sports Fields - Drainage	200,000
Total	880,000

In October 2020, the Federal Government announced a \$1 billion extension of the LRCI Program. Council has received correspondence from Kevin Hogan, Federal Member for Page, that the revised total allocation for Ballina Shire will now be approximately \$1.76m, representing an additional \$880,000.

Discussions with the Federal Department of Infrastructure, Transport, Regional Development and Communications confirm that the additional funding is available from 1 January 2021.

This report seeks confirmation of the additional projects to be funded through the LRCI Program.

Key Issues

- Projects must be completed by December 2021
- Projects must be additional to existing work plans for 2020/21

9.5 Local Roads and Community Infrastructure Program - Extra Funding

Information

The LRCI Program is part of the Federal Government's COVID-19 pandemic stimulus measures, with the focus on additional projects that can be delivered in a reasonably timely manner.

The list of eligible projects is broad with the key criteria being:

- *Eligible local road projects are projects that involve the construction or maintenance of roads managed by local governments.*
- *Eligible community infrastructure projects are projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.*

Road related projects can include traffic signs, control equipment, road and sidewalk maintenance, as well as the normal construction and maintenance of roads.

Community infrastructure can include cycleways and walking paths, improvements to community facilities, landscaping such as tree planting, fencing, picnic shelters, barbecues, playgrounds, skateparks or off-road car parks such as those at sporting grounds or parks.

In respect to the original allocation of \$880,000 there are concerns that Aboriginal Cultural approvals may delay the expenditure of \$40,000 on Pat Morton Car Park, which forms part of a larger allocation of \$100,000 for works in that location. Therefore the preference is to reallocate that funding as part of the second round of \$880,000.

Following internal discussions the recommended allocation of the additional funding is as follows.

Projects	Allocation \$)
1. Lanes - Amenity Upgrade	226,000
2. Road Reconstruction – Eltham Road	186,000
3. Sporting Facilities – Maintenance / Improvements	261,000
4. Community Halls / Facilities – Maintenance / Improvements	157,000
5. Amenities / Open Space Buildings – Maintenance / Improvements	90,000
6. Pat Morton Car Park (reversal)	(40,000)
Total	880,000

Item 1, Lanes - Amenity Upgrade, refers to a number of lanes located within the Lennox Village and Ballina Island areas. Due to development over many years, these lanes have become primary accesses for many properties, however many of these lanes are not constructed to a standard to provide this level of service.

Traditionally lanes have not been considered for upgrades, with priority given to streets, and it is desirable to commence a program of upgrades for lanes.

The type of work that is needed includes shoulder sealing, edge repair, improved drainage (kerb and gutter or dish drains will be a solution in some locations) and pavement rehabilitation or resurfacing.

9.5 Local Roads and Community Infrastructure Program - Extra Funding

Item 2 – Road Reconstruction – Eltham Road, is listed in the Council works program for 2021/22, with the project brought forward to 2020/21.

Items 3, 4 and 5 refers to a large number of projects where Council has limited recurrent funds to provide proactive maintenance.

Asset inspection reports, both internal and external (Australis Pty. Ltd), have identified the need for essential maintenance and a summary of the works included in items 3, 4 and 5 is as follows.

Assets	Estimate (\$)	Description	Source
Fripp Oval –AFL Junior Club Storage (Referred to as 'Old Shed' in Australis Report)	45,000	Reroof and gutter, external paint, remove asbestos sheeting, replace fascia, electrical upgrade	Australis report
Naval Museum Public toilets and Accessibility	38,000	Upgrade to public toilets to current standards to improve accessibility	Australis report
Seagulls Southern Overpass	50,000	Repair subsidence issues due to structural deterioration	Trades staff inspection
Lennox Head Cultural Centre Stage and Lift	35,000	Install permanent stage and disability lift	Accessibility improvement
Lennox Head CWA – Hall	15,000	Anti-vandal roof access prevention	Trades staff inspection report
Timber Slat at Fawcett Park Shelters	15,000	Replace deteriorated timber slats on park shelters	Trades staff inspection
Ballina Surf Life Saving Club Hot Water System Failed	15,000	Replace existing corroded system with ecofriendly solar with booster	Trades staff inspection
BBQ - Replacement Upgrade	40,000	Replace existing aged BBQ's in various parks some units over 14 years old	Trades staff inspection
Park Shelter Maintenance	35,000	Carry out shelter repairs throughout various reserves	Trades staff inspection
Saunders Oval Sports Club	18,000	Balcony, doors, electrical, finishes ceiling, floor and wall, fixtures, plumbing, structural	Australis report
Rowing Club	40,000	Doors, electrical, façade, finishes ceiling, floor and wall, fixtures, plumbing, structural, windows	Australis report
Geoff Watt Oval Sports Amenities Building	70,000	Electrical DB, fluoro lights, zip boiler, finishes amenities ceiling, broken tiles, metal window grille, plumbing, roof, fascia, paint wooden post	Australis report
Ballina Hockey Club	18,000	Maintenance, fixture improvements	Australis report
North Lakes Hall	19,000	Electrical, upgrade kitchen facilities, external and internal building repairs, painting	Australis report
Wardell Hall	25,000	Asbestos debris removal and maintenance	Australis report

9.5 Local Roads and Community Infrastructure Program - Extra Funding

Assets	Estimate (\$)	Description	Source
Kentwell Centre	10,000	Amenity enhancements	Trades staff inspection
Lyle Park	20,000	Immediate maintenance works	Trades staff inspection

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The LRCI Program has a focus on community outcomes and many of the projects listed deliver community benefits.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The projects listed are all works that can be delivered in a timely manner through existing resources.

Consultation

There has been internal staff consultation in respect to the projects, with a number of the works reflecting community feedback / requests.

Options

The options are to endorse the projects listed, or amend, based on differing priorities.

The recommendation reflects the projects listed in the report.

RECOMMENDATION

That Council approves the inclusion of the following projects for funding through the extension to the Local Roads and Community Infrastructure Program:

Projects	Allocation \$)
1. Lanes - Amenity Upgrade	226,000
2. Road Reconstruction – Eltham Road	186,000
3. Sporting Facilities – Maintenance / Improvements	261,000
4. Community Halls / Facilities – Maintenance / Improvements	157,000
5. Amenities / Open Space Buildings – Maintenance / Improvements	90,000
6. Pat Morton Car Park (reversal)	(40,000)
Total	880,000

Attachment(s)

Nil

10.1 Barlows Road Construction - Feasibility Study

10. Civil Services Division Reports

10.1 Barlows Road Construction - Feasibility Study

Delivery Program

Engineering Works

Objective

To assess the feasibility of Barlows Road as a short-to-medium term solution for traffic flowing to/from areas such as Ballina Heights, the Ballina Byron Gateway Airport and the Southern Cross Industrial Precinct, thereby avoiding travel through Ballina Island.

Background

The adopted 2020/21 Operational Plan includes the following action:

- *Complete evaluation for constructing Barlows Road as a connection between Tamarind Drive and River Street*

This report addresses this action.

Key Issues

- Costs, benefits and timeframes for a short-to-medium solution to alleviate traffic congestion on Ballina Island
- Funding and public benefit

Information

In initially considering this proposal, potential issues included:

- The route identified in preliminary investigations largely follows a formed Council road reserve. However, the existing formed road deviates from the road reserve in places and requires land acquisition
- The road traverses an area of Koala habitat
- Flood studies and geotechnical investigations were needed to accurately determine the full extent of issues to be addressed and to better inform the project cost estimate
- The resulting additional traffic on Horizon Drive through existing residential areas and alongside Emmanuel school will 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 will cause loss of amenity and may exacerbate congestion at the intersection with River Street

10.1 Barlows Road Construction - Feasibility Study

- Traffic modelling is required to substantiate initial estimates.

More detailed investigations have now been completed, aimed at increasing the understanding of the flooding, geotechnical and ecological constraints, and allowing the cost estimates to be refined.

This has also resulted in three possible route options being developed, as depicted in the following diagram. A more detailed plan is provided as Attachment 1.

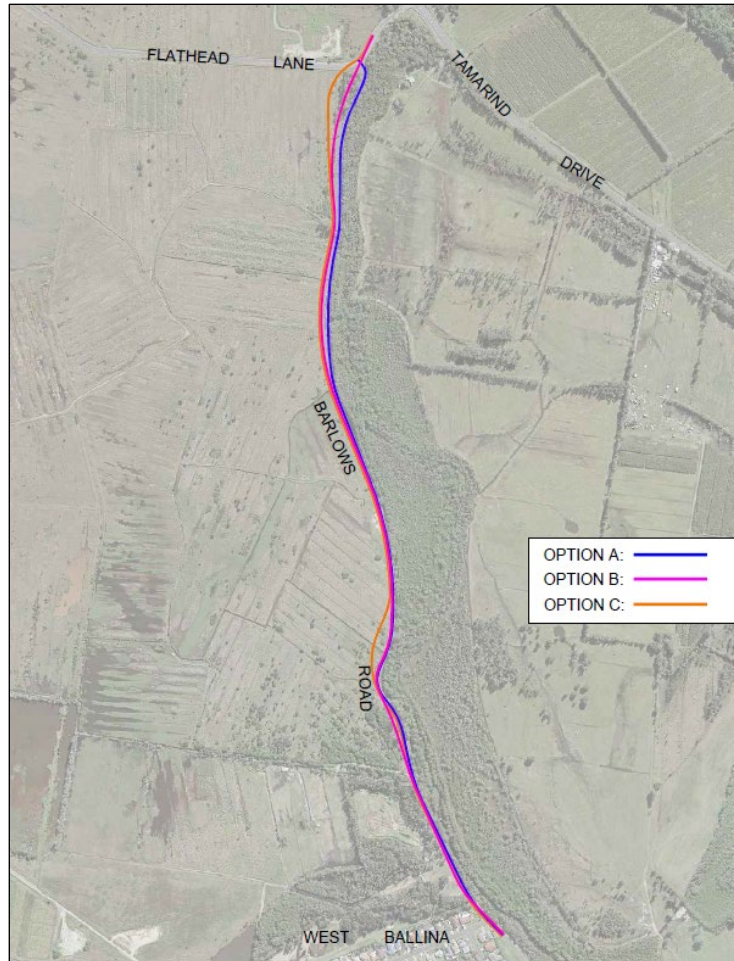


Figure 1 – Ballina Arterial Road Access – Route Analysis

Council engaged BMT to undertake a flood impact assessment of the proposed Barlows Road route upgrade for the 5% AEP and 1% AEP, consistent with how development within the floodplain is assessed. AEP is a means to describe how likely a flood may occur in a given year. For example, 1% is a flood that has a chance of occurring, or being exceeded, in any one year. 5% equals five years.

The assessment modelled the floodplain with the proposed road upgrade and quantified the changes in flood height to be within accepted thresholds. It concluded that the proposed upgrade will have no impact on peak regional flood levels for the 5% AEP and 1% AEP events.

10.1 Barlows Road Construction - Feasibility Study

A preliminary ecological assessment by Blackwood Ecological Services indicated that Barlows Road could be upgraded with relatively minor impacts on biodiversity, with the most substantial impact likely to be the loss of Koala habitat at the southern end.

Potential impacts were summarised as:

- Loss of a number of forest red gum koala feed trees, with reduced access for Koalas to retained trees and increased potential for vehicle strike on Koalas and other fauna
- Loss of small patches of mangroves and swamp oak and isolated native trees
- Increased potential for impacts on coastal wetlands to the east through changes in hydrology and water quality.

Losses of native vegetation could be offset by protection and regeneration of floodplain vegetation communities and planting of Koala habitat elsewhere in the shire, or on the adjoining land to the west.

Decommissioned sections of the existing Barlows Road could also be used for restoration works, including planting of Koala feed trees.

Appropriate road design could also ensure that the native vegetation loss is minimised, hydrological conditions are maintained and fish passage beneath Barlows Road can continue.

A search of the NSW OEH Aboriginal Heritage Information Management System (AHIMS) did not reveal any Aboriginal sites or declared places in or near the project's location.

Key features of the three potential route options are discussed below:

Route Option A:

This route option largely adheres to the existing formation of Barlows Road.

A prominent constraint of this route is its passage through mapped Coastal Wetland SEPP. This option would result in the project being deemed "designated development", therefore assessable under Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979 and triggering the need for an Environmental Impact Assessment (EIS).

It may be possible to address this constraint by seeking to move the SEPP boundary to more accurately reflect the on-ground coastal wetland boundary. Experience elsewhere suggests this could be a highly protracted exercise with low probability of success.

In a couple of places the alignment traverses the mapped mean high-water mark of Fishery Creek. This too would need to be resolved through negotiation with Crown Lands. Also, adjoining land will need to be acquired where the alignment deviates from Council owned land.

10.1 Barlows Road Construction - Feasibility Study

Route Option B:

This route option is mapped slightly to the west of the existing alignment in order to avoid traversing the Coastal Management SEPP, thereby avoiding triggering “designated development” provisions.

This would likely be assessable under Part 5 of the EP&A Act, involving a Review of Environment Factors (REF), a less convoluted approval pathway.

However, the route still lies within an area mapped as “proximity” to the SEPP. Hence there is still a need to ensure the project will not significantly impact on the biophysical, hydrological or ecological integrity of the wetland, nor the quantity or quality of surface/groundwater water flows to/from the wetland; so as not to trigger an EIS.

This option also avoids the existing mapped mean high-water mark of Fishery Creek.

However, being further west will likely result in the removal of trees within an area of primary Koala habitat. It also impacts a stand of Swamp Oak and Blackwood Wattle at the northern end of the alignment. Both these impacts will generate compensatory habitat offset requirements.

Further deviation from the formed alignment will also result in additional adjoining land being acquired.

Route Option C:

This alignment is a hybrid of route options A and B. By deviating between these two route options, option C avoids traversing the Coastal Management SEPP, avoids the Swamp Oak, Blackwood Wattle and Koala habitats impacted by route option B, hence reducing compensatory habitat offset requirements.

Another feature of route option C is that the geometry is designed to be compliant at 80 km/hour posted speed restriction along its full length; which is not the case with the other two options.

Adjoining land acquisition and Crown Land negotiations will be required as is the case with the other two options.

Cost Estimates:

The following table is a summary of cost estimates for the three options.

PROJECT BREAKDOWN:	OPTION A	OPTION B	OPTION C
General Costs (Planning, site preparation, etc)	\$ 465,000.00	\$ 406,000.00	\$ 438,000.00
Pavement Costs	\$ 1,547,000.00	\$ 2,171,000.00	\$ 2,073,000.00
Earthwork Costs	\$ 425,000.00	\$ 544,000.00	\$ 577,000.00
Signage and Linemarking costs	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
Stormwater Costs	\$ 166,000.00	\$ 175,000.00	\$ 175,000.00
Lighting Costs	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
Contingency	\$ 270,000.00	\$ 316,000.00	\$ 310,000.00
Total	\$ 2,968,000.00	\$ 3,707,000.00	\$ 3,668,000.00

10.1 Barlows Road Construction - Feasibility Study

Traffic Modelling:

Traffic estimates have been provided previously (28 November 2019 Ordinary meeting) to understand how the introduction of Barlows Road into the traffic network might influence travel times, travel distances and traffic volumes when compared to the future Western Arterial and existing Kerr Street.

These crude estimates were suitable for comparison purposes. They showed that travel between the Airport/Southern Cross industrial precinct and Teven interchange would be quicker by Barlows Road when compared with Kerr Street; while to a lesser extent benefiting Cumbalum residents.

In the absence of detailed traffic modelling, assumptions were made as to where the traffic travelling along Tamarind Drive was heading; either to/from Ballina or to/from the Bruxner Highway. Historic traffic data/counts were then used to estimate vehicle movement per day along the various routes.

Further traffic modelling, traffic counts and origin-destination surveys would be needed to refine the current high level estimates and to ensure there is sufficient justification for the works.

Such modelling is a necessary option (now or later) to assess the traffic benefits and is estimated to cost \$10,000 to \$12,000.

As well as assessing traffic volumes, the modelling will also determine how much of the traffic will come from new development and how much will come from existing development.

This information will enable us to work out the nexus between the Barlows Road link and new development to determine if there is a sufficient nexus to insert the project into the Roads Contribution Plan works program, along with confirming the portion of the estimated cost that can be validly charged to contributions and what must be apportioned to existing development (i.e. Council's own budget).

Notwithstanding the above need for modelling, it is unclear as to how the River Street and Tamarind Drive lane duplication projects, once completed along with other road improvement projects, might influence the need for the Barlows Road works.

Sustainability Considerations

- **Environment**

The delivery of 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**

Reduced travel time and traffic congestion will improve the amenity.

- **Economic**

An efficient and uncongested road network will significantly benefit businesses in the immediate vicinity and more generally on Ballina Island.

Legal / Resource / Financial Implications

Three potential route options have been identified for Barlows Road, each identifying and mitigating various constraints. Cost estimates for these routes are all in the same order of magnitude between \$2.97m to \$3.71m.

Further traffic modelling, traffic counts and origin-destination surveys are a necessity should Council decide to further investigate the Barlows Road feasibility, as the current crude traffic estimates are insufficient to properly justify the need for Barlows Road.

It is also important to understand how the construction of Barlows Road might impact on the viability of the future Western Arterial, and vice versa.

A traffic model incorporating origin-destination surveys will assess the likely number of vehicles that would be attracted to this new link. This will assist to assess cost versus benefit, and to also check whether the road design and cost estimate are suitable for this demand.

Traffic modelling as an option (now or later) is estimated to cost \$10,000 to \$12,000.

As well as assessing traffic volumes, the proposed modelling will also determine how much of the traffic will come from new development and how much will come from existing development.

This information will enable us to work out the nexus between the Barlows Road link and new development to determine if there is a sufficient nexus to validly insert it into the Roads Contribution Plan works program and further what portion of the estimated cost can be validly charged to contributions and what must be apportioned to existing development (i.e. Councils own budget).

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.

The option of using Barlows Road, as an interim solution to manage traffic congestion on Ballina Island, has been the subject of several Council meetings but has yet to be subjected to broader public consultation.

A search of the NSW OEH AHIMS database did not reveal any Aboriginal sites or declared places in or near the project's location.

Options

The following options have been identified:

1. Council could note the contents of this report and defer 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 / or Tamarind Drive duplication projects can be realised following their completion.

The advantage of this option is that it allows the River Street and / or Tamarind Drive lane duplication projects, amongst other road improvement projects, to continue to a point in time where their joint benefits can be more fully realised, and the need for a Barlows Road option can be better understood.

The disadvantage to this option is that the entire lane duplication works will not be completed for at least three to four years, dependent on funding. Also it does not provide an alternative route during the construction works.

The lane duplication works for River Street from Burns Point Road to the Barlows Road intersection is included in the 2020/21 Operational Plan, with construction works scheduled to commence February 2021. Construction time is estimated at approximately six months.

One alternative option could be to undertake traffic modelling at the end of this work to try and determine if there have been immediate benefits, albeit that one section only is unlikely to have any major benefits.

2. Council could continue to pursue the Barlows Road investigations now, in which case traffic modelling becomes a necessity in order to refine the crude estimates that have so far been relied on, and to demonstrate whether or not sufficient justification exists for the project to continue.

This modelling would allow traffic volumes to be predicted. It would also allow traffic volumes to be apportioned between existing and future developments, which could be used to determine what portion of the project costs can be attributed to developer contributions and what needs to be sought from other funding sources.

There is an additional cost associated with continuing investigations, both in terms of traffic modelling and in further refining the preferred route. These costs are estimated to be \$10,000 to \$12,000.

The disadvantage of undertaking the modelling work now is that it will not be informed by the outcomes to be achieved from the River Street lane duplication and eventually the Tamarind Drive lane duplication.

The determination of a preferred recommendation relies heavily on Council's preferred outcomes and timing.

Council's current traffic modelling and adopted Roads Contributions Plan has not identified a need for the Barlows Road project, with the lane duplication of River Street and Tamarind Drive, the Western Arterial and other associated works, being the adopted program.

10.1 Barlows Road Construction - Feasibility Study

However, in response to community feedback and traffic concerns, Council asked for the Barlows Road construction option to be investigated.

With an estimate up to \$4m, this is not an inexpensive option, and represents a significant financial commitment from Council, for a project not identified in the current traffic modelling and adopted contributions plan.

Certainly the road would provide some form of traffic relief during the lane duplication works, however at a cost of \$4m the issue is whether the use of public funds can be justified. There is also likely to be some negative impacts on residents in Horizon Drive as well as environmental concerns.

From a financial management perspective the expenditure of \$4m could only be justified, if it was possible to include the project in the Roads Contribution Plan, meaning that part of the cost could be funded from developer contributions, and the timing of other projects, such as the Western Arterial, could then be pushed back to help reduce the overall financial liability to Council.

As this information is critical in making a final decision, the expenditure of approximately \$12,000 to help justify the merits of expending \$4m on Barlows Road, is considered a reasonable investment.

The recommendation supports this approach, acknowledging that ideally the traffic modelling would be better informed when the lane duplication projects are completed in full.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the cost and feasibility of constructing Barlows Road between River Street and Tamarind Drive.
2. That Council authorises the expenditure of approximately \$12,000 on further traffic modelling and related works to assist in determining the cost / benefits of constructing Barlows Road, with this expenditure to be funded from adjustments to existing budgets, as identified by the General Manager and reported to Council in the December 2020 Quarterly Financial Review.

Attachment(s)

1. Barlows Road - Rroute Options - Road Layout Plan

10.2 Carrs Bridge Replacement - Ballina Beach Village - Ferry Fees

10.2 Carrs Bridge Replacement - Ballina Beach Village - Ferry Fees

Delivery Program

Engineering Works

Objective

To review the Burns Point Ferry fees during the replacement of Carrs Bridge following a submission from the operators of the Ballina Beach Village.

Background

Council has received a submission from the owner of the Ballina Beach Village requesting the Burns Point Ferry fees be waived for people staying at the holiday park for the duration of the Carrs Bridge reconstruction works.

Carrs Bridge is scheduled for reconstruction in January to February 2021 and due to the constrained location of the project, River Drive will be temporarily closed to through traffic in the vicinity of the bridge works.

Anyone located north of Carrs Bridge will need to travel by the Burns Point Ferry, which operates from 5.30am to 12.30am daily. Ballina Beach Village is located north of the bridge works and guests will need to utilise the ferry to access the holiday park.

This report discusses the options in response to this request.

Key Issues

- Manage the impact on local industry
- Cost and equity

Information

In June 2018 Council resolved to allocate funds to replace Carrs Bridge on River Drive, Keith Hall. The bridge is located south of Carrs Lane and north of Empire Vale Public School and the Post Office. Since 2014 the bridge has had one way traffic restrictions in place to limit loading on the bridge.

The new bridge will increase the existing load carrying capacity, which is essential during cane harvesting seasons, and improve road safety.

Work will start on Wednesday 6 January 2021 and will take six weeks to complete, weather permitting. This will include the demolition and removal of the existing bridge structure, installation of foundation piles, followed by the installation of the new bridge abutments and deck.

Due to the constrained location of the project, River Drive will be temporarily closed to through traffic in the vicinity of the bridge works.

10.2 Carrs Bridge Replacement - Ballina Beach Village - Ferry Fees

Residents and visitors north of Carrs Bridge will need to access South Ballina and Keith Hall by the Burns Point Ferry, which operates from 5.30am to 12.30am daily. Access to Empire Vale, Patchs Beach and Wardell will only be available by the M1 Pacific Highway during the bridge works.

Overnight access for residents and visitors north of the bridge will be maintained by a one-lane detour track at the bridge works. This will only be open to light vehicles when the ferry is not operating, which will be between 12.30am to 5.30am daily, and on Tuesday 9 February between 9am to 12noon, and if there are unplanned ferry closures.

The bridge replacement was previously scheduled to commence in June 2020, however it was delayed to accommodate cane harvesting vehicle movements for the season that ran June through to November 2020.

The work is now scheduled for January and early February to minimise the impact on school travel.

The local bus and emergency services have been consulted to ensure access is maintained for these essential services for the duration of the project. This includes the local school bus service.

Ballina Beach Village is located north of the bridge works on South Ballina Beach Road. It is a major tourism business in the South Ballina area with 34 cabins, 41 premium powered sites, 36 powered sites and 56 unpowered sites.

January and February are peak visitor periods for the holiday park, which is operating in post COVID-19 recovery.

During the bridge works, visitors to the holiday park will need to use Burns Point Ferry between 5.30am and 12.30am to travel between South Ballina and Ballina.

The owner of the Ballina Beach Village understands that managing stakeholder requirements for this project is challenging but feels their operation is disadvantaged by limiting visitor vehicular access to South Ballina Beach Road by a tolled road (ferry).

The submission from the Ballina Beach Village is included as Attachment 1.

Sustainability Considerations

- **Environment**
Not applicable
- **Social**
The Ballina Beach Village plays a social role in that people holidaying in the park creates a large social interaction of people.
- **Economic**
Burns Point Ferry and the Ballina Beach Village provide economic benefits to Council and the broader business community.

10.2 Carrs Bridge Replacement - Ballina Beach Village - Ferry Fees

Legal / Resource / Financial Implications

Council can waive payment of, or reduce, a fee if satisfied the case is in the category of hardship.

In the last five years the January casual fees have generated 13% to 17% of the annual casual fee ferry income.

Casual income	2015/16	2016/17	2017/18	2018/19	2019/20
January	58,000	62,200	66,800	75,200	78,100
Annual	461,300	489,300	508,800	563,000	454,900

Data from January 2020 is that there were only 18 single caravan trips for the month. This suggests most visitors to the Ballina Beach Village use River Drive, rather than the Ferry.

No data is available in respect of how many vehicles attend the site without a caravan.

A single car plus caravan trip is \$15 (\$6.50 motor vehicle ticket plus \$8.50 caravan ticket).

The weekly ticket charge for motor vehicles is \$60 for unlimited trips during a seven day (consecutive) period.

Consultation

The Carrs Bridge replacement project has been subject to significant consultation with key stakeholders.

Options

The following options, applicable only for the duration of the construction works, have been identified:

1. Council approves the request to waive all ferry fees for Ballina Beach Village guests.

This option is the most favourable response to the submission. It is uncertain how often people staying in the Ballina Beach Village would typically leave the park, which means the likely fees foregone cannot be quantified with any degree of accuracy.

The owner is suggesting the fee waiver will assist their business, which has been impacted by the COVID-19 pandemic.

This option does recognise the inconvenience associated with the road works and that there is no alternate route other than to use the Ferry.

This option could be administered by the ferry drivers and the guests would need to provide evidence of their accommodation on boarding the ferry.

A disadvantage of this option is equity with other motorists who may also be impacted by the road closure. However it is possible that most residents from this area, or regular visitors, will already hold a season ticket for the ferry.

2. Council approves a 50% discount on weekly motor vehicle ferry tickets for Ballina Beach Village guests.

The weekly ticket charge for motor vehicles is \$60 for unlimited trips during a seven day (consecutive) period.

This option provides a level of subsidy and as weekly tickets are sold on the ferry, this option is easily administered. It also recognizes that guests staying at the holiday park, are likely to be at the park for at least a few days, if not longer. The proposal would also allow guests to have two weekly tickets if staying for two weeks, three for three weeks etc.

A 50% subsidy (or \$30) on the weekly ticket is close to the price a vehicle/caravan would pay for a single return journey (i.e. at the commencement or conclusion of their stay).

3. Council declines the request to waive fees, in part or in full, on the ferry for Ballina Beach Village guests.

Council could decline the request as the road closure cannot be avoided and many businesses from time to time are unfortunately impacted by Council's construction activities.

On balance option two is recommended as it provides a reasonable balance to a request from a local business whose trade has been impacted by the COVID-19 pandemic, along with further Council works, during peak holiday time.

The loss of income is not likely to be significant to Council and it does provide some support to an operator of a major tourism business.

If Council is supportive of this request it is also recommended that the same offer be provided to the Seabreeze Caravan Park (if operating as it currently appears to be closed), as these are the two major accommodation based tourism businesses located north of Carrs Bridge at South Ballina.

RECOMMENDATIONS

1. That Council authorises the General Manager to provide a 50% reduction on the weekly motor vehicle ferry ticket price for Ballina Beach Village and Seabreeze Caravan Park (if operating) guests, for each week, or part thereof, for their holiday stay, for the duration of the Carrs Bridge reconstruction works, subject to documented evidence being provided to Council of their holiday accommodation.
2. This discount reflects the impact of the Carrs Bridge reconstruction works on the two businesses, both of which are tourism based accommodation providers, located north of Carrs Bridge at South Ballina, which means that guests must travel on the ferry while the reconstruction works are taking place.

Attachment(s)

1. Ballina Beach Village - Submission

10.3 Dust Sealing Program

10.3 Dust Sealing Program

Delivery Program

Asset Management

Objective

To review the program for dust sealing of rural roads.

Background

In 2018 Council received a series of reports on the dust sealing of rural roads. The objective was to assess whether Council should include a dust sealing program within its overall road management strategy.

Dust sealing is the term applied to a relatively low cost approach to sealing unsealed rural roads. Typically these projects do not involve upgrades or improvements to the road geometry, or pavement strength, to current engineering standards. The purpose of the dust seal is to improve local amenity and avoid gravel maintenance costs.

Council did not previously have a dust sealing program as the approach for the management of roads had been to focus on renewal or reconstruction of existing sealed roads, and maintenance of the unsealed roads.

Council had however, over time, completed a number of dust sealing projects. These projects were delivered under Council's policy, which promotes dust sealing, where residents are fully responsible for the capital costs and Council accepts the ongoing maintenance costs.

The 2018 reporting examined an economic analysis comparing the costs of maintenance of an unsealed road to the costs of a sealed road. The reporting also developed a priority list of works in preparation for a program, if funded.

Since 2018 Council has completed a large program of dust sealing works due to a successful grant program.

It is now timely to review the information coming out of this work and update the schedule of future works.

Key Issues

- Financial sustainability for road management
- Levels of service

Information

The process Council followed in 2018 endorsed a set of weighted criteria to rank potential dust sealing projects.

The adopted criteria involved assessing the estimated time to achieve a financial return on investment and the rating of three physical factors and five socio-economic factors.

10.3 Dust Sealing Program

The weighting for physical factors were:

- Topography (grade) 12.5%
- Climate and soil conditions 12.5%
- Seal impact on surrounding segments 12.5%

The socio-economic factors included:

- Motorised traffic volume 12.5%
- Demand for surfacing (Non Motorised Transport) 12.5%
- Impact of dust forming 12.5%
- Traffic increase after sealing 12.5%
- Availability of quality material 12.5%

These criteria were applied to an assessment of 28 candidate unsealed roads.

The roads were selected on the basis they provided the best economic return on investment by comparing sealing costs to ongoing unsealed maintenance costs.

Having adopted a priority ranking for sealing of unsealed roads, Council has also included in its Operational Plan a budget of \$120,000 per annum for this program.

Council also successfully applied for a grant under the Marine Estate Management Strategy for dust sealing roads within the Emigrant Creek catchment.

The grant application was based on Council's contribution being broadly equivalent to the funds that would have been spent on the next scheduled unsealed maintenance gravel replacement and grade for each road.

More than \$1 million has now been expended in improving rural roads under these arrangements.

Through these two funding sources, the following unsealed road segments have been upgraded and sealed since 2018:

- Alstonvale Road
- Pacific Parade to Camp Drew (un-named lane)
- Cumbalum Road
- Emigrant Creek Lane
- Gap Road
- Grays Lane
- Houghlahans Creek Road
- Howards Road
- Ingrams Road
- Leadbeatters Lane
- Martins Lane -east
- Newrybar Swamp Road
- Sandy Flat Road
- Wellers Lane
- Whites Lane

10.3 Dust Sealing Program

In addition, Chesworths Lane and Sandy Flat Road unsealed road segments are programmed to be sealed in the 2020/21 financial year.

As the previously adopted program is now nearing completion, this report has been prepared to consider the future of the dust sealing program.

To commence the review, cost information from the recent program was applied to the road projects previously shortlisted for assessment based on Council's weighted criteria.

The final output is a ranking of the shortlist based on time to achieve economic return. Table 1 presents the results of the assessment.

Table 1: 2018 Dust Sealing Program Review

Road Name	Years to break even
Rishworths Lane (10:014)	9
O'Keefes Lane (10:151)	9
Scanlon Lane (10:036)	11
Shaws Lane (10:069)	20
Weis Lane (10:097)	21
Weis Lane (10:097)	21
Converys Lane (10:080)	25
Eyears Road (10:078)	22
Houghlahans Creek Road (10:170)	17
Laws Lane (10:107)	26
Behs Lane (10:091)	31
Coolgardie Road (10:149)	32
Coolgardie Road (10:149)	32
Coolgardie Road (10:149)	32
Phillips Road (10:007)	33
Victoria Park Road (10:051)	35
Fosters Lane (10:115)	39
Newports Lane (10:088)	47
Hill Street (10:045)	52

A break even time of 10 years is recommended as a preferred limit for the program.

A time longer than 10 years is not considered a reasonable investment as beyond this point is where the life of the new seal is reaching its end and resealing costs need to be included in the analysis.

If Council agrees 10 years is an appropriate cut off, there are only two remaining viable projects. These two projects, Rishworths Lane and O'Keefes Lane are currently scheduled in the Delivery Program for 2022/23 and 2023/24, respectively.

A broader financial assessment was also conducted on the 50 remaining unsealed rural roads that were not shortlisted under the weighted criteria assessment.

10.3 Dust Sealing Program

For many of these roads, the ranking reflects more moderate or lower annual gravel maintenance costs compared to the roads completed under the existing program.

This was a high level assessment, as there were no detailed costings prepared for capital upgrades. Instead a range of typical unit rates were used to determine a sensitivity based cost estimate.

The rates were sourced from actual expenditure from a sample of dust sealing projects delivered by Council since 2018. The upgrade unit rates utilised were \$10 per m² (low), \$18 per m² (medium), and \$30 per m² (high).

The financial return on investment on these 50 assets using the medium and high construction rates indicates that none of these roads are feasible, as the breakeven point is greater than 10 years.

It was only when utilising the low construction rates, a breakeven point of 10 years or less, could be achieved by some of these roads.

Table 2 lists the roads that may be a financially sound investment if construction did occur at the low rate of \$10 per m².

No inspection has been undertaken to assess if the low rate would be applicable to these roads.

Table 2: Assessment of Roads Not on Previous Shortlist

Road Name	Road Width	Years to break even
Whytes Lane - west (10:132)	4.2	6
Chinamans Lane (10:164)	4.6	7
Whytes Lane - east (10:130)	5.2	7
Buckombil Mountain Road (10:159)	5	7
Saltwater Creek Road (10:148)	5.2	7
Danns Lane (10:138)	5.6	7
Deadmans Creek Road (10:057)	4	7
Troughtons Lane (10:029)	3.5	8
Bartletts Lane (10:122)	5.6	8
Lumleys Lane (10:158)	6	9
Lumleys Lane (10:158)	6	9
Lumleys Lane (10:158)	4.8	9
Cooks Lane (10:116)	5.4	9
Carneys Lane (10:153)	6.2	10
Old Bagotville Road (10:166)	7.4	10
Old Bagotville Road (10:166)	7.4	10

It is likely that for narrow roads (road widths approximately six meters or less), the low construction rate utilised for this assessment will be insufficient.

This is due to the widening of the pavement that should occur at the time of sealing.

Sustainability Considerations

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

Legal / Resource / Financial Implications

This report has considered if projects are feasible by determining a return on investment.

Consultation

Subject to the recommendation of this report being accepted, an update of the Road and Transport Asset Management Plan will be prepared to reflect the Council decision.

Public exhibition of the plan will occur at the next major revision, due in 2021.

Options

In the last two years the dust sealing program has been accelerated significantly due to grant funds. Once the projects nominated in the current four year Delivery Program have been completed in 2023/24, this will conclude the current program.

Council receives many requests to seal unsealed roads. It is helpful in terms of providing a response for Council to have a strategic direction.

The options available include the following:

1. Decline to extend the Dust Sealing Program

Under this option, from 2023/24, Council would revert to the former strategy of sealing unsealed roads only for projects approved under Council's Contributions to Dust Sealing Policy.

This position accepts that it is not economic to continue a program for the remainder of the unsealed roads.

This option provides an opportunity to reallocate \$120,000 of recurrent road funding to other road priority program areas.

In light of the economic analysis and the ever increasing demands for expenditure on the road network, this is the recommended option.

10.3 Dust Sealing Program

2. Extend the Dust Sealing Program.

If the Council prefers to continue the dust sealing program past 2023/24 due to social and environmental benefits, it is recommended that Council adopt the list of roads set out in Table 2. This program would provide the most economic return on investment.

RECOMMENDATIONS

1. That Council notes the contents of this report regarding the accelerated delivery of the prioritised dust sealing program.
2. That Council's Roads and Transport Asset Management Plan be amended to note Council's dust sealing program will expire in 2023/24 as the program will, by this time, have achieved its objective of sealing the Shire's unsealed roads where there is a reasonable economic benefit in respect of avoided maintenance costs.

Attachment(s)

Nil

11.1 Notice of Motion - Rous County Council - Future Water Project

11. Notices of Motion

11.1 Notice of Motion - Rous County Council - Future Water Project

Councillor

Cr Jeff Johnson

I move

That Council write to Rous asking them to put a stop on any additional expenditure on the Dunoon Dam project, and to instead invite a range of water experts to our region (from the private sector, government and the university sector) to hold public meetings and workshops to outline alternative options to secure our long term water supply.

Councillor Comments

As part of its Future Water Strategy 2060, Rous Water has recommended proceeding with the construction of a new 50 GL dam near Dunoon. The area that would be flooded comprises approximately 267 hectares of rainforest, eucalypt forest and farmland between The Channon and Dunoon.

Back in July of this year, representatives from Rous provided Ballina Councillors with a briefing on the 'Future Water Project 2060'.

At the briefing it was revealed that the total cost of the Dunoon Dam over an expected '80 year life span' would be over \$650 million in today's dollars.

As with all long term construction projects, the actual cost is likely to be considerably higher.

All water users in the region would have to pay for it through increased rates and water usage charges.

We were also told at the briefing that the Dunoon dam was the cheapest and most reliable option to provide long term water security.

The only other option presented was to increase ground water usage.

The recent report All Options On The Table from Water Services Association of Australia (WSAA) describes dams as high-risk investments because they rely on rainfall in a changing climate.

Instead, WSAA says, we need a mix of strategies, including water efficiency.

The report goes on to recommend that for resilience in times of drought, it's better if new supply is independent of rainfall.

The Dunoon Dam would be in a very small catchment area which would be dependent on rainfall.

11.1 Notice of Motion - Rous County Council - Future Water Project

The NSW Government is also conducting a review of future water options for the Northern Rivers and beyond. Now is not the time to continue spending significant resources in order to seek approval for the Dunoon Dam.

The Ballina Shire is leading the way with water reuse through the purple pipe network which is now plumbed into all major new subdivisions.

The projected population growth in the Rous Water supply catchment is predominantly in Ballina.

The recycled water program greatly reduces the demand for 'new water' to be supplied. Surely programs like this can be extended or retrofitted to areas of high water usage.

Similar programs could be encouraged for all new developments across the Rous County Council constituent LGAs and reduce the demand on the regional water supply.

This motion seeks to invite experts to our region and to stop wasting public money and resources on a Dam project that I believe will never happen.

Let's put the spotlight on our region for the right reasons, because we have a secure water future using a range of sustainable, drought proof solutions.

Staff Comments

The Dunoon Dam proposal is one key element of the Future Water Project 2060 (FWP) developed by Rous County Council (RCC). Information regarding the FWP is as follows.

The FWP has the objective of investigating new water sources capable of securing a sustainable water supply for major parts of the Northern Rivers region, including Ballina Shire.

The FWP was on public exhibition from 1 July 2020 until 9 September 2020.

RCC are considering the response to the exhibition and a report will be made public in December 2020.

RCC provided a presentation to Councillors during the exhibition period and FWP information is available on the RCC website.

Council has previously considered a report in relation to FWP in respect to the strategy for Council's Marom Creek Water Supply to be augmented and be included more formally within the region covered by RCC.

In response to this report, Council agreed to negotiate with RCC in respect to either the transfer of the Marom Creek Water Supply assets to RCC or for a long term agreement, which would facilitate the supply being used as proposed by RCC to support the FWP.

Discussions on these options have commenced as per the Council resolution.

11.1 Notice of Motion - Rous County Council - Future Water Project

The NSW Department of Planning, Industry and Environment (DPIE) is also completing a strategic water project, the Far North Coast Regional Water Strategy (RWS). A draft of the RWS, which includes a long list of options, is currently on public exhibition. A briefing by DPIE officers was presented to Councillors on 10 November 2020.

Given the State Government's role in water management, the RWS has a broader focus than the urban water supply issues considered in the FWP. To ensure effective implementation it is important for these strategies to be integrated, or at least consistent.

FWP 2060

A copy of the FWP 2060 report is available at the following link:

https://rous.nsw.gov.au/cp_themes/default/page.asp?p=DOC-KZG-22-16-87.

The report documents the outcomes of the detailed investigations undertaken regarding potential source augmentation options and implementation scenarios. These investigations involve predicting the dry year demand for water at 2060 and comparing this to the secure yield of the system.

In the FWP, RCC has determined the yield deficit is 5,630 ML/a, at 2060, and that a new water source is required from 2024.

The following options were examined in detail:

- constructing the Dunoon Dam (either 20 GL or 50 GL)
- connection to Marom Creek
- groundwater harvesting
- desalination
- indirect potable reuse

The RCC community document notes RCC has selected the following key actions as their FWP2060:

Key Action 1 – Augmentation to meet short to medium term demand needs – Marom Creek Water Treatment Plant and Alstonville Groundwater Acquirer.

Key Action 2 – Augmentation to meet long term demand needs – New 50 Gigalitre Dunoon Dam.

The report identifies the Dunoon Dam and groundwater harvesting as the two feasible long term options, with both options to be supported by the connection to Marom Creek, to meet the short term demand deficit.

The report notes (at page 63) RCC considers that desalination and indirect potable reuse are not attractive due to operational constraints and expected stakeholder opposition.

Comparing the Dunoon Dam and groundwater harvesting options is not simple as the options present different opportunities and challenges. For example, the dam has the best long term secure yield outcome, however the dam requires significant capital investment. The advantage of the groundwater option is it can be developed on an incremental basis as demand needs change in the future.

11.1 Notice of Motion - Rous County Council - Future Water Project

RCC has used a multi criteria analysis (MCA) to assess and compare the relative strengths and weaknesses of the two options. The following is an extract from the report dealing with the conclusion of the MCA.

A summary of MCA outcomes (with equal weighting for each criteria) is provided in the following table. Changing the weightings does not change the outcomes of the MCA ranking

Summary of MCA outcomes

Scenario	Environmental Score (/5)	Social Score (/5)	Total Score (per \$ NPV)	Rank (based on MCA)
Groundwater	3.05	3.5	16.2	1
Dunoon Dam (20GL)	2.65	1.98	9.9	2
Dunoon Dam (50GL)	2.30	1.65	7.8	3

Based on the MCA, the most favourable scenario is groundwater. The groundwater scenario has a lower NPV (lower initial capital cost but higher and increasing recurrent costs with implementation of each stage) as well as less significant environmental and social impacts.

However, the groundwater scenario has a higher whole of life cost (total cost over 80 years in present dollars) and a higher NPV per ML of secure yield as shown in Table 30.

Implementation of the groundwater scenario will require ongoing investigations (and associated costs and problem solving) for the four groundwater schemes.

Although the MCA is informative, it is focused on the 2060 planning horizon and RCC should consider longer term issues such as the potential source options beyond that timeframe and financial commitment and funding requirements imposed by the schemes.

Dams have a long design life and there is excess secure yield in the Dunoon Dam options well beyond the 2060 timeframe considered by this study.

When the long term benefit provided by the scenarios is considered, the 50 GL dam option (with high initial cost and lower recurrent costs) with the higher yield benefit is more cost effective.

Although there is a large upfront investment, the dam options can provide long term certainty and cost efficiencies. The largest dam for the given physical constraints, with planned staging and upgrades, provides only a small incremental risk over the smaller dam.

There is a tradeoff between the high initial cost and environmental/social impact of the dam and the long term cost effectiveness and certainty provided.

11.1 Notice of Motion - Rous County Council - Future Water Project

Implementation risks have been identified in this report for both scenarios. RCC should continue to conduct detailed investigations for its preferred scenario and address these risks. Although the yield information suggests that definitive action is required in the short term, adaptive management approaches should also be identified.

In summary, the MCA results indicate the preferred option over a 40 year planning horizon is the groundwater option and the preferred option over the longer term is the new dam.

Diversified Portfolio of Options

The Water Services Association of Australia (WSAA) is recognised as the peak body representing the urban water industry.

In August 2020 WSAA published a document entitled “*All Options On The Table – Urban Water Supply Option For Australia*”.

A copy of this document is available at the following link:

<https://www.wsaa.asn.au/sites/default/files/publication/download/FINAL%20Urban%20water%20supply%20options%20for%20Australia.pdf>.

The report notes no water supply option on its own is likely to meet all the needs of a city or regional town: the reality is that combinations of options need to be considered. The report also states:

Droughts and floods are a fundamental feature of Australia’s history. However, what separates the Australian situation from many international comparisons is the severity of climate change. Together with rapid population growth, planning for long term water security is more critical than ever. Robust and sustainable water industry planning means having all options on the table for consideration by local communities.

Further, the report also notes an Infrastructure Australia 2019 Audit which found:

Ensuring all options are on the table, and can be deployed when required, is likely to be essential for governments and operators to effectively and efficiently ensure secure supply over the long term.

The work by WSAA confirms surface water supplies are typically the least expensive (after water efficiency programs) with a cost of \$1.08 per KL. Groundwater was the next at \$1.20 per KL, with other options such as seawater desalination and recycled water being more expensive.

NSW Government – Regional Water Strategy (RWS)

Council has been consulted as a key stakeholder in the RWS. A copy of the draft RWS is available at the following link:

https://www.industry.nsw.gov.au/data/assets/pdf_file/0017/329012/draft-rws-fnc-strategy.pdf.

11.1 Notice of Motion - Rous County Council - Future Water Project

The RWS contains a long list of options which include the options proposed by RCC in the FWP. The options include:

- Interconnection of independent water supplies in the region to the RCC network
- Interconnection of RCC and Tweed Shire bulk water supplies
- Remove impediments to water reuse projects
- Indirect potable reuse of purified recycled water
- Direct potable reuse of purified recycled water
- Managed aquifer recharge investigations and policy
- Decentralised desalination
- Regional desalination
- New Dunoon Dam

Financial Impacts

The most recent data from the NSW Government's Local Water Utility Performance Monitoring report is for 2018/19. This data shows the following:

Operating Cost (\$/property) for Water Supply Excluding Water Purchase

Ballina	\$244.11
Lismore	\$277.91
Richmond Valley	\$484.84
Byron	\$357.38
Weighted Mean (State)	\$447.07

Ballina has the reported lowest cost in NSW for this measure.

Operating Cost (\$/property) for Water Supply Including Water Purchase

Ballina	\$614.00
Lismore	\$624.00
Richmond Valley	\$629.00
Byron	\$766.00
Weighted Mean (State)	\$477.00

This data shows the four constituent councils have among the best operating cost per property in NSW (and well below the median) prior to water purchase, however this position is reversed once water purchase is included with the region's cost being well above the mean. This highlights capital cost is an important consideration in the overall pricing model.

In conclusion RCC has the authority to make decisions in respect to the bulk water supply, with Council having two councillor delegates, who form part of that decision making process.

The two councillor delegates have the benefit of all the reports and briefings submitted to RCC Councillors, prior to any decision being made.

COUNCILLOR RECOMMENDATION

That Council write to Rous asking them to put a stop on any additional expenditure on the Dunoon Dam project, and to instead invite a range of water experts to our region (from the private sector, government and the university sector) to hold public meetings and workshops to outline alternative options to secure our long term water supply.

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Commercial Services Committee Minutes - 8 December 2020

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Keith Williams (arrived at 4.05 pm) and Sharon Cadwallader.

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), Julie Stewart (Airport Manager), Caroline Klose (Manager Communications), Sandra Bailey and Sarah Carden (Secretary) were in attendance.

There were four people in the gallery at this time.

1. Apologies

Apologies were received from Cr Nathan Willis and Cr Stephen McCarthy.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

2. Declarations of Interest

Nil

3. Deputations

- **Tony Davies, Chief Executive of Social Futures/Marilyn Perkins** – spoke in favour of the affordable housing project contained in Item 4.1 – Wollongbar Urban Expansion Area – State Three Development.

Cr Keith Williams arrived at the meeting at 04:05 pm.

4. Committee Reports

4.1 Wollongbar Urban Expansion Area - Stage Three Development

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Sharon Cadwallader

1. That Council notes the contents of this report regarding the financial feasibility for the Wollongbar Urban Expansion Area – Stage Three development, as per the report attachments.
2. That Council receive a further report on the proposal put forward for a social housing development at the Wollongbar Urban Expansion Area, including financial and governance implications. The report to also include information on the levels of homelessness of older women in Ballina Shire and the degree to which not for profit organisations, State and Federal Governments, are providing support for those people.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

1. That Council notes the contents of this report regarding the financial feasibility for the Wollongbar Urban Expansion Area – Stage Three development, as per the report attachments.
2. That Council receive a further report on the proposal put forward for a social housing development at the Wollongbar Urban Expansion Area, including financial and governance implications. The report to also include information on the levels of homelessness of older women in Ballina Shire and the degree to which not for profit organisations, State and Federal Governments, are providing support for those people.
3. That Council provides in-principle support for the proposal submitted by Marilyn Perkins and Social Futures.

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 and Cr Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

The **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

RECOMMENDATION

(Cr Phillip Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report regarding the financial feasibility for the Wollongbar Urban Expansion Area – Stage Three development, as per the report attachments.
2. That Council receive a further report on the proposal put forward for a social housing development at the Wollongbar Urban Expansion Area, including financial and governance implications. The report to also include information on the levels of homelessness of older women in Ballina Shire and the degree to which not for profit organisations, State and Federal Governments, are providing support for those people.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

4.2 Ballina - Byron Gateway Airport - Long Term Financial Plan Review

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report and adopts the updated review of the Long Term Financial Plan for the Ballina – Byron Gateway Airport, as per the report attachments.

Cr Jeff Johnson left the meeting at 05:11 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

MEETING CLOSURE

5:22 PM

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 08 December 2020 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 November 2020 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
21/11/20	Las Balsas Memorial
22/11/20	Presentation of Awards – Ballina Basketball
24/11/20	Meeting with Tamara Smith
25/11/29	Inspection – 24 Mosman Chase - Lennox Head
29/11/20	Presentation of Awards – Ballina Basketball
1/12/20	Briefing – Festival and Events Funding
1/12/20	Christmas on River Street
2/12/20	Community Satisfaction Survey Presentation – Micromex
2/12/20	Briefing – Dog Management at Lennox Head
3/12/20	International Day for People with a Disability
5/12/20	Missingham Evening Markets
6/12/20	Commemoration Park Markets
8/12/20	Public Art Advisory Committee
8/12/20	Commercial Services Committee
9/12/20	Local Traffic Committee
9/12/20	Meeting Sean Sloan Director General of Fisheries
9/12/20	Shark Stakeholder Meeting – Surf Club
10/12/20	Meeting – Catherine Ryan – Pool Hoist
10/12/20	Australia Day Committee
10/12/20	Briefing – Ballina Island and West Ballina Flood Study
12/12/20	Opening – Crawford House New Fence
13/12/20	Commemoration Park Markets
13/12/20	Farewell – Pastor Graham Eggins – Gallens Road Christian School
14/12/20	Briefing – Climate Change
16/12/20	Tourism Ambassadors' Morning Tea
17/12/20	NRCG Volunteer Morning Tea Thank You
17/12/20	Council Meeting
18/12/20	Team Innovation Awards
20/12/20	Commemoration Park Markets
27/12/20	Commemoration Park Markets

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items