



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 23 January 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.

Deputations to Council – Guidelines

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

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

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

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

Table of Contents

1.	Australian National Anthem	1
2.	Acknowledgement of Country	1
3.	Apologies.....	1
4.	Confirmation of Minutes.....	1
5.	Declarations of Interest and Reportable Political Donations.....	1
6.	Deputations	1
7.	Mayoral Minutes	1
8.	Planning and Environmental Health Division Reports	2
8.1	Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation	2
8.2	DCP Amendments - Attached Dual Occupancy Alstonville and Wardell	9
8.3	Compliance Work Plan - 31 December 2019 Review	13
8.4	Development Applications – Variation to Development Standards	21
8.5	Development Applications - Works in Progress - January 2020	22
9.	Corporate and Community Division Reports	33
9.1	Investment Summary - December 2019	33
9.2	Rebate - Excess Water Consumption - Bushfire Impacts	38
9.3	Flat Rock Tent Park - Adoption of Fees and Charges 2020/21	44
9.4	Policy (Review) - Donations - Rates and Charges - Community Gardens	46
9.5	Policy (Review) - Fraud and Corruption Control	52
9.6	Policy (Review) - Risk Management	54
9.7	Policy (Review) - Property Investment and Development	56
9.8	Delivery Program and Operational Plan - 31 December 2019 Review	58
9.9	Capital Expenditure - 31 December 2019 Review	63
10.	Civil Services Division Reports	70
10.1	River Street Lane Duplication - Public Exhibition	70
10.2	Burns Point Ferry - Annual Maintenance	90
10.3	Policy (Review) - Footpaths and Cycleways - Inspection	98
11.	Notices of Motion	100
11.1	Rescission Motion - DA 2019/30 - 43 Tuckombil Lane, Tuckombil	100
11.2	Notice of Motion - Review of Provisions for Residential Development	101
11.3	Notice of Motion - Developer Contributions Cap Indexation	102
12.	Advisory Committee Minutes	104
13.	Reports from Councillors on Attendance on Council's behalf	105
13.1	Mayoral Meetings	105
14.	Confidential Session	106
14.1	Compliance Work Plan - Unauthorised Rural Dwellings	106

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

1. Australian National Anthem
 2. Acknowledgement of Country
 3. Apologies
 4. Confirmation of Minutes
 5. Declarations of Interest & Reportable Political Donations
 6. Deputations
 7. Mayoral Minutes
-

1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

An apology has been received from Cr Nathan Willis.

4. Confirmation of Minutes

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 19 December 2019 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 19 December 2019.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

8. Planning and Environmental Health Division Reports

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

Delivery Program

Strategic Planning

Objective

To present the outcomes of the public exhibition of BSCPP 19/003 246 - 250 Lismore Road Wollongbar, Proposed Service Station and Retail Premises

Background

Council adopted the Wollongbar Strategic Plan (WSP) on 27 June 2019. A submission to the draft WSP related to the redevelopment of the existing service station site and the need for a planning proposal to achieve this outcome.

Strategic Action 9 of the WSP relates to the consideration by Council of an LEP amendment application for the subject site to permit a service station as an additional permitted use.

Council subsequently considered the LEP amendment application at its Ordinary meeting on 25 July 2019 and resolved as follows:

- 1. That Council proceed to prepare a planning proposal to amend the Ballina LEP 2012 to include a service station and one retail premises with a gross floor area not exceeding 100m² as land uses permitted with development consent in relation to Lot 2 DP 527953, 246 – 250 Lismore Road, Wollongbar.*
- 2. That the planning proposal be forwarded to the Department of Planning, Industry and Environment for a Gateway determination.*
- 3. That the Department of Planning, Industry and Environment be advised that Council wishes to exercise its delegated plan making functions for this LEP amendment.*
- 4. That upon an affirmative Gateway determination being received from the Department of Planning, Industry and Environment, the procedural steps associated with progression of the planning proposal be undertaken, including public exhibition.*
- 5. That Council receive a further report on the matter following the completion of the public exhibition of the planning proposal.*

Following the issue of a Gateway determination, the planning proposal was publically exhibited from 13 November 2019 until 13 December 2019. Four submissions raising various concerns were received.

This report considers the submissions received in response to the public exhibition process and seeks direction on the finalisation of the planning proposal.

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

Attachment 1 contains a copy of the exhibited planning proposal.

Attachment 2 contains copies of the submissions received.

Key Issues

- Redevelopment of existing service station site
- Finalisation of planning proposal and LEP amendment

Information

The finalisation of the proposed LEP amendment will facilitate the redevelopment of the subject site with a new service station and one retail premises. The floor area of the retail premises will be limited to a gross floor area not exceeding 100m².

The 100m² limit is based on the maximum retail floor area permitted for neighbourhood shops under the provisions of Ballina LEP 2012.

The finalisation of the proposed LEP amendment is considered to be a positive outcome for Wollongbar. It will give the community access to a new contemporary service station on a 'Gateway' site at the entrance to Wollongbar. It will also facilitate site remediation works associated with the decommissioning of the existing service station.

The proposed LEP amendment nominates the service station and retail premises as an additional permitted use within the R2 Low Density Residential zone. This will prevent the retail premises component expanding beyond the 100m² nominated within the planning proposal.

Limiting the amount of retail space associated with the redevelopment of the subject site is required in order to limit the degree of potential negative impact on trade within the existing Wollongbar shopping centre.

Ideally, the service station should be located such that it forms a part of the existing shopping centre precinct so to assist in reinforcing the viability of this centre by concentrating customers in the one location. Such an outcome is difficult to achieve having regard to the existing use rights enjoyed by the service station development.

In the longer term to 2038 it is envisaged that the Wollongbar village population will increase by some 2,000 people to approximately 5,000 people. As this occurs it also creates additional opportunities for trade to increase within the existing Wollongbar shopping centre.

On balance the planning proposal has sufficient merit, in terms of facilitating access to modern service station facilities for the Wollongbar community and site remediation, to warrant its finalisation.

Sustainability Considerations

- **Environment**

The finalisation of the LEP amendment to permit additional uses on the site is not considered to have any significant adverse environmental implications. The redevelopment of the site also provides an opportunity to undertake site remediation work to rectify previous contamination caused by the existing service station use.
- **Social**

The finalisation of the LEP amendment to permit additional uses on the site is not considered to have any significant adverse implications for the community's wellbeing. The proposed use does provide for services and facilities beneficial to the community.
- **Economic**

The finalisation of the LEP amendment to permit the service station and retail premises may have beneficial economic implications for the Wollongbar community associated with job creation. This may occur if the service station and retail use capture trade that escapes out of the local community as opposed to redistributing it away from traders within the existing neighbourhood shopping centre.

Legal / Resource / Financial Implications

Council is the planning proposal authority for the proposed LEP amendment. It has also been authorised as the local plan making authority subject to the conditions contained within the Gateway determination.

The finalisation of the proposed LEP amendment is proposed to be undertaken under delegation provided to Council by the Department of Planning Industry and Environment.

Completion of the planning proposal to permit a new service station, and one retail premises with a gross floor area not exceeding 100m², can be managed within existing staff resources. This matter is included in the current Strategic Planning work program.

Consultation

The planning proposal was publically exhibited from 13 November 2019 until 13 December 2019.

No consultation with Government authorities occurred or was required by the Gateway determination.

The community engagement strategy associated with the public exhibition included:

- Letters being forwarded to 67 property owners and other interested parties. This included the Wollongbar Progress Association and the owners of commercially zoned land in Wollongbar.
- An advertisement being inserted in the Ballina Advocate newspaper.

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

- The planning proposal being displayed within Council's community access points (libraries and the Customer Service Centre).

In response, four submissions were received.

The following table provides a summary of the main issues raised within the submissions together with staff comments.

Summary of issues raised in submissions and staff comments

Summary of Issues	Comments
Concern regarding fracturing an already weak commercial / retail precinct in Wollongbar.	<p>The Wollongbar Palms shopping centre contains 13 commercial / retail tenancies of which two are currently vacant.</p> <p>The vacant tenancies have respective leasable areas of 170m² and 48m². The chemist who occupied the larger premises has relocated to another shop within the centre (more than 2 years ago). The smaller tenancy was previously occupied by a hairdresser and became vacant in July 2019.</p> <p>The leasing agent for the centre was contacted and advised that he considered that the centre was trading strongly as all of the tenants are generally long term tenants. He also advised that he did not think that the proposed 100m² retail premises associated with the service station would adversely affect the centre.</p> <p>Also available for development within the existing Wollongbar commercial precinct are two vacant business zoned sites. These sites have a total combined area of 1.0654ha (3,974m² - Vebor site, and 6,680m² - IGA site).</p> <p>The concern raised may be balanced against the fact that the existing service station development enjoys existing use rights and has existed on this site since 1963. In addition over the past 40 year period various additional commercial uses have been undertaken on this site including a shop.</p> <p>It is in the above context that the planning proposal is supported.</p>
Commercial and retail development should be consolidated within the existing designated commercial / retail precinct before creating a new completely detached retail outlet.	<p>Ideally, this would be the case. It is difficult to achieve given the current operation of the service station on the site and the existing use rights enjoyed by the service station development. Such rights would enable the service station to be redeveloped albeit not to the extent proposed by this planning proposal.</p>
Objective for a vibrant, attractive and viable village will not be achieved by fracturing an already struggling commercial precinct.	<p>Refer previous comments.</p>

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

Summary of Issues	Comments
<p>Proponent should be restricted to 100m² of retail premises. This should not provide a stepping-stone to more dense retail / commercial development on this or other minor sites outside of the Wollongbar village shopping centre precinct.</p>	<p>The planning proposal provides for one retail premises having a maximum gross floor area of 100m² in addition to the service station. These uses are proposed to be permitted using the additional permitted use provisions contained in Ballina LEP 2012.</p> <p>The possibility of using the proposed development as a stepping stone to more intense retail and commercial premises is significantly reduced while the site retains its R2 Low Density Residential zoning.</p> <p>If more intense development were proposed at some future time then this would require a further planning proposal to be considered by Council.</p>
<p>Out of business hour fuel deliveries generating noise concerns. Water runoff concerns. Road safety concerns.</p>	<p>The objector has submitted details of fuel delivery times over a number of months.</p> <p>A service station has existed on the corner of Rifle Range Road and Lismore Road since 1963.</p> <p>In 1980 a development application (DA1979/589) was approved to expand the existing use (petrol pumps and store) to a garage and showroom.</p> <p>There were no conditions on this consent related to trading times or times in which fuel deliveries are permitted to take place.</p> <p>Due to the development consent not specifying operating or fuel delivery hours Council staff have attempted to negotiate with BP and the property owner in an effort to align fuel delivery times with the operating hours of the service station. This has resulted in a reduction in out of hours deliveries although it is alleged on some occasions deliveries as early as 4:45am have still occurred.</p> <p>The existing BP service station currently operates between the hours of 5am to 8pm Monday to Friday and 6am to 6pm on weekends. It is understood that it has previously operated as late as 11pm.</p> <p>The issues raised by the objector, including runoff concerns, are all ones that are relevant for consideration at the development application stage of the process.</p> <p>The DA process will provide opportunities to address the operating and fuel delivery time issues as well as runoff concerns. It will also provide an opportunity to locate access driveways to the service station site so as to minimise potential adverse road safety impacts.</p>
<p>Support service station subject to incorporation of standard and fast charging facilities for electric vehicles.</p>	<p>The incorporation of electric vehicle charging facilities is a matter for the property developer to determine and cannot be mandated by Council as part of an LEP amendment proposal.</p>

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

Summary of Issues	Comments
Question how proposal is consistent with the Prosperous Economy theme contained in Council's Community Strategic Plan.	<p>The planning proposal indicates that it is consistent with the Prosperous Economy outcomes:</p> <p>PE1 – We attract new businesses and visitors, and PE 2 – My business can grow and diversify.</p> <p>The redevelopment of the existing service station and associated retail shop is consistent with this theme as it involves new business opportunities being created within the shire. It also enables the existing service station business to grow and diversify.</p> <p>The anticipated impact on the existing Wollongbar village shopping centre has been discussed above.</p>

Options

1. Authorise the General Manager to finalise the amendment of Ballina LEP 2012 as detailed in the exhibited Planning Proposal BSCPP19/003 246 – 250 Lismore Road Wollongbar, as contained within Attachment 1.

This is the recommended option.

Adoption of this option will result in the LEP amendment being finalised as exhibited utilising Council's delegated plan making functions.

This approach would include notification of the decision to those who made submissions in relation to the planning proposal.

2. Finalise the planning proposal and delete the reference to the incorporation of one retail premises.

Adoption of this option would enable the service station component of the development to proceed without the retail premises.

This option is not recommended having regard to the relatively large site area (3,427m²) and the R2 Low Density Residential zoning applicable to the site. The proposed service station and retail use are compatible land uses.

The absence of the retail component may result in less compatible uses that are permitted in the R2 Low Density Residential Zone being proposed on the site in conjunction with a service station.

3. Discontinue the planning proposal and take no further action to finalise the planning proposal.

This option is not recommended having regard to the history associated with the development of this planning proposal including it being referenced within the Wollongbar Strategic Plan.

This option is also not recommended based on the nature and number of submissions received which do not support the planning proposal.

The implementation of this option also requires Council to seek a determination from the Minister that the matter not proceed.

8.1 Planning Proposal 246 - 250 Lismore Road Wollongbar - Finalisation

4. Defer the finalisation of the LEP amendment pending a Councillor briefing.

This option is open to Council should additional information or clarification be required.

RECOMMENDATION

That Council authorises the General Manager to finalise and implement Planning Proposal BSCPP19/003 246 – 250 Lismore Road Wollongbar as detailed in Attachment 1 to this report, under delegated authority.

Attachment(s)

1. [BSCPP 19/003 - Planning Proposal \(as exhibited\)](#)
2. [BSCPP 19/003 - Submissions](#)

8.2 DCP Amendments - Attached Dual Occupancy Alstonville and Wardell

8.2 DCP Amendments - Attached Dual Occupancy Alstonville and Wardell

Delivery Program

Strategic Planning

Objective

To give consideration to the adoption of amendments to Chapter 4 of Ballina Shire DCP 2012 which relate to the incorporation of existing dwellings into attached dual occupancy development.

Background

Council at its Ordinary meeting held on 24 October 2019 resolved to finalise the Attached Dual Occupancy planning proposal for Alstonville. Council also resolved to place on public exhibition additional draft DCP amendments.

The draft DCP amendments relate to Ballina Shire DCP 2012 - Chapter 4 Residential and Tourist Development.

The draft DCP amendments contain additional development controls, which would apply where an existing dwelling forms a part of an attached dual occupancy development proposal. The amendments aim to address amenity and compatibility considerations to achieve positive design outcomes and integration when a second dwelling is attached to an existing dwelling to create an attached dual occupancy.

The proposed DCP provisions would apply to the development of attached dual occupancies on R2 Low Density Residential zoned land in Alstonville and Wardell (noting Council is yet to finalise a change to the LEP to enable attached dual occupancy on R2 zoned land in Wardell).

A series of sketch diagrams showing acceptable and unacceptable solutions form part of the draft amendments to provide guidance as to the outcomes sought.

This report further considers the draft DCP amendments following their public exhibition and seeks direction on their finalisation and incorporation into the DCP.

Attachment 1 contains the draft DCP amendments as publicly exhibited.

Key Issues

- Draft DCP amendments
- Attached dual occupancy DCP development controls

Information

Ballina LEP 2012 Amendment 43 enabling attached dual occupancy development in additional areas in Alstonville was made on 3 December 2019. It was subsequently published on the NSW Legislation web site on 13 December 2019.

Amendments to Ballina Shire DCP 2012, Chapters 3 Urban Subdivision and Chapter 4 Residential and Tourist Development, adopted by Council at its meeting on 24 October 2019, and applicable to Alstonville, also became effective on 13 December 2019.

The additional DCP provisions detailed in Attachment 1, if adopted, will be applied in cases where an existing dwelling is proposed to be incorporated into an attached dual occupancy development.

The development controls are drafted so as to ensure, as far as is practical, that the proposed attached dual occupancy development presents as one architecturally unified development. This is done through requirements such as uniformity in roof design, and complimentary use of materials and landscaping.

In the majority of cases it will not be economically feasible to incorporate existing dwellings within an attached dual occupancy development. This is partly because the use of car ports and breezeways are deemed to be an inappropriate form of 'attachment' and also due to various upgrading requirements applicable to existing dwellings.

Sustainability Considerations

- **Environment**

It is considered that there are no adverse environmental impacts associated with the adoption of the exhibited draft DCP amendments, particularly given that the amendments seek to achieve compatibility between existing and new dwellings that form part of a dual occupancy development that is proposed on a land parcel.

- **Social**

Not applicable.

- **Economic**

In some cases there may be economic benefits related to the retention and incorporation of an existing dwelling into an attached dual occupancy development.

Legal / Resource / Financial Implications

The preparation and exhibition of the draft DCP amendments has been undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and its associated Regulation. The amendment can be completed and implemented within the existing resources of the Strategic Planning Section.

8.2 DCP Amendments - Attached Dual Occupancy Alstonville and Wardell

Clause 21(1) of the *Environmental Planning and Assessment Regulation 2000* sets out the process applicable once Council has considered submissions. Clause 21(1) is reproduced below:

21 Approval of development control plans

(1) *After considering any submissions about the draft development control plan that have been duly made, the council:*

- a) may approve the plan in the form in which it was publicly exhibited, or*
- b) may approve the plan with such alterations as the council thinks fit, or*
- c) may decide not to proceed with the plan.*

Consultation

The draft DCP amendments were publicly exhibited from 13 November 2019 until 13 December 2019. In response no submissions were received.

Options

1. Adopt and implement amendments to the DCP as publicly exhibited.

This is the recommended course of action. It will result in development controls being incorporated within the DCP that relate specifically to proposals that seek to incorporate existing dwellings within the development. It will also result in the DCP being enhanced with a range of explanatory diagrams designed to convey graphically specific desired development outcomes.

If this is the approach adopted by the Council, it is proposed that the amendment will take effect from the date of publication in the Ballina Shire Advocate. Public notice is required to be given of the amendment's adoption within 28 days of the Council's decision.

With respect to dual occupancy permissibility, Council has also resolved to progress an LEP amendment to enable attached dual occupancy on certain R2 Low Density Residential zoned land in Wardell (BSCPP 18/003). This amendment is an action under the Wardell Strategic Plan.

This amendment has been publicly exhibited and is expected to be reported to Council in relation to finalisation in the near future.

It is intended that the proposed DCP amendments the subject of this report will also apply to attached dual occupancy development permitted in Wardell under that planning proposal. The provisions of the DCP would take effect upon completion of the planning proposal (should it proceed to finalisation). This is embodied in the recommendation below.

Alternatively, Council could proceed to adopt the amendments subject to changes as specified by the Council based on a similar notification to that outlined above.

8.2 DCP Amendments - Attached Dual Occupancy Alstonville and Wardell

2. Decline the adoption of DCP Amendments

Council may resolve to decline to adopt the draft DCP amendments in whole or in part. This is not the recommended course of action as it will result in the DCP containing less detail on requirements for development proposals which seek to incorporate existing dwellings within the attached dual occupancy development proposals.

3. Defer adoption of DCP Amendments

Council may resolve to defer the adoption of the draft DCP amendments and seek additional information and/or further consideration of the identified issues.

RECOMMENDATIONS

1. That Council adopts the draft amendments to Ballina Shire DCP 2012 Chapter 4, as publicly exhibited and contained within Attachment 1.
2. That Council provide public notice of the adoption of the amendments to Ballina Shire Development Control Plan 2012 Chapter 4, with the amendments to take effect for Alstonville from the date of the public notice, and for Wardell from the date of finalisation of planning proposal 18/003 Attached Dual Occupancy- Wardell.
3. That Council provide a copy of Ballina Shire DCP 2012 to the NSW Department of Planning, Industry and Environment as required by the Environmental Planning and Assessment Regulation.

Attachment(s)

- 1  DCP Amendments - Exhibited

8.3 Compliance Work Plan - 31 December 2019 Review

8.3 Compliance Work Plan - 31 December 2019 Review

Delivery Program

Development Services

Objective

To provide Council with a half yearly update on the 2019/20 compliance work plan

Background

At the June 2019 Ordinary meeting, Council adopted a compliance work plan for the 2019/20 financial year.

This report provides a half yearly update on the implementation of the plan.

Key Issues

- Level of compliance
- Results achieved

Information

A summary of the key program elements is as follows.

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

Program to complete audit of all 2012 major development consents this financial year ongoing.

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

Program to complete audit of all 2012 identified development consents this financial year ongoing.

3. *Caravan Park Inspections, Auditing and Licensing*

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

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

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

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

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

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

Auditing of essential services (fire safety) certification and inspections program ongoing to ensure adequate levels of safety for occupants in the event of a fire or emergency.

This program includes ongoing development of Council's Essential Services Register.

In addition to the above, a program to address unauthorised dwellings on rural land is the subject of a confidential report elsewhere in this agenda.

Direction from Council is sought with respect to the specific inclusion of targeted action relating to unauthorised rural dwellings on the compliance work plan.

This direction is sought as unauthorised rural dwellings has been identified as a significant compliance issue, with such dwellings having implications associated with a variety of matters including onsite sewage management, land use conflict and building standards.

In general terms, there has been a noticeable increase in complaints or other referrals to the compliance section for action.

There have also been several compliance related matters that have involved significant allocation of available resources. These matters have affected the delivery of the broader compliance work plan and management of day to day compliance matters to date this year.

Program Progress

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

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

8.3 Compliance Work Plan - 31 December 2019 Review

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

During this financial year, all outstanding 2011 major developments have been inspected and have now been complied with. These matters will no longer be included in this report, with resources now being directed to 2012 major developments.

The status of the 2012 major development consent audit program is as follows.

Item	2012
Number of Major Developments	47
Number inspected for compliance	1
Number compliant	0
Ongoing inspections	1
Consents not commenced	0
Lapsed consents	0
Number yet to be inspected	46

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

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

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

This program has continued on to audit the year 2007, 2008, 2009, 2010 and 2011 development applications. The 2006, 2007 and 2008 financial year audits have been completed, with all development consents now fully complied with.

During this financial year, all outstanding 2009, 2010 and 2011 identified developments have been inspected and have now been complied with. These matters will no longer be included in this report, with resources now being directed to the 2012 identified developments.

The status of the 2012 identified development consent audit program is as follows.

8.3 Compliance Work Plan - 31 December 2019 Review

Item	2012
Number of Identified Developments	112
Number Inspected for Compliance	1
Number Compliant	0
Number of Ongoing Inspections	1
Number of Consents not commenced	0
Number of Consents lapsed	0
Number yet to be inspected	111

3. Caravan Park Inspections, Auditing and Licensing

This program seeks to ensure that the caravan parks operate in accordance with legislative provisions and provide a safe environment for park residents.

Council is continuing with annual inspections of all existing caravan parks for ongoing compliance with their issued approvals to operate where resources permit.

Under the initial annual inspections carried out in the 2017/18 financial year, there was a focus on safety and risk issues including smoke detectors, fire services and emergency evacuation plans to ensure the safety of patrons of each of the caravan parks.

The current status of caravan parks within the Ballina Shire is as follows:

- One park was issued with "Approval to Operate" license this financial year
- Three parks have licenses due for renewal in 2019, with applications currently under assessment and additional information being sought
- Three parks have current licenses due for renewal in March 2020
- Three parks have been issued with Notices and Orders to address various matters arising
- Nine parks have current five year approvals to operate.

The main issues identified within parks subject of the Notices and Orders include:

1. Park activities being expanded outside of property boundaries
2. Fire services and electrical services below the relevant Australian Standards and
3. Structural non-compliance for buildings in line with regulation requirements.

This is not an exhaustive list of the non-compliances, but as outlined earlier the initial focus has been on safety and risk issues.

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

Council resolved at the January 2019 Ordinary meeting to adopt the *Private Swimming Pool Barrier Fencing Policy*. This policy has assisted in consistent enforcement of the legislative requirements of the provisions of the *Swimming Pools Act 1992 (NSW)* and the new *Swimming Pools Regulation 2018 (NSW)*.

At that same meeting, with respect to the half yearly compliance work plan update, Council resolved the following:

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

Part two of this resolution is being considered as part of the workforce planning process (and associated budget preparation) for the 2020/21 financial year.

A key aim for this financial year is to have all private swimming pools within the Ballina Shire accurately recorded on the swimming pools register as the basis for a comprehensive inspection program.

During the 2019/20 financial year to date, an additional 410 premises have been added to Council's Swimming Pools Register, giving a current total of 2,472 properties listed as having private swimming pools as at 17 December 2019.

It is estimated that there are in excess of 4,200 private swimming pools within Ballina Shire. Council and the NSW State Government have engaged in a lengthy, ongoing media campaign to advise landowners of the legal requirements to register their swimming pool on the State Swimming Pools Register. Unfortunately, many pool owners have not taken action to register their pool.

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

This financial year, 222 Show Cause Notices have been issued to landowners who had not registered their private swimming pool, bringing the total number of Show Cause Notices served to 594.

As a follow up to Council's Show Cause Notices, 55 landowners have failed to register their swimming pools and were fined.

During this current compliance work plan period, 60 new mandatory inspection swimming pools were identified, bringing the total number of mandatory inspection swimming pools in the shire to 190 swimming pools.

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

An additional 62 premises have been added to Council's Essential Services Register this financial year, giving a total of 655 properties listed as at 17 December 2019.

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

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

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

The NSW State Government has recently implemented changes to the Annual Fire Safety Statement and these changes are being incorporated into Council's processes.

Court Proceedings

Some matters investigated result in the commencement of legal proceedings, either in the Ballina Local Court or, where circumstances warrant, the NSW Land and Environment Court.

Any legal action through the Courts is undertaken in line with the provisions of Council's Enforcement Policy.

One new Local Court matter and one Land and Environment Court matter concluded during this period.

These matters were the subject of Council resolutions to endorse commencement of those proceedings. Council has been successful in both matters.

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

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

Legal Notices

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

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

This current financial year the compliance section:

- has issued 38 new notices for identified breaches and non-compliances
- has finalised 44 notices that have been ongoing, where the matter has been resolved to Council's satisfaction and without requiring litigation and
- is currently managing 55 outstanding notices that require ongoing follow up. Where a satisfactory resolution is not achieved the matter may result in formal Court proceedings.

Liquor Licensing Issues

Compliance staff assess and make submissions to Liquor and Gaming NSW (formally known as the Office of Liquor, Gaming and Racing) on liquor licence applications lodged within the Ballina Shire in line with Council's adopted *Liquor Licensing Policy*.

During the current financial year, Council dealt with six new liquor licence applications and finalised 17 licenced premises applications within the financial year.

Sustainability Considerations

- **Environment**
Compliance with issued development consents enhances the protection of the built and natural environments.
- **Social**
As above
- **Economic**
Compliance with development conditions results in a more level playing field for business operators.

Legal / Resource / Financial Implications

This program aims to efficiently utilise the resources allocated for enforcement activities. Proactive actions can reduce the need for extra compliance at a later date.

Consultation

This report has been provided for public information.

Options

The options are to note the contents of the report or to amend the identified compliance project work plan where Council believes there may be higher priorities that need to be addressed.

The recommendation is to note the report as Council has previously endorsed the compliance work plan for 2019/20 with the actions identified reflecting the highest priorities for the broader community.

8.3 Compliance Work Plan - 31 December 2019 Review

In considering the recommendation of this report, it should be noted that the confidential report addressing unauthorised rural dwellings canvasses inclusion of an additional program under the compliance work plan.

RECOMMENDATION

That Council notes the contents of this report on the status of the compliance work plan for 2019/20, along with the overview of the confidential report on unauthorised rural dwellings included elsewhere in this agenda.

Attachment(s)

Nil

8.4 Development Applications – Variation to Development Standards

8.4 Development Applications – Variation to Development Standards

In accordance with the Department of Planning's Circular PS18-003, the following information is provided on development applications where a variation to development standards of 10% or less (via the BLEP 1987 or BLEP 2012) has been approved by staff under delegated authority.

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for Variation
2019/217	1/10/2019	G Hickey	Alterations and additions to a dual occupancy – 38 Cliff Murray Lane, Lennox Head	R3 Medium Density Residential – BLEP 2012	BLEP 2012 – Clause 4.4 – Floor Space Ratio – 5.2%	Compatible with bulk, scale and character

RECOMMENDATION

That Council notes that there has been one application approved under delegation for variations to development standards of 10% or less for October to December 2019.

Attachment(s)

Nil

8.5 Development Applications - Works in Progress - January 2020

8.5 Development Applications - Works in Progress - January 2020

The following schedule sets out the status of 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
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 118 residential lots and five super lots, construction of roads, stormwater management and drainage (including detention basins and piping of creek), infrastructure servicing, earthworks, vegetation clearing, open space and temporary signage – 20 North Creek Road, Lennox Head	Awaiting additional information
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Awaiting additional information
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2020

2018/616	9/10/2018	Northern Rivers Land Solutions	To undertake bulk earthworks associated with the subdivision consented to under DA 2016/184 – 658 Tamarind Drive, 33 Mitchell Close, 52 Albert Sheathers Lane & 88 Sandy Flat Road, Cumbalum (Banyan Hill)	Subject to Land & Environment Court Appeal – hearing dates 31 January 2020 & 10-12 February 2020
2018/631	17/10/2018	GM Project Management	Proposed two lot subdivision to create one x 574sqm and one x 708sqm allotments and partial demolition and reconstruction of existing dwelling house – 7 Evelyn Villa Drive, Alstonville	Awaiting additional information
2018/746	5/12/2018	Ardill Payne & Partners	Alterations and Additions to the Ballina Central Shopping Centre, comprising the addition of one pad site, new commercial floor space and alterations to the car parking area – 44 Bangalow Road, Ballina	Determination pending
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road & 22 Scarlett Court, Wollongbar	Awaiting additional information
2019/21	21/1/2019	Ardill Payne & Partners	Establishment of a detached dual occupancy involving the relocation of a dwelling and tourist and visitor accommodation comprising the change of use of an existing studio to a holiday cabin and the erection of a new holiday cabin and associated works – 208 Fernleigh Road, Tintenbar	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2020

2019/30	24/1/2019	Newton Denny Chapelle	Staged development involving the temporary use of the land for five years as a function centre for the purpose of hosting wedding ceremonies. It is proposed to host a maximum of 20 ceremonies in any 12 month period catering for a maximum of 120 people. The proposal also involves staged development of eight holiday cabins and associated amenities and infrastructure – 43 Tuckombil Lane, Tuckombil	Subject to rescission motion
2019/123	28/2/2019	Newton Denny Chapelle	Demolition of all structures on-site and erection and Strata Title subdivision of a mixed use development comprising a three storey 9.7m high building (above the 9.0m height of buildings development standard) including food and drink premises and retail premises at ground and second floors, business premises at second floor and shop top housing consisting of two residential dwellings on the third floor, on-site car parking, vegetation removal and associated works. A pedestrian walkway linking Ballina Street and Park Lane is proposed - 74 Ballina Street, Lennox Head	Being assessed To be reported to Council for determination (Resolution 281119/15)
2019/133	4/3/2019	Ardill Payne & Partners	Subdivision to create eight residential Torrens Title lots varying in size from 690sqm to 1,200sqm and one residue 2.72 hectare allotment and associated works – 44-52 Blue Seas Parade, Lennox Head	Being assessed
2019/145	8/3/2019	Ardill Payne & Partners	Construction of an Industrial Development to be Used for a Depot and For General and Light Industrial Purposes, Filling of Land and Associated Works – 29-31 Smith Drive, West Ballina	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2020

2019/170	19/3/2019	MP & MJ Veronesi	Two Lot Boundary Adjustment Subdivision to create one x 78ha and one x 5ha allotments – 987 & 937 Wardell Road, Meerschaum Vale	Being assessed
2019/223	11/4/2019	Tim Fitzroy & Associates	Expansion of the existing solid waste transfer station with a processing capacity of up to 28,000 tonnes per annum. The proposed expansion will allow for sorting of construction/demolition waste, general mixed waste, recycling, paper/cardboard, green waste, steel, timber, waste oil and community recycling centre for household chemicals. The transfer station is proposed to operate 6.00am to 6.00pm Monday to Friday and 7.00am to 4.00pm Saturdays and Sundays and the waste transfer (haulage) operations to occur 24 hours Monday to Sunday.– 2 Northcott Crescent, Alstonville	Referred to Government Department To be reported to Council for determination (Resolution 241019/18)
2019/283	7/5/2019	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Awaiting additional information
2019/316	20/5/2019	RJ Westblade	Establishment of a multi dwelling housing development comprising the staged construction and Strata Title Subdivision of two detached dwellings - 20 Canal Road, Ballina	Awaiting additional information
2019/376	11/6/2019	Newton Denny Chapelle	Erection of five greenhouses to be used for the propagation of potted plants, expansion of farm dam, and associated earthworks and other civil works – 348 Rous Road, Rous Mill	Awaiting Additional Information

8.5 Development Applications - Works in Progress - January 2020

2019/402	19/06/2019	Northern Rivers Land Solutions	Subdivision of Two Existing Lots to Create Two Modified Lots being one 18.45 ha and one 49.9ha allotments – Tamarind Drive & Ballina Heights Drive, Cumbalum	Determination pending
2019/438	03/07/2019	Ardill Payne & Partners	To undertake the Torrens Title Subdivision of 4 x existing vacant lots to create 10 x vacant residential lots – 25-39 Fitzroy Street, Wardell	Referred to Government Department Awaiting additional information
2019/465	18/7/2019	Newton Denny Chapelle	To establish a warehouse or distribution centre for the storage of road base material pending its sale – Teven Road, West Ballina	Awaiting additional information
2019/487	29/7/2019	Ardill Payne & Partners	Erection of five pole signs associated with the Ballina RSL – 1 Grant Street, Ballina	Being assessed
2019/499	2/8/2019	Planners North	Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina	Being assessed
2019/505	6/8/2019	Newton Denny Chapelle	Construction of Multi Dwelling Housing development comprising three detached single-storey dwellings and associated earthworks, driveways and landscaping, and Strata Title Subdivision – 12 Cowrie Street, Lennox Head	Awaiting additional information
2019/519	15/8/2019	Newton Denny Chapelle	To establish a depot and storage premises and to undertake earthworks and retaining of the site – 23 Northcott Crescent, Alstonville	Being assessed To be reported to Council for determination (Resolution 241019/18)
2019/535	21/8/2019	Ardill Payne & Partners	To undertake a development in four stages comprising: Stage 1 - Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 – area of 801m ² and Proposed Lot 3 – area of 1090m ²),	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2020

			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	
2019/598	18/9/2019	Newton Denny Chapelle	Erection of a sports amenities and community centre – Hutley Drive, Lennox Head	Being assessed
2019/617	25/9/2019	Jamie Hoile	Vegetation management works comprising the removal of one tree – 2 Sunrise Crescent, Lennox Head	Being assessed
2019/628	27/9/2019	Newton Denny Chapelle	Temporary use of the commercial kitchen and outdoor seating area at the Wollongbar Christian Church for the purposes of a café - 66 Rifle Range Road, Wollongbar	Awaiting additional information
2019/638	2/10/2019	Newton Denny Chapelle	Erection of a new building for the purposes of a café with indoor and outdoor dining for 120 people and associated earthworks, retaining walls, infrastructure servicing and landscaping – 1 Shelly Beach Road, East Ballina	Being assessed
2019/639	3/10/2019	Petal Niemack	Vegetation management works comprising the removal of two trees – 110 Ballina Road, Alstonville	Being assessed
2019/643	4/10/2019	DJ Hauenstein	Vegetation management works comprising the removal of 13 trees – 67 Northumberland Drive, East Ballina	Being assessed
2019/666	16/10/2019	GHD Pty Ltd on behalf of Ballina Shire Council	Upgrades to the Marom Creek Water Treatment Plant – 65 Weis Lane, Rous	Being assessed
2019/667	16/10/2019	Northern Rivers Land Solutions	Temporary Storage Premises, Truck Depot and Landscape Material Supplies – 14 Kays Lane, Alstonville	Being assessed

8.5 Development Applications - Works in Progress - January 2020

2019/669	17/10/2019	Victor Holmes Town Planning	Two lot Torrens Title Subdivision to create one x 600m ² allotment and one x 539m ² allotment (below the 600m ² minimum lot size development standard of the Ballina LEP 2012), demolition of gazebo, carport and swimming pool, site filling and drainage, infrastructure servicing, vegetation management works and associated works – 23 Skinner Street, Ballina	Awaiting additional information
2019/672	17/10/2019	Ardill Payne & Partners	Change of use of two of the existing industrial units (units 1c and 2b) to warehousing and unit 2c to gymnasium – 40 De-Havilland Crescent, Ballina	Awaiting additional information
2019/691	28/10/2019	Planners North	Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 10 two storey dwellings – Lot 6 DP 1225206 (approved Lot 345 in DA 2017/244) The Coast Road, Skennars Head	On exhibition Awaiting additional information
2019/694	28/10/2019	Planners North	Tourist and Visitor Accommodation comprising eight holiday cabins, communal recreation building and an information education facility for the purposes of a cooking school - 841 Fernleigh Road Brooklet	Being assessed
2019/696	29/10/2019	Luke Shay	Strata Title subdivision of an existing dual occupancy – 7 Farrelly Avenue, Cumbalum	Being assessed
2019/697	29/10/2019	Luke Shay	Strata Title subdivision of an existing dual occupancy – 9 Farrelly Avenue, Cumbalum	Being assessed
2019/702	31/10/2019	Ardill Payne & Partners	Residential subdivision to create four lots ranging in size from 1,023sqm to 2,367sqm and associated infrastructure servicing - 81 Teven Road, Alstonville	To be reported to Council for determination (Resolution 191219/11)
2019/717	6/11/2019	Ardill Payne & Partners	Construction of a slip lane to Tamarind Drive including consequential modifications to the northern car parking	Being assessed

8.5 Development Applications - Works in Progress - January 2020

			area – 84 Kerr Street, Ballina	
2019/729	15/11/2019	Ardill Payne & Partners	Erection of self-storage unit complex – 74 De-Havilland Crescent, Ballina	Awaiting additional information
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	On exhibition Referred to Government departments
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 & 21 Emigrant Creek Road, West Ballina	On exhibition Awaiting additional information
2019/748	25/11/2019	Newton Denny Chapelle	Alterations and additions to Emmanuel Anglican College to extend S-Block art building and include a home economics classroom – 62 Horizon Drive, West Ballina	Being assessed
2019/758	29/11/2019	A Henderson	Vegetation management works comprising the removal of one pine tree – 4 Ambrose Lane, Alstonville	Being assessed
2019/762	29/11/2019	RCS Group	Subdivision by way of boundary adjustment of two existing allotments to create one x 1.2ha and one x 14.9ha allotments - 225 & 249 Moylans Lane, Empire Vale	Awaiting additional information
2019/764	2/12/2019	Ardill Payne & Partners	Erection of a multi-dwelling housing development	On exhibition

8.5 Development Applications - Works in Progress - January 2020

			involving the construction of two x two storey attached dwellings at the rear of the existing dwelling, demolition of existing garage and Strata Title subdivision – 43 Pacific Parade, Lennox Head	Awaiting additional information
2019/765	2/12/2019	Viru Investment Holdings Pty Ltd	Intensification of existing intensive horticulture facility and establishment of associated agricultural processing facility to be carried out as a staged development including construction of additional greenhouse, alteration to existing greenhouse, construction of agricultural processing industry building, construction of farm dam, construction of car park , erection of security fencing and associated landscaping works – 167 Rous Road, Rous	On exhibition Awaiting additional information
2019/776	11/12/2019	Planit Consulting Pty Ltd	Change of use to establish a Vehicle Sales or Hire Business - 2/38 De-Havilland Cres, Ballina	Awaiting additional information
2019/794	12/12/2019	Ardill Payne & Partners	Two lot subdivision by way of boundary adjustment to create one x 42.46ha and one x 1.47ha allotments – Palm Lake Resort, 120 North Creek Road, Ballina	Awaiting additional information Referred to Government department
2019/799	16/12/2019	P & E Hudson	To formalise and expand an agricultural produce industry (macadamia nut processing and value adding facility) and to carry out associated works – 18 Johnston Road, Newrybar	On exhibition
2019/812	20/12/2019	Ardill Payne & Partners	Erection of an industrial building for general industrial purposes – 64 De-Havilland Crescent, Ballina	Being assessed
2019/814	20/12/2019	McDonalds Australia Pty Ltd	Erection of Two Pylon signs for McDonalds one facing the Bruxner Highway with a maximum height level of 10.5m AHD and one facing the Pacific Highway with a maximum height level of 14.5m AHD. The sign	Awaiting additional information

8.5 Development Applications - Works in Progress - January 2020

			facing the Pacific Highway exceeds the 10.7m AHD height of building allowance prescribed under the Ballina Local Environmental Plan 2012 – 41 Bruxner Highway, West Ballina	
2019/819	23/12/19	Newton Denny Chapelle	Alterations to the roof and external cladding of the Lennox Head Community and Cultural Centre. The proposed works exceed the established height standard of 8.5m under Clause 4.3 of the Ballina Local Environmental Plan 2012. The proposed parapet to the roof will be set at 9.2m being lower than the existing turrets to the hall which are at a height of 9.65m – 3 Park Lane, Lennox Head	Being assessed
2020/4	6/1/2020	QSR Pty Limited	Alterations and additions including part demolition to existing food and drink premises with drive-thru facility (Ballina Taco Bell) – 107-109 Fox Street, Ballina	Being assessed

Regional Development (Determined by Northern Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/1/2016	21st Century Builders Pty Ltd	Amended Proposal: To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 166 allotments and including road construction and intersection works at Ross Lane, extensive earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - 246 Ross Lane, 47 Dufficys Lane & Ross Lane, Kinvara	Awaiting additional information
2016/524	16/9/2016	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 147 (previously 211) serviced, self-care housing with associated clubhouse, recreation facilities, roads	Subject to NRPP's decision on Site Compatability Certificate following Land and Environment

8.5 Development Applications - Works in Progress - January 2020

			and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	Court's findings. Council was not a participant in the LEC proceedings.
2016/746	23/12/2016	Ringtank Pty Ltd	Erection of three dwelling houses, 10 site caravan park, equine facilities including stables, veterinary facility, quarantine stalls, horse float and equipment shelters and two equestrian exercise lawns, private outdoor recreation facilities including go-kart track, shooting range, associated buildings, roadworks, earthworks including dam and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Awaiting additional information
2018/321	13/6/2018	Palm Lake Works Pty Ltd	Staged erection of an extension to an existing Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works – 120 North Creek Road, Ballina	Subject to Land and Environment Court Appeal - s56A of the Land and Environment Court Act 1979 – Appeal on decision made. Listed for hearing on 17 April 2020

Major Development (Determined by Minister)

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

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 January 2020.

Attachment(s) - Nil

9.1 Investment Summary - December 2019

9. Corporate and Community Division Reports

9.1 Investment Summary - December 2019

Delivery Program

Financial Services

Objective

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

Background

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

Key Issues

- Compliance with Investment Policy and the return on investments.

Information

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

The total balance of investments as at 31 December was \$83,038,300, decreasing by \$4 million from November. Council's investments, as at 31 December, were invested at an average (weighted) interest rate of 1.927%, which was 1.020% above the December average 90 Day Bank Bill Index of 0.907%. The balance of the Commonwealth Bank cheque account as at 31 December 2019 was \$5,581,497 decreasing by \$2,321,959 from November.

The combined movement of investments and bank balances was a decrease of \$6,321,959. The overall decrease is attributable to large creditor payments and loan repayments occurring in December.

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

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

* Reflects reserves held as at 30 June 2019.

9.1 Investment Summary - December 2019

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	2.2%	2%
Rated Institutions								
AMP Bank	Yes	BBB+	A2	5,500	7,500	10%	9.0%	
Australian Unity bank	n/a	BBB+	-	3,000	5,000	10%	6.0%	
Auswide Bank	No	BBB	Baa2	3,000	-	10%	0.0%	
Bank of China	Yes	A	A1	4,500	3,000	20%	3.6%	
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.2%	
Bank of Queensland	Yes	BBB+	A3	3,000	3,000	10%	3.6%	
BankVic	No	BBB+	Baa1	3,000	3,000	10%	3.6%	
Beyond Bank	No	BBB	-	2,000	2,000	10%	2.4%	
Commonwealth Bank of Australia	Yes	AA-	Aa3	4,000	4,000	20%	4.8%	
Credit Union Australia	No	BBB	Baa1	4,100	600	10%	0.7%	
Defence Bank Ltd	No	BBB	-	2,500	2,500	10%	3.0%	
Greater Bank Limited	No	BBB	-	1,000	1,000	10%	1.2%	
ME Bank	No	BBB	Baa1	5,750	5,750	10%	6.9%	
Macquarie Bank Limited	Yes	A+	A2	12,500	12,500	20%	15.1%	
My State Bank Ltd	No	BBB+	Baa1	7,000	7,000	10%	8.4%	
National Australia Bank	Yes	AA-	Aa3	10,000	10,000	20%	12.0%	
Newcastle Permanent Bld Society	No	BBB	A3	4,700	4,700	10%	5.7%	
Teachers Mutual Bank Limited	No	BBB	Baa1	1,700	1,700	10%	2.0%	
Westpac Banking Corporation	Yes	AA-	Aa3	7,000	7,000	20%	8.4%	98%
Total				87,038	83,038	100%		
Credit Rating Summary as per the Investment Policy			Maximum Allowed		Value Previous	Value Current	% Previous	% Current
			%	Value				
A- or Higher			100%	83,038	39,000	37,500	45%	45%
BBB			60%	49,823	48,038	45,538	55%	55%
Total					87,038	83,038	100%	100%

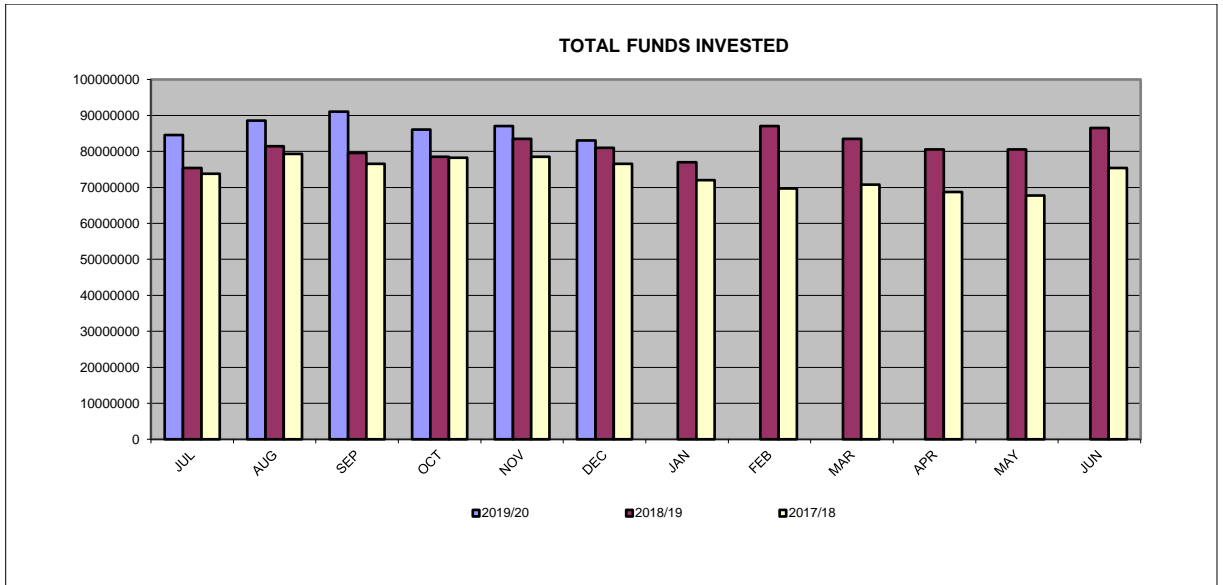
B. Summary of Investments Fossil Fuel Aligned

	Previous Month (\$'000)	Current Month (\$'000)
Fossil Fuel Aligned	49,288	49,788
	57%	60%
Non-Fossil Fuel Aligned	34,750	28,250
	40%	34%
Not Classified	3,000	5,000
	3%	6%
Total	87,038	83,038
	100%	100%

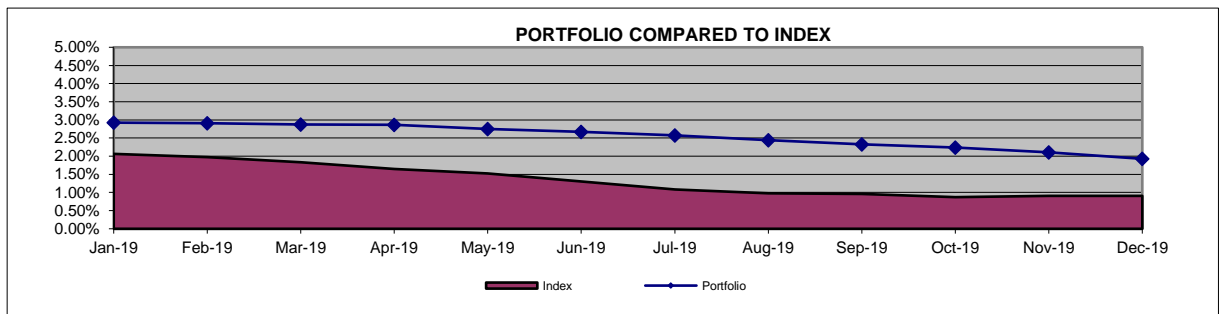
Classification based on advice from 'Market Forces'.

9.1 Investment Summary - December 2019

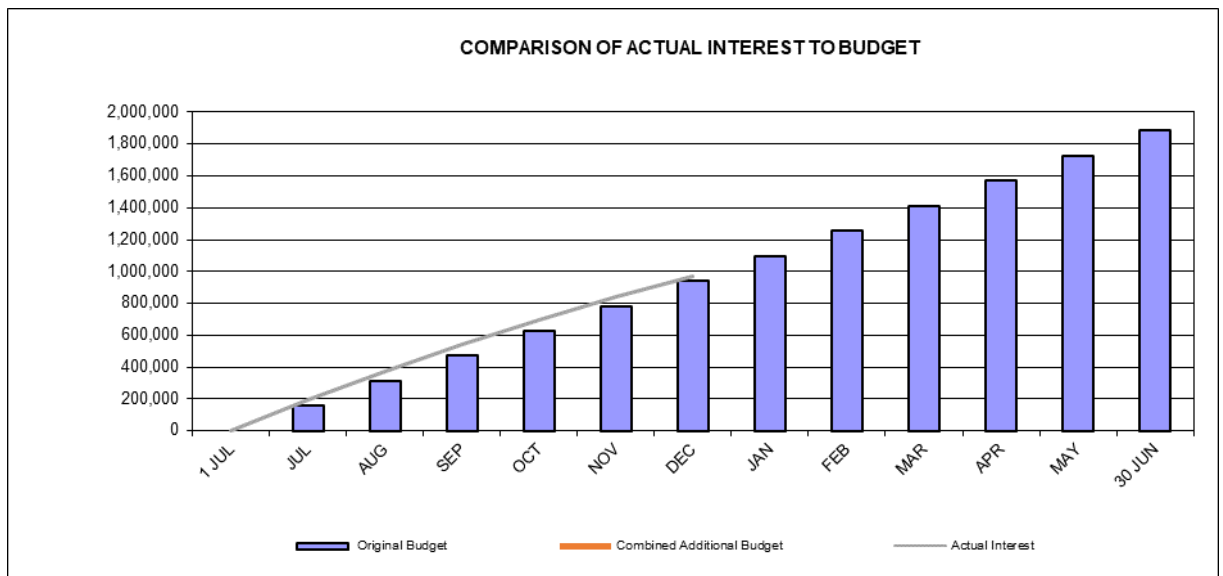
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



F. Investments held as at 31 December 2019

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/2004	National Australia Bank (ASX Listed)	FRN	2.83%	Perpetual	1,788	1,638
17/06/2016	Commonwealth Bank of Australia	FRN	1.95%	17/06/21	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	1.96%	30/06/21	1,000	1,000
26/07/2016	Commonwealth Bank of Australia	FRN	1.94%	26/07/21	1,000	1,000
24/02/2017	Greater Bank Limited	FRN	2.33%	24/02/20	1,000	1,000
29/06/2017	Teachers Mutual Bank Limited	FRN	2.34%	29/06/20	1,000	1,000
18/08/2017	Westpac Banking Corporation	FRN	1.95%	18/08/22	1,000	1,000
9/11/2017	ME Bank	FRN	2.18%	09/11/20	750	750
6/02/2018	Newcastle Permanent Bld Society	FRN	2.34%	06/02/23	700	700
30/07/2018	Westpac Banking Corporation	FRN	1.84%	31/07/23	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	1.86%	02/08/23	1,000	1,000
3/08/2017	Westpac Banking Corporation	FRN	1.98%	03/08/22	2,000	2,000
6/09/2018	Newcastle Permanent Bld Society	FRN	2.34%	06/02/23	1,000	1,000
6/09/2018	Credit Union Australia	FRN	2.14%	06/09/21	600	600
10/09/2018	AMP Bank	FRN	1.97%	10/09/21	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	1.97%	11/01/24	1,000	1,000
15/01/2019	My State Bank Ltd	TD	2.86%	15/01/20	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.98%	08/02/24	2,000	2,000
12/02/2019	Beyond Bank	TD	2.81%	11/02/20	2,000	2,000
21/02/2019	Newcastle Permanent Bld Society	FRN	1.94%	22/02/21	2,000	2,000
22/02/2019	Newcastle Permanent Bld Society	FRN	1.94%	22/02/21	1,000	1,000
28/06/2019	National Australia Bank	TD	2.00%	07/01/20	3,000	3,000
2/07/2019	BankVic	TD	2.10%	22/01/20	3,000	3,000
16/07/2019	Bank of Queensland	TD	1.95%	21/01/20	2,000	2,000
25/07/2019	Bank of Queensland	TD	1.95%	28/01/20	1,000	1,000
1/08/2019	AMP Bank	FRN	1.97%	10/09/21	2,000	2,000
7/08/2019	National Australia Bank	TD	1.72%	04/08/20	4,000	4,000
16/08/2019	AMP Bank	TD	2.00%	17/08/20	1,000	1,000
19/08/2019	ME Bank	TD	1.75%	20/02/20	3,000	3,000
26/08/2019	AMP Bank	FRN	1.97%	10/09/21	1,000	1,000
27/08/2019	Defence Bank Ltd	TD	1.75%	27/08/20	1,000	1,000
4/09/2019	Macquarie Bank Limited	TD	1.75%	03/03/20	3,000	3,000
17/09/2019	Macquarie Bank Limited	TD	1.75%	17/03/20	1,000	1,000
20/09/2019	Macquarie Bank Limited	TD	1.75%	24/03/20	1,000	1,000
26/09/2019	Macquarie Bank Limited	TD	1.70%	24/03/20	1,500	1,500
1/10/2019	Macquarie Bank Limited	TD	1.65%	22/04/20	2,000	2,000
2/10/2019	Teachers Mutual Bank Limited	FRN	2.23%	02/07/21	700	700
16/10/2019	National Australia Bank	TD	1.60%	10/03/20	3,000	3,000
28/10/2019	Bank of Communications	FRN	1.78%	28/10/22	1,000	1,000
5/11/2019	My State Bank Ltd	TD	1.70%	04/02/20	2,000	2,000
6/11/2019	My State Bank Ltd	TD	1.70%	05/03/20	2,000	2,000
7/11/2019	Defence Bank Ltd	TD	1.65%	10/03/20	1,500	1,500
20/11/2019	Macquarie Bank Limited	TD	1.60%	20/05/20	2,000	2,000
26/11/2019	My State Bank Ltd	TD	1.70%	15/04/20	2,000	2,000
26/11/2019	ME Bank	TD	1.60%	26/08/20	2,000	2,000
28/11/2019	Macquarie Bank Limited	TD	1.60%	03/06/20	2,000	2,000
28/11/2019	Australian Unity Bank	TD	1.70%	25/11/20	2,000	2,000
28/11/2019	Australian Unity Bank	TD	1.70%	10/06/20	1,000	1,000
29/11/2019	Bank of China	TD	1.60%	24/06/20	3,000	3,000

9.1 Investment Summary - December 2019

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
3/12/2019	Australian Unity Bank	TD	1.75%	05/05/20	2,000	2,000
17/12/2019	AMP Bank	TD	1.80%	10/06/20	2,000	2,000
Totals					83,038	82,888
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

RECOMMENDATION

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

Attachment(s)

Nil

9.2 Rebate - Excess Water Consumption - Bushfire Impacts

9.2 Rebate - Excess Water Consumption - Bushfire Impacts

Delivery Program

Financial Services

Objective

To determine how Council wishes to manage excess water consumption incurred through the management of bushfires.

Background

Council does not have any policies that deal with charges relief for residents impacted by bushfire, other than the adopted Financial Assistance (Hardship) – Rates and Charges Policy, which is a broader policy relating to financial hardship.

In recent months, various properties within the Ballina Shire have been impacted by the threat of bushfire. A number of owners have been required to respond and implement fire protection measures, often using a higher water usage than usual consumption needs.

Council staff were recently contacted by a pensioner ratepayer requesting financial relief in relation to excess water consumption used during the October to December 2019 quarter.

During November, the ratepayer's property was subjected to a bushfire in close vicinity. Additional water was used for the purposes of property protection measures and related cleanup.

This report examines this matter and the impacts in a broader context.

Key Issues

- Social conscience and community expectation

Information

Council recently received a request for financial relief, from a pensioner property owner, located in Wardell.

This ratepayer received a high water consumption notification from Council following the December quarter read. Council's processes are to identify those reads that increase by a significant percentage and contact the ratepayer.

Following Council's contact, which is prior to the actual issue of the quarterly Rates and Charges Notice, the ratepayer has contacted Council to request a write-off of the water consumption charges, on the grounds that they were related to the bushfire event.

9.2 Rebate - Excess Water Consumption - Bushfire Impacts

Due to a bushfire in close vicinity of the property last November, and a direct ember attack on the said property, fire protection measures of filling the gutters and watering down the surrounding area, and actually putting out fires in the lawns and gardens was required.

In addition, in the period following the fires, additional watering down was completed in cleanup, to combat the dust level and to encourage regrowth.

The lawns surrounding the home had been burnt and were reduced to soot.

For the preceding two years, the property had an average consumption of 22 KI per quarter.

For the October to December 2019 quarter, this property presented a usage of 80 KI, being 58KI over and above a historical personal consumption.

If financial relief was granted for the full amount of usage over and above the historical average, this would equate to \$132.82 (being 58 KI @ \$2.29 per KI) for this ratepayer.

As a guide only, fire protection for an ember attack, may require up to six continuous hours of active protective measures.

Six hours of continuous water usage from a 20mm water meter is estimated as:

- 6 hours x 4KI per hour @ \$2.29 per KI = \$54.96.

It is not clear how long was spent for direct protective measures at this property.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The bushfires are having a significant social impact across Australia.
- **Economic**
There is a loss of revenue to the water fund for any rebates provided for water consumption charges.

Legal / Resource / Financial Implications

Any financial relief provided to the ratepayers would be treated as a rebate based on the amount of revenue foregone.

Consultation

Council staff have consulted with the property owner to determine, as best as possible, the facts around the high water consumption, and have independently confirmed that the property was subjected to risk from the bushfires.

Discussions have also been held with other councils.

Options

Council has been somewhat fortuitous in respect to having limited impacts from the current bushfires, as compared to many other local government areas.

On a regional basis, the latest NSW Office of Emergency Management (OEM) impact report for Northern NSW is as follows (as at 8 January 2020):

Northern NSW and Tablelands

Armidale LGA - Carrai Creek and Guyra Rd, Ebor Fire (BIA 99% complete)

- 11 homes destroyed, 2 damaged
- 5 facilities destroyed, 4 damaged
- 21 outbuildings destroyed, 7 damaged
- 258 impacted rural landholders (as at 31/12/2019).

Ballina LGA - Wardell Rd, Wardell Fire (BIA 100% complete)

- 1 outbuilding destroyed
- 10 impacted rural landholders (as at 31/12/2019).

Byron Shire Council - Mt Nardi NP Fire (BIA 98% complete)

- 2 outbuildings destroyed, 1 damaged
- 35 impacted rural landholders (as at 31/12/2019).

Clarence Valley LGA – Liberation Trail and Banyabba Fire (BIA 99% complete)

- 169 homes destroyed, 57 damaged
- 5 facilities destroyed (including timber mill, stockyard and Telstra shed), 7 damaged
- 406 outbuildings destroyed, 203 damaged
- 1535 impacted rural landholders (as at 31/12/2019).

Glen Innes Severn LGA – Kangawalla and Gulf Rd Fires (BIA approx. 99% complete)

- 74 homes destroyed, 16 damaged
- 3 facilities destroyed, 4 damaged
- 68 outbuildings destroyed, 19 damaged
- 154 impacted rural landholders (as at 31/12/2019).

Inverell Shire Council – Whans Rd, Llangothlin Fire (BIA 100% complete)

- 1 outbuilding destroyed
- 32 impacted rural landholders (as at 31/12/2019).

Kyogle Council – Bangala Creek Fire (BIA 95% complete)

- 4 homes destroyed, 2 damaged
- 5 outbuildings destroyed, 2 damaged
- 102 impacted rural landholders (as at 31/12/2019).

Lismore City Council – Mt Nardi NP Fire (BIA 99% complete)

- 2 homes destroyed
- 2 outbuildings destroyed, 3 damaged
- 15 impacted rural landholders (as at 31/12/2019).

Richmond Valley LGA – Myall Creek Rd Fire (BIA 99% complete)

- 62 homes destroyed, 24 damaged
- 8 facilities destroyed, 12 damaged (incl. 2 bridges)
- 175 outbuildings destroyed, 65 damaged
- 570 impacted rural landholders (as at 31/12/2019).

Tenterfield LGA – Gulf Road Fire (BIA 97% assessed)

- 53 homes destroyed, 22 damaged
- 5 facilities destroyed (incl. caravan park – kitchen)
- 114 outbuildings destroyed, 57 damaged
- 720 impacted rural landholders (as at 31/12/2019).

Walcha LGA – Carrai Creek Fire (BIA 98% complete)

- 22 homes destroyed, 1 damaged
- 22 outbuildings destroyed, 1 damaged
- 175 impacted rural landholders (as at 31/12/2019).

9.2 Rebate - Excess Water Consumption - Bushfire Impacts

Mid North Coast

Bellingen Council – Bees Nest Fire – September fire (BIA 100% complete)

- 2 facilities destroyed, 2 damaged
- 1 outbuilding damaged
- 30 impacted rural landholders (as at 31/12/2019).

Coffs Harbour City Council – Liberation Trail Fire (BIA 100% complete)

- 17 homes destroyed, 7 damaged
- 2 facilities destroyed
- 27 outbuildings destroyed, 7 damaged
- 51 impacted rural landholders (as at 31/12/2019).

Kempsey LGA – Carrai East Fire (BIA 100% complete)

- 66 homes destroyed, 23 damaged
- 3 destroyed facilities, 7 damaged facilities (incl. church)
- 170 outbuildings destroyed, 70 damaged
- 737 impacted rural landholders (as at 31/12/2019).

Mid-Coast LGA – Bills Crossing, Crowdy, Hillville Rd, Hillville, Minimbah Rd and Rumba Complex Fires (BIA 100% complete)

- 125 homes destroyed, 62 damaged
- 9 facilities destroyed, 16 damaged
- 270 outbuildings destroyed, 129 damaged
- 1472 impacted rural landholders (as at 31/12/2019).

Nambucca LGA - Kian Road, West Kempsey Fire (BIA 100% complete)

- 64 homes destroyed, 19 damaged
- 2 facilities destroyed (incl. greenhouse nursery), 2 damaged (incl. RFS fire shed)
- 136 outbuildings destroyed, 26 damaged
- 356 impacted rural landholders (as at 31/12/2019).

Port Macquarie-Hastings Council – Stockyard East, Coombs Gap Complex, Gum Scrub, Lindfield Park Road, Crestwood Dr, Port Macquarie Fires (BIA 100% complete)

- 26 homes destroyed, 11 damaged
- 4 facilities destroyed (including a commercial sawmill), 2 damaged (including 1 bridge)
- 47 outbuildings destroyed, 21 damaged
- 502 impacted rural landholders (as at 31/12/2019).

Ballina Local Government Area (LGA) is one of the least, if not the least, LGAs impacted.

In respect to providing financial relief, contact was made with the following councils to determine how they were providing financial assistance:

Clarence Valley - Resolved to provide property owners who have experienced increased water consumption whilst protecting and cleaning their properties following the September 2019 bushfires with a subsidy of \$65.00 on the following basis:

- a) Subsidy available to eligible properties within Section 44 areas on application, and
- b) where there is evidence of increased water consumption;

and for properties not connected to the Council water supply, arrangements to supply for free a one-off potable water replenishment to fire affected households in the RFS mapped zones capped at 7,000 litres (estimated to cost around \$180 per load).

9.2 Rebate - Excess Water Consumption - Bushfire Impacts

Kyogle - Currently not offering any reductions for water supply and offering to set up rate payments arrangements as per normal practices.

Richmond Valley - No interest for three years and no payments for this financial year and also waiving fees for development applications. Also allowing rates and charges payments to be deferred.

As per these examples there is no consistency in relief and it does somewhat depend on the overall impact on the local government area.

Options for the current application and other potential applications include:

1. Provide a rebate for the consumption above the typical use – This equates to a rebate of \$132.82 in this instance.
2. Provide a rebate at a capped figure that can be applied to any other applicants – The preference would be the \$65 subsidy to ensure there is at least some consistency with Clarence Valley Council.
3. Not provide any relief.

Option one was initially preferred based on the very limited impact for the Ballina LGA, the owner is a pensioner, fire impacted the property and the usage is well above typical levels.

However, there are other properties with high water consumption levels in the locality of the applicant's property and the \$65 rebate does provide a benchmark rebate for any application received.

Criteria that could be applied in respect to option two is as follows:

- Applicant must be the property owner / ratepayer
- Property must be within a (NSW Rural Fires Act 1997) Section 44 declared area
- Must be reasonably established that fire was in the close vicinity of the property subject to the application
- Applicant should provide, as much as possible, some indication of the number of hours the water was used for protective and associated measures
- Maximum rebate of \$65 for excess water consumption per property above the typical water usage
- Properties not connected to a potable water supply, a \$65 rebate can be provided as a credit to the rates assessment.

On this basis, and to help with consistency and equity, option two is the recommended approach, with the General Manager provided with delegated authority to authorize rebates that meet the criteria listed.

This action relates to the Wardell November 2019 bushfire only and if, at some future date, Council does suffer the significant impacts as per some of the other LGAs mentioned in this report, it may well be necessary to develop a total different set of criteria to provide assistance.

RECOMMENDATION

That Council provides delegated authority to the General Manager to provide the following rebate assistance in respect to properties impacted by the November 2019 Wardell bushfire:

- Applicant must be the property owner / ratepayer
- Property must be within a (NSW Rural Fires Act 1997) Section 44 declared area
- Must be reasonably established that fire was in the close vicinity of the property subject to the application
- Applicant should provide, as much as possible, some indication of the number of hours the water was used for protective and associated measures
- Maximum rebate of \$65 for excess water consumption per property above the typical water usage
- Properties not connected to a potable water supply, a \$65 rebate can be provided as a credit to the rates assessment.

Attachment(s)

Nil

9.3 Flat Rock Tent Park - Adoption of Fees and Charges 2020/21

9.3 Flat Rock Tent Park - Adoption of Fees and Charges 2020/21

Delivery Program

Commercial Services

Objective

Setting of fees and charges for Flat Rock Tent Park for 2020/21

Background

Council resolved to advertise a set of draft Flat Rock Tent Park fees and charges, and associated notes, for 2020/21 for public comment following Council's November 2019 Ordinary meeting.

A copy of the exhibited information is attached.

The purpose of this report is to comment on any submissions received and adopt the fees for 2020/21.

Key Issues

- Increases in fees and charges

Information

The draft fees and charges and associated notes have been on public exhibition for the required twenty eight days and as a result of the exhibition process no submissions were received.

Sustainability Considerations

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

Legal / Resource / Financial Implications

Council is legally required to exhibit and adopt its fees. The tent park budget is formulated as part of Council's annual budget deliberations

Consultation

The documents were placed on public exhibition during December 2019 and January 2020.

Options

1. Council adopts the fees and charges for the 2020/21 year as exhibited.

This option is recommended as no submissions were received during the public exhibition period. The changes keep pace with inflation.

2. Council does not adopt the fees and charges for the 2020/21 year as exhibited.

This option is not recommended as no submissions were received in opposition to the proposed fees and charges during the public exhibition period.

RECOMMENDATION

That Council adopts the draft Flat Rock Tent Park fees and associated notes, as exhibited for 2020/21, and as attached to this report.

Attachment(s)

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

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

Delivery Program

Financial Services

Objective

To respond to a Council resolution in respect to including community gardens in the Donations - Rates and Charges policy.

Background

Council's Donations – Rates and Charges policy provides guidelines for the management of rates and charges donations to community based service organisations. A copy of the current policy is attached to this report.

The policy identifies the categories of organisations, that provide a community based service, which are located on Council or Crown Land controlled by Council (there are some exceptions), that annually receive a rates and charges donation, along with the level of assistance.

This policy has undergone numerous reviews over the years to ensure that it reflects the sentiment of each Council, and was last reviewed in November 2018.

Even though a policy has been adopted Council still resolves annually to confirm the donation of the rates and charges, in accordance with Section 356 of the Local Government Act 1993 (LGA), which states as follows:

- 1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- 2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- 3) *However, public notice is not required if—*
 - a) *the financial assistance is part of a specific program, and*
 - b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- 4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

A resolution is required unless the Council's annual Operational Plan specifically sets out the details of the donations to be provided for the financial year.

At the 25 July 2019 Ordinary meeting, Council resolved as follows:

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

1. *That Council approves the donation of the 2019/20 rates and charges, as detailed within Tables One and Two of this report, which include future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.*
2. *That Council receive a report on an option to review the Donation of Rates and Charges Policy to include community gardens.*

This resolution related to the allocation of the community donations for 2019/20 as per Council's Donations – Financial Assistance for Community Groups policy.

The Lennox Head Community Gardens Inc. applied for \$800 as a contribution to their water charges as part of that report, with no funding approved.

This report now addresses point two of the resolution.

Key Issues

- Equity
- Cost

Information

Community gardens represent public open space managed by the community for the production of food and they help contribute to a sustainable urban environment.

Community gardening is an activity that supports health and wellbeing and provides a range of environmental, social and educational benefits.

Community gardens can bind a community by giving residents a sense of pride and involvement. Residents from different backgrounds and ages come together in companionship and friendship to share a common interest.

For Council controlled community gardens, a licence for the use of the public land must be signed between Council and the organisation responsible for the garden, for the purpose of developing and maintaining a community garden.

At the initial set up of a new garden, a licence is granted for 12 months with an option for a three year licence after this period, in accordance with Council's Community Property Leasing and Licensing policy.

Ballina Community Gardens Inc. (BCGI) uses part of Saunders Oval (Crown land controlled by Council), which is connected to the wastewater reuse scheme. Council charges BCGI water usage at the recycled scheme rate, instead of at the potable 20mm water meter rate.

Lennox Head Community Gardens Inc. (LHCGI) operates from Ocean Breeze Reserve (Council owned land) and has a 12 month licence with Council which expires 27 February 2020. This area has no wastewater or reuse connection.

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

Item 10.1 of the Council standard license agreement states “The Licensee is to pay for all maintenance and running expenses associated with the Licensed premises including, but not necessarily limited to water, sewerage, garbage removal, telephone, gas and electricity charges and any costs associated with installation of any services which are required by the licensee.”

An estimate of the rates and charges for these organisations for 2019/20 is as follows.

Organisation	Ordinary Rate (\$)	Wastewater Access (\$)	Water Access (\$)	Water Consumption (\$)	Total (\$)
Ballina Community Gardens Inc.	0	755	204	118	1,077
Lennox Head Community Gardens Inc.	0	0	204	266	470

The Donations – Rates and Charges policy outlines two distinct categories for donations, Category A and Category B.

Category A consists of the Surf Life Saving Clubs and the Ballina CWA.

For these organisations, Council donates all rates and charges, including consumption charges.

Surf Clubs have little or no control over the consumption component of their charges, whereas the CWA donation, including consumption charges, forms part of an historical arrangement with Council dating back to the 1960s.

The reference to the 99 lease for CWA in the attached policy has actually been superseded as Council is now the crown land manager for Captain Cook Park Reserve.

The CWA has a temporary crown land license, issued by Council, which no longer references that Council will pay all the rates and charges and the license is actually silent on who should pay the rates and charges.

It is not proposed to change the payment of all rates and charges for the CWA as part of this report, unless that is the preference of Council, however it is recommended that the reference to the 99 lease be amended to confirm that the CWA is included in Category A based on historical arrangements.

Council may well wish to amend the CWA arrangements for equity reasons, as part of a future and broader review of the policy.

Category B consists of Preschools / Playgroups, Agricultural Societies, Public Halls, Girl Guide and Boy Scout Associations and Marine Rescue.

For these organisations, Council donates the rates and annual charges components of the rates and charges bill however the organisations are responsible for usage related charges.

Category B organisations have more control over the level of consumption charges.

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

If the community gardens are to be included in the policy, they should be included as a Category B organisation, providing a donation for rates, access and annual charges, and the organization should still be responsible for consumption (water) charges.

The combined estimated cost to Council for 2019/20 for access/annual charges for these two organisations is \$1,163.

Sustainability Considerations

- **Environment**
Community gardens provide positive environmental outcomes by minimizing food transport.
- **Social**
Financial support to community based organisations enables the groups to deliver increased services and further enhance the social fabric of the community.
- **Economic**
Financial support to community organisations, allows the groups to spend more money on providing their service to the local community.

Legal / Resource / Financial Implications

The rates and charges donations, as per the current policy, are funded in the 2019/20 Operational Plan.

Should the Ballina Community Gardens Inc. and the Lennox Head Community Gardens Inc. be included in the policy as a Category B organisation, the cost to Council is an estimated \$1,163 per annum for 2019/20.

Consultation

Council policies and the annual Operational Plan are exhibited for public comment.

Options

Options Council could consider include:

1. No change to the policy – A one off inclusion of these groups could be inequitable as there may be other groups that should also be considered for inclusion in the policy. Any groups not included in the policy can still apply for funding from Council through the annual Donations – Financial Assistance for Community Groups program.
2. Amend the policy to include the annual rates and charges for the community gardens - If Council is of the opinion that the inclusion of the community gardens is reasonable the policy can be amended with the preferred option being for the organisations to be included under Category B.

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

3. Undertake a broader review of the policy – A concern with option two is that it could be seen as an ad hoc decision based largely on a submission from the Lennox Head Community Gardens Inc. for a donation through the annual Donations – Financial Assistance for Community Groups program.

There may well be other categories of community based groups on Council owned or controlled land that should also be given consideration for inclusion in the policy.

Examples include a number sporting groups and the Alstonville Plateau Historical Society (Crawford House).

Other community based community groups on Council owned or controlled land, that have commercial leases with Council include Ballina Meals on Wheels and Paradise FM.

The applications for the community donations program for 2019/20 also included other community based groups that are not on Council owned or controlled land, that currently don't receive any donations for their rates and charges (eg. Riding for the Disabled Association).

Currently the Ballina Jetboat Surf Rescue and the Alstonville Agricultural Society are community based organisations, not located on Council owned or controlled land, however they are included in the policy, as are a number of halls.

In summary there are a myriad of directions Council could pursue in respect to possible inclusions in the policy.

If Council wishes to include the community gardens in the policy the preferred recommendation is as follows:

1. *That Council amend the Donations – Rates and Charges policy to include community gardens on Council owned or controlled land as eligible organisations under Category B of the policy.*
2. *The application of this donation is to apply for the 2019/20 financial year onwards.*
3. *That Council place the amended policy on exhibition for public comment, with any submissions to be reported back to Council. No further action is required if no submissions are received.*

As the allocation of donations is subjective the staff recommendation is to note the contents of this report with no change recommended to the policy, other than the removal of the 99 year lease reference to the Ballina CWA.

The reference to the removal of the 99 year lease should remain in the recommendation if Council moves to support the inclusion of the community gardens as per the above alternate recommendation.

In conclusion the community garden organisations are still eligible to apply for support through the annual donations – Financial Assistance for Community Groups program, which then allows their applications to be assessed against all the other worthy community based organisations seeking financial support.

9.4 Policy (Review) - Donations - Rates and Charges - Community Gardens

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the Donations – Rates and Charges policy and the Community Garden Organisations, with no change recommended other than point two as follows.
2. That Council amend the existing policy to remove the reference to the Ballina CWA 99 year lease, as Council is now Crown Land Manager for Captain Cook Park.

Attachment(s)

- 1 [🔗](#). Policy - Donations - Rates and Charges

9.5 Policy (Review) - Fraud and Corruption Control

9.5 Policy (Review) - Fraud and Corruption Control

Delivery Program

Financial Services

Objective

To review the Fraud and Corruption Control policy.

Background

All Council policies are reviewed, at least once every four years, to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Fraud and Corruption Control policy.

Council first adopted this policy 24 January 2012, and it was last reviewed in March 2016.

The policy provides an overview of the fraud and corruption prevention framework in Council.

Key Issues

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

Information

This review of this policy identified only minor housekeeping changes such as updating of position titles, committee titles and policy name changes.

The changes have been marked in yellow.

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

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The policy supports appropriate conduct by Council staff, Councillors and other parties dealing with Council.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

The policy looks to provide a framework of controls to prevent financial loss and corrupt behaviour

Consultation

As the changes are only minor it is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment. If any submissions are received they can be reported back to Council however there will not be a need for any further report if there is no public comment.

Options

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

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

RECOMMENDATIONS

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

Attachment(s)

- 1 [↗](#). Policy (Review) - Fraud and Corruption Control

9.6 Policy (Review) - Risk Management

9.6 Policy (Review) - Risk Management

Delivery Program	Human Resources and Risk Management
Objective	To review the Risk Management policy.

Background

All Council policies are reviewed, at least once every four years, to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Risk Management policy.

Council first adopted this policy in 2007 and it was last adopted 24 March 2016.

The policy provides an overview of the risk management framework within Council.

Key Issues

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

Information

The review of this policy identified a number of changes, primarily due to the e Australian Standard on Risk Management being revised, with the amended version becoming effective in 2018.

The full name of the amended Standard is AS/NZ ISO 31000:2018 Risk Management – Guidelines. The policy now aligns with the Standard.

In addition to this sections considered more relevant to be in an internal procedure, rather than a policy, have been removed. The changes are highlighted in yellow and the deletions are crossed out.

A copy of the amended policy is included as an attachment to this report, along with the Risk Management Framework that is applied operationally by staff.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Risk management is an integral part of our systems and processes required to manage the risks involved in Council's activities.
- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Managing risk is a legal requirement for Council, which requires appropriate level of resources to manage.

Failure to have adequate risk management will lead to financial implications such as increased insurance premiums and costs.

Consultation

The Insurer's Regional Risk Manager was consulted in the review of the policy to ensure it aligned with their requirements.

It is recommended that Council adopt the policy as presented, however the document will also be exhibited for public comment.

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

Options

Council may accept or amend the proposed changes to the policy.

The amendments made align the policy to the new Standard and our Insurer's requirements therefore it is recommended that the policy be adopted as presented.

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

RECOMMENDATIONS

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

Attachment(s)

1. [Policy \(Review\) - Risk Management](#)
2. [Framework - Risk Management](#)

9.7 Policy (Review) - Property Investment and Development

9.7 Policy (Review) - Property Investment and Development

Delivery Program

Financial Services

Objective

To review the Property Investment and Development policy.

Background

All Council policies are reviewed, at least once every four years, to ensure they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the Property Investment and Development Policy. Council first adopted this policy in 2007 to provide a broader framework around our commercial property development activities.

Key Issues

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

Information

The key part of the policy is the Risk Determination Matrix that provides benchmarks for the type of return Council should be pursuing based on the nature of the investment.

That matrix is as follows:

Level of Risk	Benchmark Above 90 Day BBSW
Low	< 2%
Medium	2% to 5%
High	5% to 10%
Speculative	> 10%

Even with extremely low interest rates the matrix is still considered relevant and no changes are recommended to this matrix.

No changes are recommended to the policy and a copy of the policy is attached to this report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
Not Applicable

9.7 Policy (Review) - Property Investment and Development

- **Economic**

Non-standard revenues from commercial property activities represents a major source of income for Ballina Shire Council.

Legal / Resource / Financial Implications

Nil

Consultation

The document will be exhibited for public comment.

Options

Council may accept or amend the policy.

It is recommended that the policy be adopted and placed on exhibition for public comment.

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

RECOMMENDATIONS

1. That Council adopts the Property Investment and Development Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions to be reported back to Council. If no submissions are received then no further action is required.

Attachment(s)

- 1 [🔗](#). Policy - Property Investment and Development

9.8 Delivery Program and Operational Plan - 31 December 2019 Review

9.8 Delivery Program and Operational Plan - 31 December 2019 Review

Delivery Program

Communications

Objective

To review the implementation of the 2019/20 to 2022/23 Delivery Program and Operational Plan for the six month period to 31 December 2019.

Background

Section 404 (5) of the Local Government Act states as follows:

Delivery Program

"The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months".

Even though Council is only required to receive six monthly progress reports, the preferred practice is to receive more timely quarterly reports.

This report represents the second review of the 2019/20 to 2022/23 Delivery Program and the 2019/20 Operational Plan, with the information based on work undertaken up to 31 December 2019 representing the first six months of the 2019/20 financial year.

The review is included as a separate attachment. The attachment provides an overview of all the actions and indicators included in the Delivery Program and Operational Plan, with comments provided by the Director and / or Section Manager.

Copies of the current Delivery Program and Operational Plan are available on Council's website and are also accessible by Councillors on their iPads.

Key Issues

- Compare results to date against the adopted goals and priorities

Information

The Delivery Program and Operational Plan are the two key corporate documents that establish Council's goals and priorities for the term of the Council and the current financial year.

The attachment to this report provides a comprehensive overview of the actions being progressed, with the information also linked to Council's Community Strategic Plan (CSP) objectives.

The attachment has two main sections:

- Program Actions - This section provides a comment on the status of all the major actions in the Operational Plan
- Service Indicators - This section provides details on the key indicators within the Operational Plan.

All items are marked with a green (on track for this financial year) amber (behind schedule or below target) or red (not progressing as planned or well off track) traffic light.

There are 117 major actions listed in the Operational Plan and the following two tables provide an overview of the status of those actions on a number and percentage basis.

Program Actions - By Number and Division

Group / Status	Corporate	Civil	Planning	Total
Green	33	31	38	102
Amber	1	8	6	15
Red	0	0	0	0
Total	34	39	44	117

Program Actions - By Percentage and Division

Group / Status	Corporate	Civil	Planning	Total
Green	97	79	86	87
Amber	3	21	14	13
Red	0	0	0	0
Total	100	100	100	100

The majority of items are on track or completed as planned and items of interest in the attachment include:

- Implement Development Compliance Work Program (page 1) – This section continues to have a significant workload and the preparation of the 2020/21 Operational Plan will examine whether Council has sufficient revenue to allocate additional resources to compliance related work.
- Deliver Ballina SES Headquarters and Lennox Head Rural Fire Shed (page 2) – The RFS shed proposal is progressing well however agreement on the preschool design has not been reached. In respect to the SES building, the preferred option of a two storey building on the current site may not be achievable. The preschool and SES building will need to be reported to Council shortly to confirm a preferred direction.
- Implement Playground Upgrade and Renewal Plan (page 6) – There continue to be delays in the installation of this equipment with works originally planned for 2018/19 and rolled into 2019/20, now scheduled for 2020.

9.8 Delivery Program and Operational Plan - 31 December 2019 Review

- Ensure Ballina Indoor Sports Centre is well patronised (page 6) – The BISC is now fully operational with high levels of usage for sports such as netball, basketball and futsal. The facility is also generating a reasonable level of casual use and has been incorporated into the Fitness Passport Program (as are Council’s swimming pools) which helps to generate usage and revenue.
- Implement regional visitor services strategy (page 7) - Contemporary digital technology will be installed at the BP Highway Service Centre. Council signed a letter of offer with BP Australia and now in discussion with BP Australia to lease a space at the West Ballina Highway Service Centre.
- Implement Ballina Town Centre enhancement program (page 8) – The River Street works are largely complete and all parking was available for the Christmas / New Year period.
- Implement Ballina – Byron Gateway Airport upgrades (page 9) – The terminal expansion is officially open.
- Progress availability of land at the Southern Cross Industrial Estate and Progress construction of Airport Boulevard and associated developments (page 11) – The dry weather has allowed these projects, which includes filling the industrial land sites opposite the Harvery Norman complex, to be well advanced.
- Implement Urban Stormwater Management Plan (page 14) - Council was successful during the quarter in securing a grant under the Increasing Resilience to Climate Change program for a floodgate pilot project for Ballina CBD. The funding provided is \$120,000 with no requirement for Council to match the funds.
- Provide an effective and efficient waste management operation (page 17) – Council’s resource recovery team did an excellent job in managing increased waste as a result of the fire at the Lismore landfill.
- Pursue compliance with the Fit for the Future Program (page 25) – The Annual Financial Statements report for 2018/19 confirm Council is progressing well with compliance with all indicators being met. However the forecast results remain marginal with the operating result very close to break-even, leaving little room for increases in operating expenses.

In respect to Service Delivery there are a total of 94 indicators identified in the Operational Plan and the following two tables provide an overview of how the indicators are tracking against the benchmark, again on a number and percentage basis.

Service Delivery Indicators - By Number and Division

Group / Status	Corporate	Civil	Planning	Total
Green	31	21	16	68
Amber	11	7	7	25
Red	1	0	0	1
Total Tasks	43	28	23	94

Service Delivery Indicators - By Percentage and Division

Group / Status	Corporate	Civil	Planning	Total
Green	72	75	70	72
Amber	26	25	30	27
Red	2	0	0	1
Percentage Total	100	100	100	100

A number of these indicators are beyond the control of Council and the indicator's primary purpose is to provide an idea of how a service may be tracking compared to previous years.

Items of note include:

- Number of passengers for Airport (page 28) – As reported to the December 2019 Ordinary meeting numbers have plateaued, however Jetstar has committed to additional flights for 2020.
- Community Facilities (pages 31 - 33) – Mixture of results with some facilities up in usage whereas other facilities are trending down. The Community Facilities Team, which is now fully staffed with the BISC operating, continue to examine options to improve usage in under-performing facilities such as the Richmond Room. The swimming pools are continuing to perform very well with numbers up on 2018/19.
- Minimise operating deficit for Burns Point Ferry (page 36) – The prolonged dry weather is helping to increase patronage for the ferry with income trending well above budget.
- Capital Works indicators (various) – A number of sections are struggling to deliver the capital projects funded in the Operational Plan. All efforts are being made across the organisation to support project delivery, however lead times for planning consents, procurement, resource levels etc mean that projects will often take longer to deliver than what would be ideally preferred. Further information is provided in the Capital Expenditure Review report elsewhere in this agenda.
- Building and Development Services (pages 42 and 43) – Workload through a high number of applications and on-going court cases is resulting in a deterioration in some indicators. Extra resources are being engaged where possible, although it is very difficult to find qualified staff who can fill in casually to assist Council.

Sustainability Considerations

- **Environment**
There is a range of environmental, social and economic outcomes identified in the Delivery Program and Operational Plan.
- **Social**
As above.

- **Economic**

As above.

Legal / Resource / Financial Implications

The Delivery Program and Operational Plan identify the allocation of Council's resources and finances.

Consultation

This report provides public information on how Council is performing in respect to the Delivery Program and Operational Plan.

Options

The report is for noting with the information highlighting the many and varied activities undertaken by Council.

As a general comment some of the indicators that are trending below preferred benchmarks such as processing times and capital works delivery reflect the unusually high level of economic activity currently occurring in the shire.

A difficulty for Council is to determine resource levels to improve delivery capability when it is uncertain how sustained the current levels of activity will be. This is subject to ongoing review and will form part of the Finance Committee discussions for the preparation of the 2020/21 Operational Plan and 2020/21 to 2023/24 Delivery Program.

RECOMMENDATION

That Council notes the contents of this report on the quarterly review of the 2019/20 to 2022/23 Delivery Program and 2019/20 Operational Plan.

Attachment(s)

1. Operational Plan and Delivery Program - 31 December 2019 Review (Under separate cover)

9.9 Capital Expenditure - 31 December 2019 Review

9.9 Capital Expenditure - 31 December 2019 Review

Delivery Program

Communications

Objective

To review how Council is performing in respect to the implementation of the capital works program for 2019/20.

Background

Council has a significant capital expenditure program included in the annual Operational Plan. Due to the magnitude of the program it is important that updates are provided on a regular basis.

Current practice is to provide a quarterly status report on all the major capital projects.

This status report provides details on key milestones, along with a comparison between budget and actual expenditure. This is the second report for 2019/20 and outlines work undertaken to 31 December 2019.

Key Issues

- Status of works
- Budget variations

Information

To assist in understanding the delivery of the capital works program the attachments to this report provide information on the following items for the major capital projects:

- Total Project Value – As projects can be delivered over a number of financial years, this column identifies the total project value. This may include expenditure from previous financial years or estimated expenditure for future years.
- Original 2019/20 Estimate - Represents the original 2019/20 estimate as per Council's adopted Operational Plan.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2019 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a particular project.
- Latest 2019/20 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 31 December 2019 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 31 December 2019 based on the cash expenditure figures.
- Milestone Dates - Target dates for the major milestones.
- Status – Provides space for additional comments.

The attachments are split into the main sections undertaking the works: i.e. Open Spaces, Resource Recovery, Support Operations, Commercial Services, Community Facilities, Information Services, Environmental and Public Health, Water and Wastewater and Engineering Works. Points of interest are as follows.

Open Spaces (attachment one)

Wollongbar Skate Park and District Park – The planning application for these works is anticipated to be lodged before the January 2020 Ordinary meeting. Based on a three to four month planning assessment period, assuming a consent is granted, works are unlikely to take place until late in the second quarter of 2020.

Council has previously appointed a firm to construct the skate park, which should allow that work to commence expediently, subject to consent, albeit contractual terms still need to be re-negotiated and the skate park works may be reliant on certain infrastructure provided as part of the District Park.

A large part of the budget is recommended for deferral to 2020/21 to reflect the likely cash flows.

Playground Equipment – Various – There continue to be delays with the installation of this equipment with certain works requiring development consent and on-going community consultation.

The majority of the works are now unlikely to be completed until late in 2019/20.

Pop Denison – Similar to Wollongbar the planning process is still underway and it is recommended that a significant part of the budget is transferred to 2020/21 to reflect the likely cash flows. This planning application has recently been lodged with Council.

Wollongbar Sports Fields – With Council receiving grant funds of \$400,000 for this project, the drainage works have been completed, with a tender still to be called for the irrigation.

Skennars Head Sports Fields Expansion – The contractor is well advanced with these works.

Sports Field Lighting – The Saunders Oval and Williams Reserve lighting projects are complete with planning now underway for lighting of the new Pacific Pines sports fields.

Resource Recovery (attachment one)

Public Place Recycling – These works have largely been completed and with the new bins representing a significant aesthetic improvement to the bins replaced.

Support Operations (attachment two)

Plant and Fleet – Once commitments are included expenditure is at 52% with a number of vehicles on order.

Commercial Services (attachment three)

Airport – Terminal expansion is complete with budget savings transferred back to reserve. These monies will be applied to the car park / boom gate / solar projects in 2020/21, with those projects likely to cost far more than originally estimated.

Southern Cross – Boeing Avenue – Council has appointed a contractor for the filling and earthworks, with that work now well advanced. \$2m recommended for transfer to 2020/21 to reflect a more realistic cash flow for this project.

Community Facilities (attachment three)

Lennox Head Community Centre (LHCC) – Tender reported to October 2019 Council meeting, with contractor commencing work in January 2020.

ALEC – \$650,000 deferred to 2020/21 based on Council decision to review project scope.

Environmental and Public Health (attachment three)

Shaws Bay Coastal Management Plan – Dredging – A further grant application has been submitted to the State Government and the timing of this application means that works are likely to take place during the 2019/20 and 2020/21 financial years.

Water and Wastewater (attachments four and five)

Various projects underway with some projects recommended for deferral to 2020/21 and savings also achieved.

Engineering Works (attachment six)

Urban and Rural Roads

Lake Ainsworth Precinct – Major variation is the Lake Ainsworth project with a budget increase recommended of \$183,300. This is funded from a \$40,000 transfer from the Community Infrastructure Reserve and \$143,300 saving in the Bagotville Road reconstruction works. Council completed a significant amount of work on Bagotville Road in 2018/19 and \$230,300 is transferred to offset budget increases in Lake Ainsworth, Wardell Road, Fernleigh Road and Pimlico Road.

The Lake Ainsworth variation is due to a number of reasons including, but not limited to, the following items that did not form part of the original estimates:

- Consultants Part 5 (Review) - Delays and costs associated with planning requirements and additional consultants to address the Part 5 requirements following the threat of legal action against the original consent - \$50,000 (approximately for Planner, Fire, Landscaping, Cultural Heritage Consultants)
- Camp Drewe Road – Following design review a two coat seal (average life of 17 years) was applied rather than the original dust seal (average life 7 years) - \$50,000

9.9 Capital Expenditure - 31 December 2019 Review

- Camp Drewe Road - Guardrail installed following design review - \$15,000
- Shelters / BBQs / Power Supply - Additional BBQ / shelters and replacement on eastern side to reflect size of open space - \$65,000 (approx)
- Earthworks adjoining new path - Remove 200mm of pavement material and replace with growing medium for grassed areas - \$50,000
- Roundabout - Cobble feature - Substantially more material and time than had been estimated for day labour and contractors to complete the feature roundabout - \$40,000 (approx)

Other major projects for this program include Airport Boulevard and the River Street Beautification, which are well advanced and Hutley Drive – north, which commenced in December 2019.

Ancillary Transport Services - Shared Paths and Footpaths

Coastal Shared Path – Skennars Head to Pat Morton - Project well advanced, although following the removal of Aboriginal Cultural objects from two locations along the path route, the project was put on hold while a review was undertaken by Department of Planning, Industry and Environment (DPIE).

The removal of the objects was a breach of consent conditions and DPIE is in the process of determining what action to take against the contractor / Council / Aboriginal community representatives. Council has applied for an Aboriginal Heritage Impact Permit (AHIP) for the two sites of concern and the contractor is in the process of finalising the balance of the contract.

Coastal Walk – The tender for this project closed during January 2020 and should be reported to the February 2020 Ordinary meeting. Council applied for an AHIP for this project, which includes the management of unexpected Aboriginal Cultural objects, and this has now been received.

Summary

As per the following table there is \$59m in capital works scheduled for 2019/20 with \$20m expended on a cash basis to date.

Capital Works Summary – 31 December 2019 (\$'000)

Section	Budget (\$)	Cash Expenditure (\$)	Percentage Expended
Open Spaces	4,248,000	1,771,600	42%
Resource Recovery	2,600,000	94,100	4%
Operations Support	4,014,800	889,300	22%
Commercial Services	8,660,300	3,945,100	46%
Community Facilities	3,301,800	957,100	29%
Information Services	20,000	1,000	5%
Env and Public Health	358,100	126,500	35%
Water	4,119,500	1,360,100	33%
Wastewater	5,845,600	1,372,800	23%
Engineering Works	25,597,600	9,835,200	38%
Total	58,765,700	20,352,800	35%

9.9 Capital Expenditure - 31 December 2019 Review

These figures represents the cash movements and excludes commitments.

For the six months to date a number of orders have been placed and there are also contracts well advanced.

A summary of the results to date with those figures included is as follows:

Item	Amount (\$)
Cash Expenditure to date	20,352,800
Add goods ordered or under contract	
Waste Trucks (five)	2,022,400
Fleet and Plant	753,000
Airport Boulevard contract	621,000
River Street contract	392,000
Shared Path contract	130,000
Southern Cross Industrial Land contract	458,000
Lenox Head Community Centre contract	2,100,000
Water contracts and orders	766,000
Wastewater contracts and orders	782,000
Sub Total	5,924,400
Total Expenditure Cash and Commitments	28,377,200
Percentage of Total Budget	48%

This figure provides a better reflection of works completed or underway although there is always room for further improvement in the forecasting and timely delivery of the annual capital expenditure program.

Sustainability Considerations

- **Environment**
Many of the works listed provide positive environmental outcomes
- **Social**
Certain items provide significant social benefits
- **Economic**
Improved infrastructure can benefit the local economy.

Legal / Resource / Financial Implications

The report provides financial information on the capital works program.

Consultation

This report is presented for public information.

Options

This report is for noting to provide an update on the capital works program for 2019/20 and to recommend known or likely budget variations.

The recommendations reflect the information as per the attachments to this report.

RECOMMENDATIONS

1. That Council notes the contents of this status report on the implementation of the Capital Expenditure Program for the 2019/20 financial year.
2. That Council approves the following 2019/20 budget amendments as outlined in the attachments to this report:

Item	Current Budget	Revised Budget	Variation	Comment
Open Spaces and Reserves				
Wollongbar Skate Park	450,000	50,000	(400,000)	Defer to 2020/21
Wollongbar District Park	1,002,000	50,000	(952,000)	Defer to 2020/21
Ocean Breeze Reserve	90,000	0	(90,000)	Defer to 2020/21
Ross Park	25,000	0	(25,000)	Defer to 2020/21
Pop Denison Master Plan	845,000	100,000	(745,000)	Defer to 2020/21
Total Open Spaces	2,412,000	200,000	(2,212,000)	
Commercial Services				
Airport Terminal	1,491,700	1,050,000	(441,700)	Savings
Airport Baggage Area	250,000	125,000	(125,000)	Defer to 2020/21
Southern X Industrial	6,856,400	4,856,400	(2,000,000)	Defer to 2020/21
54 North Creek Road	0	17,000	17,000	Transfer from Property Development Reserve
Total Comm Services	8,598,100	6,048,400	(2,549,700)	
Community Facilities				
ALEC	689,900	39,900	(650,000)	Defer to 2020/21
Env and Public Health				
Shaws Bay Dredging	700,000	150,000	(550,000)	Defer to 2020/21
Water Operations				
Mains - Recurrent	398,000	200,000	(198,000)	Savings and transfer
Mains – Lake A	0	31,000	31,000	Offset from recurrent
Mains – Grant Street	47,300	1,300	(46,000)	Savings
Mains – Wardell Road	36,900	31,100	(5,800)	Savings
Telemetry Ethernet	566,600	396,600	(170,000)	Savings
Pump Stn – Basalt Court	330,000	415,000	85,000	Offset by ethernet
Pump Stn – East Ballina	580,000	665,000	85,000	Offset by ethernet
Treatment – Marom Creek	1,830,000	500,000	(1,330,000)	Defer to 2020/21
Total Water Operations	3,788,000	2,240,000	(1,548,800)	
Wastewater Operations				
Chickiba Rising Main	303,100	505,000	201,900	Reflect expenditure
Main Renewals	391,000	100,000	(291,000)	Savings and transfer to Chickiba
Pumping Stn – Lindsay Ave	106,000	0	(106,000)	Defer to 2020/21
Wet Well Lining Program	359,200	179,200	(180,000)	Defer to 2020/21
Trunk Main – Swift Street	60,000	0	(60,000)	Defer to 2020/21
Trunk Main – Byron Street	25,000	0	(25,000)	Defer to 2020/21
Trunk Main – WUEA Line	10,000	0	(10,000)	Defer to 2020/21
WWTP – Ballina - Septic	90,000	0	(90,000)	Cancelled
Connections – Gravity	10,000	0	(10,000)	Savings
Connections – E One	50,000	0	(50,000)	Savings
Recycled Water – Wollongbar Sports Fields	216,000	0	(216,000)	Defer to 2020/21

9.9 Capital Expenditure - 31 December 2019 Review

Item	Current Budget	Revised Budget	Variation	Comment
Total WW Operations	1,620,300	784,200	(836,100)	
Engineering Works				
Stormwater – Compton Dve	72,000	0	(72,000)	Transfer to Pacific Parade
Stormwater – Pacific Pde	0	72,000	72,000	Offset by Compton Drive
Lake Ainsworth Precinct	790,300	973,600	183,300	\$143,300 transfer from Bagotville Road and \$40,000 from Community Infrastructure Reserve
Wardell Road Seg 70 / 80	120,000	152,000	32,000	Offset by Bagotville
Fernleigh Road Seg 10	35,000	55,000	20,000	Offset by Bagotville
Bagotville Road Seg 30 / 32	230,300	0	(230,300)	Offset for road variations
Pimlico Road	346,000	381,000	35,000	Offset by Bagotville
Total Engineering Works	1,593,600	1,633,600	40,000	

Attachment(s)

1. Open Spaces and Resource Recovery
2. Support Operations
3. Commercial Services, Community Facilities, Information Services and Environmental and Public Health
4. Water Operations
5. Wastewater Operations
6. Engineering Works

10.1 River Street Lane Duplication - Public Exhibition

10. Civil Services Division Reports

10.1 River Street Lane Duplication - Public Exhibition

Delivery Program

Asset Management

Objective

To report on the public exhibition of the River Street lane duplication project

Background

Council has identified the dual laning of River Street, Ballina from the Pacific Highway to Kerr Street as a key priority in the four year Delivery Program (subject to funding).

Consultants AT&L were engaged in 2018 to produce concept design, staging recommendations, stage cost estimates and a schedule of required preconstruction actions.

The concept design was placed on public exhibition during November and December 2019.

This report responds to submissions from the public and identifies the pathway forward to complete the project.

Key Issues

- Response to submissions
- Associated project costs, staging, and timing

Information

1. Strategic Context

Council undertook an extensive review of the developer contributions plan for roads in 2009.

It included comprehensive network modelling to predict future traffic volumes and preparation of a works program and cost estimates.

Following a period of public exhibition, the revised Contributions Plan V-2010 was adopted in 2010.

The lane duplication of River Street was one of the major items included in the plan. Traffic modelling identified that four lanes are needed to accommodate predicted traffic volumes.

A further comprehensive review of the plan, associated updated predictive traffic modelling and public exhibition was undertaken in 2014/15 and V4.0 was adopted 24 September 2015.

10.1 River Street Lane Duplication - Public Exhibition

A further minor revision, V4.1, to incorporate reconfiguration of Hutley Drive (North) was adopted after public exhibition 26 July 2018.

In these versions the scope of works for dual laning River Street was unchanged, but estimated costs were updated in accordance with the Construction Price Index.

In September 2019, Council requested reports on options for timing, cost and funding of the Western Arterial (connecting River Street to Tamarind Drive) and the cost/benefits of constructing short/medium term alternative routes using the RMS access road or the road from Flathead Lane to Barlows Road.

At the December 2019 Ordinary meeting Council resolved as follows;

1. *That Council notes the contents of this report regarding options for the timing, cost and funding of the Western Arterial Road.*
2. *That Council undertake further investigation into the Barlows Road route option to determine a more accurate timeframe and cost estimate. The cost of this work, estimated at \$35,000 is to be funded from the road contingency reserve.*
3. *That Council discontinue further consideration of the RMS service road as a short-to-medium term solution to traffic congestion on Ballina Island.*
4. *That as part of point two the report also examine funding strategies for the construction of Barlows Road."*

The work in response to point two above will commence shortly, however as per the information reported to Council late last year, traffic modelling confirms the need and timing of increasing the capacity of River Street is independent of the Western Arterial Road or the Barlows Road route option project.

These projects still have merit and will improve the capacity of the road network, including River Street.

2. Project Development

The River Street duplication will provide River Street with sufficient carrying capacity to transit current and 2036 predicted traffic volumes into and out of Ballina.

Modelling has determined that this traffic capacity is required before and after the provision of the Western Arterial.

The key reason for this is that the Western Arterial provides a benefit as a connection between West Ballina and North Ballina/Cumbulam, however a significant proportion of the traffic from River Street are seeking access to other areas including the Ballina town centre, Kerr Street retail areas, East Ballina, Shaws Bay, Skennars Head and Lennox Head.

10.1 River Street Lane Duplication - Public Exhibition

As an initial step to commence the project, in mid-2018 work commenced to produce concept designs, staging recommendations, stage cost estimates and a schedule of required preconstruction actions for the River Street lane duplication project.

Following a pre-exhibition report to Council in October 2019, the concept design plans for the River Street, Ballina lane duplication were placed on public exhibition during November and December 2019.

The following information considers matters arising from submissions, proposed project staging, stage cost estimates, budget implications and proposed Council approvals for the next stages of the project.

3. Public Exhibition and Submissions

The Concept Design Plans were on public exhibition from 6 November until 6 December 2019. During this period two public information sessions were held on 19 and 21 November. There was also a mail out to all residents and owners along the affected sections of River Street.

Submissions have been in the form of 23 letters / emails, along with questions at the two public information sessions and personal representations. The written submissions are included in Attachment 1 to this report and a summary of the keys issues raised is outlined in the following table.

Table 1 - Submissions - Summary and Actions

Issue/Topic	Response	Proposed Action
1. Inability to safely turn right at Brunswick Street intersection causing access problems for urban areas both north and south of River St. Diverted traffic unsafe on Camoola Ave. Traffic signals at Brunswick Street should be a priority.	<p>Growing traffic volumes for some years on River Street have made it increasingly difficult for residents in the urban areas north and south of River St between Kerr St and Fishery Creek to access River Street and in particular to make right turns at the Brunswick St/River St intersection. Motorists have a number of alternative routes available via Camoola Ave, Fox St and the River/Kerr Streets signalised intersection. However none of these are convenient and create further issues including congestion on Camoola Ave.</p> <p>The provision of a signalised intersection would provide equitable access for these urban areas to River Street. Provision of traffic signals is controlled by Transport for NSW - RMS who have "warrants" in the form of minimum threshold traffic volumes of 100 vehicles per hour in one direction over four separate hours in a typical day for the side street (Brunswick St) which are currently not met. The most recent counts, taken in November 2019, were not sufficient to meet RMS warrants. This matter was the subject of a report to the December 2019 Traffic Committee meeting and the RMS delegate recommended Council undertake</p>	<p>As part of River St lane duplication Stage 4, preconstruction activities, commission traffic modelling to determine if the provision of traffic signals at the Brunswick St/Kerr St intersection would increase traffic volumes sufficiently to enable the intersection to meet RMS signalised intersection warrants. If RMS approval can be obtained, include traffic signals in River St lane duplication Stage 4.</p>

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
	<p>traffic modelling to determine if the provision of signals would increase the volumes in Brunswick St to meet the RMS warrant.</p>	
<p>1a. More traffic studies are needed to determine where traffic is going.</p>	<p>Four step strategic traffic modelling of the Ballina Shire road network was conducted by consultants in 2010 and 2014/15 to clarify existing flow patterns and predict future traffic flow volumes and locations.</p> <p>Further modelling is needed to clarify the likely changes that would occur if traffic signals are installed at River St/Brunswick St intersection.</p> <p>This modelling would also examine changes to flows in Kerr St and any bypass flow via Brunswick St to the Fox St/Kerr St signalised intersection.</p>	<p>As above.</p>
<p>2. The dual laning will increase traffic volumes and congestion in River St and Kerr Street and at the River St/Kerr St intersection</p>	<p>Traffic modelling predicts that traffic to and from Ballina Island and in River Street and Kerr Streets will increase over time due to growth of residential development, businesses, government buildings, school, hospitals, health and aged care services, recreational facilities etc.</p> <p>The dual laning will assist conveying this traffic growth, but does not in itself create more traffic volume.</p> <p>In future years, the proposed Western Arterial will assist in transferring some of the traffic away from Kerr St and River St east.</p> <p>In the shorter term the proposed Barlows Rd/Flathead Ln link between River St and Tamarind Dr (if it proceeds to construction) would provide some relief to traffic volumes on Kerr St and River St east.</p> <p>Council is also taking steps to improve the throughput of the River St/Kerr St intersection by extending the existing River Street short second eastbound lane (east of Kerr St) all the way to Grant Street.</p>	<p>Proceed with extension of the existing River Street short second eastbound lane (east of Kerr St) all the way to Grant Street.</p> <p>Review the feasibility of the Barlows Road route option.</p>
<p>2a. What design considerations will be made to contain additional noise generated by the duplication</p>	<p>The dual laning project does not in itself create more traffic volume in River Street. However the shift of a portion of the traffic flow will move traffic noise generation closer to adjacent residences.</p> <p>Design to minimise and attenuate traffic noise will be a key part of pre-construction activities and the detailed design.</p>	<p>Traffic noise issues will be addressed in preconstruction assessment and detailed design.</p>

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
<p>3. Dual laning River St will not reduce congestion and should be scrapped in favour of immediate start to the Western Arterial</p>	<p>Traffic volumes on River Street already exceed the capacity of a two lane arterial road (around 18,000 vpd). The dual lane project will increase the barrel capacity of River Street to around 36,000 vpd which exceeds the traffic volumes predicted up to the year 2036.</p> <p>It is acknowledged that the provision of the Western Arterial connecting River St west to Tamarind Dr, a designated future item in Council's Road Contribution Works Program, will provide a significant benefit to the road network and transfer some of the traffic from both River St east and Kerr St.</p> <p>Options for timing, cost and funding of the Western Arterial were provided in a detailed report to the Council meeting November 2019.</p> <p>In regard to the impact of the Western Arterial on River Street, Council's modelling of current and future traffic volumes confirms that the dual laning of River Street is required for capacity requirements both before and after completion of the Western Arterial.</p>	<p>No further action recommended regarding immediate commencement of the Western Arterial project (except for the further investigation of the proposed Barlows Rd/Flathead Ln connector) as this matter has been addressed in a detailed report to Council November 2019 and Council resolutions at both the November and December 2019 meetings.</p>
<p>3a. The current adopted Western Arterial route between Tamarind Dr and River St (North Ck Rd to Brampton Ave) should be scrapped in favour of the more western route (North Ck Rd to 350 m west of Burns Pt Ferry Rd).</p>	<p>The adopted Western Arterial route is the shortest practical alternative route between Tamarind Dr and River St and is currently estimated to cost \$31.7M.</p> <p>The western route is far longer and was estimated in 2015 to cost \$51M. As well as being unaffordable in the Road Contributions Plan due to contributions caps, modelling predicts the western route will divert less traffic volume from Kerr St and has more impacts on SEPP14 wetlands, threatened species and EECs.</p> <p>Also, a portion of the longer route runs parallel to the River Street Duplication which will provide the required capacity for all west bound traffic. This means substantial public funds would be spent on a non-essential infrastructure, being any proportion of the Western Arterial road constructed west of the proposed Brampton Avenue/River intersection.</p> <p>The current route of the Western Arterial was adopted by Council in the review of the Road Contributions Plan in 2015 and confirmed in the review of 2018.</p>	<p>No action proposed.</p>

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
3b. The River St lane duplication should be scrapped in favour of a mini western arterial road.	Council resolved December 2019 to provide funds for further investigation of the proposed Barlows Rd/Flathead Ln connector road between Tamarind Dr and River St.	Further investigation to proceed in 2020 on the proposed Barlows Rd/Flathead Ln connector road between Tamarind Dr and River St.
4. Priority should be given to widening Tamarind Dr	<p>Dual laning of Tamarind Drive from North Creek Road to Kerr Street is included in Council's four year Delivery Program with a budget of \$13.5M. The Delivery Program has given this project a lower priority than the dual laning of River Street. This is based on comparative modelled traffic volumes and predicted congestion.</p> <p>The Delivery Program has scheduled preconstruction activities for Tamarind Dr during 2019/20, 2020/21 and 2021/22 with construction in 2022/23. It is proposed to tender for and engage consultants to produce concept designs later in 2020.</p>	Ensure preconstruction activities proceed as scheduled so that this project is able to proceed to the construction phase in 2022/23 if funding is available at that time.
5. Priority should be given to new bridge over North Creek on North Creek Road	<p>Provision for the replacement of the previously destroyed bridge over North Creek on North Creek Road and providing a direct connection via this link between North Ballina and Lennox Head (estimated cost around \$20M) is identified as a major item in the Ballina Roads Contribution Plan for implementation in 2019/2028 period.</p> <p>This link will provide an additional north/south connection between Ballina and Lennox Head and transfer traffic away from The Coast Road, thereby avoiding the need for future lane duplication of The Coast Road.</p> <p>Whilst it is considered an essential component of the future road network, its priority based on predicted traffic volumes and congestion is considered lower than the items provided in the current four year Delivery Program being River St and Tamarind Dr lane duplications and Bangalow Rd/Angels Beach Dr intersection and lane improvements.</p>	No recommended change to priority of the North Creek Bridge on the North Creek Road project.
6. Project is supported being needed for CBD businesses and residents	An objective of the project is to improve access to the CBD.	

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
<p>7. Provision of floodway culverts in River St, east of Smith Dr should not be excluded from the project and should not be fully funded by private developers north of River St.</p> <p>Cost of floodway culverts has made the proposed highway service centre and any other adjacent development financially non-viable.</p>	<p>The proposed floodway culverts are excluded from the River St lane duplication plans and are indicated as being provided by future private development. DA 2010/962 as modified by DA 2016/93 approves a highway service centre on the north side of River St, adjacent to the highway interchange roundabout.</p> <p>Access is to be via the highway southbound off ramp and a proposed roundabout on River St, east of Smith Drive.</p> <p>Conditions of development consent require the proponent to install both the roundabout and three large floodway culverts under River St at their cost.</p> <p>The floodway culverts part compensate for the loss of flood storage caused by filling of the floodplain by the highway service centre.</p> <p>Other development involving floodplain filling that has been proposed north of River St would have similar impacts regarding loss of flood storage and need to compensate by providing more flood conveyance under River St.</p>	<p>Confirm that Council will not be funding the River Street floodway culverts required as they are a condition of consent for DA 2010/962 as modified by DA 2016/93.</p> <p>Defer commitment to commencement of construction of Stage 1 (western stage) of River St lane duplication until there is more clarity regarding the likelihood (or not) of the highway service centre proceeding.</p>
<p>7a. Culverts installed by Council at above location should be compatible with the West Ballina Flood Relief Strategy. Design should account for flood impacts of widening formation of River Street on the northern side.</p>	<p>The concept design has taken a no worsening approach by adjusting the widened four lane cross section overflow height to be no higher than the existing road overflow height.</p> <p>This and all other relevant flood management issues, including installation of culverts will be assessed and addressed during the detailed design phase of this section of River Street.</p>	<p>Flood management issues will be assessed and addressed during the detailed design phase of this section of River Street.</p>
<p>8. Lane duplication should improve pedestrian and cycle connectivity between areas north and south of River Street in West Ballina.</p>	<p>Provision of additional pedestrian and cycle connectivity is primarily managed by the Pedestrian and Mobility Plan (PAMP) and Bike Plan process.</p> <p>The 2018/29 PAMP identifies provision/improvement of pedestrian refuges in River St near Hibiscus Caravan Park, near Keppel St and at Bunnings/Quays Dr roundabout.</p>	<p>Include yet to be completed improvements to pedestrian refuges nominated in the PAMP in the detailed design phase of the River Street lane duplication project.</p>

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
<p>9. Cycle lanes should be provided from the Pacific Highway</p>	<p>The River St lane duplication is primarily funded by the Ballina Roads Contribution Plan and provision of additional lengths of cycleway are not eligible works under this Plan.</p> <p>The concept design has ensured that the lane duplication works will preserve the integrity of existing paths and cycleways and will upgrade these facilities to current standards where there is diversion or replacement of existing paths (eg on duplicate Fishery Creek bridge and approaches).</p> <p>The design will also ensure compatibility with any additional cycleways identified in the PAMP or Bike Plan.</p> <p>On-road bike lanes are not included in the lane duplication design east of Burns Pt Ferry Rd as there is insufficient width available between existing kerbs along most of River St to accommodate additional bike lanes.</p> <p>There is no provision for bike lanes west of the existing caravan park near Emigrant Ck Ln or through the highway interchange.</p> <p>A high level strategy to extend the cycleway westwards to link Ballina with Alstonville has not yet been addressed by the Bike Plan.</p> <p>This strategy may be addressed in future versions of Council's Bike Plan, but is beyond the scope of the River St dual lane project.</p>	<p>Detailed design is to preserve integrity of existing paths and cycleways and upgrade to current standards where there is diversion or replacement of existing paths.</p> <p>The design is also to ensure compatibility with any additional paths and cycleways identified in the PAMP or Bike Plan.</p>
<p>10. Transport planning should move to multimodal model and away from focus on moving traffic.</p> <p>Design has little regard for pedestrians and cycling.</p>	<p>The benefits of multi modal transport planning are acknowledged.</p> <p>See also to 8 and 9 above.</p>	<p>Detailed design is to preserve integrity of existing paths and cycleways and upgrade to current standards where there is diversion or replacement of existing paths.</p> <p>The design is also to ensure compatibility with any additional paths and cycleways that are identified in the PAMP or Bike Plan.</p>

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
11. The design should consider the Entry Treatment Master Plan 2013	Normal level landscaping would be an eligible item for funding through the Ballina Roads Contribution Plan, however provision of significant entry statement landscaping, sculptures and public art would not be eligible and would require separate funding from Council. The detailed design of the lane duplication project can provide base level landscaping and tree planting and provide spaces/land footprints for entry statements, sculptures and more extensive landscaping associated with the recommendations of the Entry Treatment Master Plan 2013.	Ensure detailed design provides base level landscaping and tree planting and is configured to accommodate future entry statements, sculptures and more extensive landscaping associated with the recommendations of the Entry Treatment Master Plan 2013.
12. Remedial works resulting from the encroachment of the duplicate Fishery Ck bridge western approach on the existing boat launching facility car park should be consistent with the Ballina Marina Master Plan	The details of encroachments of the western approach to the duplicate Fishery Ck bridge are yet to be finalised by detailed design. The detailed design will seek to minimise any encroachment and ensure the resulting car park configuration is compatible with the objectives of the Ballina Marina Master Plan.	Detailed design will be required to minimise any encroachment and ensure the resulting boat launching facility car park configuration is compatible with the objectives of the Ballina Marina Master Plan.
13. Left in/left out intersection at Boatharbour Road is not supported	The intersection already has an existing left in/left out configuration that will not materially change with the lane duplication.	No action required.
14. Low angle slip lanes at Boatharbour Rd, Western Arterial and proposed West Ballina expansion area intersections not supported due to sight difficulties (need to turn head)	Design configuration of merge lanes and slip lanes is currently only at concept level. These issues will be further assessed at detailed design stage and designed to comply with Austroads standards.	Configuration of merge lanes and slip lanes will be assessed at detailed design stage and will be designed to comply with Austroads standards.
15. No shoulders provided on duplicated Fishery Ck bridge	Width shown on concept design is 7 m between kerbs. It would be more desirable to widen to 8 m allowing for two 3.5 m travel lanes and a 1 m wide shoulder. Widening is constrained by the need to limit encroachment into the boat launching facility car park and need to leave existing bridge footway (but ultimately to be abandoned) operational until construction is completed and pedestrian traffic shifts to footway on south side of new bridge.	Ensure sufficient width is provided for the duplicate Fishery Ck bridge at detailed design phase.

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
16. Consider providing artwork on new bridge retaining wall	Provision of space for artwork can be considered at detailed design phase, but artwork itself would not be an eligible item in this project and would require separate funding.	Consider provision of space for artwork on bridge retaining wall at detailed design phase.
17. Negate the need for River St lane duplication by re-establishing the rail line between Ballina and Lismore for freight and providing a fleet of commuter buses for passenger traffic. Reduction in traffic will also negate the need for traffic signals at Brunswick St which are opposed as they will impede River St traffic flow.	<p>Provision of rail and commuter bus services is a matter for the NSW Government and at this time there are no government strategies for provision of these services. In the absence of these facilities, there is a need to provide additional lanes to accommodate the existing and future traffic flows along River St.</p> <p>The same applies to the proposed traffic signals at Brunswick St.</p> <p>In regard to additional delays induced by traffic signals at Brunswick St, delays can be minimised by synchronisation of the proposed signals with existing signals on River and Kerr Streets using the RMS computer controlled SCATS system.</p>	No action.
18. Provide a roundabout at the Kerr St/Tamar St intersection to negate the need for traffic signals at Brunswick St/River St.	Provision of a roundabout at the Kerr St/Tamar St intersection would improve access for residents north of River St between Fishery Ck and Kerr St. It would not assist those south of River Street or traffic issues on Camoola Ave.	No action.
19. Concerns of owners of 1/312 River St (dwelling & Chiropractor) that the creation of an additional westbound lane will eliminate parking and make existing access dangerous to exit.	<p>This allotment contains a strata dwelling with sole vehicular access to River St (the other units in the strata have access to Greenhalgh St).</p> <p>The dwelling is also used as a chiropractor business, understood to be a “home occupation” that does not require planning consent.</p> <p>As no planning consent is required there is no on-site parking or provision for vehicle turn around to facilitate forward exit onto River Street.</p> <p>Currently the concept design indicates the south edge of the outside (new) westbound lane will come to around 1.5m from the kerb adjacent to 1/312 and eliminate the parking lane from east of 1/312 to Brunswick St.</p> <p>It is likely to be possible during the detailed design phase to modify the taper and concrete median edge of the existing westbound right</p>	During the detailed design phase modify the taper and concrete median edge to the existing westbound right turn lane at Brunswick St to enable the travel lanes to be moved further away from the kerb at 1/312 and enable provision of parking lane width east of the entrance to 1/312. Optimise kerbside parking opportunities west of the entrance to 1/312 subject to geometrical and lane design constraints.

10.1 River Street Lane Duplication - Public Exhibition

Issue/Topic	Response	Proposed Action
	<p>turn lane at Brunswick St to enable the travel lanes to be moved further away from the kerb at 1/312. It is likely that a parking lane width can be provided east of the entrance to 1/312, but westward becomes more problematic.</p> <p>Providing a parking lane width east of the entrance would enable reversing vehicles exiting from 1/312 to reverse into the parking lane rather than the outer travel lane.</p>	
<p>20. Concerns of resident east of Brunswick St, south side, where the kerb is proposed to be raised to flatten the road cross fall (existing shoulder crossfall is excessive for the new travel lane) because of likely incompatibility of this arrangement with collection of wheelie bins.</p>	<p>Garbage collection may need to be relocated from River Street to rear of allotment on Greenhalgh St. If this is unworkable, provision of a kerbside raised platform for the wheelie bins in River Street could be examined at detailed design phase.</p>	<p>During detailed design phase, collaborate with resident to provide a workable solution for wheelie bin pickup.</p>

4. Proposed Split into Construction Stages and Stage Cost Estimates

It is proposed to stage construction to:

- spread costs over the Delivery Program period
- enable earlier construction of lower cost sections thereby realising traffic benefits early in the project
- provide longer pre-construction lead times required for the more complex duplicate Fishery Creek bridge section of the project
- provide a series of hold points, prior to commitment to construction of each stage and/or acceptance of tenders where the progress, timing, budgeting, and scope of the project can be reviewed and if necessary adjusted.

Stages need to be sufficiently self-contained to be separately constructed, without substantially adding to the total project cost.

The concept design and its proposed stages are numbered and lengths designated in linear metres from the western end of the project, just east of Smith Drive (where the current four lane configuration reduces to two lanes) heading east towards Kerr Street. The stage numbering is not related to the proposed timing of construction of each stage.

Stage 1: Ch 0 (east of Smith Dr) – Ch 640 m (west of Burns Pt Ferry Rd)

Extends from the existing dual lane section east of the highway interchange roundabout to approximately 200m west of Burns Point Ferry Road.

10.1 River Street Lane Duplication - Public Exhibition

The existing two lane formation is to be widened to four lanes in a mostly rural/urban fringe area.

This stage excludes the provision of an access roundabout and three floodway culverts that are required as a condition of development consent for DA 2010/962 as modified by DA 2016/93, for a highway services centre.

The estimated costs based on the concept design are provided below.

Table 2A - Stage 1, CH 0 – 640 m, Estimated Cost

Stage 1, CH 0 – 640 m, Estimated Cost	
Investigation	\$63,578.83
REF/DA	\$105,964.72
Detailed design	\$190,736.50
Construction management	\$169,543.56
Preliminaries, insurance, traffic control, set out	\$615,990.88
Clearing & demolition	\$56,500.00
Testing	\$12,000.00
Erosion & sediment control	\$8,436.36
Topsoil, stabilisation	\$77,000.00
Earthworks	\$1,029,170.50
Roadworks	\$1,515,000.00
Stormwater	\$243,720.00
Concrete works	\$150,000.00
Subsoil drainage	\$75,500.00
Signage/linemarking	\$27,571.20
Water & sewerage relocation	\$115,200.00
Telecom, electricity service relocation	\$290,000.00
Landscaping	\$22,500.00
Contingency	\$1,563,737.94
Total	\$6,332,150.50

Stage 2: Ch 640 (west of Burns Pt Ferry Rd) – Ch 1,920 m (west of Barlows Rd)

Extends from 200m west of Burns Point Ferry Road to immediately west of the Barlows Road roundabout.

There is a short section of formation widening west of the Burns Point Ferry Road roundabout, but, the balance of the stage will involve pavement dig out and strengthening to create additional travel lanes, between the existing kerb and gutter and existing travel lanes.

This section of West Ballina is heavily urbanised and maintaining access to adjacent properties and businesses during construction will be a major consideration.

Table 2B - Stage 2, CH 640 – 1,920 m, Estimated Cost

Stage 2, CH 640 – 1,920 m, Estimated Cost	
Investigation	\$36,267.55
REF/DA	\$60,445.91
Detailed design	\$108,802.64
Construction management	\$96,713.45
Preliminaries, insurance, traffic control, set out	\$633,445.43
Clearing & demolition	\$15,000.00
Testing	\$12,000.00
Erosion & sediment control	\$16,872.73
Earthworks	\$326,247.00
Roadworks	\$1,047,400.00
Stormwater	\$31,000.00
Concrete works	\$72,500.00
Subsoil drainage	\$31,700.00
Signage/linemarking	\$27,571.20
Telecom, electricity service relocation	\$190,000.00
Landscaping	\$14,100.00
Contingency	\$854,221.59
Total	\$3,574,287.49

Between Stage 2 and Stage 3 - This section between Barlows Road and east of Brampton Avenue, being already four lanes is not within the scope of the lane duplication project.

Stage 3: Ch 2,400 (east of Brampton Ave) – Ch 2,900 m (east of Henry Philp Ave). Includes duplicate Fishery Ck Bridge.

Extends from between Brampton Avenue and Fishery Creek Road to just east of Henry Philp Avenue. Includes the duplicate Fishery Creek Bridge.

Table 2C - Stage 3, CH 2,400 – 2,900 m, Estimated Cost

Stage 3, CH 2,400 – 2,900 m, Estimated Cost	
Investigation	\$139,129.00
REF/DA	\$231,881.66
Detailed design	\$417,386.99
Construction management	\$371,010.66
Preliminaries, insurance, traffic control, set out	\$613,263.61
Clearing & demolition	\$96,500.00
Testing	\$12,000.00
Erosion & sediment control	\$7,118.18
Topsoil, stabilisation	\$34,440.00
Earthworks	\$177,523.50
Roadworks	\$1,322,950.00
Stormwater	\$44,400.00
Concrete works	\$357,100.00
Signage/linemarking	\$27,571.20
Guardrail	\$87,400.00
Bridgeworks over Fishery Ck	\$5,719,000.00
Retaining walls	\$426,000.00
Telecom, electricity service relocation	\$350,000.00
Contingency	\$3,193,511.91
Total	\$13,628,186.71

10.1 River Street Lane Duplication - Public Exhibition

Stage 4: Ch 2,900 (east of Henry Philp Ave – Ch 3,280 m (between Brunswick and Tweed Streets)

Extends from east of Henry Philp Avenue to between Brunswick and Tweed Streets to join the existing duplicated section of River Street west of Kerr Street.

Table 2D - Stage 3d. CH 2,900 – 3,280 m, Estimated Cost

Stage 3d. CH 2,900 – 3,280 m, Estimated Cost	
Investigation	\$19,370.36
REF/DA	\$32,283.93
Detailed design	\$58,111.08
Construction management	\$51,654.30
Preliminaries, insurance, traffic control, set out	\$606,718.15
Clearing & demolition	\$30,950.00
Testing	\$12,000.00
Erosion & sediment control	\$3,954.55
Earthworks	\$84,523.50
Roadworks	\$347,240.00
Stormwater	\$57,200.00
Concrete works	\$35,700.00
Subsoil drainage	\$10,500.00
Signage/linemarking	\$27,571.20
Intersection Brunswick St	\$75,000.00
Contingency	\$450,792.59
Total	\$1,903,569.67

Table 2E - Total River Street Dual Lane Project Costs

Total River Street Dual Lane Project Costs			
Stage	Chainage	Location	Cost Estimate Based on Concept Design
1	640 – 1,920 m	Smith Dr to west of Burns Pt Ferry Rd	\$6,332,151
2	640 – 1,920 m	West of Burns Pt Ferry Rd to Barlows Rd	\$3,574,288
3	2,400 – 2,900 m	Fishery Ck Bridge & approaches	\$13,628,187
4	2,900 – 3,280	East of Henry Philp Ave to west of Tweed St	\$1,903,570
Total			\$25,438,196

This cost estimate, now updated in accordance with the concept design, exceeds the budgeted allowance in the four year Delivery Program of \$21,612,000 by almost \$4m.

5. Proposed Construction Stage Sequence and Associated Cash Flow

The proposed sequence of construction stages and associated rounded up cash flows are set out in the following table.

A more detailed Gantt chart of the project is included as Attachment 2 to this report.

Table 3 - Total Costs and Funding Allocation

River Steet Lane Duplication Project Construction Stage Sequence			Estimated Budget Cash Flow (\$000)				
Item	Start	Finish	2019/20	2020/21	2021/22	2022/23	Deferred decision
Concept Design	2018	1/2020	50				
Stage 2							
Preconstruction	2/2020	8/2020	210	60			
Construction	9/2020	2/2021		3,305			
Stage 3							
Preconstruction	2/2020	9/2020	120	607	300		
Tendering	9/2021	12/21					
Construction	1/2022	1/2023			6,000	6,603	
Stage 4							
Preconstruction	6/2020	12/2020	30	110			
Construction	7/2021	12/2021			1,770		
Stage 1							
Preconstruction	12/2020	7/2021		330			
Construction	Defer decision until 2022						6,010
Proposed Cash Flow/year			410	4,442	8,070	6,603	6,010
Proposed Cumulative cash flow			410	4,822	12,892	19,495	25,505
Adopted Delivery Program Budget			100	100	21,612		

The proposed construction sequence achieves the following:

- Completion of construction of Stage 2 (River Drive to Barlows Road) during 2020/21, provides a significant length of dual lane carriageway through West Ballina and associated benefits to traffic flow early in the project. This section of roadworks consists mostly of pavement strengthening (dig out, pavement replacement and asphalt resurfacing) between existing kerbs, the works are straight forward and provide the best value for money in terms of cost per km compared with other stages.
- Early commencement of preconstruction activities for Stage 3 (Fishery Creek Bridge and approaches) is needed due to the lengthy lead times required for engagement of planning and design consultants, environmental assessment/planning approvals, detailed design, tendering and construction by contract.
- Stage 4 (Henry Philp Avenue to Tweed Street) being completed prior to Stage 3 works will facilitate the integration of Stage 3 and enable full trafficable use of Stage 3 on its completion.
- Stage 1 (Smith Drive to Burns Point Ferry Road) is in a rural/urban fringe area and the deferral of this particular stage of the lane duplication project would have the least negative impact on traffic flow capacity. Deferral of a decision on when to proceed with construction of this stage also enables:

10.1 River Street Lane Duplication - Public Exhibition

- Budget to be reviewed including assessment of income cash flows, loan funds, grant application success and actual expenditure versus budget for earlier stages, prior to commitment to construction Stage 1.
 - Clearer indication of likely timing of construction of the proposed Highway Services Centre and associated installation of floodway culverts and roundabout access.
 - More time to be available to address any related flood plain management issues
- Completion of preconstruction works will enable the various construction stages to be “shovel ready” and therefore eligible for grant funding where this is a requirement.
 - There are a number of hold points available at which progress of the project and funding can be reviewed/adjusted prior to commitment of major expenditure items. These hold points include commitment to construction on all stages, acceptance of tenders for environmental assessment/planning applications, engaging consultants for detailed design and contract construction of Stage 3 (Fishery Creek Bridge and approaches).

6. Procurement Strategy

Final procurement decisions are unlikely to be made until project development is at a more mature phase.

At this time it is likely that Stages 2 and 4 would be designed and constructed in house by Council’s workforce.

These stages do not contain complex design issues, mostly consisting of pavement strengthening works between existing kerbs. As such their design is likely to be accommodated by in house design resources.

Construction by Council workforce in these existing urbanised sections provides for maximum flexibility to optimise temporary access and minimise inconvenience to adjacent business and residences affected during the construction works.

This flexibility would not be available if the works were constructed by a more structured contract arrangement and the risk of contract cost variation/escalation due to access issues would likewise be high.

Stage 3 (Fishery Creek Bridge and approaches) is a far more complex stage and it is likely that separate external consultants/contractors will be engaged through a tendering process for:

- Environmental studies/assessment, liaison with government agencies, crown land issues (creek bed), preparation and submission of planning application and responses to the determining authority.
- Detailed design including:
 - detailed survey
 - geotechnical testing and investigation

10.1 River Street Lane Duplication - Public Exhibition

- engagement with utility authorities and design of utility relocations and street lighting
 - compliance of design to conditions of planning consent
 - pavement investigation and testing
 - detailed design and specifications of bridge
 - detailed design and specifications of bridge approaches and associated retaining walls
 - preparation of documentation for expressions of interest and final construction tender documents
- Construction by contract:
 - For simplification of construction management, integration and risk allocation, the construction contract is likely to include both the bridge and bridge approaches
 - Due to the complexity of the works and issues relating to construction under both vehicular and pedestrian traffic, an expressions of interest process and short list selection is likely to proceed formal tendering

Stage 1 (Smith Drive to Burns Point Ferry Road) is likely to require external resources for environmental/planning assessment and flood plain management issues. Detailed design and construction could be either in house or by consultants/contractors depending on resources available at the time.

Sustainability Considerations

- **Environment**

All stages of the project will be the subject of environmental assessment and approval requirements. The project will reduce vehicle travel times and congestion leading to reduction of fuel consumption and reduction in greenhouse gas emissions.

- **Social**

The project will significantly improve through traffic access from the Pacific/Bruxner Highways to Ballina Island by reducing congestion, queuing and travel times. This will improve amenity for the travelling public and Ballina residents.

During construction there will be some access disruption and amenity loss to adjacent residents and businesses along the frontage of River Street. After completion of the project, some intersecting streets will have reduced access options to River Street through optimising through traffic free flow.

- **Economic**

The project will significantly improve through traffic access, delivery times for businesses and access for customers and suppliers. The improved access, reduced traffic congestion and delays will significantly benefit business along River Street and generally on Ballina Island. Reduced fuel consumption and lost time in traffic congestion will provide economic benefits to businesses and the public.

Legal / Resource / Financial Implications

There is funding for the project in the 2019/23 Delivery Program, however the proposed staging and timing of stages in this report will require some adjustments in the 2020/24 Delivery Program.

The funding is also subject to securing loan and grant funds.

Consultation

The Concept Design Plans were on public exhibition from 6 November until 6 December 2019. During this period two public information sessions were held on 19 and 21 November.

There was also a mail out to all residents and owners along the affected sections of River Street.

Options

There are two main options for this project now, option one, being to proceed to the next phase or option two, consider an alternative direction.

Within option one, Council is able to amend some of the details within the proposal.

Option 1

1. Council endorse the exhibited concept design for the River Street lane duplication project as amended/clarified by the actions set out in the "Proposed Action" column of Table 1 of this report. Applicable actions are to be implemented in the detailed design phase of each construction stage.
2. Subject to availability of funding at the time and ongoing program review/adjustments, along with the annual Delivery Program review, Council approves in principle, the proposed staging / timing and funding of the River Street lane duplication project as detailed in Table 3 of this report.
3. Council approve the deferral of commitment to construction of Stage 1 of the River Street lane duplication project until around 2022 when there may be more certainty regarding the construction of the Highway Service Centre approved by the consent for DA 2010/962 as modified by DA 2016/93.
4. Council approve commencement of traffic modelling to determine if provision of traffic signals at the Brunswick Street/River Street intersection would enable the intersection to meet RMS signalised intersection warrants. This modelling would also assess and recommend optimisation of the Kerr Street/River Street signalised intersection.

If RMS approval can be obtained, include installation of traffic signals at River Street/Brunswick Street intersection in River Street Stage 4 construction. This modelling can be funded from the pre- construction activities budget for this project.

10.1 River Street Lane Duplication - Public Exhibition

Option 2

Do not endorse the exhibited concept design for the River Street lane duplication project and reconsider the Roads Contribution Plan capital expenditure items included in the four year Delivery Program.

Option one is consistent with Council's strategic decisions and actions over a number of years. This includes approval of the 2015 and 2018 amendments to the Roads Contribution Plan (based on traffic modelling of predicted development and associated road network needs up to the year 2036), commissioning concept designs for the River Street lane duplication project, and inclusion of the project and its funding in the 2019/2023 Delivery Program.

Option one allows preconstruction activities to be completed and enables the project to proceed to "shovel ready" stages, and subject to hold point reviews/adjustments, enables progress through to construction and project finalisation.

Obtaining detailed designs and planning approvals through the preconstruction phase of each construction stage will place Council in a more favourable position for accessing grant funds that require nominated projects to be "shovel ready".

Option two would be inconsistent with Council's strategic direction and past decisions over a number of years and would seriously compromise Council's ability to deliver major road network projects identified in the Ballina Roads Contribution Plan within a reasonable timeframe.

Option two would delay road network improvements identified, by both current experience and predictive modelling, as being required to relieve traffic congestion on major road approaches to Ballina.

Option one is recommended.

RECOMMENDATIONS

1. That Council endorses the exhibited concept design for the River Street lane duplication project as amended/clarified by the actions set out in the "Proposed Action" column of Table 1 of this report. Applicable actions are to be implemented as required and in the detailed design phase of each construction stage.
2. That subject to availability of funding at the time and ongoing program review / adjustments, along with the annual Delivery Program review, Council approves in principle, the proposed staging / timing and funding of the River Street lane duplication project as detailed in Table 3 of this report.
3. That Council approves the deferral of construction of Stage 1 of the River Street lane duplication project until around 2022 when there may be more certainty regarding the construction of the Highway Service Centre approved by the consent for DA 2010/962 as modified by DA 2016/93.

10.1 River Street Lane Duplication - Public Exhibition

4. That Council approves the commencement of traffic modelling to determine if provision of traffic signals at the Brunswick Street/River Street intersection would enable the intersection to meet RMS signalised intersection warrants. This modelling would also assess and recommend optimisation of the Kerr Street/River Street signalised intersection. If RMS approval can be obtained, the project is to include the installation of traffic signals at the River Street/Brunswick Street intersection in River Street Stage 4 construction. This modelling is to be funded from the pre- construction activities budget for this project.

Attachment(s)

1. [Submissions - River Street Dual Lanes](#)
2. [Gantt Chart - River Street Duplication](#)

10.2 Burns Point Ferry - Annual Maintenance

10.2 Burns Point Ferry - Annual Maintenance

Delivery Program

Engineering Works

Objective

To advise Council of the proposed ferry out-of-water maintenance scheduled for February 2020 and to review the recent trial for out-of-water maintenance every two years compared to the previous practice of annual out-of-water maintenance.

Background

The purpose of this report is to advise Council of the proposed program of works and duration of works for the upcoming out-of-water maintenance for the Burns Point Ferry scheduled for February 2020.

Furthermore the report will also advise of the experiences and costs associated with the current trial to undertake the out-of-water maintenance for the ferry every two years, in lieu of the previous annual out-of-water maintenance.

The annual out-of-water ferry maintenance was last undertaken in 2016, and the current trial has seen the out-of-water maintenance undertaken in 2018 and is now scheduled for February 2020.

The Burns Point Ferry is a vessel purchased second-hand by Council in 1990.

The ferry was manufactured and operated in Queensland from the mid-1980's, prior to the purchase by Council.

Since the Council purchase the ferry has had an annual out-of-water maintenance program continue up until 2016, however, the timing of the out-of-water maintenance has recently been extended to occur in 2018 and 2020.

The ferry maintenance regime is ongoing and includes maintenance tasks that occur daily, weekly, monthly and periodic (annual/other). These tasks are summarized as follows:

Daily

- Checklist including daily washing of deck and greasing of required parts

Weekly

- Monitor all cable rollers and cable
- Monitor drive segment wear
- Check ramp lifting slings and pins
- Engine and transmission general check over

10.2 Burns Point Ferry - Annual Maintenance

Monthly

- Full engine service – replace cables and segments if needed
- Carry out any repairs reported on daily checks
- Check structural lifting points and carry out repairs as required
- Repair the skid plates on vessel landing ramps

Periodic (Annual/other)

- Sand blasting, painting in accordance with maintenance program, anode replacement
- Mechanical overhaul
- Structural steel testing
- Vessel improvements and fit outs
- Maritime inspection and certification

The periodic maintenance task has historically included the annual out-of-water maintenance program, which usually includes major mechanical and structural repairs, lift ramp maintenance, painting maintenance and any commercial vessel certification inspections and reports.

The periodic maintenance task is a critical component of the overall maintenance program and is important for ongoing certification and operation.

The ferry currently comes under the jurisdiction of the Australian Maritime Safety Authority (AMSA).

This is the National Regular for commercial vessels and a number of years ago took over the regulatory role from the respective State Government maritime organisations.

AMSA specifies and regulates the maritime requirements of the ferry including licencing and qualification requirements of the ferry operators.

AMSA also specifies the minimum requirements for out-of-water inspections.

Key Issues

- Out-of-water maintenance period will be advertised for a three week period from 15 February 2020 to 6 March 2020
- Two yearly out-of-water maintenance period compared to annual

Information

February 2020 Out-of-Water Ferry Maintenance Period

The out-of-water ferry maintenance has historically been undertaken on an annual basis where a recurrent program for necessary and known maintenance is done. This has now been trialled as a two yearly program since 2016, with the maintenance occurring 2018 and now 2020.

10.2 Burns Point Ferry - Annual Maintenance

The out-of-water maintenance has comprised:

Sand Blasting and Painting

A marine consulting firm is engaged to review and update the ferry painting program and to also provide onsite quality assurance surveillance of the repainting process.

The program has in the past been able to achieve a full repaint of the ferry over typically a five year period.

At each ferry slip a section of the vessel is grit blasted and returned to metal for repainting, with remaining sections of the hull receive spot painting as required.

This aspect of the maintenance is impacted by the weather, and with unsuitable conditions can easily cause delays to the length of time the ferry is out of service.

For 2020 slip, the sides of the ferry hull will be grit blasted and repainted in full.

Mechanical Overhaul

This allows for a planned changeover of mechanical and hydraulic parts and numerous operating components.

In the past this has provided for an engine changeover due to accumulated operating hours, prior to a potential failure.

For the 2020 maintenance, four hydraulic lift rams for lifting and lowering the access ramps will be replaced which will also require structural modifications.

A previous failure of one of the existing rams has led to the preventative replacement of all rams.

Structural Steelwork

The hull, access ramps and other supporting structural elements are subject to the marine environment and in particular the access ramps are subject to fatigue due to the repeated vehicle and truck loading.

At each slip the access ramps are removed, stripped of timber decking and grit blasted prior to recurrent rewelding, platework, painting and replacement.

The internal compartments of the ferry hull are sealed compartments which require inspection.

A confined space entry through numerous bolted hatches is undertaken and during the last slip some evidence of internal rust on the floor of the ferry hull in the compartment under the cabin and engine was identified.

It is planned to replace the floor plate of the ferry hull as part the 2020 slip.

This is the first occasion the hull of the ferry will have significant platework replaced.

10.2 Burns Point Ferry - Annual Maintenance

With the replacement of the hydraulic lift rams described above, the corresponding support connections and lifting beams will need to be replaced on the ferry.

This year, due to the amount of structural work, additional resources have been organized, including subcontract welders and outsourcing the repairs of the ferry access ramps.

Shifting the ramps offsite will also reduce risk as previously this work was completed outside and weather interventions can cause delays.

This information provides a snapshot of the larger critical items of work required on the ferry this forthcoming slip.

A more detailed assessment of the ferry slip activities is shown in Attachment 1.

This project plan has identified 18 days are needed to fulfil all of the required maintenance, including the time taken to decommission, transport the ferry and prepare it for the works program, and then reinstall the components and return to service.

Historically Council has been able to achieve annual out-of-water maintenance within a two week period.

An exception being the last slip in 2018 where the ferry was out of service for a three week period.

This longer period in 2018 was due to the need for additional cleaning (scrubbing) of the hull due to a longer in-water period between slips, the weather conditions did actually delay the painting program and an unexpected fuel leak was discovered inside the hull towards the end of the work period.

It is proposed to advertise the out of service period for the ferry this February for a 21 day period. The dates being Saturday 15 February 2020 to Friday 6 March 2020, albeit the works program is currently 18 days and if this is achieved, the ferry will return to service prior to the advertised closure period.

This maintenance period is in response to the extent of work that is planned, and allows for possible unexpected issues that may arise.

This time frame also recognises the in-water time of the ferry since the last slip, being two years.

There will likely be considerable interest from the community with respect to the time the ferry will be out of service.

The advice within this report regarding the proposed maintenance activities and the strategy for resourcing the maintenance activities is to inform the community of the full scope of work required and why this amount of time is needed.

Further details of this program of work and the time allocated will be provided at a scheduled Councillor briefing.

10.2 Burns Point Ferry - Annual Maintenance

Annual versus two year out-of-water maintenance cycle.

As noted the ferry has been in Council ownership since 1990 and has historically undergone annual out of water maintenance continuously through to 2016.

In 2018 and now in 2020 the ferry has had extended periods of time in the water in between out-of-water maintenance programs.

On face value there would appear to be savings with this approach by being able to save on the cost of the tug that tows the ferry to the slip facility (Swan Bay) plus the cost of hire of the slip facility itself for the year the ferry is not taken out of water.

This amounts to approximately \$27,000 using 2016 and 2018 costs, and would be a saving in alternate years.

The above assumes the work effort and maintenance required on an annual basis can be 'stretched' to accommodate the two year in water period without any detrimental effect or other consequences caused by prolonging maintenance.

However it has become clear since 2016 that there are a number of maintenance activities which do require attention on an annual basis.

Firstly the access ramps onto the ferry are lifted and lowered and loaded repeatedly and have needed maintenance welding repairs on-the-run. This has been achieved by closing the ferry.

The welding repairs have been undertaken on parts of the ramps where the cracks have been evident.

Parts of the ramps are unable to be inspected clearly without removal and this is recommended for return to an annual operation.

Also the ferry hull is now planned to have an underside floor plate section cut-out and removed during the February 2020 maintenance round.

This was identified during the out of water internal hull inspection in 2018, however the repair was unable to be undertaken due to the scheduled maintenance program and material supply.

With the age of the ferry now approaching 35 years and operating 365 days of the year, a risk reduction strategy is recommended.

An annual internal and external hull inspection will provide a more controlled approach to critical hull maintenance with structural repairs able to be scheduled with the following out of water maintenance cycle if needed i.e. within the next 12 months.

With a two yearly maintenance cycle it is taking longer to achieve the required maintenance tasks compared to the historic two week timeline under the annual maintenance program.

10.2 Burns Point Ferry - Annual Maintenance

The 2018 maintenance period was for three weeks and the current forecast for the duration of the February 2020 maintenance round is 18-21 days.

There has always been considerable community interest with the time taken for ferry maintenance.

Based on the 2018 and the proposed 2020 maintenance round, it is forecast that a two yearly maintenance cycle will require the ferry to be out of service for three weeks each time.

Another reason for this assessment is the barnacle and other build up on the hull, after two years, is very difficult to remove.

This activity takes significant time and is on the critical path for the project as other activities cannot commence (particularly painting) until this work is complete.

A major activity like this on the critical path is a risk as any delays are likely to impact on the team's ability to meet the advertised closure.

Regarding the costs for ferry maintenance the following table provides the last ten years of data, which includes the recent two yearly cycle.

The costs associated with the years 2017 and 2019, when the ferry remained in-service, are associated with supply of materials for the proposed ferry maintenance and for fees associated with consultants in preparing painting plans and specifications and for AMSA certification documentation.

The cost shown for 2020 represents the budget allocation for the upcoming February 2020 maintenance round.

The data shows that the average annualised cost of the ferry maintenance program is not significantly different between the annual and two yearly cycle.

The forecast savings of \$13,500 p.a. for reduced tug and slip facility costs have not been achieved, albeit that the cost for the February 2020 maintenance round is based on the allocated budget, as the work has not yet taken place.

Financial Year	Actual Cost (\$)	Average Cost (\$) 2010 - 2016	Average Cost (\$) 2017 – 2020
2010	110,659		
2011	102,737		
2012	123,986		
2013	109,991		
2014	151,351		
2015	146,772		
2016	132,659	125,450	
2017	10,237		
2018	230,032		
2019	14,363		
2020 (budget)	241,000		123,900

In the context of risk management, ownership of an aging ferry vessel and cost considerations, it is recommended that the ferry continue with an annual out of water maintenance program.

10.2 Burns Point Ferry - Annual Maintenance

Should this be accepted it is likely to follow a transition where the next out of water survey would be late 2021 (in 18 months time) and then 12 monthly intervals thereafter.

Sustainability Considerations

- **Environment**

The ongoing maintenance of the ferry has to date provided for a reliable service without negative environmental impacts.

- **Social**

The ongoing maintenance of the ferry provides an important road transport connection for South Ballina.

- **Economic**

The ongoing maintenance of the ferry provides an efficient transport service for residents and travellers at South Ballina. However this is a service which is a 'cost' to Council's operating position.

Legal / Resource / Financial Implications

The background section of this report referred to the certification of the ferry coming under the jurisdiction of the Australian Maritime Safety Authority (AMSA). AMSA specifies and regulates the maritime requirements of the ferry, including licencing and qualification requirements of the ferry crew. AMSA also specifies the minimum requirements for out-of-water inspections with the issue of a Certificate of Survey.

The current five year Certificate of Survey which commenced in 2019 (year 1) requires Burns Point Ferry to undertake an out-of-water survey in 2021 (year 3) and 2023 (year 5).

Consultation

There has not been any consultation directly associated with the preparation of this report other than a Councillor briefing session held on Monday 20 January 2020 to provide background information.

Options

The purpose of this report is to advise of the work schedule and timeline of the proposed out of water maintenance program scheduled for February 2020, and to recommend the transition back to an annual out of water maintenance program following a trial of a two yearly maintenance round.

The options are:

1. To support the return to an annual out of water maintenance program to achieve a better risk approach to maintenance management and provide the opportunity to reduce the amount of out of service time required for the Ferry slip.

10.2 Burns Point Ferry - Annual Maintenance

2. To not support the return to an annual out of water maintenance program and continue with the two yearly maintenance round. This option avoids the inconvenience to the public from the slip every second year

The information in this report has identified the costs from either approach are similar, however the annual slip is preferred from a risk perspective, both in terms of the maintenance plan for the ferry and for achieving the work program required within the slip on time.

Option one is recommended.

RECOMMENDATIONS

1. That Council notes the contents of this report in respect to the Burns Point Ferry maintenance activities for 2020, with the ferry scheduled to be out of service for the period 15 February 2020 to 6 March 2020.
2. That based on the contents of this report Council endorses the transition back to an annual out of water maintenance program, meaning the next scheduled slip will be late in 2021 and annual thereafter.

Attachment(s)

- 1 [↔](#). Burns Point Ferry - 2020 Slip Program and Scope of Works

10.3 Policy (Review) - Footpaths and Cycleways - Inspection

10.3 Policy (Review) - Footpaths and Cycleways - Inspection

Delivery Program

Engineering Works

Objective

To review the Footpaths and Cycleways - Inspection, Evaluation and Maintenance Policy.

Background

All of Council's existing policies are reviewed, at least once every four years, to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Footpaths and Cycleways – Inspection, Evaluation and Maintenance policy.

Council first adopted this policy in 2003 and it was reviewed in 2010 and 2014.

The key objective of this policy is to assist the Council in terms of risk management by determining the extent of resources allocated to the management of these types of assets.

Key Issues

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

Information

This review of this policy identified only minor format changes and no changes to the policy itself. The policy is still contemporary and reflects current legislation.

A copy of the amended policy is attached to the report. The changes have been marked in yellow.

The policy refers to two internal procedures which are used to determine intervention levels and response requirements.

These are not directly included in the policy to enable these documents to be amended, subjected to delegated authority from the General Manager, from time to time in response to operational requirements or updates or advice within the best practice advice from our insurer.

Copies of these documents can be made available to Councillors upon request.

Opportunities have been identified to improve and modernize these internal procedures and review work has recently commenced. It is possible that changes to the procedures may inform future changes to this policy.

Also, Council's internal risk management committee is working to improve the governance and management of risk and this work may also influence this policy in the near future.

Sustainability Considerations

- **Environment**
Management of maintenance with a prioritised system will enhance environmental outcomes.
- **Social**
Risk management approach to maintenance will ensure adverse social impacts will be minimised.
- **Economic**
Risk management approach to maintenance will ensure adverse economic impacts will be minimised.

Legal / Resource / Financial Implications

The policy is modelled on Council's insurer's Best Practice Manual for risk management for footpaths, nature strips and medians.

Consultation

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

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Footpaths and Cycleways – Inspection, Evaluation and Maintenance Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be reported back to Council. If no submissions are received then no further action is required.

Attachment(s)

- 1⇒ Policy (Review) - Footpaths and Cycleways - Inspection, Evaluation and Maintenance

11.1 Rescission Motion - DA 2019/30 - 43 Tuckombil Lane, Tuckombil

11. Notices of Motion

11.1 Rescission Motion - DA 2019/30 - 43 Tuckombil Lane, Tuckombil

Councillor Cr Smith
Cr Meehan
Cr Wright

We move

That Resolution 191219/7, as follows, be rescinded:

That DA 2019/30 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies and the Staged Development of Eight Holiday Cabins and Associated Amenities, Infrastructure and Earthworks for Landscaping Purposes in association with the existing dwelling house at Lot 1 DP 786850, No. 43 Tuckombil Lane, Tuckombil be REFUSED for the following reasons:

- 1 Council is not satisfied that the proposed development satisfactorily addresses relevant planning considerations, in particular Clause 2.8 of the Ballina LEP and the impacts of the development on traffic, roads, rural industry and local amenity.*
- 2. The development is inconsistent with the RU1 zone objectives.*

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

That DA 2019/30 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies and the Staged Development of Eight Holiday Cabins and Associated Amenities, Infrastructure and Earthworks for Landscaping Purposes in association with the existing dwelling house at Lot 1 DP 786850, No. 43 Tuckombil Lane, Tuckombil be APPROVED subject to the imposition of conditions as contained in Attachment 6 to the report submitted to the 19 December 2019 Ordinary meeting.

COUNCILLOR RECOMMENDATION

That Resolution 191219/7, as follows, be rescinded:

That DA 2019/30 for the Temporary Use of Land as a Function Centre for the Purpose of Hosting Wedding Ceremonies and the Staged Development of Eight Holiday Cabins and Associated Amenities, Infrastructure and Earthworks for Landscaping Purposes in association with the existing dwelling house at Lot 1 DP 786850, No. 43 Tuckombil Lane, Tuckombil be REFUSED for the following reasons:

- 1. Council is not satisfied that the proposed development satisfactorily addresses relevant planning considerations, in particular Clause 2.8 of the Ballina LEP and the impacts of the development on traffic, roads, rural industry and local amenity.*
- 2. The development is inconsistent with the RU1 zone objectives.*

11.2 Notice of Motion - Review of Provisions for Residential Development

11.2 Notice of Motion - Review of Provisions for Residential Development

Councillor

Cr Cadwallader

I move

1. That Council, as part of the next general review of the Ballina Shire Development Control Plan 2012, undertakes a review of the provisions for residential development in the DCP having regard for the outcomes of the Land and Environment Court proceedings relating to DA 2017/707 – 5 Rayner Lane, Lennox Head.
2. That Council considers the documentation of desired future character statements for residential areas in Lennox Head as part of the preparation of the next strategic plan for Lennox Head.

Councillor Comment

The Land and Environment Court proceedings associated with DA 2017/707 involved several planning matters relating to built form along the Lennox Head foreshore including building height plane, shadowing and view considerations. Now that the proceedings have concluded, the Ballina Shire DCP should be reviewed to ensure the provisions of the plan are contemporary and consistent with the learnings from the proceedings. There is also an opportunity to consider the outcomes from the proceedings in relation to future strategic planning for Lennox Head.

Staff Comment

Staff concur with the sentiments expressed above as it is good practice to consider information and outcomes arising from Court proceedings in relation to the form and application of the local planning framework and its provisions.

COUNCILLOR RECOMMENDATIONS

1. That Council, as part of the next general review of the Ballina Shire Development Control Plan 2012, undertakes a review of the provisions for residential development in the DCP having regard for the outcomes of the Land and Environment Court proceedings relating to DA 2017/707 – 5 Rayner Lane, Lennox Head.
2. That Council considers the documentation of desired future character statements for residential areas in Lennox Head as part of the preparation of the next strategic plan for Lennox Head.

Attachment(s)

Nil

11.3 Notice of Motion - Developer Contributions Cap Indexation

11.3 Notice of Motion - Developer Contributions Cap Indexation

Councillor

Cr Cadwallader

I move

That Council write to the NSW Premier, the Minister for Planning and LGNSW seeking support for the annual indexation of the \$20,000 and \$30,000 developer contributions cap, with the \$20,000 cap not having been indexed since it was introduced effective from 30 April 2009.

Councillor Comment

The NSW State Government introduced the \$20,000 cap for developer contributions (excluding water and wastewater) for residential lots in 2009 to assist with the affordability of housing.

The \$20,000 figure has not been indexed since that date and this means that Council, in real terms, is collecting significantly less in funding to assist with the provision of new infrastructure associated with population growth.

For a local government area such as Ballina Shire, with high population growth, based on State Government directed growth strategies, the loss of income in real terms, means that our residents must now fund any shortfall in revenue needed for new infrastructure (such as four laning roads, new roads, new community facilities etc). It is only reasonable that the cap should at least be indexed each year to ensure that the funding we receive does not go backwards in real terms.

Staff Comment

This motion is supported as the reduction in real terms of this contribution cap results in Council collecting less and less funds every year than what are needed to finance the various works in Council's adopted Contribution Plans for Roads, Open Spaces and Community infrastructure.

As a guide a 2.5% annual increase in the \$20,000 from 2009 to 2020 would have resulted in a current cap of \$26,240, an overall increase 31%.

With nearly all of the contributions levied across the shire already at the \$20,000 limit this means Council is collecting hundreds of thousands of dollars less in revenue per annum than what would have been collected with an annual indexation (i.e. \$7.8m in Section 7.11 contributions collected in 2018/19).

This makes it increasingly difficult to deliver infrastructure associated with population growth, as Council has to wait for the developer contributions to be fully collected before providing infrastructure (even though it may already be needed) or fund part of the new infrastructure from general revenue to ensure it is delivered in a timely manner.

Staff also do not agree that the contributions significantly impact on affordability with land prices having increased by figures far higher than the developer contributions component.

COUNCILLOR RECOMMENDATION

That Council write to the NSW Premier, the Minister for Planning and LGNSW seeking support for the annual indexation of the \$20,000 and \$30,000 developer contributions cap, with the \$20,000 cap not having been indexed since it was introduced effective from 30 April 2009.

Attachment(s)

Nil

12. Advisory Committee Minutes

12. Advisory Committee Minutes

Nil Items

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor David Wright

Activities I have attended, or propose to attend, as at the time of writing this report, since the December 2019 Ordinary meeting are as follows:

<u>Date</u>	<u>Function</u>
16/12/19	Meeting – Chief Life Guard
16/12/19	Inspection 43 Tuckombil Lane
18/12/19	Flight Simulator – Airport
20/12/19	Meeting Ben Franklin
20/12/19	Kim Michelle Toft – Ramada
31/12/19	New Year's Eve – Alstonville
5/1/20	Commemoration Park Markets
11/1/20	Missingham Afternoon Markets
12/1/20	Ballina Street Cars Show and Shine
12/1/20	Commemoration Park Markets
12/1/20	Lennox Head Markets
14/1/20	Presentation by Justine Elliott to Ballina Rugby
16/1/20	Gallery Opening
17/1/20	CSPC Meeting
19/1/20	Commemoration Park Markets
19/1/20	Ballina Markets
20/1/20	Meeting Justine Elliott and Shadow Minister
20/1/20	Briefing – Ferry Slip Project
20/1/20	Briefing – Naming of beach near Missingham Bridge
21/1/20	Meeting – Robert Moss re DA 2019/765
22/1/20	Catch up and Run Through Australia Day
22/1/20	Ignite Studios Workshop
23/1/20	Council Meeting
23/1/20	Ignite Studios Workshop
25/1/20	Set-Up - Australia Day
26/1/20	Australia Day Celebrations
26/1/20	Commemoration Park Markets
30/1/20	Briefing – Climate Action Strategy
30/1/20	Briefing Biodiversity Strategy

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

14.1 Compliance Work Plan - Unauthorised Rural Dwellings

This report contains information that discusses potential illegal works that may result in court action. Also refer to Item 8.3 of this agenda.

RECOMMENDATION

That Council moves into committee of the whole with the meeting closed to the public, to consider the following items in accordance with Section 10A (2) of the Local Government Act 1993.

14.1 Compliance Work Plan - Unauthorised Rural Dwellings

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(e) (g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- e) information that would, if disclosed, prejudice the maintenance of law; and
- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report discusses potential illegal works that may result in court action.