

# Agenda

## *Ordinary Meeting* 28 September 2023

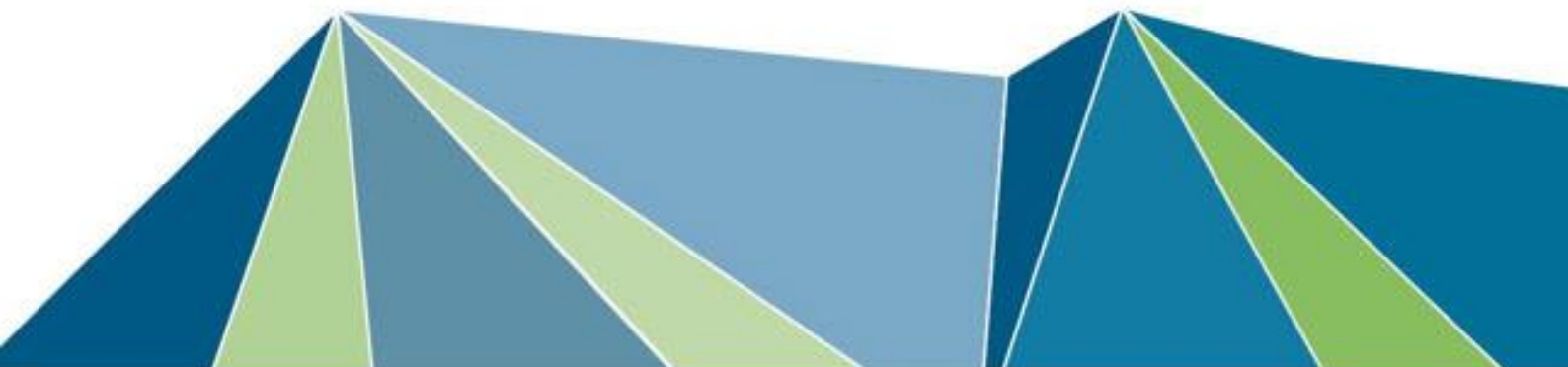
An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **28 September 2023 commencing at 9.00am.**

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 10.30am and a lunch break taken at 1.00pm.**

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## Ethical Decision Making and Conflicts of Interest

### A guide for Councillors, Council employees and community representatives

#### Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

#### Conflict of Interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- **Pecuniary** – an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to yourself or another person or entity defined in part 4 of the Council's Code of Conduct, with whom you are associated.
- **Non-pecuniary** – a private or personal interest that you have that does not amount to a pecuniary interest as defined in the Council's Code of Conduct.

These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

#### The test for a conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- It is important to consider public perceptions of whether you have a conflict of interest.

#### Identifying problems

- Do I have private interests affected by a matter I am officially involved in?
- Is my official role one of influence or perceived influence over the matter?
- Do my private interests' conflict with my official role?

#### Disclosure and participation in meetings

##### Pecuniary Interests

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned, and who is present at a meeting of the Council or Committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - a) at any time during which the matter is being considered or discussed by the Council or Committee,
  - or
  - b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - A person does not breach this clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

##### Non-pecuniary Interests

Must be disclosed in meetings. There are a broad range of options available for managing non-pecuniary interests and the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary interests must be dealt with in one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.

- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absencing yourself from and not taking part in any debate or voting on the issue as per the provisions in the Code of Conduct (particularly if you have a significant non pecuniary interest)

### **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:
  - a) Tenderers during a public tender or request for quotation
  - b) Persons or representatives from organisations seeking financial support from Council that involves an expression of interest
  - c) Consultants who are engaged by Council on the matter the subject of the deputation.

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

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

### **Recording and Livestreaming of Council Meetings**

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

## Table of Contents

1.	Australian National Anthem .....	5
2.	Acknowledgement of Country .....	5
3.	Apologies.....	5
4.	Confirmation of Minutes.....	5
5.	Declarations of Interest and Reportable Political Donations.....	5
6.	Deputations .....	5
7.	Mayoral Minutes .....	5
8.	Planning and Environmental Health Division Reports .....	6
8.1	DA 2018/74 - 8 Grant Street, Ballina	6
8.2	Wardell Village Centre Revitalisation - Draft Master Plan	39
8.3	Disability Inclusion Action Plan - Finalisation	53
8.4	Public Art Murals - Ballina CBD	57
8.5	Policy (Review) - Alcohol Regulation on Public Land - Submissions	61
8.6	Development Applications - Works in Progress - September 2023	64
9.	Corporate and Community Division Reports .....	71
9.1	Investment Summary - August 2023	71
9.2	Deputy Mayor - Election	77
9.3	Local Government NSW Annual Conference - Voting Delegates	80
9.4	Donation - Australian Representation	82
9.5	Policy (Review) - Internal Reporting Policy	84
9.6	Policy (Review) - Property Reserves	88
9.7	Policy (Review) - Websites - Direct Links and Commercial Advertising	90
9.8	Tender - Lake Ainsworth Sediment Control - Shore Line Beaches	92
9.9	Tender - Management and Operation of a Fresh Produce Market	96
9.10	Tender - Russellton Industrial Estate Subdivision - Civil Construction	99
10.	Civil Services Division Reports .....	102
10.1	Martin Street Boat Harbour	102
10.2	Policy (Review) - Unused Public Roads - Short Term Leases Policy	108
11.	Notices of Motion.....	110
11.1	Notice of Motion - Accessibility of Drinking Water at Sports Fields and Parks	110
11.2	Notice of Motion - Accessibility of Water as Part of Planning Assessment	111
11.3	Notice of Motion - Wildlife Deaths by Vehicle Strike	112
11.4	Notice of Motion - Deferred Matters - Conservation Zones	115
12.	Advisory Committee Minutes .....	118
13.	Reports from Councillors on Attendance on Council's behalf .....	119
13.1	Mayoral Meetings	119
14.	Confidential Session.....	121

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
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**1. Australian National Anthem**

The National Anthem will be played.

**2. Acknowledgement of Country**

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

**3. Apologies**

**4. Confirmation of Minutes**

A copy of the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 August 2023 were distributed with the business paper.

A copy of the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Thursday 31 August 2023 were distributed with the business paper.

**RECOMMENDATION**

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 24 August 2023.

That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Thursday 31 August 2023.

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

**6. Deputations**

**7. Mayoral Minutes**

Nil Items

## 8.1 DA 2018/74 - 8 Grant Street, Ballina

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### 8. Planning and Environmental Health Division Reports

#### 8.1 DA 2018/74 - 8 Grant Street, Ballina

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<b>Applicant</b>	Ardill Payne & Partners (on behalf of Horizon Concepts Pty Ltd)
<b>Property</b>	Lot 1 DP 508601, No. 8 Grant Street, Ballina
<b>Proposal</b>	Demolition of existing structures (residential flat building containing four (4) dwellings and a shed) and the construction and subsequent strata title subdivision of a five-storey mixed use development (comprising 10 dwellings and two (2) commercial spaces), associated car parking, earthworks (filling), infrastructure and landscaping works
<b>Effect of Planning Instrument</b>	The land is zoned E2 Commercial Centre under the provisions of the Ballina LEP 2012
<b>Locality Plan</b>	The subject land is depicted on the locality plan in Attachment 1

#### **Introduction**

Council is in receipt of Development Application No. DA 2018/74 over Lot 1 DP 508601 No. 8 Grant Street, Ballina. The Application seeks consent for the demolition of existing structures (residential flat building containing four (4) dwellings and a shed) and the construction and subsequent strata title subdivision of a five-storey mixed use development (comprising 10 dwellings and two (2) commercial spaces), associated car parking, earthworks (filling), infrastructure and landscaping works.

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

The purpose of this report is to seek Council's determination of the subject application, given the significance of the project and the level of public interest in the previous versions of the proposal.

A total of 23 submissions were received in the first two exhibition periods (7 to 28 March 2018 – 15 submissions and 8 April to 1 May 2019 – eight submissions), with three submissions received in the third exhibition period (7 July to 30 July 2021). This report has summarised and addressed the concerns raised in the public submissions.

The following report has been prepared by an external planning consultant, DAC Planning Pty Ltd, who was engaged by Council's Development Services Section to undertake an assessment of the proposed development, review submissions and referrals (internal and external) and prepare the required Section 4.15 assessment report and a determination report to the elected Council.

This report provides an assessment of the relevant matters of the proposal under Section 4.15 of the Environmental Planning and Assessment Act (EP & A Act) 1979. The full Section 4.15 assessment report, which provides an assessment of all required matters under the EP & A Act 1979, is contained in Attachment 2.

A copy of the plans for the proposed development are contained in Attachment 3.

### **Assessment History**

DA 2018/74 was lodged in February 2018 for demolition of an existing residential flat building and the erection and strata title subdivision of a six-storey residential flat building containing 14 dwellings, associated car parking, earthworks (filling), infrastructure and landscaping works.

The proposed development had a height of 18.4m with the lift over run at a height of 19.3m (overall RL 21.3m AHD), which was above the building height standard of 18m under BLEP 2012. The application was reliant on the “existing use rights” mechanism, given residential flat buildings were prohibited in the then B3 – commercial core zone of BLEP2012.

The original application was advertised on 7 March 2018 for a period of 3 weeks. A total of 15 submissions were received objecting to the proposal.

Subsequent to a request for additional information from Council regarding the reliance on existing use rights, provision of car parking, and appropriateness of bulk and scale (and consistency with strategic intent), an amended proposal was submitted by the applicant on 28 March 2019.

The amended proposal involved:

- a reduction in the number of dwellings (the original application proposed 14 dwellings and the amended application proposed 12 dwellings),
- an increase in building height (the original application proposed a building height of 18.4m – as detailed in the SEE and the amended application proposed a building height of 18.6m, with the lift over run remaining at a height of 19.3m (overall RL 21.3m AHD), and
- a decrease in gross floor area (the original application proposed a gross floor area of 1422m<sup>2</sup> and the amended application proposed a gross floor area of 1254m<sup>2</sup>).

The amended application was placed on public exhibition on 10 April 2019 for a period of 3 weeks. A total of eight submissions were received objecting to the proposal.

Subsequent to a further request for additional information from Council (which requested revised plans, shadow diagrams, clarification of building height, compliance with active street frontage provisions and a more detailed statutory assessment), a further amended proposal was submitted by the applicant on 9 June 2021.

The amended proposal involved:

- a reduction in the number of storeys (the original application proposed a six storey building and the amended application proposed a five storey building);
- a reduction in the number of dwellings (the previously advertised proposal included 14 dwellings and the amended application proposes 10 dwellings);
- the inclusion of two separate commercial spaces on the ground level, with floor areas of 22.59m<sup>2</sup> and 18.56m<sup>2</sup>;
- a reduction in gross floor area (the previously advertised proposal included a gross floor area of 1,254m<sup>2</sup> and the amended application proposes a gross floor area of 1,071.91m<sup>2</sup>); and
- a reduction in building height (the previously advertised proposal included a building height of 18.6m and the amended application proposes a building height of 17.05m (RL 19.05m AHD)).

The proposal was re-advertised on 7 July 2021 for a period of 3 weeks. During this time three submissions were received.

As a result of two further requests for additional information from Council, the application was amended twice more by the applicant, with the final amended proposal being provided by the applicant on 24 March 2023 (with some supplementary information provided on 18 April 2023).

The final changes included:

- an increase to the maximum building height from 17.05m to 17.4m (RL 19.4m AHD),
- an increase to the floor to ceiling height of the commercial premises to from 3.35m to 3.6m, and
- an amended parking layout which proposes colocation of the SRV parking bay (loading zone) with one of the commercial spaces.

### **Details of the Current Proposal**

The proposal seeks consent for the demolition of all existing structures from the site, earthworks comprising filling to meet a minimum filled ground level of RL 2.1m AHD and the construction of a mixed-use development comprising:

- two commercial tenancies, 16 car parking spaces, ancillary development and works (garbage, utilities and storage) at ground level
- 10 x two bedroom residential apartments over four levels – Levels 1 to 4.

The Development Application also seeks consent for strata title subdivision of the constructed development.

The proposed maximum building height for the proposed development is RL 19.4m AHD, which includes a lift overrun (17.3m on top of filled ground level of RL 2.1m AHD).

The proposed site coverage is 638.35m<sup>2</sup> (or 94% of the total site area) and the proposal has a floor space ratio (FSR) of 1.96:1 (as scaled from the lodged plans).



Commercial Tenancies

The two commercial tenancies are proposed at ground level and are to have a combined gross floor area (GFA) of 41.15m<sup>2</sup> (22.59m<sup>2</sup> and 18.56m<sup>2</sup>). The applicant has not proposed a specific use of either tenancy as part of the application, however as each tenancy has a 3.6m floor to ceiling height, the tenancies will be able to be occupied by a range of active street frontage uses (including food and drink premises – café/restaurant).

Both commercial tenancies address Grant Street with a zero setback to the front site boundary. Each tenancy has glazed shopfront windows and awnings over the public footpath. Access to each tenancy is provided via a level pedestrian access (graded to meet Australian Standard AS1428.1), adjoining the central vehicular access to the site.

Two carparking spaces are proposed to service the commercial tenancies, with one of these spaces to also contain a service vehicle (small rigid vehicle - SRV) loading bay.

Residential Apartments

10 x 2 bedroom residential apartments are proposed over four levels (Levels 1-4), which are summarised in Table 1 below:

**Table 1: Residential Apartments Details** (\*\*as scaled off plans)

Unit No.	Gross Floor Area **	East facing Balcony Area	West facing Balcony Area
1 (Level 1)	90.9 m <sup>2</sup>	25 m <sup>2</sup>	22.3 m <sup>2</sup>
2 (Level 1)	88.3 m <sup>2</sup>	25 m <sup>2</sup>	13.8 m <sup>2</sup>
3 (Level 1)	90.8 m <sup>2</sup>	25 m <sup>2</sup>	26.3 m <sup>2</sup>
4 (Level 2)	91 m <sup>2</sup>	15 m <sup>2</sup>	3.5 m <sup>2</sup>
5 (Level 2)	88.8 m <sup>2</sup>	14 m <sup>2</sup>	3.5 m <sup>2</sup>
6 (Level 2)	91 m <sup>2</sup>	15 m <sup>2</sup>	3.5 m <sup>2</sup>
7 (Level 3)	120.6 m <sup>2</sup> *	22.5 m <sup>2</sup>	3.5 m <sup>2</sup>
8 (Level 3)	121.3 m <sup>2</sup> *	22.5 m <sup>2</sup>	3.5 m <sup>2</sup>
9 (Level 4)	120.6 m <sup>2</sup> *	22.5 m <sup>2</sup>	3.5 m <sup>2</sup>
10 (Level 4)	120.6 m <sup>2</sup>	22.5 m <sup>2</sup>	3.5 m <sup>2</sup>

Each proposed apartment has been provided with typical dwelling facilities (bedrooms, bathroom, ensuite, kitchen, dining and living rooms, etc.) and balconies (facing east and west). Storage cages are provided at the rear of the ground floor car parking area, with small storage areas provided internally within each apartment. Apartments 7, 8, 9 and 10, which are located on the two upper levels of the building, have been designed as larger units and each contain an additional ensuite and a study.

One of the apartments (Unit 4, located on Level 2 of the building) has been designated as “adaptable” on the plans. Two apartments (Units 5 and 6, located on Level 2) have been designated as silver rated, as per the liveable housing design.

## 8.1 DA 2018/74 - 8 Grant Street, Ballina

All apartments are accessible via a lift, which is located at the rear of the ground floor of the development. Pedestrian access into the building from the street is designated adjacent to the southern commercial tenancy, adjoining the central driveway. The development also provides with stairs which link each floor through to the ground floor and a fire isolated exit corridor with its own designated exit onto Grant Street.

The elevations of the residential levels of the building comprise rendered and painted masonry walls. The apartments feature glass balustrading and masonry planter boxes. The roof design is flat with the lift overrun and a light well located on the roof. A pergola is proposed over the Level 1 balcony.

### Car Parking and Traffic

16 car parking spaces are proposed to be provided on the ground floor of the development, comprising 14 spaces for the apartments (inclusive of two visitor spaces) and two spaces for the commercial tenancies. One of the spaces allocated to the apartments is designated as a disabled car parking space.

Commercial parking space no. 1 is designated for dual use as a SRV loading bay. This space is also able to be utilised for on-site garbage collection, at which the development is to be serviced by a private waste contractor.

The proposal includes the construction of a central driveway (5m wide) for ramped vehicular access to Grant Street, with a roller door. The roller door will be open during the day in order to provide access to the commercial car parking spaces, but is able to be closed outside of business hours to enable secured parking for the residential apartments.

### **Description of the Subject Site**

The subject land is described as Lot 1 DP 508061, No. 8 Grant Street, Ballina. The site is shown in Figure 1 (aerial photo).



Figure 1: Aerial image of subject site

## **8.1 DA 2018/74 - 8 Grant Street, Ballina**

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The subject land is irregular in shape, with an area of 670.3m<sup>2</sup> and a frontage to Grant Street of approximately 19.8m. The land is currently contains a two storey residential flat building (RFB), which comprises one x 3 bedroom unit (first floor) and three x 1 bedroom units (ground floor) as were approved via Building Application 28/1963.

Vehicular access is provided to the rear of the site via an existing driveway along the southern boundary connecting through to Grant Street.

Grant Street is a constructed urban road with a bitumen seal, kerb and gutter and concrete footpath for the full property frontage.

### **Surrounds**

The subject land is located in Ballina CBD, which is characterised by a mix of commercial, (retail and office) and residential buildings. The site is located approximately 140 metres to the north of the Richmond River.

The site is located proximate to the following (as the crow flies):

- Ballina RSL- 60m
- Richmond River – 136m
- Ballina Tennis Club 650m
- Cherry Street Sports Club 670m
- Ballina High School 700m
- Ballina Indoor Sports Centre 690m
- Kingsford Smith Park 1250m
- Ballina Seagulls Football Club 1430m
- Ballina Skate Park 1700m
- North Creek Beach 200m

### **Reportable Political Donations**

Details of known reportable political donations are as follows:

- Nil

### **Public Exhibition**

The application was placed on public exhibition in accordance with the Environmental Planning and Assessment (EP&A) Regulations 2000 and 2021 and Council's Community Participation Plan.

The first exhibition period was from 7 March to 28 March 2018 (15 submissions received).

The second exhibition period was from 8 April to 1 May 2019 (eight submissions received).

The third exhibition period was from 7 July to 30 July 2021 (three submissions received).

## 8.1 DA 2018/74 - 8 Grant Street, Ballina

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Significant amendments have been made to the proposal over the course of the assessment, which have resolved some of the issues raised in public submissions. A detailed assessment of the submissions is contained in Attachment 4 to this report. The submissions received are contained in Attachments 5, 6, 7 and 8.

### Report

#### Matters for Consideration

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

The assessment has identified the following key issues which are elaborated upon for Council's information and consideration. Further matters are addressed in the Section 4.15 Assessment Report.

This report should be read in conjunction with the Section 4.15 Assessment Report (Attachment 2). The Development Plans are at Attachment 3.

#### Applicable Planning Instruments

##### Ballina Local Environmental Plan 2012

BLEP2012 is the principal Planning Instrument regulating land use within the Ballina Local Government Area. Under the provisions of this Plan, the subject land is zoned E2 Commercial Centre as indicated in Figure 2.



Figure 2: Zoning Map - Source: BLEP2012

The Land Use Table and Zone Objectives are reproduced as follows:  
**“Zone E2 Commercial Centre**

**1 Objectives of zone**

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To enable tourist development that is compatible with the commercial nature of activities in the zone.*
- *To encourage development that—*
  - (a) recognises natural, cultural and built heritage, and*
  - (b) uses resources efficiently, including energy and water, and*
  - (c) is compatible with the hierarchy of centres.*

**2 Permitted without consent**

*Environmental protection works; Home-based child care; Home occupations*

**3 Permitted with consent**

*Amusement centres; Artisan food and drink industries; Backpackers’ accommodation; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4*

**4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Mooring pens; Moorings; Open cut mining; Residential accommodation; Rural industries; Sex services premises; Storage premises; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities*

Under the provisions of BLEP 2012, the proposed development (being ten dwellings and two commercial premises) is defined as:

**“residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note—

## 8.1 DA 2018/74 - 8 Grant Street, Ballina

*Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary”.*

**“commercial premises means any of the following—**

- (a) business premises,*
- (b) office premises,*
- (c) retail premises”.*

Development for the purposes of a “residential flat building” (RFB) is prohibited by the Land Use Table in the E2 zone. However, by virtue of Clause 2.5 of BLEP 2012 (Schedule 1 – Clause 7 - Additional Permitted Uses) a RFB is permitted, with consent. Development for the purposes of a commercial premises is permissible, with development consent, in the E2 zone.

### Clause 2.5 Additional permitted uses (refer to Schedule 1)

This Clause is in the following terms:

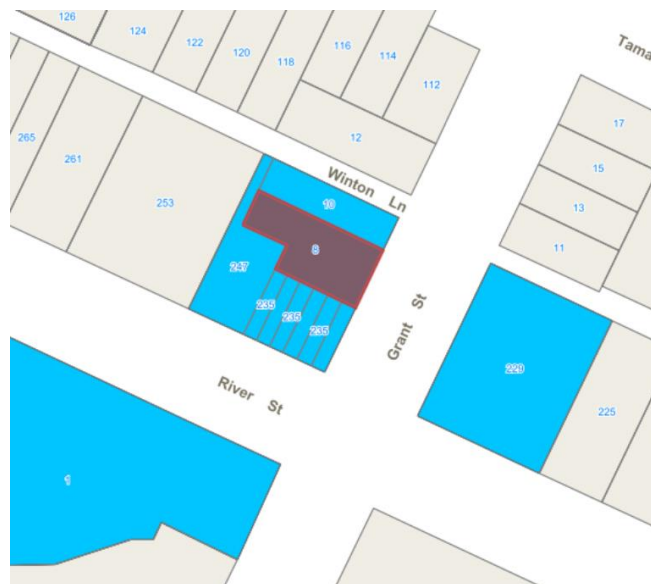
- “(1) Development on particular land that is described or referred to in Schedule 1 may be carried out—
  - (a) with development consent, or*
  - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.**
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan”.*

Schedule 1 Clause 7 is reproduced as follows:

### *“7 Use of certain land in Ballina CBD*

- (1) This clause applies to land at River Street, Tamar Street, Kerr Street, Grant Street, Moon Street, Cherry Street and Martin Street, Ballina and identified as “Area I” on the Additional Permitted Uses Map.*
- (2) Development for the purpose of residential flat buildings is permitted with development consent”.*

The site is mapped on the Additional Permitted Uses Map as seen in Figure 3 below. Accordingly, RFBs are permitted, with consent.



**Figure 3: Additional Permitted Uses Map - Source: BLEP2012**



Key provisions of the LEP are addressed below.

Clause	Assessment
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent. The proposal includes demolition works. Conditions can be applied in relation to the demolition works.
Clause 4.1 Minimum Subdivision Lot Size	<p>The proposal seeks consent for strata title subdivision of the building. Subclause 4 is in the following terms:</p> <p><i>“This clause does not apply in relation to the subdivision of any land—</i></p> <p style="padding-left: 40px;"><i>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015”.</i></p> <p>No minimum lot size applies in this regard.</p>
Clause 4.3 Height of buildings and Clause 4.3A Exceptions to height of buildings	<p>A maximum building height of 18 metres (Control P) is applicable to the subject site.</p> <p>The proposed development complies with this height limit, given Clause 4.3A applies to the site, which is reproduced as follows:</p> <p><i>“(1) The objective of this clause is to align building height and flood planning provisions and provide for a consistent point of reference for the measurement of building heights in flood prone areas.</i></p> <p><i>(2) This clause applies to land identified as “Minimum Level Australian Height Datum (AHD)” on the Building Height Allowance Map.</i></p> <p><i>(3) The maximum height of a building on land to which this clause applies is to be measured from the minimum level AHD permitted for that land on the Building Height Allowance Map”.</i></p> <p>The site is mapped with a minimum level of RL 2.0m AHD (Control C). Subclause (3) requires that maximum building height is to be measured from RL 2.0m AHD. This means that the maximum building height for the site is RL 20.0m AHD.</p> <p>The Proposal Plans show that the maximum building height is 17.3m, measured from a proposed fill height RL 2.1m AHD, which accordingly provides for an overall building height of RL 19.4m AHD, compliant with Clauses 4.3 and 4.3A.</p>
Clause 4.4 Floor Space Ratio	<p>The plans state that the proposed GFA is 554.55m<sup>2</sup>. It is noted that the plan set and response to Council’s fourth request for further information have incorrectly calculated the FSR.</p> <p>However, scaling the plans the proposed GFA is approximately 1,312.6m<sup>2</sup>. Given the site has a total area of 670.3m<sup>2</sup>, the proposal results in a FSR of 1.96:1 which is compliant with the maximum of 2.6:1 (Control U).</p>

<p>Clause 5.21 Flood planning</p>	<p>The objectives of Clause 5.21 are reproduced as follows:</p> <ul style="list-style-type: none"> <li>(a) to minimise the flood risk to life and property associated with the use of land,</li> <li>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</li> <li>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</li> <li>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</li> </ul> <p>The site is identified on the BLEP2012 Flood Planning Map as being affected by flooding. The subject land is mapped as being subject to the 1:100 year flood event. Minimum fill and floor levels are thus required to ameliorate potential flood impacts.</p> <p>The minimum fill level for the 1:100 year flood event is 2.0m AHD. The minimum floor level for residential is 2.6m AHD.</p> <p>The applicant provided the following comment in the response to the third RFI:</p> <p><i>“The site will require minor earthworks of up to 370mm to facilitate the nominated fill levels imposed by BSC of 2.1m AHD. The ground floor of the building does not consist of any habitable rooms, accordingly, a 500mm freeboard will not be required. Flood free storage will however be required for the commercial premises at GF level”.</i></p> <p>The proposed floor level is RL 6.3m AHD for the residential development. A condition is recommended for inclusion in any development consent that requires flood free storage areas for the commercial tenancies. Council’s Engineering Assessment supports the application.</p> <p>The S4.15 assessment provides an assessment of the proposal against the provisions of this clause, based on which, the proposal is consistent with the objectives of this Clause.</p>
<p>Clause 7.1 Acid Sulfate Soils</p>	<p>The site is mapped as containing Acid Sulfate Soils Class 2. The application was referred to the Environmental Health Officer who commented as follows:</p> <p><i>“Although it is likely that fill has been brought to the site, the installation of footings and service trenches may intercept the natural soil and acid sulfate soils. The submitted Statement of Environmental Effects includes an Acid Sulfate Soil Management Plan as Appendix G. This plan is sufficient to manage any potential environmental impacts that may occur as a result of intercepting acid sulfate soils during construction works. Conditions of consent will be recommended for excavation works to be carried out in accordance with this plan”.</i></p> <p>Based on this assessment, the considerations of this Clause are satisfied.</p>



<p>Clause 7.2 Earthworks</p>	<p>The applicant has provided the following comments with regard to earthworks:</p> <p><i>“The subject land is flat and is required to be filled to mitigate flooding. There is no excavation or filling other than that required in respect of flooding.”</i></p> <p>The Development Engineer has not raised any issue with respect to the proposed fill and has included a condition of consent in this regard.</p>
<p>Clause 7.5 Airspace Operations</p>	<p>The subject site is mapped as being within the Ballina Airport Obstacle Limitations Surface area. The proposal is mapped within the OLS 46.5m contour. The maximum height of the proposal is RL 19.4m AHD, which is below the limitation or operations surface for the Ballina Airport. It is considered reasonable to apply a standard condition in relation to non-reflective roof materials if consent is granted. The proposal is acceptable with respect to this Clause.</p>
<p>Clause 7.7 Essential Services</p>	<p>Clause 7.7(2) states that development consent must not be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available where required. The response to request for further information dated 1 June 2021 states the following at Section 8:</p> <p><i>“All essential services can and already are provided to the subject site.”</i></p> <p>An assessment is set out below:</p> <p><i>(2) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p><i>(a) the supply of water,</i></p> <p>The site is serviced by reticulated water.</p> <p><i>(b) the supply of electricity,</i></p> <p>Electricity servicing is currently provided to the site.</p> <p><i>(c) the disposal and management of sewage,</i></p> <p>The site is serviced by reticulated sewer.</p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p>A Stormwater Management Plan accompanies the application. Council’s Development Engineer has advised that the Plan is considered to be generally accepted subject to appropriate conditions.</p> <p><i>(e) suitable vehicle access,</i></p>

	<p>Council's Development Engineer has provided the following comments:</p> <p><i>"Sight distances at access points are adequate".</i></p> <p>Vehicular access to the site is further discussed within the BDCP2012 and the responses to the submissions received.</p> <p><i>(f) telecommunication services.</i></p> <p>Telecommunication servicing is currently provided to the site and no alteration to this network is proposed or required to facilitate the proposed development.</p> <p>In summary, the site is suitably serviced in the context of the proposed development.</p>
<p>Clause 7.13 Active Frontages</p>	<p>The proposal contains two (2) commercial tenancies at the ground floor. The applicant states the following:</p> <p><i>"Active Frontages – the subject site is identified as being within the mapped Active Frontage locality within the (former) B3 (now E2) zone of the Ballina Central Business District. The ground floor level of the proposed use includes 41.15m<sup>2</sup> of commercial floor area. These commercial spaces are considered to satisfy Clause 7.13(3)".</i></p> <p>All premises on the ground floor facing the street are commercial – which is consistent with clause 7.13(3). A condition of consent is recommended, in the event the application is supported, that requires any future change of use application to be consistent with this Clause, and any tenancy to be consistent with this Clause.</p>

### **State Environmental Planning Policies**

The application was lodged 13 February 2018. The following State Environmental Planning Policies were repealed on 28 February 2022.

- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*
- *State Environmental Planning Policy No 55 — Remediation of Land*
- *State Environmental Planning Policy No 64 — Advertising and Signage*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Coastal Management) 2018*

The assessment against these Policies is undertaken below, given these Policies were in force at the time of lodgment (and their relative provisions subject to the site are unchanged within new SEPPs).

### ***State Environmental Planning Policy No. 55 – Remediation of Land***

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) provides that contamination and remediation are to be considered in the determination of development applications.

The aim of SEPP 55 is to provide a State wide planning approach to the remediation of contaminated land and to require that remediation works meet certain standards and conditions. SEPP 55 requires a consent authority to consider whether land is contaminated and if contaminated, that it would be satisfied that the land is suitable, in its contaminated state (or will be suitable after remediation). Further, it advises that if the land is contaminated and requires remediation, that the consent authority is satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Site Investigation was submitted with the application. Council's Environmental Health Officer has provided the following comments:

*"The assessment has proposed to carry out a Stage 2 detailed contaminated site investigation after demolition and prior to commencement of construction. Given the contaminants of concern and their ability to be reasonably remediated if required, I am supportive of including such a condition. In addition, other conditions relating to a remediation action plan and validation report would also be recommended should remediated be required.*

*The parcel has been entered in the Contaminated Land Register".*

Based on the outcome of the PSI, where the proposal is granted consent, a condition of consent is recommended that requires a Stage 2 Detailed Contaminated Site Investigation (DSI) be undertaken Prior to the Issue of a Construction Certificate.

In conclusion, subject to the imposition of conditions, the proposal is considered satisfactory with regard to the provisions of this SEPP.

***State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development***

An assessment of the proposal has been undertaken with respect to *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65).

Clause 4 of SEPP65 is in the following terms:

*This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if—*

- (a) the development consists of any of the following—*
  - (i) the erection of a new building,*
  - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
  - (iii) the conversion of an existing building, and*
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) the building concerned contains at least 4 or more dwellings.*

Given the proposal includes 10 apartments over four storeys (five storeys total), SEPP 65 and the Apartment Design Guide (ADG) apply.

The proposal was lodged prior to the repeal of the EP&A Regulation 2000 and the commencement of the EP&A Regulation 2021 and therefore the EP&A Regulation 2000 continues to apply.

Clause 50(1A) and (1AB) are reproduced as follows with a comment provided below each Clause:

*(1A) If a development application that relates to residential apartment development is made on or after the commencement of the Environmental Planning and Assessment Amendment (Residential Apartment Development) Regulation 2015, the application must be accompanied by a statement by a qualified designer.*

Comment:

The submitted documentation for the proposal includes a “Statement of SEPP 65 Design Principles” prepared by Registered Architect Michael Bald (Registered Architect NSW 4774) in accordance with the Environmental Planning and Assessment Regulation 2000 (the 2000 Regulation).

*(1AB) The statement by the qualified designer must—*

*(a) verify that he or she designed, or directed the design, of the development, and*

Comment:

An ADG Assessment was provided by the applicant. Notwithstanding the statement by Michael Bald, the ADG Assessment did not state who prepared it, nor did the statement explicitly state that Michael Bald “designed or directed the design of the development” in accordance with the Regulation. The RFI response letter of 24 March 2022 stated: Michael Bald Consulting has been appointed to oversee the amended design provided in conjunction with this application.

In the response to the RFI received on 21 February 2023, the applicant provided the ADG Compliance Checklist with the Name, Address and Registration Number of the Registered Architect. An amended Design Statement (undated) states:

*“Design Verification Statement: This is to confirm that Michael Bald of Michael Bald Consulting directed the design of the proposed development and that the proposal achieves the design quality principles”.*

*(b) provide an explanation that verifies how the development—*

*(i) addresses how the design quality principles are achieved, and*

*(ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.*

Comment:

The amended Design Statement (undated) addresses each of the Design Quality Principles (an assessment of which is set out later in this Section of the Report).

In summary, the application complies with the requirements for a Residential Flat Building in the 2000 Regulation.

SEPP 65 (Schedule 1) establishes nine design quality principles to be applied in the design and assessment of residential apartment development.

The ADG provides greater detail on how residential development proposals can meet these principles through good design and planning practice.

Clause 28(2)(b) of SEPP 65 requires an assessment of the proposal against the Design Quality Principles. This assessment of the proposal is provided below.

Clause 28(2)(c) of SEPP 65 requires an assessment of the proposal against the Apartment Design Guide (ADG). This is provided as Attachment 10 and should be read in conjunction with the Section 4.15 Assessment Report (Attachment 2).

The proposal does include some substantial non-compliances to the ADG and multiple minor non-compliances to the ADG. These non-compliances are summarised below and are followed by an assessment against the nine applicable Design Principles within Schedule 1 of SEPP 65.

*Substantial non-Compliances:*

1. Objective 3D-1 requires 25% of the site area to be communal open space.

Assessment: The proposal seeks a 100% variation to this Design Criteria (i.e. zero communal open space provided).

2. Objective 3E-1 – Based on the Lot area of 670.3m<sup>2</sup>, 7% of site is required to be Deep Soil Zone (DSZ) with minimum dimensions of 3m.

Assessment: The proposal seeks a 100% variation to this Design Criteria (i.e. zero deep soil zone provided).

3. Objectives 3B-1, 4A-1, 4U-1 and 4U-2 – The proposal does not demonstrate optimised adequate solar access for future residents (the variation cannot be accurately quantified).

Assessment: the table provided in the applicant's response letter dated 21 February 2023 provides a written breakdown of the sunlight to the balcony of each apartment. The letter refers to the 'shadow images from the building model' which have not been updated or amended. Notwithstanding, all apartments are dual aspect and the subject site is proximate to multiple areas of public open space and opportunities to access sunlight on the solstice.

*Minor Non-Compliances:*

1. Objective 3A-1- The site analysis does not include all information listed in the ADG checklist.
2. Objective 3F-1- Building separation is not provided equitably across the sites strictly as per the objective, and may impact on future development. Notwithstanding, it is noted that No. 10 Grant Street is a narrow site, which would be limited in terms of future residential development. No.'s 235 and 247 River Street are separated from the subject site via a battle-axe handle used for vehicular access.
3. Objective 4B-1- The study rooms to Units 7-10 do not comply with the design guidance in relation to the % of unobstructed window openings. This could be dealt with via a condition of consent.
4. Objective 4D-1 – The window sizes of the study rooms do not comply with the window sizes required to habitable rooms. This could be dealt with via a condition of consent.
5. Objective 4D-2 Units 1-6 do not comply with the maximum building depth from a window, proposing 8.9 m where the prescribed maximum is 8m. This is a variation of 11%.
6. Objective 4D-3 – The criteria prescribes a minimum width of 4m. Units 1-6 propose a width of 3.1-3.2m. The living areas of Units 1-6 seek a variation ranging from 20—22%% of the living room width.
7. Objective 4K-1- The proposal seeks to provide only 2-bedroom apartments where the objective seeks a variety of apartment types.
8. Objective 4N-1- The roof design may not contribute to an improved aesthetic of the surrounding built form.

*Principle 1: Context and neighbourhood character*

*Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.*

*Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*

The applicant's amended Design Verification Statement states:

*“The proposal of residential apartments on Grant Street is in keeping with the desired future character of the area and other recent approvals.*

*The subject site is located in the Ballina town Centre Core Precinct adjacent to existing retail, office and residential premises. The subject site has a 2 storey residential flat building located on it, with vehicle access off Grant Street. The building contains 4 units. The site fronts Grant street to the east. On the adjoining property to the north is a single storey dental practice. On the adjoining property to the south are two storey commercial premises. Also to the south west fronting river street is a two storey building with ground floor commercial and first floor apartments. This property has driveway access from Winton Lane.*

*The proposal therefore complements the existing development in the area. The construction of a new mixed use development will add to the mix of commercial premises and accommodation in the area. The proposed 2 bedroom apartments provide a variety that adds to the apartment options available in the area.*

*The building has been designed in accordance with the Ballina Shire LEP 2012 and DCP 2012, and complies with the relevant density & height limits for the sites E2 zoning. An overall building height limit of 18.0 metres applies to the site along with an FSR of 2.6:1.*

*The proposed buildings ground floor car park is built to its boundaries, with the ground floor commercial areas built to the Grant street frontage. The upper floors have varying setbacks to the north and south boundaries. To modify scale and provide articulation to the façade the external walls facing the side boundaries have been broken up with varying materials and height changes. Changes in material and cladding types also moderate scale. Balcony recesses articulate the façade as do variations in the roof form. A pergola to the balconies at first floor level provides a lightweight element that breaks down the mass of the enclosing external walls. Scale is also modified by the use of appropriate building materials with walls being a mixture of rendered and painted masonry. Recessed grooves are included in the render so the walls are broken up into bands and panels. Glass windows & doors and planter boxes also articulate the façade”.*

Assessment comment:

The proposed contemporary built form is appropriate given the area will undergo change. The proposal is adequate in the context of the locale in relation to social, economic and environmental conditions.

The increase in density and provision of an active frontage on the site is responsive to the desired future character in this location, as sought in Clause 7.3 of BLEP 2012.

On balance, the proposal is satisfactory in relation to the site context and future character of the neighborhood.

*Principle 2 – Built Form and Scale*

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.*

*Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

The applicant's amended Design Verification Statement States:

*"The proposal provides an appropriate scale of built form that suits the scale of the street and the applicable planning controls. It establishes an appropriate scale which is envisaged by Ballina LEP 2012.*

*The building is divided vertically into a base, middle and top section to bring a hierarchy to the façade with each of these areas further modulated by the form and arrangement of openings in the façade. The modulation of the façade is designed to give a feeling of light and shade, forward and recessed, solid and void to break down the bulk and scale of the building.*

*The façade at street level consists of ground floor commercial space built to the Grant Street boundary. Between the two commercial tenancies is a recessed area that is the car park access and also disabled access to the commercial tenancies. The entrance lobby to the apartments is located on the Grant street frontage to the north of the commercial tenancies. This provides secure private access to the apartments. The ground floor level therefore provides a solid base, which visually anchors the building to the ground, but provides a transition from single storey up to 5 storey.*

*Planter boxes to the Level one apartments provide a landscape element to the façade. The landscaping will provide visual relief to the façade. On the upper floors, recesses and projections in apartment balconies modulate the façade, as do variations in balustrade detailing. Planter boxes are also included on Levels 3 and 4.*

*The main roof is also designed to appear as a lightweight structure above the solid walls below. There is a transition from solid masonry walls built to the boundary line to Levels 1 and 2, and then a setback to Levels 3 and 4.*

*Generally, the design of the building's façade is aimed at providing a contemporary expression. The materials have been used to help articulate the building and modulate the facade, for example, rendered and painted masonry used for the external walls will have recessed bands to break the wall up into panels. Wall colours will be varied to match the varied setbacks and external configuration. Glass balustrades and planter boxes provide light weight elements to the façade. The offsets in the external walls have broken down the façade into smaller elements leading to a reduction in scale".*

Assessment comment:

The proposal has incorporated comments suggested from Council's Development Assessment team by reducing the building height. The design includes articulation and some minor landscaping elements to soften the bulk.



The proposal complies with the development standards for height and FSR and includes sufficient articulation. The proposal is satisfactory in relation to this principle.

*Principle 3 – Density*

*Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.*

*Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*

The applicant's amended Design Verification Statement states:

*"The proposal demonstrates a density suitable for this site and context. This is consistent with Councils desired future densities as provided for by Ballina LEP 2012.*

*The proposal has an appropriate density for its site in the E2 Zone, where the prescribed floor space ratio is 2.6:1. The proposed development has an FSR of 1.22:1. (NB – scaled as 1.96:1). The proposal represents a well considered development that is appropriate for the site and its integration with the similar surrounding development. The proposed density is consistent with and in context with the surrounding development.*

*Being located in the Ballina commercial precinct, it is considered that the proposed density is appropriate and sustainable in terms of availability of infrastructure, transport and community facilities".*

Assessment comment:

The five storey development will result in an increased number of residents in the locality that will have satisfactory access to a variety of commercial, community and recreational facilities.

*Principle 4: Sustainability*

*Good design combines positive environmental, social and economic outcomes.*

*Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs.*

*Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*

The applicant's amended Design Verification Statement states:

*"The proposal makes best use of natural light and all units are naturally cross ventilated. Living areas are orientated to the east, with open planning allowing cross ventilation throughout the apartments. Walls and roofs will be well insulated. Appropriate and sustainable materials will be used in construction where possible.*

*Being located in the town centre, the development is located where efficient use of services can be made and increased densities become appropriate. The development will comply with the requirements of the Basix System. Basix certificate no.880596M-03 which is included with the development submission to Council.*

*Rainwater from the roof will be dispersed through a bio retention area on the first floor. Refer to the stormwater management plan for details. Water efficient appliances and fittings will be used throughout the building, including; 3 star rated 4.5/3L dual flush toilet suites Water saving shower roses Front load washing machines with min 3.5 star rating Clothes Dryers will achieve a min 3.5 star rating. Dishwashers with min 3.5 star rating Hot water will by means of electric storage backed up by a 18 Kw photo voltaic system. Energy efficient lighting using LED fittings will be used throughout the building. Air conditioning will incorporate maximum efficiency split systems with inverter technology achieving a EER 3.5 - 4 rating. Solar control glass will be used in windows and doors".*

Assessment comment:

A BASIX Certificate has been provided for the development. Whilst no DSZ has been provided, sufficient planting has been achieved relative to the proposal. The apartments are dual aspect and will provide residential housing stock in proximity to public open space and other services.

*Principle 5: Landscape*

*Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.*

*Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.*

*Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*

The applicant's amended Design Verification Statement states:

*"Where possible vegetation has been incorporated into the building design and layout. At the ground level of the development are retail premises fronting Grant street with undercover car parking running from the rear of the commercial premises through to the rear of the site.*

*Landscaping has been incorporated to the upper levels in planter boxes. Planter boxes will provide landscape areas to the apartments.*

*The planter boxes will allow for planting to be used as a way of articulating the facade. It is considered that in this location the landscaping space provided will provide sufficient space to provide a green edge to the building.*

*A planter box to the west end of the first floor will provide 65m<sup>2</sup> of bio retention to treat rainwater from the roof prior to it entering the stormwater system”.*

Assessment comment:

The proposal incorporates minimal landscaping and as stated, no DSZ or communal open space has been provided. Notwithstanding, the inclusion of planter boxes softens the bulk of the proposed development and optimises the useability of the private open space for future residents. A condition of consent is recommended for inclusion on any consent that seeks detailed Landscaping Plans and a Landscape Maintenance Plan where a development consent is granted. Refer to comments within ADG Assessment for further detail.

*Principle 6: Amenity*

*Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.*

*Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*

The applicant's amended Design Verification Statement states:

*“Where possible vegetation has been incorporated into the building design and layout. At the ground level of the development are retail premises fronting Grant street with undercover car parking running from the rear of the commercial premises through to the rear of the site.*

*Landscaping has been incorporated to the upper levels in planter boxes. Planter boxes will provide landscape areas to the apartments. The planter boxes will allow for planting to be used as a way of articulating the facade. It is considered that in this location the landscaping space provided will provide sufficient space to provide a green edge to the building. A planter box to the west end of the first floor will provide 65m<sup>2</sup> of bio retention to treat rainwater from the roof prior to it entering the stormwater system”.*

Assessment comment:

The proposal provides appropriate room dimensions and shapes, natural ventilation and outlook from the balconies. The proximity of the site to Ballina CBD and public open space provides opportunities for solar access. The proposal is satisfactory in relation to this Principle.

*Principle 7: Safety*

*Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.*

*A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*

The applicant's amended Design Verification Statement states:

*"The proposal optimizes safety and security by maximising overlooking of public spaces while maintaining internal privacy and avoiding dark and non visible areas. The development being located in the commercial center of Ballina is highly visible from Grant street by pedestrians and vehicular traffic. Lighting will be provided at street level.*

*Access to the apartment entrance will be visible from the street and from the commercial premises.*

*The Apartments have secure and visible access from Grant street.*

*The car park will have secure and visible access from Grant street .*

*The proposal has been designed in accordance with "Safer by Design Principles." No poorly lit areas will exist, or private alcoves where perpetrators of anti-social behaviour can hide to be unseen.*

*Each apartment has secure private open space. The design permits passive observation of public places".*

Assessment comment:

The transition between the public and private domain does not compromise safety and security in relation to CPTED principles. The submitted plans depict a screened security gate to prevent access to the parking for those not residing at the site at night time. The development design provides casual surveillance of the public street. The proposal is satisfactory in relation to this principle.

*Principle 8: Housing diversity and social interaction.*

*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.*

*Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*

The applicant's amended Design Verification Statement states:

*“The development is responding to the needs of the market and local community. This proposal will provide desirable housing to meet the social mix and needs in the neighbourhood. The proposed residential and commercial usage can reinforce the local area by increased vitality to the streetscape. The residents can take advantage of the commercial, shopping facilities, cafes and restaurants nearby as well as close access to the river frontage.*

*The two bedroom apartments provide a further mix to the housing stock in the area. There are variations in the internal layout of the apartments so as to give a choice to purchasers.*

*Each apartment has access to high quality private open space.”*

Assessment comment:

The local neighbourhood currently consists of a variety of differing building stock of 1 and 2 storey houses and commercial premises. This development seeks to enhance this urban neighbourhood by increasing the modern apartment product to the existing building stock, offering 10 x 2 bedroom apartments above two commercial tenancies.

The amended proposal includes a statement by Logan Architecture dated 11 June 2021 (received on 24 March 2023), in relation to the requirement of SEPP 65 that 20% of apartments are silver standard, that states that *“proposed units 5 & 6 on Level 2 are designed to meet the guidelines”*.

*Principle 9: Aesthetics*

*Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.*

*The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*

The applicant's amended Design Verification Statement states:

*“A contemporary aesthetic, refined composition of building elements, textures, materials and colours are proposed for the development, which supports the mix between new and existing developments in the area.*

*The proposed building has been well considered in its design with regard to the composition of building elements, bulk and scale, colour and texture. This is demonstrated in Section 3 Built Form.*

*The design intent is that the building will be appropriate for its location with its aesthetics responding to the environment and context. The proposed building although of a contemporary design will sit comfortably with adjoining buildings and reflects the scale of other nearby developments”.*

Assessment comment:

The proposal features a varied material composition which provides interest to the built form whilst being appropriate for the location. The building is suitably articulated.

Clause 30 of SEPP 65 provides standards that cannot be used as grounds to refuse development consent, as reproduced below.

(1) *If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters—*

(a) *if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,*

Comment: the car parking for the development is compliant with the minimum amount of parking in Part 3J of the ADG (i.e. 14 spaces for the residential apartments plus two spaces for the commercial tenancies = total of 16 spaces).

(b) *if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,*

Comment: the internal areas for all units exceed the minimum area requirements for two bedroom units of 70m<sup>2</sup> (having areas of 88.3 m<sup>2</sup> to 121.3m<sup>2</sup>) and are compliant with the internal area requirements of Part 4D.

(c) *if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.*

*Note—*

*The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.*

Comment: The development proposes floor to ceiling heights of 2.85m for the residential apartments, and 3.6m for the commercial premises and is therefore compliant with Part 4C.

(2) *Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to—*

(a) *the design quality principles, and*

Comment: refer to assessment above.

(b) *the objectives specified in the Apartment Design Guide for the relevant design criteria.*

Comment: refer the summary above and separate ADG assessment (Attachment 10).

(3) *To remove doubt—*

- (a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and*
- (b) the design criteria specified in subclause (1) are standards to which section 4.15(2) of the Act applies.*

On balance the proposal achieves the aims of SEPP65 which are reproduced as follows:

***“2 Aims, objectives etc***

- (1) This Policy aims to improve the design quality of residential apartment development in New South Wales.*
- (2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.*
- (3) Improving the design quality of residential apartment development aims—*
  - (a) to ensure that it contributes to the sustainable development of New South Wales—*
    - (i) by providing sustainable housing in social and environmental terms, and*
    - (ii) by being a long-term asset to its neighbourhood, and*
    - (iii) by achieving the urban planning policies for its regional and local contexts, and*
  - (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and*
  - (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and*
  - (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and*
  - (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and*
  - (f) to contribute to the provision of a variety of dwelling types to meet population growth, and*
  - (g) to support housing affordability, and*
  - (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.*
- (4) This Policy aims to provide—*
  - (a) consistency of policy and mechanisms across the State, and*
  - (b) a framework for local and regional planning to achieve identified outcomes for specific places.*

In particular, the proposal achieves aims 3 (a), (b), (c), (d) and (e).

***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

The proponent has provided an acceptable BASIX Certificate (Certificate No. 880596M\_03). Any development consent granted should include the BASIX Certificate for stamping with the plans.

***State Environmental Planning Policy (Coastal Management) 2018***

The subject site is mapped as being within the Coastal Environment Area and Coastal Use Area.

The objectives of Clauses 13-15 are as follows:

**13 Development on land within the coastal environment area**

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
  - (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
  - (b) *coastal environmental values and natural coastal processes,*
  - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
  - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
  - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (f) *Aboriginal cultural heritage, practices and places,*
  - (g) *the use of the surf zone.*
- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
  - (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
  - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

**14 Development on land within the coastal use area**

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—*
  - (a) *has considered whether the proposed development is likely to cause an adverse impact on the following—*



- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
  - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
  - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
  - (iv) *Aboriginal cultural heritage, practices and places,*
  - (v) *cultural and built environment heritage, and*
  - (b) *is satisfied that—*
    - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
    - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
    - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
  - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*
- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

**15 Development in coastal zone generally—development not to increase risk of coastal hazards**

*Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.*

The proposal is consistent with Clauses 13 -15, with no impacts to access, overshadowing or views to public places, visual amenity of the coastline, given the site is located approximately 2700m from the coastal foreshore and 150m from the Ballina River foreshore.

The proposed design is not inconsistent with the cultural, built environment and heritage of the locality. The proposal is considered satisfactory with regard to Aboriginal Cultural Heritage as discussed in relation to Clause 5.10 of BLEP 2012 (refer to the S4.15 Assessment – Attachment 2).

The proposed development is unlikely to have any impact on increasing the risk of coastal hazards given the distance from the coastal foreshore.

In summary, the proposal is acceptable with regard to the relevant clauses of this SEPP.

**State Environmental Planning Policy (Infrastructure) 2007**

The proposed development (RFB and commercial premises) are both listed in Schedule 3 Traffic Generating Development, however do not exceed the thresholds and accordingly do not require referral to TfNSW.

Pursuant to Clause 45 of the SEPP, the application was referred to Essential Energy who made the following general comments.

- *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*
- *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*
- *Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.*

Subject to the application of these comments in the form of a condition of consent, the proposal is considered to satisfy the relevant provisions of this SEPP.

**State Environmental Planning Policy (Koala Habitat Protection) 2021**

Ballina Shire is listed in Schedule 1, the site is not exempt land (Clause 8) and therefore this Policy applies.

The Ballina Shire Core Koala Habitat Comprehensive Plan of Management (CKPoM) was approved by the Department of Planning on 6 July 2017 and commenced operation under SEPP44 on the same date.

The Koala Management Strategy (including the CKPoM) identifies areas of core Koala habitat in the Shire and establishes associated requirements for development.

Accordingly, the associated mapping for Preferred Koala Habitat can be utilised in accordance with Clause 4.7.

The site is not mapped as Koala Management Strategy (KMS) 2016 Important Population Body, KMS 2016 Core Koala Habitat or KMS 2016 Preferred Koala Habitat in the CKPoM. The proposal includes removal of planted landscaping species only.

In summary, the proposal will have no impact on Koala habitat.

***State Environmental Planning Policy (State and Regional Development) 2011***

The development has a CIV of less than \$30 million, and the applicant is neither Council or the Crown.

The proposal relates to a mixed-use building (RFB and commercial premises) and is therefore neither for a community facility, eco-tourist facility, coastal subdivision, or coastal protection works. Ballina Shire is not subject to any Ministerial orders in relation to unsatisfactory development assessment.

In summary, the proposal is not State Significant Development, State Significant Infrastructure or Regionally Significant Development pursuant to the provisions of this SEPP. Accordingly, the consent authority is Ballina Shire Council.

**Ballina Development Control Plan 2012**

A detailed assessment of the proposed development with regard to the Ballina DCP 2012 is provided in the Section 4.15 Assessment (Attachment 2).

**Chapter 1 – Administration**

Part 2.1 – Aims and Objectives of this DCP are reproduced as follows:

*The overarching aims of the DCP are to:*

- a. Provide for a sustainable Ballina Shire that recognises and supports community, environmental, cultural and economic values through the establishment and maintenance of the following:*
  - a built environment that contributes to health and well being;*
  - a diverse and prosperous economy;*
  - a healthy natural environment;*
  - diverse and balanced land use;*
  - healthy, resilient and adaptable communities; and*
  - responsible and efficient use of resources*
- b. Establish local planning policy that is consistent with, and supports, the values and attributes of Ballina Shire and the provisions of the Ballina Local Environmental Plan 2012.*
- c. Provide opportunities for development proposals to provide for innovative and site specific responses, and define the circumstances for consideration of a variation to identified planning provisions’.*

The proposal is not inconsistent with the objectives of the Development Control Plan.

**Chapter 2 – General and Environmental Considerations**

Subject to conditions in relation to contamination, mosquito management, waste management, stormwater, carparking, sediment and erosion control, provision of services, CPTED and vibration during construction, the proposal is acceptable in relation to the relevant provisions of this DCP. A complete assessment of this DCP is undertaken in the Section 4.15 Assessment Report (Attachment 2).

Chapter 4 – Residential Accommodation

The proposal generally complies with the requirements of Chapter 4 that are relevant to the proposal. Minor non compliances (side setbacks, private open space (balconies and landscaping) are overridden by the ADG. Whilst the proposal does not strictly comply with the control for solar access, all apartments are dual aspect and the subject site is proximate to multiple areas of public open space and have opportunities to access sunlight on the winter solstice.

A detailed assessment is included in Attachment 2.

Chapter 6 – Commercial Development

The proposal is consistent with Chapter 6.

A detailed assessment is included in Attachment 2.

Chapter 6a – Commercial Development Ballina Town Centre

The subject site is located in Town Centre Core Precinct. The desired future character of the Precinct is for the most intensive variety and activity, a high density of shop fronts, and continuous building frontages that create a vibrant streetscape. The Chapter quotes the following definitions of Active Frontages and Active Visits:

**Active frontage**

*Refers to street frontages where there is an active visual engagement between those in the street and those on the ground and upper floors of buildings. This quality is assisted where the front facade of buildings, including the main entrance, faces and opens towards the street. Ground floors may accommodate uses such as cafes, shops or restaurants. However, for a frontage to be active, it does not necessarily need to be a retail use, nor have continuous windows. A building's upper floor windows and balconies may also contribute to the level of active frontage. Active frontages can provide informal surveillance opportunities and often improve the vitality and safety of an area.*

**Active use**

*Active uses are uses that generate many visits, in particular pedestrian visits, over an extended period of the day. Active uses may be shops, cafes, and other social uses. Higher density residential and office uses also can be active uses for particular periods of the day”.*

The proposal is not inconsistent with the desired future character, given that “Higher density residential and office uses also can be active uses for particular periods of the day” and “for a frontage to be active, it does not necessarily need to be a retail use, nor have continuous windows. A building's upper floor windows and balconies may also contribute to the level of active frontage. Active frontages can provide informal surveillance opportunities and often improve the vitality and safety of an area”.

A detailed assessment is included in Attachment 2.

Refer to Attachment 2 for the remaining statutory assessment requirements under Section 4.15.

### **Conclusion**

The proposed development has been assessed against all the relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, including the provisions of BLEP 2012, BDCP 2012, relevant SEPPs and submissions made in response to the exhibition of the application.

The applicant has been requested to have regard for SEPP 65 Design Principles and the ADG and BDCP 2012 via multiple requests for information. The development proposal has been amended during the assessment process and the amended design is considered satisfactory and is substantially compliant.

Having regard for the outcomes of the assessment, it is recommended that the application be determined by way of approval with conditions for the reasons in the recommendation.

### **Options**

#### Option One – Approval with Conditions

Council approves the development application for the demolition of existing structures (residential flat building containing four (4) dwellings and a shed) and the construction and subsequent strata title subdivision of a five-storey mixed use development (comprising 10 dwellings and two (2) commercial spaces), associated car parking, earthworks (filling), infrastructure and landscaping works at Lot 1 DP 508601, 8 Grant Street Ballina. The approval would be subject to a range of conditions.

Approval would be for the reasons outlined in this report.

A draft set of conditions is provided in Attachment 11.

#### Option Two – Refusal

Council refuses the development application. It would be difficult to provide strong planning reasons to support a refusal, given the application is compliant with Ballina LEP 2012 and substantially compliant with the SEPP 65 ADG controls and controls within the Ballina DCP 2012.

If the Council was to pursue this option, then the matters upon which the refusal could be based include concerns with regard to a lack of communal open space and deep soil zone and contravention or inconsistencies regarding the objectives or provisions within the SEPP 65 Apartment Design Guide (which have been outlined in this report).

Option One, being to grant consent to the application, is recommended for the reasons outlined in this report.

**RECOMMENDATION**

That 2018/74 for the demolition of existing structures (residential flat building containing four (4) dwellings and a shed) and the construction and subsequent strata title subdivision of a five-storey mixed use development (comprising 10 dwellings and two (2) commercial spaces), associated car parking, earthworks (filling), infrastructure and landscaping works at Lot 1 DP 508601, 8 Grant Street Ballina be **APPROVED** subject to the application of conditions as set out in Attachment 11 and including standard planning, building, civil engineering and environmental health conditions applicable to this type of development.

**Attachment(s)**

1. Locality Plan [⇒](#)
2. [⇒](#) Section 4.15 Assessment
3. Development plans
4. Response to submissions
5. Submissions exhibition period 1
6. Confidential submissions exhibition period 1 (personal information redacted)
7. Submissions exhibition period 2
8. Submissions exhibition period 3
9. Solar Access Plans – Balcony Areas
10. Apartment Design Guide Assessment
11. Recommended Conditions of Consent (under separate cover)

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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### 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

<b>Section</b>	Strategic Planning
<b>Objective</b>	To present the Wardell Village Centre Revitalisation Draft Master Plan for Council's endorsement for public exhibition.

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#### Background

Wardell (known to First Nations people as 'Bilaarwal') was severely impacted by the flooding of February 2022, being listed as a 'severely impacted suburb' in the declared natural disaster area of Ballina Shire.

At the April 2022 Ordinary meeting Council adopted the Delivery Program and Operational Plan 2022/23 – 2025/26 including:

*"Distribution of the \$1m State Government Recovery grant for \$900,000 to undertake town centre beautification works for Wardell, in line with actions identified in the Wardell Strategic Plan 2015 – 2035 ...."*

This NSW Government funding has been allocated to *support "restoration and recovery projects that best meet their community's needs"* (extract from the grant program overview) with infrastructure projects being for the repair and rebuild of infrastructure that was directly impacted by the 2022 flooding disaster.

This report presents a summary of an extensive community engagement process implemented to determine community needs and preferences. The engagement outcomes have informed the resulting Draft Master Plan for the Wardell village centre.

The purpose of this report is to seek endorsement to place the Draft Master Plan on public exhibition to enable further community feedback prior to confirming the content and scope of the plan and commencing implementation.

#### Key Issues

- Consultation process and outcomes
- Draft master plan
- Endorsement for public exhibition
- Grant funding parameters

#### Discussion

The Wardell Strategic Plan sets out the community vision for the development of the wider Wardell village to 2035. The 5 key aspects of this vision are:

1. *Creation of a vibrant and beautiful riverside village whilst retaining small village atmosphere.*
2. *Encouraging tourism centred on the river and based upon arts and crafts themes.*
3. *Working towards better connecting our village to make it more accessible.*

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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4. *Enhancing our village through village entry and street landscaping, building maintenance and new buildings with special character.*
5. *Ensuring that future development is staged, progressive and affordable.*

The Wardell Strategic Plan identifies the village centre as being an area focused on arts and crafts, antiques and boutique food businesses.

Within the context of the key actions of the Wardell Strategic Plan, this project seeks to deliver a Master Plan for revitalisation works for the Wardell village centre precinct which, upon implementation will help:

- improve the place experience,
- build community capacity, and
- provide impetus to attract and support tourism and future investment in the envisioned arts and crafts, antiques and boutique food sectors.

The project aims to provide design solutions which help to enable the following actions from the Wardell Strategic Plan as they relate to public land in the main town/village centre precinct (principally Richmond Street between Swamp Street and Blackwall Drive and Sinclair Street between Bridge Drive and Fitzroy Street):

- 04 / Recognise the potential for the River / Royal Hotel and adjacent area to form a focal point for activity in Wardell.
- 09 / Investigate the establishment of a monthly farmers market and farm and craft trail centred on Wardell village.
- 13 / Investigate opportunities for footpath works and shared paths (cycling) within Wardell village and subject to the allocation of funds, incorporate agreed works within Council's delivery program.
- 19 / Installation of public art within the central median of Sinclair Street south of Richmond Street ...

Post-flood stormwater investigations are also being undertaken in Wardell in concert with this project. The results of these investigations have been received in a draft format. If required, the design outcomes of the master plan project can incorporate recommended stormwater or service upgrades into the scope of work.

Great centres are active, social and thriving places which are loved by locals. Therefore, the project methodology has been underpinned by extensive engagement.

### Community Engagement

The initial program of community engagement sought to consult widely through a variety of processes to obtain insights into community values, needs and aspirations and to gain metrics relating to their current experience of the place.

The Wardell Village Centre Revitalisation project includes the following key stages and milestones.



## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

Date	Milestone	Description or Activity
August - October 2022	Site Investigations + Analysis	Site investigations and data gathering
Mid-late October 2022	Community Engagement 1 (2 days)	Community Insights - Community street stall over 2 days in Richmond Street (Community Care Factor (ideal village centre) and Place Experience Assessment (Richmond Street)) <i>Receive Place Score findings + prepare map of "other works" in progress throughout Wardell for community information (e.g. drainage, jetty repairs etc). Identified that additional and personalised engagement required.</i>
Late November 2022	Community Engagement 2 (3 days)	Community Insights / Conversations - A street stall over multiple days (Richmond Street) to talk with the community including mapping of special places and desired improvements (this was supported by focused mapping of existing planned recovery priorities and physical works).
October 2022 - February 2023	Community Engagement 3	Community Insights - Online mapping of special places and desired improvement works in Richmond Street <i>As advised by JALI LALC - Wait for Cabbage Tree Island Community to relocate to pod village</i>
Planned December 2022	Community Engagement 4	Community Insights - Cabbage Tree Island community conversations (community advised but specific onsite engagement did not proceed at the request of Uniting) <i>Form community reference group (open EOJ process)</i>
Early March 2023	Community Engagement 5	Facilitated design charette with community reference group (confirm issues and opportunities, priorities, big and small ideas and community directions)
	Design Thinking + Master Planning	Prepare a master plan for improvements to the village centre study area and "place activation" interventions that articulate the key community directions and priorities. <i>Council endorsement for public exhibition required</i>
	Public Exhibition	Gather community feedback and revise the master plan.
	Adopted Master Plan	Public exhibition feedback reviewed and the master plan revised and adopted.

The above engagement program represents an expanded program, implemented to address the unique social circumstances and heightened sensitivity of the community because of the extreme natural disaster flooding of February 2022.

As many residents were not yet back in their homes, all community engagement activities were advertised widely and through a variety of methods. Community engagement project awareness activities included:

### Project startup

- Letters sent to stakeholder groups and residents via the post office (postal boxes) to advise of the project, street engagement stalls and online participation opportunities.

### Each street engagement stall stage

- Direct emails to key stakeholder groups
- Posters installed in key locations such as business premises in the main street
- Posters installed at temporary accommodation residential parks

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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- Social media posts
- Project specific web page content and online mapping (updated between stages) set up using Council's Your Say online engagement platform.
- Media release
- Phone calls to some people/groups to encourage participation

A summary of the outcomes of each engagement stage is provided below.

### *Community Engagement 1 - Richmond Street, Wardell (Street stalls 14 and 15 October 2022)*

The purpose of this engagement was to advise people of the project and to undertake a 'Place Score' assessment to gain community insights into key aspects of their ideal village centre (Care Factor survey) and their experience of Richmond Street at present (Place Experience (px) survey).

The Care Factor survey was available at the street stall and online until 23 October 2022. The Place Experience survey could only be undertaken while in Richmond Street during the operation of the street stalls on 14 and 15 October 2022. This is because it was based upon onsite observations of the streetscape.

106 Care Factor and 58 Place Experience valid surveys were completed. Place Score compiled the data, and the report can be found at Attachment 1.

- In summary, the survey told us that:

- *The community values the overall look and character of the area and cleanliness of public space. Having access to local shopping is also important.*
- *Car accessibility and parking is the biggest contributor to a positive place experience in Richmond Street, followed by physical comfort and natural elements such as street trees. A lack of things to do in the evening and local events and activities is contributing least to place experience.*
- *Place attributes that relate to improved street life and thriving local businesses are a priority for the Wardell community including, provision of grocery and fresh food businesses, evidence of public events happening, outdoor restaurants and seating, a cluster of similar businesses and cleanliness of public space.*

Many people commented that they found the 'Place Score' survey process too generic, and they didn't feel like it would address their concerns. This recurrent comment led to the community engagement process being expanded and a more personal conversational approach adopted.

Many people also felt that there were other priorities relating to stormwater and flood management that should take precedent over village centre upgrade works. Some further information on recovery works and upgrades was prepared and made available as part of future stages of the engagement process to keep the community informed in these items.

## **8.2 Wardell Village Centre Revitalisation - Draft Master Plan**

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*Community Engagement 2 – Richmond Street, Wardell (Street stalls 22, 23 and 24 November 2022)*

The purpose of this engagement was to better understand specific community values and needs. To capture this, Council staff attended street engagement stalls over 3 days in November 2022. These stalls provided an opportunity for people to talk face-to-face with Council staff and to map their special places and ideas. The engagement was supported by a plan showing many of the flooding, stormwater and other recovery works which Council was already planning or undertaking within the Wardell area.

An online mapping tool, accessed via the Your Say project web page was also used as a tool to gather information on:

- special places in the village centre and broader landscapes that contribute to local character, place identity and community connection
- places or elements of the streetscape and landscape that should be protected and maintained
- places or elements that should be improved
- opportunities for something new or innovative ideas.

The findings of the street stall engagement are provided in Attachment 2.

Whilst there were lots of individual comments, the key loud messages were as follows:

- We need a place to have a beer with mates!
- The community needs a meeting place and social spaces to interact and get together.
- Getting businesses operating, especially the pub, is key to revitalisation of the village centre.
- Space for outdoor dining.
- Leave it alone or just tidy it up.
- Provide more green space / a village green or space for a regular market.
- Cultural heritage is valued and important.
- Opportunities for picnic shelters and BBQ or social spaces at the back of the memorial hall or along the river.
- Connect to the river.
- A culture and heritage walk.

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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- Bush food walk.
- Provide activities and things to do.
- Activate businesses in Sinclair Street.
- Places to sit near the river.
- Regular street closure for market activity (ideally once a week) to bring life back into the village.
- Formalise car parking.
- Improve parking in Sinclair Street.
- Better access and connections.
- Improve public access along the river front.
- Signage and wayfinding connecting key places.
- Safer places to cross the road.
- Improved street amenity (bike racks, dog water bowls, seating, fresh paving, planter boxes...).
- Landscaping and art.
- Fix the drainage.
- Improved maintenance.
- We love the fig trees but the base always looks messy.
- A toilet near the main street.
- Covered walkways.
- A clean and tidy, well maintained appearance.
- Places to sit in the main street – social spaces.
- Encourage new business.

There were also comments made relating to other areas of Wardell where people felt that the funding could be better spent such as at P.V. Walsh Park, Patches Beach, Pimlico Road and an entry treatment for Wardell.

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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### *Community Engagement 3 – Cabbage Tree Island Temporary Housing Village, Wardell*

An engagement stall was organised for Monday 12 December 2022 at the temporary housing village (Bath Street Wardell). The purpose of this engagement was to better understand the specific community values and needs of the Cabbage Tree Island Community who had just moved into their new temporary housing after the major flood event in February 2022.

Posters about the activity were letter box dropped to residents by Uniting (site managers of the temporary housing village) on Council's behalf. Invitations to participate were also sent to Jali LALC and Bunjum Aboriginal Corporation.

The engagement activity was cancelled at the request of Uniting, based upon some negative community sentiment they had received from the residents.

The online mapping tool remained available, and the community were invited to provide input by direct contact with Council or via the online mapping tool.

Jali LALC and Bunjum Aboriginal Corporation were also invited to send representatives to be a part of the community design charette team.

### *Online Engagement Outcomes*

A web site was established with project background content and information about key findings as the project progressed. Between 5 August 2022 and 12 February 2023, 699 people had visited the site - 375 by direct contact with the site, 176 being redirected from social media and the remaining finding the site via a variety of other pathways.

72 people visited the online mapping with only four people placing pins on the online interactive map. The low amount of feedback received via the mapping tool could be due to Council having had run these mapping exercises at the street stalls, which received good participation by the public.

Information from these engagement activities provided baseline information and data to inform a community-led design process and support future decision-making in relation to upgrade design and works.

### *Community Led Design Charette Process*

During December 2022 and January 2023 Council publicly advertised for expressions of interest (EOIs) for community members to be part of the community led design team. Specific effort was made to also target a wide range of user groups, special interest groups and ages to ensure a balanced mix of community were represented on the group.

22 expressions of interest were received, and all EOIs were accepted. 20 members attended the design charette activity, representing their individual interest and across the following groups:

- Property owners
- Business owners
- Wardell and District Progress Association
- Wardell C.O.R.E

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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- Youth
- Seniors
- Local indigenous culture and language
- Farmers
- Wardell Public School
- Dune Care
- Residents
- Special needs

On Saturday 4 March 2023, Council undertook a facilitated design charette, bringing together community members across a range of interest groups to guide the direction and development of the Wardell Village Centre Revitalisation project.

The objective of the workshop was to build upon the findings of the engagement to date, align the community around priorities for change and develop a set of community directions to inform planning and investment.

As a part of the design charette the group participated in five facilitated activities. These activities are summarised in the Place Score report of April 2023 in Attachment 3.

To empower the community to come together and start activating public space, the charette process included exploration of 'big and small ideas'. 'Big ideas' were things that the community felt were essential to revitalisation of the village centre and a responsibility of Council or others to implement.

'Small ideas' (quick wins) were community initiatives that could, with minimal financial support, be easily implemented by the community for maximum community benefit. Four of the community initiatives generated through this process were able to be supported by Council and implemented by the community. These are discussed further below.

At the conclusion of the charette, a shared discussion pulled together the common threads into key community directions as a shared community vision:

### 1. Community Space

The participants would like to see an increase in the amount of space – inside and outside that can be used by the community. They recognise there are many spaces that are underutilised, be that privately owned buildings or space currently used for vehicle movement and parking.

They would like dedicated outdoor spaces that support local businesses, and/or that connect the village to the riverfront. They would like flexible spaces for larger events, for example closing a road, as well as the potential to share assets such as toilets, church buildings, the hall or school grounds.

### 2. Street Improvements

The community is open to bold moves that rebalance the amount of space dedicated to roads and parking versus community use, including the relocation of car spaces.

They want to encourage temporary and permanent businesses. They want to see any changes being made using sustainable and resilient materials and systems such as solar lighting. They see their main street as being green, people friendly, organic, creative, resilient and well maintained with a unique local narrative.

### 3. Programs

There is a lot of support for ongoing and regular events and activities that bring the community together and that also have the potential to become self-sustaining. They recognise the potential to unlock existing community assets.

They recognise that they have significant human resources available across many different organisations that could work better together to achieve more impact. They want activities to be grounded in local narrative and histories that tell the unique story of their town and people, whether that be through events, art or tourism.

#### The Draft Master Plan

The Draft Master Plan is contained in Attachment 4.

The Draft Master Plan combines interventions which support activity and events with physical infrastructure and amenities.

There is a community desire to celebrate local character and the unique Wardell narrative which the community has identified as being underpinned by the river, culture, heritage and environmentally sound decision making.

This local narrative underpins all aspects of the Draft Master Plan.

The Draft Master Plan proposes several 'key moves' relating to the community directions:

- *Community Space*

Key Moves:

- Unlock the riverfront Crown land by providing accessible public access to this area for passive recreation.
- Embellish the western end of Richmond Street as a community space which can be adapted for activities or events.
- Open the laneway providing access to the rear of business premises allowing for active footpath areas on the Richmond Street frontage.

- *Street Improvements*

Key Moves:

- Provide improved footpaths and places for people to come together and sit in the street.
- Slow traffic speeds, consistent with a people and place-based centre.
- Protect the existing street trees and provide additional suitable trees to reinforce the avenue.

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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- Allow for a possible future pedestrian connection from the western end of Richmond Street across Blackwall Drive to reconnect the village.
- *Programs / Activities / Events*

### Key Moves:

- Provide intuitive wayfinding (visual/sound/sensory) which tells the unique story of the place and people.
- Implement some of the 'small idea' (quick win) community initiatives from the design charette process.

These key moves have been articulated into concept designs in 3 key focus areas:

- Connecting to the River – Creating passive open space and pedestrian connectivity along the riverfront crown land between the War Memorial Hall and Sinclair Street.
- The Street – Upgrading the street to provide a slower speed environment with better pedestrian amenity and safety, improved pavement surfaces, seating, shade, planting and public art opportunities. This includes opening the laneway behind Richmond Street.
- A Community Green Space – Activating the western end of Richmond Street to provide an embellished space for public benefit and to support community events such as markets.

The detail of each focus area, including a preliminary estimate of costs can be reviewed in the Draft Master Plan in Attachment 4.

All components of the Draft Master Plan are subject to change because of further detailed design.

Several "small ideas" (quick wins) from the design charette process have already been implemented to assist with community activation. These include:

- Installing the parklet (a mobile seating area) in Richmond Street to provide temporary public seating;
- Community feast – this was a free community social event supporting the coming together of the community to share their recovery, held at the Wardell War Memorial Hall in June 2023 and was well attended.
- Cultural language workshops (free) – two, eight-week programs of Nyangbal language workshops were held to share cultural language and awareness.
- Mural art (free school holiday workshops) – Local youth who attended the design charette wanted to make Wardell more vibrant and interesting. Wardell Public School and Wardell C.O.R.E collaborated on a school holiday workshop to create mural art which has been installed on the parklet in the main street of Wardell.

The Draft Master Plan includes a larger suite of interventions which address the varied priorities of the community in the engagement. Whilst funding is not currently available for all these works, the plans (once adopted) can be used in the future to support applications for further funding should the opportunity become available.



### **Delivery Program Strategy / Operational Plan Activity**

Works to revitalise the Wardell Village Centre are identified in the Delivery Program and Operational Plan 2023/24 – 2026/27 (DPOP) as item PE3.3f – *Implement Wardell Town Centre Master Plan*. This is identified for delivery in 2024/25.

Actions of the Wardell Strategic Plan are identified for delivery under action HE3.1c *Implement Wardell Strategic Plan*.

Implementation of works within the Wardell Village Centre Revitalisation Draft Master Plan would progress both actions.

### **Community Engagement Strategy**

Council has undertaken significant community engagement throughout the project. The engagement methodology was adapted and, with the mental health of the community in mind, extended to allow for a more personalised approach suited to the post-flood emotional sensitivity of the community.

The engagement broadly included:

- Notifying stakeholders and the general community of the project via a variety of forums and inviting participation
- Place Score community satisfaction and user experience measurement to obtain metrics to measure actual place experience versus ideal place experience. This was undertaken in online and face-to-face formats via a multi-day street stall.
- Community conversations at street stalls over multiple days in the business centre of Wardell.
- Community-led design charette held in March 2023 as detailed earlier in this report.
- One-on-one discussions with some stakeholders not able to attend other engagement activities.

This report seeks to place the Draft Master Plan on public exhibition to obtain further feedback on the design and priority works. Due to the tight timeframes for delivery of the project and the extensive amount of upfront community engagement already performed, a public exhibition period of 21 days is recommended (noting that this is a departure from the typical 28-day exhibition period identified under Council's Community Engagement Strategy 2022 (CES)).

This engagement methodology is comprehensive and consistent with an 'involve' and 'collaborate' approach as outlined Council's Community Engagement Strategy 2022.

Community 'empowerment' (the highest level of engagement under the CES) was facilitated via the design charette process through the funding of some "small ideas (quick win) / community initiatives". These projects included delivery of the Wardell community feast, free Nyangbal language workshops, relocation of the parklet to the main street for public use and creation of youth murals.

### Financial / Risk Considerations

#### Grant Funding Parameters

The funds allocated to works in Wardell are part of the Disaster Recovery Funding Arrangement (DRFA) focused on “*supporting restoration and recovery projects that best meet their community’s needs*” (extract from the grant program overview) with infrastructure projects being for the repair and rebuild of infrastructure that was directly impacted because of the 2022 flooding disaster.

The scope of works funded in the original application (pre-community engagement) was for:

- *“Landscaping of Richmond Street and areas in the immediate vicinity;*
- *Improved stormwater drainage;*
- *Providing new footpath;*
- *Reconstructing the existing road pavement to allow for a safer and improved surface’.*

Since being awarded the funding, Council has used an extensive community engagement process to determine the needs of the community which, as previously outlined, includes a broader scope of work focused on delivering areas to support community gathering and re-activation, a key flood impact.

The extended community engagement approach sought to sensitively and compassionately collaborate with the community to determine their needs. This has resulted in a short timeframe for progression from public exhibition to delivery of physical constructed infrastructure.

The current grant funding requires the works subject to the \$900,000 funding to be completed by end of June 2024.

Subject to detailed design, approvals and the availability of trades, it may not be possible to deliver some of the options under the Draft Master Plan within this timeframe. This is particularly relevant to ‘The Street’ focus area which needs to be implemented as a larger construction project due to the relationship between design levels and services.

Council staff have sought an extension of time for delivery of the works under the grant and in this process have highlighted to the grant authority the three options being explored as a part of the Draft Master Plan as a possible change to the scope of the funded works. At the time of this report, the status of the funding extension is unknown.

#### Budget

Council allocated \$900,000 towards the village centre revitalisation project. There is approximately \$857,000 of this remaining for planning and capital works. The estimated costs, which include a 20% contingency, associated with the options presented in the Draft Master Plan are more than the available funds under the grant. This is a result of aspirations of the community expressed through the engagement process.

Council may choose to allocate additional funds to the project or, should Council wish to not allocate any further funds to the project, the extent of some options could be modified or reduced to fit the budget.

This could be explored in more detail following a public exhibition process which seeks feedback on the preferred focus area.

Council may also actively seek additional funding through grants should some become available in the future. Having a community supported and adopted master plan in place can support such funding applications.

### Approvals

Planning pathway investigations are not yet complete.

Due to the heritage context it is likely that some aspects of the works will require a development application.

In particular 'The Street' focus area which requires work around heritage buildings and heritage listed trees.

The planning pathway will also inform the recommendations for works once the exhibition of the draft plan is complete.

With respect to the "Connect to the River" focus area, preliminary discussions have been undertaken with NSW Crown Lands, the owner of the riverfront land.

Crown Lands have expressed general support for a public pathway connection in this location. Further approvals may be required from NSW Department of Primary Industries relating to the boardwalk and works near the waterway.

### **Options**

Council has the following options to proceed:

*Option 1 – Council may place the Draft Master Plan on public exhibition for 21 days to seek further community feedback on the design and preferred focus area for implementation.*

Under this option, Council acknowledges the extent of community engagement to date and would proceed to place the Draft Master Plan in Attachment 4, or as modified, on public exhibition for 21 days. This exhibition period is recommended due to the tight timeframes imposed by the grant funding and based the extensive engagement completed to date.

Any desired alterations to the scope of work to align works with available funding can be explored in more detail via a Councillor briefing following the public exhibition process.

*Option 2 – Council may choose to revise the Draft Master Plan.*

This option would involve staff revising the design or scope and Council receiving a further report attaching a revised Draft Master Plan detailing these amendments.

## 8.2 Wardell Village Centre Revitalisation - Draft Master Plan

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This option is not preferred as there has been significant resources applied to the community engagement and design process.

It would also delay decision making in relation to a preferred scope of works and compromise funding timeframes.

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

*Option 3 - Council may select to proceed with a preferred option, or modify an option presented in the Draft Master Plan without placing it on public exhibition.*

Given the grant funding timeframes, Council could select a preferred option for delivery of works, based upon the information in the reporting, and instruct staff to proceed to implement the preferred option without further community engagement.

Under this option, staff would proceed to undertake/arrange detailed design, obtain planning approvals and commence construction for the selected focus area.

*Option 4 - Council may defer consideration of the Draft Master Plan to receive a briefing.*

Given the tight grant funding timeframes, this option is not recommended.

If a briefing is desirable, it is recommended this is undertaken post the exhibition period (if the plan is endorsed for exhibition) so feedback can be incorporated into the briefing content.

### **RECOMMENDATION**

That Council place the Wardell Village Centre Revitalisation Draft Master Plan (Attachment 4) on public exhibition for 21 days to seek further community feedback on the design and preferred focus area for implementation.

### **Attachment(s)**

1. Community Engagement - Before Investment 2022 Impact Maximiser Report Richmond Street Wardell Village [⇒](#)
2. Community Engagement Summary [⇒](#)
3. Community Engagement - Design Charette [⇒](#)
4. Wardell Village Centre Revitalisation Draft Master Plan [⇒](#)

## 8.3 Disability Inclusion Action Plan - Finalisation

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### 8.3 Disability Inclusion Action Plan - Finalisation

<b>Section</b>	Strategic Planning
<b>Objective</b>	To confirm the content and form of Council's Disability Inclusion Action Plan 2023-2026 for adoption.

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#### **Background**

At the 27 April 2023 Ordinary meeting, Council resolved as follows:

1. *That Council endorses the Draft Disability Inclusion Action Plan 2023- 2026 (Attachment 1) for public exhibition for a minimum period of 42 days.*
2. *If no submissions are received in response to the public exhibition, that Council adopts the Disability Inclusion Action Plan 2023-2026 (Attachment 1), and no further reporting is required.*
3. *If submissions are received, the draft Disability Inclusion Action Plan 2023-2026 (Attachment 1) and outcomes of the exhibition process are to be reported back to Council.*
4. *That Council investigate software options to provide captions and transcripts for Council meetings.*

This report responds to items 1-3 above. Item 4 was addressed through the 12 May 2023 Councillor Bulletin.

The aim of the Disability Inclusion Action Plan (DIAP) is to provide a framework for Council to support an inclusive and accessible community for those with a disability. The NSW Disability Inclusion Act 2014 requires all councils to have in place a DIAP by 30 November 2023. These will be in place until 2026 when a new plan will need to be developed.

A draft DIAP was placed on public exhibition from 10 May 2023 to 30 June 2023. The draft DIAP was promoted on the Council's Your Say online engagement platform and via the online Council notices. The draft DIAP was also tabled at Council's regular Access Reference Group meeting.

The purpose of this report is to outline the outcomes of the public exhibition period and seek direction on the finalisation of the plan.

A copy of the DIAP, as recommended for adoption, included as Attachment 1.

#### **Key Issues**

- Improving access and inclusion for people with disabilities

#### **Discussion**

At the completion of the 42-day exhibition period, three submissions were received. One respondent raised three separate issues and the remaining two respondents each raised a single issue.

### 8.3 Disability Inclusion Action Plan - Finalisation

Table 1 summarises the comments made and provides a response. Full submissions are provided in Attachment 2.

**Table 1: Draft DIAP Submissions Summary**

Author	Comments made	Response
Kelly Davenport	Increase opportunities for people with disability to participate in Council's events and arts programs.	<p>Council runs two events namely Australia Day and the NAIDOC celebratory walk. These events are open to all people regardless of ability and are held in accessible venues. Council approves community events on Council owned or controlled land and will continue to encourage (and require where possible) that these events are accessible to people with disability.</p> <p>The Ignite Studios is equipped with an internal lift that allows people who use a mobility aid to gain access into a section of the building. There are also access ramps at the front and rear of the building. The Ignite Studios has in the past hosted exhibitions of art works by people with disabilities.</p> <p>Council promotes events and activities in its publication Community Connect to raise broad community awareness.</p> <p>This is in keeping with the draft DIAP <i>Action 1.4 Utilise Community Connect publication to promote the importance of access and inclusion.</i></p> <p>Under the DIAP Council will continue to promote access and inclusion utilising its existing resources and working with community partners.</p>
	Acknowledge and celebrate International Day for People with Disability (IDPWD).	<p>A new action has been included into the draft DIAP as <i>Action 1.6 Acknowledge and promote International Day for People with Disability (IDPWD).</i></p> <p>Council can acknowledge and promote the IDPWD in its publication Community Connect and via social media. This also aligns with draft DIAP <i>Action 1.4 Utilise Community Connect publication to promote the importance of access and inclusion.</i></p> <p>Council has not currently allocated resources (staff or monetary) to organise and run a specific event to celebrate IDPWD.</p>
	Promote to local businesses the employment partners which exist locally to support people with disabilities in employment.	<p>Promotion of employment services that support people with disabilities to local businesses can be achieved through Council's Community Connect publication and is consistent with <i>Action 1.4 Utilise Community Connect publication to promote the importance of access and inclusion</i> and <i>Action 4.2 Work with community partners in increasing job opportunities for people with disability</i> of the draft DIAP.</p>

### 8.3 Disability Inclusion Action Plan - Finalisation

Author	Comments made	Response
Margie Conley	Access into Cawarra Park across the small bridge is difficult because of height difference from ground to bridge.	Specific request has been logged into Council's Customer Request Management system for a review of the bridge access.
Andrew Playford	Indicated that the draft DIAP was comprehensive and provided for partnership opportunities.	Noted.

As a result of the feedback received during public exhibition, an additional action, *Action 1.6 Acknowledge and promote International Day for People with Disability (IDPWD)*, has been included on page 35 of the draft DIAP as presented in Attachment 1.

This is the only recommended change to the draft DIAP, as a result of public exhibition.

#### **Delivery Program Strategy / Operational Plan Activity**

The draft DIAP is aligned with the following Delivery Program and Operational Plan (2023–27) strategies:

CC2.1 - Encourage community interaction, volunteering, and wellbeing within all our communities.

CC2.2 Create events and activities that promote interaction and education, as well as a sense of place.

CC3.3 Support improved health outcomes by providing equitable access to sporting, recreational and community facilities.

The implementation of the DIAP is identified in the Operational Plan 2023/24-2026/27 as activity CC2.3b.

#### **Community Engagement Strategy**

The draft DIAP was advertised in accordance with Council's Community Engagement Strategy. The document was placed on public exhibition between 10 May 2023 and 30 June 2023. The draft DIAP was promoted on Council's Your Say engagement platform and advertised via the online notices. It was also tabled at a meeting of Council's Access Reference Group.

#### **Financial / Risk Considerations**

The draft DIAP has been prepared to meet the legislative requirements set out in the NSW Disability Inclusion Act 2014. All councils in NSW must have a new DIAP in place by 30 November 2023.

### 8.3 Disability Inclusion Action Plan - Finalisation

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Finalisation of the draft DIAP can be undertaken using existing staff resources.

Implementation of the DIAP is primarily by way of continued integration of inclusion and access principles into Council's operations, project delivery and works design, and application of existing resources to progression of the identified actions.

#### Options

*Option 1 - Council may adopt the Ballina Shire Disability Inclusion Action Plan 2023-2026 as presented in Attachment 1.*

Under this option Council acknowledges the public exhibition feedback received and adopts the Ballina Shire Disability Inclusion Action Plan (as presented in Attachment 1 of this report, or with other amendments as specified by Council).

This option is recommended as the draft DIAP includes achievable actions that aim to improve the lives of people with disabilities. Adoption of the DIAP will meet the requirement of the NSW Disability Inclusion Act to have an updated DIAP in place by 30 November 2023.

*Option 2 - Council may determine not to endorse the Ballina Shire Disability Inclusion Action Plan 2023-2026.*

Council could cease work on the DIAP or defer its adoption in favour of seeking further information.

Ceasing work on a new DIAP would mean Council would not meet the legislative requirements of the NSW Disability Inclusion Act 2014 to have an updated DIAP in place by 30 November 2023.

Further, there was no feedback received that warrants significant alteration of the draft DIAP or more detailed investigation of issues or options.

This option is not recommended.

#### RECOMMENDATION

That Council adopts the Ballina Shire Disability Inclusion Action Plan 2023-2026, as per Attachment 1 to this report.

#### Attachment(s)

1. Disability Inclusion Action Plan 2023-2026 (recommended for adoption)
2. Feedback - Draft Disability Inclusion Action Plan 2023-2026



## 8.4 Public Art Murals - Ballina CBD

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### 8.4 Public Art Murals - Ballina CBD

<b>Section</b>	Strategic Planning
<b>Objective</b>	To outline proposed expenditure to install murals on the walls of private buildings around Winton Lane and Tamar Street car park in Ballina.

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#### **Background**

Council's Public Art Advisory Panel (PAAP) recently considered the implementation of a CBD mural program known as the Ballina Street Art project.

The project seeks to install street artworks on sheds and walls in the Ignite Studio precinct and privately owned walls in the Tamar Street car park / Winton Lane precinct.

The project seeks to include public art murals on two privately owned walls to demonstrate the value of street art in increasing vibrancy and prevent unwanted tagging and graffiti.

It is proposed that Council will not charge a fee to the property owners for hosting the public art works under this project, as the public art works are seeking to provide wider community benefit through encouraging a greater sense of place.

The purpose of this report is to outline the scope of the proposed works on private land and seek direction on the expenditure of funds in relation to the private properties.

#### **Key Issues**

- Compliance with Section 67 - Private Works of the Local Government Act 1993

#### **Discussion**

Staff have provided an Expression of Interest (EOI) to property owners and occupiers around the Tamar Street / Winton Lane car park area to determine if any would be supportive of hosting street art on their buildings.

Two property owners expressed an interest in hosting street art. The walls offered by the property owners are at 34 - 38 Cherry Street (currently occupied by Bennetts) at the rear of the building adjacent to the public carpark and at 2/105 River Street (currently occupied by Red Earth Jewellery), adjacent to the pedestrian alleyway that links River Street and Winton Lane behind The Australian Hotel.

This project will involve Council and/or the artist involved:

- Coordinating art site selection, artist selection and artwork installation.
- Acquiring the relevant insurances and permits.

## 8.4 Public Art Murals - Ballina CBD

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- Covering artist fees and the cost of materials to create and install the artwork.
- Involving property owner and/or occupier in the process.

Property owners will be expected to:

- Work collaboratively with the artist and Council to develop the artwork concept, methodology and installation schedule.
- Notify neighbours and advise them of the artwork concept and plans to install the artwork.
- Assist Council and the artist to access the wall to deliver the artwork.
- Retain the artwork for as long as it is in reasonable condition.
- Remove the artwork once it is no longer in reasonable condition.

For the mural works on private land to proceed, Council needs to authorise the private works by resolution in accordance with Section 67 of the Local Government Act which is reproduced below:

### **67 Private works**

- (1) *A council may, by agreement with the owner or occupier of any private land, carry out on the land any kind of work that may lawfully be carried out on the land.*

#### **Note—**

*Examples of the kind of work that a council might carry out under this section include—*

- *paving and roadmaking*
- *kerbing and guttering*
- *fencing and ditching*
- *tree planting and tree maintenance*
- *demolition and excavation*
- *land clearing and tree felling*
- *water, sewerage and drainage connections*
- *gas and electricity connections.*

- (2) *A council must not carry out work under this section unless—*

- (a) *it proposes to charge an approved fee for carrying out the work as determined by the council in accordance with Division 2 of Part 10 of Chapter 15, or*
- (b) *if it proposes to charge an amount less than the approved fee, the decision to carry out the work is made, and the proposed fee to be charged is determined, by resolution of the council at an open meeting before the work is carried out.*

- (3) *A council must include details or a summary of any resolutions made under this section and of work carried out under subsection (2)(b) in its next annual report.*

- (4) *A report of work to which subsection (2)(b) applies must be given to the next meeting of the council after the work is carried out specifying—*
- *the person for whom the work was carried out*
  - *the nature of the work*
  - *the type and quantity of materials used*
  - *the charge made for those materials*

## 8.4 Public Art Murals - Ballina CBD

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- *the total of the number of hours taken by each person who carried out the work*
  - *the total amount charged for carrying out the work (including the charge made for materials)*
  - *the reason for carrying out the work.*
- (5) *This section does not apply to work carried out by a council, or by two or more councils jointly, for another council or for a public authority.*
- (6) *This section does not apply to any graffiti removal work carried out by a council in accordance with Part 4 of the Graffiti Control Act 2008.*

In order to meet the requirements of the Act, direction is sought on the expenditure of public funds on the proposed artworks to be installed on privately owned buildings.

If the works are to proceed, then steps will be taken for the procurement of suitable designs and implementation of the artwork installations.

### **Delivery Program Strategy / Operational Plan Activity**

The project helps meet the Delivery Program and Operation Plan Strategy CC2.1 *Create events and activities that promote interaction and education, as well as a sense of place* and addresses actions *CC2.1a Implement Cultural Plan* and *CC2.1b Implement the Northern Rivers Community Gallery Creative Action Plan*.

### **Community Engagement Strategy**

Staff provided a letter, together with guidelines and an Expression of Interest form (EOI), to property owners and occupiers in the Winton Lane/Tamar Street carpark precinct in July 2023 to determine if any would be supportive of hosting street art on high profile or regularly tagged walls.

The EOI outlined the general roles and expectations of Council, property owners and artists involved in the project.

As outlined above, two private property owners have expressed interest in hosting artworks.

Ongoing consultation with the property owners will occur to develop the artwork concept, methodology and installation schedule in conjunction with the selected artist.

### **Financial / Risk Considerations**

The PAAP has identified a budget of \$20,000 to provide murals on privately owned walls that have frontage to the public domain.

This is to be sourced from the public art fund made up of recurrent funding Council allocates to public art each year and contributions from developers as required by the Public Art Policy.

There are sufficient funds available from within the existing public art budget to fund the proposed works.

### Options

*Option 1 - Approve the mural works to be undertaken on private land.*

This project will demonstrate the value of street art in increasing vibrancy and deterring unwanted graffiti. Overall, the murals have frontage to the public domain and will be designed to engage the general public.

The private benefit that may accrue to the property owners because of the mural installations is considered to be relatively minor and reasonable in the circumstances. The proposal, subject to Council's endorsement, complies with the statutory requirements.

This is the recommended option.

*Option 2 – Decline the mural works to be undertaken on private land.*

Encouraging mural installations in CBD locations within the Shire is a matter that has been raised for progression by Council's Public Art Advisory Panel since its December 2022 meeting.

There are limited options for murals on publicly owned walls in the Tamar Street carpark precinct. As such other suitable spaces would need to be identified if the use of privately owned walls is not supported.

As considerable time and effort has been allocated to find willing property owners with suitable wall frontage, this option is not recommended.

### RECOMMENDATIONS

1. In accordance with Section 67 (Private Works) of the Local Government Act, Council approves the use of Council's public art funds for the installation of mural art on the walls of two properties at 34 - 38 Cherry Street and 2/105 River Street, Ballina as part of the Ballina Street Art Project, at no charge to the landowner.
2. That Council, with respect to point one above, note the cost of the mural installations is estimated to be \$20,000 and the reasons for not charging the property owners are:
  - The works primarily relate to achievement of wider community benefits through improving the visual amenity of the area and reducing graffiti potential.
  - The works address the public domain.
  - The works are minor.
  - Any private benefit to the property owner is reasonable in the circumstances.

### Attachment(s)

Nil

## **8.5 Policy (Review) - Alcohol Regulation on Public Land - Submissions**

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### **8.5 Policy (Review) - Alcohol Regulation on Public Land - Submissions**

**Section** Open Spaces

**Objective** To outline submissions received on the review of the Alcohol Regulation on Public Land Policy and to seek Council's direction on adopting the policy.

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#### **Background**

At the 27 April 2023 Ordinary meeting Council adopted a review of the Alcohol Regulation on Public Land Policy and resolved to place it on exhibition for public feedback.

The revised policy was placed on public exhibition with the closing date of 26 May 2023. Ten submissions were received, copies of which are included as Attachment 1 to this report.

#### **Key Issues**

- Address submissions

#### **Discussion**

The revised policy was exhibited for a period of 28 days to allow for public comment. The exhibition was notified via Council's website and by way of community notices. Copies of the document were made available at Council's Community Access Points.

The key change in the policy was to remove Ross Park Lennox Head as an Alcohol Prohibited area 24 hours a day, every day.

Attachment 2 is a copy of the exhibited policy. The font in red is being deleted from the policy, being the reference to Ross Park, Lennox Head.

Now that upgrade works in Ross Park have improved passive surveillance and amenity, the intention was to make the regulation of alcohol in Ross Park consistent with other reserves throughout the Shire, by removing the 24 hour a day prohibition.

Ten submissions were received.

Nine out of the ten submissions requested broader restrictions on the consumption of alcohol on public land.

The key issues raised in the submissions include:

- antisocial and violent behaviour associated with alcohol consumption
- safety and crime concerns
- request to limit the hours alcohol can be consumed in public places more generally

## **8.5 Policy (Review) - Alcohol Regulation on Public Land - Submissions**

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- allowing alcohol consumption in parks on ANZAC day (reference to clause 2.4(a) of the existing policy)
- a request to individually consider each neighbourhood park, parks containing playground equipment and parks adjoining residential areas to determine the hours alcohol can be consumed.

One submission was focused on the proposed amendment to remove Ross Park as an Alcohol Prohibited area 24 hours a day, every day.

That submission noted that:

- Ross Park contains play equipment
- there are many properties within Lennox Head with liquor licences and some are within 100 meters of Ross Park
- in 2022 Lennox Head recorded several alcohol related assaults
- removing the 24 hour prohibition from Ross Park would potentially increase the risk of harm, physical conflict and/or exposure to violence.

The change in the policy in relation to Ross Park brings Ross Park in line with alcohol consumption policy in other parks across the Shire.

Regardless of the policy approach, Council will continue to work with the NSW Police and respond to community concerns regarding the management of alcohol in public places.

Under clause 2.3(a) of the policy, a prohibition on the consumption of alcohol in a particular public place can be introduced if a place is experiencing problems with consumption of alcohol.

### **Delivery Program Strategy / Operational Plan Activity**

The policy aligns with the following Delivery Program strategy:

CC1.2 – Ensure relevant public health and safety standards are being met.

### **Community Engagement Strategy**

The policy was placed on public exhibition with the closing date of 26 May 2023.

### **Financial / Risk Considerations**

There are minor cost implications to install new park regulatory signage. This can be managed through the existing Open Spaces operational budget.

### **Options**

Option 1 - Council can re-confirm the adoption of the policy as exhibited.

Option 2 - Council can make further amendments to the policy and adopt the amended policy.

## **8.5 Policy (Review) - Alcohol Regulation on Public Land - Submissions**

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Inappropriate alcohol consumption and associated anti-social behaviour in public places (including Council managed land) can be addressed by NSW Police regardless of Council's policy approach.

A policy position to restrict alcohol on Council managed land may be a deterrent to some and can be used by police in the address of inappropriate behaviour.

Conversely, a limitation on alcohol consumption in public places establishes a wide restriction on all members of the community and brings with it an expectation of enforcement and challenges with consistency in policy application.

If the policy is re-adopted as exhibited, where needed in the future in response to a situation or circumstance Council can apply a restriction in certain places under the policy (this would typically be done in consultation with, or at the request of, police).

Based on the above, Option 1 is the recommended approach.

### **RECOMMENDATIONS**

1. That Council notes the contents of the submissions as per Attachment 1 to this report.
2. That Council confirms its adoption of the Alcohol Regulation on Public Land Policy, as exhibited, as per Attachment 2 to this report, acknowledging that changes can be made to the policy to add or remove public areas where circumstances arise that support changes to the policy.

### **Attachment(s)**

1. Policy (Review) - Alcohol Regulation on Public Land - Exhibition Submissions [⇒](#)
2. Policy (Review) - Alcohol Regulation on Public Land - Exhibition [⇒](#)

## 8.6 Development Applications - Works in Progress - September 2023

### 8.6 Development Applications - Works in Progress - September 2023

This report provides an overview of current development application activity. The data for the current year is to the end of the month prior to the date of this report (i.e. to the end of August 2023). A list of development applications, not yet determined, that have been under assessment for a period of greater than 90 days is attached.

The 90 day threshold has been chosen as it provides a good indication of the volume of DAs that are in progress and overall workload, noting that several DAs are determined within a shorter timeframe. The data and reporting are continually being refined and there may be adjustments that result in minor alterations to the data sets as the reporting is improved.

#### Outstanding DAs by Month

The following tables for 2021, 2022 and year to date 2023 provide an indication of the number of DAs (including modifications) under assessment with reference to various timeframes.

Assessment Timeframe	2021											
	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Less than 90 days	97	93	84	90	87	77	50	61	64	107	144	192
90 to 180 days	61	71	100	126	143	146	142	142	152	125	102	87
180 to 365 days	58	60	68	74	85	98	94	89	83	78	65	60
More than 365 days	43	41	38	37	35	31	30	27	23	21	19	15
<b>TOTAL</b>	<b>259</b>	<b>265</b>	<b>290</b>	<b>327</b>	<b>350</b>	<b>352</b>	<b>316</b>	<b>319</b>	<b>295</b>	<b>331</b>	<b>330</b>	<b>354</b>

Assessment Timeframe	2022											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Less than 90 days	107	150	109	147	113	140	92	115	107	142	74	87
90 to 180 days	159	140	163	127	131	93	117	99	113	92	118	104
180 to 365 days	67	63	82	71	97	87	85	69	82	69	91	79
More than 365 days	23	23	31	29	34	30	41	34	37	36	50	48
<b>TOTAL</b>	<b>356</b>	<b>376</b>	<b>385</b>	<b>374</b>	<b>375</b>	<b>350</b>	<b>335</b>	<b>317</b>	<b>339</b>	<b>339</b>	<b>333</b>	<b>318</b>

Assessment Timeframe	2023							
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
Less than 90 days	61	91	73	101	72	95	93	93
90 to 180 days	114	97	83	73	93	70	69	49
180 to 365 days	86	79	103	91	84	63	70	61
More than 365 days	52	47	40	37	52	47	38	34
<b>TOTAL</b>	<b>313</b>	<b>314</b>	<b>299</b>	<b>302</b>	<b>301</b>	<b>275</b>	<b>270</b>	<b>237</b>



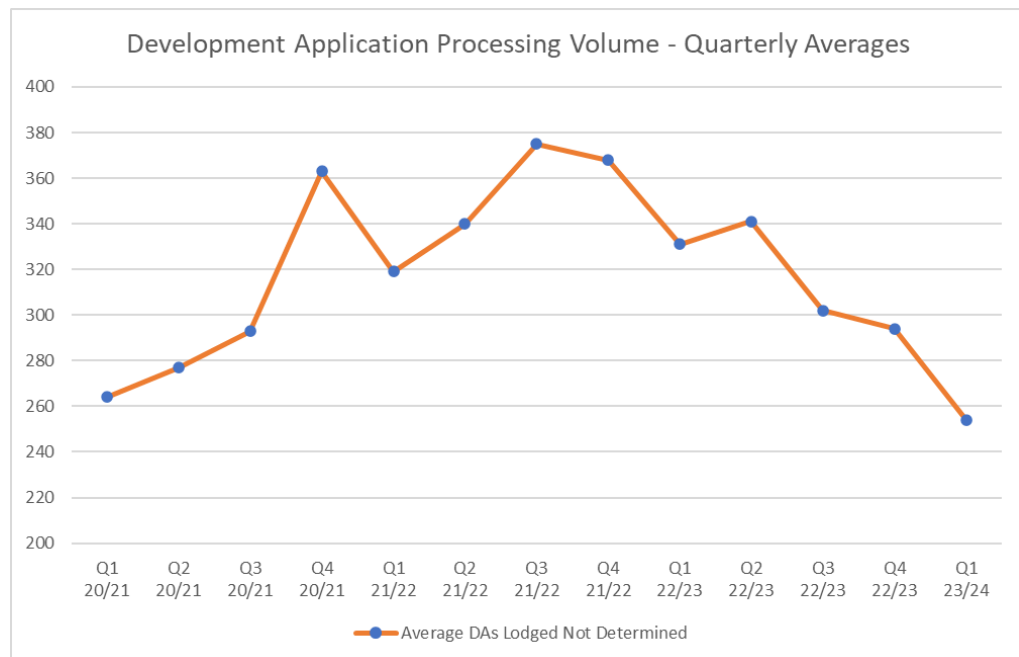
## 8.6 Development Applications - Works in Progress - September 2023

The number of outstanding (lodged but not determined) DAs over the last several months has seen an encouraging reduction. The number of outstanding DAs in August 2023 is 14% below the figure in June 2023 and 38% below the peak in March 2022.

### DA Determination Trend (Financial Year Comparison)

The following chart provides an overview of the volume of development applications lodged but not determined each quarter for the period July 2020 to the end of August 2023.

The quarterly figure represents the three monthly average of DAs lodged but not determined for that quarter.



In interpreting the figures it is important to note that the period between Q4 2020/21 and Q1 2021/22 aligns with the introduction of the NSW planning portal. This caused some fluctuation in the figures around this time primarily due to the portal changing the way DAs are received and lodged.

Overall, the trend over the last few years can be best described as a significant increase in DA volume at the end of 2020 and the beginning of 2021, which equated to an increase in the number of applications under assessment but not determined.

Since the peak of 385 applications lodged but not determined in March 2022 there has been a steady reduction in the volume of DAs under assessment at any one time, and a particularly noticeable decline across the last two quarters.

There is an ongoing challenge though in that there are continuing position vacancies for development assessment planners and building surveyors.

With respect to what is commonly referred to as the DA backlog, it is important to recognise that there will always be DAs under assessment.

## 8.6 Development Applications - Works in Progress - September 2023

In this regard it is not uncommon for councils similar to Ballina Shire to have in excess of 250 applications under assessment at any one time.

A focus at present is to achieve a further reduction in the number of applications under assessment at any one time, to complete assessments of DAs for alterations and additions to dwelling houses and construction of new dwelling houses and to continue to progress the determination of older applications in the system.

There are also other development related services and responsibilities that flow on from DA assessment to keep in mind.

For example, the Development Services Section has a range of responsibilities other than DA assessment including development compliance, building information certificates, subdivision certificate assessment, construction certificate assessment and critical stage building inspections, occupation certificate assessment, s.68 plumbing and drainage inspections and approvals and s.138 Roads Act approvals.

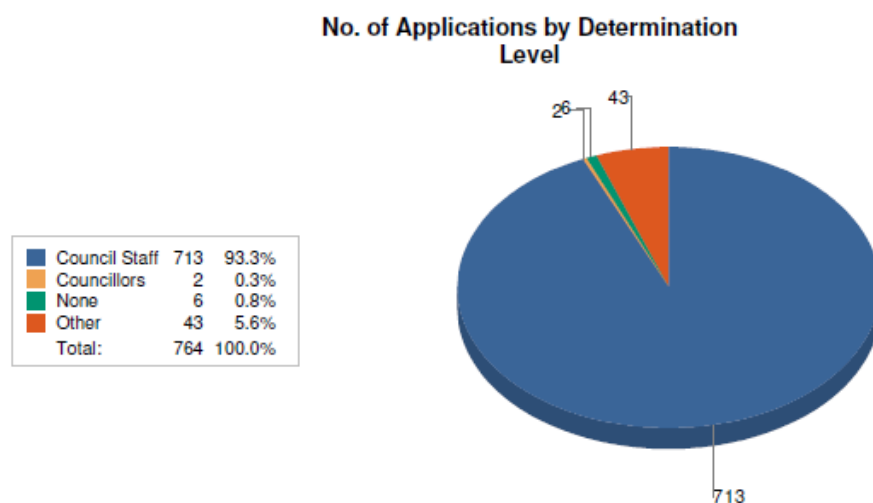
In addition, there are swimming pool barrier compliance inspections and certification, essential fire safety programs, provision of planning certificates and address of customer planning and building enquiries.

There are also considerable ongoing changes to Council's systems and processes to align with the State Government's planning reform agenda including the operation of the NSW Planning Portal.

### Determination Method

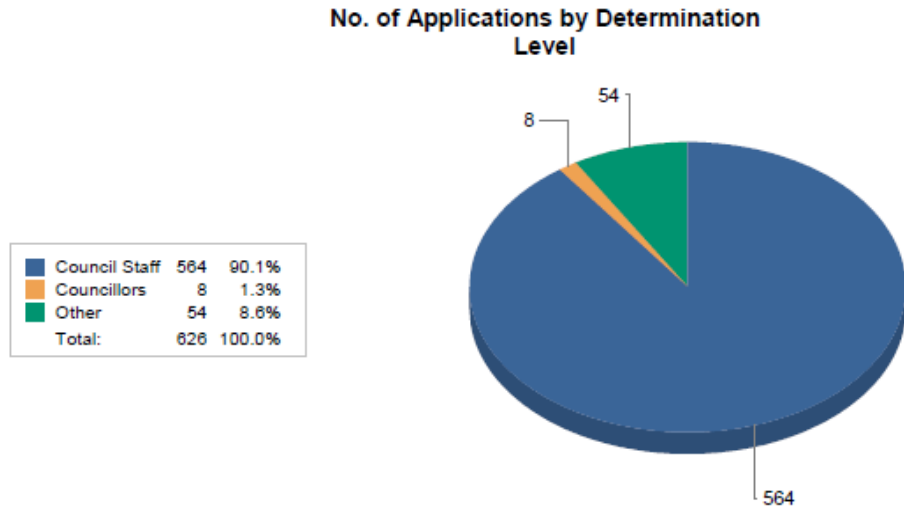
The following pie charts provide an overview as to how applications are being determined. 'Other' denotes applications withdrawn. 'None' denotes applications rejected. In both cases, the applications do not progress to determination.

2021/2022

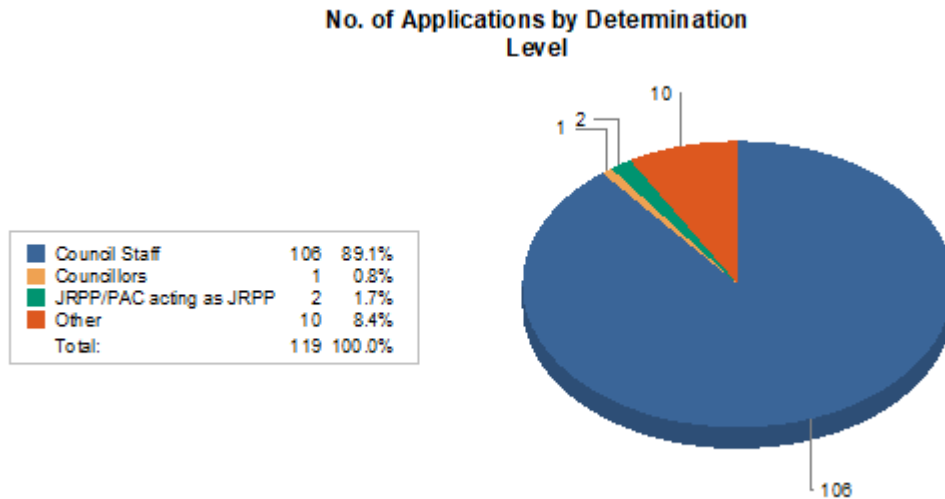


## 8.6 Development Applications - Works in Progress - September 2023

2022/2023



July 2023 to August 2023



In the July – August 2023 period, 97.5% of applications determined have been resolved by staff under delegation.

The target for the percentage of applications determined under delegated authority in the 2022/23 Delivery Program and Operational Plan is >95%.

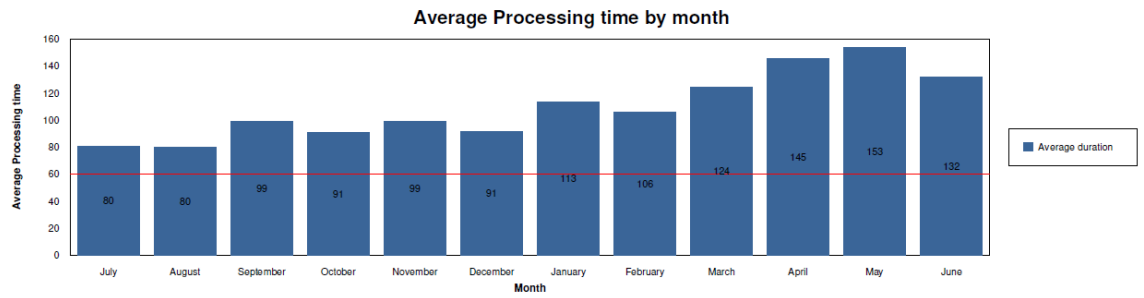
Two applications were determined by the Northern Regional Planning Panel.

### Processing Time

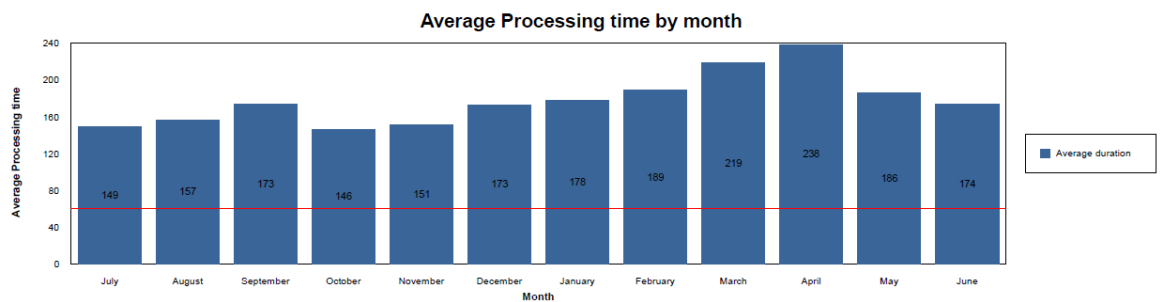
The following indicates average processing times for DAs by month.

In the charts the red line depicts the average monthly processing time target adopted in the relevant year's Delivery Program and Operational Plan.

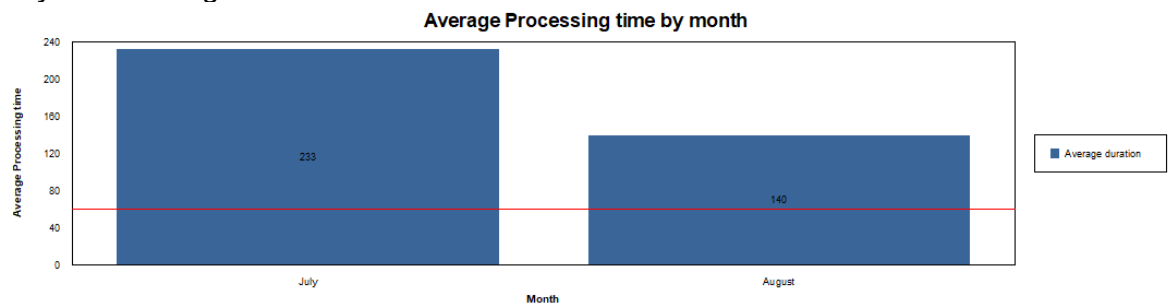
*2021/2022*



*2022/2023*



*July 2023 to August 2023*



Like the number of DAs undetermined, the average assessment time is a continued reflection of previous years' high DA volumes and complexity of incoming applications, ongoing management of a number of large development and subdivision projects and the determination of long outstanding DAs, which significantly contribute to average processing times.

A long-term downward trend is dependent on a sustained reduction in the number of DAs in the system that have been undetermined for a lengthy period.

The current resourcing strategy, including the engagement of external assistance, is aimed at reducing the volume of DAs held each month and in turn average processing times over a 12 to 18 month period. Being able to fill the current staff vacancies is critical to this strategy.

It is pleasing to note the improvement in the average processing time for August.

**Total DA Volume**

The next table provides an indication of the total volume of DAs annually. The figures are for DAs and section 4.55 modifications and do not include complying development certificates or other related applications for approvals. The volume of incoming DAs submitted has reduced throughout 2023 resulting in a 25% reduction in submitted applications for 2022/23 compared to 2021/22. This trend has continued in the July – August 2023 period.

Volume is not the only influence on the key assessment indicators. The type of applications received is also a significant factor and recently there have been enquiries and application submissions relating to substantial commercial and multi storey developments. This may be an early indication of a trend towards a greater proportion of this type of development proposal in the next 12-18 months.

	<b>Year</b>						
	<b>17/18</b>	<b>18/19</b>	<b>19/20</b>	<b>20/21</b>	<b>21/22</b>	<b>22/23</b>	<b>23/24 YTD</b>
<b>No. of DAs Submitted</b>	861	890	976	1,093	1,020	759	111
<b>% Change</b>	N/A	+3.4%	+9.7%	+12%	-7.2%	-25%	NA

**Residential Subdivisions**

There is substantial ongoing work in relation to residential subdivisions, in particular planning and engineering resources are being applied to the subdivisions known as Aureus, Epiq, The Crest, Lennox Rise, Banyan Hill, Ballina Heights, and private and Council land at Wollongbar.

These matters are at various stages of roll out with key areas of activity for Council relating to oversight of civil construction works, assessment of assets to be handed over to Council, monitoring of environmental and landscape works, monitoring of compliance with conditions of consent, processing of required applications (e.g. subdivision works certificates and subdivision certificates), responding to community enquiries and documentation of decisions.

Subdivision certificates for a number of these subdivisional estates are ongoing.

In addition to the work associated with the roll out of these subdivisions and creation of registered lots, considerable Council resources are applied to the subsequent dwelling approvals on these newly created allotments, building construction inspections and certification and plumbing and drainage approvals and inspections.

**External Assessment Program**

Prior to the 2022/23 financial year, Council received various external assistance in the assessment of DAs. This included the Department of Planning’s Regional Flying Squad and Port Stephens Council.

## **8.6 Development Applications - Works in Progress - September 2023**

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Since the commencement of the 2022/23 financial year, planning consultants have been continuing to assist with the assessment of housing DAs. These consultants will continue with assessment work for Council (through Council engagements) to assist in reducing the volume of outstanding DAs and prioritising DAs for housing.

This is particularly important given the volume of applications with Council and the difficulty in recruiting suitably qualified and experienced staff to fill existing vacancies.

In addition to these consultants, the Regional Housing Flying Squad announced a new program of assistance for 2022/23.

During the 2022/23 financial year 28 DAs were assigned to the flying squad for assessment. These applications are coordinated, reviewed and determined by Council, with the assessment being undertaken by the Regional Housing Flying Squad.

As an expansion of the external assistance program, Council has accessed an external resource program that LGNSW manages. The assessment of a number of housing related applications have been assigned under this program.

Overall, 136 DAs have been determined and 80 are being assessed under Council's external assessment program.

### **RECOMMENDATION**

That Council notes the contents of the report on the status of outstanding development applications for September 2023.

### **Attachment(s)**

1. Undetermined DAs (Under Assessment >90 Days) [⇒](#)

## 9.1 Investment Summary - August 2023

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### 9. Corporate and Community Division Reports

#### 9.1 Investment Summary - August 2023

<b>Section</b>	Financial Services
<b>Objective</b>	To provide details of Council's cash and investments portfolio breakup and performance

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#### **Background**

In accordance with the Local Government (General) Regulation 2021, the Responsible Accounting Officer of a council must provide a monthly investment report setting out the council's cash and investments.

The report is to be presented at the ordinary meeting, immediately following the end of the respective month.

This report has been prepared to confirm the cash and investments held as of 31 August 2023.

This report provides details of the total funds invested, where the investments are held and other related matters, to confirm that Council is complying with Council's Investment Policy and to ensure transparency.

The Responsible Accounting Officer certifies that the investments have been made in accordance with the Act, the Regulations and Council's Investment Policy.

#### **Key Issues**

- Compliance with Investment Policy

#### **Discussion**

Council's investments are in accordance with Council's Investment Policy, Section 625 of the Local Government Act 1993, and the Local Government (General) Regulation 2021.

A copy of the Investment Policy adopted 27 July 2023 is available on Council's website.

The total balance of investments, as at 31 August 2023, was \$109.3m, compared to a balance of \$116.3m as at 31 July 2023.

Council's investments, as at 31 August 2023, were invested at a weighted average interest rate of 4.795%, which was 0.642% higher than the August average 90 Day Bank Bill Index (BBSW) of 4.153%.

The balance of Council's Commonwealth Bank business account, as at 31 August 2023, was \$11,805,006 which compares to a balance of \$7,592,186 as at 31 July 2023.

## 9.1 Investment Summary - August 2023

Total combined cash and investments, as at 31 August 2023, was \$121,105,006, compared to \$123,892,186 at 31 July 2023.

The net decrease of \$2.8m in cash and investments from July to August is the result of creditor payments being inflated with the payment of a progress claim of \$7.7m for the airport runway works. These payments were offset by the receipt of rates instalments paid at the end of the month.

TCorp's monthly Economic Commentary report for August 2023 can be viewed using the following link: [Monthly Economic Report – August 2023 \(nsw.gov.au\)](https://www.nsw.gov.au/monthly-economic-commentary)

### *Restricted Reserves*

The majority of Council's investment portfolio is restricted by legislation (external) and Council (internal) uses for specific purposes. The next table reflects the portfolio percentages based on balances as at 30 June 2023.

Reserve Name	Restriction	% Portfolio
Wastewater (incl developer contributions)	External	18.18%
Water (incl developer contributions)	External	15.32%
Section 7.11 Developer Contributions	External	13.40%
Domestic Waste Management	External	1.47%
Bonds and Deposits	External	3.88%
Specific Purpose Unexpended Grants	External	8.75%
Commercial Properties	External	0.81%
Carry Forward Works	Internal	2.43%
Bypass Maintenance	Internal	2.72%
Management Plans / Studies	Internal	1.15%
Airport	Internal	7.80%
Landfill and Resource Management	Internal	1.60%
Employee Leave Entitlements	Internal	2.22%
Quarries	Internal	0.49%
Property	Internal	5.85%
Plant and Vehicle Replacement	Internal	1.14%
Road Works	Internal	1.77%
Open Spaces	Internal	1.61%
Miscellaneous Internal Reserves	Internal	2.45%
Community Facilities	Internal	0.62%
Financial Assistance Grant in Advance	Internal	4.21%
Unrestricted		2.13%
<b>Total</b>		<b>100.00%</b>

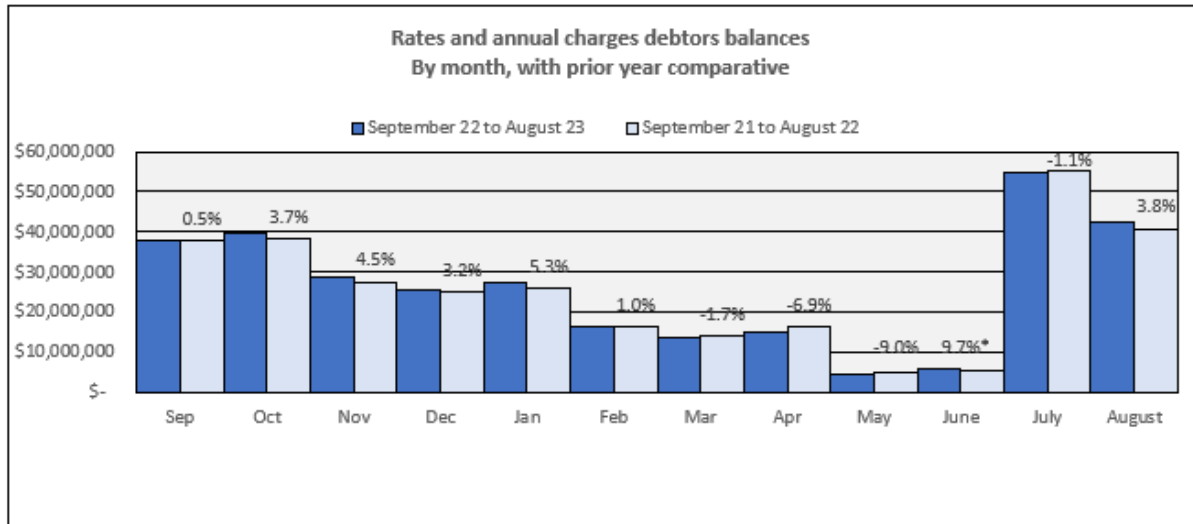
### *Debtors*

The following chart presents the month end balance of rates and annual charges debtors for the 12-month period ended 31 August 2023, and the percentage variance, in comparison to the prior year.

The debtors balance, as at 31 August 2023, was 3.8% higher than the balance as at 31 August 2022. This is due to the change in the timing of the billing cycle with some of the water and wastewater components moving to a separate assessment with a later payment due date.



## 9.1 Investment Summary - August 2023



\*June 2023 water and wastewater component of the balance has been adjusted to account for the change in timing of the billing cycle.

### A. Investments by Institution

Funds Invested With	Fossil Fuel Free / Green	Rating S&P	31 July \$'000	31 August \$'000	Quota %	% of Total
AMP Bank	No	BBB	6,000	6,000	20%	5.50%
Australian Unity	n/a	BBB+	5,000	5,000	20%	4.57%
Auswide Bank	Yes	BBB	7,000	7,000	20%	6.40%
Bank of Queensland	No	BBB+	7,000	6,000	20%	5.50%
BankVic	Yes	BBB+	7,000	7,000	20%	6.40%
Bendigo & Adelaide Bank	Yes	BBB+	1,000	1,000	20%	0.91%
Beyond Bank	Yes	BBB	2,000	2,000	20%	1.84%
Commonwealth Bank	No	AA-	18,000	18,000	20%	16.47%
Defence Bank Ltd	Yes	BBB	7,000	7,000	20%	6.40%
Great Southern Bank	Yes	BBB	7,000	7,000	20%	6.40%
MyState Bank Ltd	Yes	BBB+	6,000	6,000	20%	5.50%
National Australia Bank	No	AA-	17,000	17,000	20%	15.55%
Newcastle Perm Build Society	Yes	BBB	1,000	1,000	20%	0.91%
Police Bank	Yes	BBB	4,000	4,000	20%	3.66%
Suncorp Limited	Yes	A+	8,300	8,300	20%	7.59%
Westpac Bank Corp	No	AA-	13,000	7,000	20%	6.40%
<b>Total</b>			<b>116,300</b>	<b>109,300</b>		<b>100.0%</b>

Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value 31 July \$'000	Value 31 August \$'000	% 31 July	% 31 August
	%	Value				
A- or Higher	100%	109,300	56,300	50,300	48.4%	46.0%
BBB	60%	65,580	60,000	59,000	51.6%	54.0%
<b>Total</b>			<b>116,300</b>	<b>109,300</b>	<b>100.0%</b>	<b>100.0%</b>

Liquidity Risk Parameters as per the Investment Policy	Maximum Allowed		Value 31 July \$'000	Value 31 August \$'000	% 31 July	% 31 August
	%	Value				
Term equal to 1 year or less	100%	109,300	108,000	102,000	92.9%	93.3%
Term > 1 year and < 3 years	40%	43,720	-	-	-	-
Term > 3 years	20%	21,860	8,300	7,300	7.1%	6.7%
<b>Total</b>			<b>116,300</b>	<b>109,300</b>	<b>100.0%</b>	<b>100.0%</b>

**B. Fossil Fuel Free and Green Investments**

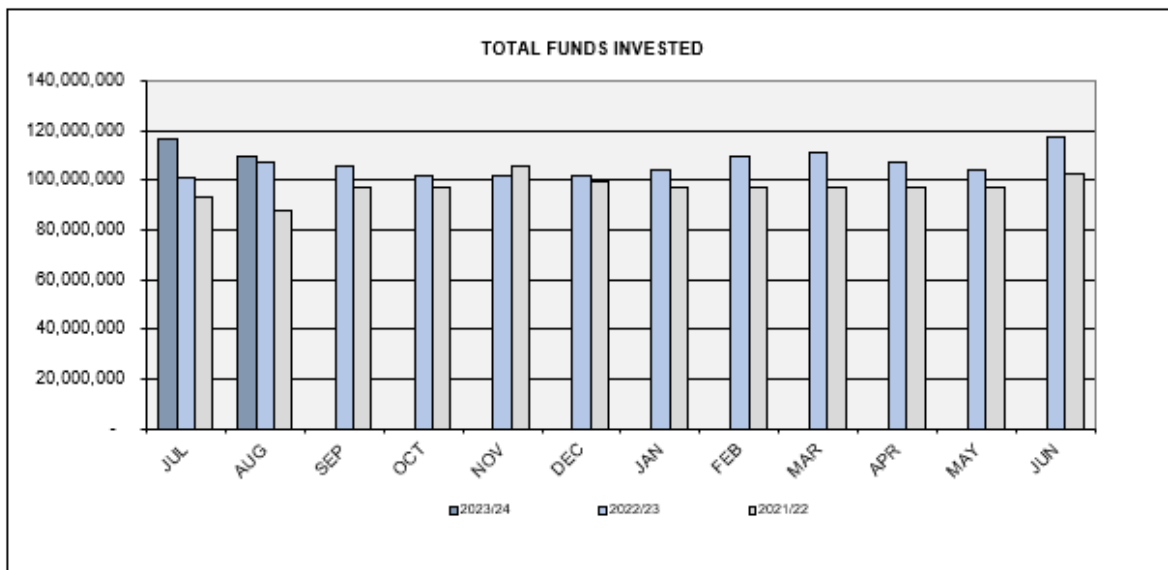
Environmental Classification	31 July 2023		31 August 2023	
	(\$'000)	(%)	(\$'000)	(%)
Fossil Fuel Aligned and Non-Green Investments	61,000	52.5	54,000	49.4
Fossil Fuel Free Investments	50,300	43.2	50,300	46.0
Green Investments	0	0	0	0
Not Classified	5,000	4.3	5,000	4.6
<b>Total</b>	<b>116,300</b>	<b>100.0</b>	<b>109,300</b>	<b>100.0</b>

In August 2023, nine investments matured totalling \$17.3m.

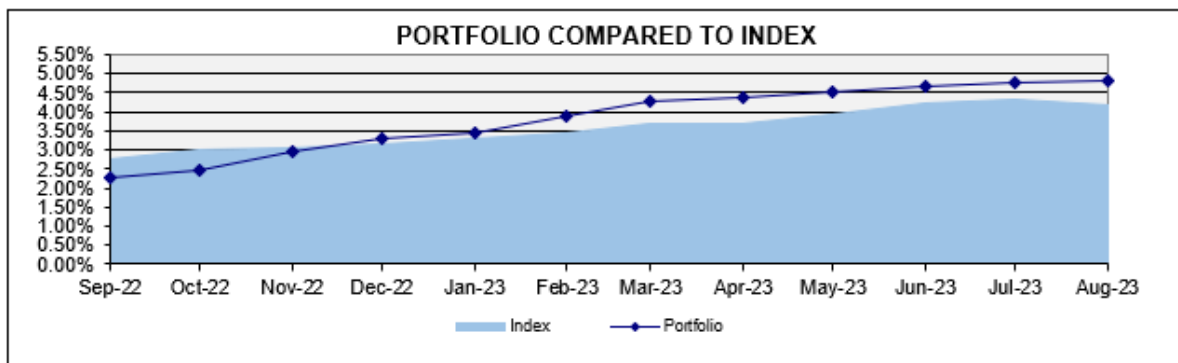
Eight of these investments were held with a fossil fuel aligned institution (\$16.0m).

Four new investments totalling \$10.3m were placed, including one investment totalling \$1.3m with a non-fossil fuel aligned institution.

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

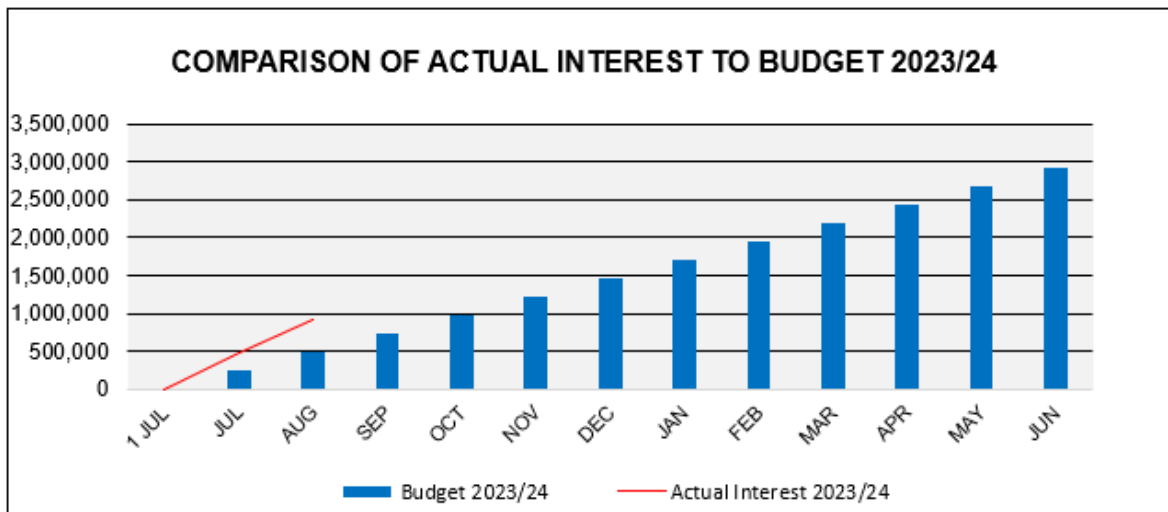


**D. Comparison of Portfolio Investment Rate to 90 Day BBSW**



## 9.1 Investment Summary - August 2023

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



Interest for the first two months of this financial year is trending well. A review of the interest budget will be completed as part of the September 2023 quarterly budget review.

### F. Investments held as of 31 July 2023 and 31 August 2023

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 July \$'000	31 August \$'000
31/07/18	Westpac Banking Corporation	FRN	4.61%	02/08/23	1,000	-
11/01/19	Commonwealth Bank of Australia	FRN	5.43%	11/01/24	1,000	1,000
08/02/19	Westpac Banking Corporation	FRN	5.23%	06/02/24	2,000	2,000
24/02/21	Suncorp-Metway Limited	FRN	4.59%	24/02/26	1,300	1,300
04/03/21	Newcastle Permanent Bld Society	FRN	3.70%	04/03/26	1,000	1,000
18/06/21	Bendigo & Adelaide Bank	FRN	4.34%	18/06/26	1,000	1,000
29/06/23	AMP Bank	FRN	5.97%	29/06/26	1,000	1,000
16/08/22	Westpac Banking Corporation	TD	3.95%	14/08/23	2,000	-
16/08/22	Commonwealth Bank of Australia	TD	3.98%	15/08/23	4,000	-
18/08/22	Westpac Banking Corporation	TD	3.96%	15/08/23	1,000	-
29/08/22	Commonwealth Bank of Australia	TD	4.17%	29/08/23	3,000	-
01/09/22	Westpac Banking Corporation	TD	4.17%	29/08/23	2,000	-
01/09/22	Bank of Queensland	TD	4.15%	29/08/23	1,000	-
06/09/22	Bank of Queensland	TD	4.15%	05/09/23	4,000	4,000
27/09/22	MyState Bank Ltd	TD	4.60%	26/09/23	1,000	1,000
13/10/22	Police Bank Ltd	TD	4.40%	10/10/23	2,000	2,000
19/10/22	AMP Bank	TD	4.65%	17/10/23	2,000	2,000
25/10/22	Suncorp-Metway Limited	TD	4.60%	24/10/23	2,000	2,000
02/11/22	Beyond Bank	TD	4.55%	01/11/23	2,000	2,000
08/11/22	AMP Bank	TD	4.80%	07/11/23	3,000	3,000
09/11/22	Defence Bank Ltd	TD	4.60%	08/11/23	2,000	2,000
09/11/22	Australian Unity Bank	TD	4.60%	09/11/23	1,000	1,000
22/11/22	Police Bank Ltd	TD	4.40%	21/11/23	2,000	2,000
29/11/22	Defence Bank Ltd	TD	4.50%	28/11/23	1,000	1,000
29/11/22	Australian Unity Bank	TD	4.50%	28/11/23	2,000	2,000
30/11/22	Auswide Bank	TD	4.55%	29/11/23	1,000	1,000

## 9.1 Investment Summary - August 2023

PURCH DATE	ISSUER	TYPE	RATE	FINAL MATURITY DATE	31 July \$'000	31 August \$'000
07/12/22	BankVic	TD	4.60%	05/12/23	2,000	2,000
09/12/22	BankVic	TD	4.62%	06/12/23	2,000	2,000
13/12/22	Suncorp-Metway Limited	TD	4.36%	12/12/23	1,000	1,000
10/01/23	BankVic	TD	4.65%	09/01/24	1,000	1,000
18/01/23	Westpac Banking Corporation	TD	4.56%	17/01/24	2,000	2,000
24/01/23	BankVic	TD	4.50%	23/01/24	2,000	2,000
25/01/23	Auswide Bank	TD	4.60%	18/01/24	2,000	2,000
31/01/23	Great Southern Bank	TD	4.69%	25/01/24	3,000	3,000
10/02/23	Westpac Banking Corporation	TD	4.84%	07/02/24	3,000	3,000
15/02/23	National Australia Bank	TD	4.90%	13/02/24	4,000	4,000
20/02/23	National Australia Bank	TD	4.89%	15/02/24	7,000	7,000
20/02/23	Commonwealth Bank of Australia	TD	4.91%	19/02/24	7,000	7,000
21/02/23	Defence Bank Ltd	TD	4.95%	28/02/24	1,000	1,000
28/02/23	Defence Bank Ltd	TD	5.00%	05/03/24	1,000	1,000
01/03/23	Defence Bank Ltd	TD	5.00%	12/03/24	2,000	2,000
01/03/23	National Australia Bank	TD	5.00%	12/03/24	3,000	3,000
03/03/23	Bank of Queensland	TD	5.06%	19/03/24	2,000	2,000
04/04/23	Auswide Bank	TD	4.90%	02/04/24	3,000	3,000
04/04/23	Auswide Bank	TD	4.90%	10/04/24	1,000	1,000
05/04/23	Suncorp-Metway Limited	TD	4.45%	05/10/23	1,000	1,000
23/05/23	Great Southern Bank	TD	5.11%	21/05/24	2,000	2,000
30/05/23	MyState Bank Ltd	TD	5.10%	28/05/24	2,000	2,000
31/05/23	Great Southern Bank	TD	4.70%	04/06/24	2,000	2,000
21/06/23	Suncorp-Metway Limited	TD	5.45%	19/12/23	3,000	3,000
21/06/23	Australian Unity Bank	TD	5.60%	18/06/24	2,000	2,000
27/06/23	National Australia Bank	TD	5.40%	07/01/24	3,000	3,000
27/06/23	Commonwealth Bank of Australia	TD	5.50%	25/06/24	3,000	3,000
28/06/23	MyState Bank Ltd	TD	5.50%	18/01/24	3,000	3,000
28/08/23	Commonwealth Bank of Australia	TD	5.41%	26/08/23	-	3,000
29/08/23	Commonwealth Bank of Australia	TD	5.41%	27/08/23	-	4,000
	<b>Total</b>				<b>116,300</b>	<b>109,300</b>
	TD=Term Deposit; FRN=Floating Rate Note					

### RECOMMENDATION

That Council notes the report of banking and investments for August 2023.

### Attachment(s)

Nil

## 9.2 Deputy Mayor - Election

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### 9.2 Deputy Mayor - Election

#### Delivery Program

Governance

#### Objective

To determine whether Council wishes to appoint a Deputy Mayor and if so, how that position is to be elected.

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#### Background

Section 231 of the Local Government Act states as follows:

- (1) *The councillors may elect a person from among their number to be the deputy mayor.*
- (2) *The person may be elected for the mayoral term or a shorter term.*
- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
- (4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Council's January 2022 resolution elected the Deputy Mayor for the period until September 2023.

It is Council's decision whether it wishes to have a Deputy Mayor from September 2023 to the end of the term, being September 2024. The date of the election is 14 September 2024.

It has been normal practice for Council to elect the Deputy Mayor for one year although Section 231(2) allows the election to be for any period up to the entire term of Council.

Nominations for the office of Deputy Mayor are to be submitted in writing to the General Manager/Returning Officer, signed by the nominee and at least two or more Councillors, prior to this report being discussed at the Ordinary meeting.

Copies of the nomination forms are attached under separate cover.

A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor.

The amount of the fee so paid must be deducted from the Mayor's annual fee. (Section 249(5) of the Local Government Act).

The Office of Local Government has advised that such an allowance cannot be established on an annual basis and paid as an annual figure. It must reflect actual time acting as the Mayor.

This means the Deputy Mayor will only receive an allowance if the Mayor is on a period of extended leave and Council has resolved to pay an allowance.

### Key Issues

- To determine whether Council wishes to appoint a Deputy Mayor
- Method of voting

### Discussion

An election must be held if more than one nomination is received. Council must determine whether the voting is to be by preferential ballot (if three or more candidates nominated), ordinary ballot (secret ballot) or open voting.

Local Government (General) Regulation 2021 - Schedule 7 - Election of Mayor by Councillors is applicable for this election.

As per clause 3 of that regulation:

*If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting (show of hands).*

The previous vote by the current Council for the Deputy Mayor was based on an ordinary ballot.

### Delivery Program Strategy / Operational Plan Activity

EL1.2 – Involve our community in our planning and decision-making processes.

### Community Engagement Strategy

Not applicable.

### Financial / Risk Considerations

Nil.

### Options

The options are to have, or not have, a Deputy Mayor. The recommendation reflects Council's traditional practices.

In respect to voting, if Council resolves to have a secret ballot (i.e. preferential or ordinary) and any Councillors attend this meeting remotely, it will be a matter for the returning officer (the General Manager) to collect their votes.

**RECOMMENDATIONS**

1. That Council elect a Deputy Mayor for the period to September 2024.
2. That the method of voting for the election of Deputy Mayor be by way of ordinary (secret) ballot.
3. That Council allow the voting through text messaging or emails to the General Manager for Councillors accessing the meeting remotely.
4. That the number of votes at the ballot be revealed at the meeting and that the General Manager, following the meeting, destroy the ballot papers and text messages and emails for Councillors attending remotely.

**Attachment(s)**

Nil

### **9.3 Local Government NSW Annual Conference - Voting Delegates**

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#### **9.3 Local Government NSW Annual Conference - Voting Delegates**

<b>Section</b>	Communications
<b>Objective</b>	To determine Council's voting delegates to the 2023 Local Government NSW Annual Conference.

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#### **Background**

The Local Government NSW (LGNSW) Annual Conference is being held from 12 to 14 November 2023 in Rosehill, Sydney.

At this stage, six Councillors have indicated their interest in attending. The six Councillors are Crs Cadwallader, Bruem, Ramsey, Johnston, Chate and McCarthy.

Council is entitled to three voting delegates for the policy motions and for the election of the Association's Board. Names of voting delegates are required to be submitted prior to 27 October 2023.

The purpose of this report is to confirm the voting delegates.

#### **Key Issues**

- Determination of voting delegates
- Method of voting

#### **Discussion**

LGNSW is the main industry representative organisation for councils. A large part of this annual conference focuses on motions submitted by councils with the delegates voting on the merits of the motions.

If supported, motions become priority matters for LGNSW to pursue, typically with the State Government.

Council's attendees at the 2022 conference were Crs Bruem, Ramsey, Johnston and Chate, with Cr Chate being a non-voting attendee. The Mayor, Cr Cadwallader, attended on behalf of Rous County Council and was their voting delegate.

#### **Delivery Program Strategy / Operational Plan Activity**

This report is consistent with Delivery Program strategy EL1.2 Involve our community in our planning and decision-making processes.

#### **Community Engagement Strategy**

No public consultation is required to be undertaken in relation to this attendance.



### 9.3 Local Government NSW Annual Conference - Voting Delegates

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#### **Financial / Risk Considerations**

Funds are available within the Council's professional development budget to finance Councillors attending this conference and will be allocated from the \$5,000 allowance per year for each Councillor.

#### **Options**

To determine the three voting delegates, the first step is to determine how many Councillors wish to have the voting right.

If there are more than three nominees, and if there is no consensus, it will be necessary to conduct an election(s) for each voting delegate based on open voting, as per clause 11.10 of the Code of Meeting Practice, i.e.

*Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

#### **RECOMMENDATION**

That Council confirms its voting delegates (maximum of three) for the LGNSW Annual Conference in November 2023, are as determined at this meeting.

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

1. Nil ➡

## 9.4 Donation - Australian Representation

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### 9.4 Donation - Australian Representation

**Section** Communications

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

---

#### **Background**

Council receives requests to financially support athletes who reside in the Ballina Shire if they are selected to represent Australia in their chosen field of sport.

Council recently received an application for financial support under the Donation - Australian Representation Policy.

The application is seeking assistance for travel expenses from a Ballina Shire resident who has been invited to represent Australia at the 2023 ISA World Para Surfing Championships held in the USA.

The objective of the policy is to provide financial assistance to residents who represent Australia.

#### **Key Issues**

- Compliance with Council policy
- Equity in donation assistance

#### **Discussion**

Joel Taylor, a resident of the Ballina Shire, has been identified and selected to represent Australia as an Irukandji in the World Para Surfing Championship in November 2023 (refer Attachment 1).

Joel is seeking Council's financial assistance under the Donations – Australian Representation Policy to support the expenses incurred to participate.

In terms of compliance with the policy, Joel's application complies with all aspects of the selection criteria including:

- confirmed resident of the Ballina Shire
- has not previously received a donation this year
- assistance is for the expenses incurred as part of their role representing Australia
- has been selected by the nationally recognised federation, Surfing Australia.

Surfing Australia has confirmed all athletes are responsible for travel and accommodation costs.

#### **Delivery Program Strategy / Operational Plan Activity**

CC3.2 - Provide young people with a range of leisure activities.

## **9.4 Donation - Australian Representation**

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### **Community Engagement Strategy**

This matter has not been subject to community consultation, although the policy is exhibited for public comment when reviewed every four years.

### **Financial / Risk Considerations**

There is no specific budget allocation for the Donations - Australian Representation policy as the donation requests have historically been very infrequent. Any allocation is typically funded from the Community Donations budget.

However, this will be the fifth report to Council this calendar year for a donation under this policy, and with opportunities for representing Australia continuing to expand, and there being no allocated budget for this program, Council will need to either tighten the eligibility criteria for a donation, or create a recurrent funding program, to minimise any impact on the overall budget.

### **Options**

Council has an option to support the application, or not support the application.

This application for Australian Representation meets all the criteria in the policy and it is recommended this request be approved.

### **RECOMMENDATION**

That Council approves the donation for \$513 for Joel Taylor towards travel expenses to compete at the World Para Surfing Championships held in the USA in November 2023 as per Council's Donations – Australian Representation Policy.

### **Attachment(s)**

1. Australian Representation - Selection Letter Surfing Australia - Joel Taylor  
[⇒](#)

## 9.5 Policy (Review) - Internal Reporting Policy

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### 9.5 Policy (Review) - Internal Reporting Policy

**Section** Governance

**Objective** To review the Internal Reporting Policy to align with changes to the Public Interest Disclosures Act 2022

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#### **Background**

The Internal Reporting Policy was last reviewed by Council at the 24 November 2022 Ordinary meeting.

At that time Council was advised that the new Public Interest Disclosures Act 2022 (PID) received assent in April 2022 and would take effect in October 2023 with Council commencing the transitional process under the new Act.

Since April 2022 the NSW Ombudsman has been developing guidance material, including a model template policy, and supporting training resources, to assist councils in implementing the new Act requirements. This material was released to councils in July and August 2023.

The focus of the new Act is to create a strong 'speak up' culture that encourages and supports staff to report wrongdoing and ensure integrity within the public sector. The key changes will include:

- New simplified framework for reporting
- Clarity for agencies on their obligations
- Focus on 'speak up' culture for reporting
- Provision of more comprehensive protection for individuals involved in investigating PIDs
- Incorporate additional reporting obligations

This policy review brings Council's current policy into alignment with the new PID Act 2022 requirements.

The new draft policy is included as Attachment 1 to this report.

#### **Key Issues**

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

#### **Discussion**

The Public Interest Disclosure Act (PID) 2022 will take effect from 1 October 2023. This new Act will replace the Public Interest Disclosures Act 1994 (1994 Act).

The PID Act 2022 has expanded the pathways to report serious wrongdoing. This includes reporting to a disclosure officer, managers and supervisors and other agencies.

## 9.5 Policy (Review) - Internal Reporting Policy

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There are three categories of PIDs under the new Act being:

- **Voluntary PID** – a public official has come forward to disclose wrongdoings
- **Mandatory PID** – a public official is required to report wrongdoing due to a legal obligation to report or part of their role / function
- **Witness PID** – a person discloses information as part of investigation of serious wrongdoing, following a request or requirement of an investigator.

Voluntary and mandatory PIDs are generally made by public officials who work for an agency.

Section 16 of the PID Act defines an agency to be any of the following:

- a public service agency
- a group of staff comprising each of the following services, or a separate group of those staff:
  - the NSW Police Force
  - the Teaching Service of New South Wales
  - the NSW Health Service
  - the Transport Service of New South Wales
- a statutory body representing the Crown
- an integrity agency
- a public authority whose conduct or activities are authorized to be investigated by an integrity agency under another Act or law
- a state-owned corporation or its subsidiaries
- a Local Government Authority
- a Local Aboriginal Land Council
- the Department of Parliamentary Services, the Department of the Legislative Assembly, and the Department of the Legislative Council.

It is a requirement under the new Act for all council officials, councillors and contractors engaged, to be trained.

The NSW Ombudsman has prepared training to support this transition process.

Under the new PID requirements supervisors and managers are required to be adequately trained to be able to receive and pass on voluntary PIDs from staff they supervise.

They also have a key role in creating a culture within their teams for staff to feel comfortable and supported to report complaints about wrongdoing and to ensure that the PID is reported to a disclosure officer.

To meet the new changes Council will need to identify and provide training to employees, managers and supervisors and disclosure officers nominated throughout all work locations and to appoint Disclosure Coordinators to manage the investigation, reporting and management of PIDs.

This training is required to be completed by April 2024.

A significant change under the new Act is the requirement to have a nominated disclosure officer located at each Council worksite, including sites managed by contractors such as Council's swimming pool facilities.

## **9.5 Policy (Review) - Internal Reporting Policy**

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Council has existing Disclosure Coordinators appointed, being the Director Corporate and Community and the Coordinator Information Management. These officers will retain this function under the new policy requirements.

The identified new Disclosures Officers have been listed in Appendix A of the new policy.

To support Council's transition into the new PID Act 2022, Council is now required to adopt the new policy based on the new Model Policy requirements developed by the NSW Ombudsman.

The policy also needs to reflect contemporary language, and the name of the policy will change from Internal Reporting to Public Interest Disclosure.

### **Delivery Program Strategy / Operational Plan Activity**

The Public Interest Disclosure Policy is an important component of ensuring accountability and transparency in Council's decision making, fraud and corruption prevention, and reporting processes.

EL2.3 Provide effective risk and safety practices

### **Community Engagement Strategy**

The policy will need to be exhibited for public comment.

If any submissions are received, they can be reported back to Council.

### **Financial / Risk Considerations**

The adoption of the Public Interest Disclosure Policy is a requirement for Council to meet the requirements of the new PID Act.

Part of the implementation of the new policy and legislation is to provide training to Councillors, ARIC members and staff.

Education is also required for contractors.

The NSW Ombudsman has created resource materials to support councils in meeting this requirement.

### **Options**

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

The changes included align with the model template provided by NSW Ombudsman Office and it is recommended that the policy be adopted as presented.

It is also recommended that if no submissions are received from the exhibition process, no further action is required.

**RECOMMENDATIONS**

1. That Council adopts the Public Interest Disclosure Policy, as per Attachment 1 to this report, to replace the existing Internal Reporting Policy.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required

**Attachment(s)**

1. Policy (Review) - Public Interest Disclosure (replaces existing Internal Reporting Policy) [⇒](#)

## 9.6 Policy (Review) - Property Reserves

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### 9.6 Policy (Review) - Property Reserves

<b>Section</b>	Commercial Services
<b>Objective</b>	To review the Property Reserves Policy

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#### **Background**

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

Council first adopted this policy in 2006 with the last review completed in September 2019.

The policy was created to clarify the purpose and function of Council's property reserves as they have been a substantial source of revenue for Council over many years.

#### **Key Issues**

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

#### **Discussion**

The Property Reserve Policy provides guidelines for the financial management of the Council's internal reserve(s) that have been funded through entrepreneurial activities in respect to land development and commercial property activities.

The two internal reserves are the Property Development Reserve and the Community Infrastructure Reserve.

The purpose of the Property Development Reserve (PDR) is to finance the on-going operation and development of Council's industrial and residential land development and commercial property activities.

The purpose of the Community Infrastructure Reserve (CIR) is in place to finance community infrastructure projects. The financing of projects may be by a direct cash contribution through a dividend from the CIR or by applying the interest generated on the CIR to finance loan principal and interest repayments.

The review of this policy identified the Policy is still considered contemporary and reflects current operations and therefore only minor changes have been identified. The changes have been marked in yellow.

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



### **Delivery Program Strategy / Operational Plan Activity**

This policy aligns with Delivery Program Strategy:

PE2.3 Operate Council business activities that support economic development.

### **Community Engagement Strategy**

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.

### **Financial / Risk Considerations**

Council has a long history of pro-active land and property development which has raised a significant amount of funds to assist with financing entrepreneurial activities and the delivery of community infrastructure.

### **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 Property Reserves 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) - Property Reserves [⇒](#)

## **9.7 Policy (Review) - Websites - Direct Links and Commercial Advertising**

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### **9.7 Policy (Review) - Websites - Direct Links and Commercial Advertising**

**Section** Communications

**Objective** To review the policy Website - Direct Links and Commercial Advertising.

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#### **Background**

All of Council's existing policies are progressively reviewed to ensure that they reflect contemporary practices and legislative requirements.

The purpose of this report is to review the policy Website – Direct Links and Commercial Advertising. Council first adopted this policy in 2005.

This policy provides guidelines to determine what links and commercial advertising will be included on Council administered websites.

#### **Key Issue**

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

#### **Discussion**

Council's corporate website provides a wide range of information to the community.

Council receives requests from organisations to be linked to the Council corporate website. This policy has been prepared to allow Council to respond in a consistent manner to those requests.

It is important that Council ensures that the information provided on any site is of the highest integrity and conveys Council's independence as a statutory authority.

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

- Update the outdated URLs listed for Discover Ballina, Ballina Byron Gateway Airport, and Flat Rock Tent Park websites.
- Updated the government department names.

Additions are marked in yellow while deletions are in red.

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 included as Attachment 1 to this report.

#### **Delivery Program Strategy / Operational Plan Activity**

EL 3.3 Deliver responsive and efficient services

**Community Engagement Strategy**

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.

**Financial / Risk Considerations**

There are no legal or resource implications in adopting this policy. Administration and implementation of the policy is undertaken within existing staff resources.

**Options**

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

It is also recommended that if no submissions are received from the exhibition process no further action is required.

**RECOMMENDATIONS**

1. That Council adopts the amended Website - Direct Links and Commercial Advertising 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) - Websites - Direct Links and Commercial Advertising [⇒](#)

## **9.8 Tender - Lake Ainsworth Sediment Control - Shore Line Beaches**

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### **9.8 Tender - Lake Ainsworth Sediment Control - Shore Line Beaches**

**Section** Public and Environmental Health

**Objective** To report the outcomes of the tender evaluation for the Tender - Lake Ainsworth Sediment Control - Shore Line Beaches

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#### **Background**

The works to be undertaken under this contract are to design and construct natural looking sediment and erosion controls to beaches, shorelines and public access locations at Lake Ainsworth, Lennox Head.

An expression of interest was published on 31 May 2023 with the intent of inviting successful proponents to submit a tender. At the closing time on 29 June 2023, 19 proponents had downloaded the documents, two expressions of interest were received and subsequently invited to tender.

Tenders were invited from both proponents on 31 July 2023 and at the close of tender on 5 September 2023, one tender submission was received.

This report outlines the results of the tender process.

#### **Key Issues**

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money.

#### **Discussion**

One company downloaded the tender documentation with a tender received from:

- Soil Conservation Service

The tender submission was assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety
- Required registrations or accreditations.

The submission from Soil Conservation Service met the mandatory assessment and was assessed using the following weighted assessment criteria:

- Pricing structure 45%
- Experience and Capability 40%
- Social and Community 15%

Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

### **Delivery Program Strategy / Operational Plan Activity**

The project is identified in Council's adopted Delivery Program as HE1.2c – Implement Lake Ainsworth Coastal Management Plan.

### **Community Engagement Strategy**

Council has undertaken a selective tender process following a public expression of interest in accordance with the Local Government (General) 2021.

### **Financial / Risk Considerations**

The adopted capital works budget for 2023/24 currently has \$200,000 in State Government grant funding to undertake these works.

In addition to this, the Public and Environmental Health Section's operating budget has annual funding of approximately \$342,000 for the recurrent Healthy Waterways Program.

There is potential to allocate some funds from the recurrent Healthy Waterways Program to include a Council contribution to this project.

However, with other program commitments there is currently insufficient Healthy Waterways Program funding available to meet the funding shortfall (i.e. the difference between the grant funding and tendered price).

The project can be staged, and additional grant funding can be sought for elements that cannot be provided for within the current available budget.

Importantly, elements that align with the terms of the grant funding (beach nourishment and erosion repairs) will be prioritized in contractor negotiations.

The total cost of the preferred tender is \$487,996 excluding GST.

### **Options**

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

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

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

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

Based on the tender evaluation, it is recommended that Council declines to accept any tenders.

Sections 178(3) and (4) of the regulations provide direction in the circumstances where a Council declines to accept any tenders in accordance with section 178(1)(b); i.e.

- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
  - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
  - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
  - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
  - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
  - (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause 3 (e), the resolution must state the following:*
- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
  - (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

It is recommended that Council proceeds to enter negotiations with Soil Conservation Service.

This approach will enable staff, prior to the issue of a letter of award, to resolve any outstanding points in the contract, review the final scope of works with a preferred contractor, and limit the overall change required to the budget and ensure the final design plans align with the Lake Ainsworth Coastal Management Program and Precinct Masterplan.

**RECOMMENDATIONS**

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(b), declines to accept any tenders for the Tender - Lake Ainsworth Sediment Control - Shore Line Beaches as the tender exceeds the current available budget.
2. That Council, in accordance with Local Government (General) Regulation 2021 Section 178(3)(e) authorises the General Manager to enter negotiations with Soil Conservation Service, with a view to enter a contract for the Tender - Lake Ainsworth Sediment Control - Shore Line Beaches .
3. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(a) the reason Council has declined to invite fresh tenders is that the tender process has established sufficient market interest and it is more efficient and timelier to negotiate with interested parties than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2021 Section 178(4)(b), Council has determined to negotiate with Soil Conservation Service with a view to entering a contract in relation to the subject matter as they met and/or exceeded the mandatory and weighted evaluation criteria.

**Attachment(s)**

1. Confidential Memorandum - Tender for Lake Ainsworth Sediment and Erosion Control - Shore Line Beaches (Under separate cover) (Confidential)

## 9.9 Tender - Management and Operation of a Fresh Produce Market

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### 9.9 Tender - Management and Operation of a Fresh Produce Market

**Section** Governance

**Objective** To report the outcomes of the tender evaluation for the Tender - Management and Operation of a Fresh Produce Market

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#### Background

The tender was called as the existing licence to operate the fresh produce markets on Sundays at Commemoration Park, Ballina had expired. The existing licence holder has continued to operate the licence on a month-by-month extension.

The current market has recently returned to the Commemoration Park site and has a capped capacity of 30 stalls.

A Development Application (DA 2021/702) for the expansion of the Ballina Fresh Food Market from 30 stall holders to 61 stallholders was approved in 2021, with expansion of the market subject to the conditions of the DA being met.

One condition, as shown below, requires Council to construct a pedestrian refuge and associated pedestrian safety works on Bentinck Street aligned with the crossing point designated in the Kingsford Smith Reserve Master Plan (KSRMP) that was adopted by Council 2021.

#### 7. Traffic Management Plan

Prior to commencement of use:

(a) An amended Traffic Management Plan (TMP) is to be submitted to and approved by Council. The amendments are to include:

- Construction of a pedestrian refuge aligned with the crossing point "13" designated in the Kingsford Smith Reserve Management Plan (KSRMP) adopted by Council 28 October 2021
- Provide Austroads compliant approach infrastructure, signage and markings for the proposed relocated pedestrian refuge, including adjustment to the angle parking areas and kerbs etc on north side of Bentinck Street, east and west of the pedestrian refuge
- Provide a NO STOPPING Zone on the south side of Bentinck Street from the proposed pedestrian refuge, eastwards to the roundabout
- Provide a pedestrian pathway from the south side of the proposed pedestrian refuge to the existing car parking area on Kingsford Smith Reserve. The pedestrian pathway is to be generally aligned with the connecting pathway shown on the KSRMP
- The existing Bus Stop is to be retained in its current general location.

(b) Any regulatory signs and markings included in the amended TMP as approved by Council must be endorsed by the Ballina Local Traffic Committee

(c) The traffic facilities proposed by the amended TMP, as approved by Council are to be provided.



## 9.9 Tender - Management and Operation of a Fresh Produce Market

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At the 24 August 2023 Ordinary meeting, Council resolved to include the KSRMP works (which includes the works required for market expansion) as one of the projects submitted to the Federal Government for approval under phase four of the Local Roads and Community Infrastructure Program (LRCI). If approved, the works will need to be completed by 30 June 2025.

Until those works are completed, the tender process has addressed the limitations associated with the conditions of development consent and required works. The market can continue to operate at its current scale until such time as the conditions and works for expansion are completed.

An expression of interest was published 14 March 2023 with the intent of inviting successful proponents to submit a tender. At the closing time on 28 April 2023, ten proponents had downloaded the documents. Four expressions of interest were received and subsequently invited to tender.

Tenders were invited from all four proponents on 28 June 2023 and at the close of tender on 20 July 2023, four tender submissions were received.

This report outlines the results of the tender process.

### Key Issues

- Comply with the Local Government (General) Regulation 2021
- Obtain value for money

### Discussion

Ten companies downloaded the documentation with tenders received from:

- Green Earth Mushrooms Pty Ltd
- Queen Bee Pastoral Company Pty Ltd
- Cornelia Burless
- Wilgra Partnership

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety
- Required registrations or accreditations.

All tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

- Demonstrated knowledge and Experience in operating a market 25%
- Pricing structure 20%
- Demonstrated initiatives for growth of market 15%
- Knowledge and understanding of risk management and work health and safety 15%
- Social and Community 15%
- Experience in environmentally responsible operations 10%

Cornelia Burless has been assessed as the preferred tenderer based on the evaluation.

## 9.9 Tender - Management and Operation of a Fresh Produce Market

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Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

### Community Engagement Strategy

Council has undertaken a selective tender process following a public expression of interest accordance with the Local Government (General) Regulation 2021.

### Financial / Risk Considerations

The Ballina fresh produce markets have been operating successfully on Council controlled land for some time. The existing licence holder is required to pay Council the sum of \$2,875 quarterly.

The preferred tenderer has experience in operating the markets and has in place a comprehensive risk management plan.

The preferred tenderer is offering to pay Council the sum of \$243.60 (excluding GST) per market, which equates to \$2,923 per quarter.

The operation of the market would be for a five year period under an annual licence agreement.

### Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

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

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tender from Cornelia Burless.

### RECOMMENDATIONS

1. That Council in accordance with the *Local Government (General) Regulation 2021 Section 178(1)(a)*, accepts the tender and awards the contract to Cornelia Burless for the Tender - Management and Operation of a Fresh Produce Market for the amount of \$243.60 (excluding GST) per market.
2. That Council authorises the General Manager to sign the contract documents.

### Attachment(s)

1. Confidential Memorandum - Management and Operation of a Fresh Produce Market (Under separate cover) (Confidential)

## **9.10 Tender - Russellton Industrial Estate Subdivision - Civil Construction**

### **9.10 Tender - Russellton Industrial Estate Subdivision - Civil Construction**

**Section** Commercial Services

**Objective** To report the outcomes of the tender evaluation for the Tender - Russellton Industrial Estate Subdivision - Civil Construction

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#### **Background**

The works to be undertaken are described as Russellton Industrial Estate Subdivision Civil Construction Works (RFT2031). Tenders were called in July 2023 and closed on 3 August 2023, with six tender submissions received. This report outlines the results of the tender process.

#### **Key Issues**

- Compliance with the Local Government (General) Regulation 2021
- Obtain value for money.

#### **Discussion**

32 parties downloaded the documentation with tenders received from six companies:

- Civil Contractors (Aust) Pty Ltd T/A CCA Winslow
- CD Civil Pty Ltd
- Durack Civil Pty Ltd
- SEE Civil Pty Ltd
- Shadforth's Civil Pty Ltd
- UTILSTRA Pty Ltd

The tender submissions were assessed to ensure conformance with the conditions of tender and the mandatory criteria, being:

- Insurance
- Work Health and Safety
- Required registrations or accreditations.

Four of the six tender submissions met the mandatory assessment and were assessed using the following weighted assessment criteria:

- Pricing structure 60%
- Experience and capability 25%
- Local and community 15%

Civil Contractors (Aust) Pty Ltd T/A CCA Winslow has been assessed as the preferred tenderer based on the evaluation.

Details of the assessment including prices have been provided to Councillors by a confidential memorandum.

**Delivery Program Strategy / Operational Plan Activity**

The works proposed within the subject tender align with Delivery Program Strategy PE3.1a – Progress availability of land at Russellton Industrial Estate.

**Community Engagement Strategy**

Council has undertaken a public tender process in accordance with the Local Government (General) 2021.

**Financial / Risk Considerations**

As a result of the Commercial Services Committee meeting held on 15 November 2022, Council resolved as follows regarding the final stage of the Russellton Industrial Estate.

1. *That based on the contents of this report, Council resolves to proceed with development of Lot 21 in DP 1252162 to create 27 serviced industrial lots and one public reserve lot as per development consent 2008/803 (as amended).*
2. *The General Manager is authorised to call tenders to undertake the civil construction works with the outcome of the tender process to be reported back to Council.*

A tender process has been conducted for this proposed project and five conforming tenders were received to undertake the civil construction works component of the project.

The feasibility assessment included in the November 2022 report has been updated, the results are included in Table One as follows.

**Table One – Feasibility Assessment Summary**

Details	November 2022 (\$)	September 2023 (\$)
Gross Sale Proceeds	16,443,000	18,336,000
Less: Agent Commissions and Selling Expenses	533,000	511,000
<b>Net Sale Proceeds</b>	<b>15,910,000</b>	<b>17,825,000</b>
Less: Development Costs including contingency and Council developer contributions	5,455,000	6,956,000
<b>Sub Total</b>	<b>10,455,000</b>	<b>10,869,000</b>
Less: Interest on Borrowings - interest only charged on a monthly basis at 6% p.a.	324,000	302,000
<b>Net Surplus</b>	<b>10,131,000</b>	<b>10,567,000</b>

Estimated selling prices for the completed lots have been increased by 10% since the November 2022 price estimates and are based on dollar per square metre rates ranging from \$220/m<sup>2</sup> to \$440/m<sup>2</sup> (excl. GST) depending upon size, topography and configuration.

Subject to prevailing market conditions, upon completion of the civil construction works, consideration may have to be given to a staged release of the lots by public auction.

## **9.10 Tender - Russellton Industrial Estate Subdivision - Civil Construction**

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The updated feasibility assessment includes the civil construction cost as submitted by the preferred tender.

Council has approved loan funding of \$6m in 2023/24 for the development of the lots.

Based on the revised construction costs, loan funding of \$7m will be needed, assuming no other internal reserves are applied. If there are opportunities to fund any of these works from internal reserves, primarily the Property Development Reserve, those opportunities will be applied.

As a contingency it is recommended that the loan funding approval be increased to \$7m in case the full amount of the loan funds is needed.

The feasibility assessment undertaken indicates the project may generate an estimated surplus of approximately \$10m.

### **Options**

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2021, which requires that:

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

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Based on the tender evaluation, it is recommended that Council accept the tender from Civil Contractors (Aust) Pty Ltd T/A CCA Winslow.

### **RECOMMENDATIONS**

1. That Council in accordance with the Local Government (General) Regulation 2021 Section 178(1)(a), accepts the tender and awards the contract to Civil Contractors (Aust) Pty Ltd T/A CCA Winslow for the Tender - Russellton Industrial Estate Subdivision - Civil Construction for the amount of \$4,925,615 (excluding GST).
2. That Council authorises the General Manager to sign the contract documents.
3. That Council approves an increase in the Russellton Industrial Estate – Final Stage – Construction budget, in the 2023/24 Operational Plan, from \$6m to \$7m based on the revised feasibility assessment as per Table One of this report. This increase in expenditure is to be offset by an increase in the loan funding for the project from \$6m to \$7m.

### **Attachment(s)**

1. Confidential memorandum - Russellton Industrial Estate Subdivision - Civil Constuction Works (Under separate cover) (Confidential)

## 10.1 Martin Street Boat Harbour

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### 10. Civil Services Division Reports

#### 10.1 Martin Street Boat Harbour

<b>Section</b>	Engineering Works
<b>Objective</b>	To present to Council the reporting associated with the further investigation of a concept design for Martin Street Boat Harbour, and recommend public exhibition for broader community feedback.

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#### **Background**

The Martin Street Boat Harbour is located within the lower Richmond River estuary in Ballina. The harbour is near the Ballina town centre, recreational and open space areas and has a rich maritime history, heritage values and scenic river views. Despite its high value and potential as a community space and functional marina, the site is underutilised in its current form.

The Martin Street Boat Harbour Precinct Master Plan was adopted by Council in 2016. The master plan identified a need for an expanded marina to meet a demand for short term / overnight mooring as well as enhancement of public open space along the waterfront and integration with the surrounding urban environment.

In 2021 Council was successful with a grant under the NSW Boating Now Program to partly fund the investigation of the maritime/marine components of the master plan to the next phase.

The Martin Street Boat Harbour is a facility which is located on Crown Land and has Transport for NSW – Maritime (TfNSW) as the Crown Land Reserve Manager. This further phase of investigations has been supported with the aim to identify and quantify feasible maritime improvements for the site.

With respect to this further phase of investigations, quotations were called, and Hydrosphere Consulting was the successful consultant. The scope of the current project comprises preliminary engineering investigations, the development of options and a concept design, cost estimate, and planning pathway considerations for potential future upgrading of the boat harbour. The project was commenced late 2021 and concluded early 2023.

A Councillor briefing was held on 7 June 2023 to present the details of the investigations undertaken during the study.

This report presents the finalisation of the reporting for this project which is now being recommended for public exhibition and broader community feedback.

#### **Key Issues**

- Completion of the next phase of investigation and reporting
- Presentation of the Martin Street Boat Harbour concept plan for public exhibition and broader community feedback

### Discussion

The scope of the current phase of the Martin Street Boat Harbour investigation can be summarised under the following key areas:

#### Preliminary Engineering Investigations

- Land survey and bathymetry (underwater) survey
- Geotechnical investigation
- Soils assessment (due to historic land and maritime use)
- Environmental factors such as wind and wave movements, hydrodynamic movements and flooding, sediment, and sediment transfer
- Servicing requirements like water supply, waste management, electricity, and lighting etc.

#### Concept Design and Costing

- Preparation of a preferred design with considering the results of the preliminary engineering investigations and integrating urban design requirements for pedestrian access, parking, marine facility access, security and associated maritime facilities like administration, toilets, showers, and laundry provisions.
- Preparation of a cost estimate for the preferred design

#### Key Stakeholder Engagement and Planning Approval Pathway

- Undertake key stakeholder engagement with Crown Lands, Transport for NSW – Maritime, Boat Harbour User Group, and leaseholders plus immediate neighbours.
- Identify planning pathways appropriate for the potential future upgrading of the boat harbour.

A description of the issues identified and assessed during the investigation is provided by the Executive Summary of the report, *Martin Street Boat Harbour Upgrade – Concept Design and Planning Pathway* (Hydrosphere Consulting 2023).

An extract of the Executive Summary is provided below for information.

A full copy of the report is provided in the attachments to this report.

*“The revised concept design for the marina and immediate surrounds is detailed in Section 4 A range of design principles and guidelines were considered during concept design including those discussed in the adopted master plan, the Australian Standards for Marina Design (AS 3962-2020) and priority infrastructure outcomes identified for Ballina in the NSW Maritime Infrastructure Plan (TfNSW, 2018).”*

## 10.1 Martin Street Boat Harbour

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*The updated design is consistent with the master plan and considers, in more detail, site constraints and the design and infrastructure required for redevelopment of the site. The primary purpose of the redevelopment is to provide increased on-water boat storage and on-shore facilities and services to support marina tenants, anticipated to be primarily local and visiting recreational boat users.*

*The revised concept also seeks to improve public access and engagement with the marina, create a strong visual and pedestrian connection to the river foreshore and marina, and showcase the natural scenic amenity and rich maritime history of this location.*

*The revised concept includes an expanded marina with provision for 49 berths (25x12m berths and 24x16m berths) in addition to a tender/dinghy mooring area and a public pontoon with day-use berths for smaller boats (<4m).*

*Services and facilities include ablution facilities, clothes washing, water and electricity supply, waste management, security provision, parking, loading areas and depending on demand, a café, and an office for management and administrative services.*

*Some stakeholders have expressed a desire for on-water refuelling and sewer pump out facilities and provision of these services has also been investigated as part of concept development. There are currently no plans for on-shore boat support services (e.g. haul out, maintenance, brokerage, emergency response facilities, maritime police etc.).*

*Stakeholder engagement was undertaken throughout the concept design process. The aim of consultation was to involve stakeholders by bringing all relevant parties on board early in this next phase of work to introduce the project, share information and ideas, identify constraints and opportunities and provide feedback on revised concepts and designs.*

*Relevant government agencies, existing lease/licence holders, user groups, emergency services and businesses directly utilising the harbour were consulted and were given project information (e.g. draft plan drawings) to facilitate discussions and generate feedback. Engagement activities were varied including phone calls, emails, online meetings, face-to-face meetings, on-site meetings and workshops. All feedback including issues raised and suggestions received have been documented and considered in the development of concept design and planning pathway options. Key messages and information provided through the consultation is summarised in Section 2.*

*Hydraulic and sediment transport modelling was undertaken as part of the concept design phase in order to understand potential impacts to flow and sedimentation at the marina and the adjoining Richmond River (refer Section 3.6 and Appendix 4). Three potential marina configurations were tested in the model and each scenario resulted in changes to flow conditions and the movement of sediments in the vicinity of the marina. Generally, the more significant upgrades (in terms of number of elements, their position, and size) had the greatest effect on flow and sediment transport processes.*

*The modelling provided preliminary information to assist in concept development. More detailed modelling is recommended once a preferred marina configuration is determined at detailed design stage.*



## 10.1 Martin Street Boat Harbour

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*Terrestrial and hydrographic survey of the current harbour and surrounds was undertaken in early 2022 to document the current topography and bathymetry at the site (refer Section 3.1). The current harbour basin is shallow, with a restricted entry and is only suitable for small vessels. The proposed new concept includes dredging of the inner harbour to a bed elevation of -3.0m AHD and the outer fairway and berths to minimum of -4.0m AHD to improve safety and navigability and allow for use by a greater range of vessels.*

*Sediment and geotechnical investigations at the site have indicated there are four broad sediment types to be dredged. Muddy sand, fill material and rock armouring, marine sands and indurated sand. Results of the geotechnical assessment (refer Section 3.3 and Appendix 2) also provided considerations for detailed design and construction methodology which have been used in concept design and cost estimation.*

*The planning approval pathway for the project was mapped out through review of relevant legislation, planning instruments and policies and consultation with relevant government agencies.*

*The proposed works are proposed to be carried out by a public authority and do not require development consent. The works are not considered to be prohibited under an environmental planning instrument and therefore require assessment under Part 5 of Environmental Planning & Assessment (EP&A) Act, 1979 and in accordance with clause 171 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).*

*The requirements and scope for environmental assessment have been identified along with additional licences, permits and approvals likely to be required (refer Section 5 and Appendix 5 for details).*

*Cost estimation considered all components included in the revised concept design based on industry standards and unit rates. The current estimated total cost of the redevelopment is close to \$25 million. A breakdown of estimated costs and assumptions is provided in Section 4.6.”*

**Aerial Image 2022**



Proposed Boat Harbour Concept Plan



This report presents the finalisation of the reporting for this project which is now being recommended for public exhibition and broader community feedback.

**Delivery Program Strategy / Operational Plan Activity**

The project contributes to Council’s adopted Delivery Program and Operational Plan Strategy PE1.3c – Enhance the image of the local economy where benefits will be derived from increased resilience for our economy.

**Community Engagement Strategy**

Engagement activities undertaken by Hydrosphere Consulting during the study were varied including phone calls, emails, online meetings, face-to-face meetings, on-site meetings and workshops.

Engagement activities undertaken as part of the project included:

- Identification of relevant stakeholders.
- Initial contact with relevant stakeholders – generally a phone call / email to introduce the project, request information and input and discuss further engagement opportunities throughout the project.
- Existing harbour users – on-site meeting March 2022.
- Transport for NSW – face-to-face, phone and online meetings held to exchange information and gain feedback.
- DPE-Crown Lands - online meeting to discuss approval pathway options for upgrade concept October 2022.
- Workshop #1 May 2022– Regatta Avenue Marina Redevelopment Concepts #1. Provided opportunity for input and feedback from existing harbour users and land managers to the project team in relation to potential redevelopments of the boat harbour. Presented broad concepts for marina layouts and discussed requirements, constraints, and potential development options.

## 10.1 Martin Street Boat Harbour

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- Workshop #2 November 2022 – to discuss a revised concept for the Regatta Avenue (Martin Street) Boat Harbour, provide results from various technical studies undertaken to date and to discuss potential approvals pathway and development options.

### Financial / Risk Considerations

The project is being part funded by a TfNSW Boating Now grant, comprising approximately 67% of the total project cost.

TfNSW Boating Now program	\$112,000
Council	<u>\$ 56,000</u>
<b>Total</b>	<b>\$168,000</b>

### Options

The presentation of the *Martin Street Boat Harbour Upgrade – Concept Design and Planning Pathway* report is for the purposes of public exhibition and broader community feedback.

This proposed public exhibition follows the discussion held at the Councillor briefing held in early June 2023.

The options are;

Option 1 Proceed with public exhibition and broader community consultation.

This is the recommended option because it enables the community to consider the detailed and professional expertise presented in the report.

Option 2 Not proceed with public exhibition.

This option is available if Councillors are concerned about information in the report and prefer not to proceed with a public exhibition process for a particular reason.

### RECOMMENDATIONS

1. That *Martin Street Boat Harbour Upgrade – concept design and planning pathway* (Hydrosphere Consulting, 2023) be placed on public exhibition for community feedback.
2. That the results of the community consultation be reported to Council following the completion of the public exhibition period

### Attachment(s)

1. Martin Street Boat Harbour Upgrade Concept Design [↔](#)

## **10.2 Policy (Review) - Unused Public Roads - Short Term Leases Policy**

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### **10.2 Policy (Review) - Unused Public Roads - Short Term Leases Policy**

**Section** Infrastructure Planning

**Objective** To review the Unused Public Roads - Short Term Leases Policy

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#### **Background**

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Unused Public Roads – Short Term Leases policy.

Council first adopted this policy in February 2007 and reviewed it in 2011, 2015 and 2019.

As a roads authority, Council is responsible for managing public roads within the Shire. Many of these public roads are unformed and unused. Short term leases are permissible under the Roads Act, 1993, subject to certain conditions. Short term leases provide opportunities for adjoining landowners to utilise and manage responsibly and efficiently land that would otherwise be unused.

The policy has been helpful to encourage the use of unused public roads and the recommendation to this report is to continue to manage this process with the guidance provided in the policy.

#### **Key Issues**

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

#### **Discussion**

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

- RMS now Transport for NSW (TfNSW)
- Advertising now via Council's website and not newspaper

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.

#### **Delivery Program Strategy / Operational Plan Activity**

This policy forms part of broader road asset management initiatives (EL2.1k).

## **10.2 Policy (Review) - Unused Public Roads - Short Term Leases Policy**

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### **Community Engagement Strategy**

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.

### **Financial / Risk Considerations**

The proposed changes to the policy do not result in any increases in financial impacts or risks.

### **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 Unused Public Roads – Short Term Leases Policy, as attached to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.

### **Attachment(s)**

1. Policy (Review) - Unused Public Roads - Short Term Leases [⇒](#)

**11.1 Notice of Motion - Accessibility of Drinking Water at Sports Fields and Parks**

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**11. Notices of Motion**

**11.1 Notice of Motion - Accessibility of Drinking Water at Sports Fields and Parks**

**Councillor**

Cr Jeff Johnson

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I move

1. That Council completes an audit of all sports fields and playgrounds to assess the accessibility of drinking water.
2. That the provision of drinking water at sports fields be a priority and that Council receive a report on funding options to address any identified deficiencies in water availability as part of the preparation of the 2024/25 Delivery Program and Operational Plan

**Councillor Comments**

Currently there is no access to drinking water via a tap or bubbler at Fripp Oval or the Ballina Heights Sports Fields when the change rooms and amenities building isn't open, which is basically at all other times apart from when organised sport is being played.

As a father of young children who often use our sports fields and parks with both my kids and their friends it has become obvious that the provision of drinking water at these Council facilities and parks is needed.

At both the abovementioned sports fields there is an outdoor tap but the head of those taps have been removed, presumably due to them being left on or not having the 'auto turn off' function. The provision of a bubbler and tap, similar to what is provided at the Skennars Sports fields is urgently needed.

**Staff Comments**

The audit and report can be completed based on Council's current resources.

**COUNCILLOR RECOMMENDATIONS**

1. That Council completes an audit of all sports fields and playgrounds to assess the accessibility of drinking water.
2. That the provision of drinking water at sports fields be a priority and that Council receive a report on funding options to address any identified deficiencies in water availability as part of the preparation of the 2024/25 Delivery Program and Operational Plan.

**Attachment(s)**

Nil

## **11.2 Notice of Motion - Accessibility of Water as Part of Planning Assessment**

### **11.2 Notice of Motion - Accessibility of Water as Part of Planning Assessment**

**Councillor**

Cr Bruem

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I move

That Council receive a report on options to ensure that adequate access to drinking water is provided for public open spaces and parks as part of the planning assessment process.

#### **Councillor Comments**

The purpose of this motion is to consider the provision of accessible drinking water outlets in public spaces as part of normal planning processes.

Increasingly medical advice points to the need for humans to stay hydrated, consuming around two litres of water daily. With climate change forecasters predicting hotter and more humid weather in future years, it becomes more of a challenge to stay hydrated and to be able to access clean available drinking water.

We are extremely fortunate to have one of the world's purest and safest drinking water sources in Rocky Creek Dam. It is one of the few water sources in the world where all of the incoming water is filtered in pristine subtropical rainforest.

It makes sense to drink tap water rather than buy single use plastic bottles. It is estimated Australians buy more than 15 billion plastic bottles annually and many end up as landfill or polluting roadsides and water ways.

#### **Staff Comments**

The report can be completed based on Council's current resources.

#### **COUNCILLOR RECOMMENDATION**

That Council receive a report on options to ensure that adequate access to drinking water is provided for public open spaces and parks as part of the planning assessment process.

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

Nil

### **11.3 Notice of Motion - Wildlife Deaths by Vehicle Strike**

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#### **11.3 Notice of Motion - Wildlife Deaths by Vehicle Strike**

**Councillor**

Cr Dicker

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I move

That Council

- Identify a suitable location for a trial of virtual fencing to reduce wildlife deaths by vehicle strike based on best available evidence.
- Provide a report to Council on the preferred method of funding this trial, including from the existing roads and maintenance budget and/or grant funding opportunities.
- Continue to work with wildlife rescue organisations, hospitals, universities, and other partners to implement solutions to reducing wildlife deaths by vehicle strike.

#### **Councillor Comments**

While wildlife deaths by vehicle strike are a constant cause for concern among the community, effective solutions are lacking. Traditional wildlife signs have shown little evidence of effectiveness, although more contemporary signage, including “smart” signs that illuminate when tagged wildlife is in proximity have shown to be more promising. Fencing is an inappropriate solution in wildlife corridors as it artificially restricts the movement of wildlife and other solutions such as wildlife tunnels and bridges and expensive and difficult to install retrospectively.

Although not originally designed for this purpose, several Councils across Australia, including Surf Coast Shire (VIC), the Shire of the Mornington Peninsula (VIC), Townsville (QLD), City of Tea Tree Gully (SA) and Snowy Monaro Shire (NSW) are trialling the use of virtual fencing to prevent wildlife roadkill. These studies have used various research designs (e.g. a simple before/after strike count or more advanced statistical methods) and results have been mixed, for example:

- One of the earliest trials of virtual fencing occurred between 2014-2017 in Tasmania and found it contributed to a reduction of collisions with animals such as the Tasmanian Pademelon and Bennett’s Wallaby by 50%, however these results could not be replicated in subsequent studies, which showed between 12-32% reductions in roadkill.
- A 2020 trial by Redland City Council found that virtual fencing did not reduce vehicle strikes of wallabies over the two-year study period.
- A 2022 trial conducted by Coulson and Bender in South Australia found that virtual fencing was not effective in preventing wombat deaths by vehicle strike.
- Early results of a trial of virtual fencing currently underway in Eurobodalla Shire have shown it to be highly effective at preventing wallaby deaths by vehicle strike.



## 11.3 Notice of Motion - Wildlife Deaths by Vehicle Strike

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- A study by Logan City Council in Queensland saw almost a 70% reduction in the number of collisions with wallabies, through a combination of virtual fencing as well as other mitigation techniques such as LED signage, verge clearance, education and social media posts.

One of the reasons for the variance in results is that the effectiveness of virtual fencing is highly dependent on location. For example virtual fencing is thought to be less effective in more urban areas where wildlife is habituated to sound and lights, and on roads where there is large volume of fast-moving traffic. Being solar powered, virtual fences can also be ineffective along road corridors that are heavily shaded by vegetation.

Noting that uncertainty is an inherent aspect of innovation, and with few alternative solutions available, this Notice of Motion seeks to direct Council to establish and fund a trial site for virtual fencing to minimise wildlife death from vehicle strike in the Ballina Shire.

### Citations:

- Do 'wildlife ahead' signs actually prevent collisions between cars and animals? ABC Science. Posted Sat 2 Sep 2023. <https://www.abc.net.au/news/science/2023-09-02/do-wildlife-road-signs-prevent-animal-deaths-collisions/102775734>
- Englefield B, Candy SG, Starling M, McGreevy PD. A Trial of a Solar-Powered, Cooperative Sensor/Actuator, Opto-Acoustical, Virtual Road-Fence to Mitigate Roadkill in Tasmania, Australia. *Animals*. 2019; 9(10):752. <https://doi.org/10.3390/ani9100752>
- Fox, S., Potts, M., Pemberton, D., Crosswell, D. (2018). Roadkill mitigation: trialing virtual fence devices on the west coast of Tasmania. *Australian Mammalogy* 41(2) 205-211, <https://doi.org/10.1071/AM18012>
- Bond AR, Jones DN. Wildlife Warning Signs: Public Assessment of Components, Placement and Designs to Optimise Driver Response. *Animals (Basel)*. 2013 Dec 17;3(4):1142-61. doi: 10.3390/ani3041142. PMID: 26479756; PMCID: PMC4494358.
- Eurobodalla Shire Council Newsletter (September – November 2023), [https://www.esc.nsw.gov.au/\\_data/assets/pdf\\_file/0004/238702/Living-in-Eurobodalla-September-to-November-2023.pdf](https://www.esc.nsw.gov.au/_data/assets/pdf_file/0004/238702/Living-in-Eurobodalla-September-to-November-2023.pdf)
- Coulson G, Bender H. Wombat Roadkill Was Not Reduced by a Virtual Fence. Comment on Stannard et al. Can Virtual Fences Reduce Wombat Road Mortalities? *Ecol. Eng.* 2021, 172, 106414. *Animals (Basel)*. 2022 May 23;12(10):1323. doi: 10.3390/ani12101323.
- Appleby, R & Jones, D (2020). An Experimental Trial of 'Virtual Fence' Devices in an Effort to Reduce Vehicle Collisions with Wallabies on Heinemann Road, Mount Cotton. Final Report, February 2020, Griffith University. Available at: [https://www.redland.qld.gov.au/download/downloads/id/3570/virtual\\_fence\\_heinemann\\_rd\\_-\\_griffith\\_university\\_-\\_final\\_report\\_2020.pdf](https://www.redland.qld.gov.au/download/downloads/id/3570/virtual_fence_heinemann_rd_-_griffith_university_-_final_report_2020.pdf)

### Staff Comments

The audit and report can be completed based on Council's current resources.

### **11.3 Notice of Motion - Wildlife Deaths by Vehicle Strike**

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#### **COUNCILLOR RECOMMENDATIONS**

That Council

- Identify a suitable location for a trial of virtual fencing to reduce wildlife deaths by vehicle strike based on best available evidence.
- Provide a report to Council on the preferred method of funding this trial, including from the existing roads and maintenance budget and/or grant funding opportunities.
- Continue to work with wildlife rescue organisations, hospitals, universities, and other partners to implement solutions to reducing wildlife deaths by vehicle strike.

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

Nil

## **11.4 Notice of Motion - Deferred Matters - Conservation Zones**

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### **11.4 Notice of Motion - Deferred Matters - Conservation Zones**

**Councillor**

Cr Ramsey

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I move

That in respect to the Deferred Matters Review (BSCPP 21/004), as it relates to conservation zones, Council adopts a policy position to include conservation zones on private property only where a written request from a landholder is submitted to and accepted by Council.

#### **Councillor Comments**

Key points in support of this motion are:

- Has been on the agenda for 11 years
- Presentation given to Council didn't provide any resolutions
- Time put in by staff – millions of dollars Council have put in and has moved it no further
- We should immediately apply RU1 And RU2 zonings to properties currently targeted for C zonings
- Opt in system should be adopted
- Incorrect lot markings
- No answers to landholder questions in discussions – clearly indicates lack of outcome information
- Also give landowners the opportunity to offer their land or part thereof for C zoning – thus enabling better conservation activity on that part of the land
- Strain placed on staff and the constraints – time would be better put towards other works (eg DA assessment)

#### **Staff Comments**

The deferred matters planning proposal (BSCPP 21/004) arises from the State Government's deferral of certain land in Ballina Shire from the application of the Ballina LEP 2012, when the LEP was first adopted.

The land subject to the deferred matters review was proposed for an environmental protection zone (then E2 Environmental Conservation or E3 Environmental Management) by the Council, at the time the 2012 LEP was adopted.

Since the deferral, the State Government has adopted different criteria for application of what are now named conservation zones. These criteria apply to five North Coast local government areas, including Ballina Shire.

The deferred matters review seeks to integrate the deferred areas (not including land currently subject to an environmental protection or '7' zone) into the Ballina LEP 2012.

By applying the State Government's specific criteria, this integration involves the application of a variety of zones including RU1 Primary Production, RU2

## **11.4 Notice of Motion - Deferred Matters - Conservation Zones**

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Rural Landscape and C2 Environmental Conservation, as well as other urban zones to areas.

The deferred matters review planning proposal has been publicly exhibited and 167 submissions have been received (noting some landholders made more than one submission).

Of these, 118 submissions raise objection to the planning proposal, mostly in relation to particulars associated with individual properties.

As outlined at the Councillor briefing held on 5 September 2023, the planning proposal is currently in the submissions review phase.

For the issues relating to land use and agricultural activity identified in the submissions, there are a variety of options available to Council to address the concerns raised. These include use of the C3 Environmental Management zone, changes in land use permissibility within zones, use of the DCP to make exceptions and recognise certain land use outcomes, and alterations to the way Council has applied mapping criteria (within the scope of the State Government's overarching criteria).

Without reviewing the submissions and subsequent report, Council is not able to fully canvass these options in the context of the feedback and the overall objectives of the planning proposal.

With respect to the opt in approach, there is still a need to identify how Council wishes to approach the deferred matters areas that would be removed from the C zone application.

For example, does the Council wish to retain the 1987 zonings or apply RU1 and RU2 zones based on the criteria for rural zones used elsewhere in the LEP.

In considering an opt in approach, Council should also consider how this relates to land with particular history, such as land rehabilitated using public funds, or as a result of conditions of consent.

It also needs to be recognised that the Department of Planning can decide not to agree with the recommended approach of Council (regardless of the final decision of Council on the planning proposal).

With any change to the planning proposal, there are also considerations around whether the current planning proposal could progress based on the existing Gateway determination, whether a new determination is necessary and whether further public exhibition is required.

A decision not to apply a C zone to vegetation means that Council will not have a regulatory role in clearing that occurs on the land under current legislation (unless in association with a land use that requires consent under the zone that is applied).

This will be the responsibility of State Government agencies and there are various circumstances where approvals are and are not required.

Any decision to apply an opt in philosophy in relation to planning outcomes means that Council is deferring its public planning policy decision making to individual landholders.

## **11.4 Notice of Motion - Deferred Matters - Conservation Zones**

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This point is important as the Local Government Act (LGA) outlines principles that councils need to apply to any decision making, and that includes ensuring that Council recognises local community interests, considers social justice principles, understands the long-term implications of decisions particularly on future generations, considers principles of ecologically sustainable development and ensures that decision making is transparent (section 8 of LGA).

An opt in approach, without a supporting report, lacks a degree of transparency, and limits Council's ability to make planning decisions based on the characteristics and attributes of land, and overall planning objectives framed in the long-term public interest.

The recommendation remains to complete the submissions assessment and reporting to Council to enable the open consideration of options to inform Council's decision on the completion of BSCPP 21/004.

### **COUNCILLOR RECOMMENDATION**

That in respect to the Deferred Matters Review (BSCPP 21/004), as it relates to conservation zones, Council adopts a policy position to include conservation zones on private property only where a written request from a landholder is submitted to and accepted by Council.

### **Attachment(s)**

Nil

12. Advisory Committee Minutes

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**12. Advisory Committee Minutes**

Nil Items

## 13.1 Mayoral Meetings

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

#### 13.1 Mayoral Meetings

**Councillor** Sharon Cadwallader

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Activities I have attended, or propose to attend, as at the time of writing this report, since the August 2023 Ordinary meeting are as follows:

<u>Date</u>	<u>Meeting</u>
25 August	Resident meeting re drainage basin and proposed cycle path at Daintree Drive, Lennox Head
25 August	Telstra meeting re Digital Planning initiative for LGA/JO's
25 August	Ballina Players – Avenue Q opening night
26 August	2023 Rescue Ball – Westpac Rescue Helicopter Service
27 August	Rainbow Region Dragon Boat Regatta Presentation
27 August	Legacy Week wreath laying service
28 August	Ballina Shire Meals on Wheels meal delivery
28 August	Proposed Newrybar Music Event meeting
30 August	National Meals on Wheels 70th Birthday morning tea
30 August	Ballina Shire Council Public Art Advisory Panel meeting
31 August	LGNSW Safety in council meetings webinar
31 August	Extraordinary Council meeting
31 August	Northern Rivers Community Gallery – Exhibition Launch
1 September	Acting Consul-General of Thailand visit
1 September	Wardell CORE AGM
2 September	Ballina Shire Business Excellence Awards
4 September	Australian Coastal Councils Association (ACCA) meeting
5 September	Cr Briefing – Sharpes Beach Carpark Improvement Works
7 September	Northern Rivers Recovery Community Leaders meeting
10 September	Rotary Duck Race Presentation
11 September	Australian Coastal Councils Association (ACCA) meeting
11 September	Ballina Fight Night2 'Rise of the Rivers' Muay Thai event meeting
11 September	Col Lee, Rotary Club of Ballina on Richmond
11 September	Cr Briefing - Deferred Matters – Conservation Zone Review
12 September	Public citizenship ceremony
12 September	Resilient Homes Program Properties Update – Ballina LGA
12 September	A Ward Committee Meeting
12 September	Alstonville Rotary Club meeting – guest speaker
14 September	Alstonville RSL National Peacekeepers Day Service
14 September	Rotary Vocational Service Awards Evening
15 September	Richmond Christian College 30 <sup>th</sup> Birthday Assembly
15 September	NBN meeting re upgrades and future needs in the Ballina Shire
15 September	Town and Gown Art Show opening
16 September	Northern Rivers Regional Business Awards
18 September	B Ward Committee meeting
19 September	Cr Briefing – Presentation by Intrapac on Projects Status
19 September	Cumbalum Residents Association AGM & General meeting
19 September	SES Youth Intern Program Presentation evening
20 September	Rous County Council bus tour / workshop
21 September	Emmanuel Anglican College Year 12 Graduation Ceremony
21 September	North Coast Convention & Exhibition Centre meeting
21 September	Northern Rivers Recovery Community Leaders meeting
21 September	Rotary Club of Ballina on Richmond meeting and presentation

### **13.1 Mayoral Meetings**

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22 September	Dementia Inclusive Ballina Symposium – Day 1: Future Fit Our Dementia Community: Lessons learnt from recent events
23 September	Surf Lifesaving Far North Coast 'Raising of the Flags Ceremony and 90 years of Ballina Lighthouse & Lismore Surf Lifesaving Club
25 September	Ross Lane Upgrade Project – 2nd Consultation Meeting
26 September	Ballina Audit Risk and Improvement Committee meeting
27 September	Disaster Relief Australia launch of Northern NSW Disaster Relief Team
28 September	Ordinary Council meeting

#### **RECOMMENDATION**

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

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

Nil



14. Confidential Session

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**14. Confidential Session**

Nil Items