



Notice of Ordinary Meeting

An Ordinary Meeting of Ballina Shire Council will be held in the Ballina Shire Council Chambers, 40 Cherry Street Ballina on **Thursday 23 April 2020 commencing at 9.00 am.**

Business

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

Paul Hickey
General Manager

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

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

Deputations to Council – Guidelines

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

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

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

**Deputations and Public Question Time
must now be made by audio-visual or by written correspondence
due to COVID-19 restrictions.
Please contact the General Manager's Office for further details.**

Recording and Livestreaming of Council Meetings

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

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

1. Australian National Anthem

The National Anthem will be performed by Councillors and staff.

2. Acknowledgement of Country

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

3. Apologies

4. Confirmation of Minutes

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

RECOMMENDATION

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

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7.1 Mayoral Minute - Financial Assistance

7. Mayoral Minutes

7.1 Mayoral Minute - Financial Assistance

Councillor

David Wright

I move

1. That Council calls on the Federal Government and NSW State Government to deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. That Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
 - Immediate financial assistance to support council employees, especially in early education and care.
 - Providing stimulus funding to councils for projects that will help sustain council operations and boost local economies. This could be achieved through increasing or bringing forward funding under existing funding programs or introducing new programs.
 - Increased access to TAFE, VET and other apprenticeship opportunities that council staff can undertake to address skill shortages, especially for staff in non-essential services who are unable to be redeployed.
3. That Council commends the NSW and Federal Governments on their stewardship during this crisis and commits to working in partnership to protect community health and sustain local economies through this crisis.
4. That Council write to the local Federal and State Members, the Prime Minister, the NSW Premier, the Federal Treasurer, the NSW Treasurer and the NSW Local Government Minister to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic.
5. That Council endorses LGNSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

Mayoral Comments

The Mayoral Minute represents a LGNSW campaign and it is recommended that Council support the campaign, as all sectors of the community, both public and private, require financial support during this COVID-19 pandemic. It is noted that the State Government has now provided financial assistance to councils who operate childcare centres.

RECOMMENDATIONS

1. That Council calls on the Federal Government and NSW State Government to deliver comprehensive and multifaceted financial support and stimulus packages to local government to enable them to continue to operate effectively and provide essential services during the COVID-19 pandemic.
2. That Council calls for the packages to include the following measures:
 - Increasing Financial Assistance Grants payments to 1% to help councils maintain essential functions and services, acknowledging the increased costs and mounting revenue losses arising from COVID-19 (and drought and bushfire where affected) as well as giving councils capacity to provide hardship assistance to businesses and residents.
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5. That Council endorses LGNSW's sector-wide campaign to obtain financial assistance, employment support and stimulus funding for the local government sector.
6. That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute.

Attachment(s)

Nil

8.1 DA 2019/723 - 10 Tidepool Street Lennox Head - Review of Determination

8. Planning and Environmental Health Division Reports

8.1 DA 2019/723 - 10 Tidepool Street Lennox Head - Review of Determination

Applicant	Ocean Shire Developments (Stroud Homes Northern Rivers)
Property	Lot 61 DP 1007380, 10 Tidepool Street, Lennox Head.
Proposal	Construction of two dwellings and associated earthworks and retaining walls to create a Detached Dual Occupancy
Effect of Planning Instrument	The land is zoned R3 Medium Density Residential under the provisions of the Ballina LEP 2012
Locality Plan	The location of the subject land is depicted in Figure 1.

Introduction

Council is in receipt of an application for a review of determination under Section 8.3 of the Environmental Planning and Assessment Act 1979.

The Development Application 2019/723 was originally determined by way of refusal under delegated authority.

The application is for a detached two storey dual occupancy and associated retaining walls on land at 10 Tidepool Street Lennox Head (Figure 1).

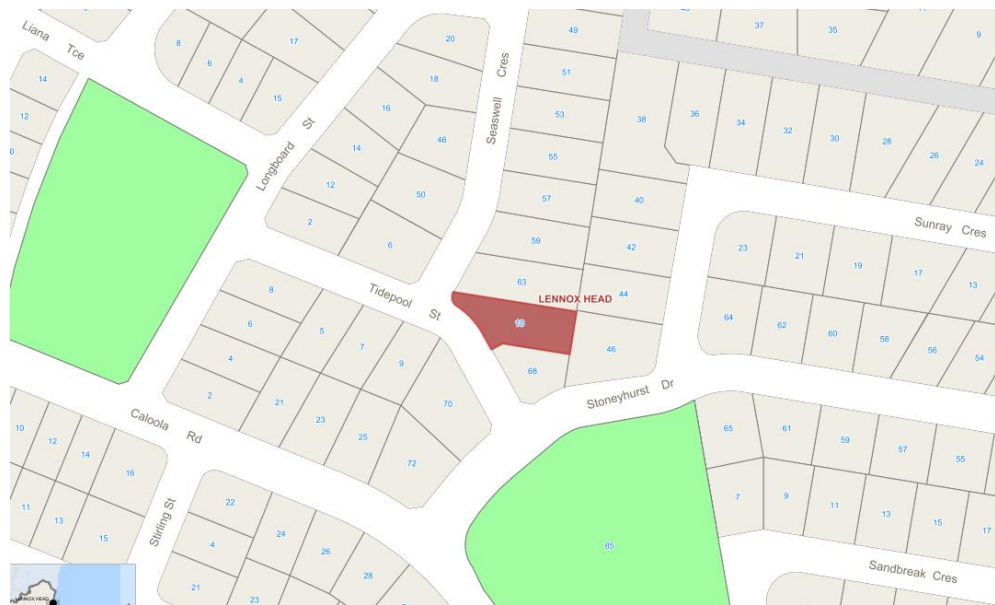


Figure 1: Locality Plan - 10 Tidepool Street, Lennox Head

The application originally included variations to the following elements of Chapter 4 of the Ballina Shire Development Control Plan 2012 (DCP):

8.1 DA 2019/723 - 10 Tidepool Street Lennox Head - Review of Determination

- Elements C – Building Envelopes
- Element I – Overlooking and Privacy, and
- Element J – Solar Access

During the original assessment of the application a number of revised plans were provided by the applicant, in an attempt to reduce the extent of the proposed variations.

However, the amendments to the proposal were insufficient to reduce the impacts on the amenity of the adjoining properties and also to the southern dwelling located on the development lot.

The application was reported to Council's internal Development Assessment Panel (DAP) and determined by the Panel on 10 March 2020 by way of refusal for the following reasons:

1. The proposal does not satisfy the controls or objectives of Ballina Shire DCP 2012 Element C – Building Envelopes.
2. The proposal does not meet the controls or objectives of the Ballina Shire DCP 2012 Element I – Privacy and Overlooking.
3. The proposal does not meet the controls or objectives of the Ballina Shire DCP 2012 Element J – Solar Access.
4. The proposal will have unreasonable shadowing and privacy impacts on the amenity to the south.
5. The proposal will have unreasonable shadowing and privacy impacts on the southern dwelling on the development site (Dwelling A).
6. The proposal will have unreasonable privacy impacts on the amenity of the dwelling on the development site (Dwelling B).
7. The proposal will have unreasonable privacy impacts on the amenity of the adjoining property to the north.

The plans refused relating to the proposed development are included as Attachment 1.

The DAP report relating to the original assessment of the application is included as Attachment 2.

The request for review by the applicant includes a further revised design for the proposed development which is discussed in further detail below.

The revised plans accompanying the review of the determination request are included as Attachment 3.

The purpose of this report is to seek Council's determination of the revised application that is the subject of the review of determination.

Reportable Political Donations

Details of known reportable political donations are as follows:

Nil.

Public Exhibition

The application was not required to be placed on public exhibition in accordance with Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulations 2000, an Environmental Planning Instrument or Local Exhibition Policy.

No public submissions were received prior to the original refusal determination on 10 March 2020.

One submission was received on 6 April 2020 from the owner of the adjoining property to the north – 63 Seaswell Crescent, Lennox Head.

The submission raised concerns regarding the proximity of proposed retaining walls and the eaves of Dwelling B in relation to the northern allotment boundary.

Both matters raised in the submission relate to components of the development that are proposed in accordance with the applicable development control of the DCP.

Council's assessment officer has contacted the property owner to address the concerns raised.

Applicable Planning Instruments

Ballina Local Environmental Plan 2012
Ballina Shire Development Control Plan 2012

Report

In support of the application for a review of determination further revised plans and additional information has been provided by the applicant including detailed shadow diagrams.

The location of the proposed dwellings on the land is shown in the plans contained in Attachment 3 and in the plan extract in Figure 2.

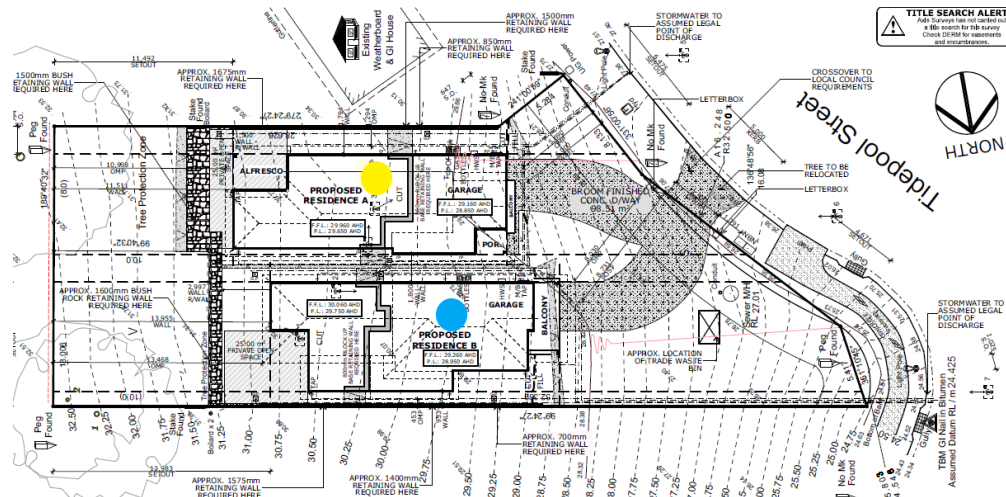


Figure 2: Layout of Proposed Development Showing Proposed Dwellings A (yellow dot) and B (blue dot)

New shadow diagrams for the altered design indicate minimal shadowing will occur on the windows of habitable rooms or the private open space of the dwelling on the land to the south.

At the winter solstice the adjoining property will receive three hours of continuous sunlight between 9.00am and 3.00pm.

The revised design of Dwelling A now generally meets the building envelope controls of the DCP and also depicts privacy control measures in accordance DCP provisions.

The revised design of proposed Dwelling B encroaches the building envelope on the northern elevation. It should be noted that encroachments on northern elevations have less impact with regard to solar access and there is no adverse shadowing impacts as a result of the proposed encroachments.

The revised design of Dwelling B also satisfies the privacy provision of the DCP.

Having regard for the changes to the design of the two dwellings, the proposed development is now considered to be in a form that is suitable for approval with conditions.

Options

Option 1 – Refuse the Proposed Development

Under this approach Council would uphold the refusal determination of the development application including the amended plans in response to the review of determination.

The altered design has been assessed as meeting the requirements of the applicable planning provisions. Given this, refusal of the application is not recommended.

8.1 DA 2019/723 - 10 Tidepool Street Lennox Head - Review of Determination

Option 2 – Approve the Proposed Development (as amended)

Under this option Council would grant consent to the application based on the amended plans submitted as part of this review subject to the application of appropriate standard conditions of consent.

Option 3 – Defer to Seek Additional Information

Council may defer consideration of the review of determination to obtain further information. Given the changes made to the proposed development, this approach is not recommended.

Conclusion

With regard for the heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, the proposed Dual Occupancy and Retaining Walls are a permissible land use within the R3 – Medium Density Residential Zone under the Ballina LEP 2012.

The amended design generally complies with the Building Envelope, Privacy and Overlooking and Solar Access provisions of the Ballina Shire Development Control Plan 2012.

The assessment of the revised plans has determined the issues identified with the previous design have been addressed to a satisfactory level and are in keeping with existing developments of a similar nature in the locality of the development site.

No other issues have been identified in the assessment of the revised plans that would warrant the application to be refused.

Having regard to the sloping nature of the development site and any amenity impacts associated with the proposed development, the development is considered to be in the public interest.

Therefore, the recommendation is that Council approve the development application with standard conditions applied.

RECOMMENDATION

That Development Application 2019/723 for Dual Occupancy and Retaining Walls at Lot 61 DP 1007380, 10 Tidepool Street, Lennox Head be **APPROVED** subject to the application of standard planning, building and environmental health conditions.

Attachment(s)

1. DA 2019/723 - Original Plans
2. DA 2019/723 - DAP Report
3. DA 2019/723 - Current Plans

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

Delivery Program

Strategic Planning

Objective

To provide an overview of a proposed voluntary planning agreement relating to the delivery of sporting and community infrastructure within the Epiq Development at Lennox Head and seek direction on the progress of the agreement.

Background

Council considered a report at the 27 June 2019 Ordinary meeting in relation to the delivery of sporting and community facility infrastructure for the Epiq development in Lennox Head.

The purpose of that report was to seek direction on the preferred infrastructure outcome for delivery as part of the Epiq development. A copy of the report is provided as Attachment 1.

In relation to the matter Council resolved (in part) as follows:

1. *That Council authorises the General Manager (or delegate) to continue to negotiate with Clarence Property for an alternative community infrastructure outcome and progress an associated voluntary planning agreement (should one be offered) based on the following principles:*
 - *Clarence Property to proceed to lodge a development application for an enhanced amenities building at the playing fields inclusive of toilets, change rooms, a canteen space, storage areas and a meeting space generally in accordance with the design plan shown in Figure 3.*
 - *Clarence Property to construct the enhanced sporting amenities building.*
 - *Council and Clarence Property to determine final costings based on builders estimates or as otherwise agreed.*
 - *Any funds beyond the builders estimate for the combined sporting facility relative to the value of the required infrastructure is to be directed to the provision of lighting at the Epiq playing fields.*
 - *That the agreed values and approach to deliver of the infrastructure be outlined in a voluntary planning agreement (should Clarence Property wish to offer such an agreement).*
2. *That a further report on the outcomes of the negotiations be presented to the Council either in association with a proposed voluntary planning agreement or otherwise prior to the formalisation of the negotiation outcomes.*

In accordance with the resolution, staff entered into negotiations with the developer to achieve Council's preferred infrastructure outcome. The outcome of these negotiations is the subject of this report.

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

A voluntary planning agreement (VPA) has been proposed by Clarence Property on the basis of these negotiations.

The draft VPA is provided as Attachment 2. This report outlines the key content of the draft VPA.

If the terms of the draft VPA are acceptable to Council the next step is to publicly notify Council's intention to enter into the agreement in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Regulation 2000.

Following exhibition of the draft VPA, Council will have a further opportunity to consider any feedback prior to final agreement and execution of the document.

Key Issues

- Provision of sporting and community infrastructure
- Value of works and offset for contributions for the benefit of the community

Information

As outlined in the July 2019 Council report, presently the developers of the Epiq estate (Clarence Property) are required to deliver community facility and sporting infrastructure in accordance with the approvals in place for the subdivision of the land. Key aspects of this existing obligation include:

- A multi-purpose community hall with a floor space of 300m²
- Playing fields and sporting amenities (including cricket nets, tennis courts and an amenities building comprising changing rooms and toilets).

The improved sporting community infrastructure outcome Council is seeking in line with the July 2019 Council report and resolution, comprises the following:

- A combined sporting and community building incorporating change rooms, toilets, meeting rooms and umpires rooms.

In accordance with Council's July 2019 resolution, staff entered negotiations with the developers of the Epiq Estate to achieve the above through a voluntary planning agreement (VPA).

Following the conclusion of the negotiations, the developer (Clarence Property) has made the offer to enter into the agreement with the Council in accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979*.

A copy of the agreement and the developer's covering letter is provided as Attachment 2.

Key elements of the agreement are set out below:

- Definition of the "Required Works", being works which the developer is currently obligated to provide.
- Definition of the "Agreed Works", being those works which the parties agree would provide a material public benefit in association with the development (i.e. the preferred infrastructure outcome).

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

- Mechanism for the determination of the cost of the Required Works and the Agreed Works, based on both parties engaging a building professional to prepare cost estimates with reference to plans prepared and considered by Council at the July 2019 meeting.
- Mechanism for the exchange of monies between the parties depending on whether the cost of the Required Works is less than or higher than the cost of the Agreed Works. If the cost of the Agreed Works is more than the cost of the Required Works, then Council will pay the difference to the developer. If the cost of the Required Works is more than the cost of the Agreed Works then the developer will pay the difference to the Council, who will apply those monies towards the provision of playing field lighting.
- An acknowledgement of 44% of the cost of the Required Works for the proposed community centre as a credit against developer contributions payable and/or paid by the developer under the open spaces and community facilities contributions plan.

In addition, the agreement provides for various adjustments and logistical provisions to assist the delivery of the project on reasonable terms, including:

- An adjustment in the calculation of the cost of the Required Works due to the prepared plans including additional floor space at Council's request.
- An initial exchange of bank guarantees to match the cost of the Agreed Works (currently held bank guarantees are in excess of the estimated cost of the Agreed Works), plus 10% contingency.
- The staged exchange of bank guarantees at 50% completion to the estimated cost of the remaining work.
- A mechanism for determining that the works have been satisfactorily completed.
- Sets the period of time for completion of the works by the developer and return of bank guarantees held by Council.
- A mechanism for the settlement of disputes.

Implicit in the above is that by delivering the works under the agreement, the developer is to be relieved of the obligations relating to community infrastructure, set out under the existing approvals for the estate.

This is to be formalised through Council supporting an amendment to the existing State Government Concept Approval and the developer obtaining a separate consent to undertake the Agreed Works (which has already been obtained).

Developer Contributions Credit

The agreement acknowledges a proportion (44%) of the costs associated with the delivery of community infrastructure under the agreement as a credit against developer contributions paid and/or payable under the open spaces and community facilities contributions plan.

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

The apportionment amount (44%) is that set out in the Open Spaces and Community Facilities Contributions Plan (2016) as the proportion of the additional forecast demand for community facilities infrastructure that is attributable to new residential development (refer to page 17 of the Contributions Plan which is available on Council's website).

Had the facility been delivered by Council through the Contributions Plan, the balance (56%) of the cost of the facility would have been directly borne by Council (and ratepayers).

Whilst the facility envisaged in the Contributions Plan was a more substantial facility than that provided in this instance, the defraying of costs that would have been associated with delivery of that item under the Contribution Plan, the bringing forward of facilities ahead of the delivery timeframes under the plan and delivery of a combined facility are seen as providing a net benefit to the community.

On this basis, the recognition of 44% contribution credit associated with the delivery of facilities provided via the agreement within the Epiq Estate is a fair and reasonable approach.

Any additional funds provided for under the current plan, beyond the scope of works facilitated by the VPA may be applied to other community infrastructure to be delivered in Lennox Head under the Contributions Plan (by broadening their scope). Future amendment to the Contributions Plan will be required to facilitate this change. This represents an additional benefit of the VPA as it relates to the delivery of community infrastructure.

In addition, Council has received by land dedication a vacant site (being Lot 4 DP 1239938) originally planned for the purpose of the separate community facility. This site can be repurposed for another use.

Based on the above, the VPA provided in Attachment 2 to this report facilitates an improved outcome with respect to the delivery of community infrastructure to Lennox Head.

Sustainability Considerations

- **Environment**
The delivery of a single integrated community facility may have environmental benefits due to more efficient infrastructure delivery.
- **Social**
The voluntary planning agreement the subject of this report seeks to deliver improved social outcomes associated with the provision of sporting and community infrastructure to Lennox Head.
- **Economic**
The resolution of the voluntary planning agreement the subject of this report will enable the development of the Epiq estate to proceed and provide for improved economic certainty for the developers and business associated with development of the estate.

Legal / Resource / Financial Implications

The voluntary planning agreement is a legal agreement between Council and the developer of the Epiq estate (Clarence Property). The VPA relates to the determination and payment of costs associated with the delivery of community infrastructure in association with the development of the Epiq Estate in Lennox Head.

The agreement explicitly provides that the agreement does not bind the Council in any way in exercising its statutory functions under any Act.

In terms of financial implications, the agreement will facilitate the delivery of community infrastructure in a manner that will enable Council to reduce its current liabilities under the Open Spaces and Community Facilities Contributions Plan.

The VPA includes provisions addressing the exchange of funds between the parties to enable the agreed infrastructure outcomes. Where there is a cost to Council identified following the determination of the costs of works, this will be the subject of further reporting to Council.

Consultation

In accordance with Section 25D(2A) of the *Environmental Planning and Assessment Regulation 2000*, public notice must be given 28 days prior to the Council entering into a voluntary planning agreement of this kind.

Should Council endorse the agreement, public notice will be given in accordance with the Act and the Regulation for a period of 28 days.

Following this period, the matter will be reported back to the Council either in the form of a submissions report or Use of Council Seal report depending on whether any public submissions are received.

Options

Option 1 - Council may resolve to notify the public of its intention to enter into the voluntary planning agreement as set out in Attachment 2 to this report, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

This option would involve placing the voluntary planning agreement on public exhibition for a period of at least 28 days. Following the conclusion of this period, the matter will be reported back to the Council to endorse the signing of the agreement.

Should no public submissions be received this will occur in the form of a Use of Council Seal report. Otherwise (should submissions be received), the matter will be reported to the Council for further consideration.

Under this option, Council would also review and amend the existing Open Spaces and Community Facilities Contributions Plan to reflect the outcomes of the agreement. This aspect would be subject to further reporting to the Council, in due course.

8.2 Voluntary Planning Agreement - Epiq Estate, Lennox Head

This option would also involve, upon Council's resolution to sign the agreement, Council agreeing to the amendment of the existing Concept Approval for the Epiq estate to remove relevant conditions of consent relating to the separate community facilities.

This option is recommended on the basis that the agreement representing an improved community outcome with respect to the provision of sporting and community infrastructure to the Lennox Head community and the shire more broadly.

Option 2 - Council may resolve to decline the developer's offer to enter into the voluntary planning agreement set out in Attachment 2 to this report.

This option would involve Council advising the developer that it does not support the outcomes or mechanism of the VPA in relation to this matter. In this instance, the developer would proceed to build the community facilities as required under the current approvals in place for the Epiq development.

This option is not recommended for the reasons set out under Option 1.

Option 3 - Council could defer this matter to a Councillor briefing, if further information is required to consider the proposal.

This option is not recommended, however it is available to the Council should further information be desired.

RECOMMENDATIONS

1. That Council resolves to publicly notify Council's intention to enter into the voluntary planning agreement relating to sporting and community infrastructure at Epiq Lennox Head as set out in Attachment 2 to this report, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.
2. That this matter be reported back to Council following the conclusion of the public exhibition period.
3. That in the event the VPA is executed by both parties Council amend the Open Spaces and Community Facilities Contributions Plan 2016 to remove the additional community facility identified for Lennox Head, with funds collected under the plan to be applied to other items of community infrastructure identified in the plan for Lennox Head.

Attachment(s)

1. [Epiq Sporting and Community Infrastructure - Council Report - 27 June 2019](#)
2. [Voluntary Planning Agreement and covering letter from Clarence Property - Delivery of Sporting and Community Infrastructure - Epiq Estate, Lennox Head](#)

8.3 Policy (Review) - Markets on Public Land

8.3 Policy (Review) - Markets on Public Land

Delivery Program

Strategic Planning

Objective

To review the Markets on Public Land Policy.

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 Markets on Public Land Policy (Markets Policy).

Council first adopted this policy in 28 July 2016.

Development consent requirements relating to community markets was the subject of a report considered by Council at its Ordinary meeting held on 25 July 2019. Council resolved as follows:

1. *That Council seek a single integrated development consent for markets and community events for three key event sites on a one per year basis for three years.*
2. *That the first development application be for market and community event activity at Pop Denison Park, with applications to be prepared in years two and three to be determined based on need and circumstances.*
3. *That Council's Market Guidelines be updated in accordance with the information contained in this report during the 2019/20 financial year.*

Having regard for the Council's resolution, the Markets Policy has been updated in accordance with the information contained in the July 2019 report.

The amended Markets Policy is provided as Attachment 1.

With respect to Item 2 of the above resolution, preparation of a development application for Pop Denison Park as a key event site is awaiting progress of the planned park upgrade works to a more advanced stage.

A schedule has been added to the Markets Policy to reflect these arrangements, with the schedule to be updated in due course.

The purpose of this report is to review the policy and seek direction on the application of proposed changes to the policy.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.
- Conformance with the requirements of the *Environmental Planning and Assessment Act 1979*.

Information

As noted in the report considered by Council at the July 2019 Ordinary meeting, update of the Markets Policy was foreshadowed in order to improve consistency with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP). The review of the policy has included consideration of the SEPP.

The review identified only minor changes as follows:

- Amendment to include information regarding the thresholds for when community markets may occur as exempt development and when a development consent may be required.
- Amendment to include information regarding Council's proposed approach to key 'event sites' for which Council will seek development consent in relation to operation of larger scale markets.

Aside from the above, the policy is considered to be contemporary and reflects current legislation.

A copy of the amended policy is provided as Attachment 1 to this report. The changes mentioned above have been marked in yellow.

Sustainability Considerations

- **Environment**
The consideration of environmental impacts associated with community markets is to occur in the consideration of individual market proposals, in accordance with the policy.
- **Social**
Provision for community markets contributes to the social wellbeing of the community through increased opportunities for social interaction and access to local products (including fresh produce).
- **Economic**
Community markets make a positive economic contribution to Ballina Shire and the broader region, through assisting emerging business enterprises and supporting tourism.

Legal / Resource / Financial Implications

The Markets Policy sets out Council's expectations and requirements with respect to the operation of community markets on public land, in accordance with Council's statutory requirements.

Consultation

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

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

8.3 Policy (Review) - Markets on Public Land

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Markets 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 and the amended policy will be considered adopted.

Attachment(s)

- 1  Policy (Review) - Markets

8.4 Development Applications - Works in Progress - April 2020

8.4 Development Applications - Works in Progress - April 2020

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

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

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

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/51	2/2/2018	Ballina Island Development Pty Ltd	Subdivision of land to create 99 residential lots, five super lots subject to future development, constructions of roads, installation of essential services and infrastructure, excavation works including cut and fill and retaining walls, stormwater drainage infrastructure including detention basins and piping of creek, vegetation clearing, landscaping works and temporary signage – 20 North Creek Road Lennox Head	Referred to Government departments
2018/74	13/2/2018	Ardill Payne & Partners	Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina	Being assessed

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2018/554	13/9/2018	Ardill Payne & Partners	Change of Use to Establish a Depot – Removalist Business and Associated Signage – 6 Waverley Place, West Ballina	Awaiting additional information
2018/747	6/12/2018	Ardill Payne & Partners	Staged Torrens Title Subdivision and Boundary Adjustment to create 18 x residential lots, 1 x residual lot, 1 x drainage reserve, associated infrastructure works, earthworks and revegetation/rehabilitation works (Avalon Estate Stages 6a and 6b) - Rifle Range Road & 22 Scarlett Court, Wollongbar	Referred to Government departments
2019/123	28/2/2019	Newton Denny Chapelle	Demolition of all structures on-site and erection and Strata Title subdivision of a mixed use development comprising a three storey 9.7m high building (above the 9.0m height of buildings development standard) including food and drink premises and retail premises at ground and second floors, business premises at second floor and shop top housing consisting of two residential dwellings on the third floor, on-site car parking, vegetation removal and associated works. A pedestrian walkway linking Ballina Street and Park Lane is proposed - 74 Ballina Street, Lennox Head	Being Assessed To be reported to Council for determination (Resolution 281119/15)

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/145	8/3/2019	Ardill Payne & Partners	Construction of an Industrial Development to be Used for a Depot and For General and Light Industrial Purposes, Filling of Land and Associated Works – 29-31 Smith Drive, West Ballina	Awaiting additional information
2019/170	19/3/2019	MP & MJ Veronesi	Two Lot Boundary Adjustment Subdivision to create one x 78ha and one x 5ha allotments – 987 & 937 Wardell Road, Meerschaum Vale	Subject to Land and Environment Court appeal
2019/223	11/4/2019	Tim Fitzroy & Associates	Expansion of the existing solid waste transfer station with a processing capacity of up to 28,000 tonnes per annum. The proposed expansion will allow for sorting of construction/demolition waste, general mixed waste, recycling, paper/cardboard, green waste, steel, timber, waste oil and community recycling centre for household chemicals. The transfer station is proposed to operate 6.00am to 6.00pm Monday to Friday and 7.00am to 4.00pm Saturdays and Sundays and the waste transfer (haulage) operations to occur 24 hours Monday to Sunday.– 2 Northcott Crescent, Alstonville	On exhibition To be reported to Council for determination (Resolution 241019/18)

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/283	7/5/2019	Newton Denny Chapelle	Change of use from a high technology industry to general industry involving the assembly, manufacture and fitting of prosthetic limbs and alterations to the building - 2/188-202 Southern Cross Drive, Ballina	Being assessed
2019/316	20/5/2019	RJ Westblade	Establishment of a multi dwelling housing development comprising the staged construction and Strata Title Subdivision of two detached dwellings - 20 Canal Road, Ballina	Awaiting additional information
2019/376	11/6/2019	Newton Denny Chapelle	Erection of five greenhouses to be used for the propagation of potted plants, expansion of farm dam, and associated earthworks and other civil works – 348 Rous Road, Rous Mill	Awaiting Additional Information
2019/438	03/07/2019	Ardill Payne & Partners	To undertake the Torrens Title Subdivision of 4 x existing vacant lots to create 9 x vacant residential lots – 25-39 Fitzroy Street, Wardell	Referred to Government Department
2019/499	2/8/2019	Planners North	Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina	Awaiting additional information

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/535	21/8/2019	Ardill Payne & Partners	To undertake a development in four stages comprising: Stage 1 - Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 – area of 801m ² and Proposed Lot 3 – area of 1090m ²), Stage 2 - Erection of a Two Storey Dwelling on Proposed Lots 1, 2 and 3 Stage 3 - Strata Subdivision of Proposed Lots 1, 2 and 3 Stage 4 – Erection of a New Dwelling on each Vacant Strata Lot to create a Detached Dual Occupancy – 26-30 Fitzroy Street, Wardell	Awaiting additional information
2019/617	25/9/2019	Jamie Hoile	Vegetation management works comprising the removal of one tree – 2 Sunrise Crescent, Lennox Head	Determination pending
2019/666	16/10/2019	GHD Pty Ltd on behalf of Ballina Shire Council	Upgrades to the Marom Creek Water Treatment Plant – 65 Weis Lane, Rous	Awaiting additional information
2019/669	17/10/2019	Victor Holmes Town Planning	Two lot Torrens Title Subdivision to create one x 600m ² allotment and one x 539m ² allotment (below the 600m ² minimum lot size development standard of the Ballina LEP 2012), demolition of gazebo, carport and swimming pool, site filling and drainage, infrastructure servicing, vegetation management works and associated works – 23 Skinner Street, Ballina	Awaiting additional information

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/672	17/10/2019	Ardill Payne & Partners	Change of use of two of the existing industrial units (units 1c and 2b) to warehousing and unit 2c to gymnasium – 40 De-Havilland Crescent, Ballina	Awaiting additional information
2019/691	28/10/2019	Planners North	Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 10 two storey dwellings – Lot 6 DP 1225206 (approved Lot 345 in DA 2017/244) The Coast Road, Skennars Head	Being assessed
2019/694	28/10/2019	Planners North	Tourist and Visitor Accommodation comprising eight holiday cabins, communal recreation building and an information education facility for the purposes of a cooking school - 841 Fernleigh Road Brooklet	Referred to Government department
2019/702	31/10/2019	Ardill Payne & Partners	Residential subdivision to create four lots ranging in size from 1,023sqm to 2,367sqm and associated infrastructure servicing - 81 Teven Road, Alstonville	Being assessed
2019/729	15/11/2019	Ardill Payne & Partners	Erection of self-storage unit complex – 74 De-Havilland Crescent, Ballina	Being assessed
2019/736	19/11/2019	D & S Greeney	Proposed Two Lot Torrens Title subdivision, erection of dwelling house and associated swimming pool, earthworks, vegetation removal, access driveway and change of use of existing dwelling to a secondary dwelling – 16 Tara Downs, Lennox Head	Awaiting additional information

8.4 Development Applications - Works in Progress - April 2020

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

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2019/765	2/12/2019	Viru Investment Holdings Pty Ltd	Intensification of existing intensive horticulture facility and establishment of associated agricultural processing facility to be carried out as a staged development including construction of additional greenhouse, alteration to existing greenhouse, construction of agricultural processing industry building, construction of farm dam, construction of car park , erection of security fencing and associated landscaping works – 167 Rous Road, Rous	Being assessed
2019/794	12/12/2019	Ardill Payne & Partners	Two lot subdivision by way of boundary adjustment to create one x 42.46ha and one x 1.47ha allotments – Palm Lake Resort, 120 North Creek Road, Ballina	Being assessed
2019/799	16/12/2019	P & E Hudson	To formalise and expand an agricultural produce industry (macadamia nut processing and value adding facility) and to carry out associated works – 18 Johnston Road, Newrybar	Being assessed
2020/5	7/1/2020	Newton Denny Chapelle	Subdivision of land by way of boundary adjustment and consolidation of three existing allotments to create one 45ha and one 3.5ha allotments – 39 Pearces Creek Road & 721 Houghlahans Creek Road, Pearces Creek	Referred to Government departments

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/23	21/1/2020	Newton Denny Chapelle	To establish the Wollongbar District Park including the Skate Park –93 Rifle Range Road & 55 Avalon Avenue, Wollongbar	Being assessed
2020/25	22/1/2020	Planners North	Multi Dwelling Housing Development comprising the Erection and Strata Title Subdivision of 15 Two Storey Dwellings – The Coast Road, Skennars Head	Being assessed
2020/28	22/1/2020	PRG Architects	Alterations and additions to the Alstonville Medical Centre - 15 Bugden Avenue, Alstonville	Being assessed
2020/33	28/1/2020	Planners North	To undertake the use of an outdoor area adjacent to bowling green No. 2 for outdoor seating and dining during Club opening hours and including every Sunday during daylight saving hours between 4pm and 7pm with amplified music – 10 Stewart Street, Lennox Head	Being assessed
2020/49	5/2/2020	A & M Anderson	Subdivision of two existing allotments to create three allotments comprising Proposed Lot 1 (36.5ha), Proposed Lot 2 being a split lot (45.3ha) and Proposed Lot 3 (40ha) – 38 Newrybar Swamp Road, Kinvara and 447 Ross Lane, Lennox Head	Awaiting additional information

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/56	7/2/2020	Ballina Shire Council	Construction of a new sewer rising main extending 1465mm from the intersection of North Creek Road and Skennars Head Road to an existing sewer pump station east of Castle Drive, Lennox Head. The proposed new pipeline will replace an existing dilapidated main – North Creek Road, Skennars Head Road & Castle Drive, Lennox Head	Awaiting additional information
2020/69	13/2/2020	Ardill Payne & Partners	Demolish an existing shed, change the use of an existing dwelling house and construct a new shed and associated facilities for the purposes of the Ballina community Men's shed, site filling and car parking – 44 Fishery Creek Road, Ballina	Awaiting additional information
2020/76	14/2/2020	Newton Denny Chapelle	Proposed filling of land to establish a building pad for future development purposes and associated works – 210 Southern Cross Drive & Corks Lane, Ballina	Awaiting additional information
2020/82	14/2/2020	Woolworths Food Group c/- Storey & Castle Planning	Erection of a covered drive-through pick-up grocery collection facility at Woolworths and associated works – 84 Kerr Street, Ballina	Awaiting additional information

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/83	18/2/2020	Newton Denny Chapelle	Demolition of existing structures and the erection and Strata Title subdivision of a multi-dwelling housing development comprising nine single storey dwellings, earthworks, retaining, servicing and vegetation management works – 167 & 169 Tamar Street, Ballina	Awaiting additional information
2020/84	19/2/2020	Vision Town Planning	Consolidation and Boundary adjustment subdivision to create two x 2ha allotments and one x 27.9ha allotment – 46 Cemetery Road, Rous	Being assessed
2020/91	24/2/2020	V Vaughan	Strata Subdivision of existing dual occupancy – 49 Farrelly Avenue, Cumbalum	Being assessed
2020/111	3/3/2020	MJS Jujitsu Pty Ltd	Change of Use to Establish a Recreation Facility (Indoor) – 269 River Street, Ballina	Being assessed
2020/117	4/3/2020	Newton Denny Chapelle	Change of Use to Establish a Commercial Premises – 313 River Street, Ballina	Being assessed
2020/122	6/3/2020	Ardill Payne & Partners	Erection of an industrial building for the purposes of a marine manufacturing and equipment fit out operation and ancillary works – 45 Northcott Crescent, Alstonville	Being assessed
2020/125	9/3/2020	C Reid	Change of Use to establish a take away food and drink premises – 135-155 River Street, Ballina	Being assessed
2020/139	11/3/2020	Backspace Living Pty Ltd	Vegetation management works – 2 The Crest, Lennox Head	Being assessed

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/149	13/3/2020	P J O'Keefe	Vegetation management works comprising the removal of one tree – 24 Canal Road, Ballina	Being Assessed
2020/150	13/3/2020	N M Thomson	Vegetation management works comprising the trimming of one tree and removal of one tree – 2 Camden Street, Ballina	Being assessed
2020/153	13/3/2020	Planners North	Erection of a mixed use development comprising recreation facility (indoor) and information and education facility and associated works – 68 De-Havilland Crescent, Ballina	Being assessed
2020/160	17/3/2020	Ardill Payne & Partners	Subdivision of two existing lots to create two proposed lots (Proposed Lot 3 – 6.79ha and Proposed Lot 4 – 2.1ha) and site filling of part of Proposed Lot 3 – 39-45 North Creek Road, Ballina	On exhibition
2020/167	19/3/2020	Norrskan Ko	Continued operation and use of the existing tenancy as a Container Recycling Facility and the extension of operating hours to include 7.00am to 7.00pm on Sundays and public holidays – Unit 1a/40-43 De-Havilland Crescent, Ballina	Being assessed
2020/171	23/3/2020	P T Isaac	Vegetation management works comprising the removal and/or pruning of two trees – 110 North Creek Road, Lennox Head	Determination pending
2020/172	20/3/2020	Newton Denny Chapelle	Proposed drainage works inclusive of earthworks and construction of culvert under Riverbend Drive – 62 Horizon Drive, West Ballina	Being assessed

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2020/177	24/3/2020	Brett Anderson	Construction of New Driveway Access – Howards Lane, Tuckombil	On exhibition
2020/192	27/3/2020	Planners North	Establishment of a proposed 300 site Manufactured Home Estate with associated manager's residence, club house, recreation facilities, roads, utility services, earthworks and other associated works. The application seeks a variation to Clause 4.3 Height of Buildings development standard under the Ballina Local Environmental Plan 2012. A Section 82 Objection under the Local Government Act 1993 has been submitted to enable the onsite construction of manufactured homes in variance to Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 requiring construction offsite – 550-578 River Street, West Ballina	Awaiting additional information

8.4 Development Applications - Works in Progress - April 2020

Regional Development (Determined by Northern Regional Planning Panel)

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/2	4/1/2016	21st Century Builders Pty Ltd	Amended Proposal: To undertake the first stage of the urban subdivision of the new Cumbalum Urban Release Area – Precinct B comprising a total of 166 allotments and including road construction and intersection works at Ross Lane, extensive earthworks, stormwater management, infrastructure works, vegetation removal and other associated subdivision works - 246 Ross Lane, 47 Dufficys Lane & Ross Lane, Kinvara	Awaiting additional information
2016/524	16/9/2016	Planners North	Amended Proposal: Seniors Living Development pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 comprising amended layout, 147 (previously 211) serviced, self-care housing with associated clubhouse, recreation facilities, roads and associated infrastructure and environmental management and protection works – 67 Skennars Head Road, Skennars Head	NRPP approved Site Compatibility Certificate Assessment of application to be reactivated

8.4 Development Applications - Works in Progress - April 2020

DA No.	Date Rec'd	Applicant	Proposal	Status
2016/746	23/12/2016	Ringtank Pty Ltd	Erection of three dwelling houses, 10 site caravan park, equine facilities including stables, veterinary facility, quarantine stalls, horse float and equipment shelters and two equestrian exercise lawns, private outdoor recreation facilities including go-kart track, shooting range, associated buildings, roadworks, earthworks including dam and landscaping - Carrs Lane, Empire Vale Road, Reedy Creek Road- Keith Hall/Empire Vale	Awaiting additional information
2018/321	13/6/2018	Palm Lake Works Pty Ltd	Staged erection of an extension to an existing Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 comprising of 156 self-care dwellings, recreation facilities and associated car parking, infrastructure works, site filling and associated works – 120 North Creek Road, Ballina	Subject to Land and Environment Court appeal - s56A of the Land and Environment Court Act 1979 – Appeal on decision made. Listed for hearing on 17 April 2020

Major Development (Determined by Minister)

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

RECOMMENDATION

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

Attachment(s) - Nil

8.5 Development Applications – Variation to Development Standards

8.5 Development Applications – Variation to Development Standards

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

DA No.	Date Approved	Applicant	Proposal and Address	EPI and Land Zoning	Development Standard and Approved Variation	Justification for variation
2019/819	10/2/2020	Newton Denny Chapelle	Alterations to the roof and external cladding of the Lennox Head Community and Cultural Centre. The works exceed the height standard of 8.5m under Clause 4.3 of the Ballina Local Environmental Plan 2012 – 3 Park Lane, Lennox Head	BLEP 2012 RE1 – Public Recreation	CI 4.3 BLEP Height of Building control – 8.5 metres The proposed parapet to the roof will be set at 9.2m being lower than the existing turrets to the hall which are at a height of 9.65m 7.6%	The works are required to improve the water proofing and durability of the community facility. The overall height of the existing building will not increase as part of the proposal. The non-compliant portion of the roof will not have unreasonable impacts in terms of overshadowing properties, will not add excessive bulk and will not impact upon views from any public places.

RECOMMENDATION

That Council notes that there has been one application approved under delegation for variations to development standards of 10% or less for the period of January to March 2020.

Attachment(s)

Nil

9.1 Investment Summary - March 2020

9. Corporate and Community Division Reports

9.1 Investment Summary - March 2020

Delivery Program

Financial Services

Objective

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

Background

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

Key Issues

- Compliance with Investment Policy and the return on investments.

Information

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

The total balance of investments as at 31 March 2020 was \$85,038,300, decreasing by \$2 million from 29 February 2020. Council's investments, as at 31 March, were invested at an average (weighted) interest rate of 1.765%, which was 1.219% above the March average 90 Day Bank Bill Index of 0.546%. The balance of the Commonwealth Bank cheque account as at 31 March 2020 was \$2,894,970 decreasing by \$3,736,137 from 29 February 2020.

The total movement of investments and bank balances was a decrease of \$5,736,137 due to significant creditor payments and the reduction in cash inflows from Council revenue streams.

Specifically, the Mayoral Minute – Business Relief Package adopted by Council at the 26 March 2020 Ordinary meeting, and the COVID-19 lockdown has resulted in the progressive closure of Council's facilities from 16 March 2020, including the libraries, swimming pools, Ballina Indoor Sports Centre, Alstonville Leisure and Entertainment Centre, Lennox Head Cultural and Community Centre and the Northern Rivers Community Gallery. Further, cash inflows from parking at the Ballina – Byron Gateway Airport have significantly reduced with the cessation of all flights with the exception of twice weekly FlyPelican flights.

The level of outstanding rates has also increased, and this is expected to continue with the revision of the interest rate, to nil, on outstanding rates and charges.

9.1 Investment Summary - March 2020

In addition to the indefinite closure of Council facilities, the other financial support measures for local businesses and residents included in the Business Relief Package will result in the continued reduction in Council's standard cash inflows and subsequently, the reduction in cash and investment assets.

This will be managed in accordance with Council's Investments Policy and standard cash flow management processes to ensure there is sufficient liquidity to meet all cash flow requirements.

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

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

* Reserves held as at 30 June 2019

A. Summary of Investments by Institution

Funds Invested With	Fossil Fuel Aligned	Rating S&P	Rating Moody	Previous Month \$'000	Current Month \$'000	Quota %	% of Total	Total
Grandfathered Investments								
National Australia Bank	Yes	BBB	-	1,788	1,788	0	2.1%	2%
Rated Institutions								
AMP Bank	Yes	BBB+	A2	7,500	7,500	10%	8.8%	
Australian Unity bank	n/a	BBB+	-	7,000	7,000	10%	8.2%	
Auswide Bank	No	BBB	Baa2	2,000	2,000	10%	2.4%	
Bank of China	Yes	A	A1	3,000	3,000	20%	3.5%	
Bank of Communications	Yes	A-	A2	1,000	1,000	20%	1.2%	
Bank of Queensland	Yes	BBB+	A3	3,000	3,000	10%	3.5%	
Commonwealth Bank of Australia	Yes	AA-	Aa3	4,000	4,000	20%	4.7%	
Credit Union Australia	No	BBB	Baa1	600	600	10%	0.7%	
Defence Bank Ltd	No	BBB	-	3,500	5,500	10%	6.5%	
ING Bank (Australia) Ltd	Yes	A	A3	1,000	1,000	20%	1.2%	
ME Bank	No	BBB	Baa1	6,750	6,750	10%	7.9%	
Macquarie Bank Limited	Yes	A+	A2	12,500	11,500	20%	13.5%	
My State Bank Ltd	No	BBB+	Baa1	7,000	7,000	10%	8.2%	
National Australia Bank	Yes	AA-	Aa3	13,000	10,000	20%	11.8%	
Newcastle Permanent Bld Society	No	BBB	A3	4,700	4,700	10%	5.5%	
Teachers Mutual Bank Limited	No	BBB	Baa1	1,700	1,700	10%	2.0%	
Westpac Banking Corporation	Yes	AA-	Aa3	7,000	7,000	20%	8.2%	98%
Total				87,038	85,038		100%	

9.1 Investment Summary - March 2020

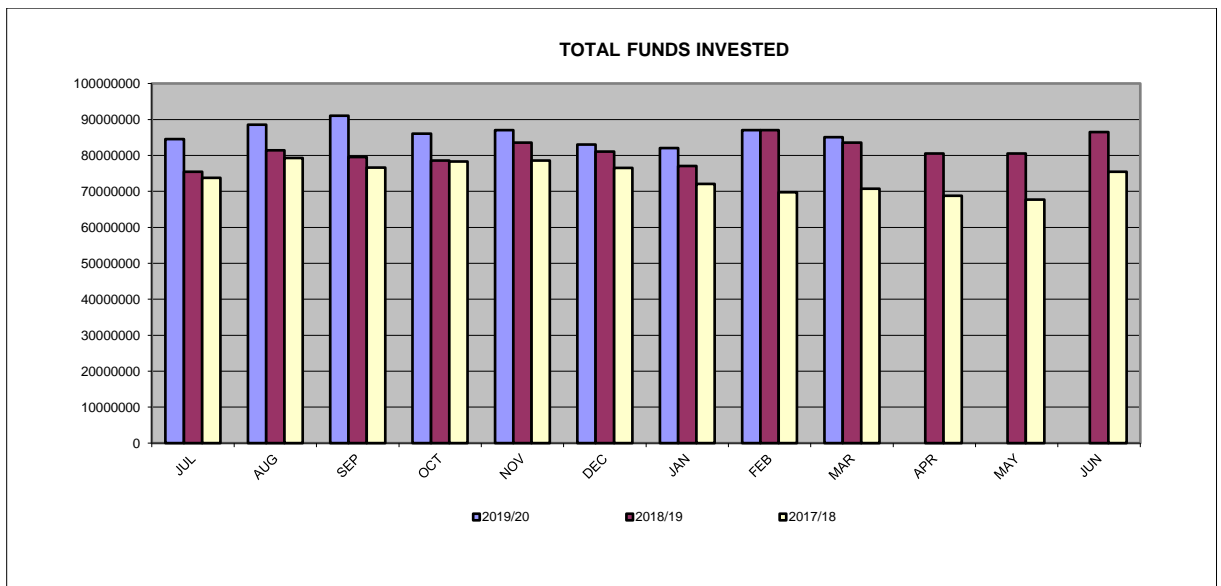
Credit Rating Summary as per the Investment Policy	Maximum Allowed		Value Previous	Value Current	% Previous	% Current
	%	Value				
A- or Higher	100%	85,038	41,500	37,500	48%	44%
BBB	60%	51,023	45,538	47,538	52%	56%
Total			87,038	85,038	100%	100%

B. Summary of Investments Fossil Fuel Aligned

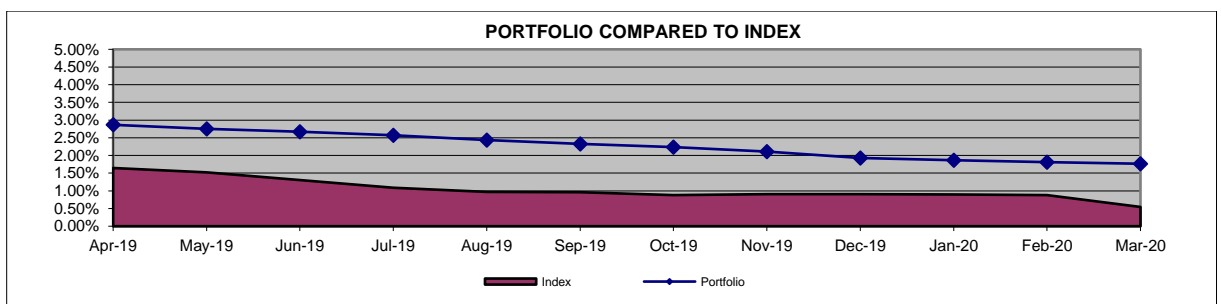
	Previous Month (\$'000)	Current Month (\$'000)
Fossil Fuel Aligned	53,788 62%	49,788 59%
Non-Fossil Fuel Aligned	26,250 30%	28,250 33%
Not Classified	7,000 8%	7,000 8%
Total	87,038 100%	85,038 100%

Classification based on advice from 'Market Forces'.

C. Monthly Comparison of Total Funds Invested

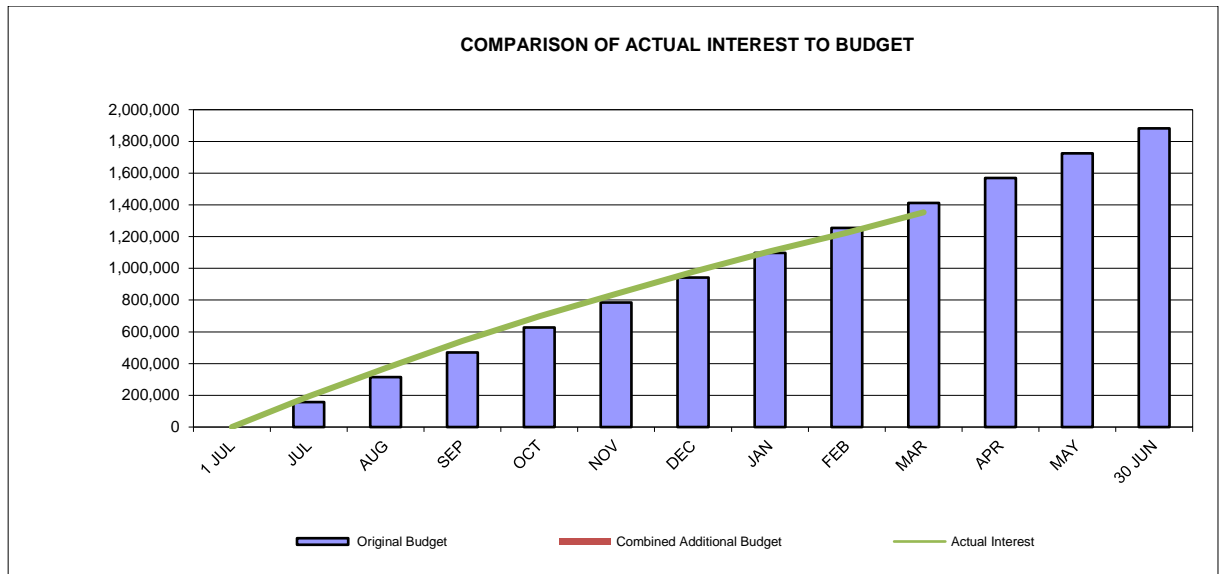


D. Comparison of Portfolio Investment Rate to 90 Day BBSW



9.1 Investment Summary - March 2020

E. Progressive Total of Interest Earned to Budget



F. Investments held as at 31 March 2020

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
20/09/2004	National Australia Bank (ASX Listed)	FRN	2.85%	Perpetual	1,788	1,432
17/06/2016	Commonwealth Bank of Australia	FRN	1.62%	17/06/21	1,000	1,000
30/06/2016	Commonwealth Bank of Australia	FRN	1.43%	30/06/21	1,000	1,000
26/07/2016	Commonwealth Bank of Australia	FRN	1.93%	26/07/21	1,000	1,000
29/06/2017	Teachers Mutual Bank Limited	FRN	1.81%	29/06/20	1,000	1,000
3/08/2017	Westpac Banking Corporation	FRN	1.91%	03/08/22	2,000	2,000
3/08/2017	Westpac Banking Corporation	FRN	1.95%	03/08/22	1,000	1,000
9/11/2017	ME Bank	FRN	2.16%	09/11/20	750	750
6/02/2018	Newcastle Permanent Bld Society	FRN	2.32%	06/02/23	700	700
2/07/2018	Teachers Mutual Bank Limited	FRN	2.30%	02/07/21	700	700
30/07/2018	Westpac Banking Corporation	FRN	1.82%	31/07/23	1,000	1,000
31/07/2018	Westpac Banking Corporation	FRN	1.81%	02/08/23	1,000	1,000
6/09/2018	Newcastle Permanent Bld Society	FRN	2.32%	06/02/23	1,000	1,000
6/09/2018	Credit Union Australia	FRN	1.80%	06/09/21	600	600
10/09/2018	AMP Bank	FRN	1.65%	10/09/21	1,500	1,500
11/01/2019	Commonwealth Bank of Australia	FRN	2.03%	11/01/24	1,000	1,000
8/02/2019	Westpac Banking Corporation	FRN	1.96%	08/02/24	2,000	2,000
21/02/2019	Newcastle Permanent Bld Society	FRN	1.94%	22/02/21	2,000	2,000
22/02/2019	Newcastle Permanent Bld Society	FRN	1.93%	22/02/21	1,000	1,000
1/08/2019	AMP Bank	FRN	1.65%	10/09/21	2,000	2,000
7/08/2019	National Australia Bank	TD	1.72%	04/08/20	4,000	4,000
16/08/2019	AMP Bank	TD	2.00%	17/08/20	1,000	1,000
26/08/2019	AMP Bank	FRN	1.65%	10/09/21	1,000	1,000
27/08/2019	Defence Bank Ltd	TD	1.75%	27/08/20	1,000	1,000
26/09/2019	Macquarie Bank Limited	TD	1.70%	28/04/20	1,500	1,500
1/10/2019	Macquarie Bank Limited	TD	1.65%	22/04/20	2,000	2,000
28/10/2019	Bank of Communications	FRN	1.77%	28/10/22	1,000	1,000
20/11/2019	Macquarie Bank Limited	TD	1.60%	20/05/20	2,000	2,000
26/11/2019	My State Bank Ltd	TD	1.70%	15/04/20	2,000	2,000

9.1 Investment Summary - March 2020

PURCH DATE	ISSUER	TYPE	RATE	MATURITY DATE	PURCH VALUE \$'000	FAIR VALUE \$'000
26/11/2019	ME Bank	TD	1.60%	26/08/20	2,000	2,000
28/11/2019	Macquarie Bank Limited	TD	1.60%	03/06/20	2,000	2,000
28/11/2019	Australian Unity Bank	TD	1.70%	10/06/20	1,000	1,000
28/11/2019	Australian Unity Bank	TD	1.70%	25/11/20	2,000	2,000
29/11/2019	Bank of China	TD	1.60%	24/06/20	3,000	3,000
3/12/2019	Australian Unity Bank	TD	1.75%	05/05/20	2,000	2,000
17/12/2019	AMP Bank	TD	1.80%	10/06/20	2,000	2,000
7/01/2020	National Australia Bank	TD	1.60%	07/04/20	3,000	3,000
22/01/2020	National Australia Bank	TD	1.60%	21/04/20	3,000	3,000
28/01/2020	ING Bank (Australia) Ltd	TD	1.65%	21/01/21	1,000	1,000
30/01/2020	Australian Unity Bank	TD	1.65%	11/08/20	2,000	2,000
5/02/2020	My State Bank Ltd	TD	1.70%	11/08/20	2,000	2,000
11/02/2020	Auswide Bank	TD	1.65%	04/02/21	2,000	2,000
19/02/2020	Bank of Queensland	TD	1.60%	19/08/20	3,000	3,000
20/02/2020	ME Bank	TD	1.60%	22/09/20	3,000	3,000
25/02/2020	ME Bank	TD	1.60%	16/09/20	1,000	1,000
26/02/2020	Defence Bank Ltd	TD	1.65%	23/02/21	1,000	1,000
27/02/2020	My State Bank Ltd	TD	1.65%	20/11/20	1,000	1,000
3/03/2020	Macquarie Bank Limited	TD	1.70%	21/07/20	3,000	3,000
3/03/2020	Defence Bank Ltd	TD	1.65%	02/03/21	1,000	1,000
5/03/2020	My State Bank Ltd	TD	1.65%	03/03/21	1,000	1,000
7/03/2020	Defence Bank Ltd	TD	1.60%	08/12/20	1,500	1,500
17/03/2020	My State Bank Ltd	TD	1.75%	16/12/20	1,000	1,000
17/03/2020	Macquarie Bank Limited	TD	1.60%	22/12/20	1,000	1,000
24/03/2020	Defence Bank Ltd	TD	1.85%	23/03/21	1,000	1,000
Totals					85,038	84,682
CDA = Cash Deposit Account		FRN = Floating Rate Note				
FRTD = Floating Rate Term Deposit		TD = Term Deposit				

RECOMMENDATION

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

Attachment(s)

Nil

9.2 Tender - Management - Ballina War Memorial Pool

9.2 Tender - Management - Ballina War Memorial Pool

Delivery Program

Community Facilities

Objective

To report the outcomes of the tender evaluation for the management of the Ballina War Memorial Pool.

Background

Council currently contracts out the management of the Ballina War Memorial Pool to a third party provider. This contract expires 30 June 2020.

The new contract is due commence on 1 July 2020 for a five year period with an option to extend the contract for a further five years at the contractor's discretion. The pool is scheduled to close in June each year of the contract for maintenance and servicing of plant.

Tenders were called for this management contract during March 2020, with the tenders reflecting the service level approved by Council, which includes additional hours than has historically been the case.

This report outlines the results of the tender assessment process and the tender submissions.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Assess value for money

Information

Tenders were received from:

- BN Aquatics Pty Ltd
- The Trustee for Benjamin Jenkinson Family Trust T/A Benjen Pty Limited; and
- Good Hydration Pty Limited

The tender evaluation method included two stages of evaluation, Stage 1 - Pass/Fail Evaluation of Mandatory Non-Price Criteria, and Stage 2 - Evaluation of Total Price, Capability and Relevant Experience, Resourcing and the Contribution made to the Local Economy.

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

- Conforming Tender
- Compliant Insurances
- Experience in the Operation and Management of Swimming Pool Complexes

9.2 Tender - Management - Ballina War Memorial Pool

The three tenders met the mandatory criteria, and were assessed using the following weighted selection criteria:

- Total Price - 35%
- Capability and Relevant Experience – 30%
- Resourcing – 20%
- Local and Community – 15%

Good Hydration Pty Limited has been selected as the preferred tenderer.

Provisions have now been made in the contract to provide for any mandatory closures of the pool due to unforeseen circumstances. Should the pool be closed, as is the case at this time, certain works must be undertaken to keep the pool in good operational condition such as water treatment, general plant maintenance and grounds maintenance.

These works are required to ensure that Council can re-open the pool immediately once any restrictions are lifted.

The preferred tenderer has provided pricing to maintain the pool during any forced closures.

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

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Ballina War Memorial Pool is a significant local community asset and the continued safe operation is important to the social fabric of the community.
- **Economic**
The swimming pool represents a major financial investment and supports Council's objectives to promote the Shire as an attractive location to live or visit.

Legal / Resource / Financial Implications

The purpose of this report is to ensure Council meets its statutory requirements in regards to tendering and procurement.

Consultation

A public tender process was conducted.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulations 2005 which require 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.*

Although the pool is closed at the moment, it is important to ensure that the pool is maintained to an acceptable operational standard. The acceptance of the tender will allow for the pool to remain in a state of operational readiness.

Based on the information in this report it is recommended that Council accept the tender from Good Hydration Pty Limited.

RECOMMENDATIONS

1. That Council accepts the tender from Good Hydration Pty Limited for the management of the Ballina War Memorial Pool at the tendered rates.
2. That Council authorises the Council seal to be applied to the contract documents.

Attachment(s)

1. Confidential Memo (under separate cover)

9.3 Tender - Management - Alstonville Aquatic Centre

9.3 Tender - Management - Alstonville Aquatic Centre

Delivery Program

Community Facilities

Objective

To report the outcomes of the tender evaluation for the management of the Alstonville Aquatic Centre.

Background

Council currently contracts out the management of the Alstonville Aquatic Centre to a third party provider. This contract expires 30 June 2020.

The new contract is due commence on 1 July 2020 for a five year period with an option to extend the contract for a further five years at the contractor's discretion. The pool is scheduled to be closed in July of each year for maintenance and servicing of the plant.

The Alstonville Aquatic Centre is also due to close on 1 July 2020 until 31 August 2020 to allow for the upgrade of the amenities block. Tenders have been advertised for these works.

Tenders were called for this management contract during March 2020, with the tenders reflecting the service level approved by Council, which includes additional hours than has historically been the case.

This report outlines the results of the tender assessment process and the tender submissions.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Assess value for money

Information

One tender was received from:

- G & K Fettell Pty Ltd

The tender evaluation method included two stages of evaluation, Stage 1 - Pass/Fail Evaluation of Mandatory Non-Price Criteria, and Stage 2 - Evaluation of Total Price, Capability and Relevant Experience, Resourcing and the Contribution made to the Local Economy.

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

- Conforming Tender
- Compliant Insurances
- Experience in the Operation and Management of Swimming Pool Complexes

The tenderer met the mandatory criteria, and was assessed using the following weighted selection criteria:

- Total Price - 35%
- Capability and Relevant Experience – 30%
- Resourcing – 20%
- Local and Community – 15%

G & K Fettell Pty Ltd has been selected as the preferred tenderer. Even though there was only one tender the pricing submitted is competitive when benchmarked against the tenders received for the Ballina War Memorial Pool, as per the separate report in this agenda (agenda item 9.2).

Provisions have now been made in the contract to provide for any mandatory closures of the pool due to unforeseen circumstances. Should the pool be closed, as is the case at this time, certain works must be undertaken to keep the pool in good operational condition such as water treatment, general plant maintenance and grounds maintenance.

These works are required to ensure that Council can re-open the pool immediately any restrictions are lifted.

The preferred tenderer has provided alternative pricing to maintain the pool during any forced closures.

This provision of this clause will also provide for the pool closure in July 2020 to allow for the upgrade of the amenities block. During this period the contractor will be required to maintain the operational aspects of the pool.

The alternative pricing option will still provide for the contractor to undertake these works during the closure.

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

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The Alstonville Aquatic Centre is a significant local community asset and the continued safe operation is important to the social fabric of the community
- **Economic**
The swimming pool represents a major financial investment and supports Council's objectives to promote the Shire as an attractive location to live or visit.

Legal / Resource / Financial Implications

This report ensures Council meets its statutory requirements in regards to tendering and procurement.

Consultation

A public tender process was conducted.

Options

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

Although the pool is closed at the moment, it is important to ensure that the pool is maintained to an acceptable operational standard. The acceptance of the tender will allow for the pool to remain in a state of operational readiness.

Based on the information in this report it is recommended that Council accept the tender from G & K Fettell Pty Ltd.

RECOMMENDATIONS

1. That Council accepts the tender from G & K Fettell Pty Ltd for the management of the Alstonville Aquatic Centre at the tendered rates.
2. That Council authorises the Council seal to be applied to the contract documents

Attachment(s)

1. Confidential Memo (under separate cover)

9.4 Tender - Wildlife Management Services - Ballina Byron Gateway Airport

9.4 Tender - Wildlife Management Services - Ballina Byron Gateway Airport

Delivery Program

Commercial Services

Objective

To report the outcomes of the tender evaluation for the Provision of Wildlife Management Services - Ballina Byron Gateway Airport.

Background

The risk created by wildlife present at Ballina Byron Gateway Airport is significant; which the airport has been able to successfully mitigate through the development of procedures applied both on and off the airport for the past 15 years.

As Wildlife Hazard Management is a specialised activity and to formalise the engagement of a qualified provider of these services, it was felt appropriate to call tenders for these works for a period of five years. The contract will allow for the development of a Wildlife Management Plan, which will then be implemented over the five years.

Tenders were called for this contract during December 2019.

This report outlines the results of the tender assessment process and the tender submissions.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Assess value for money

Information

Tenders were received from:

- Avisure Pty Ltd
- BioDiversity Pty Ltd; and
- Jasko Pty Ltd

The tender evaluation method included two stages of evaluation, Stage 1 - Pass/Fail Evaluation of Mandatory Non-Price Criteria, and Stage 2 - Evaluation of Total Price, Demonstrated Track-record, Organisational Strength and the Contribution made to the Local Economy.

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

- Previous experience at airports over the preceding five years
- Compliant insurances (workers compensation, public liability and professional indemnity)

9.4 Tender - Wildlife Management Services - Ballina Byron Gateway Airport

The three tenders met the mandatory criteria, and were assessed using the following weighted selection criteria:

- Total Price - 35%
- Demonstrated Track-record – 30%
- Organisational Strength – 20%
- Local and Community – 15%

Avisure Pty Ltd has been selected as the preferred tenderer.

Avisure Pty Ltd is extremely experienced in wildlife management services and have undertaken these services for a large number of airports both in Australia and overseas and have provided the lowest tendered rate.

As part of the tender evaluation process, a risk review of the project was undertaken in light of the current situation we are facing with Coronavirus. This review has identified that due to the works involving desktop analysis, reporting and independent field work, there were no constraints identified with the successful tenderer being able to achieve the identified scope of works.

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

Sustainability Considerations

- **Environment**
The wildlife management plans will provide for environmentally safe methods for managing wildlife at the airport
- **Social**
Not applicable
- **Economic**
Should Council fail to effectively manage wildlife at the airport, airport services could be severely disrupted, which has the potential to impact on the economic viability of the airport

Legal / Resource / Financial Implications

This report ensures Council meets its statutory requirements in regards to tendering and procurement.

Consultation

A public tender process has been undertaken.

Options

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

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

9.4 Tender - Wildlife Management Services - Ballina Byron Gateway Airport

(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 information in this report it is recommended that Council accept the tender from Avisure Pty Ltd.

RECOMMENDATIONS

1. That Council accepts the tender from Avisure Pty Ltd for Wildlife Hazard Management Services for the Ballina Byron Gateway Airport for a five year period at the tendered rate.
2. That Council authorises the Council seal to be applied to the contract documents.

Attachment(s)

1. Confidential Memo (under separate cover)

9.5 Special Purpose Financial Statements - Business Activities

9.5 Special Purpose Financial Statements - Business Activities

Delivery Program

Financial Services

Objective

To review Council's Declared Business Activities for the Special Purpose Financial Statements.

Background

On an annual basis, Council is required to prepare General Purpose Financial Statements (GPFS) and Special Purpose Financial Statements (SPFS). These Statements are audited by the NSW Audit Office.

The Special Purpose Financial Statements are prepared for the use of Council and the Office of Local Government in fulfilling requirements under National Competition Policy (NCP).

NCP commenced in the early 1990s and one of the principles was that businesses should not be disadvantaged by Government advantages, such as not paying certain taxes. The SPFS are designed to include those benefits to provide a comparison between a council's results and a private sector operator.

Since NCP commenced Council has applied the principle of competitive neutrality to the following declared business activities:

- Water Supply Business Activity
- Wastewater Business Activity
- Quarry Operations
- Airport
- Wigmore Arcade
- Land Development
- Private Works
- Landfill and Resource Recovery

There is a significant amount of work in completing the SPFS and following a review of the costs and benefits it is recommended that the Quarry, Wigmore Arcade and Private Works are no longer "declared" business activities.

Key Issues

- Compliance with statutory reporting requirements
- Use of staff resources

Information

Overview of Legislative Requirements

Both the General Purpose Financial Statements and the Special Purpose Financial Statements are required to be prepared in accordance with the Code of Accounting Practice and relevant legislative requirements and guidance.

9.5 Special Purpose Financial Statements - Business Activities

Councils are bound to comply with the Competition Principles Agreement, which underpins the National Competition Principles.

Councils are expected to apply the principles to all activities that meet the criteria of “business activities”.

Specifically, this requires Council to compete in the market place on a basis that does not utilise their public sector position to gain an unfair advantage over a private sector competitor.

Councils are subject to the following NSW Government guidance documents on competitive neutrality:

1. the *Policy Statement on the Application of Competitive Neutrality: Policy and Guidelines Paper* January 2002 (the Policy Statement);
2. *Competitive Tendering Guidelines* January 1997 (the CT Guide); and
3. *Pricing & Costing for Council Businesses: A Guide to Competitive Neutrality* July 1997 (the Guidelines).

The above provide guidance as to whether components of Council operations should be “declared” as business activities.

With reference to the *Policy Statement*, Council is mandated to classify the following Council activities as businesses:

- Water supply
- Wastewater services

With respect to other Council activities, Council has discretion as to whether it treats an activity as a business but has to support its decision with respect to the criteria outlined in the Guidelines.

The factors to be considered include:

- Objectives of the activity including whether the activity is intended to make a profit
- Council’s bidding activities, including whether Council bids for external contracts or for internal contracts of work
- Competitive environment, including whether users are restricted or unrestricted by law or policy from choosing alternative sources of supply
- Economic impact of the activity on the local and regional communities and whether the activity is being provided by Council as a small scale activity within a larger function of Council or in isolation
- Socio-economic environmental factors and the nature of the activity.

The following part of this report makes specific comments in relation to Quarry Operations, Wigmore Arcade and Private Works, and concludes that these operations do not meet requirements mandating that these be “declared” business units for the purpose of the SPFS reporting.

Quarry Operations

The objective of this activity is defined as being the extraction and sale of sand, gravel and shale from Council quarries.

9.5 Special Purpose Financial Statements - Business Activities

The operating income earned from quarry operations is not from fees and charges earned from quarry activities and is currently rental income. In the year ended 30 June 2019, total operating income was \$65,400.

As Council does not currently offer quarry services to the competitive open market, quarry operations does not meet the criteria to be classified as a Council business activity.

Wigmore Arcade

Wigmore Arcade comprises a number of shops that are leased at market rental values, by way of standard lease agreements, to commercial tenants who operate business activities on the leased premises.

In the year ended 30 June 2019, operating income from Wigmore Arcade totalled \$635,000, below the threshold of \$2 million category.

As the activity of leasing properties to commercial tenants is not atypical of local government commercial properties activities, Wigmore Arcade does not meet the criteria to be classified as a Council business activity.

Private Works

Private Works represents the various works conducted by Council on private land and is undertaken in accordance with the requirements of the Local Government Act.

Council does not advertise or advocate its private works capabilities and no specific revenue raising activities are undertaken to secure or tender for Private Works jobs. In the year ended 30 June 2019, total operating income from private works was \$67,000.

Due to the size and scale of the Private Works activity and as Council does not proactively offer services to the competitive open market, Private Works does not meet the criteria of a business activity.

Sustainability Considerations

- **Environment**
Council's business activities should consider environmental, social and economic factors.
- **Social**
As above
- **Economic**
As above

Legal / Resource / Financial Implications

Council is required to comply with the legislative reporting requirements and associated NSW Government guidance documents on competitive neutrality. These requirements include a need to identify "business activities" for the purpose of reporting within the Special Purpose Financial Statements.

9.5 Special Purpose Financial Statements - Business Activities

Consultation

Consultation has taken place with both the Audit Office of NSW and Council's Audit, Risk and Improvement Committee (ARIC).

The Audit Office of NSW confirmed, in discussions held with management in February 2020, they have no objection to the removal of the noted business activities from the Special Purpose Financial Statements for the year ending 30 June 2020 and would not expect such to have any impact on the Audit Opinion to be issued.

ARIC have endorsed the recommendation proposed in this report in the minutes of their meeting held 18 February 2020.

Options

The options available are to remove the Wigmore Arcade, Quarry Operations and Private Works as "declared" business activities, not remove, or remove a combination of the activities.

The recommendation is based on the contents of this report as the benefit of retaining all of the currently "declared" business activities does not justify the resource cost in preparing the SPFS.

RECOMMENDATION

That Council resolves that Wigmore Arcade, Quarry Operations and Private Works are no longer "declared" business activities in respect to the preparation of Council's Special Purpose Financial Statements.

Attachment(s)

Nil

9.6 Capital Expenditure - 31 March 2020 Review

9.6 Capital Expenditure - 31 March 2020 Review

Delivery Program

Governance

Objective

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

Background

Council has a significant capital expenditure program included in the annual Operational Plan. Updates are provided on a regular basis due to the magnitude of the program.

Current practice is to provide a quarterly status report on all the major capital projects. The status report provides details on key milestones, along with a comparison between budget and actual expenditure. This is the third report for 2019/20 and outlines work undertaken to 31 March 2020.

Key Issues

- Status of works and budget variations

Information

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

- Total Project Value – As projects can be delivered over a number of financial years, this column identifies the total project value. This may include expenditure from previous financial years or estimated expenditure for future years.
- Original 2019/20 Estimate - Represents the original 2019/20 estimate as per Council's adopted Operational Plan.
- Carry Forwards - Includes budgets carried forward from the previous financial year, approved by Council at the August 2019 Ordinary meeting.
- Approved Variations – Other variations approved by Council, either through a Quarterly Budget Review, or a separate report on a particular project.
- Latest 2019/20 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 31 March 2020 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 31 March 2020 based on the cash expenditure figures.
- Milestone Dates - Target dates for the major milestones.
- Status – Provides space for additional comments.

The attachment (eight pages) is based on the Council sections overseeing the works: i.e. Open Spaces, Resource Recovery, Support Operations, Commercial Services, Community Facilities, Information Services, Environmental and Public Health, Water and Wastewater and Engineering Works. Points of interest are as follows.

Open Spaces (page one)

Wollongbar Skate Park and District Park – The planning application for the works has been submitted and is under assessment. The assessment report is scheduled for the May or June 2020 Ordinary meeting. The expenditure on the project, subject to planning consent, will take place during the period July to December 2020.

Playground Equipment – Various – A number of the items have been ordered with installation to take place during the next three months.

Pop Denison – Similar to Wollongbar the planning process is still underway and a large part of the expenditure will occur during 2020/21.

Wollongbar Sports Fields – With Council receiving grant funds of \$400,000 for this project, the drainage works have been completed and the procurement of the irrigation works is in the process of being finalised.

Skennars Head Sports Fields Expansion – This project is largely complete with Council approving additional funding at the April 2020 Finance Committee meeting, as per the minutes submitted to this meeting.

Pacific Pines Sports Fields Lighting – The Saunders Oval and Williams Reserve lighting projects are complete with Pacific Pines sports fields to commence shortly.

Resource Recovery (page one)

Resource Recovery Centre – The funds for this project, which involves replacement of the roof, and the solar panels, have been deferred to 2020/21 based on timing of the works.

Domestic Waste Management Trucks – The five new trucks are now operational.

Support Operations (page two)

Depot – A number of projects are deferred to 2020/21 based on forecast cash flows.

Plant and Fleet – Once commitments are included expenditure is at 63% with a number of vehicles on order. Purchases not likely to be finalised this financial year are deferred to 2020/21.

Commercial Services (attachment three)

Airport – Terminal expansion is complete with Council deferring a number of projects at the April 2020 Finance Committee meeting, as per the minutes submitted to this meeting.

Property - Council placed a number of projects on hold at the April 2020 Finance Committee meeting, as per the minutes submitted to this meeting.

Community Facilities (page three)

Lennox Head Community Centre (LHCC) – Tender reported to October 2019 Council meeting, with contractor commencing work in January 2020. Based on current cash flow forecasts \$350,000 is transferred to 2020/21.

Ballina Indoor Sports Centre – Council has still not been paid the \$140,000 owed by the Department of Education as their contribution to the joint car park. The inability to reach a resolution on this matter has been caused through a number of staffing changes at the Department resulting in Council having to re-submit information. This matter has now been elevated to the executive level of the Department of Education.

Environmental and Public Health (page four)

Shaws Bay Coastal Management Plan – Dredging – Based on tender timeframes this work will now take place during 2020/21.

Water and Wastewater (pages five and six)

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

Engineering Works (pages seven and eight)

Stormwater

Various – A number of projects are being bundled into a tender for relining works, with the timing of that tender resulting in the works taking place during 2020/21.

Urban and Rural Roads

Airport Boulevard – Earthworks complete and project under review based on revised total cost. The funding available is transferred to 2020/21 as the tender timeframe, once the scope of works is confirmed, will result in this expenditure being incurred in 2020/21.

Various – Savings in Teven Road (\$25,000), Gibbon Street (\$45,000), Chickiba Drive (\$59,000) and Corks Lane (\$61,000) transferred to increases in budgets for Perry Street (\$50,000) and Byron Street (\$140,000). Works deferred to 2020/21 for Gibbon Street (segments 10 and 20 – total of \$143,000) and Winton Lane (\$136,000).

Ancillary Transport Services - Shared Paths and Footpaths

Coastal Path – Skennars Head to Pat Morton - Project well advanced although Council still has not obtained approval for the Aboriginal Heritage Impact Permit (AHIP) for the two sites identified as having Aboriginal Cultural value. Also Council has still not been advised by the Department of Planning, Industry and Environment (DPIE) as to what actions they will be taking following the removal of Aboriginal Cultural objects from two locations along the path route, which was a breach of consent conditions. The approval of the AHIP may be linked to the outcomes of that investigation.

Coastal Walk – Council accepted the tender for this project at the February 2020 Ordinary meeting and DPIE has provided an AHIP approval.

Footpaths – Freeborn Place, Alstonville and River Street, Ballina – Funds transferred from internal reserves and gravel roads operations budgets to finance the finalization of these projects.

Summary

As per the following table there is \$49m in capital works scheduled for 2019/20 with almost \$30m expended on a cash basis to date.

Capital Works Summary – 31 March 2020 (\$'000)

Section	Budget (\$)	Cash Expenditure (\$)	Percentage Expended
Open Spaces	4,697,000	3,081,900	66%
Resource Recovery	2,225,000	2,224,300	100%
Support Operations	3,105,300	1,323,800	43%
Commercial Services	5,583,600	4,634,900	83%
Community Facilities	2,951,800	1,039,900	35%
Information Services	40,000	32,400	81%
Env and Public Health	208,100	138,700	67%
Water	3,579,500	2,175,200	61%
Wastewater	3,560,100	1,769,000	50%
Engineering Works	22,722,200	13,494,000	59%
Total	48,672,600	29,914,100	61%

These figures represent the cash movements and excludes commitments. This is a reasonable result with a number of contracts let and expenditure heavily dependent on claims from the contractors.

Sustainability Considerations

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

Legal / Resource / Financial Implications

The report provides financial information on the capital works program.

Consultation

This report is presented for public information.

Options

This report is for noting to provide an update on the capital works program for 2019/20 and to recommend known or likely budget variations. The recommendations reflect the information as per the attachments to this report.

RECOMMENDATIONS

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

Item	Current Budget	Revised Budget	Variation	Comment
Resource Recovery				
Recovery Centre	180,000	0	(180,000)	Defer to 2020/21
Solar Panels	75,000	0	(75,000)	Defer to 2020/21
Total Resource Recovery	255,000	0	(255,000)	
Support Operations				
Depot – Welders Bay	462,000	50,000	(412,000)	Defer to 2020/21
Depot – Open Spaces	169,000	49,000	(120,000)	Defer to 2020/21
Admin Centre - Solar	90,000	0	(90,000)	Defer to 2020/21
Plant	3,144,400	2,826,300	(318,100)	Defer to 2020/21
Total Comm Services	3,865,400	2,925,300	(940,100)	
Community Facilities				
LHCC	2,114,600	1,764,600	(350,000)	Defer to 2020/21
Environmental and Public Health				
Shaws Bay - Dredging	150,000	0	(150,000)	Defer to 2020/21
Water Operations				
Reservoirs – Pacific Pines	150,000	0	(150,000)	Defer to 2020/21
Treatment Plan – Marom Ck	500,000	110,000	(390,000)	Defer to 2020/21
Total Water Operations	650,000	110,000	(540,000)	Defer to 2020/21
Wastewater Operations				
Main Renewals	100,000	40,000	(60,000)	Savings
Mains – Karalauren	30,000	50,000	20,000	Revised estimate
Mains – Seamist	650,000	350,000	(300,000)	Defer to 2020/21
Pumping Stns – Renewals	338,000	238,000	(100,000)	Savings
Pumping Stns – Skennars	350,000	640,000	290,000	Tender price
Pumping Stns – Wet Well	369,200	39,200	(330,000)	Defer to 2020/21
Pumping Stns - Capacity	374,000	50,000	(324,000)	Defer to 2020/21
Plant	339,500	243,000	(96,500)	Defer to 2020/21
Treatment Plant - Security	75,000	0	(75,000)	Defer to 2020/21
Treat – Ballina – Post	400,000	0	(400,000)	Defer to 2020/21
Treat – Ballina – Gantry	90,000	0	(90,000)	Defer to 2020/21

9.6 Capital Expenditure - 31 March 2020 Review

Item	Current Budget	Revised Budget	Variation	Comment
Treat – Ballina – Membrane	500,000	0	(500,000)	Defer to 2020/21
Treat – Lennox – Master	30,000	0	(30,000)	Defer to 2020/21
Treat – Lennox – Belt Press	150,000	0	(150,000)	Defer to 2020/21
Wardell – Sec 60 - Approval	140,000	0	(140,000)	Defer to 2020/21
Total Wastewater Ops	3,935,700	1,650,200	(2,285,500)	
Engineering Works – Stormwater				
Moon Street	80,000	10,000	(70,000)	Defer to 2020/21
Asset Data Collection	68,200	33,200	(35,000)	Transfer to Shelly Beach
Bangalow Road	47,000	1,000	(46,000)	Defer to 2020/21
Urban Stormwater Mgmt	24,000	14,000	(10,000)	Transfer to Shelly Beach
Kerr Street	120,000	60,000	(60,000)	Defer to 2020/21
Tanamera Drive	61,500	25,500	(36,000)	Defer to 2020/21
Shelly Beach	0	45,000	45,000	Revised budget
Engineering Works – Roads and Bridges				
Teven Road (seg 70, 58-60)	420,500	395,500	(25,000)	Trans to Perry / Byron Sts
Airport Boulevard	6,565,300	3,565,300	(3,000,000)	Defer to 2020/21
Perry Street	59,000	109,000	50,000	Revised budget
Gibbon Street	88,000	0	(88,000)	\$43,000 to 2020/21 - \$45,000 to Perry / Byron
Chickiba Drive	344,000	285,000	(59,000)	Trans to Perry / Byron Sts
Winton Lane	138,000	2,000	(136,000)	Defer to 2020/21
Gibbon Street	104,000	4,000	(100,000)	Defer to 2020/21
Byron Street	131,000	271,000	140,000	Revised budget
Corks Lane	125,000	64,000	(61,000)	Trans to Perry / Byron Sts
Carrs Bridge	483,800	583,800	100,000	Revised budget
Bridges - Other	110,000	10,000	(100,000)	Transfer to Carrs Bridge
Engineering Works – Footpaths and Shared Paths				
Freeborn Place, Alstonville	4,000	23,000	19,000	Transfer from Footpaths Internal Reserve
River Street, Ballina	0	23,000	23,000	Transfer funds from gravel roads operations
Total Engineering Works	8,973,300	5,524,300	(3,449,000)	

Attachment(s)

1. Capital Expenditure - 31 March 2020

9.7 Delivery Program and Operational Plan - 31 March 2020 Review

9.7 Delivery Program and Operational Plan - 31 March 2020 Review

Delivery Program

Governance

Objective

To review the implementation of the 2019/20 to 2022/23 Delivery Program and Operational Plan for the nine month period to 31 March 2020.

Background

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

Delivery Program

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

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

This report represents the third review of the 2019/20 to 2022/23 Delivery Program and the 2019/20 Operational Plan, with the information based on work undertaken up to 31 March 2020 representing the first nine months of the 2019/20 financial year.

The review is included as a separate attachment.

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

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

As this review relates to the period to 31 March, there is only minimal impact from the NSW Public Health (Covid-19) Order.

For the final quarter the impact of the numerous facility closures and economic downturn will be significant.

Comments on items where there will be major changes in the results as compared to 31 March 2020 trends are provided in the information section of this report.

Key Issues

- Compare results to date against the adopted goals and priorities

Information

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

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

The attachment has two main sections:

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

Program Actions are more task based activities and the COVID-19 impact on these will not be as significant as the Service Indicators, many of which have a direct connection to the economy.

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

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

Program Actions - By Number and Division

Group / Status	Corporate	Civil	Planning	Total
Green	28	35	37	100
Amber	6	2	5	13
Red	0	2	2	4
Total	34	39	44	117

Program Actions - By Percentage and Division

Group / Status	Corporate	Civil	Planning	Total
Green	82	90	84	85
Amber	18	5	11	11
Red	0	5	5	4
Total	100	100	100	100

Comments on items of notes in the attachment are as follows.

- Implement Development Compliance Work Program (page 1) – This section continues to have a significant workload and the preparation of the draft 2020/21 Operational Plan, Long Term Financial Plan and Fees and Charges, includes a doubling of the compliance levy percentage on planning applications to fund the employment of an additional compliance officer. The employment of that position will be somewhat dependent on income levels during 2020/21.

9.7 Delivery Program and Operational Plan - 31 March 2020 Review

- Deliver Ballina SES Headquarters and Lennox Head Rural Fire Shed (page 2) – A report was submitted to the April 2020 Finance Committee meeting, with the recommendations from that meeting included in this agenda.
- Ensure Ballina Indoor Sports Centre is well patronised (page 5) – The BISC was experiencing high levels of use for sports such as netball, basketball and futsal prior to closure. This is marked as green as it was operating very effectively up to 31 March 2020.
- Implement regional visitor services strategy (page 6) - Contemporary digital technology will be installed at the BP Highway Service Centre with the Centre now open.
- Progress Lennox Head Town Centre Village Renewal (page 7) – This consultation is progressing well with a report on the preferred outcomes to be submitted to the May 2020 Ordinary meeting.
- Implement Ballina Town Centre enhancement program (page 7) – The River Street works are now complete. This is a major milestone as the entire Ballina town centre upgrade, as envisaged almost 20 years ago, has been completed. This project has progressed from Fawcett Park through to the three sections of River Street from Martin Street to Grant Street, along with the upgrade of the Wigmore Arcade and the Wigmore car park, representing a significant investment by Council in the town centre.
- Progress availability of land at the Southern Cross Industrial Estate and Progress construction of Airport Boulevard and associated developments (page 9) – The dry weather has allowed these projects, which includes filling the industrial land sites opposite the Harvery Norman complex, to be well advanced. Marked as amber as a significant amount of work has been completed although the projects are now on hold.
- Progress delivery of Hutley Drive - northern section (page 10) – This project is due for completion in May and this will make a significant difference to traffic movements in Lennox Head.
- Implement Lake Ainsworth Coastal Management Plan (page 13) – Council adopted the Lake Ainsworth Coastal Management Program (as is the latest terminology) at the March 2020 Ordinary meeting. This is an excellent outcome considering the significant consultation undertaken and the level of disagreement that did exist with respect to the eastern road closure.
- Implement a proactive street tree planting program (page 13) – All works have been completed for this financial year. The benefits of this program are being seen over time as more and more plantings take place throughout the shire.
- Implement Emigrant Creek Bank Stabilisation Project (page 18) – This type of work, which is largely being completed out of public site, along with other similar projects, is all helping to make a difference to the health of our waterways. As per the comments in the attachment, the works undertaken will result in almost three kms of native vegetated land on both sides of the creek once complete.

9.7 Delivery Program and Operational Plan - 31 March 2020 Review

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

Service Delivery Indicators - By Number and Division

Group / Status	Corporate	Civil	Planning	Total
Green	25	17	12	54
Amber	13	11	9	33
Red	5	0	2	7
Total Tasks	43	28	23	94

Service Delivery Indicators - By Percentage and Division

Group / Status	Corporate	Civil	Planning	Total
Green	58	61	52	57
Amber	30	39	39	35
Red	12	0	9	7
Percentage Total	100	100	100	100

Items of note include:

- Number of passengers for Airport (page 24) – Cumulative passenger numbers were in excess of the annual target as at the end of February 2020, however they will fall well short of target once the final quarter is included.
- Community Facilities (pages 27 - 29) – Mixture of results with some facilities trending up as at the end of March, although all facilities are now effectively closed. Facilities such as the swimming pools and the BISC were proving to be very popular until the COVID-19 closure.
- Capital Works indicators (various) – A number of sections continue to struggle to deliver the capital projects funded in the Operational Plan. Further information is provided in the Capital Expenditure Review report earlier in this agenda.
- Building and Development Services (pages 37 and 28) – Workload through a high number of applications and on-going court cases has resulted in some indicators being below the preferred targets. Fortunately many of the planning and building staff are able to work from home which is allowing the assessment work to continue.

Sustainability Considerations

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

9.7 Delivery Program and Operational Plan - 31 March 2020 Review

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

Many of the key tasks identified in the 2019/20 Operational Plan are still on track to be finalised this year, although there will be significant negative financial impacts during the fourth quarter, through the closure of a number of Council facilities, as well as significant rent reductions.

Further information on this will be provided to the May 2020 Ordinary meeting as part of the Quarterly Financial Review report.

RECOMMENDATION

That Council notes the contents of this report in respect to the 31 March 2020 quarterly of the Delivery Program and Operational Plan.

Attachment(s)

- 1 [⇒](#) Delivery Program and Operational Plan - 31 March 2020 Review (Under separate cover)

10.1 Policy (Review) - Naming of Roads Bridges and Places

10. Civil Services Division Reports

10.1 Policy (Review) - Naming of Roads Bridges and Places

Delivery Program

Asset Management

Objective

To review the Naming of Roads Bridges and Places policy.

Background

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

The purpose of this report is to review the Naming of Roads Bridges and Places Policy.

The objective of the policy is to provide guidelines for the naming of roads, bridges and places that are consistent with statutory requirements and to ensure there is a transparent and consistent approach to naming processes, which results in names that reflect the Shire's history and character.

Council first adopted this policy on 25 October 2007.

Key Issues

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

Information

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

- The template for Council policies has changed since this policy was adopted and the new template includes information on definitions, policy history etc.

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 this report.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The policy encourages the use of names associated with historical themes and people that have shaped our community.

10.1 Policy (Review) - Naming of Roads Bridges and Places

- **Economic**
Not Applicable

Legal / Resource / Financial Implications

Staff, as part of everyday working commitments, process naming proposals and assessments.

Naming proposals initiated by Council are typically placed on public exhibition for comment.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Naming of Roads, Bridges and Places 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 \(Review\) - Naming of Roads, Bridges and Public Places](#)

11.1 Notice of Motion - 4WD Permit System - 7 Mile Beach Lennox Head

11. Notices of Motion

11.1 Notice of Motion - 4WD Permit System - 7 Mile Beach Lennox Head

Councillor

Cr Jeff Johnson

I move

1. That Council limits beach 4 wheel drive permits to vehicles registered in the Ballina Shire.
2. That Council also receives a report that investigates moving the vehicle access point further to the north to where the current horse access is.

Councillor Comments

Ballina Shire is one of the few areas along our coastline that allows vehicles to access the beaches. The beach access that runs from South Ballina down to Broadwater is not controlled by Council so this motion is not related to that area.

It is my understanding that vehicles are prohibited on beaches in most local government areas to our north and south. Recent images of vehicles on South Ballina Beach showed a high proportion of QLD registered vehicles on the beach. There has also been numerous reports of 4WDs accessing the dunes, leaving behind rubbish and even incidences of illegal camping.

While the beaches are Crown Reserves they are managed by Ballina Shire Council and rate payers currently pay for any beach clean ups, maintaining the access tracks, administration of the permits and periodic monitoring.

Seven Mile Beach at Lennox Head is becoming increasingly popular which results in a conflict between vehicles and other beach users. The section of beach north of the surf club is very popular with dog walkers.

Reducing the number of vehicles to Ballina Shire registered vehicles and moving the access point further to the north would significantly reduce the existing conflict between user groups.

Furthermore, by moving the vehicle access point further to the north, the existing access point would become more popular with dog walkers and other beach users and help to reduce the crowding immediately north of the surf club.

Staff Comments

The ticketing machine for 4WD permits at Lake Ainsworth relies on drivers entering their vehicle registration.

When patrolling the beach Council rangers then use scanning devices to match registrations with current permits.

The ticketing machine does not have the ability to confirm local residents through the registration process and to implement such a system, a manual

11.1 Notice of Motion - 4WD Permit System - 7 Mile Beach Lennox Head

process will need to be provided whereby staff, or an agent for Council, confirms the driver's residential address before providing a 4WD permit.

This would be a similar process to how a number of coastal councils provide local parking permits. It can be implemented although it incurs a higher administrative cost.

The system to purchase permits for Seven Mile Beach was manual prior to Council installing the ticketing machine.

Seven Mile Beach is a crown reserve and the crown reserve system is provided not for just local residents but for all people in NSW (and essentially Australia). Council manages the land on behalf of the State and there is an equity issue if permits are only provided for local residents.

It is also uncertain whether permission would be needed from NSW Department of Planning, Industry and Environment – Crown Lands prior to implementing such a system, and whether the plan of management for this crown reserve would also need to be updated to reflect the change.

These types of issues would form part of a future report.

If the aim is to reduce use, another option is pricing, although this can disadvantage people on lower incomes. The draft fees for 2020/21 are as follows:

- Annual Permit - \$120
- Six Month Permit - \$70
- Thirty Day Permit - \$50
- One Day permit - \$18

COUNCILLOR RECOMMENDATIONS

1. That Council limits beach 4 wheel drive permits to vehicles registered in the Ballina Shire.
2. That Council also receives a report that investigates moving the vehicle access point further to the north to where the current horse access is.

Attachment(s)

Nil

12. Advisory Committee Minutes

12.1 Finance Committee Minutes - 8 April 2020

Attendance

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

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division), Linda Coulter (Manager Financial Services) and Caroline Klose (Manager Communications), and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Nathan Willis.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

2. Declarations of Interest

Nil

3. Deputations

- **David Felsch, Ballina Peninsula Residents Association** – provided a written deputation in relation to Item 4.5 - Fees and Charges – 2020/21 and in particular to fees and charges for the Burns Point Ferry. (The written deputation had been circulated to Councillors).

4. Committee Reports

4.1 Ballina SES Headquarters - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council authorises the General Manager to have further discussions with the Ballina SES in respect to the use of the land immediately to the south-west of the current site for a new building.
2. If this site is not deemed suitable following those discussions, Council is to receive a further report on the preferred site(s).
3. That Council approves an allocation of \$25,000 from the Strategic Planning Reserve to assist with the preparation of the concept designs and plans for the new Ballina SES building.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

4.2 Lennox Head RFS Shed and Community Pre-school - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council authorises for the arrangements for the planning and development of the Lennox Head Community Pre-school and the Lennox Head Rural Fire Service Headquarters to be amended, to enable these facilities to be developed independently.
2. In respect to the Rural Fire Service facility, Council will continue to advance the planning and development of this project.
3. That Council authorises the General Manager to have further discussions with the Preschool in respect of the design options for the building. If design matters are not able to be resolved, Council is to receive a further report.
4. That Council continue negotiations on the terms and conditions of the lease agreements, including suitable arrangements for sharing of the costs for car parking.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

4.3 Car Park - Upgrade Program

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council defer the draft car park lighting program.
2. That Council hold a briefing on the draft program prior to reporting back to Council.

i.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

4.4 North East Weight of Loads Group (NEWLOG)

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council endorses the draft NEWLOG budget for 2020/21, as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

4.5 Fees and Charges - 2020/21

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

1. That Council approves the exhibition of the draft schedule of fees and charges for 2020/21 as attached, including any amendments resulting from this meeting.
2. That Council notes the proposal to remove cash as a form of payment for the ferry from 1 July 2020 onwards.

An **Amendment** was moved by Cr Keith Williams and seconded by Cr Eoin Johnston

1. That Council approves the exhibition of the draft schedule of fees and charges for 2020/21 as attached, including any amendments resulting from this meeting.
2. That Council notes the proposal to remove cash as a form of payment for the ferry from 1 July 2020 onwards.
3. That Council introduce a car and trailer annual fee for the ferry at a price of an additional 10% on the car fee.

The **Amendment** was **LOST**.

FOR VOTE - Cr Jeff Johnson, Cr Eoin Johnston, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Stephen McCarthy and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Nathan Willis

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

RECOMMENDATION

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council approves the exhibition of the draft schedule of fees and charges for 2020/21 as attached, including any amendments resulting from this meeting.
2. That Council notes the proposal to remove cash as a form of payment for the ferry from 1 July 2020 onwards.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

4.6 Plant Replacement Program - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council approves the inclusion of the Plant Replacement Program, as per Tables Two and Three, as well as Attachment 1, plus the addition of a new cleaner's vehicle and a new electrician's vehicle, as per the contents of this report, for inclusion in the draft 2020/21 to 2023/24 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

4.7 Workforce Management Plan - 2020/21 to 2023/24

RECOMMENDATION

(Cr Ben Smith/Cr Jeff Johnson)

1. That Council approves the exhibition of the draft Workforce Management Plan 2020/21 to 2023/24, as attached to this report.
2. That subject to the adoption of that document, the following actions are recommended in respect to the additional positions identified:
 - Strategic Planner – Three days per week – Proceed with recruitment due to existing planner transitioning to retirement.
 - Compliance Officer – Full-time – Delay recruitment subject to sufficient revenue generated to finance additional position.

12.1 Finance Committee Minutes - 8 April 2020

- Building Surveyor - Full-time – Delay recruitment subject to sufficient revenue and / or workload to finance / justify additional position.
 - Trainee Building Surveyor – Additional two days – Proceed with recruitment to increase days for existing position.
 - Plumbing and Drainage Officer – Additional Two Days – Proceed with recruitment to match workload which is anticipated to remain at recent levels.
 - Parking Officer – Three days week – Delay recruitment subject to lifting of lock down restrictions.
 - Resource Recovery – Waste Education Officer – Full-time – Proceed with recruitment as position funded from waste revenues.
 - Open Spaces - Labourer – Full-time – Proceed with recruitment as position required for infrastructure management and not dependent on economic activity.
 - Maintenance and Construction Officers – Various – Position recruitments dependent on on-going analysis of existing and forecast maintenance and construction budgets.
 - Fitter / Machinist – Full-time – Proceed with recruitment as position required for infrastructure management, is primarily funded by Water and Wastewater revenues and is not dependent on economic activity.
 - Water and Wastewater Assistants – Two full-time - Proceed with recruitment as positions are required for infrastructure management, are fully funded by Water and Wastewater revenues and are not dependent on economic activity.
 - Financial Services - Management Accountant – Proceed with recruitment as position required to meet statutory responsibilities and is not dependent on economic activity.
 - Trainee and Apprentice Support Officer – Two days temporary role for 12 month period - Proceed with recruitment due to ongoing immediate needs to support program and ability for role to be funded by existing operational budgets.
4. That further information be provided on the key action measures outlined in the draft document.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith
AGAINST VOTE - Cr Phillip Meehan and Cr Eoin Johnston
ABSENT. DID NOT VOTE - Cr Nathan Willis

4.8 General Fund - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council approves the exhibition of the draft Long Term Financial Plan, as attached to this report, including any amendments arising from this meeting.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis

Adjournment

The Mayor declared the meeting adjourned at 5.27 pm

The meeting resumed at 6.05 pm

Cr Keith Williams left the meeting at 6.12 pm during the adjournment.

4.9 Community Infrastructure Projects - Non-Recurrent Expenditure

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That in respect to the 2019/20 budget for the Skennars Head Sports Fields expansion, Council approves a variation of \$215,000 funded as follows:
 - Killen Falls – saving of \$15,000
 - Wardell Wharf Shade – saving of \$11,000
 - Internal Reserve - Open Spaces - \$79,000
 - Internal Reserve - Cemeteries - \$110,000
2. That Council notes the major non-recurrent community infrastructure projects included in the draft Delivery Program and Operational Plan, as summarized in Table Four of this report.
3. That Council receive a further report on funding strategies to implement the Lake Ainsworth Coastal Management Plan, prior to or at the June 2020 Ordinary meeting.
 - ii.
4. That Council seek relief from the Crown in respect to the seagrass payment for the Shaws Bay Coastal Management Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

4.10 Community Infrastructure - Recurrent Expenditure

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

1. That Council approves the inclusion of the recurrent capital expenditure priorities, as outlined in this report, in the draft 2020/21 to 2023/24 Delivery Program and Operational Plan.
2. That Council include a comment that Barlow's Road is still under investigation in the draft document.
- iii.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

4.11 Delivery Program and Operational Plan 2020/21 - Exhibition

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the exhibition of the draft Delivery Program and Operational Plan, as attached to this report, and subject to:

- any changes arising from this meeting and
- inclusive of the Revenue Policy and Capital Works program, as determined by Council.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

MEETING CLOSURE

6.27 pm

RECOMMENDATION

That Council confirms the minutes of the Finance Committee meeting held 08 April 2020 and that the recommendations contained within the minutes be adopted, with an amendment to the draft Workforce Plan, as per item 4.7, to include the revised Key Actions and Measures, as per Attachment 1.

Attachment(s)

1. [Draft Workforce Management Plan - Revised Key Actions and Measures](#)

Attendance

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

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services), Julie Stewart (Airport Manager) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Nathan Willis.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Ballina-Byron Gateway Airport - Long Term Financial Plan

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council approves the inclusion of the Long Term Financial Plan for the Ballina – Byron Gateway Airport, as per the attachments to this report, in the draft 2020/21 to 2023/24 Delivery Program and Operational Plan.
2. That Council adopts the revised 2019/20 estimates, as per Attachments 1 and 2 to this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

4.2 Airline Agreement - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this preliminary report on the airline agreements, with the confidential report included in this agenda detailing the commercial and confidential aspects of one agreement.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

4.3 Property Development - Update

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Parry)

1. That the Wollongbar Urban Expansion Area – Stage Three development, be placed on hold for a period of three to six months, due to the current economic climate, with a budget of \$120,000 for 2019/20, for actual and anticipated costs, to be funded from the Property Development Reserve.
2. That Council approves a loan funded budget of \$3.6m for 2019/20 for the Boeing Avenue – Lots Two and Three development, based on actual and anticipated costs. The development application to subdivide lots two and three into 26 lots is to be prepared and submitted to Council for determination.
3. That due to the current economic climate Council place the Innovation Precinct project on hold to assess whether the \$3.95m in State Government grant funding can be transferred to Airport Boulevard. The rezoning of this precinct is to continue while the project is on hold.

4. If the grant funding reallocation as per point three is approved, Council approves the calling of tenders for the remainder of the entire Airport Boulevard project, with the tenders to be submitted to Council along with the preferred funding strategy (i.e. confirmation of the loan funding be needed).
5. If the grant funding reallocation as per point three is not approved, that Council receive a further report on the options for Airport Boulevard, including detailed estimates for all remaining stages of the project.
6. That Council approves the forecast cash flows for the Property Development Reserve, as per Attachment 9, to this report, in the draft Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

5.1 Airline Agreement - Update on Confidential Terms

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business; and
- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it would prejudice Council's ability to negotiate commercial terms and conditions with the service provider and release commercial information to competitors of the service provider.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Nathan Willis

(The Council moved into Confidential Session at 5.57 pm).

Cr Keith Williams left the meeting via video link at 5.58 pm.

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

(The Council moved into Open Council at 6.02 pm).

The General Manager reported to the Open Meeting the recommendation made while in Confidential Session:

5.1 Airline Agreement - Update on Confidential Terms

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council notes the contents of this report and endorses the implementation of option one in respect to the existing Amended Agreement, and authorizes the General Manager to finalise negotiations.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

Adoption of Recommendation from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That the recommendation made whilst in Confidential Session, be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Nathan Willis and Cr Keith Williams

MEETING CLOSURE

6.04 pm

RECOMMENDATION

That Council confirms the minutes of the Commercial Services Committee meeting held 08 April 2020 and that the recommendations contained within the minutes be adopted.

Attachment(s)

Nil

13.1 Mayoral Meetings

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

13.1 Mayoral Meetings

Councillor David Wright

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

<u>Date</u>	<u>Function</u>
24/3/20	Meeting – Patches Beach Car Park
27/3/20	The Harvest Café – Newrybar - Vegetable delivery
30/3/20	Police Community Safety Precinct Committee Teleconference
5/4/20	Commemoration Park Markets
6/4/20	Police Community Safety Precinct Committee Teleconference
7/4/20	Announcement of Four Wheel Drive Access
8/4/20	Finance Committee
8/4/20	Commercial Services Committee Meeting
11/4/20	Sunrise – Ballina Surf Club
12/4/20	Commemoration Park Markets
14/4/20	Police Community Safety Precinct Committee Teleconference
16/4/20	Private Citizenship Ceremony
19/4/20	Commemoration Park Markets
23/4/20	Council Meeting
26/4/20	Commemoration Park Markets

RECOMMENDATION

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

Attachment(s)

Nil

14. Confidential Session

14. Confidential Session

Nil Items