



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 July 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 and seat limits
apply in the Public Gallery.
You may access this meeting via our Live Streaming link
ballina.nsw.gov.au/agendas-and-minutes**

Deputations to Council – Guidelines

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

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

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

Recording and Livestreaming of Council Meetings

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

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1. Australian National Anthem
 2. Acknowledgement of Country
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 4. Confirmation of Minutes
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-

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 25 June 2020 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Thursday 25 June 2020.

5. Declarations of Interest and Reportable Political Donations

6. Deputations

7. Mayoral Minutes

Nil Items

8.1 Compliance Work Plan - 30 June 2020 Review

8. Planning and Environmental Health Division Reports

8.1 Compliance Work Plan - 30 June 2020 Review

Delivery Program

Development Services

Objective

To provide an overview of the outcomes associated with the 2019/20 Compliance Work Plan.

Background

At the June 2019 Ordinary meeting, Council adopted a Compliance Work Plan for the 2019/20 financial year. This report provides an overview of the action taken in relation to the plan.

At the January 2020 Ordinary meeting, Councillors requested additional statistical information and information on trends in the compliance area.

This report includes additional information and trends in line with Council's request.

Key Issues

- Level of compliance
- Amount of compliance activity
- Increasing volume and complexity of unauthorised activity
- Results

Information

The 2019/20 Compliance Work Plan identified five priorities being:

1. *Audit of Major Developments within the Shire* (Ongoing Program)
2. *Audit of Identified Development Consents* (Ongoing Program)
3. *Caravan Park Inspections, Auditing and Licensing* (Ongoing Program)
4. *Swimming Pool Barrier Inspections and the Issuing of Compliance Certification* (Ongoing Program)
5. *Essential Services (Fire Safety) Auditing in relation to Fire Safety Certification.* (Ongoing Program)

Additionally, at the January 2020 Ordinary meeting, Council considered an enforcement program to address unauthorised dwellings on rural land and resolved as follows:

The Council confirms the investigation of unauthorised dwellings in rural areas and associated compliance and enforcement action is to be included in the Compliance Work Plan for 2019/20 onwards, based on the approach outlined in this report.

This additional program has been included in the Compliance Work Plan.

For the 2019/20 priority areas the following provides a summary of the action taken.

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

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

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

This program has continued with audits of development applications for the years 2007 through 2011 inclusive. Compliance resources have also been applied to auditing developments being carried out on environmentally and culturally sensitive sites on an ongoing basis.

Audits relating to approvals for the period 2006 through to 2011 inclusive have been completed, with all development consents assessed to be generally in compliance with the conditions of the development consent applicable at the time of the audits undertaken or after follow up actions. These financial years will no longer be reported on.

The implementation of the program has continued but has slowed as processes have been adjusted in response to the Covid-19 pandemic. The program has also been impacted by an increasing volume of unauthorised development activity that requires more immediate attention.

Future audits are currently focussed on the period 2012 to 2017. Audits for these years have not substantially progressed to date with 265 major developments approved and only one inspected to date.

It is intended that the approach to this audit program will be reviewed during 2020/21.

2. Audit of Identified Development Consents (Ongoing Program)

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

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

This program has continued on to audit 2007, 2008, 2009, 2010 and 2011 development applications.

Audits relating to approvals for the period 2006 through to 2011 inclusive have been completed, with all development consents assessed to be generally in compliance with the conditions of the development consent applicable at the time of the audits undertaken or after follow up actions.

Future audits are currently focussed on the period 2012 to 2017. Audits for these years have not substantially progressed to date with 523 developments approved and only two inspected to date.

It is intended that the approach to this audit program will be reviewed during 2020/21.

3. Caravan Park Inspections, Auditing and Licensing

Caravan Parks are currently licensed through the provisions of Section 68 of the *Local Government Act 1993* (NSW) with the operation of each Park to be undertaken in line with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2008* (NSW).

This Regulation remains under review by the State Government and it was anticipated that the new regulations would be implemented towards the middle of 2017. To date, staff have not been able to ascertain a revised period for implementation of the new Regulation. Unfortunately, there is no end date identified on the NSW Government's website.

In line with the current legislative requirements, staff have been conducting annual inspections of all existing caravan parks since 2018.

Initially, this annual inspection program focused on safety and risk issues including smoke detectors, fire services and emergency evacuation plans to ensure the safety of patrons of each of the caravan parks.

Inspections have revealed that caravan parks have commonly identified deficiencies in a number of areas including:

- Compliance with the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (NSW); and/or
- Compliance with Essential Services (fire safety) requirements of the *Environmental Planning and Assessment Regulation 2000* (NSW); and/or
- Failing on-site sewage management systems; and/or
- Compliance with conditions of development consent or development consents issued; and/or
- Compliance with conditions of applicable Plans of Management; and/or

8.1 Compliance Work Plan - 30 June 2020 Review

- Alterations made where the appropriate development consent or other required approvals have not been obtained prior to works or alterations being undertaken.

Annual compliance inspections for caravan parks generally fall due between February and June each year. Due to the current Covid-19 pandemic, the annual compliance inspections of caravan parks were placed on hold. This will be reviewed for the 2020/21 year.

Notwithstanding this, address of various compliance and approval matters has continued on a case by case basis.

Overall staff are attempting to progressively bring all Caravan Parks into compliance, mindful of the socio-economic status of some residents. Key issues here include limited ability for some residents to pay for required upgrades and the potential for park operators to close down a park, rather than pay for upgrades, if upgrades are mandated to take place all at once.

The above issues need to be balanced with legislative compliance, safety and public health outcomes.

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

Council's regular compliance inspection and certification program has continued with 235 swimming pool barrier inspections completed during the year.

In addition to the inspection program, a key focus during 2019/20 has been continuing to identify properties for inclusion within Council's Swimming Pools Register.

It is estimated that there are in excess of 4,200 private swimming pools within Ballina Shire. Council and the NSW State Government have engaged in a lengthy, ongoing media campaign to advise landowners of the legal requirements to register their swimming pool on the State Swimming Pools Register.

Key program outcomes relating to the swimming pools register since July 2017 include:

- 228 swimming pools added to the Swimming Pools Register for the 2017/18 financial year
- 1,028 swimming pools added to the Swimming Pools Register for the 2018/19 financial year
- 794 swimming pools added to the Swimming Pools Register for the 2019/20 financial year

At present, there are 2,846 swimming pools identified in the Swimming Pools Register in total.

Overall, most property owners are responsive to addressing required improvements to swimming pool barriers where issues are identified by Council inspections.

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

Council's essential services audit program has continued during 2019/20. Presently there are 684 premises identified in the Essential Services Register. Similar to the swimming pools program, work has been ongoing to identify properties for inclusion on the register to establish a more comprehensive register.

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

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

The follow up of non-conforming statements can be a lengthy process as the field of fire compliance is complex, follow up at times involves consulting with NSW Fire and Rescue and there are very few suitably qualified consulting practitioners available to assist property owners.

There have been recent changes in the legislation applying to essential services with staffing working through these in delivering the program.

Court Proceedings

Some matters investigated result in the commencement of legal proceedings, either in the Ballina Local Court or, where circumstances warrant, the NSW Land and Environment Court. Any legal action through the Courts is undertaken in line with the provisions of Council's Enforcement Policy.

Four matters are currently with Council's Solicitors for review with respect to alleged breaches of planning legislation, fire safety measures, swimming pools legislation and unauthorised vegetation clearing within the Ballina Shire. Another three matters are currently under investigation.

It has not yet been determined whether these matters will progress to Court proceedings.

Legal Notices

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

In the 2019/20 year the following actions have been taken in relation to notices:

- Issued 69 new legal notices for identified breaches and non-compliances with planning and environmental legislation

- Issued 24 fire safety orders on landowners for inadequate fire safety measures
- Issued 132 breach notices for swimming pool barrier fencing
- Issued 340 show cause notices for swimming pools added to the register for issues such as unregistered swimming pool, no final occupation inspection, no development consent for installation of swimming pool and the like
- Finalised 73 notices that have been ongoing, where the matter has been resolved to Council's satisfaction and without requiring litigation
- Issued 42 penalty infringement notices for breaches of various pieces legislation and
- Managing 59 outstanding notices that require ongoing follow up. Where a satisfactory resolution is not achieved the matter may result in formal Court proceedings.

Liquor Licensing Matters

During the current financial year, Council addressed six liquor licence applications, including four new licensed premises commencing trading within the financial year.

Incoming correspondence and tasks

In addition to specified programs, compliance staff undertake reactive compliance and enforcement activities, and support other organisational work functions, on a day to day basis. From 1 July 2019 to 30 June 2020, Compliance Officers directly received 1,422 incoming tasks, enquiries and referrals for review, action and response.

Anticipated Trends

Overall, it is expected that the volume and complexity of compliance and enforcement tasks will continue to increase. Key areas in this regard include unauthorised dwellings, unauthorised building works, unauthorised vegetation removal, unauthorised earthworks and noise, dust and water quality related issues associated with development activity in the shire.

With respect to the particular compliance programs, the following is anticipated:

- Increase in the use of fire orders to achieve fire safety outcomes via upgrades to existing buildings to meet the current fire requirements. This may create some concern amongst property owners due to the cost involved in implementing required fire safety upgrade works.
- Increase in the number of premises subject to Mandatory Swimming Pool Inspections and Essential Services requirements when new Short Term Holiday Accommodation provisions established by the State Government come into effect.

If the changes are implemented as currently expected, this will likely increase service demands on Council and may create concern amongst property owners due to costs involved in inspections and achieving compliance with legislation (particularly as the implications relating to pools and fire safety are not likely well understood by short term holiday accommodation providers).

- Increase in engagement with rural landholders who have unauthorised dwellings located on their land. The implementation of the program to address unauthorised dwellings on rural land is likely to lead to owners being required to take action to legitimise the dwellings or in some cases decommission structures to prevent them from being used as dwellings. Fines and legal action may also result from the program and there may be impacts on people who are currently residing in unauthorised structures.

Sustainability Considerations

- **Environment**
Compliance with issued development consents ensures the protection of the built and natural environments.
- **Social**
Enforcing compliance with development consents and legislative obligations is an important aspect of ensuring community confidence in relation to development activity.
- **Economic**
Compliance with development conditions results in a more level playing field for business operators.

Legal / Resource / Financial Implications

This program aims to efficiently utilise the resources allocated for enforcement activities.

Council has approved the employment of an additional Compliance Officer during 2020/21. That recruitment is currently on hold due to the COVID-19 pandemic and the significant downturn in operating revenue for Council.

Consultation

This report has been prepared as a final update on the 2019/20 Compliance Work Plan.

Options

This report is provided for the information of Council and the community.

RECOMMENDATION

That Council notes the contents of this report on the outcomes from the Compliance Work Plan for the 2019/20 financial year.

Attachment(s)

Nil

8.2 Policy (Review) - Voluntary Planning Agreements Policy

8.2 Policy (Review) - Voluntary Planning Agreements Policy

Delivery Program

Strategic Planning

Objective

To review the Voluntary Planning Agreements 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 Planning Agreements policy (V01).

Council first adopted this policy at the February 2007 Ordinary meeting.

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:

- updated references to relevant sections of the Environmental Planning and Assessment Act 1979, to reflect recent changes in the numbering system (s94 now being s7.11 for example).

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

The Department of Planning, Industry and Environment will from time to time issue 'Practice Notes' relating to planning related matters, and which, where relevant, must be adhered to.

A Practice Note on Planning Agreements was issued in 2005 at the time voluntary planning agreements were introduced.

Whilst the original practice note remains current, draft (updated) practice notes relating to planning agreements have been issued on several occasions (but not finalised and brought into legal effect). The most recent of these draft practice notes was published in April 2020.

Should any relevant practice notes be brought into effect by the Department, Council's policy will be updated to align with any substantive changes.

In the case of any inconsistency, any in-force practice note will prevail for the purposes of preparing and processing any voluntary planning agreements that may be occurring at that time.

Sustainability Considerations

- **Environment**

Voluntary planning agreements provide a mechanism that may, in certain circumstances, deliver improved environmental protection measures, in association with development. To this extent, planning agreements may contribute to positive environmental outcomes.

- **Social**

Voluntary planning agreements provide a mechanism that may, in certain circumstances, deliver improved community infrastructure and environmental protection measures, in association with development. To this extent, planning agreements may contribute to positive social outcomes.

- **Economic**

Voluntary planning agreements provide a mechanism that may, in certain circumstances, facilitate the timely and efficient resolution of development related matters. To this extent, planning agreements may contribute to the achievement of economic development.

Legal / Resource / Financial Implications

The State Government recommends that local councils have local policies in place for the application and preparation of voluntary planning agreements.

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. Deferral of consideration of the reviewed policy is not recommended as the changes are minor. It is also recommended that if no submissions are received from the exhibition process, the policy be implemented with no further actions required.

RECOMMENDATIONS

1. That Council adopts the amended Voluntary Planning Agreements 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 \(Review\) - Voluntary Planning Agreements](#)

8.3 Development Applications – Variation to Development Standards

8.3 Development Applications – Variation to Development Standards

In accordance with Department of Planning, Industry and Environment reporting requirements, the following information is provided on development applications where variation to a development standard 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 |
|---------------|----------------------|------------------|-----------------------------|----------------------------|--|------------------------------------|
| NIL | | | | | | |

RECOMMENDATION

That Council notes that there have been no applications approved under delegation for variations to development standards of 10% or less for April to June 2020.

Attachment(s)

Nil

8.4 Development Applications - Works in Progress - July 2020

8.4 Development Applications - Works in Progress - July 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 | Being assessed |
| 2018/74 | 13/2/2018 | Ardill Payne & Partners | Amended Proposal: Demolition of Existing Residential Flat Building and Erection and Strata Title Subdivision of a six storey Residential Flat Building containing 12 (originally 14) dwellings, associated car parking and works. The proposed building has a height of 18.6m (originally 18.3) with the lift over run at a height of 19.3m which is above the building height allowance of 18m under the Ballina Local Environmental Plan 2012 – 8 Grant Street, Ballina | Being assessed |
| 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 | Being assessed |

8.4 Development Applications - Works in Progress - July 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 5 ha allotments – 987 & 937 Wardell Road, Meerschaum Vale | Subject to Land and Environment Court appeal |
| 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 | Being assessed |
| 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 |
| 2019/499 | 2/8/2019 | Planners North | Implementation of erosion and slope stabilisation measures, bushland regeneration works, ongoing geotechnical monitoring and use of existing structures for residential purposes – 35 Pine Avenue, East Ballina | Being assessed |
| 2019/535 | 21/8/2019 | Ardill Payne & Partners | To undertake a development in four stages comprising: Stage 1 - Three Lot Torrens Title Subdivision (Proposed Lots 1 and 2 – area of 801m ² and Proposed Lot 3 – area of 1,090m ²). Stage 2 - Erection of a Two Storey Dwelling on Proposed Lots 1, 2 and 3. Stage 3 - Strata Subdivision of Proposed Lots 1, 2 and 3. Stage 4 – Erection of a New Dwelling on each Vacant Strata Lot to create a Detached Dual Occupancy. 26-30 Fitzroy Street, Wardell | Awaiting additional information |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|--|---|---------------------------------|
| 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 |
| 2019/694 | 28/10/2019 | Planners North | Tourist and Visitor Accommodation comprising eight holiday cabins, communal recreation building and an information education facility for the purposes of a cooking school - 841 Fernleigh Road Brooklet | Being Assessed |
| 2019/729 | 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 | Being assessed |
| 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 | Being assessed |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|----------------------------------|--|---------------------------------|
| 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 |
| 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 | Determination pending |
| 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 |
| 2020/25 | 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 | Awaiting additional information |
| 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 |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-------------------------|--|---------------------------------|
| 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 | Being assessed |
| 2020/56 | 7/2/2020 | Ballina Shire Council | Construction of a new sewer rising main extending 1465m 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 | Being assessed |
| 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 |
| 2020/83 | 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 |
| 2020/117 | 4/3/2020 | Newton Denny Chapelle | Change of Use to Establish a Commercial Premises – 313 River Street, Ballina | Determination pending |
| 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 |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-------------------------|---|--|
| 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 | Awaiting additional information |
| 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 |
| 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 being reviewed It is expected that the determining authority for this application will be Northern Regional Planning Panel. This will be confirmed following the completion of the review of additional information that has been submitted. Councillor briefing to be provided. |
| 2020/193 | 9/4/2020 | Newton Denny Chapelle | Two Lot Torrens Title subdivision to create one x 628sqm and one x 746sqm allotments and the carrying out of earthworks and erection of a single storey dwelling house on Proposed Lot 2 – 2 Spring Creek Place, Wollongbar | Being assessed |
| 2020/194 | 30/3/2020 | Ardill Payne & Partners | To undertake the construction of a car park and associated access driveway to service an existing seniors housing development – 148 & 120 North Creek Road, Ballina | Awaiting additional information |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|--|---|------------------------------------|
| 2020/199 | 1/4/2020 | Newton Denny Chapelle | Alterations and Additions to an Existing Industrial Building and Associated Works – 6 Piper Drive, Ballina | Awaiting additional information |
| 2020/207 | 6/4/2020 | Sarah Addicoat | Strata Title Subdivision of an Existing Dual Occupancy – 13 Trelawney Avenue, Wollongbar | Awaiting additional information |
| 2020/233 | 17/4/2020 | Magus PM C/- Creative Planning Solutions | Erection of a Permanent Group Home for People with a Disability – 9 Leach Crescent, West Ballina | Being assessed |
| 2020/236 | 20/4/2020 | Signmanager Pty Ltd | Erection of a Business Identification Sign - 103 River Street, Ballina | Being assessed |
| 2020/242 | 23/4/2020 | Planners North | Multi Dwelling Housing Development comprising the erection and Strata Title subdivision of 44 two storey dwellings and associated works - Lot 6 DP 1225206 The Coast Road, Skennars Head | Referred to Government departments |
| 2020/244 | 23/4/2020 | Northern Rivers Land Solutions | Three Lot Torrens Title Subdivision to create one x 800m ² , one x 860m ² and one x 1,084m ² allotments, filling and retaining works, vegetation removal, riverbank stabilisation works, infrastructure servicing and associated works – 23 Richmond Street, Wardell | Referred to Government departments |
| 2020/257 | 29/4/2020 | Ardill Payne & Partners | To undertake the erection and subsequent Strata Title subdivision of an industrial building containing 11 light industrial units, take away food and drink premises, associated works and consolidation of three approved lots into one – 39-45 North Creek Road, Ballina | On exhibition |
| 2020/264 | 30/4/2020 | Ardill Payne & Partners | To undertake demolition, alterations and additions to the existing Northern Rivers Seafood Building – 480 River Street, West Ballina | Awaiting additional information |
| 2020/270 | 4/5/2020 | R & J Harris Consulting Pty Ltd | Alterations and Additions to an existing waste management facility comprising the erection of a waste transfer shed used for the storage of excavation drilling mud and the transfer of recycled containers (Container Deposit Scheme Materials) and parking of vehicles – 540 Pimlico Road, Pimlico | Referred to Government departments |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-------------------------------------|---|--|
| 2020/284 | 12/5/2020 | Ballina Island Developments Pty Ltd | Subdivision of Proposed Super Lot 102 in DA 2018/51 comprising the creation of 17 Torrens Title residential lots and one super lot, road construction, installation of infrastructure and services, earthworks and vegetation clearing – 20 North Creek Road, Lennox Head | On exhibition |
| 2020/286 | 13/5/2020 | Sailfish Catamarans Pty Ltd | Vegetation management works comprising the removal of one tree – 45 Northcott Crescent, Alstonville | Being assessed |
| 2020/292 | 15/5/2020 | Newton Denny Chapelle | Subdivision of land involving the creation of 12 Torrens Title lots, road and infrastructure servicing, bulk earthworks, retaining walls and vegetation removal. 11 of the residential lots range in size from 825sqm to 1200sqm and one lot having an area of approximately 3800sqm. – 180 & 190 North Creek Road, Lennox Head | Awaiting additional information |
| 2020/301 | 21/5/2020 | Newton Denny Chapelle | Construction of three shade structures – 62 Horizon Drive, West Ballina | Being assessed |
| 2020/318 | 27/5/2020 | I McIndoe | Vegetation management works comprising the removal of four trees – 3 Allens Parade, Lennox Head | Being assessed |
| 2020/325 | 29/5/2020 | Ardill Payne & Partners | Multi-Dwelling Housing Comprising the Erection and Strata Title Subdivision of Four Dwellings and associated works – 2 Unara Parkway, Cumbalum | On exhibition |
| 2020/346 | 4/6/2020 | Byron Bay Planning | Erection of Dwelling House and Associated Works and Demolition of Existing Shed. The Application Includes a Variation to the 40 Hectare Minimum Lot Size Development Standard for the Erection of a Dwelling House – 2 Fredericks Lane, Tintenbar | Referred to Government departments & on exhibition |
| 2020/355 | 11/6/2020 | H T Carter | Vegetation management works comprising the removal of two trees – 32 Cedar Crescent, East Ballina | Being assessed |
| 2020/361 | 12/6/2020 | Ardill Payne & Partners | Change of use to Vehicle Repair Station - 1 Convair Avenue, Ballina | Referred to Government departments |

8.4 Development Applications - Works in Progress - July 2020

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-------------------------|---|----------------|
| 2020/364 | 12/6/2020 | Ardill Payne & Partners | Boundary adjustment subdivision of two lots to create two modified lots comprising one proposed 1.3ha and one 17.3 ha allotments - 13 Kamala Place, Tintenbar | Being assessed |
| 2020/369 | 17/6/2020 | L Sapienza | Vegetation management works comprising the removal of five trees - 11 Angus Kennedy Close, Lennox Head | Being assessed |
| 2020/382 | 22/6/2020 | J S Eastment | Vegetation management works comprising the removal of two trees- 60 Survey Street, Lennox Head | Being assessed |
| 2020/389 | 23/6/2020 | M Cheverton | Vegetation management works comprising the pruning of one tree - 27 The Serpentine, East Ballina | Being assessed |
| 2020/391 | 23/6/2020 | B D Greig | Vegetation management works comprising the removal of nine trees - 13 Angus Kennedy Close, Lennox Head | Being assessed |
| 2020/392 | 23/6/2020 | M J Verdolini | Vegetation management works comprising the removal of four trees - 12 Angus Kennedy Close, Lennox Head | Being assessed |

Regional Development (Determined by Northern Regional Planning Panel)

| DA No. | Date Rec'd | Applicant | Proposal | Status |
|----------|------------|-------------------------|---|---|
| 2016/524 | 16/9/2016 | Planners North | Seniors living development pursuant to SEPP (Housing for Seniors and People with a Disability) comprising amended layout, 147 (previously 211) self-care housing, clubhouse, recreation facilities, roads and infrastructure, environmental management and protection works – 67 Skennars Head Road | NRPP approved Site Compatibility Certificate. Assessment of application reactivated and ongoing |
| 2018/321 | 13/6/2018 | Palm Lake Works Pty Ltd | Extension to Seniors Housing Development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) comprising 156 self-care dwellings, recreation facilities and car parking, infrastructure, site filling and associated works – 120 North Creek Road | Appeal discontinued by applicant |

8.4 Development Applications - Works in Progress - July 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 July 2020.

Attachment(s)

Nil

9.1 Investment Summary - June 2020

9. Corporate and Community Division Reports

9.1 Investment Summary - June 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 June 2020.

Key Issues

- Compliance with Investment Policy and the return on investments.

Information

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

The total balance of investments as at 30 June 2020 was \$83,538,300, increasing by \$8 million from 31 May 2020.

Council's investments, as at 30 June, were invested at an average (weighted) interest rate of 1.410%, which was 1.308% above the June average 90 Day Bank Bill Index of 0.102%.

The balance of the Commonwealth Bank business account as at 30 June 2020 was \$9,464,766 decreasing by \$1,037,434 from 31 May 2020.

The net movement in investments and bank balances from 31 May 2020 was an increase of \$6,962,566. The increase is primarily due to the loan drawdowns totaling \$6.6 million on 25 June 2020.

Council was maintaining a high cash at bank balance as at 30 June 2020 due to the scheduled loan and creditor payments occurring in the first fortnight of July.

The June 2020 TCorp Economic Commentary report is included as an attachment to this report as discussed at the June 2020 Council meeting.

9.1 Investment Summary - June 2020

Rates and charges payments received

Council's cash flows from rates and charges payments have been impacted by the COVID-19 pandemic.

As shown in the following table, the rates payments received in May and June 2020 is 2.4% higher, in dollar values, than the same period last year.

This increase is below the expected increase resulting from the 2019/20 general rate peg increase of 5.9%, increase in waste and wastewater charges of 2.7%, and the overall increase in the number of assessments, connections and water consumption.

Conversely, the payments received from interest and legal charges on rates has significantly fallen by 69.4%.

This reflects Council's adoption of the nil interest rate for overdue rates and charges from 1 April 2020 and the restrictions on Council to commence legal action to recover overdue rates and charges.

| Payments received | May / June 2020 \$'000 | May / June 2019 \$'000 | Variance \$'000 | Variance % |
|----------------------------|------------------------------|------------------------------|--------------------|---------------|
| Rates | 12,421 | 12,129 | 292 | 2.4% |
| Interest and Legal Charges | 8 | 26 | -18 | -69.4% |
| Total | 12,429 | 12,154 | 274 | 2.3% |

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

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

* Reflects reserves held as at 30 June 2019. This will be updated for 30 June 2020 as part of the financial statement completion.

9.1 Investment Summary - June 2020

A. Summary of Investments by Institution

| Funds Invested With | Fossil Fuel Aligned | Rating S&P | Rating Moody | Previous Month \$'000 | Current Month \$'000 | Quota % | % of Total | Total |
|---|------------------------|--------------|-----------------|-----------------------|----------------------|----------------|-------------|------------|
| Grandfathered Investments | | | | | | | | |
| National Australia Bank | Yes | BBB | Baa2 | 1,788 | 1,788 | 0 | 2.1% | 2% |
| Rated Institutions | | | | | | | | |
| AMP Bank | Yes | BBB+ | A3 | 7,500 | 6,500 | 10% | 7.8% | |
| Australian Unity bank | n/a | BBB+ | NR | 5,000 | 5,000 | 10% | 6.0% | |
| Auswide Bank | No | BBB | Baa2 | 2,000 | 2,000 | 10% | 2.4% | |
| Bank of China | Yes | A | A1 | 3,000 | 5,000 | 20% | 6.0% | |
| Bank of Communications | Yes | A- | A2 | 1,000 | 1,000 | 20% | 1.2% | |
| Bank of Queensland | Yes | BBB+ | A3 | 3,000 | 6,000 | 10% | 7.2% | |
| Commonwealth Bank | Yes | AA- | Aa3 | 4,000 | 8,000 | 20% | 9.6% | |
| Credit Union Australia | No | BBB | Baa1 | 600 | 600 | 10% | 0.7% | |
| Defence Bank Ltd | No | BBB | NR | 5,500 | 5,500 | 10% | 6.6% | |
| ING Bank (Australia) Ltd | Yes | A | A3 | 1,000 | 1,000 | 20% | 1.2% | |
| ME Bank | No | BBB | Baa1 | 6,750 | 6,750 | 10% | 8.1% | |
| Macquarie Bank Limited | Yes | A+ | A2 | 6,000 | 4,000 | 20% | 4.8% | |
| My State Bank Ltd | No | BBB+ | Baa1 | 5,000 | 5,000 | 10% | 6.0% | |
| National Australia Bank | Yes | AA- | Aa3 | 10,000 | 13,000 | 20% | 15.6% | |
| Newcastle Permanent | No | BBB | A3 | 4,700 | 4,700 | 10% | 5.6% | |
| Teachers Mutual Bank | No | BBB | Baa1 | 1,700 | 700 | 10% | 0.8% | |
| Westpac Bank | Yes | AA- | Aa3 | 7,000 | 7,000 | 20% | 8.4% | 98% |
| Total | | | | 75,538 | 83,538 | | 100% | |
| Credit Rating Summary as per the Investment Policy | | | | | | | | |
| | Maximum Allowed | | Value | Value | % | % | | |
| | % | Value | Previous | Current | Previous | Current | | |
| A- or Higher | 100% | 83,538 | 32,000 | 39,000 | 42% | 47% | | |
| BBB | 60% | 50,123 | 43,538 | 44,538 | 58% | 53% | | |
| Total | | | 75,538 | 83,538 | 100% | 100% | | |

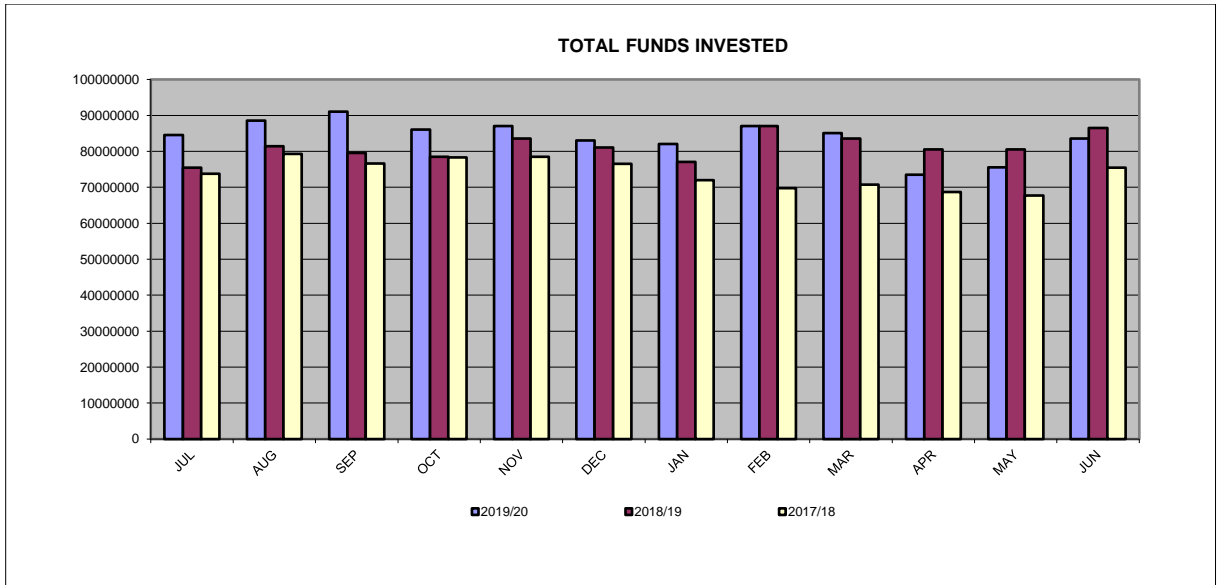
B. Summary of Investments Fossil Fuel Aligned

| | Previous Month (\$'000) | Current Month (\$'000) |
|--------------------------------|-------------------------|------------------------|
| Fossil Fuel Aligned | 44,288 | 53,288 |
| | 59% | 64% |
| Non-Fossil Fuel Aligned | 26,250 | 25,250 |
| | 35% | 30% |
| Not Classified | 5,000 | 5,000 |
| | 6% | 6% |
| Total | 75,538 | 83,538 |
| | 100% | 100% |

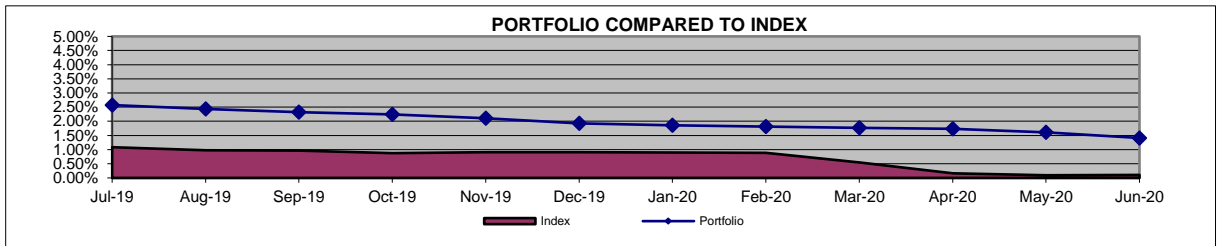
Classification based on advice from 'Market Forces'.

9.1 Investment Summary - June 2020

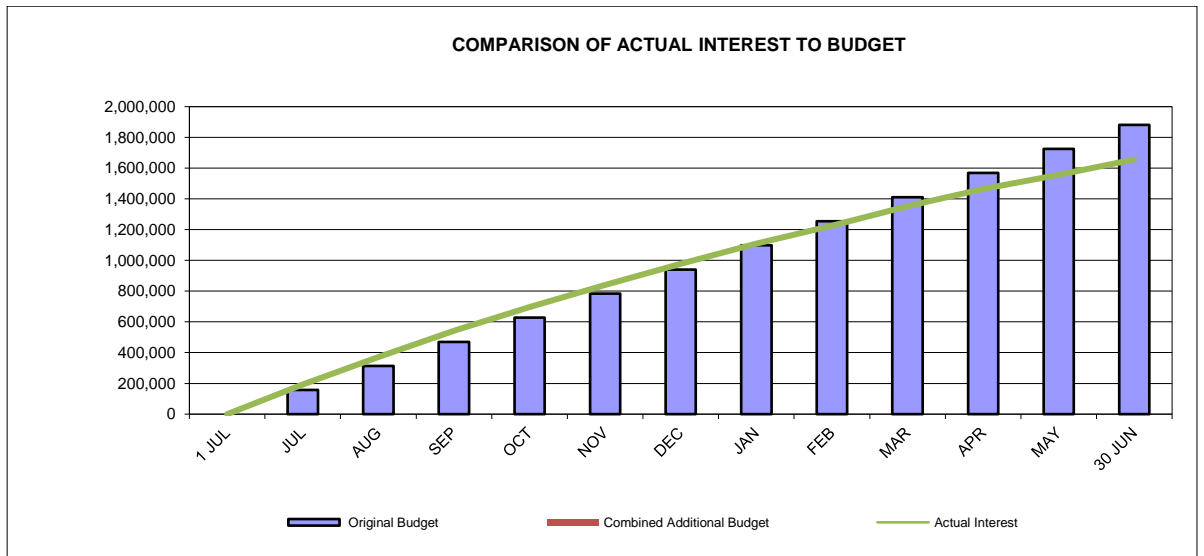
C. Monthly Comparison of Total Funds Invested



D. Comparison of Portfolio Investment Rate to 90 Day BBSW



E. Progressive Total of Interest Earned to Budget



9.1 Investment Summary - June 2020

F. Investments held as at 30 June 2020

| Purch Date | Issuer | Type | Rate | Final Maturity Date | Purch Value \$'000 | Fair Value \$'000 |
|------------|--------------------------------------|------|-------|---------------------|--------------------|-------------------|
| 20/09/2004 | National Australia Bank (ASX Listed) | FRN | 2.04% | Perpetual | 1,788 | 1,609 |
| 17/06/2016 | Commonwealth Bank of Australia | FRN | 1.15% | 17/09/2021 | 1,000 | 1,000 |
| 30/06/2016 | Commonwealth Bank of Australia | FRN | 1.14% | 30/06/2021 | 1,000 | 1,000 |
| 26/07/2016 | Commonwealth Bank of Australia | FRN | 1.16% | 26/07/2021 | 1,000 | 1,000 |
| 3/08/2017 | Westpac Banking Corporation | FRN | 1.15% | 3/08/2022 | 2,000 | 2,000 |
| 18/08/2017 | Westpac Banking Corporation | FRN | 1.15% | 18/08/2022 | 1,000 | 1,000 |
| 9/11/2017 | ME Bank | FRN | 1.35% | 9/11/2020 | 750 | 750 |
| 6/02/2018 | Newcastle Permanent Bld Society | FRN | 1.51% | 6/02/2023 | 700 | 700 |
| 2/07/2018 | Teachers Mutual Bank Limited | FRN | 1.67% | 2/07/2021 | 700 | 700 |
| 30/07/2018 | Westpac Banking Corporation | FRN | 1.03% | 31/07/2023 | 1,000 | 1,000 |
| 31/07/2018 | Westpac Banking Corporation | FRN | 1.03% | 2/08/2023 | 1,000 | 1,000 |
| 16/08/2018 | AMP Bank | TD | 2.00% | 17/08/2020 | 1,000 | 1,000 |
| 6/09/2018 | Newcastle Permanent Bld Society | FRN | 1.51% | 6/02/2023 | 1,000 | 1,000 |
| 6/09/2018 | Credit Union Australia | FRN | 1.35% | 6/09/2021 | 600 | 600 |
| 10/09/2018 | AMP Bank | FRN | 1.18% | 10/09/2021 | 1,500 | 1,500 |
| 11/01/2019 | Commonwealth Bank of Australia | FRN | 1.34% | 11/01/2024 | 1,000 | 1,000 |
| 8/02/2019 | Westpac Banking Corporation | FRN | 1.15% | 6/02/2024 | 2,000 | 2,000 |
| 21/02/2019 | Newcastle Permanent Bld Society | FRN | 1.14% | 22/02/2021 | 2,000 | 2,000 |
| 22/02/2019 | Newcastle Permanent Bld Society | FRN | 1.15% | 22/02/2021 | 1,000 | 1,000 |
| 1/08/2019 | AMP Bank | FRN | 1.18% | 10/09/2021 | 2,000 | 2,000 |
| 7/08/2019 | National Australia Bank | TD | 1.72% | 4/08/2020 | 4,000 | 4,000 |
| 26/08/2019 | AMP Bank | FRN | 1.18% | 10/09/2021 | 1,000 | 1,000 |
| 28/08/2019 | Defence Bank Ltd | TD | 1.75% | 27/08/2020 | 1,000 | 1,000 |
| 17/09/2019 | Macquarie Bank Limited | TD | 1.60% | 22/12/2020 | 1,000 | 1,000 |
| 28/10/2019 | Bank of Communications | FRN | 1.00% | 28/10/2022 | 1,000 | 1,000 |
| 26/11/2019 | ME Bank | TD | 1.60% | 26/08/2020 | 2,000 | 2,000 |
| 28/11/2019 | Australian Unity Bank | TD | 1.70% | 25/11/2020 | 2,000 | 2,000 |
| 28/01/2020 | ING Bank (Australia) Ltd | TD | 1.65% | 21/01/2021 | 1,000 | 1,000 |
| 30/01/2020 | Australian Unity Bank | TD | 1.65% | 11/08/2020 | 2,000 | 2,000 |
| 5/02/2020 | MyState Bank Ltd | TD | 1.70% | 11/08/2020 | 2,000 | 2,000 |
| 11/02/2020 | Auswide Bank | TD | 1.65% | 4/02/2021 | 2,000 | 2,000 |
| 19/02/2020 | Bank of Queensland | TD | 1.60% | 19/08/2020 | 3,000 | 3,000 |
| 20/02/2020 | ME Bank | TD | 1.60% | 22/09/2020 | 3,000 | 3,000 |
| 25/02/2020 | ME Bank | TD | 1.60% | 16/09/2020 | 1,000 | 1,000 |
| 26/02/2020 | Defence Bank Ltd | TD | 1.65% | 23/02/2021 | 1,000 | 1,000 |
| 27/02/2020 | MyState Bank Ltd | TD | 1.65% | 20/11/2020 | 1,000 | 1,000 |
| 3/03/2020 | Macquarie Bank Limited | TD | 1.70% | 21/07/2020 | 3,000 | 3,000 |
| 3/03/2020 | Defence Bank Ltd | TD | 1.65% | 2/03/2021 | 1,000 | 1,000 |
| 5/03/2020 | MyState Bank Ltd | TD | 1.65% | 3/03/2021 | 1,000 | 1,000 |
| 7/03/2020 | Defence Bank Ltd | TD | 1.60% | 8/12/2020 | 1,500 | 1,500 |
| 17/03/2020 | MyState Bank Ltd | TD | 1.75% | 16/12/2020 | 1,000 | 1,000 |
| 24/03/2020 | Defence Bank Ltd | TD | 1.85% | 23/03/2021 | 1,000 | 1,000 |
| 28/05/2020 | National Australia Bank | TD | 0.95% | 6/10/2020 | 2,000 | 2,000 |
| 28/05/2020 | National Australia Bank | TD | 0.95% | 13/10/2020 | 2,000 | 2,000 |
| 28/05/2020 | National Australia Bank | TD | 0.95% | 20/10/2020 | 2,000 | 2,000 |
| 4/06/2020 | National Australia Bank | TD | 0.99% | 18/05/2021 | 3,000 | 3,000 |
| 4/06/2020 | Bank of China | TD | 0.95% | 1/06/2021 | 2,000 | 2,000 |
| 10/06/2020 | AMP Bank | TD | 1.55% | 10/12/2020 | 1,000 | 1,000 |
| 10/06/2020 | Australian Unity Bank | TD | 1.05% | 8/04/2021 | 1,000 | 1,000 |

9.1 Investment Summary - June 2020

| Purch Date | Issuer | Type | Rate | Final Maturity Date | Purch Value \$'000 | Fair Value \$'000 |
|-------------------|--------------------------------|--------------------------|-------|---------------------|--------------------|-------------------|
| 10/06/2020 | Bank of China | TD | 0.92% | 8/06/2021 | 1,000 | 1,000 |
| 24/06/2020 | Bank of China | TD | 0.95% | 23/06/2021 | 2,000 | 2,000 |
| 29/06/2020 | Commonwealth Bank of Australia | TD | 0.74% | 5/01/2021 | 4,000 | 4,000 |
| 29/06/2020 | Bank of Queensland | TD | 1.05% | 28/06/2021 | 2,000 | 2,000 |
| 29/06/2020 | Bank of Queensland | TD | 1.05% | 22/06/2021 | 1,000 | 1,000 |
| Totals | | | | | 83,538 | 83,359 |
| TD = Term Deposit | | FRN = Floating Rate Note | | | | |

RECOMMENDATION

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

Attachment(s)

1 [↗](#). TCorp Economic Commentary report - June 2020

9.2 Donations - Community and Sporting Groups - 2020/21

9.2 Donations - Community and Sporting Groups - 2020/21

Delivery Program

Communications

Objective

To allocate the community and sporting groups donations for 2020/21

Background

Council has two policies where submissions are called from the community each year for funding assistance. The two policies are:

- Donations - Financial Assistance
- Donations – Sporting Groups – Capital Works Assistance

The 2020/21 Operational Plan includes the following funding allocations for these programs:

- Donations - Financial Assistance - \$75,000
- Donations - Sporting Groups Capital Works Assistance – \$30,000

In accordance with a resolution from the June 2020 Ordinary meeting, a number of Councillors met on 2 July 2020 to identify a preferred allocation of the available funds, based on submissions received during the preparation of the 2020/21 Operational Plan.

The purpose of this report is to consider the recommendations from that meeting and confirm the allocation of the donations for 2020/21.

Key Issues

- Fair and equitable allocation of Council monies

Information

Details of the submissions received for donations were distributed to all Councillor iPads for the July meeting.

The submissions are lengthy and have not been reproduced within this business paper.

A complete copy of all the submissions will be available at the Council meeting, or if a hard copy is required prior to the meeting, please contact the General Manager's office.

Donations - Financial Assistance

Table one provides a summary of the various submissions for general donations and the final column is the Councillor recommendations for approval.

9.2 Donations - Community and Sporting Groups - 2020/21

Table One: Donations – Financial Assistance Program – Submissions

| Ref | Applicant | Project / Activity | Amount Request (\$) | Amount Approved (\$) |
|-----|---|---|---------------------------------------|----------------------|
| 1 | Women in Super Mother's Day Classic | Purchase new banners for event | 1,600 | 800 |
| 2 | Ballina Hospital Auxiliary | Venue hire and promotion of the Annual Craft Show (Ballina Jockey Club) | 2,500 | 1,200 |
| 3 | Lennox Arts Board Inc | Venue hire at Lennox Community Centre for cultural events throughout the year | 3,600 | 1,800 |
| 4 | Lennox Head Playgroup | Venue hire at Lennox Head Community Centre for playgroup meetings and incidentals | 3,380 | 1,700 |
| 5 | Cancer Council NSW | Venue hire at Kentwell Community Centre for cancer support group meetings | 1,101 | 550 |
| 6 | Ballina RSL Lighthouse Day Club | Venue hire at Richmond Room for meetings | 2,408 | 1,200 |
| 7 | Lions Club of Ballina Inc (Lioness Club Ballina Kings) | Venue hire at Richmond Room for meetings | 2,915 | 2,915 |
| 8 | Lennox Head Residents' Association Inc (Heritage Committee) | Venue hire at Lennox Head Community Centre meetings | 700 | 350 |
| 9 | Lismore Symphony Orchestra | Venue hire at Lennox Head Community Centre for 'Proms by the Beach' event | 5,196 | Nil |
| 10 | Lifeball | Venue hire BISC and purchase of new equipment | 2,500 | 1,750 |
| 11 | Dancing in the Dark (Rob Mackerras) | Venue hire at Lennox Head Community Centre and Alstonville Leisure and Entertainment Centre for classes | 3,141 | Nil |
| 12 | Alstonville Plateau Physical Culture | Venue hire at Alstonville Leisure and Entertainment Centre for classes | 5,520 | Nil |
| 13 | Lennox Head Residents Assoc Inc | Venue hire at CWA Lennox Head for meetings + purchase a new computer | Venue hire: 261 Comp: 1,901 | 261 |
| 14 | Lennox Head Residents Assoc Inc (Boomerang Bags Cmtee) | Venue hire at CWA Hall Lennox Head + sewing machine maintenance | Machine mtc: 300 Venue hire: 1,100 | 450 |
| 15 | Lions Club of Lennox Head | Costs associated with fundraising for charity groups | 1,765 | 900 |
| 16 | Ballina Jet Boat Surf Rescue Inc | Consumables for rescue vehicles | 3,000 | 3,000 |
| 17 | Ballina Jet Boat Surf Rescue Inc | Insurance and renewals for rescue vehicles | 7,000 | 7,000 |
| 18 | Westpac Life Saver Rescue Helicopter | Purchase shipping container for storage | 1,000 | Nil |
| 19 | Ballina Schools Historical Society | Costs associated with launching the School's new museum | 1,000 | Nil |
| 20 | Cerebral Palsy Alliance – Alstonville | Purchase equipment and resources | 4,114 | Nil |
| 21 | East Ballina Lions Club Inc | Provide portable toilets for the Canal Road market site | 5,000 | 3,500 |
| 22 | (1) Tintenbar School of Arts Inc | Painting the new verandah extension at the Tintenbar Community Hall | 7,381 | 4,000 |
| 23 | Lennox Head Landcare | Provide heavy duty mower and whipper snipper | 400 | 400 |
| 24 | (2) Wardell Recreation Ground Management | Purchase new zero turn mower (petrol) | 21,500 | Subject to report |
| 25 | Ballina Ministers Association Inc | Costs associated with running the Riverside Carols event in 2020 | 5,000 | 5,000 |
| 26 | Air Force Association Ballina Branch Inc | Hire of shelter and chairs for anniversary events | 740 | 740 |

9.2 Donations - Community and Sporting Groups - 2020/21

| Ref | Applicant | Project / Activity | Amount Request (\$) | Amount Approved (\$) |
|------------------------|---|---|---------------------|----------------------|
| 27 | Our Kids | Council to provide temporary fencing for Our Kids Day Out event | 1,000 | 500 |
| 28 | Pearces Creek Public Hall Inc | Annual insurance costs for the Hall | 3,931 | 1,000 |
| 29 | Riding for the Disabled Ballina Branch | Volunteers to attend State training workshops | 3,000 | 3,000 |
| 30 | Alstonville Baptist Church | Costs associated with running the Christmas on the Plateau event | 6,000 | 5,000 |
| 31 | Lennox Head Combined Sports Assoc Carols Committee | Costs associated with running the Lennox Head Christmas Carols event | 6,000 | 5,000 |
| 32 | Ballina Shire Concert Band | Replenishing the Band's music library | 950 | 950 |
| 33 | Wollongbar Progress Assoc Inc | Purchase chairs and a trolley for the Wollongbar Hall | 5,308 | 3,000 |
| 34 | Mental Health Support Group | Supply of electricity to the Group's shed | 5,000 | 5,000 |
| 35 | Alstonville Plateau Historical Society | Council rates for Crawford House (2020/21) | 4,784 | 4,784 |
| 36 | TS Lismore Naval Reserve Cadets Inc | Council rates for 26 Endeavour Close (2020/21) | 9,324 | Nil |
| 37 | Ballina and District Historical Society Inc | Council rates (2020/21) and electricity for Ballina District Museum (Pimlico Hall) Ordinary rate and OSSM | 1,210 | 1,210 |
| 38 | Ballina Coastcare Inc | Shelving, branding and weather cover for trailer | 3,532 | 1,800 |
| 39 | Rous Mill & District Memorial Hall Inc | Building/Liability insurance for Hall and replacing door locks on 3 access doors | 3,476 | 2,000 |
| 40 | Lennox Head Residents Assoc Inc (Coastcare Committee) | Purchase tools, materials for maintaining amenities | 1,200 | 600 |
| 41 | Rous Mill Recreation Reserve | Costs associated with developing a picnic area at the Reserve | 1,409 | 1,409 |
| 42 | Lennox Head Alstonville Surf Life Saving Club | Waste disposal from the Club | 2,080 | Nil |
| 43 | North Coast Academy of Sport | Costs associated with education workshops for athletes and coaches | 1,000 | 1,000 |
| 44 | Community Social Group Sewing | Venue hire at Northlakes Community Centre to hold meetings | 913 | 500 |
| Total Allocated | | | | \$74,269 |

Additional information on the following two requests is as follows.

- 1) Tintenbar School of Arts – This recommendation was subject to the works not being retrospective.

It has now been confirmed that the application is for retrospective works.

As approval of this application would be inconsistent with the policy the recommendation is to exclude this funding from the approved list.

- 2) Wardell Recreation Ground Management – The existing tenure is subject to a future report to Council to confirm whether Council should take over management of this facility.

Donations – Sporting Groups – Capital Works Assistance

Table Two outlines applications received for the community sporting groups capital works assistance program.

9.2 Donations - Community and Sporting Groups - 2020/21

Table Two: Submissions – Sporting Groups - Capital Works Assistance

| Ref | Applicant | Description | Amount Request (\$) | Amount Approved (\$) |
|------------------------|---|---|---------------------|----------------------|
| 1 | Northern Rivers Dirty Wheels Mountain Bike Club | Improvements to mountain bike tracks | 10,000 | 10,000 |
| 2 | Ballina Croquet Inc | Costs relocation and formation of a regional croquet centre at Cawarra Park | 5,000 | Nil |
| 3 | Ballina Hockey Club | Installation of electricity at the Club | 10,764 | 10,000 |
| 4 | Alstonville Croquet Club Inc | Purchase of a rainwater tank for the Club | 945 | 945 |
| 5 | Wardell and District Tennis Club Inc | Replace lights at the Club | 2,000 | 2,000 |
| Total Allocated | | | | \$22,945 |

- 1) Ballina Croquet Club – Confirmation as to the preferred site is required prior to considering this request.
- 3) Ballina Hockey Club – The amount approved exceeds the maximum amount stated in the policy (being \$10,000) so that has been changed to reflect compliance with the *Donations – Capital Works Assistance for Community Sporting Groups Policy*.
- 5) Wardell and District Tennis Club – Council will be undertaking these works.

Sustainability Considerations

- **Environment**
If approved, some of the donations support community groups that provide environmental works.
- **Social**
Donations provide financial support for local community groups
- **Economic**
The injection of financial support into community groups contributes to the local economy

Legal / Resource / Financial Implications

Council has allocated \$75,000 for the Community Donations - Financial Assistance Program, and \$30,000 for the Capital Works Assistance for Community Sporting Groups.

Consultation

Council advertised for submissions during the exhibition of the 2020/21 Operational Plan. Letters were written to 43 Ballina Shire sporting groups to advise of the Sporting Groups Capital Works Assistance program.

Options

The options are to either support or amend the recommendations from the meeting, noting that the recommendation that follows excludes the Tintenbar School of Arts request as it is retrospective.

RECOMMENDATIONS

1. That Council approves the following Donations – Financial Assistance Program for 2020/21.

| Ref | Applicant | Project / Activity | Amount Approved (\$) |
|-----|---|---|----------------------|
| 1 | Women in Super Mother's Day Classic | Purchase new banners for event | 800 |
| 2 | Ballina Hospital Auxiliary | Venue hire and promotion of the Annual Craft Show (Ballina Jockey Club) | 1,200 |
| 3 | Lennox Arts Board Inc | Venue hire at Lennox Community Centre for cultural events throughout the year | 1,800 |
| 4 | Lennox Head Playgroup | Venue hire at Lennox Head Community Centre for playgroup meetings and incidentals | 1,700 |
| 5 | Cancer Council NSW | Venue hire at Kentwell Community Centre for cancer support group meetings | 550 |
| 6 | Ballina RSL Lighthouse Day Club | Venue hire at Richmond Room for meetings | 1,200 |
| 7 | Lions Club of Ballina Inc (Lioness Club Ballina Kings) | Venue hire at Richmond Room for meetings | 2,915 |
| 8 | Lennox Head Residents' Association Inc (Heritage Committee) | Venue hire at Lennox Head Community Centre meetings | 350 |
| 9 | Lismore Symphony Orchestra | Venue hire at Lennox Head Community Centre for 'Proms by the Beach' event | Nil |
| 10 | Lifeball | Venue hire BISC and purchase of new equipment | 1,750 |
| 11 | Dancing in the Dark (Rob Mackerras) | Venue hire at Lennox Head Community Centre and Alstonville Leisure and Entertainment Centre for classes | Nil |
| 12 | Alstonville Plateau Physical Culture | Venue hire at Alstonville Leisure and Entertainment Centre for classes | Nil |
| 13 | Lennox Head Residents Assoc Inc | Venue hire at CWA Lennox Head for meetings + purchase a new computer | 261 |
| 14 | Lennox Head Residents Assoc Inc (Boomerang Bags Cmtee) | Venue hire at CWA Hall Lennox Head + sewing machine maintenance | 450 |
| 15 | Lions Club of Lennox Head | Costs associated with fundraising for charity groups | 900 |
| 16 | Ballina Jet Boat Surf Rescue Inc | Consumables for rescue vehicles | 3,000 |
| 17 | Ballina Jet Boat Surf Rescue Inc | Insurance and renewals for rescue vehicles | 7,000 |
| 18 | Westpac Life Saver Rescue Helicopter | Purchase shipping container for storage | Nil |
| 19 | Ballina Schools Historical Society | Costs associated with launching the School's new museum | Nil |
| 20 | Cerebral Palsy Alliance – Alstonville | Purchase equipment and resources | Nil |
| 21 | East Ballina Lions Club Inc | Provide portable toilets for the Canal Road market site | 3,500 |
| 22 | Tintenbar School of Arts Inc | Painting the new verandah extension at the Tintenbar Community Hall | Nil |
| 23 | Lennox Head Landcare | Provide heavy duty mower and whipper snipper | 400 |
| 24 | Wardell Recreation Ground Management | Purchase new zero turn mower (petrol) | Subject to report |
| 25 | Ballina Ministers Association Inc | Costs associated with running the Riverside Carols event in 2020 | 5,000 |
| 26 | Air Force Association Ballina Branch Inc | Hire of shelter and chairs for anniversary events | 740 |

9.2 Donations - Community and Sporting Groups - 2020/21

| | | | |
|------------------------|---|---|-----------------|
| 27 | Our Kids | Council to provide temporary fencing for Our Kids Day Out event | 500 |
| 28 | Pearces Creek Public Hall Inc | Annual insurance costs for the Hall | 1,000 |
| 29 | Riding for the Disabled Ballina Branch | Volunteers to attend State training workshops | 3,000 |
| 30 | Alstonville Baptist Church | Costs associated with running the Christmas on the Plateau event | 5,000 |
| 31 | Lennox Head Combined Sports Assoc Carols Committee | Costs associated with running the Lennox Head Christmas Carols event | 5,000 |
| 32 | Ballina Shire Concert Band | Replenishing the Band's music library | 950 |
| 33 | Wollongbar Progress Assoc Inc | Purchase chairs and a trolley for the Wollongbar Hall | 3,000 |
| 34 | Mental Health Support Group | Supply of electricity to the Group's shed | 5,000 |
| 35 | Alstonville Plateau Historical Society | Council rates for Crawford House (2020/21) | 4,784 |
| 36 | TS Lismore Naval Reserve Cadets Inc | Council rates for 26 Endeavour Close (2020/21) | Nil |
| 37 | Ballina and District Historical Society Inc | Council rates (2020/21) and electricity for Ballina District Museum (Pimlico Hall) Ordinary rate and OSSM | 1,210 |
| 38 | Ballina Coastcare Inc | Shelving, branding and weather cover for trailer | 1,800 |
| 39 | Rous Mill & District Memorial Hall Inc | Building/Liability insurance for Hall and replacing door locks on 3 access doors | 2,000 |
| 40 | Lennox Head Residents Assoc Inc (Coastcare Committee) | Purchase tools, materials for maintaining amenities | 600 |
| 41 | Rous Mill Recreation Reserve | Costs associated with developing a picnic area at the Reserve | 1,409 |
| 42 | Lennox Head Alstonville Surf Life Saving Club | Waste disposal from the Club | Nil |
| 43 | North Coast Academy of Sport | Costs associated with education workshops for athletes and coaches | 1,000 |
| 44 | Community Social Group Sewing | Venue hire at Northlakes Community Centre to hold meetings | 500 |
| Total Allocated | | | \$70,269 |

2. That Council approves the following Donations – Community Sporting Groups Capital Assistance Program for 2020/21.

| Ref | Applicant | Description | Amount Approved (\$) |
|------------------------|---|---|----------------------|
| 1 | Northern Rivers Dirty Wheels Mountain Bike Club Inc | Improvements to mountain bike tracks | 10,000 |
| 2 | Ballina Croquet Inc | Costs associated to development of Club's relocation and formation of a regional croquet centre at Cawarra Park | Nil |
| 3 | Ballina Hockey Club | Installation of electricity at the Club | 10,000 |
| 4 | Alstonville Croquet Club Inc | Purchase of a rainwater tank for the Club | 945 |
| 5 | Wardell and District Tennis Club Inc | Replace lights at the Club | 2,000 |
| Total Allocated | | | \$22,945 |

Attachment(s)

Nil

9.3 Donations - Rates and Charges - 2020/21

9.3 Donations - Rates and Charges - 2020/21

Delivery Program

Financial Services

Objective

To obtain Council approval to donate the 2020/21 rates and charges in accordance with the Donations - Rates and Charges policy.

Background

Council's Donations – Rates and Charges policy was developed to provide guidelines for the management of rates and charges donations to community based service organisations.

The policy, identifies the various categories of organisations that provide a community based service, which are located on Council or Crown Land controlled by Council, (there are some exceptions) and the level of assistance provided each year in respect to the Council's rates and charges.

This policy has undergone numerous reviews over the years to ensure that it reflects the sentiment of each Council.

Even though a policy has been adopted Council resolves annually to confirm the donation of the various rates and charges in accordance with Section 356 of the Local Government Act 1993 (LGA).

Key Issues

- Annual donation of rates and charges
- Equity

Information

The following table provides details of specific fixed rates and charges to be donated for the 2020/21 rating year based on the policy.

All amounts have been rounded to the nearest dollar.

Table One – Donations – 2020/21 Rates and Annual Charges

| Assess No. | Organisation | Ordinary Rate | Water Access | Waste-water Access | Storm -water | On Site Septic | Waste | Total (\$) |
|---|----------------------------------|---------------|--------------|--------------------|--------------|----------------|-------|------------|
| Category A - 100% of all rates and charges donated | | | | | | | | |
| 415027 | Ballina Lighthouse SLSC | 0 | 326 | 775 | 0 | 0 | 0 | 1,101 |
| 120347 | Lennox SLSC | 0 | 837 | 2,483 | 0 | 0 | 0 | 3,320 |
| 295613 | Surf Life Saving FNC Branch Inc. | 0 | 652 | 775 | 0 | 0 | 0 | 1,427 |
| 173390 | Ballina CWA | 0 | 209 | 775 | 0 | 0 | 379 | 1,363 |

9.3 Donations - Rates and Charges - 2020/21

| Category B - 100% of all fixed rates and charges donated (excludes measurable user pays charges) | | | | | | | | |
|---|-----------------------------------|---------------|--------------|---------------|------------|------------|------------|---------------|
| 145397 | Biala School | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 145363 | Fox St Preschool | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 172661 | Ballina Playgroup | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 172679 | River Street Childrens Centre | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 213734 | Lennox Preschool | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 418960 | Wollongbar Preschool | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 151966 | Rainbow Children's Centre | 5,915 | 209 | 775 | 100 | 0 | 0 | 6,999 |
| 417590 | Alstonville Community Preschool | 0 | 209 | 775 | 75 | 0 | 0 | 1,059 |
| 115643 | Alstonville Ag Society | 4,402 | 861 | 3,076 | 300 | 0 | 0 | 8,639 |
| 235231 | Meerschaum Vale Hall | 1,203 | 209 | 0 | 0 | 65 | 0 | 1,477 |
| 254780 | McLeans Ridges Hall | 2,440 | 0 | 0 | 0 | 65 | 0 | 2,505 |
| 417338 | Newrybar Hall | 2,012 | 0 | 0 | 0 | 65 | 0 | 2,077 |
| 250663 | Pearces Creek Hall | 1,701 | 0 | 0 | 0 | 65 | 0 | 1,766 |
| 234170 | Rous Mill Hall | 2,063 | 0 | 0 | 0 | 65 | 0 | 2,128 |
| 230045 | Tintenbar School of Arts Trustees | 1,853 | 0 | 0 | 0 | 65 | 0 | 1,918 |
| 232013 | Wardell Hall | 3,823 | 209 | 775 | 50 | 0 | 0 | 4,857 |
| 186115 | Wigmore Hall | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 264036 | Alstonville RSL Sub Branch Hall | 2,077 | 209 | 775 | 25 | 0 | 0 | 3,086 |
| 422684 | Wollongbar Community Hall | 0 | 209 | 775 | 50 | 0 | 0 | 1,034 |
| 213726 | Lennox Scouts | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 253556 | Alstonville Scouts | 0 | 0 | 0 | 0 | 65 | 0 | 65 |
| 294243 | Ballina Scouts | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| 334289 | Ballina Jetboat Surf Rescue | 892 | 209 | 0 | 25 | 0 | 0 | 1,126 |
| 423070 | Marine Rescue NSW | 0 | 326 | 1,150 | 0 | 0 | 0 | 1,476 |
| 437477 | Lennox Head Community Gardens Inc | 0 | 209 | 0 | 0 | 0 | 0 | 209 |
| 410417 | Ballina Community Gardens Inc | 0 | 209 | 775 | 0 | 0 | 0 | 984 |
| Totals (Category A, B) | | 28,381 | 6,973 | 20,659 | 625 | 455 | 379 | 57,472 |

The next table provides **estimates** of the water consumption based charges that are to be donated on a quarterly basis during 2020/21, in addition to the fixed annual charges provided in the previous table.

Actual amounts donated are determined by future quarterly water meter readings.

9.3 Donations - Rates and Charges - 2020/21

Table Two – Donations – 2020/21 Estimated Volumetric Based Charges

| Assessment Number | Organisation | Estimated Water Consumption Bill (\$) | Estimated Wastewater Usage Bill (\$) | Estimated Total Bills (\$) |
|---------------------------|-----------------------------------|---------------------------------------|--------------------------------------|----------------------------|
| 415027 | Ballina Lighthouse & Lismore SLSC | 705 | 392 | 1,097 |
| 120347 | Lennox/Alstonville SLSC | 2,058 | 1,462 | 3,520 |
| 295613 | Surf Life Saving FNC Branch Inc. | 2,235 | 1,422 | 3,657 |
| 173390 | CWA of NSW (Ballina) | 118 | 124 | 242 |
| Totals (Estimated) | | 5,116 | 3,400 | 8,516 |

The next table provides a comparison between the 2019/20 and 2020/21 rates and charges donations.

Table Three – Donations – Comparison between 2020/21 and 2019/20

| Rate or Charge Description | Proposed 2020/21 Donations | Actual 2019/20 Donations | Difference (\$) | Difference (%) |
|--------------------------------|----------------------------|--------------------------|-----------------|----------------|
| Ordinary Rates | 28,381 | 28,370 | 11 | 0.0 |
| Water Access Charges | 6,973 | 6,804 | 169 | 2.5 |
| Water Consumption Charges | 4,858 | 4,734 | 124 | 2.6 |
| Wastewater Access Charges | 20,659 | 20,128 | 531 | 2.6 |
| Wastewater Usage Charges | 2,565 | 2,491 | 74 | 0.9 |
| Waste or Recycling Charges | 379 | 366 | 13 | 3.5 |
| On Site Sewage Management Fees | 455 | 427 | 28 | 6.5 |
| Stormwater Management Charges | 625 | 625 | 0 | 0.0 |
| Totals | 64,895 | 63,945 | 950 | 1.5 |

The proposed 2020/21 donations are marginally higher than the actual 2019/20 charges for the following reasons:

- The total of Ordinary Rates has remained consistent. The majority of assessments show an increase in line with rate pegging, as expected. These increases are offset by a reduction in the ordinary rates for Wardell Hall, which has fallen due to a shift in the property valuation compared to the shire average, following a revaluation of all shire properties.
- Other rates and charges have generally increased around 2.6%.

Sustainability Considerations

- **Environment**
Not Applicable.
- **Social**
Financial support to community based organisations enables them to deliver services for the benefit of the local community.

9.3 Donations - Rates and Charges - 2020/21

- **Economic**

Financial support to community organisations, allows them to spend more money on providing their specific service to the local community.

Legal / Resource / Financial Implications

The donations are funded in the 2020/21 Operational Plan.

Consultation

The Council Policy and annual Operational Plan are exhibited prior to adoption.

Options

The options are to approve, or not approve, the rates and charges donations for each of the assessments detailed within this report.

The donations as listed are consistent with Council policy.

RECOMMENDATION

That Council approves the donation of the 2020/21 rates and charges, as detailed within Tables One and Two of this report, which includes future estimated water consumption and wastewater usage charges, pursuant to Section 356 of the NSW Local Government Act 1993.

Attachment(s)

Nil

9.4 Councillor Expenses - Yearly Review

9.4 Councillor Expenses - Yearly Review

Delivery Program

Governance

Objective

To provide the annual report on Councillor Expenses for 2019/20.

Background

The Councillor Expenses and Facilities Policy requires a report to Council every six months outlining the provision of expenses and facilities to each Councillor. The information is also published on Council's website.

The purpose of this report is to comply with Clause 15.2 of the Policy.

Key Issues

- Overview of Councillor expenses and facilities expenditure
- Compliance with Council Policy

Information

This report details the expenditure incurred for the period 1 July 2019 to 30 June 2020. This expenditure excludes the Councillor and Mayor annual allowances and is based on claims submitted and paid.

Previous reports have included GST, and this report excludes GST. This aligns the figures with our financial reporting systems.

Councillor Expenses and Facilities Expenditure (\$ excl GST)

| Councillor | General Travel and Expenses | Corporate Training (1) | Prof Dev / Conference | ICT | Home Office | Incidentals/ Northern Star etc | Mayor Vehicle (2) | JRPP | Totals \$ |
|--------------|-----------------------------|------------------------|-----------------------|-------|-------------|--------------------------------|-------------------|-------|---------------|
| Cadwallader | 1,703 | 395 | 1,530 (4) | 1,672 | 22 | 532 | 0 | 1,200 | 7,054 |
| Johnson | 141 | 395 | 0 | 1,171 | 0 | 659 | 0 | 0 | 2,366 |
| Johnston | 1,588 | 395 | 83 | 580 | 5 | 527 | 0 | 0 | 3,178 |
| McCarthy | 46 | 844 | 0 | 1,016 | 0 | 247 | 0 | 0 | 2,153 |
| Meehan | 541 | 395 | 2,683 | 1,432 | 0 | 515 | 0 | 0 | 5,566 |
| Parry | 816 | 395 | 0 | 0 | 0 | 601 | 0 | 0 | 1,812 |
| Smith | 0 | 395 | 0 | 520 | 145 | 249 | 0 | 0 | 1,309 |
| Williams | 0 | 395 | 0 | 862 | 0 | 77 | 0 | 0 | 1,334 |
| Willis | 255 | 395 | 2,316 (3) | 514 | 0 | 0 | 0 | 0 | 3,480 |
| Wright | 91 | 395 | 0 | 727 | 156 | 562 | 12,000 | 0 | 13,931 |
| Total | | | | | | | | | 42,183 |

- (1) Corporate training represents training organised by the General Manager for specific topics as identified in the Councillor Training and Development Policy (Planning 101 held 31 July 2019 - all Councillors (\$395) and Financial Issues in Local Government held 26 August 2019 - Cr McCarthy attended (\$449)).
- (2) Twelve month internal plant charge for the provision of the Mayoral vehicle.
- (3) This figure has decreased from the six monthly report submitted in February 2020 due to a refund provided for cancellation of a conference due to Covid-19.
- (4) Funds paid are held by the organisation due to postponement of a conference due to Covid-19.

9.4 Councillor Expenses - Yearly Review

In addition to these expenses, the Mayor has paid \$246.05 during this period for private fuel.

The Councillor Expenses and Facilities Policy provides the following limits:

- \$3,000 annual limit (excluding GST) on general travel arrangements expenses
- \$5,000 annual limit (excluding GST) on professional development and conferences (excluding induction training)
- \$80 per month for reimbursement of certain Information and Communication Technology (ICT) expenses, which is in addition to the cost of providing the Council ICT.
- \$1,000 on Home Office Expenses (excluding GST).
- There is no cap on corporate training subject to annual budget limits.

Legal / Resource / Financial Implications

Council has funding allocated in the Long Term Financial Plan for this expenditure.

Options

This report is for noting.

RECOMMENDATION

That Council notes the contents of this update on the Councillor expenses, as per the Councillor Expenses and Facilities Policy, for the period 1 July 2019 to 30 June 2020.

Attachment(s)

Nil

9.5 Ballina Coast and Hinterland Destination Management Plan 2021 -2030

9.5 Ballina Coast and Hinterland Destination Management Plan 2021 -2030

Delivery Program

Communications

Objective

To adopt the draft Ballina Coast and Hinterland Destination Management Plan 2021 - 2030 and also approve the document for public exhibition.

Background

Council adopted the first Destination Management Plan (DMP) in 2014. This document helped to drive growth in tourism to 2020 and is now due for review.

Growth in the visitor economy (tourism industry) has been identified by the NSW Government as necessary to achieve the goals outlined in the *NSW 2021* plan.

Both the State and Federal Government tourism agencies outline that a DMP is a key requirement in accessing financial assistance.

Historically, the NSW State Government has been interested in funding only the most compelling business cases that deliver on the NSW Government's goal of increasing overnight visitor expenditure.

The NSW Government's target is to triple overnight visitor expenditure by 2030 (from 2009 values).

To continue to build on the strength of the current DMP and plan for the next ten years, staff have prepared the draft Ballina Coast and Hinterland Destination Management Plan 2021-2030.

This report explains the steps taken to develop the latest DMP, outline the consultation methods used and seek endorsement to place this document on exhibition.

Key Issues

- The significant number of micro and small businesses (over 500) in the Ballina Shire
- The diverse priorities and interests of tourism stakeholders
- The peaks and troughs of visitation in the Ballina Shire

Information

The visitor economy is an important economic driver, generating jobs and contributing to a vibrant local community.

For this reason, the visitor economy needs to continue to be considered in the broader context of regional development and ensure that it is recognised for its overall contribution and economic value to the region.

9.5 Ballina Coast and Hinterland Destination Management Plan 2021 -2030

Destination Management Plans play a role in assisting tourism stakeholders to demonstrate strategic alignment in funding applications with regional objectives.

The draft DMP is the next phase of destination development and builds on the strengths of the *2014 - 2020 Ballina Coast & Hinterland Destination Management Plan* (2014 DMP).

Actions within the 2014 DMP that have not been completed due to resourcing implications have been included in the draft 2021-2030 DMP.

The steps taken to develop the draft DMP involved extensive consultation.

Although the planned broad stakeholder consultation to prepare this DMP was limited by COVID-19, a number of activities were undertaken including:

1. A survey of 104 stakeholders conducted over a 10-week period from 7 February to 16 April 2020. The survey was promoted in industry news articles, Community Connect, within the Ballina Visitor Information Centre and via media releases.
2. Thirteen one-on-one meetings with industry experts were conducted comprising of staff from Regional NSW Regions, Industry, Agriculture and Resources; Business Chamber NSW; Regional Development Australia; Destination North Coast; Ballina Byron Gateway Airport; and Ballina Shire Council.
3. A 2019 Southern Cross University study of 161 residents titled *Study of resident perceptions of short-term holiday letting*.
4. Two facilitated industry workshops in November 2018 comprising of 36 stakeholders was analysed for inclusion in this DMP. Both workshops were facilitated by Southern Cross University professionals Dr. Ros Derrett and Dr. Jo Mackellar.
5. Results of the November 2018 Micromex Community Satisfaction Survey were analysed for inclusion.
6. The draft DMP was peer reviewed by Destination NSW, Destination North Coast and Southern Cross University (Dr. Kay Dimmock and Professor Betty Weiler, June 2020). Their comments were considered, and where appropriate, included in the document.

The draft 2021-2030 Ballina Coast and Hinterland Destination Management Plan is included as Attachment 1 to this report.

The three key objectives identified in the draft DMP are:

1. Strengthen coordination of destination management
2. Raise the profile of the destination and its experiences
3. Encourage investment into recreational assets, product development and access improvements.

The overall objective of the 2014 DMP was to double overnight visitor expenditure to \$300 million by 2020. We achieved this goal in 2018, when visitors to the destination spent a total of \$311 million.

The primary aim of the 2021 - 2030 DMP is to increase overnight visitor expenditure within the destination to \$450 million by 2030 while keeping investment in lifestyle infrastructure aligned to community values.

Sustainability Considerations

- **Environment**

The natural environment is a major drawcard to the destination. The DMP aims to preserve the natural features that enhance the destinations unique selling propositions and drive overnight visitation.

- **Social**

The visitor economy contributes lifestyle benefits to our local community. One way to improve the diversity of services available to the local community is through encouraging a vibrant tourism destination.

- **Economic**

The visitor economy is a significant contributor to the region. The DMP will assist local business operators align their objectives to a regional strategic plan and leverage economic opportunities.

Legal / Resource / Financial Implications

Actions within the DMP include Council funded initiatives, State Government funded activities, private sector investment and aspirational activities that could be grant funded.

Projects identified as funded and nominated for action will be integrated into Council's Delivery Program and Operational Plan in future years.

Consultation

Consultation was undertaken with internal and external stakeholders including industry experts as detailed in the information section of this report.

Options

There are a range of available options.

Option one is for Council to adopt the draft Ballina Coast and Hinterland Destination Management Plan 2021-2030 (DMP), subject to public exhibition. This option is recommended as it would enable the commencement of the implementation stage, and will support Council to continue to apply for funding.

Option two is for the matter to be deferred or request additional information into an aspect of the DMP that may not be sufficiently addressed. This option is available to Council should it consider additional information is required.

Option three is for Council not to adopt the draft DMP. This option is not recommended. Approval and implementation of DMPs are important for tourism stakeholders and have been instrumental towards increasing visitor expenditure to the destination and securing grant funding.

RECOMMENDATIONS

1. That Council adopts the draft Ballina Coast and Hinterland Destination Management Plan 2021-2030 (DMP), as attached to this report.
2. That Council place this DMP on exhibition for public comment, with any submissions of significance received, to be resubmitted back to Council. If no such submissions are received then no further action is required and the draft DMP will be considered adopted.

Attachment(s)

1. [Draft - Ballina Coast and Hinterland Destination Management Plan 2021-2030 \(Under separate cover\)](#)

9.6 Tender - Shaws Bay Dredging and Foreshore Improvements

9.6 Tender - Shaws Bay Dredging and Foreshore Improvements

Delivery Program

Environmental and Public Health

Objective

To report the outcomes of the tender evaluation for dredging and foreshore improvement works at Shaws Bay.

Background

The Shaws Bay Coastal Zone Management Plan (CZMP), gazetted by the State Government in June 2016, identifies a series of actions to improve the health and amenity of Shaws Bay.

Council has, in recent years, been progressing the actions and works have been completed along Compton Drive and Fenwick Drive, that were identified as a high priority to stabilise for water quality and amenity improvements.

Council received a grant in 2017 to commence investigation and detailed studies into the feasibility of dredging Shaws Bay. Dredging was identified as Priority Action 2 under the CZMP.

Following the studies it was confirmed that dredging of Shaws Bay was required and Council committed monies to this project in 2018.

Council has been successful in obtaining further grant funding to assist with these works from the Department of Planning, Industry and Environment (Environment, Energy and Science) under the Coastal and Estuary Grants Program.

The works included in the tender generally involve the dredging of two main areas in Shaws Bay, with material being processed on site and then used as clean beach sand to stabilise some main access points, including the protection of and creation of new ecological zones for marine vegetation.

The tender documentation detailed the following scope of works:

- a. Establishment of a large temporary works and stockpile compound at north-western end of Pop Denison Park.
- b. Dredging of two main areas within Shaws Bay.
- c. Separation and dewatering of the dredged material, including disposal of screenings, fines and organics.
- d. Placement of clean dredged sand at various sites around the Shaws Bay foreshore for erosion control and beach amenity.
- e. Removal of mangroves from the eastern beach foreshore.
- f. Fill and levelling of a section of Pop Denison Park and restoration of grass cover.

9.6 Tender - Shaws Bay Dredging and Foreshore Improvements

- g. Creation of an ecological protection area at the north eastern end of Shaws Bay including creation of a saltmarsh basin, fencing and revegetation.
- h. Installation of raised boardwalk to span the new saltmarsh area.
- i. Extend two rock groynes constructed in 2018 on the eastern arm of Shaws Bay.

In addition to the works in the tender, complementary works are also planned to support the linkages between the CZMP and the Pop Denison Master Plan. These works will further embellish the foreshore reserve for improved recreational amenities, including new picnic shelters and facilities, additional seating, new showers, connecting pathways to the toilets and the carpark for improved accessibility for the whole community.

Attachment 1 outlines where work will be undertaken under this contract, as well as other works planned to further implement the Shaws Bay CZMP.

Tenders were called in June 2020 and this report outlines the results of the tender process.

Key Issues

- Comply with the Local Government (General) Regulation 2005
- Obtain value of money
- Funding available

Information

Tenders were received from:

- Dredging Solutions Pty Ltd and
- Synergy Resource Management Pty Ltd.

The tender evaluation method included two stages of the evaluation, Stage 1 – Pass/Fail Evaluation of Mandatory Non-Priced Criteria and Stage 2 – Evaluation of Price, Capability and Relevant Experience, Environmental Management Systems and Local and Community.

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

- Conforming Tender (Compliance with Contract Terms and Conditions)
- Compliant Insurances
- Compliant WH&S Management System

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

9.6 Tender - Shaws Bay Dredging and Foreshore Improvements

- Pricing Structure – 45%
- Capability and Relevant Experience - 20%
- Environmental Management System – 20%
- Local and Community – 15%

Synergy Resource Management Pty Ltd has been assessed as the preferred tenderer. Details of the assessment and pricing options have been provided to Councillors by a confidential memorandum.

Sustainability Considerations

- **Environment**
Shaws Bay is an environmentally sensitive area and works are strictly governed by the Office of the Environment. Any works are to be undertaken in a manner that minimizes environmental impacts.
- **Social**
The Shaws Bay area is a popular recreational area of importance to the local community.
- **Economic**
Council has been successful in obtaining grant funding from Department of Planning, Industry and Environment.

Legal / Resource / Financial Implications

The adopted 2020/21 Operational Plan and Long Term Financial Plan includes the following funding that can be allocated to this project:

| Description | Total Budget (\$) | Sources of Funding (\$) | | | |
|--------------------------------|-------------------|-------------------------|------------------|-----------------|-------------------------|
| | | Grant | Council Reserves | Council Revenue | Developer Contributions |
| Shaws Bay Coastal Mgmt Plan | 894,500 | 384,500 | 430,000 | 80,000 | 0 |
| Pop Denison Master Plan (1) | 124,000 | 0 | 0 | 0 | 124,000 |
| Healthy Waterways Program | 55,000 | 0 | 0 | 55,000 | 0 |
| Shelter Maintenance Budgets | 38,000 | 0 | 0 | 38,000 | 0 |
| Total Available Funding | 1,111,500 | 384,500 | 430,000 | 133,000 | 124,000 |

(1) The Pop Denison Master Plan has \$600,000 in funding in the 2020/21 Operational Plan with the balance of the funding to be expended on playground and other improvements to the crown reserve. There is also approximately \$75,000 in unexpended funds from 2019/20 to be carried forward for the Pop Denison Master Plan works.

Based on the tender pricing the preferred total scope of works originally envisaged is as follows:

| Description | Estimate (\$) |
|---|------------------|
| Tender | 931,000 |
| Seagrass compensatory payment | 73,000 |
| Eastern beach vegetation works | 7,000 |
| Environmental management, monitoring and surveys | 94,000 |
| Additional shelters, slabs (5) plus seating and picnic tables | 85,000 |
| Demolition of existing shelters and slabs | 18,000 |
| Concrete boardwalk approach paths | 7,000 |
| Shower | 8,000 |
| Path to toilet | 10,000 |
| Stormwater drainage | 10,000 |
| Sub Total | 1,243,000 |
| Contingency (5% as tender received) | 62,000 |
| Total | 1,305,000 |

9.6 Tender - Shaws Bay Dredging and Foreshore Improvements

This represents a budget shortfall of \$193,500 (\$1,305,000 less \$1,111,500).

Council has resolved to ask the State Government to waive the seagrass compensatory payment however as that approval is unlikely the expenditure remains in the budget.

Part of the above works program relate to on-going environmental works and monitoring which will occur beyond 2020/21.

The value of this is estimated at \$130,000 with \$65,000 of the State Government grant funding applied to that work.

That future year net expenditure cost of \$65,000 can be funded from the recurrent Healthy Waterways revenue stream.

With this adjustment the revised shortfall for 2020/21 is approximately \$128,500.

To achieve further savings some of the picnic tables and associated infrastructure can be removed saving approximately \$12,000.

This results in a revised budget shortfall of \$116,500.

A further item that can be removed to have the scope of works match the funding available is to reduce the boardwalk pathway in the ecological zone that connects to Compton Drive, as identified in page three of Attachment 1.

Sections 2 (15 metres) and 3 (10 metres) of the boardwalk can be altered to a concrete footpath structure, which although not as environmentally friendly and aesthetically pleasing, will still provide contiguous access from the existing path to Compton Drive. The estimated saving from this is approximately \$50,000 leaving a shortfall of \$66,500.

There is also potential, as part of the tender negotiations, to examine alternative solutions to the works program to generate cost savings.

Additional grant funds are also an option based on the tender prices submitted.

In summary the project can be completed within the existing budgets through project scope savings, the possibility of additional grant revenues and negotiations with the preferred tenderer.

Consultation

A public tender process was conducted. The Shaws Bay CZMP was subject to significant community consultation.

Options

The options for Council are set out in Part 7 Section 178 (1) of the Local Government (General) Regulation 2005, which requires that:

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

- (a) accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
- (b) decline to accept any of the tenders.*

Based on the tender evaluation, Synergy Resource Management Pty Ltd has been assessed as the preferred tenderer.

Included in the tender submission from Synergy Resource Management Pty Ltd were several cost saving initiatives, which has the potential to reduce the value of the contract.

Given the potential savings, the recommendation is to decline to accept any of the tenders and enter further negotiations with the preferred tenderer.

Sections 178 (3) and (4) of the regulations below, provides further direction in the circumstances where a Council declines to accept any tenders in accordance with section 178 (1)(b).

(3) A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:

- (a) postpone or cancel the proposal for the contract,*
 - (b) invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) carry out the requirements of the proposed contract itself.*
- (4) If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*
- (a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

As the current tender and total preferred scope of works is beyond the available Council funding the recommendation is to further negotiate to achieve project savings.

RECOMMENDATIONS

1. That Council in accordance with the Local Government (General) Regulation 2005 Section 178 (1)(b), declines to accept any tenders for the Dredging and Foreshore Management Activities as the tendered figures are above the Council funding available.
2. That Council, in accordance with Local Government (General) Regulation 2005 Section 178 (3)(e) authorises the General Manager to enter into negotiations with Synergy Resource Management Pty Ltd with a view to enter into a contract to deliver the Shaws Bay dredging and associated foreshore improvements.
3. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(a) the reason Council has declined to invite fresh tenders is because the tender process has established a competitive market and it is more efficient to negotiate with the highest ranked tender than call for new submissions.
4. That in accordance with the Local Government (General) Regulation 2005 Section 178(4)(b) the Council records it has determined to enter negotiations with Synergy Resource Management Pty Ltd as they are the preferred tenderer following assessment against the mandatory and weighted evaluation criteria established for this tender.
5. That upon the conclusion of negotiations in point two, Council authorises the General Manager to affix the Council seal to the relevant contract documents.

Attachment(s)

1. Works Plan - Shaws Bay Dredging and Foreshore
2. Tender - Shaws Bay Dredging and Foreshore Improvements - Confidential Memorandum (Under separate cover)

9.7 Capital Expenditure - 30 June 2020 Review

9.7 Capital Expenditure - 30 June 2020 Review

Delivery Program

Governance

Objective

To provide the final quarterly update on the implementation of the 2019/20 capital expenditure program.

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 final report for 2019/20 and outlines work undertaken to 30 June 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.
- Latest 2019/20 Estimate - Sum of the original estimate plus variations.
- Expended This Year - Expenditure to 30 June 2020 on a cash basis. This figure excludes commitments and accruals.
- % Expended - Percentage of budget expended to 30 June 2020 based on the cash expenditure figures.
- Milestone Dates - Target dates for the major milestones.
- Status – Provides space for additional comments.

9.7 Capital Expenditure - 30 June 2020 Review

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 (Attachment 1)

Playground Equipment – Various – A number of the items have been installed with some invoices still to be paid.

Wollongbar Sports Fields – Irrigation works now underway.

Skennars Head Sports Fields Expansion – This project is largely complete.

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

Resource Recovery (Attachment 1)

All projects completed for 2019/20.

Support Operations (Attachment 2)

Plant and Fleet – 85% complete which is well up on previous years. A number of purchases were carried forward from 2018/19 which increased the overall workload.

Commercial Services (Attachment 3)

Airport – Terminal expansion complete.

Property – Funding allocated for the projects listed has largely been expended.

Community Facilities (Attachment 3)

Lennox Head Community Centre (LHCC) – Project scheduled for completion in August 2020.

Ballina Indoor Sports Centre – Council has now been paid the \$140,000 owed by the Department of Education as their contribution to the joint car park.

Environmental and Public Health (Attachment 3)

Projects completed for 2019/20.

Water and Wastewater (Attachments 4 and 5)

In excess of \$5m expended with any incomplete projects to be rolled forward into 2020/21.

9.7 Capital Expenditure - 30 June 2020 Review

Engineering Works (Attachment 6)

Urban and Rural Roads

Large number of projects completed with Hutley Drive – Northern Connection coming in well under budget (approximately \$1.5m under).

Ancillary Transport Services - Shared Paths and Footpaths

Coastal Path – Skennars Head to Pat Morton - Aboriginal Heritage Impact Permits (AHIP) for the two sites identified as having Aboriginal Cultural value have now been received from the Department of Planning, Industry and Environment (DPIE) and works have recommenced.

Coastal Walk – Council accepted the tender for this project at the February 2020 Ordinary meeting, DPIE has approved an AHIP and the contractor is on site progressing the works.

Summary

As per the following table there was close to \$40m expended during 2019/20 excluding commitments.

Recognising that there was a \$1.5m plus saving in the Hutley Drive – Northern Connection works and contracts are in place for substantial projects such as the Lennox Head Cultural Centre and Coastal Shared Path, with the budgets for those projects under-expended due to the timing of contract payments, this is a reasonable result for 2019/20.

Capital Works Summary – 30 June 2020 (\$'000)

| Section | Budget (\$) | Cash Expenditure (\$) | Percentage Expended |
|-----------------------|--------------------|------------------------------|----------------------------|
| Open Spaces | 4,708,000 | 3,664,200 | 78% |
| Resource Recovery | 2,263,500 | 2,259,400 | 100% |
| Support Operations | 3,130,300 | 2,435,500 | 78% |
| Commercial Services | 5,583,600 | 4,902,300 | 88% |
| Community Facilities | 2,959,000 | 2,198,200 | 74% |
| Information Services | 36,000 | 43,200 | 120% |
| Public and Env Health | 187,600 | 155,400 | 83% |
| Water | 3,579,500 | 3,013,900 | 84% |
| Wastewater | 3,560,100 | 2,340,900 | 66% |
| Engineering Works | 22,761,600 | 18,650,200 | 82% |
| Total | 48,769,200 | 39,663,200 | 81% |

Sustainability Considerations

- **Environment**
Many of the works listed provide positive environmental outcomes.
- **Social**
Certain works 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.

RECOMMENDATION

That Council notes the contents of the 30 June 2020 Capital Expenditure Review.

Attachment(s)

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

9.8 Delivery Program and Operational Plan - 30 June 2020 Review

9.8 Delivery Program and Operational Plan - 30 June 2020 Review

Delivery Program

Governance

Objective

To provide the final quarterly review in respect to the implementation of the 2019/20 to 2022/23 Delivery Program and Operational Plan.

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 final review of the 2019/20 to 2022/23 Delivery Program and the 2019/20 Operational Plan, with the information based on the full 12 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.

This quarter includes the impact of the numerous facility closures and economic downturn from the NSW Public Health (COVID-19) Order and COVID-19 pandemic.

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.

9.8 Delivery Program and Operational Plan - 30 June 2020 Review

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 | 32 | 35 | 38 | 105 |
| Amber | 2 | 4 | 5 | 11 |
| Red | 0 | 0 | 1 | 1 |
| Total | 34 | 39 | 44 | 117 |

Program Actions - By Percentage and Division

| Group / Status | Corporate | Civil | Planning | Total |
|----------------|------------|------------|------------|------------|
| Green | 94 | 90 | 86 | 90 |
| Amber | 6 | 10 | 12 | 9 |
| Red | 0 | 0 | 2 | 1 |
| Total | 100 | 100 | 100 | 100 |

Many of the program actions were not impacted by the COVID-19 pandemic as staff were still able to operate from work or at home.

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

- Implement Development Compliance Work Program (page 1) – This section continues to have a significant workload and the preparation of the adopted 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 remains somewhat dependent on income levels during 2020/21.

9.8 Delivery Program and Operational Plan - 30 June 2020 Review

- Implement Cultural Plan (page 2) – Council has been successful with a tourism bushfire recovery grant of \$145,000 to implement further Interpretative Signage as part of the Cultural Ways Project (shared path signage)
- Progress Lennox Head Town Centre Village Renewal (page 7) – Council approved the exhibition of the draft concept plans at the May 2020 Ordinary meeting.
- Progress delivery of Hutley Drive - northern section (page 10) – This project is complete and operational.
- Implement North Creek Coastal Management Plan (page 12) – Council endorsed the scoping study at the June 2020 Ordinary meeting.
- Ensure Council policies reflect contemporary community standards (review 100% of policies of each term) (page 21) – This is completed with the final three policies reported to this Council meeting.

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.

Many of these have been impacted by the closure of facilities due to the COVID-19 pandemic. Generally these have been marked as amber as typically they were on track prior to closure.

Service Delivery Indicators - By Number and Division

| Group / Status | Corporate | Civil | Planning | Total |
|--------------------|-----------|-----------|-----------|-----------|
| Green | 23 | 16 | 12 | 51 |
| Amber | 19 | 11 | 11 | 41 |
| Red | 1 | 1 | 0 | 2 |
| Total Tasks | 43 | 28 | 23 | 94 |

Service Delivery Indicators - By Percentage and Division

| Group / Status | Corporate | Civil | Planning | Total |
|-------------------------|------------|------------|------------|------------|
| Green | 53 | 57 | 52 | 54 |
| Amber | 45 | 39 | 48 | 44 |
| Red | 2 | 4 | 0 | 2 |
| Percentage Total | 100 | 100 | 100 | 100 |

Items of note include:

- Commercial Services - Revenue generated from commercial property (\$) > \$2.1m (page 27) – Income at \$2.113m was just above the original target which is a good result considering the rental relief provided by Council.
- Communications - Number of external visits to Council website (#) > 250,000 (page 29) – Almost 391,000 visits to the website which is well above previous years.
- Community Facilities (pages 30 - 32) – Many amber results due to facility closures.

- Support Operations - Renewable energy generated on Council sites (KiloWatts) > 700 (page 36) – Although marked as amber a number of projects are currently being installed.
- Building Services and Development Services (pages 40 and 41) – Workload through a high number of applications and on-going court cases has resulted in a number of indicators being below the preferred targets. Council has approved additional resources for 2020/21, which is important as development activity still remains at very high levels in the shire.

Sustainability Considerations

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

Legal / Resource / Financial Implications

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

Consultation

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

Options

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

Many of the key actions and tasks identified in the 2019/20 Operational Plan were completed for 2019/20 however a number of activity indicators are below target due to the COVID-19 pandemic.

With there now being concerns over a "second wave" it remains very uncertain as to how many of Council facilities and services will operate for the 2020/21 financial year.

RECOMMENDATION

That Council notes the contents of this report in respect to the 30 June 2020 quarterly review of the Delivery Program and Operational Plan.

Attachment(s)

1. [Delivery Program and Operational Plan Review - 30 June 2020](#) (under separate cover)

10.1 Fishery Creek Road - Acquisition of Crown Land

10. Civil Services Division Reports

10.1 Fishery Creek Road - Acquisition of Crown Land

Delivery Program

Asset Management

Objective

To obtain Council approval for the acquisition of Crown land over part of Fishery Creek Road, West Ballina.

Background

Fishery Creek Road is currently located within an existing road reserve and over vacant Crown land being Lot 7054 DP 1113632 and Fishery Creek at West Ballina.

This constructed road provides access to a few rural properties and the Ballina Waste Water Treatment Plant. The road has been at this location for many decades and includes a small bridge over Fishery Creek.

It is proposed to acquire the land on which the road and bridge are located. This area is approximately 2,400m².

A location diagram is included as Attachment 1.

The purpose of this report is to obtain a Council resolution for the compulsory acquisition of the Crown land and subsequently dedicate that land as public road.

Key Issues

- Acquisition process
- The acquired land will vest in Council and be dedicated as public road.

Information

During the development application assessment for a property at 44 Fishery Creek Road, the application was referred to Crown Lands for comment. Their response included an objection to the development application regarding access as they had identified sections of Fishery Creek Road were not within a public road reserve and traversed sections of vacant Crown land.

Following discussions with the Crown, it was considered appropriate that the land containing the existing constructed road carriageway and the bridge over Fishery Creek should be acquired for road.

There are many instances where Council roads are located on Crown land. On a day to day basis, the location and use of these roads will not be hindered by other parties and the land acquisition is primarily a land administration matter.

However, to ensure Council has the ability to undertake works in these areas without requiring concurrence from the Crown or objection from other interested parties, it is beneficial to acquire the land.

10.1 Fishery Creek Road - Acquisition of Crown Land

The acquisition of Crown land has to be undertaken in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

Council is required to submit the request for compulsory acquisition to the Minister and the Governor through the Office of Local Government.

If approved, then consent to issue acquisition notices upon the Crown, and any other party that may have an interest in the land, can be made.

In order to establish if Native Title exists or Land Claims are applicable, the acquisition notices are also served on the respective agencies.

Council will be responsible for all costs, including compensation to the Crown, should the acquisition proceed.

Sustainability Considerations

- **Environment**
Not Applicable
- **Social**
The acquisition of the Crown land for road formalises public road access for the community and residents who rely on this road for their property access.
- **Economic**
In support of efficient land management principles, the acquired land is to be dedicated as public road.

Legal / Resource / Financial Implications

The acquisition process is undertaken by Council and all costs associated with the land acquisition, including compensation, are to be met by Council. A budget source has not been identified at this stage. Suggested funding sources are the roads program or, as it provides legal road access to Council's West Ballina Waste Water Treatment Plant, from Water and Wastewater operations. Upon acquiring the land, Council will dedicate the land as public road.

An accredited/licensed valuer will be engaged to determine compensation applicable for the land being acquired. The value of the land is unknown at this stage, however given the existing constructed road is located on the vacant Crown land, and that the land (if acquired) is to be dedicated as public road, there are limited other potential uses of the land. Council has the option to review its position if the costs are considered unreasonable compared to the benefits.

Based upon the existing and future use of the land as road, the monetary value is anticipated to be of nominal value, however no valuations or negotiations have been undertaken.

There is the ability to defer this matter and for negotiations to commence with the Crown and reach agreement on what, if any, compensation is required.

10.1 Fishery Creek Road - Acquisition of Crown Land

This negotiation could be delegated to the General Manager to finalise or the matter reported back to Council for further advice.

With any land acquisition there will be direct survey and valuation costs for the project. The costs for this proposal are estimated at \$10,000 to \$12,000.

Consultation

Discussions with Crown Lands has not raised any objection to Council lodging a Proposed Acquisition Notice (PAN) to formally commence the land acquisition process.

Options

1. That Council supports the request for land acquisition procedures to commence to enable the acquisition of Crown land for parts of Fishery Creek Road.

The advantage of this option is to enable the land to be acquired to ensure a public road corridor is fully established along Fishery Creek Road.

2. That Council defers a decision on the land acquisition until an agreement on compensation with Crown Lands is agreed.

The advantage of this option is that Council is provided with some certainty regarding what, if any, compensation is required.

3. That Council opposes the request for the land to be acquired from the Crown.

There are minimal, if any, benefits associated with this option. There are a number of issues or risks to Council with the constructed road not being located in a public road reserve.

Option one is recommended with any costs to be funded from the roads and / or wastewater programs.

RECOMMENDATIONS

1. That Council resolves to compulsorily acquire Crown land for Fishery Creek Road, as shown in Attachment 1 to this report, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 and the Local Government Act 1993.
2. That Council resolves to make an application to the Office of Local Government, the Minister and the Governor for the approval of the compulsory acquisition (by agreement) of the Crown land.
3. That Council authorises the General Manager to conduct and finalise negotiations with NSW Planning, Industry & Environment - Crown Lands to acquire the Crown land.
4. That Council approves the use of the Council seal on any documents associated with the acquisition of the Crown land.
5. That Council confirms that following acquisition the land is to be dedicated as public road.

Attachment(s)

1. Location Diagram - Proposed Land Acquisition - Fishery Creek Road, Ballina

10.2 Policy (Review) - Liquid Trade Waste

10.2 Policy (Review) - Liquid Trade Waste

| | |
|-------------------------|--|
| Delivery Program | Water and Wastewater |
| Objective | To review the Liquid Trade Waste 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 Liquid Trade Waste policy.

Council first adopted this policy in September 2006 when the former Department of Energy Utilities and Sustainability, now Department of Planning, Industry and Environment (the Department), developed a Model Policy for Liquid Trade Waste Regulation. The Department required councils to adopt a Model Policy to create a consistent approach to trade waste discharges and pricing structure state-wide. Implementing an appropriate liquid trade waste policy endorsed by the Department is a requirement under the NSW Best Practice Management of Water Supply and Sewerage Framework. Council has applied the Model Policy over the past 14 years.

The Model Policy for Liquid Trade Waste Regulation is included as an appendix of the Department's Liquid Trade Waste Regulation Guidelines (the Guidelines).

The Department reviewed the Liquid Trade Waste Regulation Guidelines in 2019 and circulated a draft for comment in June 2019. A number of updates were included within the 2019 draft guidelines including:

- More discharges to be included under Classification A "low risk discharges" where all councils have assumed concurrence for approval of these trade waste discharges
- Detailed guidance is provided on approval of Classification B "medium risk" discharges and more activities are included in this Classification
- Detailed guidance is provided on the regulation of liquid waste in Classification S
- Detailed information is provided in regard to sizing of grease arrestors consistent with the National Guideline for Managing Food, Fat, Oils and Grease from Food Premises, 2018.

The Model Policy for Liquid Trade Waste Regulation and the list of recommended annual trade fees and charges were not included in the revised draft Guidelines sent for circulation.

The Guidelines have not yet been finalised. Advice has regularly been sought from the Department in respect of a date when the finalised guidelines and Model Policy will be published and a date has not been able to be provided.

10.2 Policy (Review) - Liquid Trade Waste

Council is required to seek approval from the Department if our policy differs from the Model Policy. The Model Policy is a comprehensive document, and compliance with the Guidelines is more straightforward if the Model Policy is adopted amendment.

Until now, presenting this policy update has been held over due to the pending update of the Model Policy. However, as the release of the update is yet to be completed, and it is uncertain when this will occur, the attached draft update is presented to Council for consideration.

In this context of model policy and likely impending update, no content changes have been made to the reviewed policy at this time.

It is likely that some of the changes to the Guidelines detailed above will lead to the need to make changes to our policy. Once an updated Model Policy is published by the Department, it will be necessary to review and revise our Liquid Trade Waste Policy as it is likely that some of the changes to the Guidelines detailed above will have policy implications.

Key Issues

- The Department has not published the 2019 Guidelines and Model Policy for Liquid Trade Waste Regulation
- Council is required to adopt the Department's Model Policy
- Council is required to seek approval if Council's policy differs from the Model Policy

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.
- All references to the former Department of Trade and Investment, Regional Infrastructure and Services have been updated.

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.

The policy will be updated as soon as the Department publishes the reviewed Model Policy and Guidelines.

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

Sustainability Considerations

- **Environment**
Council provides an environmentally responsible liquid trade waste management service to the non-residential sector. The policy provides controls to minimise any adverse impacts on the environment from liquid trade waste discharge.

- **Social**

The policy provides controls to minimise any adverse impacts on the health and safety of workers and the public as a result of liquid trade waste discharge and sets the framework for monitoring, mentoring and coaching dischargers in order to achieve cleaner production and compliance.

- **Economic**

Commercial provision of services and full cost recovery through appropriate sewerage and liquid trade waste fees and charges is achieved through the policy framework. The maintenance cost of Council's infrastructure is not significantly increased as a result of the policy.

Legal / Resource / Financial Implications

Changes to this policy have no additional legal, resource or financial implications on Council.

Consultation

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

Options

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

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

RECOMMENDATIONS

1. That Council adopts the amended Liquid Trade Waste 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) - Liquid Trade Waste

10.3 Policy (Review) - Community Property Leasing and Licensing

10.3 Policy (Review) - Community Property Leasing and Licensing

Delivery Program

Open Spaces

Objective

To review the Community Property Leasing and Licensing 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 Community Property Leasing and Licensing policy.

This review also means that every Council policy has been reviewed during this term of Council.

The objective of the current policy is to provide a process and criteria to assess the granting and renewal of leases and licences to sporting bodies, community groups and charitable groups (referred collectively to as Not-For-Profit Organisations ("NFPO") throughout the policy) for certain Council owned or managed land and buildings in a timely manner that meets legislative requirements.

Council first adopted the policy on 28 July 2016.

Key Issues

- Documenting guidelines for leasing the properties to Not for Profit Community Groups
- Encouraging better utilisation of community properties
- Consider implementing a rent structure that provides consistency between Council owned community properties and Crown community properties managed by Council
- Ensuring that the leasing of properties covered by the draft policy is transparent and as consistent as possible, while taking into account the different property types and different tenant uses.

Information

The current policy includes the proposed categorisation of tenants of community properties into groups. Each group would have been required to pay rent calculated in accordance with the table contained in attachment three of the policy.

The rent structure in the policy would have required market rent assessment of community properties to determine applicable rents to charge tenants. This rent structure would have involved costs in having market rent assessments prepared by an external valuer, or the requirement for Council to have an internal valuer prepare the market rent assessments.

The market rent assessments would have needed to be updated when leases or licences were renewed every three years.

10.3 Policy (Review) - Community Property Leasing and Licensing

Although Council adopted the policy, Council resolved to defer the implementation of the new rent structure, pending further investigation.

After the adoption of the existing policy in July 2016, there have been legislative changes which impact on how Council leases community properties.

The major changes arise from the introduction of the Crown Land Management Act 2016 (NSW), which commenced on 1 July 2018. The existing policy was prepared to reflect the legislation that was current at that time, which was the Crown Land Act 1989 (NSW). The Crown Land Act 1989 (NSW) has since been repealed and replaced with the Crown Land Management Act 2016 (NSW).

The existing policy is currently due for review. As there have been legislative changes since the existing policy was adopted, and because the proposed rent structure in the existing policy was deferred by Council, it became apparent that it was more practical to replace the existing policy, rather than attempt to make modifications to the existing policy.

A copy of the existing Policy is included as Attachment 1 along with a copy of the new draft policy as Attachment 2.

The key features of the draft policy include:

| | |
|--|--|
| Leases and Licences to which the Draft Policy would apply | <p>The draft policy would only apply to a lease or licence of a property listed in attachment one of the draft policy:</p> <ul style="list-style-type: none">• to a Not for Profit Community Group; and• where the property is to be used for predominantly community purposes (rather than commercial purposes). <p>For leases and licences that fall outside the policy, Council may adopt commercial terms determined by Council.</p> |
| Encouraging Better Utilisation | <p>The draft policy makes it clear that Council encourages the use of properties by multiple community groups where possible, to achieve better utilisation of the existing properties.</p> <p>The draft policy also acknowledges that this may not be practical for all properties.</p> |
| Assessment Criteria for Tenants | <p>The draft policy introduces clear assessment criteria to determine whether a lease should be granted to a particular tenant.</p> <p>Assessment criteria includes consideration of:</p> <ul style="list-style-type: none">• community benefit• best utilisation of the property• tenant's capacity to comply with the lease obligations• tenant's previous occupancy of the property• suitability of the property for the tenant's proposed use• any works required or approvals to be obtained• financial return to Council <p>See attachment two of the draft policy for the full assessment criteria.</p> |

10.3 Policy (Review) - Community Property Leasing and Licensing

| | |
|----------------------|--|
| Term of Lease | <p>The draft policy changes the standard lease term from three years to four years. The benefits of this change include:</p> <ul style="list-style-type: none">• tenants have more security of tenure• reduction in the frequency of tenants having to prepare and submit lease applications• reduction in Council internal costs of assessing lease applications• reduction in Council costs of public notification and advertising of leases of Community Land• reduction in lease preparation costs |
| Rent | <p>The draft policy proposes that there be greater consistency between the rent payable by tenants of Council owned properties and tenants of Crown owned properties managed by Council. The policy acknowledges the current inequity where tenants of Council owned buildings may be currently paying \$1 per annum, while a tenant occupying a similar building on Crown Land managed by Council, is required to pay the statutory minimum rent, which is set by the NSW State Government.</p> <p>Given Council will have greater responsibility and control in relation to the management of certain Crown Land as part of the implementation of the Crown Land Management Act 2016 (NSW), the draft policy proposes that tenants in Council owned properties covered by the policy who are currently paying <i>less than</i> the statutory minimum rent, be required to pay the statutory minimum rent. This is to create consistency and equity between Council owned properties and Crown Land managed by Council.</p> <p>As this will be a change for those tenants currently paying less than the statutory minimum rent, the policy incorporates a transition period. It is proposed that it will apply to a lease or licence entered into for a period <i>after 30 June 2021</i>. It would not apply to existing leases or licences. Where an existing lease or licence expires after 30 June 2021 and a new lease or licence is entered into, the statutory minimum rent would be imposed in the new lease or licence document.</p> <p>An additional benefit of charging statutory minimum rent is that the rental amount is set by the NSW Government, and does not require Council to spend money on market rent assessments, each time a four year lease or licence expires.</p> <p>The rental structure in the existing policy that was deferred by Council, would have involved costs in having market rent assessments prepared by an external valuer, or the requirement for Council to have an internal valuer prepare the market rent assessments. This will not be required if the statutory minimum rent is adopted as set out in the draft policy.</p> <p>The draft policy acknowledges that there will occasionally be properties for which Council resolves to charge a rent higher than the statutory minimum rent. The draft policy includes some examples of when this may occur.</p> <p>See attachment three of the draft policy for the full guide on rent assessment.</p> |

10.3 Policy (Review) - Community Property Leasing and Licensing

| | |
|----------------------------------|--|
| Standard Lease Conditions | The draft policy sets out the standard lease terms and conditions. The draft policy confirms that standard lease/licence precedent documents will be used as the base, but they will be adapted to suit particular properties and the proposed use by the tenant. |
| Crown Land Management Act | The draft policy includes information on the Crown Land Management Act changes relevant to the policy, including the categorisation of Crown Land managed by Council in Plans of Management. The draft policy also notes: <ul style="list-style-type: none">• the requirement to obtain Native Title Manager advice on leases and licences of Crown Land; and• the need to address Native Title considerations when a tenant proposes to carry out work on Crown Land. |
| Leasing Process | The draft policy includes a guide on the steps involved in the leasing process. See attachment four of the draft policy. |

Sustainability Considerations

- **Environment**

Not Applicable

- **Social**

There are significant social benefits provided to the community by the occupants of community properties. It is important to ensure that these groups are able to operate affordably and sustainably.

With population growth and changing demographics, the demand for the use of community properties will grow. The draft policy seeks to encourage better utilisation of existing community properties where possible.

- **Economic**

The foregoing of commercial/market rent represents an economic loss to Council. However, that loss can be offset to some extent by the broader social and recreational benefits which are provided by community groups.

Legal / Resource / Financial Implications

The draft policy recognises the changes Council is making in relation to leasing and licensing community properties in response to the Crown Land Management Act 2016 (NSW).

With respect to financial implications, some tenants of Council owned community properties paying less than the statutory minimum rent will have a rent increase, to bring their rent in line with the Crown community properties that Council manages.

10.3 Policy (Review) - Community Property Leasing and Licensing

It is proposed in the draft policy that this change will not occur until a tenant enters into a new lease or licence for a period *after 30 June 2021*. It also will not change the terms of existing leases or licences.

For example, if an existing tenant has a lease that does not expire until 30 January 2022, and under that lease the tenant is paying less than the statutory minimum rent, the tenant's rent will not increase to the statutory minimum rent until the tenant enters into a new lease from 1 February 2022. So there is a transition period for existing tenants.

Increasing the rent of tenants currently paying \$1 per annum to the statutory minimum rent (currently \$507 as at May 2020) is likely to generate income of approximately \$21,000 per annum.

This income will be used towards the cost of Council's repair and maintenance obligations for the properties listed in Attachment 1 of the draft policy.

The cost to Council of complying with Council's repair and maintenance obligations will significantly exceed the expected income.

A broader investigation into the funding required for Council to meet these obligations into the future (taking into account the age and condition of the various buildings covered by the draft policy) will be required.

Consultation

Internal consultation has been conducted with staff involved with the community property portfolio in attachment one of the draft policy.

It is proposed to publicly exhibit the draft policy as well as writing to current occupants of community properties covered by the draft policy to seek feedback.

The proposal to charge the statutory minimum rent for Council owned properties may well result in some negative feedback.

However, the purpose of this change is to create consistency and equity between the Crown properties Council is managing, and Council owned properties, particularly given the implementation of the Crown Land Management Act 2016 (NSW).

Options

1. Proceed to adopt the draft policy and exhibit it for public comment (with or without modification)
2. Defer consideration of the policy and/or seek additional information.

10.3 Policy (Review) - Community Property Leasing and Licensing

The recommendation is to adopt and exhibit the draft policy as it provides a more holistic and reasonable approach to the management of community properties for leasing and licensing. It is also recommended that if no submissions are received from the exhibition process, the policy be implemented with no further actions required.

RECOMMENDATIONS

1. That Council adopts the new Community Property Leasing and Licensing policy, as per Attachment 2 to this report.
2. That Council place the 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 (Existing) - Community Property Leasing and Licensing
2. Policy (New) - Community Property Leasing and Licensing

11.1 Notice of Motion - Lease - 26 Endeavour Close, Ballina

11. Notices of Motion

11.1 Notice of Motion - Lease - 26 Endeavour Close, Ballina

Councillor

Cr Meehan

I move

1. That Council advise the Australian Navy Cadets that upon the expiry of the existing lease, the rental is to revert to market value to reflect the high value of the land on which the property is located and to allow Council to allocate the funds generated to other community projects.
2. That Council also advise that we remain interested in sale of the land, to also allow the funds generated to be allocated to community projects.

Councillor Comments

26 Endeavour Close Ballina is Council operational land. It has been leased to the Australian Navy Cadets – TS Lismore, since 1988, at peppercorn rent. In some past years Council has also subsidised the rates on the land (approx. \$9,200 in 20/21).

When this lease was last considered by Council in September 2017 the rental waiver per annum was \$45,000 and the potential sale price of the industrial lot, \$926,000.

A three year lease was granted and expires on 27 September 2020.

The existing lease included an allowance for the facilities to be shared with other community groups, subject to Council approval.

This does not appear to have occurred.

The ongoing annual cost to the Council/community of leasing this land at peppercorn rent is not sustainable into the future, particularly with the site only being used on one day per week by a relatively small group.

In today's real terms, the next twenty years will see a community contribution to the Australian Navy cadets of around \$1,000,000 in waived rental.

This is a difficult issue, as we are dealing with a youth group. However, when the decision to lease the site to the Australian Navy Cadets was made in 1988, the land values and the pressure that Council/community finances are now under, were very different.

It must also be recognised that the lease is with the national organisation of Australian Navy Cadets in Canberra. This is a subsection of the Australian Defence Forces. Hence Council and the community of Ballina are effectively subsidising that organisation. In these very difficult times, this cannot continue.

Staff Comments

The current lease with Lismore – Ballina Naval Cadets expires on 27 September 2020. The current lease contains special conditions that addressed the use of the land by a third party and that in the event of the sale of the land, Council is entitled to terminate the lease on one month's notice.

The use of the land by a third party requires the Lessor and Lessee's permission and permission cannot be unreasonably held by either party.

Council did have discussions with the Lions Club as part of the sale of the West End Hall land in respect to relocating to this site, however those negotiations were unsuccessful, primarily as the depot site was a more timely and suitable location.

The Deputy Director-Facilities - Australian Navy Cadets, Australian Navy Cadets and Reserves Branch, based in Canberra, also identified a number of issues that needed to be resolved before there could be sharing of the facilities. Extracts from that advice are as follows:

Shared Facility Use

The proposed sharing of the facility is not prohibitive to ANC operations. However there are a number of factors that must be taken into account before any additional licences or third party leases are considered. The primary consideration is that the safety and security of Cadets is paramount. No person who is not appointed in a ANC role can have interaction with cadets. It is also important to consider that TS Lismore houses valuable and attractive Commonwealth assets including watercraft and associated equipment. Access to these assets must be restricted to ANC only.

Below is a list of requirements that must be given consideration in sharing a facility with ANC:

- There is no interaction between parties to a third party agreement and ANC Cadets without an adult ANC member present. ANC adult members have completed working with vulnerable people qualifications (Blue Card) and are responsible for ANC safety.*
- Use of the facility during cadet parades must be sole use by ANC with no access by third parties.*
- Smoking is not permitted in the facility at any time.*
- No alcohol can be brought into the facility at any time for any reason including social activities.*
- No prohibited substances can be brought into the facility at any time.*
- No pornography can be brought into the facility at any time.*

Additional Considerations

- TS Lismore Unit Support Committee (USC), even as the head lessee, cannot be held accountable or responsible for damage done by third parties.*
- Some of the facility utilities are being supported by the Commonwealth with others (such as water) being paid for by the USC. Any usage by a third party will need to result in a separate bill.*

11.1 Notice of Motion - Lease - 26 Endeavour Close, Ballina

- *Allocation of space should be done in consultation with the TS Lismore USC.*
- *At least one office must be kept as a dedicated ANC space for storage of personal records.*
- *The boat shed (housing Defence assets) cannot be shared.*
- *Access to the facility for third parties should only be allocated outside the agreed ANC parade and activity times. Third party usage should not reduce ANC ability to use the facility.*

Providing these points are observed, consideration can be given to sharing other spaces with other users.

The size, location and accessibility of the existing building and land provides an opportunity to support a number of community organisations such as SES or could be utilized for industrial purposes.

With regard to SES as one potential option, to meet the required guidelines, the Ballina SES would require a site large enough to accommodate a total floor area of 2,740 m². The size of this property is 2,796 m². There are a number of benefits to this site including location, proximity to Ballina Fire Station and estuary access.

In respect to the value of the land, this is a difficult to estimate. Property market applications put the value range of the total site, including buildings, from \$1.3m to \$1.9m.

From a land value only perspective the latest valuer-general valuation in Council's records is \$1.06m.

COUNCILLOR RECOMMENDATIONS

1. That Council advise the Australian Navy Cadets that upon the expiry of the existing lease, the rental is to revert to market value to reflect the high value of the land on which the property is located and to allow Council to allocate the funds generated to other community projects.
2. That Council also advise that we remain interested in sale of the land, to also allow the funds generated to be allocated to community projects.

Attachment(s)

Nil

12.1 Facilities Committee Minutes - 13 July 2020

12. Advisory Committee Minutes

12.1 Facilities Committee Minutes - 13 July 2020

Attendance

Crs Ben Smith (in the chair), Phillip Meehan (via video link), Sharon Parry (via video link – joined at 4.06 pm), Jeff Johnson (via video link), Eoin Johnston (via video link), Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader and David Wright (Mayor).

Paul Hickey (General Manager), John Truman (Director, Civil Services Director), Kelly Brown (Director, Corporate and Community Division), Craig Brown (Manager Community Facilities), Linda Coulter (Manager Financial Services), Kerry Condon (Built Assets Engineer) and Sandra Bailey (Secretary) were in attendance.

Karen Ognibene from KO and CO Architecture was in attendance for Item 4.3 – Community Facilities – Update and made a presentation to the meeting on proposed designs for Alstonville Cultural Centre.

There were five people in the gallery at this time.

1. Apologies

Nil

2. Declarations of Interest

- **Cr Sharon Cadwallader** – declared an interest in Item 4.1 - Northern Rivers Community Gallery and Ignite Studios – Update. (Nature of Interest: non significant, non pecuniary – she has visited the artists named in the petition at their home, through the Arts Trail program. She will be remaining in the meeting while the matter is discussed and voting on the matter.
- **Cr Jeff Johnson** – declared an interest in Item 4.1 - Northern Rivers Community Gallery and Ignite Studios – Update. (Nature of Interest: non significant, non pecuniary – he has visited the artists named in the petition at their home, through the Arts Trail program. He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

- **Dick Greaves/Ron Greber, Ballina Naval/Maritime Museum** – spoke in favour of Item 4.2 - Ballina Naval and Maritime Museum - Additions

4. Committee Reports

4.2 **Ballina Naval and Maritime Museum - Additions**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That the Council funding allocated for improvements to the Ballina Naval and Maritime Museum be applied to undertake immediate repair works on the current structure protecting the PV Richmond to ensure the safety of the structure and continuation of the current protection measures.
2. That Council authorises the General Manager to proceed with obtaining development consent and all other relevant approvals to enable the modifications to the Ballina Naval and Maritime Museum, as per Attachment 2 to this report.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

1. That the Council funding allocated for improvements to the Ballina Naval and Maritime Museum be applied to undertake immediate repair works on the current structure protecting the PV Richmond to ensure the safety of the structure and continuation of the current protection measures.
2. That Council authorises the General Manager to proceed with obtaining development consent and all other relevant approvals to enable the modifications to the Ballina Naval and Maritime Museum, as per Attachment 2 to this report.
3. That Council staff discuss with the Ballina Naval and Maritime Museum their financial position and capacity to fund these works.

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

FOR VOTE - Cr Phillip Meehan

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

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

FOR VOTE - All Councillors voted unanimously.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That the Council funding allocated for improvements to the Ballina Naval and Maritime Museum be applied to undertake immediate repair works on the current structure protecting the PV Richmond to ensure the safety of the structure and continuation of the current protection measures.
2. That Council authorises the General Manager to proceed with obtaining development consent and all other relevant approvals to enable the modifications to the Ballina Naval and Maritime Museum, as per Attachment 2 to this report.

FOR VOTE - All Councillors voted unanimously

4.1 Northern Rivers Community Gallery and Ignite Studios - Update

A **Motion** was moved by Cr David Wright and seconded by Cr Sharon Parry

1. That Council notes the contents of this report concerning the operation and management of the Northern Rivers Community Gallery.
2. That Council confirms the continuation of the current eight week exhibition program for 2020/21.
3. That a further report be provided to Council on the future direction of arts and culture programs, prior to the development of the 2021/22 Program Prospectus.
4. That Council facilitate the provision of other exhibition spaces within other public and private spaces in the Shire.
5. That Council continue to lobby for arts funding from the State and Federal Governments.

An **Amendment** was moved by Cr Cadwallader and seconded by Cr Jeff Johnson

1. That Council notes the contents of this report concerning the operation and management of the Northern Rivers Community Gallery.
2. That Council commences a six week exhibition program for 2020/21.
3. That a further report be provided to Council on the future direction of arts and culture programs, prior to the development of the 2021/22 Program Prospectus.

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

FOR VOTE - Cr Jeff Johnson and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

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

FOR VOTE - All Councillors voted unanimously.

RECOMMENDATION

(Cr David Wright/Cr Sharon Parry)

1. That Council notes the contents of this report concerning the operation and management of the Northern Rivers Community Gallery.
2. That Council confirms the continuation of the current eight week exhibition program for 2020/21.
3. That a further report be provided to Council on the future direction of arts and culture programs, prior to the development of the 2021/22 Program Prospectus.
4. That Council facilitate the provision of other exhibition spaces within other public and private spaces in the Shire.
5. That Council continue to lobby for arts funding from the State and Federal Governments.

FOR VOTE - All Councillors voted unanimously.

Cr Jeff Johnson left the meeting at 05:08 pm.

4.3 Community Facilities - Update

RECOMMENDATION

(Cr David Wright/Cr Sharon Cadwallader)

1. That Council endorses design option two, being the two storey facility as prepared by KO and CO Architecture, as the preferred pre-concept design for the Alstonville Leisure and Entertainment Centre redevelopment.
2. The General Manager is authorised is to proceed with the detailed design and engineering plans and development approval process for design option two as per point one, funded from the capital expenditure budget allocation for the facility.
3. That Council notes the contents of this report in respect to the current excess in supply of meeting room space for the Kentwell Centre.
4. That Council notes the contents of this report in respect to the recent improvements to the Richmond Room.
5. That Council supports the renaming of the Lennox Head Cultural and Community Centre to the 'Lennox Head Cultural Centre' to assist with consistent messaging and marketing.

12.1 Facilities Committee Minutes - 13 July 2020

6. That Council supports the renaming of the Alstonville Leisure and Entertainment Centre to the 'Alstonville Cultural Centre' to assist with consistent messaging and marketing.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

MEETING CLOSURE

5.34 pm

RECOMMENDATION

That Council confirms the minutes of the Facilities Committee meeting held 13 July 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 June 2020 Ordinary meeting are as follows:

| <u>Date</u> | <u>Function</u> |
|-------------|---|
| 30/6/20 | Meeting – Kevin Hogan – Patches Beach |
| 30/6/20 | Meeting – Paul Hough |
| 1/7/20 | Celebrating Qantas First Ballina Flight |
| 2/7/20 | Donations Working Party |
| 2/7/20 | Briefing – Destination Management Plan |
| 3/7/20 | Celebrating Fly Pelican Flight - Canberra |
| 5/7/20 | Commemoration Park Markets |
| 7/7/20 | Celebrating Virgin Return |
| 9/7/20 | Meeting – Dr J R Baker – CEO Primary and Community Care Services |
| 9/7/20 | Online Citizenship Ceremonies |
| 9/7/20 | 'C' Ward Committee |
| 10/7/20 | Online Citizenship Ceremonies |
| 12/7/20 | Commemoration Park Markets |
| 13/7/20 | Facilities Committee |
| 14/7/20 | General Manager's Annual Review |
| 17/7/20 | Market – East Ballina Lions |
| 19/7/20 | Commemoration Park Markets |
| 20/7/20 | 'B' Ward Committee |
| 23/7/20 | Council Meeting |
| 26/7/20 | Commemoration Park Markets |
| 27/7/20 | Briefing – Newrybar Swamp Road |

RECOMMENDATION

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

Attachment(s)

Nil

13.2 General Manager - Performance Review

13.2 General Manager - Performance Review

Councillor David Wright

Council is legally obliged to fulfil its contractual obligations with the General Manager. This includes a 12 monthly performance review.

Council has a number of options in managing the performance review process. Some councils use the entire council to conduct the review while other councils vary this from the Mayor only to any sub-component of the elected council. The Council and/or General Manager also have the option of utilising an external consultant to assist the process.

The outcomes of the review can be reported to a Council meeting for endorsements or the review outcomes can remain as a matter between the General Manager and the councillors / consultant undertaking the review.

Many of these options have been trialled by Council and in recent years the process has been to use a small committee (eg. Mayor and Deputy Mayor as the PRC), with the recommendations from that committee then presented to the full Council for determination.

At the September 2017 Ordinary meeting Council resolved to expand the PRC to include four councillors (Mayor, Deputy Mayor, Cr Smith and Cr Parry) and to use an external facilitator, being LGNSW for the 2017/18 review.

Once Council endorsed the 2017/18 review at the August 2018 Ordinary meeting, the resolution recommended that the PRC only use an external facilitator, such as LGNSW, for the initial review of the Council term.

The four Councillors on the PRC, including Cr Johnston as Deputy Mayor, conducted the 2019/20 performance review on Tuesday 14 July 2020 and the recommendation from the PRC is included as a confidential report in this agenda. The results of the 2019/20 performance review are listed as confidential as they involve personnel matters. The confidential report also reviews the current Organisation Structure.

The Office of Local Government (OLG) has produced guidelines for the management of General Managers and a copy of that document is available on their website (olg.nsw.gov.au – “Guidelines for the Appointment and Oversight of General Managers”). The document provides useful background material in respect to the annual review process.

RECOMMENDATION

That Council notes the contents of the report in respect to the annual review process for the position of General Manager.

Attachment(s)

Nil

14. Confidential Session

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

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

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

14.1 General Manager - Performance Review - Assessment

Refer to item 13.2 of this agenda.

RECOMMENDATION

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

14.1 General Manager - Performance Review - Assessment

Reason for Confidentiality

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

- a) personnel matters concerning particular individuals (other than councillors)

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the report relates to the performance of Council staff.