



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 18 September 2014

held at Council Chambers, Station Street, Mullumbimby
commencing at 9.00am

Public Access relating to items on this Agenda can be made at the commencement of the Meeting. Requests for public access are to be made to the General Manager or Mayor no later than 12.00 midday one working day prior to the Meeting.

Ken Gainger
General Manager

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

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

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

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

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

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

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- 15.1. CONFIDENTIAL Tender Assessment - Byron Bay Town Centre Masterplan 2014-000181

Infrastructure Services

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Corporate and Community Services

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Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Executive Manager prior to the meeting. Any suggested amendments to the recommendations should be provided to the Administration section prior to the meeting to allow the changes to be typed and presented on the overhead projector at the meeting.

NOTICES OF MOTION

Notice of Motion No. 9.1. Crown Holiday Parks – Byron Shire

#E2014/58300

5 **I move that Council consult with the other North Coast Councils on the establishment of a working group to lobby the State Government for the reinstatement of Local Councils as the Reserve Trust Managers of the Holiday Parks on Crown Land within their respective Local Government areas.**

10

Signed: Cr Diane Woods

Councillor’s Background Notes:

15 The State Government has assumed control of many of the Crown Caravan Parks, which has caused a great deal of dissatisfaction in the local communities.

This has been as a result of the new Plans of Management that have been developed for the parks in the Byron Shire, and it is noted that other Shires have a similar level of concern about proposed changes to the plans and operations of the parks in all affected Shires.

20 Councils are best placed to serve their communities in the management and control of Crown Reserves and therefore the controls should be handed back.

25

Comments by Mark Arnold, Director Corporate and Community Services:

(Management Comments must not include formatted recommendations – resolution 11-979)

Clarification of project/task:

30 That Council consult with the other North Coast Councils on their positions and/or support for the establishment of working group to lobby the State Government for the reinstatement of Local Councils as the Reserve Trust Managers of the Holiday Parks on Crown Land within their respective Local Government areas.

35 The area for the Councils to be canvassed will need to be defined by Council, and there maybe some Councils within the area, that would not participate in or support a working group.

Director responsible for task implementation:

Director Corporate and Community Services

40

Relationship to, priority of, and impact on other projects/tasks:

The initial contact would be made by writing to the other North Coast Councils to obtain their position and/or support for the for the reinstatement of Local Councils as the Reserve Trust Managers of the Holiday Parks on Crown Land within their respective Local Government areas, and for the establishment of working group or other process to lobby for this objective.

45

Financial and Resource Implications:

In the short term, the resources required to consult and establish the working group could be managed within existing resources but depending upon the time required may impact other projects identified in the current Delivery/Operational Plan due for completion.

50

In the longer term on the assumption Council adopts this Notice of Motion and the lobbying of the State Government is successful, Council would become the Reserve Trust Manager for four Crown

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18 SEPTEMBER 2014 (4)

Holiday Parks in its area being Massey Greene, Ferry Reserve and Terrace Reserve in Brunswick Heads plus Clarks Beach in Byron Bay. In total Council would overall be responsible for six Holiday Parks including the two that are owned by Council being First Sun Holiday Park in Byron Bay and Suffolk Beachfront Holiday Park at Suffolk Park.

5 Council would need to allocate staff resources to administer the six holiday parks as the current staff resources allocated are based on the administration of the two Council owned Holiday Parks only. It would be expected these resources would be funded from the revenues generated by the Parks.

10 Legal and Policy Implications:
Crown Lands Legislation and Guidelines.

DELEGATES' REPORTS**Delegates Report No. 12.1. Rous County Council Meeting held on 20 August 2014**

#E2014/59407

5 Resolutions of Rous included:

- **Merger of three Counties:** Rous will apply to the NSW Minister for Local Government for integration of the three County Councils into a single County. Rous Water's business is larger than the other two (FNCWeeds and Richmond River County). Those two Counties also resolved for the merger.

10 I was successful on removing from the proposal a clause to have the two Byron Councillors prevented from voting on Richmond River matters (that floodplain doesn't occur in our Shire).

Under the proposal, Tweed and Kyogle LG Areas would be served by Service Level Agreements for their weed management by the merged County.

- 15
- **Fluoride for three Shires:** after a recent tendering process, Rous will award a Design & Construct contract for 4 fluoride dosing systems on its network. Urban areas in Ballina, Lismore and Richmond Valley Shires will be dosed. Byron will not have fluoride in its supply.

- 20
- **Demand Management - Rebate Program:** Rous will revise its Residential Rebate program to increase the subsidy for rainwater tank connection but will cease to support dual-flush toilets, showerheads and other devices. This is because you now can't even buy 'un-wise' versions.

Rous will first consult with its four constituent Councils to make these changes consistent across the urban areas of the region.

- 25
- **Rous to stay at 218-232 Molesworth Street in Lismore:** Rous will renew its Lease for the Rous Water Administration Centre for a further seven years plus two five-year options.

The next meeting is due on 17 September 2014.

30 **Signed: Cr Duncan Dey**

Delegates Report No. 12.2. LG Water Maintenance Conference, 25-27 August 2014 at Port Macquarie

#E2014/59427

I attended this conference as a Rous Delegate. Important revelations included:

5

- **Minister goes fiscal:** in relation to new dams, which he loves, the NSW Minister for Natural Resources, Land & Water (Kevin Humphries) thinks that “if we build a new storage and the environment wants a share of the water, they should pay”. Letting the rivers run is clearly not on his ‘bucket’ list.

10

- **Panel on LG Structural Reforms:** the list of Reviews is long but none has come to fruition. This invites leadership from Councils.

15

Reforms include assets being made ready for sale. Those interested in keeping local control of local assets should therefore keep their structures full of local inconsistencies. Keeping water in LG hands can strengthen LG position (Graham Sansom). Building up and normalising assets could lead to “asset recycling” ie selling-off (Keith Rhoades).

20

About 60 Local Water Utilities (LWU) own/operate their own dams.

It was argued that water should be viewed as an “enabler” not a “limiter”. Its management should be taken out of environmental departments and handled by infrastructure ones.

25

Recycled water projects suffer from costs to establish (piping) and to operate (pumping). Prices are often set at 50% for both access and usage charges. This is often many fold less than cost to the authority. This is because the alternative (traditional disposal like discharge to rivers) is too cheap.

30

- **Energy Efficiency in water utility operations:**

“Co-digestion” is the adding of organic waste (preferably liquid) to sewage systems to improve generation of gas / electricity. Currently, flows of at least 18 ML/day are needed.

35

Energy purchase is such that only 30-40% is for usage, 60-70% are network charges like the Maximum KVA Charge (peak usage in the month, separated for each rate - eg off-peak). Operators can learn to stay inside one tariff period or avoid one and thus reduce power bill.

40

Signed: Cr Duncan Dey

CORPORATE AND COMMUNITY SERVICES – STAFF REPORTS

Report No. 13.1. Election of Deputy Mayor 2014-2015

5 **Director:** Corporate and Community Services
Report Author: Mila Jones, Administrative Services Team Leader
File No: #E2014/50723

Theme: Corporate Management, Administrative Services - Councillors

Summary: In accordance with Section 231 of the Local Government Act 1993:

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

Normal practice for Byron Shire is to elect their Deputy Mayor for a period of 12 months at the first Ordinary Meeting in September each year.

10 **RECOMMENDATION:**

- 1. **That Council elect a Deputy Mayor for the period 18 September 2014 until the first September 2015 Ordinary Meeting.**
- 15 2. **That the method of election of the Deputy Mayor be by way of ordinary ballot.**

Attachment:

- 20 A. Nomination form for position of Deputy Mayor (Councillor use only)

Report

In accordance with Section 231 of the Local Government Act 1993, a council may elect a Deputy Mayor to assist the Mayor in the performance of their duties.

5

Section 231 (3) states that:

- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

10

Term of the Deputy Mayor

Section 231 (2) of the Local Government Act states “The person may be elected for the mayoral term or a shorter term” such as:

15

1. For a period of 12 months
2. For the period of the Mayoral Term
3. For a period determined by Council

20

Returning Officer

Schedule 7 (1) of the Local Government (General) Regulation 2005 states that the “General Manager (or a person appointed by the General Manager) is the Returning Officer.”

25

Nomination

Schedule 7 (2) of the Local Government (General) Regulation 2005 states that:

30

- (1) *A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

35

Nomination forms have been provided to Councillors with this business paper. Any completed nomination forms should be handed to the General Manager prior to the commencement of the Council meeting.

40

Election

Schedule 7 (3) of the Local Government (General) Regulation 2005 states:

45

- (1) *If only one councillor is nominated, that councillor is elected.*
- (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot; or by open voting.*
- (3) *The election is to be held at the Council meeting at which the Council resolves the method of voting;*
- (4) *In this clause:*

50

“ballot” has its normal meaning of secret ballot;
“open voting” means voting by a show of hands or similar means.

55

Traditionally this Council has determined that the election for Deputy Mayor should be by ordinary ballot. The following additional information is provided in respect to an election by preferential ballot and by ordinary ballot.

5 Preferential ballot – as per its normal interpretation the ballot-papers are to contain the names of all candidates and Councillors mark their votes 1, 2, 3 and so on against the various names, so as to indicate their order of preference for all of the candidates.

10 Ordinary ballot – this is the usual method adopted in New South Wales. Ballots are secret with only one candidate's name written on a ballot paper.

15 Where there are two candidates, the person with the most votes is elected. If the ballots for the two candidates are tied, the one to be elected is to be chosen by lots, with the first name out being declared elected.

20 Where there are three or more candidates, the person with the lowest number of votes is eliminated and the process started again until there are only two candidates. The determination of the election would then proceed as if the two were the only candidates. In the case of three or more candidates where a tie occurs the one to be excluded will be chosen by lot.

25 Choosing by Lot – to choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen, on the basis detailed above.

Financial Implications

30 On 12 June 2014, Council resolved (14-304) in part 3 "That Council in accordance with its current practice not determine a fee payable to the Deputy Mayor."

Section 249(5) of the Local Government Act 1993 states:

35 *(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

40 Therefore the Deputy Mayor when acting in the role of Mayor, in instances where the Mayor has leave of absence endorsed by Council, would be paid a fee calculated on a pro rata basis of the annual Mayoral allowance, which would be deducted from the amount of the monthly Mayoral allowance paid to the Mayor, in accordance with Section 249 of the Local Government Act 1993.

Statutory and Policy Compliance Implications

45 The Deputy Mayor will undertake the Mayor's role at the request of the Mayor and in situations where the Mayor is prevented by illness, absence or other reasons from exercising the functions of the position. The role of the Mayor is defined by Section 226 of the Local Government Act 1993.

50 Section 226 states that:

- The role of the mayor is:*
- *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
 - *to exercise such other functions of the council as the council determines*
 - *to preside at meetings of the council*
 - *to carry out the civic and ceremonial functions of the mayoral office.*
- 55

ATTACHMENT A

5

BYRON SHIRE COUNCIL

NOMINATION FORM FOR POSITION OF

DEPUTY MAYOR

10

(To be delivered to the General Manager prior to the commencement of the Ordinary Council meeting to be held on 18 September 2014)

15

NOMINEE: _____

20

NOMINATORS : 1. _____

25

2. _____

30

Note: The nomination is to be made by two or more councillors, one of whom may be the nominee.

35

I hereby consent to this nomination.

40

Signed: _____ Date _____
Nominee

45

Report No. 13.2. Byron Shire Sports Stakeholder Forum – 26 August 2014

Director: Corporate and Community Services

Report Author: Greg Ironfield, Manager Sustainable Communities

File No: #E2014/56782

5

Theme: Community Infrastructure, Corporate and Community - Recreation Planning

Summary: The purpose of this report is to present the meeting notes and actions from the Byron Shire Sport Stakeholder Forum held on 26 August 2014.

RECOMMENDATION:

10 **That Council receive and note the meeting notes and actions from the Byron Shire Sports Stakeholder Forum held on 26 August 2014.**

Attachments:

15

- Meeting notes from Byron Shire Sports Stakeholder Forum held on 26 August 2014 #E2014/56781 [3 pages] **Annexure 9**

Report

5 A Byron Shire Sports Stakeholder Forum was held at the Byron Regional Sport and Cultural Complex on 26 August 2014. The Forum provided sport clubs and associations the opportunity to speak directly to Councillors and senior Council staff on the following topics:

1. Strategic Approach to cooperative facilities development and funding (from previous agenda)
2. BRSCC Field Lighting
3. BRSCC Sportsfield Bookings 2015
- 10 4. Relocation Discussion – moving to the BRSCC from other locations – opportunities, limitations, issues
5. Future Needs of Sport and Recreation Needs in NSW Study (NSW Minister for Sport and Recreation)
6. Basketball Fees at the BRSCC
- 15 7. Topics for future Forums

The meeting notes from the Forum are provided at Annexure 9 of this report. The actions from the meeting are shown below:

20 **Action:** Information on the Fundability program and application for the grants will be sent to the Byron Shire Sports Stakeholder Forum mailing list.

25 **Action:** Sports Stakeholder Forum Clubs are requested to send any documents or plans that they have relating to the development of facilities, grounds, amenities etc. to Council to assist in the development of a Byron Shire Facility Development Plan.

Action: Council staff will develop and circulate a template for all clubs to identify facility, ground, amenity improvements and development.

30 The next meeting of the Byron Shire Sports Stakeholder Forum will be 18 November 2014.

Financial Implications

35 There are no financial implications from this report.

Statutory and Policy Compliance Implications

40 Local Government Act 1993 – management and use of community land
Crown Lands Act 1989 – licensing and leasing of Crown Land

Report No. 13.3. Report of the Safe Summer in the Bay PRG Meeting held on 22 August 2014

Director: Corporate and Community Services
Report Author: Joanne McMurtry, Community Policy Officer
File No: #E2014/56110

5

Theme: Community Development – New Year’s Eve

Summary: Council established the Safe Summer in the Bay Project Reference Group at the 12 June 2014 Ordinary meeting (resolution 14-300).

Council in accordance with Part 7 of Resolution 14-300 conducted an extended call for nominations from community members to participate as community representatives on the Safe Summer in the Bay PRG. The call for nominations was conducted from 1 July to 8 August 2014, with no community nominations were received.

The first meeting of the Safe Summer in the Bay PRG was held on 22 August 2014 and this report provides the minutes and recommendations of that meeting to Council.

RECOMMENDATION:

- 10 1. That Council note the minutes of the first Safe Summer in the Bay Project Reference Group meeting held on 22 August 2014.
- 2. That Council amend the Safe Summer in the Bay PRG Terms of Reference as follows:
 - 15 a) delete Bundjalung of Byron Bay (Arakwal) Corporation invited member, on the advice of the Corporation;
 - 20 b) delete Byron Youth Service as an invited member due to changes at Byron Youth Service which may make their involvement difficult, noting that Byron Youth Service are welcome to attend meetings and be involved where possible;
 - 25 c) delete the two community representatives, noting that following an extended call for nominations for community representatives, no nominations were received.

Attachments:

- Minutes of the Safe Summer in the Bay PRG meeting held on 22 August 2014 #E2014/56074 [3 pages] **Annexure 6**

30

Report

Council established the Safe Summer in the Bay Project Reference Group at the 12 June 2014 Ordinary meeting (Resolution **14-300**) with the relevant parts of the resolution being reproduced below:

4. *That Council adopt the draft Terms of Reference for the Safe Summer in the Bay Project Reference Group (#E2014/27091).*
5. *That Council nominate Crs Richardson and Woods (with Crs Ibrahim and Dey as alternates) to the Safe Summer in the Bay PRG.*
6. *That Council write to Police, Byron Bay Liquor Accord, VIA Byron/Byron United, Arts Northern Rivers and Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Byron Youth Service and the Byron Community Centre, inviting them to nominate a delegate to the Safe Summer in the Bay PRG.*
7. *That Council call for nominations from two community members to participate in the Safe Summer in the Bay Project Reference Group (PRG).*
8. *That the General Manager and the Mayor have delegated authority to select the community representatives following the closure of the community nomination period.*

A call for nominations for community representatives on the Project Reference Group was advertised from 1 July, with the closing date being extended twice, to 8 August. No community nominations were received.

The first meeting of the Safe Summer in the Bay PRG was held 22 August 2014 and a copy of the minutes are attached at Annexure 6.

The committee discussed the Plan for New Year 2014 as adopted by Council with particular emphasis on the event management and the alcohol minimisation program.

The committee made the following recommendation:

Recommendation 5.1

That Safe Summer in the Bay PRG recommend to Council to amend the Terms of Reference as follows:

- a) delete Bundjalung of Byron Bay (Arakwal) Corporation invited member, on the advice of the Corporation;
- b) delete Byron Youth Service as an invited member due to changes at Byron Youth Service which may make their involvement difficult, noting that Byron Youth Service are welcome to attend meetings and be involved where possible;
- c) note that following an extended call for nominations for community representatives, no nominations were received, therefore remove the two community representatives.

For Councillors' reference, the current Terms of Reference clause regarding membership is copied below:

Membership is to include eleven (11) members:

- *2 Councillors – Crs Richardson and Woods (with Crs Ibrahim and Dey as alternates)*
- *7 invited members as follows:*

- 5
- *Police*
 - *Byron Bay Liquor Accord*
 - *VIA Byron/ Byron United/ Backpackers Group*
 - *Arts Northern Rivers*
 - *Bundjalung of Byron Bay (Arakwal) Corporation*
 - *Byron Youth service*
 - *Byron Community Centre*

- 10
- *2 interested community representatives and*
 - *a relevant staff member(s).*
 - * *Staff members participating on the working group do not have any voting entitlements.*

15 *Members will be appointed by the Council. Other key stakeholders, event managers and contractors will be invited to relevant meetings of the group.*

Financial Implications

20 Nil

Statutory and Policy Compliance Implications

Plan for New Year in Byron Bay 2014 (#E2014/26557)

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Report No. 13.4. Establishment of Australia Day 2015 Project Reference Group

Director: Corporate and Community Services
Report Author: Mila Jones, Administrative Services Team Leader
File No: #E2014/58468

5

Theme: Corporate Management, Administration - Councillors

Summary: In previous years, Council's Australia Day Project Reference Group (PRG) has coordinated Australia Day activities throughout the Shire on an annual basis.

The Australia Day 2014 PRG was disbanded in February 2014 following completion of its objectives.

To enable the coordination of Australia Day activities for 26 January 2015, it is recommended that a PRG be established for this purpose.

RECOMMENDATION:

- 10 1. That Council participate in the Australia Day Council Ambassador Program for 2015 Australia Day Activities.
- 15 2. That the objectives for the Australia Day 2015 Project Reference Group, as outlined in this report, be adopted.
- 20 3. That the Constitution for the Australia Day PRG (#E2014/58472) shown at Annexure 17 be adopted.
- 25 4. That Council invite the following organisations to nominate representatives to be a member on the Australia Day PRG.
- Byron Bay Rural Fire Brigade, Suffolk Park
 - Bangalow Historical Society
 - Rotary Club of Byron Bay
 - Quota International of Brunswick Valley Inc
 - Brunswick Mullumbimby Lions Club
 - Ocean Shores Community Association
 - Brunswick Valley Historical Society
 - Sisters for Reconciliation
 - Australia Day Paddle
- 30

Annexure:

- 35 • Draft Constitution – Australia Day PRG #E2014/58472 [8 pages]..... **Annexure 17**

Report

5 In previous years, Council's Australia Day Project Reference Group (PRG) has coordinated Australia Day activities throughout the Shire on an annual basis. The Australia Day 2014 PRG was disbanded in February 2014 following completion of its objectives. To enable the coordination of Australia Day activities for 26 January 2015, it is recommended that a PRG be established for this purpose. These activities on each Australia Day include the Australia Day Citizenship Ceremony and Local Citizen of the Year Awards.

10 Details, including the objectives, of the Australia Day PRG for 2015 are listed below.

Australia Day Project Reference Group

Name of PRG	Objectives	PRG Structure
Australia Day PRG	<p>1. <u>Organise Australia Day Events</u></p> <p>a) Australia Day Celebrations to be organised in each town if there is a PRG member to organise such event. This is to be done on a voluntary basis by the member representing that town. One of these towns is required to hold and organise the Official Ceremony as part of their Australia Day celebration.</p> <p>b) The Official Ceremony is to include the Australian Citizenship ceremony and Local Citizen of the Year awards.</p> <p>c) Celebrations are generally to be free of charge and family orientated (can recoup costs of any moneys expended outside of Council's donation).</p> <p>d) Budget moneys received from Council are not to be used for the employment of professional artists.</p> <p>e) Events are to celebrate what is great about Australia eg. the people, our diversity, our freedom and democracy, a fair go for all, the land or our Indigenous people.</p> <p>f) Events are to recognise the contribution of Indigenous Australians and our multicultural heritage and celebrate the diversity that has helped shape our nation.</p> <p>2. <u>Australia Day Address - Local Resident</u></p> <p>a) Nominate a local resident to give the Australia Day Address at the Official Ceremony.</p> <p>3. <u>Local Australia Day Awards</u></p> <p>a) Develop a nomination form for Byron Shire Council Australia Day awards.</p> <p>b) Categorise what awards will be given.</p> <p>c) Call for nominations and actively promote the awards to the community as awards for people or groups who have succeeded in their chosen field or have worked tirelessly within their</p>	<p>Membership: Membership is to include up to ten members:</p> <ul style="list-style-type: none"> • 9 invited members <ul style="list-style-type: none"> ○ Byron Bay Rural Fire Brigade, Suffolk Park ○ Bangalow Historical Society ○ Rotary Club of Byron Bay ○ Quota International of Brunswick Valley Inc ○ Brunswick Mullumbimby Lions Club ○ Ocean Shores Community Association ○ Brunswick Valley Historical Society ○ Sisters for Reconciliation ○ Australia Day Paddle <p>Convenor/Facilitator Director Corporate and Community Services and/or delegate.</p> <p>Staff required: Aboriginal Projects Officer</p> <p>* Staff members participating on the working group do not have any voting entitlements.</p> <p>Frequency of Meetings: As needed</p> <p>Time Frame to carry out objectives: Six months</p> <p>Reports to: Ordinary Meeting</p>

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (18)

Name of PRG	Objectives	PRG Structure
	<p>communities.</p> <p>d) Award recipients are to be chosen by a vote of the full committee. Tied votes are to be resolved by a draw from a hat.</p> <p>4. <u>Australia Day Ambassador Program</u></p> <p>a) Register with the Australia Day Council of NSW in order to participate in their Ambassador Program.</p> <p>b) Local identities may be utilised if the organising committee wishes to have an Australia Day Ambassador at their local event.</p> <p>c) If for any reason the PRG does not participate in the Australia Day Council Ambassador Program, a local identity may be utilised for the Official Ceremony's Australia Day Ambassador. The identity is to be endorsed by the PRG.</p>	

5 For the last two years, Council has resolved that the Youth Council be invited to nominate a representative to the PRG, however on both occasions there has been no-one available to assist due to the time of year. On this basis a representative from the Youth Council has not been included in the 2015 Constitution.

No Councillors are required to be appointed to the PRG. Council though may appoint a Councillor as a non voting delegate to attend the meetings of the PRG.

10 The above invited community organisations were represented on the Australia Day PRG for events on Australia Day 2014. Due to the success of previous Australia Day events, it is recommended that the same groups be invited to join the Australia Day PRG. Council has also received a request from the Australia Day Paddle group to join the Australia Day PRG. The Australia Day Paddle is a significant event that has been held annually at Byron Bay and it is felt that their contribution to the PRG would be beneficial to both Council and the Australia Day Paddle.

15

It is anticipated the first meeting of this PRG will be held at the beginning of October 2014.

Location of the 2015 Australia Day Official Ceremony

20 The location of the 2015 Australia Day Official Ceremony was considered by the 2014 PRG at its final meeting. The representative from Quota International of Brunswick Valley have expressed an interest in hosting the 2015 Official Ceremony in Brunswick Heads at a venue to be advised. This will need to be confirmed at the first meeting of the 2015 Australia Day Project Reference Group when established.

25

Financial Implications

30 The 2014/2015 Budget has allocated \$13,100 for the purpose of Australia Day 2015. This funding is used to provide activities throughout the Shire as coordinated in previous years.

Statutory and Policy Compliance Implications

35 The Australia Day PRG will meet in accordance with its adopted constitution.

Report No. 13.5. Review of Councillor representation on Council's Committees

Director: Corporate and Community Services
Report Author: Gayle McCallum, Governance Officer
File No: #E2014/53592

5

Theme: Corporate Management, Committee Management

Summary: Councillors were appointed to Committees of Council and to Regional Committees with Councillor Representation after being elected in 2012. The Councillor appointments were for a four year term but subsequently Councillors have requested that these appointments be reviewed after two years.

The report briefly summarises all Committees of Council requiring Councillor representation and their purpose, current membership and meeting times if known.

A listing has also been provided of the Regional Committees with Councillor Representation with the exception of the County Councils where the membership is determined by an election and those Regional Committees where Council has made an appointment, or submitted an nomination at the request of co-ordinating authority in the last twelve (12) months, have been noted.

If a Councillor wishes to no longer be a member of an Advisory Committee, Project Reference Group or Section 355 Committee due to other commitments, this would be the time to bring it to Council's attention so reappointment of another Councillor can be made.

Advisory Committees, PRGs and Other meeting dates are set with consultation with Councillor preferences for suitable days and times.

In relation to Regional Committees, Councillor(s) seeking to resign are requested to advise staff prior to the Council meeting so that contact can be made with the Regional organisation to ascertain the correct process for appointments to that Regional Committee.

Appointments to a Council Committee or Regional Committee will require a resolution of Council.

RECOMMENDATION:

10 **That the report be received and noted.**

Report

5 **Special Purpose and Other Committees**

Byron Shire Reserve Trust Committee

10 This committee has delegated authority to determine all matters relating to the Council management of Crown Reserves, where Council is the Reserve Trust Manager, and the Council owned and controlled caravan parks, other than those items a council cannot delegate as listed in section 377(1) of the Local Government Act.

15 Current Membership: All Councillors

Meetings Held: As Required

Staff Comment: No changes required.

20

Planning Review Committee

25 All Councillors and the General Manager or nominated delegate are members of this Committee, with any staff member to be a non-voting delegate. The Committee is to consist of a quorum of at least three Councillors. A nominated delegate attending shall not be an assessing officer for an application before the Committee.

30 The purpose of the Committee is to view, prior to determination, those development applications which have been nominated by Councillors that could be determined under delegated authority. Having viewed the applications, the Committee will decide if the development application would be more appropriately determined by the elected Council.

Current Membership: All Councillors

35 Meetings Held: 9.30am 3rd Wednesday of each month.

Staff Comment: No changes required.

Local Traffic Committee

40 The Roads and Traffic Authority publication "A guide to the delegation to Councils for the regulation of traffic - including the operation of Traffic Committees" See www.byron.nsw.gov.au/committees/local-traffic-committee provides details of the operations and the membership of the Local Traffic Committees (LTC).
45 The appointment of 1 Councillor and an alternate delegate is required.

Current Membership: Cr Duncan Dey
Alternate Cr Chris Cubis

50 NSW Policy Representative, Snr Constable Tony Darby
Roads and Maritime Services Representative, Greg Sciffer
Local Statement Member of Parliament or Nominee, Don Page MP

Meetings Held: Bimonthly 1st Wednesday (meetings held in February, April, June, August, October
55 and end of November to meet December Ordinary Meeting deadlines

Advisory Committees

Access Advisory Committee

5

The purpose of the Access Advisory Committee is:

10

15

- To review all Council policies and processes associated with Pedestrian Access Mobility Plans (PAMPs).
- To assist Council to incorporate measures into planning and planning approval processes to ensure that all pedestrian and wheeled access needs are considered so that infrastructure meeting the appropriate standards are incorporated into the development and that individual developments are integrated into surrounding streetscapes and environments without creating barriers to pedestrian and wheeled access.
- To consider and provide feedback on proposed infrastructure and services potentially affecting pedestrian and wheeled access within our community.

20

Current Membership: Cr Diane Woods
Cr Rose Wanchap
Cr Alan Hunter

25

Ted Kabbout *representing disabled Surfers Association of Australia*
Lee Clark *representing Spinal Cord Injuries Australia*
Jenny Willemse *representing Mullumbimby Community Health Centre - Northern NSW Local Health Network*
Craig Scanlon
Gunela Astbrink
Max Brown

30

Meetings Held: At least 4 times per year

35

Staff Comment: This Committee last met in February 2013.

Arakwal Memorandum of Understanding (MoU) Advisory Committee

40

The purpose of the Arakwal Memorandum of Understanding (MoU) Advisory Committee is:
To meet as required to develop a Memorandum of Understanding between the Byron Shire Council and the [Bundjalung of Byron Bay \(Arakwal\) people](#) and deliver and review identified actions, governance, processes and projects.

45

The Council acknowledges that Aboriginal people are the original inhabitants of the Byron Shire area and that according to their continuing law, traditions and customs it remains their traditional country. The Council also acknowledges and respects the Corporation's right to speak for its country in accordance with its laws, traditions and customs.

50

The parties commit themselves to seek together ways in which Aboriginal interests can be advanced where decisions are to be made about their traditional country.

55

The parties commit themselves to work together to ensure that this is done in a way that advances the interests of the whole community and promotes harmonious community interests.

This committee meets to fulfill Council's legal obligations under the Native Title Act and facilitate an avenue for the traditional owners as recognised under the Native Title Act (1993) the Bundjalung of Byron Bay, Arakwal People, to participate in governance on matters relating to their ancestral homelands.

60

Current Membership: Mayor, Cr Simon Richardson
Cr Paul Spooner

Invited representatives from Bundjalung of Byron Bay Aboriginal Corporation (Arakwal):

- Yvonne Stewart, CEO
- Gavin Brown, General Manager
- Board member

5

Meetings Held: Quarterly

Staff Comment: This committee continues work on projects in the MoU

10

Belongil Creek Floodplain Risk Management Advisory Committee

The purpose of the Floodplain Risk Management (Belongil Creek) Committee is to oversee and advise Council on the preparation and implementation of the Flood Study and Floodplain Risk Management Study and Plan for the Belongil Creek floodplain.

15

Current Membership: 3 Councillors
Mayor Cr Richardson
Cr Chris Cubis
Cr Diane Woods

20

3 invited members:

Toong Chin representing Department Environment and Climate Change (DECC)
Andrew Page representing Cape Byron Marine Park
John Farley representing SES

25

2 interested community representatives: (Human Habitat Panel)
John Vaughan
Col Draper

30

Meetings Held: As required.

Staff Comment: The draft Belongil Creek Floodplain Risk Management Plan and Study is to be reported to Council in September for exhibition. It is anticipated there will only be 1 further meeting held after the exhibition period of the Plan and Study.

35

Biodiversity and Sustainability Advisory Committee

40 The purpose of the Biodiversity and Sustainability Advisory Committee is:

1. To assist Council in the implementation of the *Byron Shire Greenhouse Action Strategy*.
2. To assist Council in the implementation of the *Biodiversity Conservation Strategy*.
3. To identify and report opportunities or concerns regarding Biodiversity and Sustainability issues to Council including, but not limited to, funding opportunities, special events, government policy, practice or guidelines.
4. To assist Council in delivering the *Northern Rivers Food Link Project* and similar sustainability projects and programs.
5. Regarding the management of the Environment Levy:
 - a) advise Council on matters to be considered for funding from the Environmental Levy each year
 - b) quarterly, review the projects funded by the Environmental Levy, following advice provided by Council Staff, and
 - c) advise Council on both allocation and expenditure of funds consistent with environmental levy Terms of Reference ie. by reviewing a draft budget each year and providing advice on priorities for expenditure and monitoring environmental outcomes of levy projects.

45

50

55

Current Membership: Mayor Cr Simon Richardson
Cr Rose Wanchap
Cr Sol Ibrahim

60

Community Representatives

5

- Donovan Adcock
- Andy Baker
- Samala Heart
- Joanna Immig
- Luke McConell
- James Mayson
- Robert Rosen
- Kate Smillie

10

Meetings Held: No less than 4 times per year

Communications Committee

15

The purpose of the Communications Committee to facilitate strategic policy development on a range of communication issues concerning Byron Shire Council and to make recommendations to Council accordingly.

20

Current Membership: Mayor, Cr Simon Richardson
Cr Paul Spooner
Cr Alan Hunter

25

No community membership

Meetings Held: No less than 4 times per year

Community Infrastructure Advisory Committee

30

The purpose of the Community Infrastructure Advisory Committee is:

35

- develop and review policies for addressing the management of civil infrastructure to meet the needs and aspirations of the Shire's population in a sustainable way
- review Council's Asset Management Plan
- review Council's 10 year works program
- review Levels of Service for asset maintenance and renewal

40

Current Membership: Cr Basil Cameron
Cr Duncan Dey
Cr Alan Hunter

45

Community representatives

- Anne Maclean
- Vacant
- Chris Sanderson

Meetings Held: Quarterly

Community Summer Safety and Cultural Activities Committee

50

The purpose of the Community Summer Safety and Cultural Activities Committee is to facilitate the formulation of a safety focused New Year's Eve strategy and summer holiday period based on community inclusive cultural activities and events in the Byron Shire, and in line with Council's recently adopted Safer Communities Compact.

55

The Committee will initially focus on Byron Bay as this is where the large majority of alcohol related incidents and events occur in the Shire.

60

Current Membership: Cr Simon Richardson
Cr Diane Woods

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (24)

Invited representatives

- 5 ▪ Greg Jago (NSW Police)
- Hannah Spalding (Byron Bay Liquor Accord)
- Di Mahoney (Byron Youth Service)
- John Gudgeon (VIA Byron / Byron Visitor Centre)
- Paul Spooner (Byron Bay Community Association)
- James Robinson-Gale (Backpackers group / Holiday Let Organisation)
- Paul Waters (Byron United)
- 10 ▪ Peter Wood (Arts Northern Rivers)
- Yvonne Stewart/Gavin Brown (Bundjalung of Byron Bay (Arakwal) Corporation)
- Phoebe Lines (Byron Youth Council)

Community representatives

- 15 ▪ Georgia Coffen
- Caroline Desmond
- Baden Offord
- Rory O'Halloran

20 Meetings Held: Bi-monthly or as required.

Finance Advisory Committee

The purpose of the Finance Advisory Committee is to:

- 25 1. Assist in the development of draft budgets;
- 2. Assist in the format of the Annual Report; and
- 3. Consider other financial information and matters as they arise.

30 Current Membership: Cr Basil Cameron
 Cr Sol Ibrahim
 Cr Duncan Dey
 Cr Diane Woods
35 Cr Chris Cubis
 Cr Alan Hunter

No community membership

40 Meetings Held: As required.

Internal Audit Committee

The Audit Committee's primary function is to assist Council to ensure that:

- 45 1. Business systems and procedures have been established by the Executive Team and are effective.
- 2. Appropriate risks and exposures are effectively managed.
- 3. A culture of adherence to Council policies and procedures is promoted.
- 4. Statutory compliance is promoted and monitored.
- 50 5. The audit processes (both internal and external) are effective.
- 6. The external reporting is objective and credible.

55 Current Membership: Mayor Cr Simon Richardson
 Cr Basil Cameron
 Cr Diane Woods

External Representative(s):

- 60 ▪ Michael Georghiou (Chairperson)
- Craig Kelly
- Tony McCabe

Meetings Held: No less than 4 times per year.

North Byron Coastal Creeks Flood Risk Management Committee

5 The purpose of the Flood Risk Management (North Byron Coastal Creeks) Committee is to oversee and advise Council on the review of North Byron Coastal Creeks Flood Study.

Current Membership: Mayor Cr Simon Richardson
Cr Duncan Dey

- 10 4 invited members:
- Toong Chin representing Department Environment and Climate Change (DECC)
 - Andrew Page representing Cape Byron Marine Park
 - 15 ▪ Lori Cameron, representing Tweed Area, Parks and Wildlife Group DECC
 - John Farley representing SES

- 20 2 interested community representatives: (Human Habitat Panel)
- Jim Mangleson
 - Mathew Lambourne

Meetings Held: As required.

Tourism Advisory Committee

25 The purpose of the Tourism Advisory Committee is:

- To lead and implement the strategies and actions of the Byron Shire Tourism Management Plan.
- Foster links and engagement between Council, industry and community interests.
- 30 ▪ Work cooperatively with local, state and regional government departments and agencies, local tourism and business organisations, environmental stakeholder organisations and the community.
- To advise Byron Shire Council in the sustainable development, marketing and management of tourism, including events and other cultural initiatives, representing the interests of both the tourism industry and resident communities across the Shire, with regard for the social, environmental and economic benefit of the Byron Shire community.
- 35 ▪ Act as a focal point (external reference point) and forum for tourism businesses, organisations and individuals involved in the tourism industry in the Byron Shire Council area.
- Be aware of industry trends and statistics across local, regional, domestic and international platforms.
- 40 ▪ Prepare an annual report to Council, stakeholders and the community to report on the progress in the implementation of the strategies and actions of the Tourism Management Plan. This annual report will serve as a performance review of the groups' effectiveness.
- To provide an annual budget for adoption by Council.
- To provide direction to the various sub-committees established by the Tourism Advisory Committee to work on individual areas.
- 45 ▪ To consider the reports prepared by sub-committees and refer appropriate policy and strategic direction to staff for their appropriate action, including formal submission to Council.

Current Membership Mayor, Cr Simon Richardson
50 Cr Basil Cameron
Cr Sol Ibrahim
Cr Rose Wanchap

- 55 Community members:
- Kristina Drapes (associated with Byron Bay tourism industry)
 - Ed Ahern (associated with Byron Bay tourism industry)
 - Kim Rosen (associated with Brunswick Heads tourism industry)
 - Cameron Arnold (associated with a small, family type tourism operation)
 - Jim Beatson (community member not associated with tourism)
 - 60 ▪ Martin Walsh (community member not associated with tourism)
 - David Piesse (community member not associated with tourism, rural)
 - Peter Ryan (member of an environmental organisation)
 - Gavin Brown (Bundjalung of Byron Bay Aboriginal Corporation (Arakwal))

Meetings Held: No less than 4 times per year.

Transport Advisory Committee

The purpose of the Transport Advisory Committee is:

- 5
1. To advise and assist Council on the implementation of the 2009 adopted [Transport Policy](#) and in particular its implication on other Council policy, practice process, operations and decision-making.
 2. To advise and assist Council in the development of the proposed *Transport Strategy*.
 - 10 3. To represent (and report to) Council, as required, on the development and progress of an *Integrated Regional Transport Plan* such as that being progressed via NOROC.
 4. To identify and report opportunities or concerns regarding transport services and infrastructure to Council as required including, but not limited to, funding opportunities, government policy, practice or guidelines, safety, accessibility, mobility and other such relevant transport issues.

15 Current Membership Mayor Cr Simon Richardson
Cr Duncan Dey
Cr Alan Hunter
Cr Basil Cameron

20 Community Membership

- Karin Kolbe
- John Blanch
- Philip Preston

25 Non-voting member appointed

- Northern Rivers Social Development Council representative

Meetings Held: No less than 4 times per year.

Water, Waste and Sewer Advisory Committee

The purpose of the Water, Waste and Sewer Advisory Committee is:

- 35
1. Develop policies for addressing the water cycle and waste cycle management needs and aspirations of the shire's population in an ecologically sustainable way.
 2. Develop strategies for natural resource management/demand management for water, sewer and waste management within the shire.
 - 40 3. Recommend on strategies and plans that address water and waste management issues in a regional/broader context.

40 Current Membership Mayor Cr Simon Richardson
Cr Duncan Dey
Cr Rose Wanchap

45 Community Membership

- Luke McConell
- David Fligelman
- Leah Kapral

50 Meetings Held: No less than 4 times per year.

Project Reference Groups

Koala Plan Project Reference Group

The purpose of the Koala Plan of Management Project Reference Group is:

- 55
1. To provide advice and guidance on the preparation of the Byron Koala Plan of Management to ensure that it meets the aim of SEPP 44.

60 Current Membership Cr Duncan Dey
Cr Simon Richardson

- Invited Members
 - John Turbill representing Office of Environment and Heritage
 - Steve Jensen representing Department of Planning and Infrastructure
 - Lorraine Vass representing Friends of the Koala
- Community representative
 - Jan Olley

5

Meetings Held: Bi-monthly or monthly according to project needs.

10

Staff Comment: This PRG will be disbanded after the Koala Plan of Management is adopted by Council, anticipated later this year. No further PRG meetings are scheduled.

Markets Policy Review Project Reference Group

15

The purpose of the PRG is to undertake another review of the Market Policy.

Current Membership Mayor Cr Simon Richardson
 Cr Sol Ibrahim
 Cr Chris Cubis
 Cr Basil Cameron
 Cr Paul Spooner

20

- Two (2) interested community representatives: (chosen through a process of expressions of interest);
- Six (6) market manager representatives
- Three (3) market stall holder representatives

25

Meetings Held: As required.

30

Vibrant Byron Bay Strategy Project Reference Group

The purpose of the Reference Group is to provide strategic guidance, identify priorities, and support the consultation process for the development of the Vibrant Byron Bay Strategy.

35

The Project Reference Group provides a forum for informed discussion on the issues being addressed through the strategy and its development. This includes:

- Identification of key priorities to be progressed by the strategy
- Identification of the challenges and the solutions to be incorporated into the strategy
- Assist with stakeholder identification and facilitation to progress the strategy development and its implementation
- Assist with the design and facilitation of the consultation process
- Provide feedback on strategic direction, stakeholder engagement, recommendations and the draft and final strategy documentation
- Ensure the Strategy recommendations and actions plan is implemented as a partnership project.

40

45

Current Membership Mayor Cr Simon Richardson
 Cr Chris Cubis
 Cr Paul Spooner

50

With key representatives from the following stakeholder organisations:

- Byron Shire Council (Councillors) – Cr Cubis and Cr Spooner
- Byron Shire Council (staff)
- Byron United
- VIA Byron
- Last Drinks at 12
- Byron Bay Liquor Accord
- Byron Backpackers Group
- Byron Youth Services
- Byron Bay Police
- Community representatives (x2) with event or cultural management expertise

55

60

Meetings Held: Meets bimonthly until November.

Wilsons Creek Project Reference Group

The Wilsons Creek Project Reference Group's terms of reference include but are not limited to the following:

- 5 a) receive and consider Council's technical, state department and other advice on issues such as geotechnical investigations, foundation design, project management, ecological impacts, etc where the PRG has such expertise;
- 10 b) assist in preparing a Project time-frame (with weekly actions) and consider options for earliest arrival at end goals;
- c) provide advice on risks to the community of keeping the road closed to various staged load limits;
- d) receive advice on risks of short- and long-term failure of the roadway;
- e) lobby state authorities and MPs to fund the project swiftly and appropriately;
- 15 f) investigate options for a walking trail around the slip and separate from traffic.

Current Membership Cr Duncan Dey
Cr Rose Wanchap
Cr Basil Cameron

- 20 Community representatives
 - Steve Brown
 - Paddy Dawson
 - Noel Hart
 - Ashley Jarrett
 - 25 ▪ Andy McLean
 - David Oliver

Meetings Held: As required.

30 **Panels**

Public Art Assessment Panel

35 The purpose of the PAAP is to review and provide objective independent recommendations to Council in relation to Public Art Projects including aesthetic issues, value for money, safety, possibility of theft, maintenance required etc and to ensure the Public Art Guidelines and Assessment Criteria have been applied consistently and equitably for all applications.

40 Current Membership: **Councillors**
Cr S Richardson
Cr P Spooner

45 **Invited members**
Peter Wood (Arts Northern Rivers)
Rick Malloy (Practising Artists Network)
Yvonne Stewart (Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

50 **Community representatives:**
Suvira McDonald (Community Artist representative)
Paula Cordeiro (Community Artist representative)
Tracey Whitaker (Community representative)
Belinda Smith (Community representative)

55 Meetings Held: As required.

Staff Comment: The Panel will continue to meet on receipt of applications for Public Art.

Working Group

5

Byron Shire Sport Stakeholders Forum

Date commenced:
18 November 2013

10

Objectives

- a) To bring together all of the major and emerging sporting groups currently using, or having a need to use, Council's sports fields and facilities on a regular basis.
- b) To provide a means of improving and facilitating closer co-operation and collaboration between sporting codes who are active within the Byron LGA.
- c) To improve the level of understanding between the clubs and associations as to the competing demands for limited indoor/outdoor recreation spaces within the Byron LGA.
- d) To collect data and information regarding the growth of each of the sporting codes and their likely future development needs.
- e) To utilise information regarding the future growth and development needs of the clubs to help inform future Council decision making and forward infrastructure planning, including the potential development of a Shire strategic plan for sport facilities development/improvements.
- f) To provide a forum for actively engaging with the principal users of Council sports fields on ground/facility development proposals and any issues arising from the use of Council facilities.
- g) To build a spirit of co-operation and mutual respect between clubs/codes and between clubs/codes and the Council.
- h) Through closer co-operation, facilitate and promote shared ground/facilities development proposals for government funding utilising seed funding/funding from sporting associations/codes and/or the Council.

30

Membership

Councillor representatives:

- Mayor, Cr Simon Richardson
- Cr Chris Cubis
- Cr Sol Ibrahim

35

Participation in the Forums is open to all sporting groups that currently use, or have a need to use, Council sports fields/facilities, primarily (although not exclusively) by virtue of them having a significant membership residing within the Byron Shire Local Government Area.

40

The number of participants would be a maximum of two per Club or based upon such other formula which ensures equity and fairness of representation.

Staff:

- General Manager or delegate
- Director Infrastructure Services
- Manager Sustainable Communities
- Staff as required

45

Meetings

This met in 2014 on 17 February, 19 May, 18 August and 17 November.

50

Staff comment

It is anticipated this Working Group will continue into 2015.

55

Section 355 Management Committees**Bangalow A&I Hall Board of Management**

5

Terms of Reference

1. To provide short and long-term strategic marketing direction for the Hall.
2. To maximise income and promote optimum usage of the Hall.
- 10 3. To ensure compliance with council policies and all relevant legislation.
4. To provide recommendations to Council for function improvements and/or upgrades to the Hall.
5. To source and secure grant funding opportunities for Council's consideration.
6. To plan and undertake fund raising activities as required.
7. To develop procedures for equity of access to the Hall for the local community.
8. To strive for a "break-even" or profitable annual financial position (after all operational, short and long-term maintenance, building insurance and paid venue coordinator costs).
- 15 9. In consultation with the Venue Coordinator:
 - care for and maintain the venue;
 - ensure the safety of the patrons, contractors and volunteers of the Hall;
 - ensure compliance with Council's adopted fees and charges, Occupational Health and Safety, Place of Public Entertainment and other legislation relevant to the operations of the Venue.
- 20

Board of Management Membership

- Councillor Representative(s):
- 25 ▪ Cr Sol Ibrahim
 - Cr Basil Cameron
 - Cr Chris Cubis (Alternate delegate)

- Community Representatives:
- 30 ▪ Don Osborne *Secretary*
 - John Hudson
 - Roland Dickson *Vice Chair*
 - Peta Heeson *Treasurer*
 - Tony Heeson *Chairperson*
 - 35 ▪ Richard Staples

Board of Management Meets

Usually 2nd Wednesday bimonthly between 6.00pm and 7.00pm

Staff Comment

The Committee advises that Councillors appointed are mostly unable to attend meetings. They presently recruit a new community member to assist them with the Management of the facility.

Bangalow Parks (Showground) Section 355 Management Committee

45

Terms of Reference

1. To promote optimum usage of the Showground facilities
2. To care for and maintain the facility, through responsible day to day management
- 50 3. To ensure the safety of the patrons of the Showground

Membership

- Councillor Representative(s):
- 55 ▪ Cr Sol Ibrahim
 - Alternate: Mayor Cr Simon Richardson
- Community Representatives:
- 60 ▪ President - Jan Hulbert *Representing Bangalow Sports Association and Bangalow P&C*
 - V/President - Ian Grissell
 - Secretary - Ruth Ryan
 - Treasurer - Neville Maloney *Representing Bangalow Markets*
 - Toni Appleton *Representing Summerland Dressage Club Inc., Northern Rivers Easy Riders*

- 5
- Emilia Burgess
 - Troy Delaney
 - Peter Hill *Representing Bangalow Pony Club*
 - Denis A Jarrett *Representing Bangalow Show Society*
 - Stephen Jarrett
 - Michael Omeara *Representing Bangalow Show Society*
 - Jed Patterson *Representing Bangalow Show Society*

Section 355 Committee Meets

10 Monthly 3rd week in the month commencing at 7.00pm (next meeting date set at meeting).

Brunswick Heads Memorial Hall Section 355 Management Committee

15 **Terms of Reference**

1. To promote optimum usage of the Hall
2. To care for and maintain the facility, through responsible day to day management
3. To ensure the safety of the patrons of the Hall

20 **Membership**

Councillor Representative(s):

- Cr Diane Woods
- Alternate: Cr Basil Cameron

25 Community Representatives:

- Marg Trimble - *Secretary/Treasurer*
- Stephen Bond *Representing Brunswick Heads Chamber of Commerce*
- Linda Hibbard *Representing Brunswick Heads Visitor Centre*
- Leah Schinagl
- 30 ▪ Karen Stuart
- Ann Burnett

Section 355 Committee Meets

35 Quarterly on the 2nd Monday at 2pm

Brunswick Valley Community Centre Section 355 Management Committee

40 **Terms of Reference**

1. To promote optimum usage of the Centre
2. To care for and maintain the facility, through responsible day to day management
3. To ensure the safety of the patrons of the Centre

45 **Membership**

Councillor Representative(s):

- Cr Diane Woods
- Cr Duncan Dey (Alternate delegate)

50 Community Representatives:

- President - Colin Munro *Representing Byron Shire Respite Service Inc.*
- Secretary/Treasurer - Jennifer Moore
- Bookings Officer - Fran Leske *Representing Brunswick Valley Meals on Wheels Service Inc.*
- Gail Bridgman

55 **Section 355 Committee Meets**

2nd Friday monthly at 4.30pm at the Brunswick Valley Community Centre

Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Management Committee

5 **Terms of Reference**

1. To make a vibrant and exciting art space
2. To raise money to keep the space viable and to promote optimum usage of the Community Exhibition Space at the Byron Library
3. To make welcome artists and users and assist in presenting their exhibition
- 10 4. To care for and maintain the facility, through responsible day to day management
5. To ensure the safety of the patrons of the Community Exhibition Space, Byron Library

Membership

- 15 Councillor Representative(s):
- Cr Simon Richardson (*Secretary*)
 - Cr Sol Ibrahim (Alternate delegate)

- 20 Community Representatives:
- Jay Pearse (*Chairperson*) representing *Friends of the Library*
 - Howard Sedgmen (*Treasurer*)
 - Prue Regan
 - Helene Sheean
 - Turiya Bruce

25 **Section 355 Committee Meets**

1st Monday of each month at 10am in the Council Administration Building, Mullumbimby

Staff comment

30 The community member's preferred day to meet is on a Monday. Cr Simon Richardson advised he is unable to attend meetings on Mondays. A new Councillor representative may be required.

Cook Pioneer Centre Section 355 Management Committee

Terms of Reference

- 35
1. To promote optimum usage of the Hall
 2. To care for and maintain the facility, through responsible day to day management
 3. To ensure the safety of the patrons of the Hall

Membership

- 40 Councillor Representative(s):
- Cr Alan Hunter
 - Cr Duncan Dey (Alternate delegate)

- 45 Community Representatives:
- President - Keith Basing representing *Mullumbimby Senior Citizens Club*
 - Secretary - Susannah Handran-Smith
 - Bookings Officer - Betty Swanton
 - Barbara Klein
 - Bruce Buckthorpe (Treasurer)

50 **Section 355 Committee Meets**

2nd Monday usually in February and August at 1.30pm at the Cook Pioneer Centre.

Durrumbul Community Centre Section 355 Management Committee

55 **Terms of Reference**

- To promote optimum usage of the Hall and its surrounds
- To care for and maintain the facility, through responsible day to day management
- 60 ▪ To ensure the safety of the patrons of the Hall and its surrounds

Membership

Councillor Representative(s):

- Cr Duncan Dey

5

Community Representatives:

- Janet Shand, *President*
- Rommel Albanese, *Secretary*
- Wayne Smith, *Treasurer*
- Robin Buckley

10

Section 355 Committee Meets

As required, usually a Wednesday afternoon

Heritage House Bangalow and Tennis Court Section 355 Management Committee

15

Terms of Reference

- To promote optimum usage of the facility by a broad cross-section of people in Byron Shire
- To care for and maintain the facility through responsible day to day management

20

Membership

Councillor Representative(s):

- Cr Basil Cameron
- Cr Sol Ibrahim (Alternate delegate)

25

Community Representatives:

- Rita Cowled, *President*
- Stephanie King, *Vice President*
- Patricia Bleakley, *Secretary*
- Wendy Grissell, *Bookings Officer*
- Phil McLean, *Treasurer*
- Margaret J Brown
- Don Osborne
- Annette Welstead
- John Sourry
- Elaine Moyle

30

35

Section 355 Committee Meets

As required, usually a Wednesday afternoon at 4.30pm at Heritage House

40

Mullumbimby Civic Memorial Hall Board of Management

Terms of Reference

1. To provide short and long-term strategic marketing direction for the Hall.
2. To maximise income and promote optimum usage of the Hall.
3. To ensure compliance with council policies and all relevant legislation.
4. To provide recommendations to Council for function improvements and/or upgrades to the Hall.
5. To source and secure grant funding opportunities for Council's consideration.
6. To plan and undertake fund raising activities as required.
7. To develop procedures for equity of access to the Hall for the local community.
8. To strive for a "break-even" or profitable annual financial position (after all operational, short and long-term maintenance, building insurance and paid venue coordinator costs).
9. In consultation with the Venue Coordinator:
 - care for and maintain the venue;
 - ensure the safety of the patrons, contractors and volunteers of the Hall;
 - ensure compliance with Council's adopted fees and charges, Occupational Health and Safety, Place of Public Entertainment and other legislation relevant to the operations of the Venue.

45

50

55

Board of Management Membership

Councillor Representative(s):

- Cr Simon Richardson

60

Community Representatives:

- Andrea Danvers *Treasurer*
- Neil Johnson *Chairperson*
- Martin Jones
- Judy MacDonald
- Alison Pearl
- Philip Preston *Secretary*
- Glenn Wright

5

10 **Board of Management Meets**

Usually 2nd Wednesday each month at 5.30pm, Mullumbimby Civic Memorial hall

Ocean Shores Community Centre Section 355 Management Committee

15

Terms of Reference

- To promote optimum usage of the Hall
- To care for and maintain the facility, through responsible day to day management
- To ensure the safety of the patrons of the Hall

20

Membership

Councillor Representative(s):

- Cr Diane Woods *Chairperson*
- Cr Chris Cubis (Alternate delegate)

25

Community Representatives:

- Helen Graveson - *Bookings Officer*
- Pauline Kapral - *Treasurer*
- Betty Lloyd
- Leah Kapral
- Paula Cordeiro - *Secretary*

30

Section 355 Committee Meets

Generally quarterly 2nd Tuesday of month at 7.00pm Ocean Shores Community Centre

35

South Golden Beach Community Hall Section 355 Management Committee

Terms of Reference

- To promote optimum usage of the Hall
- To care for, enhance and maintain the facility, through responsible day to day management
- To ensure the safety of the patrons of the Hall

40

Membership

Councillor Representative(s):

- Cr Basil Cameron
- Mayor Cr Simon Richardson (alternate delegate)

45

Community Representatives:

- President - Angela Dunlop *representing South Golden Beach Community Association*
- Secretary - Liz Caddick
- Treasurer - Michele Clark
- Kathy Norley *representing South Golden Beach Community Association*
- Sergio Scudery
- Jacqui Walsh

50

55

Section 355 Committee Meets

Usually quarterly at the South Golden Beach Community Hall

Suffolk Park Community Hall Section 355 Management Committee

Terms of Reference

- 5
- To promote optimum usage of the Hall
 - To care for and maintain the facility, through responsible day to day management
 - To ensure the safety of the patrons of the Hall

Membership

- 10 Councillor Representative(s):
- Cr Rose Wanchap
 - Cr Sol Ibrahim (Alternate delegate)

- 15 Community Representatives:
- President, Treasurer and Bookings Officer - Margaret Wiles
 - Secretary - Joy Taylor
 - Linda Holland
 - Margaret Beazley
 - Maree Brooks
 - 20 ▪ Annabelle Sinclair

Section 355 Committee Meets

As required at 2pm at Suffolk Park Community Hall

25

Regional Committees with Councillor representation

The following is a list of Regional Committees with Councillor appointment.

Regional Committee	Councillor Representation
Arakwal National Park Management Committee Staff Comment: New nominations received at Council's Ordinary meeting 28/08/2014	Cr Rose Wanchap
Arts Northern Rivers Board of Directors	Cr Paul Spooner Alternate - Mayor Cr Simon Richardson
Australian Coastal Alliance	Mayor Cr Simon Richardson Cr Sol Ibrahim Cr Basil Cameron
Bangalow Pool Trust Working Group	Mayor Cr Simon Richardson Cr Sol Ibrahim
Byron Bay Community and Cultural Centre Management Committee	Cr Sol Ibrahim Alternate - Cr Chris Cubis
Byron Bay Liquor Accord	Cr Paul Spooner Cr Duncan Dey
Byron Coast Area Management Committee Staff Comment: New nominations received at Council's Ordinary meeting 28/08/2014	Cr Rose Wanchap
Byron United - Members Meeting	Mayor Cr Simon Richardson Cr Chris Cubis Cr Sol Ibrahim Cr Paul Spooner
Cape Byron Headland Trust Management Board Staff Comment: New nominations received at Council's Ordinary meeting 28/08/2014	Cr Basil Cameron
Chamber of Commerce - Bangalow	Cr Sol Ibrahim Cr Alan Hunter

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Regional Committee	Councillor Representation
Chamber of Commerce – Brunswick Heads	Cr Diane Woods
Chamber of Commerce – Mullumbimby	Cr Basil Cameron
Destination Byron	Cr Chris Cubis Cr Simon Richardson
Far North Coast Bush Fire Management Committee	Cr Duncan Dey
Local Emergency Management Committee	Cr Basil Cameron Alternate - Cr Chris Cubis
Mullumbimby Showground Trust Staff Comment: This is a four (4) appointment made by the Minister for Lands	Cr Diane Woods Alternate - Cr Duncan Dey
North Byron Parklands Regulatory Working Group	Cr Basil Cameron Cr Sol Ibrahim Cr Diane Woods
Northern Rivers Regional Organisation of Councils (NOROC)	Mayor Cr Simon Richardson Alternate – Deputy Mayor
Ocean Shores Tidy Towns Committee	Cr Diane Woods
Richmond-Tweed Regional Library Committee	Cr Rose Wanchap Mayor Cr Simon Richardson
RFS Zone Service Level Agreement Liaison Committee	Cr Duncan Dey

Financial Implications

5 A Councillor is entitled to claim “mileage” allowance in accordance with Council’s Policy Mayor and Councillors Payment of Expenses and Provision of Facilities Policy, Clause 5, as follows:

5. TRAVEL EXPENSES/PROVISIONS

10 5.1. Councillors are entitled to claim “mileage” allowance for use of private vehicles when used to travel (including return) between their place of residence or employment, utilising the most direct route possible, subject to the Councillor’s private vehicle being currently registered and covered by Compulsory Third Party Insurance:

15 5.1.1. To attend Council or Committee or Sub-Committee meetings and appointments at the Council Chambers, Council’s Training Rooms, Depots and Halls/Community Centres for Council business;.

Statutory and Policy Compliance Implications

20 Councillors are to be formally appointed to a committee.

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ORDINARY MEETING

18 SEPTEMBER 2014 (37)

Report No. 13.6. Section 355 Management Committee - change to membership

Director: Corporate and Community Services

Report Author: Gayle McCallum, Governance Officer

File No: #E2014/57829

5

Theme: Corporate Management, Community Facilities

Summary: Council has received a request from the Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Committee for a further member to be appointed to the Committee.

RECOMMENDATION:

- 10
1. That the report be noted.
 2. That with regard to the Byron Library Exhibition Space Section 355 Management Committee, Council appoint Margaret White to the Section 355 Committee for this term of Council ending September 2016.

15

Attachments:

- **CONFIDENTIAL** Committee Nomination Margaret White #E2014/57836 [2 pages]..... **Annexure 15**

20

Report**Byron Library Exhibition Space (managing the Lone Goat Gallery) Section 355 Management Committee**

5 The Committee requested Council to advertise for a further member to assist the committee with the management of the Gallery. The Committee is very active meeting monthly. The Lone Goat Gallery is fully booked until early 2015 and the Committee is working with Council's Economic Development and Tourism Officer on a strategic direction for the future operations of the Gallery.

10 The Chairperson, Jay Pearse has advised that she is taking 3 months leave of absence from the Committee.

15 A nomination was received from Margaret White who has been attending meetings as an observer to assist with their strategic direction. The Committee members agree with the appointment of Margaret White to the Committee who can bring expertise in strategic planning and leadership.

Current members on this Committee are:

20 Cr Simon Richardson
 Cr Sol Ibrahim (*Alternate Delegate*)
 Jay Pearse
 Prue Regan
 Howard Sedgmen
 25 Helene Sheean
 Turiya Bruce

30 A further expression of interest has also been received, for membership to the Committee from another community member. This community member has been invited to attend the next few meetings of the committee to gain an understanding of the workings of the Committee, prior to an appointment being recommended to Council.

Financial Implications

35 Community Member of Section 355 Management Committees are volunteer positions unless otherwise resolved by Council.

Statutory and Policy Compliance Implications

40 Section 355 Committees operate under Committee Guidelines in which Committee membership it states

3.2 Committee Membership

45 *The Committee membership will number not less than four (4) and not more than twelve (12) members as appointed by Council including office bearers unless otherwise decided by Council. Council reserves the right to appoint a Councillor to each Committee.*

Further information on the operations and meeting minutes for these Committees can be found on Council's web site at www.byron.nsw.gov.au/section-355-committees.

50

Report No. 13.7. **Byron Recreation Ground**
Director: Corporate and Community Services
Report Author: Greg Ironfield, Manager Sustainable Communities
File No: #E2014/56318

5

Theme: Community Infrastructure, Recreation Planning

Summary: The purpose of this report is to seek Council’s endorsement to undertake a review of the 2002 Plan of Management for Byron Bay Recreation Ground (Annexure 11(a)) and to allocate funds from the Property Reserve to undertake this project.

The current plan of management (2002) is limited in its scope, is primarily sport focussed and does not include the potential for passive recreation and community activities and place making opportunities.

The Recreation Ground is located in the nominated area of the Byron Bay Town Centre Masterplan.

A review of the plan of management would allow for a new plan to be developed that embraces and reflects the character of the Masterplan.

With the development of the Byron Regional Sport and Cultural Complex (BRSCC), the review of the Plan of management also provides an opportunity for consultation with the current Recreation Ground users on their future development needs and the potential for eventual re-location to the BRSCC, a facility that has superior playing surfaces and extensive amenities.

Consultation with the current and potential future users will be an important part of the Plan of Management review and development of a new Plan of Management.

RECOMMENDATION:

- 10 1. **That Council endorse a review of the Plan of Management for Byron Bay Recreation Ground July 2002.**
- 15 2. **That Council allocate an amount of \$50,000 from the Property Reserve to undertake the review of the current Plan of Management for Byron Bay Recreation Ground and development of a new Plan of Management.**

Attachments:

- 20 • Plan of Management for Byron Bay Recreation Ground #DM403354 [39 pages] **Annexure 11(a)**
 • Byron Bay Town Centre Masterplan Map #E2014/58162 [1 page]..... **Annexure 11(b)**

25 *Annexure 11(a): Due to the size of this document it has been made available on the Councillors’ CD only. An electronic copy is available on Council’s website and a hardcopy available at access points throughout the Shire.*

Report

5 Open space is an important community asset that encourages, promotes and facilitates active and passive recreation, in both a formal and informal manner. In Byron Bay, the Byron Bay Recreation Ground is the highly valued open space that the community identify as a space for sport, recreation and leisure pursuits in their town.

10 Council is currently embarking on the Byron Bay Town Centre Masterplan project to provide the framework for a completely revitalised town centre while ensuring Byron Bay's character is preserved and enhanced. Byron Bay is a town where the community have strong values and beliefs that has created a culture where sustainable practices and alternate ways of living play a crucial role in the way our community chooses to lead their lives. This culture is a key ingredient that defines Byron Bay and will be harnessed, preserved and celebrated in the development of a town centre masterplan.

15 When completed, the Byron Bay Town Centre Masterplan will promote the town's natural environment, relaxed atmosphere, spiritual and cultural diversity, health and well-being experiences, innovative enterprises, and provide a consistent image for Byron Bay. An innovative place making strategy will provide a vibrant and diverse town centre for the resident population to enjoy - a place to be reclaimed.

20 The Byron Recreation Ground is within the indicative scope of the Byron Bay Town Centre Masterplan (see Annexure 11(b)). The Masterplan provides the opportunity to review and enhance the use of Byron Recreation Ground to enable the community to further benefit from this significant community space, and to ensure that the valuable community asset is meeting the needs of the community which it supports.

25 The Byron Recreation Ground is classified as community land and as such under the Local Government Act (1993), requires a plan of management to ensure that an endorsed framework guides the operation and development of the site. The current Plan of Management for Byron Recreation Ground was completed in July 2002. Key issues identified in the plan of management included:

- *Poor Quality of playing surfaces*
- *Pressure on sporting fields in Byron Bay*
- 35 • *Residential amenity*
- *Standard of Amenities*
- *Parking*
- *Passive and unorganised recreation*

40 The current plan of management also identifies strategies and action plans to guide the future use and development of the site. Although there has been work done at the Recreation Grounds over the years the current plan is 12 years old and a review of the plan would enable a fresh look at development and future use of the site.

45 Whilst the strategies and associated actions in the current plan are diverse and include passive recreation, environment and community needs, the vast majority of actions are related to sporting needs. This is a limitation on the prospect to include future development for both passive and active leisure and recreation activities promoting greater diversity at the Recreation Ground.

50 A revised or new plan could include the creation of additional community spaces and facilities for passive recreation, such as landscaping, gardens, playground equipment and BBQ facilities which could be developed consistent with the character to come from the Byron Bay Town Centre Town Centre Masterplan.

Since the 2002 Plan of Management for Byron Recreation Ground, Council has constructed the Byron Regional Sports and Cultural Complex (BRSCC) which opened in July 2012. This facility is located at 249 Ewingsdale Road Byron Bay, approximately 3.5 kilometres from the centre of Byron Bay town. The facility boasts indoor and outdoor facilities including:

- 5
- 6 outdoor playing fields with lighting
 - 3 outdoor netball / basketball courts
 - Athletics track and discus / shot put cage
 - Cricket nets and softball cage

10

 - Synthetic and grass cricket pitches
 - Outdoor amenities blocks with canteens
 - Storage sheds
 - Parking for over 350 cars and buses
 - Change rooms and amenities

15

 - Indoor 2 court arena and stage
 - 2 function rooms
 - Outdoor undercover area
 - 2 meeting rooms
 - Commercial grade kitchen

20

It is acknowledged that the initial field surfaces at the BRSCC did not meet the standards proposed in the development of the facility. Rectification works, carried out in 2012 (two fields) and 2013 (two fields), now have the fields up to an excellent standard, and rated the best in the Shire.

25

The development of the BRSCC gives the sports codes at the Byron Recreation Ground the opportunity to consider re-location to a site with better fields and facilities. The BRSCC provides the potential to address the issues raised in the current Byron Recreation Ground Plan of Management, including field quality, parking, additional fields, better amenities and less likely potential for clashes with passive users.

30

Preliminary Discussion

At the Byron Shire Sports Stakeholders Forum on 26 August 2014, the topic of the potential relocation of clubs from the Byron Recreation Ground to the BRSCC was discussed. This initial discussion identified the opportunities and limitations for clubs to move from their current locations.

35

The BRSCC offers better playing surfaces and facilities and, with crowding and overuse issues on other fields, there is a need for clubs to consider options. Lighting of the two eastern fields at the BRSCC is planned to be operational for the winter season in 2015, further reducing potential barriers to a move to the BRSCC.

40

The preliminary comments provided at the Byron Shire Sports Stakeholders Forum, regarding re-location from the Byron Bay Recreation Ground included:

- 45
- The location of the Recreation Ground is important for junior sports training after school. The kids can come directly from school to training and don't require transport to another venue.
 - The schools use the Rec Grounds heavily also – the number of children in the schools has increased and the space for sports on school grounds has been reduced – placing more pressure on the recreation grounds.

50

 - Training on Monday to Fridays for junior sports is preferred at the Recreation Ground, but there is opportunity for competition on the weekend to be held at the BRSCC.

55

 - The issue of the use of canteens was raised. Clubs rely on the use and income generated from the canteen. The BRSCC has 2 canteens on the fields and one in the facility that can

cater for outside fields. The clubs pointed out the long history that they have with their current canteen spaces and that traditionally they don't like to share canteen space.

- Ownership of space and stock issues were also raised.

5

The Byron Bay Town Centre Masterplan, combined with the completion and opening of the BRSCC both provide the opportunity to revisit the Byron Bay Recreation Ground Plan of Management, and to open discussion with sporting codes at the Recreation Ground on the potential to relocate to the BRSCC.

10

Consultation with the current and potential future user groups is essential for both the potential re-location and development of a new plan of management for the Recreation Ground. A review of the plan would open the prospect of new community uses, and any future development to be more diverse across active and passive recreations and informal and formalised sporting activities. A review of the plan of management would also consider the use of existing under utilised buildings and facilities currently on the site.

15

The purpose of this report is to seek Council's endorsement to undertake a review of the Plan of Management for Byron Bay Recreation Ground and to allocate funds from the Property Reserve to undertake the project.

20

Financial Implications

As part of the 30 June 2014 Quarter Budget Review considered and adopted by Council at its Ordinary Meeting held on 28 August 2014 through resolution **14-392** provided a transfer to the Property Reserve in the amount of \$50,000 as outlined on page 80 of 83 of Annexure 5(a) to the 28 August 2014 Ordinary Council Meeting Agenda. Details of this transfer were to provide funding for the Byron Recreation Ground Management Plan/Master Plan.

25

Should Council approve recommendation two of this report, it will have allocated a budget of \$50,000 in the 2014/2015 financial year to undertake the review of the Plan of Management for the Byron Bay Recreation Ground funded from the Property Reserve which has funding available for this purpose that was endorsed by resolution 14-392.

30

Statutory and Policy Compliance Implications

Regulation 211 of the Local Government (General) Regulation 2005 provides that Council must allocate funding for proposed expenditure before it is incurred. Should Council approve the recommendations of this report, this requirement will be satisfied.

40

Plan of Management for Byron Bay Recreation Ground (2002)

Local Government Act 1993

45

Report No. 13.8. Review of Busking Policy
Director: Corporate and Community Services
Report Author: Ralph James, Manager Governance
File No: #E2014/54288

5

Theme: Corporate Management, Governance - Busking

Summary: On 7 August 2014 Council resolved (**14-376**) that staff undertake a review of the Busking Policy (13/002) in respect of silent busking.

Under the Policy definition a busker would include an entertainer who provides musical amusement for the public in public places by doing an act similar to the playing of a musical instrument. Silent Disco is considered to fall within the existing definition of busking.

On that basis the Policy has been reviewed and amendments recommended.

Recommendations include that silent disco only take place in Apex and Railway Parks and be limited in numbers.

A draft Policy incorporating the amendments is Annexure 5.

RECOMMENDATION:

- 10 1. That Council endorse the amendments to the Busking Policy as follows:
- 15 a) The words “conducting a silent disco” be inserted after the words “fortune readers” in the definition of “Busker” in the “Glossary of Terms”.
 - 20 b) The following definition be added to the “Glossary of Terms”. *Silent Disco: where people dance to music listened to on wireless headphones. Rather than using a speaker system, music is broadcast via a radio transmitter with the signal being picked up by wireless headphone receivers worn by the participants.*
 - 25 c) Sub Clause 4.2.2b) be deleted and that the subclauses thereafter be re-lettered.
 - 30 d) Sub Clause 4.3.5 be amended by adding the words “other than the silent disco” after the word “Buskers” and by adding the following words at the end of the subclause “The silent disco may operate at any of the two (2) designated sites until 12 midnight.”
 - 35 e) Sub Clause 4.3.6 be amended by adding the following words at the end of the subclause “For clarity, soliciting includes the busker nominating the amount of the voluntary donation”.
 - f) The following subclause be added as 4.3.12 “The operation of a silent disco is limited to the issue of a maximum of fifty (50) headsets at any one time and is permitted only in designated areas as shown in maps in Annexure 3 and 4 of the Policy. Motor vehicles used in conjunction with the silent disco must not be taken on to the reserves on which the designated areas are located.” and by re-numbering the subsequent sub-clauses.

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- 5
- 10
- 15
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- 25
- 30
- g) Sub Clause 5.1.6 be amended by adding the words “other than silent disco” after the word “Busking”.
 - h) The following subclause be added as 5.2.3 “Silent disco is permitted only in designated areas marked with the letter “D” as shown in maps in Annexure 3 and 4 of the Policy. Motor vehicles used in conjunction with the silent disco must not be taken on to the reserves on which the designated areas are located.” and by re-numbering the subsequent sub-clauses.
 - i) Annexure 3 (Apex Park) be amended by adding the letter “D” (for Disco) so that the Busking Area refers to “P”, “C”, “S” and “D” Site.
 - j) Annexure 4 (Railway Park) be amended by adding the letter “D” so that the Busking Area refers to “P”, “C” and “D” Site.
2. That the Draft amended Busking Policy (#E2014/56179) be placed on public exhibition for a minimum of 28 days.
3. That any submissions received as a result of the public exhibition be presented to Council for consideration in determining the adoption of the Draft amended Busking Policy. In the event that there are no submissions received during the exhibition period, then the Amended Busking Policy be adopted.

Attachments:

- Draft Amended Busking Policy #E2014/56179 [21 pages] **Annexure 5**

Annexure 5: Due to the size of this document it has been provided on the Councillors' CD only. An electronic copy is available on Council's website and a hardcopy available at access points throughout the Shire.

Report

On 7 August 2014 Council resolved (14-376):

- 5 1. *That Council undertake a review of the Busking Policy (No 5.57) to consider whether:*
- a) *Silent busking can be included in the definitions as a permissible activity in the policy;*
- 10 b) *Silent busking can be exempt from condition 4.3.5 of the policy;*
- c) *Silent busking can be permissible until midnight in suitably designated busking sites;*
- d) *A statutory declaration section on the application form is a requirement of the Australian Taxation Office.*
- 15 2. *That if staff recommended that 1 (a)-(d) are not appropriate, provide any recommendations that would enable the activity known as Silent disco to occur outside the Busking Policy.*

20 Silent disco has become a common name for a [disco](#) where people dance to music listened to on wireless [headphones](#). Rather than using a [speaker system](#), music is broadcast via a radio transmitter with the signal being picked up by wireless headphone receivers worn by the participants.

25 Councils are given responsibility under the Local Government Act 1993 to approve the carrying out of certain activities. Relevant to this report are those activities listed in Part D of Section 68 "Community Land".

30 As Council is the custodian of its parks on behalf of the community, it is responsible for the approval of activities allowed in these areas.

 A permit issued by Council entitles the permit holder to a degree of assurance that the activity they wish to undertake (provided it is undertaken in accordance with the approved conditions) is condoned, will be safe, properly and adequately serviced and will be compatible with the neighbourhood amenity.

35 It also provides to members of the community better assurance that the possible impacts of the proposed activity have been properly anticipated and assessed beforehand and that appropriate regulatory measures are in place and applicable to the way it is conducted.

40 A number of Council policies specify those activities that are exempt from the requirement for prior Council approval. Depending on the activity the following policies could apply.

- www.byron.nsw.gov.au/files/publications/Commercial_and_Other_Activities_on_Public_Land_and_Roads.pdf

45

- www.byron.nsw.gov.au/files/publications/commercial_activities_on_coastal_and_riparian_crown_reserves_policy.pdf
- www.byron.nsw.gov.au/files/publications/business_ethics_policy.pdf
- www.byron.nsw.gov.au/files/publications/Events_on_Public_and_Private_Land_Policy.pdf
- www.byron.nsw.gov.au/files/publications/Temporary_Use_of_Land.pdf

50 Public land for the purposes of this report is defined as:

- Community classified land owned by Council.
 - Crown Reserve land, reserved for public recreation, the Reserve Trusteeship of which is vested in Council or in respect of which Council is the body in control of the reserve pursuant to the provisions of Section 48 of the Local Government Act 1993.
- 55

- Land owned by a Minister or agency of State Government and that is formally vested in Council's care, control and management.

Section 68 Part D provides that:

5 68 What activities, generally, require the approval of the council?

(1) A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.

10 Part D Community land

- 1 Engage in a trade or business
- 2 Direct or procure a theatrical, musical or other entertainment for the public
- 3 Construct a temporary enclosure for the purpose of entertainment
- 15 4 For fee or reward, play a musical instrument or sing
- 5 Set up, operate or use a loudspeaker or sound amplifying device
- 6 Deliver a public address or hold a religious service or public meeting

20 Staff consider that only D1 and D4 could accommodate the activity undertaken by the silent disco.

D1 Engage in a trade or business

25 Section 46 1) b) iii of the Local Government Act provides that Council can issue temporary licences for engaging in trade or business.

Section 108 of the Crown Lands Act provides that:

108 Temporary licences

- 30 (1) A reserve trust may, in respect of the whole or any part of a reserve, grant temporary licences for grazing or any other prescribed purpose.
- (2) A temporary licence may be granted subject to conditions and is also subject to such conditions as may be prescribed.

35 The silent disco is allowable under the Crown Lands Act.

It is not, however, permissible under Council's Commercial Activities on Coastal and Riparian Crown Reserve Policy to issue a temporary licence for entertainments.

40 The Policy outlines what kinds of activities Council can issue temporary licences for.

This policy covers all Crown coastal and river areas managed by Council (including Reserve 82000, which covers all of Main Beach and part of Belongil and Clarkes Beach, including Apex and Denning Parks).

45 Under Section 3.1 of the Policy "any activity, including commercial and/or business activities (including any activity which involves a standing vehicle or any article to be used for the purposes of selling any article) cannot be carried out on a coastal Crown reserve where a notice is erected under Section 632 of the Local Government Act 1993 about that activity, unless a temporary licence or approval has been obtained from the Council, as the Reserve Trust Manager, in
50 accordance with that notice." There is such a notice erected on Reserve 82000.

Clause 5.1 Activities requiring a Temporary Licence or Approval, outlines all the activities that are allowable with a temporary Class 1 licence. They are:

- 55 • Sporting Events – organised
- Educationally based community activities

- Fundraising activities by Registered Charities
- Political Functions
- Weddings

5 Clause 9.1 lists the type and number of Class 2 Licenses (which can only be issued by competitive tender), and these are limited to:

- Commercial Surf Schools
- Personalised Surf Schools
- 10 • Sea Kayaks
- Mobile Kiosk

15 In short, the activity undertaken by the silent disco is currently allowable under the Crown Lands Act on a temporary licence (less than 12 months), but not allowable under the Commercial Activities Policy.

At Council's Ordinary Meeting on 12 June 2014, the Council resolved, in part, on the following Mayoral Minute:

20 **14-286 Resolved** that Council note:

1. That staff have begun a review of policy 5.52- Commercial Activities on Coastal and Riparian Crown Reserves, especially considering the approval of issuing a temporary licence for corporate functions, including the temporary suspension of alcohol restrictions.
- 25 2. That in the interim, any applications requiring a temporary suspension of alcohol restrictions and temporary licence applications that are not expressly referred to in the Policy will be considered at a meeting of Council.

30 In relation to item 1, the review of policy 5.52 - Commercial Activities on Coastal and Riparian Crown Reserves, in conjunction Byron Bay Town Centre Master planning process, will explore opportunities for other commercial activities.

35 D4 For fee or reward, play a musical instrument or sing

Council's Busking Policy 5.57 Busking can be viewed at <http://www.byron.nsw.gov.au/policies> .

Council's Local Approvals Policy (LAP) can be viewed at <http://www.byron.nsw.gov.au/policies>

40 The purpose of a LAP includes:

1. to specify any circumstances where Council approval is not required before carrying out an activity and
- 45 2. to specify other matters relevant to seeking approvals from Council.

The LAP provides a set of conditions which exempts certain buskers and street thespians from requiring a s68 permit.

The Definition (14-376) 1.a) can silent busking be included in the definitions as a permissible activity in the policy;

50 Policy 5.57 Busking provides the following in respect of approvals (emphasis added);

Busker: An entertainer who provides **performances** or practices **for the public** by

playing a musical instrument, dancing, singing, clowning or juggling, including tarot cards and palm readers, fortune readers, **or doing other acts of a similar nature in public places.**

- 5 **Performance: Musical**, dramatic or other **entertainment** substantially involving musical, theatrical, or circus performance skills.

Performance as a noun is generally defined as (emphasis added);

- 10 (a) a **musical**, dramatic, or other **entertainment presented before an audience**, or
(b) an act of presenting a play, concert, or other form of entertainment.

15 Entertainment has not been defined in the Local Government Act since 2001. From enactment until 2001 entertainment was defined in the Dictionary to the Local Government Act as follows (emphasis added);

entertainment includes:

- 20 (a) **amusement provided** by means of any ride or device or **by any other means.**

By an application of all of the above the definition of Busker could, for present purposes, include an entertainer (person) who provides musical amusement (entertainment) for the public in public places by doing (performance) an act of a similar nature to playing a musical instrument.

- 25 Staff are therefore satisfied that silent disco (silent busking) falls within the existing definition of busking.

30 For greater clarity it is recommended that the definition of “Busker” in Policy 5.57 be amended to include a reference to silent disco and that that term be defined in the “Glossary of Terms” and that “Silent disco” be defined in the Glossary of Terms.

Conditions (14-376) 1.b) and c)

35 The operation of the silent disco most recently came to the attention of Council’s compliance team on Sunday 20 April 2014, when conducting rostered patrols, authorised Council officers made observations and took actions as follows;

- 40 1. At 9.30pm a white Mitsubishi van NSW registration BL61WF and a grey Toyota van NSW registration BW11DP. Both vans were parked backed in rather than nose in. Vehicles in Main Beach Car Park must be parked nose in. The grey Toyota van was parked in the parking bay to the east.
- 45 2. The white Mitsubishi van was idling and providing power to the grey Toyota van.
3. Two men were operating a silent disco from the grey van.
4. An officer overheard a person say “how much is it”. The man who later became known to the officer as the silent disco operator said “a ten dollar donation”.
- 50 5. The officer observed about 25 people on Main Beach and about 15 people in Main Beach Car Park/Apex Park wearing headphones.
- 55 6. The officer again returned to the site at about 12:14am (2 ¾ hours later).The activity was still in operation.
7. The officer again returned to the site at 1:10am and the two vehicles had left.

8. The officer inspected areas where the activity took place. There was a substantial amount of rubbish, including glass alcohol bottles. A member of the public offered to clean it up the mess and did so voluntarily.

5

9. At the time this activity was occurring Byron Bay was very busy, including Main Beach Car Park, Apex Park, and surrounding roads. During the course of the activity licensed premises were closing down and thus encouraging people to congregate in the car park and on the beach.

10

As part of preparing this report staff sought comment from Inspector Gregory Jago of the NSW Police as to the operation of the silent disco in Byron Bay. Inspector Jago provided the following collation of the comments returned to him by Supervisors and Police at Byron Bay;

15 *Firstly I'd like to highlight to council that the operator of the silent disco charges a fee to rent out the headphones and is therefore operating a business upon council land currently unregulated. I question whether the operator has public liability insurance and is declaring income received.*

20 *The issues I foresee is, if not already happening, promotion of these unregulated silent disco parties through social media, which has potential to attract large crowds at short notice to congregate at/near apex park, a location which has been a crime and anti social hot spot in Byron that is not currently subject to CCTV.*

25 *Currently I have directed the operator to cease at 12am as per council busking policy and I encourage my team members to do so. I personally have attended an assault at the carpark where the victim was wearing the headphones and the assailant was not.*

30 *True buskers do not charge fees, they ask for a donation, so I do not see how they can be incorporated into a busking policy. If the operator does move to a donation basis or is to be allowed, I suggest a cap of 50 person at location that will be covered by the proposed council CCTV and adequate lighting so as to deter alcohol and drug consumption in public. Further, the operator be subjected to a 12am curfew like true buskers.*

35 *My view is people congregating around buskers and the silent disco on the streets after 12am are at greater risk of assault and committing street offences during or after the performance.*

40 Staff (and Police) are of the view that, without regulation, the silent disco may have the following impacts:

A. With a headphone issue capacity of more than 300 sets the areas where the activity could take place are not suitable. The influx of that number of people cannot be contained within the busking area and presents significant safety issues.

45

B. The wearing of headphones on a traffic related area/road/car park reduces a person's situation awareness and creates a significant public safety issue.

50 In January 2012 the journal *Injury Prevention* published findings of a 7 year study of injuries to pedestrians wearing headphones. Researchers said that using headphones distracts users from the task at hand. Headphones also serve to isolate users from their environment, cocooning them so that they're less aware of what's going on around them.

55 In the study, researchers found that in 29% of cases, victims who were hit by cars or trains apparently failed to hear the warning sounds of horns and sirens.

5 *“The actual sensory deprivation that results from using headphones with electronic devices may be a unique problem in pedestrian incidents, where auditory cues can be more important than visual ones,”* lead author Richard Lichenstein of the University of Maryland wrote in the paper.

- 10 C. Patrons engaged in the silent disco in Apex Park can overflow and infringe upon the safe use of a car park and road related area by interfering with the normal flow of vehicles and restrict public access.
- 15 D. Patrons overflow the area and congregate in disabled car parking zones. This creates an impediment/obstruction for the access of vacant disabled car spaces.
- E. The location of the activity being proximate to licensed premises encourages patrons to move from one to the other and thereby consume alcohol in an alcohol free zone.
- F. Strobe lights and lasers pointing towards the beach from Apex Park, can effect the public amenity of the beach.
- 20 G. Litter and glass bottles can be discarded in the location where patrons congregate. This can pose a risk to public health and safety. Litter can create an undesirable environment for the town of Byron Bay for which its economy is very reliant on tourism.
- 25 H. During the course of this activity licensed premises will be closing. This activity may encourage crowds of alcohol affected people to mingle in the Apex and Railway Parks. This is an undesirable situation for police and the Byron Bay Liquor Accord, which has worked hard to stagger closing times of licensed premises for the specific purpose of dispersing crowds in town. The use of glass in conjunction with congregations of alcohol affected persons posed a risk to public order in a town that already has a high
- 30 level of alcohol related crime and assaults.
- I. The practice of responding to the “how much” question by nominating a specific amount of a “donation” is soliciting. The act of soliciting, means simply to ask for something. A non-solicitous answer to the “how much” question could be “I accept all donations.” A sign to that effect would serve the same purpose.
- 35 J. When a licence is issued (see Engage in a trade or business referred to earlier) to carry out an activity on a Reserve strict conditions and circumstances can be included as to the entry of vehicles onto the Reserve ie weight of vehicle, purpose of entry, time of entry, duration of entry, entry following a rain event and the like.
- 40

 Entry is limited to a single occasion.

45 The imposition of such conditions and circumstances is not possible as part of an ongoing, multiple event, Busking Permit especially when the holding of an activity is not known until a few hours before the activity is held.

50 The removal of vehicles from the reserve in darkness in the early hours of the morning presents an unacceptable risk to persons who had been patrons and to other persons who might be on the reserve for various other reasons.

The following Busking Policy Principle and Conditions bear consideration in respect of the silent disco.

55 ***Principle 3.5*** *Busking should not interfere with pedestrian traffic, the conduct of business, or contribute to a lack of safety.*

5 **Condition 2** *Buskers must not interfere with pedestrian flow or public amenities or cause obstruction to traders or delivery vehicles, including by way of encouraging audience formation in such a manner as to cause interference. There must be a minimum two (2) metre pedestrian corridor. In maintaining this corridor the busker must take into consideration other obstructions on the footpath (e.g. outdoor dining areas, public seats, power poles) so that a continuous corridor is maintained parallel to the roadway.*

10 **Condition 5** *Buskers may perform for a maximum of two (2) hours at any one site anywhere in the Shire, or one (1) hour at the designated sites.*

Condition 6 *Buskers may receive voluntary donations from the audience but may not solicit funds.*

15 **Condition 7** *Buskers must keep the site in use clean while they are working and ensure that their use of the site does not pose a threat to public safety and amenity.*

20 **Condition 19** *Authorised officers of the Byron Shire Council or the NSW Police Force may at any time request a busker to cease busking if the officer is of the opinion that the performance is causing public inconvenience, or is likely to cause harm to the public or property. The busker must immediately comply with such a request.*

25 **Condition 20** *The performer is to immediately cease or appropriately modify their act if at any time the performance is causing public inconvenience, or is likely to cause harm to the public or property.*

The Application (tax) (14-376) 1.d

30 Comment from Manager Finance

35 It is not clear why (other than historical) as part of its Busking Policy that Council would require a busker to supply a Tax File Number (TFN) or Australian Business Number (ABN) or in lieu of either of these sign a statutory declaration that they intend to pay tax on the earnings from busking. A search of the Australian Taxation Office Website regarding whether there was any obligation on Councils issuing busking permits to seek assurance from a busker they intend to pay tax on their busking income derived from the permit approval did not reveal any such requirement.

40 Obligations on Council for taxation generally requires Council to ensure dealings with its suppliers comply with the requirements for Goods and Services Tax (GST) and for Pay as You Go Tax (PAYG) for its employees but this does not extend to someone seeking an approval to undertake a busking activity to earn personal income.

45 It is therefore recommended that Council remove this requirement from its Busking Policy as it is not the responsibility of Council to determine or direct any person on how they manage their individual taxation affairs in terms of their personal income.

This report recommends the appropriate changes to the current policy, in red text, at Annexure 5 for public exhibition.

Report No. 13.9. **Investments – August 2014**
Director: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: #E2014/57349

5

Theme: Corporate Management, Financial Services

Summary: This report includes a list of investments and identifies Council's overall cash position as at 31 August 2014 for Council's information.

RECOMMENDATION:

10 **That the report listing Council's investments and overall cash position as at 31 August 2014 be noted.**

Attachments:

15

- Investment Graphs August 2014 #E2014/58530 [2 pages] **Annexure 12**

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (53)

Report

In relation to the investment portfolio for August 2014, Council has continued to maintain a diversified portfolio of investments. The average 90 day bank bill rate (BBSW) for the month of August was 2.63%. Council's performance for the month of August is a weighted average of 3.21%. This performance is again higher than the assumed benchmark. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits. Council's investment portfolio should continue to out-perform the benchmark as the capital protected investments earning 0% interest begin to mature or are able to be switched favourably.

There are now only three of Council's capital protected investments that are fully allocated to an underlying zero coupon bond. Two of these will mature before the end of November 2014 and the final one matures in October 2015.

The table below identifies the investments held by Council as at 31 August 2014:

Schedule of Investments held as at 31 August 2014

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Type	Interest Rate Per Annum	Current Value
26/09/05	1,500,000	EMU NOTES	CP	AAA-	25/10/15	MFD	0.00%*	1,447,800.00
28/09/07	1,000,000	TRI-SECTOR LINKED NOTE	CP	A	29/09/14	E	0.00%*	995,600.00
28/11/07	3,000,000	CLIENT MANAGED NOTE	CP	A	28/11/14	E	0.00%*	2,973,900.00
20/06/12	500,000	HERITAGE BANK LTD BONDS	N	BBB+	20/06/17	B	7.25%	536,650.00
05/08/14	2,000,000	SUNCORP	P	A+	03/11/14	TD	3.40%	2,000,000.00
14/07/14	1,000,000	MACQUARIE BANK	P	A	14/10/14	TD	3.50%	1,000,000.00
23/06/14	1,000,000	ME BANK	P	BBB	22/09/14	TD	3.60%	1,000,000.00
10/06/14	2,000,000	NEWCASTLE PERMANENT	N	NR	08/09/14	TD	3.50%	2,000,000.00
28/05/14	2,000,000	SOUTHERN CROSS CR UNION	P	NR	26/09/14	TD	3.70%	2,000,000.00
26/08/14	2,000,000	ING BANK (AUSTRALIA)	N	A1	23/02/15	TD	3.56%	2,000,000.00
13/05/14	2,000,000	RABO BANK	N	AA	10/09/14	TD	3.55%	2,000,000.00
25/08/14	1,000,000	GREATER BUILDING SOCIETY	N	NR	24/11/14	TD	3.40%	1,000,000.00
29/04/14	2,000,000	WIDE BAY AUSTRALIA LTD	N	NR	29/10/14	TD	3.75%	2,000,000.00
26/08/14	1,000,000	NAB	N	AA-	24/12/14	TD	3.56%	1,000,000.00
11/08/14	2,200,000	POLICE CREDIT UNION	P	NR	09/12/14	TD	3.55%	2,200,000.00
06/06/14	2,000,000	BANK OF QUEENSLAND	N	A2	07/10/14	TD	3.55%	2,000,000.00
06/05/14	2,000,000	RABOBANK	N	AA	03/09/14	TD	3.55%	2,000,000.00
28/07/14	2,000,000	POLICE CREDIT UNION	N	NR	28/10/14	TD	3.55%	2,000,000.00
12/06/14	1,000,000	ING BANK (AUSTRALIA)	N	A1	09/12/14	TD	3.56%	1,000,000.00
12/08/14	2,000,000	NAB	N	AA-	10/11/14	TD	3.45%	2,000,000.00
10/06/14	1,000,000	ME BANK	N	BBB	08/10/14	TD	3.55%	1,000,000.00
07/08/14	1,000,000	AMP BANK	N	A	05/11/14	TD	3.80%	1,000,000.00
02/07/14	2,000,000	BANK OF QUEENSLAND	N	A2	30/10/14	TD	3.60%	2,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Type	Interest Rate Per Annum	Current Value
10/06/14	2,000,000	BANK OF QUEENSLAND	N	A2	08/10/14	TD	3.60%	2,000,000.00
03/07/14	1,000,000	WIDE BAY AUSTRALIA LTD	N	A2	01/10/14	TD	3.55%	1,000,000.00
08/05/14	2,000,000	BEYOND BANK AUSTRALIA LTD	N	A2	05/09/14	TD	3.50%	2,000,000.00
08/08/14	2,000,000	BANANACOAST CREDIT UNION	N	NR	08/12/14	TD	3.35%	2,000,000.00
12/05/14	1,000,000	WIDE BAY AUSTRALIA	N	NR	09/09/14	TD	3.65%	1,000,000.00
26/05/14	1,000,000	COMMINVEST	N	AA-	23/09/14	TD	3.55%	1,000,000.00
11/06/14	2,000,000	BANANACOAST CREDIT UNION	N	NR	09/09/14	TD	3.60%	2,000,000.00
13/06/14	2,000,000	NAB	N	AA-	11/09/14	TD	3.52%	2,000,000.00
16/06/14	2,000,000	COMMINVEST	N	AA-	15/09/14	TD	3.50%	2,000,000.00
10/07/14	2,000,000	COMMINVEST	N	AA-	10/11/14	TD	3.55%	2,000,000.00
07/08/14	2,000,000	NAB	N	AA-	08/12/14	TD	3.45%	2,000,000.00
26/08/14	2,000,000	NAB	N	AA-	24/11/14	TD	3.45%	2,000,000.00
N/A	2,567,891	CBA BUSINESS ONLINE SAVER	N	A	N/A	CALL	2.75%	2,567,891.46
Total	60,767,891					AVG	3.21%	60,721,841.46

It should be noted that at the time of writing this report, Council had not received a valuation for the EMU Note, Tri-Sector Linked Note and the Client Managed Note for August 2014. These investments are highlighted in bold in the table above with the valuation reflective from 31 July 2014, these being the most recent current valuations received by Council

5

Note 1. CP = Capital protection on maturity
 N = No Capital Protection
 Y = Fully covered by Government Guarantee
 P = Partial Government Guarantee of \$250,000 (Financial Claims Scheme)

Note 2.

Type	Description	
E	Equity	Principal varies based on valuation, interest payable via a floating interest rate that varies except for those capital protected investments that have transferred to their capital protection mechanism.
MFD	Managed Fund	Principal varies based on fund unit. Price valuation, interest payable varies depending upon fund performance.
TD	Term Deposit	Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment term.
CALL	Call Account	Principal varies due to cash flow demands from deposits/withdrawals, interest is payable on the daily balance at the cash rate +0.50%

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18 SEPTEMBER 2014 (55)

Note 3. Floating rate notes and Term Deposits can be traded on a day-to-day basis, and therefore Council is not obliged to hold the investments to the maturity dates. Managed funds operate in a similar manner to a normal bank account with amounts deposited or withdrawn on a daily basis. There is no maturity date for this type of investment.

***Note 4.** The coupon on these investments is zero due to the Capital Protection mechanism working. This occurs when the investment falls below a certain level. This coupon may be paid again in the future as the market recovers.

For the month of August 2014, as indicated in the table below, there is a dissection of the investment portfolio by investment type. It illustrates the current value of investments is still slightly lower than the original principal amount, demonstrating a cumulative unrealised loss. This cumulative unrealised loss has not changed since July as August valuations were not received at the time of writing this report.

Dissection of Council Investment Portfolio as at 31 August 2014

Principal Value (\$)	Investment Linked to:-	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
52,200,000.00	Term Deposits	52,200,000.00	0.00
2,567,891.46	Business On-Line Saver (At Call)	2,567,891.46	0.00
1,500,000.00	Managed Funds	1,447,800.00	(52,200.00)
4,000,000.00	Equity	3,969,500.00	(30,500.00)
500,000.00	Bonds	536,650.00	36,650.00
60,767,891.46		60,721,841.46	(46,050.00)

The current value of an investment compared to the principal value (face value or original purchase price) provides an indication of the performance of the investment without reference to the coupon (interest) rate. The current value represents the value received if an investment was sold or traded in the current market, in addition to the interest received.

The table below provides a reconciliation of investment purchases and maturities for the period 31 July 2014 to 31 August 2014 on a current market value basis.

Movement in Investment Portfolio – 31 July 2014 to 31 August 2014

Item	Current Market Value (at end of month)
Opening Balance at 31 July 2014	55,716,039.90
Add: New Investments Purchased	17,200,000.00
Add: Call Account Additions	1,000,000.00
Add: Interest from Call Account	5,801.56
Less: Investments Matured	13,200,000.00
Less: Call Account Redemption	0
Add: Fair Value Movement for period	0
Closing Balance at 31 August 2014	60,721,841.46

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (56)

Investments Maturities and Returns – 31 July 2014 to 31 August 2014

Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity
2,000,000.00	Suncorp	TD	05/08/2014	90	3.50%	17,260.27
1,000,000.00	AMP Bank	TD	07/08/2014	181	3.80%	18,843.84
2,000,000.00	Banana Coast Credit Union	TD	08/08/2014	92	3.60%	18,147.95
2,200,000.00	Police Credit Union	TD	11/08/2014	91	3.54%	19,416.66
2,000,000.00	NAB	TD	12/08/2014	90	3.48%	17,161.65
1,000,000.00	Greater Building Society	TD	23/08/2014	89	3.55%	8,656.16
2,000,000.00	ING Bank (Australia)	TD	26/08/2014	90	3.45%	17,013.70
1,000,000.00	NAB	TD	26/08/2014	92	3.57%	8,998.36
13,200,000.00						125,498.59

5 The overall 'cash position' of Council is not only measured by what funds Council has invested but also by what funds Council has retained in its consolidated fund or bank account as well for operational purposes. In this regard, for the month of August 2014 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 31 August 2014

10

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	52,200,000.00	52,200,000.00	0.00
Business On-Line Saver (At Call)	2,567,891.46	2,567,891.46	0.00
Managed Funds	1,500,000.00	1,447,800.00	(52,200.00)
Equity	4,000,000.00	3,969,500.00	(30,500.00)
Bonds	500,000.00	536,650.00	36,650.00
Total Investment Portfolio	60,767,891.46	60,721,841.46	(46,050.00)
Cash at Bank			
Consolidated Fund	3,040,979.25	3,040,979.25	0.00
Total Cash at Bank	3,040,979.25	3,040,979.25	0.00
Total Cash Position	63,808,870.71	63,762,820.71	(46,050.00)

Financial Implications

15 Council uses a diversified mix of investments to achieve short, medium and long-term results. Council's historical strategy is to use credit/equity markets for exposure to long term growth. It should be noted that Council's exposure to credit/equity products is capital protected when held to maturity, which ensures no matter what the market value of the product is at maturity, Council is insured against any capital loss. The investment strategy associated with long term growth is now prohibited under the current Ministerial Investment Order utilising credit/equity markets to seek

investment products. However, the 'grandfathering' provisions of the Ministerial Investment Order provides Council can retain investments now prohibited until they mature. Council is also looking continually at 'switch' opportunities for these investments in conjunction with its independent investment advisors. Any 'switch' opportunities undertaken are reported to Council in the investment report relating to the month the 'switch' occurred. Notwithstanding the current valuations of equity investments, these products will trend toward their full principal value as they approach maturity.

Council's investment strategy is currently to invest for the short term (generally 90 days on new investments) to take advantage of investment opportunities often offered in the market over and above the 90day bank bill rate whilst ensuring sufficient liquidity to meet cash flow requirements. This provides the ability to take advantage of interest rate movements in the market as short term rates are currently not dissimilar to longer term rates (2 to 5 years).

Statutory and Policy Compliance Implications

In accordance with clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer of Council must provide Council with a monthly report detailing all monies Council has invested under section 625 of the Local Government Act 1993.

The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. In this regard, the current Council Meeting cycle does not always allow this to occur, especially when investment valuations required for the preparation of the report, are often received after the deadline for the submission of reports for the meeting. Endeavours will be made to ensure the required report will be provided to Council and this will for some months require reporting for one or more months.

Council's investments are carried out in accordance with section 625(2) of the Local Government Act 1993 and Council's Investment Policy. The Local Government Act 1993 allows Council to invest money as per the Ministers Order – Forms of Investment, last published in the Government Gazette on 11 February 2011.

Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.

Report No. 13.10. Year to Date Finance Report – August 2014

Director: Corporate and Community Services

Report Author: James Brickley, Manager Finance

File No: #E2014/58626

5

Theme: Corporate Management, Financial Services

Summary: Council at its Ordinary Meeting held on 19 September 2013 resolved:

13-497 Resolved that in relation to Report No. 4.3 – Proposed Monthly Financial Reporting (Corporate Management #E2013/49651), that Council receive:

Committee Recommendation FAC 4.3.1

A Monthly Finance Report, with the monthly financial reporting to incorporate the template at Annexure 2 (#E2013/49588) for a trial period of twelve months.

Annexure 13 is the Year to Date Finance Report for the month of August 2014 in accordance with the adopted reporting template for the information of Councillors.

RECOMMENDATION:

10 **That the Year to Date Finance Report – August 2014 be received and noted.**

Attachments:

- 15 • Year To Date Finance Report – August 2014 #E2014/58397 [2 pages] **Annexure 13**

Report

Council at its Ordinary Meeting held 19 September 2013 resolved:

- 5 **13-497** Resolved that in relation to Report No. 4.3 – Proposed Monthly Financial Reporting (Corporate Management #E2013/49651), that Council receive:

Committee Recommendation FAC 4.3.1

- 10 A Monthly Finance Report, with the monthly financial reporting to incorporate the template at Annexure 2 (#E2013/49588) for a trial period of twelve months.

- 15 Council upon receipt of the first Monthly Finance Report presented to the 31 October 2013 Ordinary Council Meeting resolved to change the name of the report to Year To Date Finance Report – Month Year (Resolution **13-585**).

Enclosed at Annexure 13 is the Year To Date Finance Report for the month of August 2014 in accordance with the adopted reporting template for the information of Councillors.

- 20 On page 1 of Annexure 13, the report by Council Fund and then by Council Budget Program compares operating revenue, operating expenditure (excluding depreciation), capital revenue and capital expenditure actual results for the period to 31 August 2014 against the adopted/revised 2014/2015 Budget Estimates. Operating expenditure and capital expenditure whilst disclosed in total are now also split between actual and committed costs for further information.

- 25 Page 1 of Annexure 13 has been updated with the adopted budget estimates following Council’s adoption of the 2014/2015 Budget Estimates at the Ordinary Council Meeting held on 12 June 2014 by resolution **14-285** and subsequently the carryover budgets adopted by Council at the Ordinary Meeting held on 28 August 2014 by resolution **14-389**.

- 30 In relation to this year to date finance report for the second month of the 2014/2015 financial year, the following information is provided to assist explaining the results on page 1 of Annexure 13 which are referenced by way of Note:

Note Reference	Variance Explanation/Comment
1	Human Resources Operating Expenditure – is currently trending higher which includes some one off redundancy costs associated with the organisation restructure which will be addressed as part of the September 2014 Quarter Budget Review. It is also expected this budget variance will reduce as the financial year progresses through recovery of oncosts on salaries and wages are collected to offset expenditures in this budget program due to timing.
2	Community Development Operating Revenue – is higher then budget due to receipt of a grant payment for the Safer Suburbs – Taxi Security Scheme. There is currently no budget for this grant income which will be addressed as part of the 30 September 2014 Quarter Budget Review.
3	Financial Services Operating Expenditure – is higher then budget due to payment of all insurance premiums excluding workers compensation related to the 2014/2015 financial year. Costs of Financial Services are distributed on a monthly basis to other budget programs so this budget variance will progressively reduce during the remainder of the 2014/2015 financial year.
4	Information Services Operating Expenditure – is higher then budget due to payment of all licence fees associated with the Authority System and GIS related to the 2014/2015 financial year. Costs of Information Services are distributed on a monthly basis to other budget programs so this budget variance will progressively reduce during the remainder of the 2014/2015 financial year.

5	Infrastructure Services Supervision and Administration Operating Expenditure – is lower than expected at this time. Expenditure for this budget program is distributed on a monthly basis based on budgeted expenditure. The expenditure distribution at this time is greater than actual expenditure incurred and it is expected this budget variance will progressively reduce during the remainder of the 2014/2015 financial year.
6	Rural Fire Service Operating Expenditure – is higher due to the raising of expenditure commitments for the entire 2014/2015 financial year related to contributions to the Rural Fire Service and NSW Fire Brigades. It is expected the overall budget will not be exceeded for the 2014/2015 financial year.
7	Water Supply Operations Operating Expenditure – is higher due to the raising of expenditure commitments for the entire 2014/2015 financial year related to the purchase of bulk water from Rous County Council. It is expected the overall budget will not be exceeded for the 2014/2015 financial year.

On Page 2 of Annexure 13 are other financial information indicators regarding:

- Rates and Annual Charges Debt Ratio
- Water and Sewerage Consumption Charges Debt Ratio
- Debt Redemption (Loan Principal) repayments made by Fund to date compared to budget.
- Cash and Investments held
- Interest on Investment revenue compared to budget.
- The cost to Council of pension rebates granted on rates and charges.

Resolutions of Council impacting the 2014/2015 Budget Result

This section of the report is to identify to Council any resolutions since the last Year To Date Finance Report that have been adopted that have created a change in the adopted 2014/2015 Budget Result. This would relate to any resolutions from 1 August 2014 to 31 August 2014.

There are no resolutions in the period 1 August 2014 to 31 August 2014 that have impacted the 2014/2015 Budget Result which currently stands at a projected surplus of \$16,850 at the time of preparing this report.

Financial Implications

There are no direct financial implications associated with this report.

Statutory and Policy Compliance Implications

In terms of any monthly financial reporting, this is covered by the Local Government (General) Regulation 2005 as follows:

202 Responsible accounting officer to maintain system for budgetary control

The responsible accounting officer of a council must:

- (a) *establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and*
- (b) *if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

212 Reports on council investments

(1) *The responsible accounting officer of a council:*

- 5 (a) *must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:*
- (i) *if only one ordinary meeting of the council is held in a month, at that meeting, or*
- 10 (ii) *if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and*
- (b) *must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.*
- 15 (2) *The report must be made up to the last day of the month immediately preceding the meeting.*

As indicated above, Regulation 202 only requires a report to Council if there is a material budget variation and Regulation 212 requires a monthly report to Council about its investments. In addition to the above, Regulation 203 of the Local Government (general) Regulation 2005 requires Council be presented with a quarterly budget review which indicates to Council in financial reporting terms how Council is financially performing against the adopted/reviewed budget as follows:

25 203 Budget review statements and revision of estimates

- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*
- 30 (2) *A budget review statement must include or be accompanied by:*
- 35 (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
- (b) *if that position is unsatisfactory, recommendations for remedial action.*
- 40 (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

ENVIRONMENT AND PLANNING – STAFF REPORT

Report No. 13.11. PLANNING Section 94 Allocation of budget for Ewingsdale Hall for upgrading works

Executive Manager: Environment and Planning

Report Author: Christopher Soulsby, Section 94 Officer

5 **File No:** #E2014/55576

Theme: Section 94 Planning Community Infrastructure

Summary: The purpose of this report is to have Council allocate a budget to expend section 94 funds on a community hall at Ewingsdale that is not in the care and control of Council.

RECOMMENDATION:

10

That Council allocate a budget of \$17,000 from the Byron Bay/Suffolk Park Catchment Community Facilities account for the upgrading works at Ewingsdale Hall.

Report

At the ordinary meeting of 8 August 2013 Council considered a report on the allocation of a budget for the expenditure of section 94 funds on land that was not in the care and control of Council. The report set out the process to be followed regarding the establishment of public positive covenants and compliance with Council’s Procurement Policy. At this meeting Council resolved:

13-365 Resolved:

1. *That Council:*

- a) *Allocate a budget of \$91,900 from the Community Facilities section 94 plan for the upgrading works at Broken Head Hall in accordance with the Byron Contributions Plan 2012 (\$58,000 from Rural South Civic and Urban Improvements and \$33,900 from Rural South Community Facilities); and*
- b) *Allocate a budget of \$125,000 from the Rural South Open Space Catchment for the Lighting of Eureka Sports Field in accordance with the Byron Contributions Plan 2012.*

2. *That staff continue to work with the Ewingsdale Hall committee to progress the expenditure of section 94 funds on the hall and report this matter back to Council.*

Item 1 (a) has been delayed as the Broken Head Hall committee did not provide the quotes for the work until 1 April 2014. The quotes were required in order to comply with Council’s procurement policy. Once the quotes were received and approved, staff appointed Marsdens Solicitors to prepare the required easements, these have been had taken longer than signed. The delay meant that the budget as set by Council lapsed on 1 July 2014. This item was reviewed by the finance committee and was included in the budget carry over report presented to Council on 28 August 2014. The budget has been set and the works will now proceed.

Item 1 (b) for the Lighting of Eureka Sports Field has been completed and the funds handed over to the Eureka trust.

With regard to item 2: The negotiations with the Ewingsdale Hall committee have been completed and the committee has agreed to the establishment of an easement and has provided Council with a cost estimation of the proposed works. Marsdens Solicitors were appointed and have prepared the easement and a deed of release and this is with the Hall committee to sign. The Hall committee has submitted the required quotes for the upgrading of the hall kitchen and now seeks a budget from Council to allow for the works to proceed. The cost of the works from the preferred suppliers is:

The breakdown of the work is:

Stainless steel fitout of the kitchen to commercial standard	7,150
Two-door display fridge	1,970
Gas cooker with range-hood and ducting	2,500
Electric oven/stove	1,738
2 microwave ovens	458
Total	13,816

The cost of the preparation of the easements and deed of release needs to be incorporated into the budget for this item. To date it has been paid for by the Section 94 administration fund. The cost of the establishment of the covenant is approximately \$2,500. These covenants will also be used for future works that involve the expenditure of section 94 funds on the site. These future works are the establishment of outdoor seating, picnic tables and barbecue facilities.

The Hall committee has also requested funding for the painting of the exterior of the hall. The cost of painting the exterior of the Ewingsdale hall is \$7,139. The guidelines prepared by the Department of Planning state that section 94 funds are not to be used for maintenance. Section 94

funds are to be used for new capital items and the painting of the exterior of the Hall should be excluded.

Financial Implications

5

As this work is being 100% funded from developer contributions there is no impact upon the general fund or the long terms financial sustainability of the Council.

Statutory and Policy Compliance Implications

10

The recommended expenditure is in accordance with the adopted 2012 Developer Contributions Plan (Amendment 2) that came into force on 15 July 2014. The exception to this is the request for funds to paint the hall exterior this should be denied as it is not in accordance with the plan and because it is maintenance.

15

The works as proposed are less than had been estimated in the contributions plan. Once the works are completed this item would need to be removed from the plan as no further contributions are required. This would be undertaken in the next review of the plan.

INFRASTRUCTURE SERVICES – STAFF REPORTS

Report No. 13.12. Backflow Prevention Policy

Director: Infrastructure Services

5 **Report Author:** Bob Harris, Systems Planning Officer

File No: #E2014/53124

Theme: Community Infrastructure - Water Supply

Summary: As the Local Water Utility, it is Council's responsibility to satisfy the requirements of the Plumbing Code of Australia, and Australian Standard AS/NZS 3500.1. Part of that responsibility is to develop a Backflow Prevention Policy and to continue with a program to satisfy these requirements.

10 **RECOMMENDATION:**

- 1. That the Draft Backflow Prevention Policy be placed on public exhibition for 30 working days for the purpose of community consultation in accordance with Section 160 of the Local Government Act 1993.
- 15 2. That Council receive a further report in late 2014 addressing any comments received during the exhibition period and presenting a final draft Backflow Prevention Policy for adoption by Council or, in the event that no submissions are received, adopt the documents as exhibited.

20 **Attachments:**

- 25 • Draft Backflow Prevention Policy #E2014/56198 [8 pages] **Annexure 1**

Report

5 The principal objective of the Backflow Prevention Project and Policy is to protect the quality of water supplies by reducing the risk of contamination by backflow, back siphonage and cross connections. Such contamination can affect not only the water distribution system; but also impact on individual or large numbers of consumers.

10 The most recent *Plumbing and Drainage Act 2011* modified the regulations for Plumbing and Drainage within NSW. The *Plumbing and Drainage Act 2011* and subsequent regulations arose from a NSW Government report on restructuring the arrangements for regulating plumbing and drainage in New South Wales.

15 Prior to the passing of the *Plumbing and Drainage Act 2011*, the *Local Government (General) Regulation 2005* required that all plumbing works that are connected to a Local Water Utility / Council's (LWU) water supply must be in accordance with NSW Plumbing and Drainage Code of Practice.

20 Under the *Plumbing and Drainage Act 2011* the Plumbing Code of Australia (PCA) is the new technical standard for all plumbing and drainage work in NSW. All plumbing and drainage work in NSW must comply with the PCA. The PCA, while replacing the more prescriptive NSW Code of Practice for Plumbing and Drainage, also replaced all other local requirements. The PCA sets out performance requirements for the design, construction, installation, replacement, repair, alteration and maintenance of plumbing and drainage installations.

25 The former NSW Code of Practice for Plumbing and Drainage, while setting out the technical requirements for plumbing and drainage activities, also set out other administrative requirements which are not contained in the PCA or Australian Standards AS/NZS 3500. These included that:

- 30 a. all backflow prevention devices for high and medium rated properties were the responsibility of the property owner
- b. the property owner was required to register their backflow prevention device with the water supply authority
- 35 c. the property owner was required to certify annually that their backflow prevention device(s) are functioning as designed, with a copy of the certificate to be forwarded to the water supply authority
- 40 d. the inspection and testing of backflow devices was required to be undertaken by a licensed plumber accredited through completion of a recognised backflow course
- e. the water supply authority is permitted to determine the most appropriate form of cross connection prevention

45 As these administrative requirements have not been included in the Plumbing Code of Australia, it is necessary for a LWU to set a policy on how it administers its backflow prevention program. The draft policy provided at Annexure 1 to this report incorporates the administrative requirements set out in the previous NSW Code of Practice for Plumbing and Drainage.

50 Council has the ultimate responsibility and accountability for the implementation and management of control measures necessary to protect the quality and integrity of the water supply systems in its custody.

55 To reiterate, Council has the following obligations:

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (67)

- a. to ensure the appropriate installation, testing, maintenance and certification of backflow prevention devices
- 5 b. to ensure that property owners and plumbers are made aware of the requirements for backflow prevention devices and their applicable responsibilities
- c. to verify the certification and accreditation of plumbers
- 10 d. to ensure that non-complying properties are brought into line with the requirements of Plumbing Code of Australia and the Australian Standard AS 3500 Part 1
- e. to ensure that all testable devices are tested annually and maintain a register of test results
- 15 f. to issue orders under the Local Government Act 1993 and associated, relevant regulations including denying supply, disconnection, levying of fees and charges and carrying out any work at the customer's cost
- g. in terms of the installations, Council is required to do the following:
 - 20 i) ensure that all new installations comply with the requirements for backflow prevention and cross connection control
 - ii) manage the processes and procedures for new service connection applications to ensure compliance by plumbers and landowners
 - 25 iii) maintain a database of all testable devices, including registered air gaps

In addition to Council's and the property owner's responsibilities, licensed plumbers have the following responsibilities:

- a. backflow prevention accreditation, including supplying the relevant accreditation information
- 30 b. installation, commissioning, testing and maintaining devices in accordance with Australian Standard AS 3500 Part 1
- c. to determine the type of device to be installed
- d. supply to Council a Certificate of Compliance and a Backflow Prevention Device and Maintenance Report for all installations

35 In June 2014 the NSW Office of Water, via Circular LWU 18, advised that a new protocol must be implemented for all Council / LWU's providing drinking water supply. Under this protocol, each LWU is to ensure that standard operating procedures meet the minimum requirements for ensuring each potable water supply is safe from microbial contamination, as set out in appendix E of 2012-40 13 NSW Water Supply & Sewerage Benchmarking Report.

45 The actions identified in section E3 are a matter of priority in the next 12 months. Section E3 details Barrier 2 Protection – Ensure Distribution System Integrity to prevent contamination, of which Part C and D are backflow prevention.

It is intended that the Backflow Prevention Policy will provide protection to and apply to all customers connected to Council's water supply.

The Backflow Prevention Project

50 Council staff are currently involved in a Backflow Prevention Project designed to provide a picture of the backflow prevention status in the Shire, with the intent to improve the system and draft a Backflow Prevention Policy that will provide protection to and apply to all customers connected to Council's water supply.

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (68)

Key Objectives of the Project

- a. implement and maintain a Backflow Prevention Register in conjunction with Council' Drinking Water Quality Management Plan (Res No. 13-213) and Reticulated/Town Drinking Water Quality Policy No. 12/017
- b. reduce the number of premises that are non-compliant with Backflow Prevention systems
- c. implement of a Backflow Prevention Policy
- d. educate property owners and businesses owners of affected premises

Schedule

1. 11 April 2014 project commencement and contract technical officer engaged - *completed*
2. by fourth week - liaise with other BSC departments and NSW Government Departments to update installation and maintenance register – *completed*
3. by sixth week – liaise with LAC to implement new procedures for new backflow prevention systems - *completed*
4. tenth weeks – education and implementation of policy to 80% of premises for the government, high use and high hazard premises – *completed for premises with existing devices and Government and Council properties*
5. fourteenth week – update backflow prevention register 80% complete – *completed*
6. sixteenth week – Backflow Prevention Policy to be reported to Council - *attached ready for submission to Council*

Results

Property inspections were carried out in commercial and industrial areas of the Byron Shire to identify premises with existing containment (boundary) backflow devices (BD) that require testing. As a result:

1. there are currently 360 water service connections with water meters over 25mm, many of which do not have containment backflow prevention
2. 24 Council and government owned properties were identified and letters were sent detailing requirement for installation and / or maintenance of backflow devices
3. 60 commercial properties were identified with existing backflow devices that require an annual test and letters were sent requesting a maintenance report and also to provide information about backflow prevention
4. the remaining 169 premises are a mixture of commercial and residential properties without containment backflow devices, or with existing devices that have not been located

Due to the lack of information in Council records, it was not possible to locate the water meter (backflow devices) in all cases and further investigation is required.

Backflow Prevention Policy Development

The NSW Water Directorate initially developed guidelines in May 2009. The updated 2013 guidelines, produced with considerable input from a number of member councils, are designed to assist Local Water Utilities (LWUs) to meet their legislative requirements with respect to the prevention of backflow in their water supply systems.

The following extracts are from the NSW Water Directorate Backflow and Prevention and Cross Connection Guidelines are relevant.

5 Extract 1 - It should be noted that the Drinking Water Management Plan that is required to be developed by all LWUs by 1 September 2014 is a structured risk-based approach to drinking water management. The incorporation of a Backflow Prevention Policy is considered an essential risk-based element of the Drinking Water Management Plan.

10 Extract 2 - Under the Australian Standard AS 3500 Part 1, all properties with a connection to the water supply systems and with a medium or high hazard rating must install appropriate, testable, backflow prevention devices for containment purposes.

Many LWUs are now requiring all metered water service connections to be fitted with a backflow prevention device (for the health reasons and instances cited in Section 4 Public Health Issues), particularly for new developments.

15 In these cases, all new properties with a low hazard rating are required to install a non-testable device (as a minimum) that is usually built into the water meter assembly. This is now regarded as best practice management of water supply systems to ensure public health protection.

20 At its meeting of 1 July 2014 the Water, Waste and Sewer Advisory Committee considered a report on the Backflow Prevention Project and Policy. The minutes of that meeting were reported to Council on 7 August 2014 and Council subsequently resolved as follows:

25 **14-353 Resolved** that in relation to Report No. 4.3. - Backflow Prevention Project and Policy (#E2014/38659), Council adopt:

Committee Recommendation WWS 4.3

- 30 1. That Council note:
- a) the Backflow Prevention Project and its progress
 - b) the previously adopted Drinking Water Quality Management Plan
- 35 2. That the draft Backflow Prevention Policy be reviewed prior to submission to Council in September, with the following issues being part of the review:
- a) whether, as a minimum, commercial and industrial premises are fitted with testable devices
 - b) that residential premises with a 20mm service be required to fit a non-testable device (as would occur through the meter replacement program)
 - 40 c) what hazard assessment criteria will be used

As a result of the Committee's recommendations, amendments have been made to the draft policy to clarify the items outlined in point 2. These amendments are highlighted.

45 Consultation

Council, via Rous Water staff, has consulted with NSW Office of Fair Trading, the NSW Plumbing Regulator, concerning the lack of provision for backflow administrative arrangements in the Plumbing Code of Australia when compared to the former NSW Code of Practice for Plumbing and Drainage. Fair Trading has advised that it is appropriate for individual councils to make a policy covering their administration of backflow prevention.

Financial Implications

55 This policy does not cause additional cost to Council above what is already budgeted for backflow management.

The policy recommends fees for specific activities. The fees will be determined as a part of the Operational Plan development process and subject to future determinations of Council.

Statutory and Policy Compliance Implications

5 Council, as the supplier of potable water to the public, must ensure that it meets its obligations under the Australia Drinking Water Guidelines and its Drinking Water Quality Management Plan to provide safe drinking water to consumers. Backflow prevention has been identified as the highest risk to water quality in the Drinking Water Quality Management Plan and must be effectively
10 addressed.

15 Under the Plumbing Code of Australia and the Australian Standard AS 3500 Part 1, all properties with a connection to the water supply systems and a medium or high hazard rating must install appropriate, testable, backflow prevention devices for containment purposes. This policy ensures that the legislative requirements and methods for the prevention of contamination of the drinking water within the water service and the water main are known and implemented.

Report No. 13.13. Community Infrastructure Advisory Committee - Community Representative Nominations

Director: Infrastructure Services
Report Author: Melissa Moore, Administrative Assistant
File No: #E2014/52896

5

Theme: Community Infrastructure, Local Roads and Drainage

Summary: This report provides details of the eight nominations received for community membership on the Community Infrastructure Advisory Committee for determination by Council.

RECOMMENDATION:

10

1. That Council appoint a replacement community representative from the eight nominations for membership of the Community Infrastructure Advisory Committee.
2. That Council formally thank any unsuccessful applicants for their expressions of interest to membership of the Community Infrastructure Advisory Committee.

15

Attachments:

20

- **CONFIDENTIAL** Summary of Nominations Received for the Community Infrastructure Advisory Committee #E2014/54408 [2 pages].....**Annexure 3(a)**
- **CONFIDENTIAL** Full copy of all nominations received #E2014/54441 [24 pages]..... **Annexure 3(b)**

25

Annexure 3(b): Due to the size of this document it has been provided on the Councillors' Agenda CD only; an electronic copy can be viewed on Council's website

Report

5 Following the recent resignation of a community representative on Council's Community Infrastructure Advisory Committee, a recommendation was considered by Council regarding advertising for a replacement representative.

At the Ordinary Meeting of 7 August 2014, Council resolved as follows:

10 **14-336 Resolved** that in relation to the Committee's membership, Council adopt:

Committee Recommendation CIAC 1.1:

15 *That Council advertise for new community members and contact anyone who has previously registered their interest in membership.*

Advertising for a replacement community representative commenced following the Committee meeting of 6 June and closed on 11 August 2014. Four new applications have been received and four previous applicants have expressed interest in having their nominations reconsidered by Council.

20 A table providing a summary of nominations is provided as Confidential Annexure 3(a). Full copies of all nominations received are provided strictly on a confidential basis (Annexure 3(b)). The full copies of the nominations contain personal information such as names and addresses of the persons lodging nominations.

25 In accordance with the adopted Constitution of the Community Infrastructure Advisory Committee, three community representatives may be appointed to the committee.

Financial Implications

30 All community representatives on the Community Infrastructure Advisory Committees are volunteer positions.

35 Councillors appointed to the Community Infrastructure Advisory Committee can claim travel expenses to and from each meeting in accordance with Council's adopted Policy – Mayor and Councillors Payment of Expenses and Provision of Facilities – Clause 4 Travel Expenses.

Statutory and Policy Compliance Implications

40 Advisory Committees operate in accordance with their adopted Constitutions.

Further information on these advisory committees can be found on Council's website at www.byron.nsw.gov.au/committees.

GENERAL MANAGER - COMMITTEE REPORTS

Report No. 14.1. Report of the Tourism Advisory Committee Meeting held on 15 August 2014

5 **General Manager**
Report Author: Joanne McMurtry, Tourism Officer
File No: #E2014/56149

Theme: Economy

Summary: A Tourism Advisory Committee meeting was held on 15 August 2014 and this report provides the minutes of the meeting to Council.

The Committee received a number of verbal reports on current projects, and discussed and noted reports on the proposed Byron Green Keys Project and Mark II (V2) of the Byron Trails Map/App. The main part of the meeting was spent discussing the expansion of the role of the committee and a recommendation was made to Council.

10 **RECOMMENDATION:**

- 15 1. **That Council gives its support for the establishment of a Sustainable Economic Development and Management Advisory Committee, which includes the TAC Terms of Reference and the continued implementation of the Tourism Management Plan and the original intent of the Tourism Advisory Committee to minimise any negative impacts of tourism on the local community whilst simultaneously developing Byron’s tourism industry in a way that strengthens the Byron brand and develops a sustainable visitor economy.**
- 20 2. **That a Terms of Reference be formulated by Council staff, with input from external stakeholders if required to ensure that the Advisory Committee will incorporate community, business and sustainability representation, for consideration by Council.**
- 25 3. **That following the establishment of the SEDMAC, the continuation of the TAC be considered.**

Attachments:

- 30 • Minutes of the Tourism Advisory Committee meeting held 15 August 2014 #E2014/54379 [6 pages] **Annexure 16**

Report

A Tourism Advisory Committee meeting was held on 15 August 2014. A copy of the minutes of the meeting are attached in Annexure 16.

5 The Committee received a number of verbal reports on current projects, and discussed and noted reports on the proposed Byron Green Keys Project and Mark II (V2) of the Byron Trails Map/App. The main part of the meeting was spent discussing the expansion of the role of the committee and the following recommendation was made to Council:

10 **Committee Recommendation TAC 5.1**

That the Tourism Advisory Committee recommends to Council:

- 15 1. Its support for the establishment for a Sustainable Economic Development & Management Advisory Committee, which includes the TAC Terms of Reference and the continued implementation of the Tourism Management Plan and the original intent of the Tourism Advisory Committee to minimise any negative impacts of tourism on the local community whilst simultaneously developing Byron's tourism industry in a way that strengthens the
- 20 Byron brand and develops a sustainable visitor economy.
2. That a Terms of Reference be formulated by Council staff, with input from external stakeholders if required to ensure that the advisory committee will incorporate community, business and sustainability representation, for consideration by Council
- 25 3. That following the establishment of the SEDMAC, the continuation of the TAC be considered.

All other recommendations were procedural and do not require Council approval.

30 **Financial Implications**

Nil

35 **Statutory and Policy Compliance Implications**

Byron Shire Tourism Management Plan 2008 – 2018

CORPORATE AND COMMUNITY SERVICES - COMMITTEE REPORTS

Report No. 14.2. **Report of the Internal Audit Advisory Committee Meeting held on 21 August 2014**

Director: Corporate and Community Services
Report Author: Mark Arnold, Director Corporate and Community Services
File No: #E2014/56664

Theme: Corporate Management, Internal Audit

Summary: This report provides the minutes and recommendations of the Internal Audit Advisory Committee Meeting held on 21 August 2014 for determination by Council.

10 RECOMMENDATION:

1. That Council note the minutes of the Internal Audit Advisory Committee Meeting held on 21 August 2014.

15 2. That in relation to Report No. 4.1 - Internal Audit Report – Audit Committee August 2014, Council adopt:

Committee Recommendation IAC 4.1.

20 That Council receive and note the Internal Audit Report – Audit Committee (August 2014) (Annexure 2 #E2014/52869) prepared by the Internal Auditor, Grant Thornton.

25 3. That in relation to Report No. 4.2 – Internal Audit Report – Independent Compliance Audit Report – Compliance with the Roads and Maritime Services of NSW DRIVES Terms of Access Agreement, Council adopt:

Committee Recommendation IAC 4.2.1

30 a) That the Independent Compliance Audit Report – Compliance with the Roads and Maritime Services of NSW DRIVES Terms of Access Agreement be noted by Council, including the responses and actions detailed by Management.

35 b) That Management implement the recommendations detailed in the report and also identified at Annexure 3 (#E2014/50523).

40 4. That in relation to Report No. 4.3 - Internal Audit Report – Dealing with Emergencies Review 2014, Council adopt:

Committee Recommendation IAC 4.3.1

45 a) That the Internal Audit Report – Dealing with Emergencies Review May 2014 be noted by Council, including responses and actions detailed by Management.

45 b) That Management implement the recommendations suggested in the report identified at Annexure 1 (#E2014/43644).

5. That in relation to Report No. 4.4 - Internal Audit Report - Water Supply and Sewer Infrastructure, Council adopt:

Committee Recommendation IAC 4.4.1

- 5 a) That the Internal Audit Report – Water Supply and Sewer Infrastructure May 2014 be noted by Council, including responses and actions detailed by Management.
- b) That Management implement the recommendations suggested in the report identified at Annexure 4 (#E2014/50494).

10

Attachments:

- Minutes of the Internal Audit Advisory Committee Meeting held on 21 August 2014 #E2014/53283 [2 pages] **Annexure 7(a)**
- 15 • Agenda and Annexures for the Internal Audit Advisory Committee Meeting held on 21 August 2014 #E2014/51560 [44 pages] **Annexure 7(b)**
- **CONFIDENTIAL** Annexures of the Internal Audit Advisory Committee Meeting held on 21 August 2014 #E2014/52869, #E2014/50931 [70 pages] **Annexure 7(c)**

20

Annexures 7(b) and 7(c): Due to the size of these documents they have been provided on the Councillors' Agenda CD only; an electronic copy can be viewed on Council's website and a hardcopy viewed at community access points around the Shire.

25

Report

This report provides the recommendations of the Internal Audit Advisory Committee Meeting held on 21 August 2014 for determination by Council.

5 The Committee recommendations are supported by management, and are as detailed in the Minutes of the Internal Audit Advisory Committee Meeting held on 21 August 2014, attached to this report at Annexure 7(a) and included as the recommendations for this report.

10 A copy of the Internal Audit Advisory Committee Agenda and Annexures for this meeting are provided at Annexures 7(b) and 7(c).

Financial Implications

15 As per the Reports listed within the Internal Audit Advisory Committee Meeting Agenda of 21 August 2014 [refer Annexure 7(b)].

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Internal Audit Advisory Committee Meeting Agenda of 21 August 2014 [refer Annexure 7(b)].

Report No. 14.3. Report of the Finance Advisory Committee Meeting held on 21 August 2014

Director Corporate and Community Services
Report Author: Mark Arnold, Director Corporate and Community Services
File No: #E2014/56665

5

Theme: Corporate Management, Finance Services

Summary: The report provides the minutes and recommendations of the Finance Advisory Committee Meeting held on 21 August 2014 for determination by Council.

RECOMMENDATION:

- 10 1. That Council note the minutes of the Finance Advisory Committee Meeting held on 21 August 2014.
- 15 2. That in relation to Report No 4.1 – Update on Byron Regional Sport and Cultural Complex (BRSCC) Projects, Council adopt:
Committee Recommendation FAC 4.1.1
That Council receive and note this Report.
- 20 3. That in relation to Report No 4.3 – Update Draft Updated Long Term Financial Plan 2014-2024, Council adopt:
Committee Recommendation FAC 4.3.1
That a report be provided to Council with the updated Draft Byron Shire Council Long Term Financial Plan 2014-2024 incorporating the assumptions and scenarios indicated in this report.
- 25 4. That in relation to Report No 4.5 –2013/14 Financial Sustainability Project Plan – Final Update on the Action Implementation Plan to 30 June 2014, Council adopt:
30 Committee Recommendation FAC 4.5.1
That the final update report to 30 June 2014 on the 2013/2014 Financial Sustainability Project Plan Acton Implementation Plan be received and noted.
- 35

Attachments:

- 40 • Minutes of the Finance Advisory Committee Meeting held on 21 August 2014 #E2014/54928 [2 pages] **Annexure 8(a)**
- Agenda and Annexures of the Finance Advisory Committee Meeting of 21 August 2014 #E2014/51547 [167 pages] **Annexure 8(b)**

45 *Annexure 8(b): Due to the size of this document it has been provided on the Councillors' Agenda CD only; an electronic copy can be viewed on Council's website and a hardcopy viewed at community access points around the Shire.*

Report

This report provides the recommendations of the Finance Advisory Committee Meeting held on 21 August 2014 for determination by Council.

5 The Committee recommendations are supported by management, and are as detailed in the Minutes of the Finance Advisory Committee meeting held on 15 May 2014, attached to this report at Annexure 8(a) and have been included as the recommendations for this report.

10 Reports in relation to the following Committee Recommendations were considered by Council at its meeting held on 28 August 2014. The Committee Recommendations in relation to these Reports were distributed to Councillors prior to the meeting for the information of Councillors.

15 **That in relation to Report No 4.2 –Carryovers for inclusion in 2014/2015 Budget, Council adopt:**

Committee Recommendation FAC 4.2.1

20 That the works and services, and the respective funding shown in Annexures 4(a) (#E2014/51598), 4(b) (#E2014/51609) and 4(c) (#E2014/51610), be carried over from the 2013/2014 Financial Year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2014/2015 Budget Estimates.

25 **That in relation to Report No 4.4 – Budget Review - 1 April 2014 to 30 June 2014, Council adopt:**

Committee Recommendation FAC 4.4.1

30 1. That Council authorises the itemised budget variations as shown in Annexure 2(b) (#E2014/53773) which includes the following results in the 30 June 2014 Quarterly Review of the 2013/2014 Budget:

- 35 (a) General Fund - \$11,800 increase in accumulated surplus
- (b) Water Fund - \$1,272,200 increase in reserves.
- (c) Sewerage Fund - \$1,482,300 increase in reserves.

2. That Council adopt the revised estimated General Fund Accumulated Surplus (Working Funds) of \$1,248,000 for the 2013/2014 financial year.

40 Council adopted these recommendations without amendment. On the basis that Council has considered and adopted these Recommendations, without amendment at its Ordinary meeting on 28 August 2014, these Committee Recommendations have not been included in the Recommendations for this report.

45 A copy of the Finance Advisory Committee Agenda for this meeting is provided at Annexure 8(b).

Financial Implications

50 As per the Reports listed within the Finance Advisory Committee Meeting Agenda of 21 August 2014 [refer Annexure 8(b)].

Statutory and Policy Compliance Implications

55 As per the Reports listed within the Finance Advisory Committee Meeting Agenda of 21 August 2014 [refer Annexure 8(b)].

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (80)

ENVIRONMENT AND PLANNING - COMMITTEE REPORTS

Report No. 14.4. Report of the Planning Review Committee Meeting held on 19 August 2014

Executive Manager: Environment and Planning

Report Author: Wayne Bertram, Manager Development Assessment and Certification

File No: #E2014/55007

PRESENT:

Councillors: Cr Richardson, Cr Hunter, Cr Dey, Cr Cameron

Staff: Wayne Bertram, Manager Development Assessment and Certification

The meeting commenced at 1.00pm and concluded at 1.45pm.

DA No.	Applicant	Property Address	Proposal	Reason/s	Outcome
10.2014.386.1	Alan Logan & Associates	10 Gordon St Mullumbimby	Secondary Dwelling		Delegated Authority

Council determined the following original development applications. The Section 96 application to modify these development consents are referred to the Planning Review Committee to decide if the modification applications can be determined under delegated authority.

DA No.	Applicant	Property Address	Proposal	Reason/s	Outcome
10.2013.562.2	Planners North	Bayshore Drive Byron Bay	S96 to alter conditions relating to water and sewer levies (North Byron Beach Resort Central Facilities Buildings)		Delegated Authority
5.1982.147.4	Geolink	Shara Boulevard Ocean Shores	S96 to delete requirement to build pathway to school (230 lot subdivision (originally over most of North Ocean Shores))		Delegated Authority
10.2011.381.4	RJG Architecture Pty Ltd	2 Bayshore Drive Byron Bay	S96 to alter building and carpark (Bunnings)		Delegated Authority

COMMITTEE RECOMMENDATION

That the report be noted.

GENERAL MANAGER - CONFIDENTIAL REPORTS

Report No. 15.1. CONFIDENTIAL Tender Assessment - Byron Bay Town Centre Masterplan 2014-0001

General Manager

5 **Report Author:** Jane Lavery, Economic Development and Tourism Coordinator

File No: #E2014/53528

Theme: Economy, Economic Development

Summary: At the Ordinary meeting on 12 June 2014 Council resolved (Res **14-266**) to accept the recommendations of the tender evaluation panel and invite eight organisations to the select tender stage for the Byron Bay Town Centre Masterplan.

Those eight tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2005.

10 **RECOMMENDATION:**

1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Tender Assessment, Byron Bay Town Centre Masterplan 2014-0001.
- 15 2. That the reasons for closing the meeting to the public to consider this item be that:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - 20 b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor, or reveal a trade secret.
- 25 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
 - a) Disclosure of the confidential information could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited;
 - 30 b) Tender respondents have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tender respondents could result in the withholding of such information by those respondents and a reduction in the provision of information relevant to Council's decision.
- 35 4. In accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, ALTERNATIVELY WHERE THE MEETING IS NOT PROPOSED TO BE CLOSED:

- 40 1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - 2014-0001 are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
- 45 2. That Council adopt the recommendation set out on the final page of the Report.

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (82)

Attachments:

- **CONFIDENTIAL** Tender Evaluation Panel Recommendation Report
#E2014/53513 [14 pages] **Annexure 2(a)**
- 5 • **CONFIDENTIAL** Master Scores #E2014/53866 [8 pages] **Annexure 2(b)**

Annexure 2(a): Due to the size of this document it has been provided on the Councillors' Agenda CD only.

10

INFRASTRUCTURE SERVICES - CONFIDENTIAL REPORTS

Report No. 15.2. CONFIDENTIAL Tender Assessment for Provision of Surf Life Saving Services 2014/2015 to 2015/2016

5 **Director:** Infrastructure Services
Report Author: Tony Nash, Manager Works
File No: #E2014/51884

Theme: Infrastructure Services, Open Space and Recreation

Summary: At the Ordinary Meeting of 22 May 2014, Council resolved [14-239] to prepare and advertise tenders for the provision of Surf Life Saving Services for two years commencing the 2014/2015 season, using the open tendering method.

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2005.

10 **RECOMMENDATION:**

1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Tender Assessment, .
- 15 2. That the reasons for closing the meeting to the public to consider this item be that:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - 20 b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor, or reveal a trade secret.
- 25 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
 - a) Disclosure of the confidential information could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited;
 - 30 b) Tender respondents have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tender respondents could result in the withholding of such information by those respondents and a reduction in the provision of information relevant to Council's decision.
- 35 4. In accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, ALTERNATIVELY WHERE THE MEETING IS NOT PROPOSED TO BE CLOSED:

- 40 1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
- 45 2. That Council adopt the recommendation set out on the final page of the Report.

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (86)

Attachments:

- 5 • **CONFIDENTIAL** Assessment Panel Recommendation Report #E2014/56818 [7 pages]**Annexure 4(a)**
- **CONFIDENTIAL** Tender Price Check #E2014/56829 [2 pages] **Annexure 4(b)**
- **CONFIDENTIAL** Alternative Tender from SLS P/L t/a ALS #E2014/55921 [2 pages]**Annexure 4(c)**

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (91)

Report No. 15.3. CONFIDENTIAL Tender Assessment – Hire of Crusher and Plant for Myocum Quarry 2014-0019

Director: Infrastructure Services
Report Author: Kristian Penrose, Works Engineer
File No: #E2014/56691

5

Theme: Community Infrastructure, Local Roads and Drainage

Summary: Tenders were invited using the open tender method for Hire of Crusher and Plant for Myocum Quarry.

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2005.

RECOMMENDATION:

- 10 1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Tender Assessment, Hire of Crusher & Plant for Myocum Quarry 2014-0019.
- 15 2. That the reasons for closing the meeting to the public to consider this item be that:
 - a) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
 - 18 b) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of the person who supplied it, or
 - 20 (ii) Confer a commercial advantage on a competitor of the Council, or
 - (iii) Reveal a trade secret.
- 25 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the tenderers, could adversely affect Council’s ability to contract with preferred tenderers or could affect Council’s ability to attract competitive tenders in the event that fresh tenders are invited
- 30 4. In accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.

OR, ALTERNATIVELY WHERE THE MEETING IS NOT PROPOSED TO BE CLOSED:

- 35 1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
- 40 2. That Council adopt the recommendation set out on the final page of the Report.

Attachments:

- 45 • **CONFIDENTIAL** Price Comparison Tenders #E2014/57277 [1 page] **Annexure 14(a)**
- **CONFIDENTIAL** Assessment Panel Recommendation #E2014/56676 [11 pages]..... **Annexure 14(b)**

BYRON SHIRE COUNCIL

ORDINARY MEETING

18 SEPTEMBER 2014 (94)

Report No. 15.4. **CONFIDENTIAL Tender Assessment - Possum Shoot Road Lower 2013-0045**

Director: Infrastructure Services
Report Author: Phillip Holloway, Director Infrastructure Services
File No: #E2014/51909

5

Theme: Community Infrastructure, Local Roads and Drainage

Summary: The General Manager on 14 October 2013, approved (E2013/66536) to prepare and advertise tenders for the construction of landslip repair works on Possum Shoot Road (lower slip).

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2005.

RECOMMENDATION:

- 10 1. That pursuant to Section 10A(2)(c) and (d) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the following report, namely Tender Assessment, Possum Shoot Road Lower - 2013-0045.
- 15 2. That the reasons for closing the meeting to the public to consider this item be that:
- a) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.
- b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, confer a commercial advantage on a competitor, or reveal a trade secret.
- 20 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
- a) Disclosure of the confidential information could adversely affect Council's ability to contract with preferred tenderers or could affect Council's ability to attract competitive tenders in the event that fresh tenders are invited;
- 25 b) Tender respondents have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tender respondents could result in the withholding of such information by those respondents and a reduction in the provision of information relevant to Council's decision.
- 30 4. In accordance with Sections 10A(4) of the *Local Government Act 1993*, that the Chairperson allow members of the public to make representations as to whether this part of the meeting should be closed.
- 35

OR, ALTERNATIVELY WHERE THE MEETING IS NOT PROPOSED TO BE CLOSED:

- 40 1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender Assessment - 2013-0044 are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d) of the Local Government Act 1993.
- 45 2. That Council adopt the recommendation set out on the final page of the Report.

CORPORATE AND COMMUNITY SERVICES - LATE REPORT

Report No. 16.1. Affixing Council Seal to Land Titles Transfer Document

Director: Corporate and Community Services
Report Author: Colin Sims, Project Coordinator - Buildings
File No: #E2014/60147

Theme: Property, Procurement and Contracts

Summary: Affixing the Council Seal to the land titles transfer document for the sale of Lot 1 DP 435267 Station Street Mullumbimby.



5

10 **RECOMMENDATION:**

That Council authorise the **General Manager** to affix the **Council Seal** to the transfer document in relation to the sale of Lot 1 DP 435267 in accordance with Regulation 400 of the **Local Government (General) Regulations 2005**.

15

Report

Land Information

5 Description: Lot 1 DP 435267 known as the former Telstra Depot Site, Station Street, Mullumbimby
Owner: Byron Shire Council
Classification: Operational land
LEP Zone: B4 Mixed Use

Background

10 At the General Meeting held 19 September 2013 Council resolved in part **Res 13-481**
That Council sell by public tender or auction, the former Telstra depot site being Lot 1 DP 435267, subject to the gazettal of the proposed rezoning under the draft shire-wide LEP and that the sale by public tender or auction not begin prior to June 2014.

15 An auction was held on 30 August 2014 with the property being passed in. Negotiations continued and the subject land was sold for \$517,000 (inc GST) with contracts of sale exchanged on 8 September 2014.

20 Settlement is scheduled for 8 October 2014.

The transfer document requires signing under Council seal in accordance with Local Government (General) Regulations 2005, for inclusion in the settlement transaction in accordance with the Real Property Act 1900

Financial Implications

25 There are no financial implications for affixing the council seal. The contracted sales price for the property is \$517,000 (inclusive of GST), which council will receive on settlement.

Statutory and Policy Compliance Implications

30 **Real Property Act 1900 No 25**

46 Transfers

(1) *Where land under the provisions of this Act is intended to be transferred, or any easement or profit à prendre affecting land under the provisions of this Act is intended to be created, the proprietor shall execute a transfer in the approved form.*

Local Government (General) Regulations 2005

400 Council seal

(4) *The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.*