



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 27 June 2019

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

Public Access relating to items on this Agenda can be made between 9.00am and 10.30am on the day of the Meeting. Requests for public access should be made to the General Manager or Mayor no later than 12.00 midday on the day prior to the Meeting.

Mark Arnold
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.

BYRON SHIRE COUNCIL

ORDINARY MEETING

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS

2. APOLOGIES

3. REQUESTS FOR LEAVE OF ABSENCE

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5. TABLING OF PECUNIARY INTEREST RETURNS (S450A LOCAL GOVERNMENT ACT 1993)

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15. QUESTIONS WITH NOTICE

Questions with Notice: A response to Questions with Notice will be provided at the meeting if possible, that response will be included in the meeting minutes. If a response is unable to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Councils website www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice

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BYRON SHIRE COUNCIL

ORDINARY MEETING

Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Director prior to the meeting. Any suggested amendments to the recommendations should be provided to Councillor Support 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 Participation in the Holiday Time Child Pedestrian Road Safety Signage Campaign

5 **File No:** I2019/896

I move that Council participate in the Child Pedestrian Road Safety Signage Campaign for Dec 2019 - January 2020 and send a letter to LBDF advising them of our thanks for and acceptance of their invitation to participate.:

Attachments:

10

- 1 Invitation to join the Little Blue Dinosaur Foundations "Holiday Time" Child pedestrian road safety signage campaign, E2019/41684 

15 **Signed: Cr Michael Lyon**

Councillor's supporting information:

20 In January 2014, while on holidays with his family at McMasters Beach, four year old Tom McLaughlin stepped onto a road and was killed when hit by a 4WD. Out of this tragedy the Little Blue Dinosaur Foundation (LBDF) was created by Tom's parents, Michelle and David McLaughlin, in memory of their son and to prevent this happening to others. The focus of the LBDF is to champion road safety within holiday towns (with a combination of high vehicle and pedestrian movements) and within holiday times through close collaboration with local governments.

25

Staff comments by Phil Holloway, Director Infrastructure Services:

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

Background

30

Through the creation of posters, corflute's, banners and other signage at key tourist hot spots, the LBDF flagship "Holiday Time" campaign is up and running in 42 local government areas across Australia, including: Tweed, Kiama, Midcoast, Newcastle and Port Macquarie Councils.

35 Port Macquarie – Hastings Council and Midcoast Council stated during preliminary research by Council staff that their campaigns had strong community support for such a personal campaign. A sign the community has embraced the campaign the Port Macquarie - Hastings community keeps suggesting new locations which council considers and reviews each year.

40 The manner in which a campaign is rolled out and designed is typically done in close collaboration with the LBDF, drawing on their experience of what does and doesn't work. In particular, LBDF can assist with items, such as:

- 45 • Identifying the best location for signage and recommended signage at each location which Council can then confirmed or amended based on local knowledge. Within Byron Bay Shire it is anticipate the campaign could potentially be rolled out in a number of areas (subject to proper planning), such as: Brunswick Heads, Byron Bay, Wategos, Suffolk Park and Broken Head. For the first year it may be appropriate to limit it to just one township.

- Provide signage which the LBDF developed in consultation with the RMS (note, signs can be from small bin stickers to large 3m by 3m signs). Below is an example of the types of signs that can be designed and potentially supplied.



Once the campaign is designed it is Council's responsibility to then:

- Put up the signs in early December and then taken down late January.
- Organise a launch event to advertise and celebrate the campaign. This event is prepared by Council's in consultation with LBDF who help provide mascots and signage. Some Council's have organised large BBQ events at beach front parks with Police, Fire and Rescue are present with their vehicles for show and colour. Others invite local news and media to attend for maximum coverage.
- Depending on the number of signs, area over which signs are installed and scale of the launch event it is recommended to ensure specific and sufficient staff is dedicated to the campaign and a working group establish over summer to set up signs, run the launch event, maintain signage and bring them down at the end.
- Council funds the time and labour to install the signs, advertise the campaign and take down the signs. A potential source of funding is through the Road Safety Program funding to launch the campaign and purchase more signs if required and advertise.

Council staff are currently undertaking discussions with RMS to confirm whether funding to support the campaign can be obtained through the Road Safety Program.

Financial/Resource/Legal Implications:

Signage and posters provided. Some in kind support from staff.

Potential Funding from RMS up to \$10,000 applications close 30 June 2019.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	L2	CSP Strategy	L3	DP Action
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.2	Support community driven safety initiatives

Notice of Motion No. 9.2 Arts and Cultural Funding
File No: I2019/903

I move that Council:

1. **Undertake a full cultural planning exercise in order to design a new Arts and Cultural Policy, Plan and Strategy.**
2. **Review the current Public Art Strategy and revise the Commissioning Contract.**
3. **Allocate up to \$100,000 in the 2019-20 Operational Plan and Budget, as per staff report estimates (August 2, 2018, for Res 18-450), for the engagement of a specialist arts consultant or contractor to assist in house staff over a 12 month period.**

Signed: Cr Jan Hackett

Councillor's supporting information:

Note resolutions 18-256 (19 April 2018) and 18-450 (2 August 2018). The promised Arts and Cultural Policy has been twice delayed from June 2019, to September 2019 and most recently February 2020.

In the meantime, spending in the Arts continues to be budgeted in a seemingly ad hoc and reactive fashion – exhibition coordinator salary (Lone Goat Gallery), prizes/awards (Mayor's discretionary allowance), Public Art, and Arts Northern Rivers annual contribution. It would appear that Council is attempting to develop and coordinate their engagement in the Arts using non-specialist in-house staff and without a budget. It's an impossible ask and yet another example of the Arts being seen as non-core business - simply icing on the cake. Yet their value to community wellbeing is immense.

The random reactive ad hoc approach to the arts adopted so far, without an overarching long-term policy or strategy in place or any community consultation with our rich arts community, has put a huge burden on staff from the Corporate and Community Service Department.

With public failures having resulted with some large-scale early projects (eg Bayshore Drive unfinished sculpture), continuing to delay "putting the head on the chook" is fraught with problems. Therefore, the engagement of specialist part-time staff or the hiring of professional consultants is vitally needed in the next financial year if we are going to effectively operate on a level playing field and maximise our low spend in this socially beneficial field. How Council proceeds - as leader, enabler, provider, funder or simply advocate – depends on consultation with key stakeholders and the broader arts community.

The Creative Arts are a powerful social force. They are vital to any community's sense of identity, inclusion, liveability, reconciliation and survival. Arts and culture play a critical role in enriching ratepayer's lives. They are the glue that strengthens a community and keeps it connected. This Shire is rich with practicing and aspiring artists and general creative endeavour. If Council is to engage in this sector it must start with its strong art community. Together we can then determine what level of support and engagement Council can sustain over time.

It must be noted Byron Shire Council is lagging far behind other Shire Councils of similar size in its support for the arts. While the Shire provides a rich tapestry of workshops, exhibitions, theatre, events, concerts etc., these have all been made possible by private individuals, not for profits, or commercial enterprises. Council's role in the arts and culture must concentrate on furthering

community engagement and participation to help bring this increasingly fragmented community together.

- 5 Byron Shire Council is one of the few remaining Councils in NSW without a Community or Regional Gallery. Local council run galleries, with their associated activities (workshops, lectures, art classes, studio practice, et al) are one of the major building blocks for community wellbeing and cohesion. They are also an alternative tourist drawcard, a meeting place or destination, and have real and substantial economic values for communities.
- 10 Byron Shire needs to live up to its self-promotion of being a “go to” creative hub in this region. We need to engage and plan in one of our richest assets - our independent, wildly individual and original, creative community.



- 15 **Staff comments by Sarah Ford, Manager Social and Cultural Planning, Corporate and Community Services:**
(Management Comments must not include formatted recommendations – resolution 11-979)
- 20 A Notice of Motion by Cr Hackett to the 19 April 2018 Ordinary Meeting Council resolved (Res **18-256**):
“That the Community Development Team prepare a report for Council outlining the human resources and costs required to develop and oversee an Arts and Cultural policy so that we might have an integrated approach to whole-of-Council planning for the arts and culture in Byron Shire. This report to be delivered prior to the end of the financial year (June 2018).”
- 25

The Social and Cultural Development team made enquiries in relation to best practice examples of Arts and Cultural policies with other regional local councils. The report was delivered to Council at the 2 August 2018 Ordinary Meeting.

Staff outlined the varied approaches of other local councils, noting that a simple Policy review was within the resourcing capabilities of the Social and Cultural Development team. However should a

Cultural Planning exercise be considered by Council, cost estimates for a consultant/contractor were that it would be in the vicinity of \$100,000.

Council resolved (Res **18-450**):

- 5 *"That Council note that the Cultural Policy will be reviewed by June 2019 to develop a new 'Arts and Cultural Policy' within existing Council resources utilising best practice examples and including consultation with key arts and cultural stakeholders as outlined in the report"*

- 10 The Social and Cultural Development team is in the early stages of the review which includes;

- Literature review
- Existing Policy review
- Consultation with key stakeholders

- 15 The Arts and Cultural Policy was to be delivered by June 2019, however due to the additional requirement to review and update the Public Art Guidelines and commissioning contract and process, plus the currently ongoing requirements of the Lighthouse project, the Social and Cultural Development team will have a draft Arts and Cultural Policy completed by February 2020.

- 20 Financial/Resource/Legal Implications:

Based on recent (2017/18) research into the cost of developing an Arts and Cultural Plan and associated strategy, it is still considered that a budget of \$100,000 would be required to engage an experienced arts consultant to undertake the work.

- 25 This cost however does not take into consideration the staff resources required to support the effective delivery of a large scale planning exercise. Based on feedback from other Councils that have engaged in a Cultural Planning process, staff would be required to:

- 30 • Assist with engagement and stakeholder mapping
- Attend engagement sessions
- Provide existing documentation
- Distribute key information to community
- Develop and implement a media and communications plan
- 35 • Provide a point of contact for community
- Manage the contract

- 40 Currently this has not been factored into the Social and Cultural Development team's proposed projects in the 2019/2020 Operational Plan. If this support were to be delivered within existing resources, there would be considerable negative impact on other planned projects for 2019/20.

- 45 The 2019/20 budget is subject to a separate report to this Council meeting and is already projecting a deficit position prior to consideration of adding the estimated costs outlined in this Notice of Motion to the budget.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	L2	CSP Strategy	L3	DP Action
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Former Byron hospital project - governance models

Directorate: General Manager

Report Author: Claire McGarry, Place Manager - Byron Bay

File No: I2019/750

Summary:

In May 2019, Council resolved to purchase the former Byron Hospital site from the NSW Government following a proposal from a Community Steering Committee to return the site to the local community.

While Council and community are working together to progress plans for future use of the site, determining the best governance model for the operation of the site is critically important to its success.

A range of governance models have been investigated based on what will meet the project objectives as detailed in this report, including:

- Providing the most effective operating model to maximise opportunities for the site
- Embracing community-led governance
- Ensuring transparency.



This report details the benefits and risks of a range of models and seeks Council endorsement of a direct lease model.

RECOMMENDATION:

That Council:

1. **Notes the range of governance models investigated for the development and operation of the former Byron Bay Hospital site**
2. **Notes the intention of the Community Steering Committee to form a not-for-profit incorporated association to manage the project**
3. **Nominates the incorporated association formed by the Community Steering Committee as a direct lessee for the site with a view to formalising the terms and conditions of this lease at the next stage of the project**
4. **Be provided with draft documentation for consideration prior to a lease being negotiated, including but not limited to:**
 - Constitution of incorporated association and processes around Board election;
 - Draft terms and conditions of head lease
 - Draft terms and conditions of sub-leases
 - Tenancy selection requirements
 - Rental subsidy methodologies
5. **Request the General Manager, or his delegate, to liaise with the Office of Local Government on the proposed mechanism to ensure that Council meets its statutory requirements**

Attachments:

- 1 Proposal to NSW Health - Repurposing of the former Byron Hospital site.pdf, E2018/56011 
- 2 Draft Governance Model Options for former Byron Bay Hospital - Version 1, E2019/10988 

5

REPORT

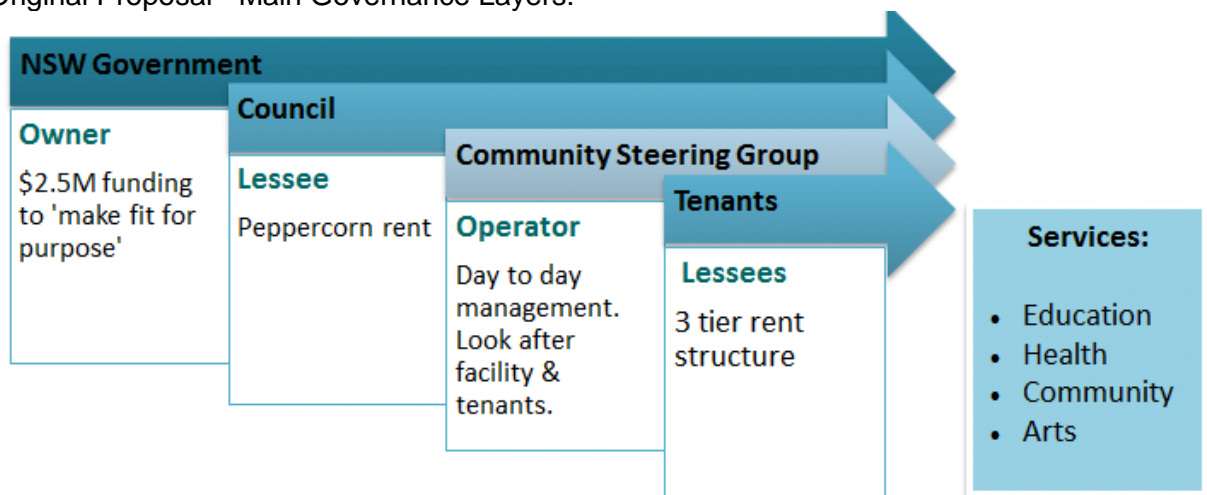
Getting Here

- 5 April 2016 In response to enquiries from members of the public about the future of the former Byron Hospital property, Local Health District advised that it is normal practice for Health Administration Corporation to work with Government Property NSW in the disposal of surplus properties at the appropriate time.
- 10 2017 Community group hold community meetings to discuss future of the site
- Dec 2017 Council resolved (Res **17-692**):
- That Council write to NSW Health and Health Minister to:*
- 15 1. *outline Council's interest in working alongside the Byron Bay community to provide a community focused use of the old Byron Bay hospital site.*
2. *request NSW Health to defer any decision on any potential sale of the site for six months, in order for Council and a partnership with the community to form and develop a proposal to either purchase the site or pursue a long term lease arrangement.*
- 20
- Jan 2018 State Government announces a 6-month moratorium on sale of the site to enable community group to prepare and submit their proposal to NSW Government.
- 25 June 2018 Byron Shire Council, on behalf of the community (Res **18-427**), submitted a proposal to the Department of Premier and Cabinet to return the Byron hospital to the local community (Attachment 1) to provide "vital and currently lacking welfare, social, cultural and educational services".
- 30
- Feb 2019 Council received an update on the hospital project including governance models to be investigated (Res **19-077**)
- 35 May 2019 Council resolved to purchase the site from the NSW Health Administration Corporation (Res **19-223**) and classify it as operational land

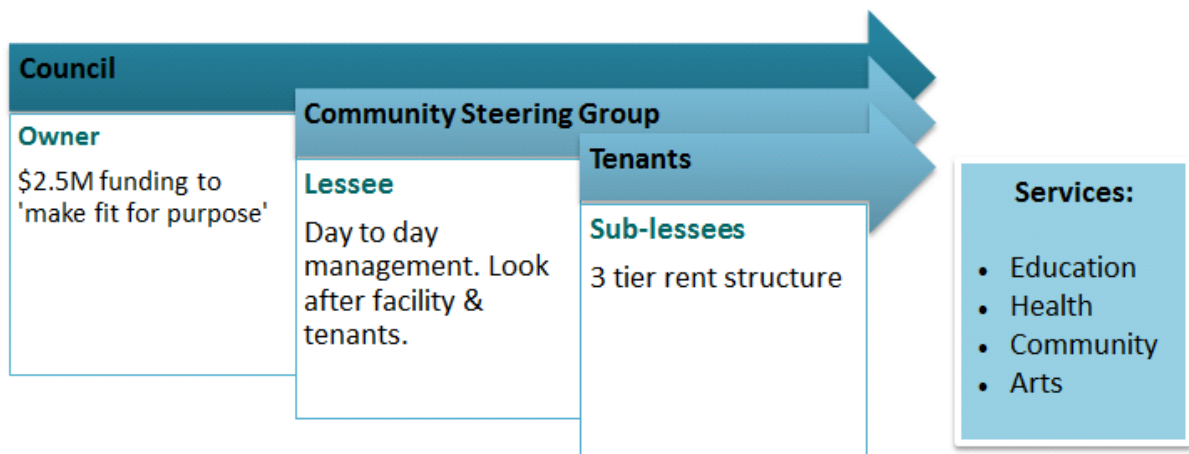
Facility Ownership, Management and Operation (Governance)

- 40 The original proposal involved four main layers of involvement, with Council's role being lessee or trustee for State Government and with State Government retaining ownership of the facility and funding the estimated \$2.5m costs to make it fit for purpose.
- 45 The terms of the contract with the State Government were that Council owns the facility and is responsible for most of the estimated costs to make it fit for purpose (with State Government contributing \$200,000 towards immediate 'make safe' costs).
- 50 The result is reduction of one main layer of involvement but the same recommended overall structure and service outcomes as shown below.

Original Proposal - Main Governance Layers:



Final Proposal – Main Governance Layers:



- 5 Staff undertook preliminary investigations into governance model options to ascertain which model(s) the Community Steering Committee and Council would consider workable, and the processes and requirements to establish them.
- 10 Staff initially identified at least 11 potential governance models that could be considered for this project – these are outlined in the attached Research Paper (Attachment 2). These were prepared at a time when NSW Government would remain the owner, so with the later change in ownership to Council some of the initial models become redundant. Each of the models had varying levels of:
- impost on Council (cost, resourcing and risk);
 - degree of community involvement;
 - process complexity; and
 - level of autonomy and decision-making power.
- 15

20 In order to determine the most appropriate governance model, a number of Governance Project Objectives were developed and are outlined below.

Governance Project Objectives

- 25 The Community Steering Committee developed objectives for the governance model which are to ensure that it:
- Maximises opportunities to harness grant, public and philanthropic funds.
 - Maintains capacity to access low interest loans to part-fund re-development.

- Enables employment of staff.
- Minimises red tape.
- Ensures a high level of transparency and a medium-high level of autonomy.
- Enables the generation of income (profit) that can be redistributed to community services associated with the project.

In addition, Council's objectives for the governance model are that it:

- Enables continuation of leadership by the community steering group.
- Demonstrates Council's leadership and commitment to Community-led Governance principles including supporting co-design and co-delivery of services and optimising use of public spaces.
- Ensures high levels of transparency, accountability, effectiveness (including sound risk management) and efficiency (including cost-effectiveness).
- Ensures statutory compliance.

In addition, shared objectives of State Government, Community Steering Committee and Council are that the governance model:

- Ensures that profits generated from operations be reinvested back into the building and in providing community services from the building – this is a contractual requirement.
- Is replicable on other sites, to the greatest extent possible, as this appears to be a first in NSW.

Governance Model Options

The Initial governance models investigated (as outlined in attachment 1) include:

1. Direct service delivery
2. Section 355 committee
3. Lease of operational land
4. Lease of community land (not applicable now)
5. Service contract
6. Public Private Partnership
7. Incorporated Association (owned by Council)
8. Company limited by guarantee (Ltd) (Council operated)
9. Company limited by shares (Pty Ltd) (Council operated)
10. Land Trust/Charitable Foundation (Privately operated company limited by guarantee)
11. Company limited by shares (Private ownership)

Following initial consideration by Council in February 2019, staff have been working with the Community Steering Committee to narrow the list of potential governance models. The four models below were nominated for further investigation and discussion:

1. Section 355 committee
2. Lease (preferred option)
3. Service contract
4. Land Trust/Charitable Foundation (Privately operated company limited by guarantee)

Option 1 – Section 355 committee

Summary	A s355 committee is used by Council for the management of community halls and facilities. These committees provide a mechanism by which interested persons can have an active role in the management of Council facilities. This gives the committee the protection of operating under the banner of Council, and provides Council with assistance in carrying out its functions.	
Process to establish	Step	Timeframe
	Council resolution to establish a S355 Committee, call for membership and appoint members	3-4 months
	Committee Volunteer training and induction	1 month
Benefits	Interested persons can have an active role in the provision/management of Council facilities and services. Local people are provided an opportunity to participate in local community life.	
Risks	Limitation of powers would generate significant constraints. Council is required to provide advice and direction on matters associated with s355 Committees, however, the scale and complexity of the site and project is beyond Council's expertise to manage and under a 355 committee model would present a high level of risk to Council and prospective tenants.	
Ability to generate financial return	Significant constraints around Committee activities and use of the facility could hinder income generation.	

Option 2 – lease

5

Summary	<p>Council would directly lease the premises to the Community Steering Committee who would manage the building and the services provided.</p> <p>The Steering Committee would register as a not-for-profit incorporated association. It would have a constitution and be run by a Board, elected in accordance with its constitution. The association would have the capacity to hire staff, seek grants and philanthropic funding, enter contracts (like sub-leases) etc.</p> <p>Council would retain ownership of the property and the association would have secure tenure by way of a long term lease. If the Association were wound up, the property would remain in Council ownership and any money the Association had would be applied towards debts first and any amount left over, distributed in accordance with its constitution (which Council could make a condition of the lease).</p> <p>The Council lease would include all the terms and conditions that Council and community need to set the scope of the building management and service delivery. The terms and conditions would clearly set out the limits and restrictions Council imposes. For example it would set out:</p> <ul style="list-style-type: none"> - allowed uses on the site - what types of services and sub-leases could occur; - limits on types of commercial sub-leases would be acceptable; - limits on what percentage of floor space could be used for commercial activities; - rental payable to Council and outgoings and costs payable by the tenant; - sub-tenant rental and rental subsidy methodologies;
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BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.1

	<ul style="list-style-type: none"> - tenancy selection requirements and limitations on sub-leases (based on the proposal accepted by State Government); - requirements for investment of returns in building maintenance and upgrades; - reinvestment of profits into broader community services; - building and grounds maintenance and service level requirements e.g., maintaining public access - accountability measures e.g. requirements for publishing reasoning for decisions, providing information to the public, reporting requirements, auditing - dispute resolution and lease termination processes, for example what would happen if the not-for-profit association became defunct - usual requirements of commercial leases e.g. need to get and maintain approvals, insurance, safe systems of work etc. <p>Directly entering a lease to the registered not-for-profit association without a competitive process is authorised by s55 of the Local Government Act.</p>	
Process to establish	Step	Timeframe
	Based on the adopted governance model, staff finalise project initiation stage including updating detailed risk assessment and finalising statement of outcomes, project and communications plans. Staff also to seek confirmation from Office of Local Government that the arrangement would not meet the definition of Public Private Partnership and is also otherwise compliant, for example with s358 of the Local Government Act.	1 - 3 months
	Council develops head-lease, policy and parameter documents (e.g. sub-lease template), with expert legal advice as required	3 - 6 months
	Steering Committee registers an incorporated association	concurrent with steps 1 & 2)
	Council staff develop transparency and accountability tools that will ensure updated information remains available to the public, so decision information can be published from commencement	concurrent with steps 1 - 3)
	Steering group commences planning building work and negotiating with prospective tenants	concurrent with steps 1 - 3)
Benefits	<ul style="list-style-type: none"> • Meets all of the objectives of all three groups • Has the capacity to provide a dividend to Council via rental returns • Does not present a significant amount of process complexity or cost either in establishment or operational stages • Enables Council to build facility management and transparency and accountability requirements into lease terms and conditions • Enables the establishment of a skills-based association board • Enables the Board to make operational and tenancy decisions • Enables a reinvestment of rent per year back in to community services associated with the facility 	
Risks	<ul style="list-style-type: none"> • Community concerns over lack of competitive process – this can be mitigated through communication and engagement, adherence to the proposal presented to and accepted by the State Government and referral to Office of Local Government for advice. • Risk of failed project – the success of the Steering Committee to date in securing the site for community use is evidence in favour of proceeding with 	

	<p>this group, who have the skills and experience to deliver a project of this type and scale. Additionally, if the project fails, the liability lies with the incorporated association running it – Council's role is essentially that of a landlord.</p> <ul style="list-style-type: none"> • Competing interests in the community – the proposed uses for the site, as detailed in the proposal to State Government, form clear parameters for the project. Additionally, lease conditions could include limitations on ability to amend the Association's constitution without prior Council approval and the publication of Association's documentation to ensure transparency of decision-making around all decisions.
Ability to generate financial return	<p><u>To Community</u> Under this model, the Incorporated Association would be set up to invest in building upgrade and maintenance and reinvest any surplus income from the facility into community welfare programs addressing homelessness, women's refuge services and social projects.</p> <p><u>To Council</u> The lease would contain rent provisions that enable Council to recover over time the costs incurred during the initial period of managing the building, to cover ongoing administrative and lessor costs and to build a reserve to meet future structural building costs (that would stay the responsibility of Council as the building owner, like they do in all leases of this type).</p>

This is the preferred model recommended to Council.

- 5 It retains Council ownership of the property and is a common model used widely across NSW local government. It is already used by Council and is familiar to the Byron Shire community. Other examples include commercial premises owned by Council and community-outcomes based leases of premises such as ACE (Adult Community Education) Mullumbimby and Katia Nursery social enterprise lease.
- 10 It is the simplest and shortest model to set up, and it maintains high levels of transparency and accountability, along with a capacity for the community to monitor outcomes and become involved. Council would also be able to exercise a high degree of control through the lease conditions it sets, while giving the community steering group autonomy. The model also provides certainty to facilitate attraction of grant, philanthropic and social impact investment.
- 15 If the directly negotiated lease model is progressed, Council will be provided with draft documentation for consideration prior to a lease being negotiated, including but not limited to:
- 20
- Constitution of incorporated association and processes around Board election;
 - Draft terms and conditions of head lease
 - Draft terms and conditions of sub-leases
 - Tenancy selection requirements
 - Rental subsidy methodologies
- 25 If the directly negotiated lease model is progressed, Council will complete a detailed risk assessment and seek independent review of it from the Office of Local Government to confirm that does not meet the definition of a Public-Private-Partnership, or if it does, that the proposal satisfies the requirements, and that it complies with any other statutory requirements.

30

Option 3 – service contract

Summary	<p>Council would issue a contract to occupy and manage the premises. The contractor could take any form, i.e. a for-profit company or a not-for-profit company. The contractor would perform services for Council as set out in the contract. They would be paid by Council (usually calculated by reference to the profit generated) and profits above that payment would be payable to Council.</p> <p>Council would retain ownership of the property but would also retain responsibility for maintenance of the asset and administrative processes such as setting fees for use.</p> <p>Like the lease option above, the contract would include all the terms and conditions that Council and community need, in order to set the scope of the building management and service delivery.</p> <p>There is no authority in the Local Government Act to directly negotiate a service contract, so Council would have to run a competitive process. Council could set criteria for eligibility to be a contractor (e.g. not-for-profit status) and outcomes (e.g. preferred service outcomes) but the process would still involve a risk of losing the skills and experience base that has delivered this project to this point.</p>	
Process to establish	Step	Timeframe
	Based on the adopted governance model, staff finalise project initiation stage including updating detailed risk assessment and finalising statement of outcomes, project and communications plans.	3 – 6 months
	Council develops a service contract, policy and parameter documents (e.g. sub-lease template), with expert legal advice as required	6 – 9 months concurrent with step 1
	Council calls a competitive process	3 – 4 months sequential
	Contract negotiations and taking over occupation of the premises	1 month sequential
	Contractor then commences planning building work and negotiating	sequential
Benefits	<ul style="list-style-type: none">• Has the capacity to provide a dividend to Council via rental• Does not involve a very complex process or high cost either in the establishment or the operational stages• Enables Council to build facility management and transparency and accountability requirements into contract terms and conditions• Enables the appointment of an experienced facility operator• Retains greater decision-making with Council.• Provides Council with potential to apply income to Council delivered community services.	
Risks	<ul style="list-style-type: none">• Does not meet all the Governance Model Objectives, as an example it:<ul style="list-style-type: none">- does not maximise opportunities for philanthropic funds;- does not demonstrate commitment to some community-led governance principles;- can have a profit driver, meaning that not all income generated would necessarily be reinvested back providing community services.• Imposes greater responsibility for maintenance, higher risk and higher administration on Council.• Risk of failed project – lack of certainty that competitive process will result in	

	<p>an appropriately skilled/experienced operator that is acceptable to Council and the community.</p> <ul style="list-style-type: none"> • Council managed service delivery (via a service contract) means this model is not eligible for Deductible Gift Registration status and this would reduce the likelihood of being able to attract philanthropic funding. • Risk of losing corporate and community knowledge (i.e. Steering Committee) that has successfully delivered this project to this point. • Competing interests in the community – risk of diversion from the proposed uses for the site, as detailed in the proposal to State Government
Ability to generate financial return	<p><u>To Community</u> Under this model the contracted operator would receive payment for services and if that was a not-for-profit community group they could then apply that money towards their purposes, but they would not necessarily be linked to the community services outlined in the original proposal.</p> <p><u>To Council</u> Council would receive the balance of profit, after paying for the contracted operator's services, to apply as it saw fit. It is likely that this model would be less attractive for philanthropic or social impact investment.</p>

Option 4 – Land Trust/Charitable Foundation (Privately operated company limited by guarantee)

- 5 Company models were originally investigated based on the original proposal where State Government retained ownership of the property and a company would be established to manage and run the facility.
- 10 Circumstances have since changed and Council has become the owner of the property, so there is no need for Council to establish a separate entity to operate a State-owned property.
- 15 As Council is now the owner of the property, a trust (company) model would only work now either via a lease to a company (i.e. the recommended direct lease model at Option 2 above) or with transfer of ownership of the property to the company. Council would need to seek State-Government advice, if it were to now considering transferring ownership of the property to a company (as a trust or a charity) as this is different to the Council ownership outcome that has been negotiated.
- 20 The table below provides information on how the trust or company model could apply if Council were to consider transferring ownership of the property, but this is not recommended.

Summary	<p>Sometimes referred to as a 'trust' model, this would involve registering a company limited by guarantee, to own the property 'on trust' for Council and to manage it consistent with its purposes set out in its constitution.</p> <p>Ownership of the company could be either via private shareholders or a mix of private shareholders and Council owning shares. It would have a constitution and be run by a Board, elected in accordance with its constitution.</p> <p>The company would be limited by guarantee, i.e. be not-for-profit, so it would be unable to pay a dividend to anyone, including Council, and all its profits would have to be applied to the purposes set out in its constitution.</p> <p>As owner of the property, the company would have autonomy to manage the</p>
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BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.1

	<p>building in any way it saw fit. The only limitation on the company would be that the uses of the property would have to be consistent with its constitution (but it could change its constitution subject to usual company laws) and consistent with the restricted uses registered on the title to the property, and of course all approvals any property owner requires would be necessary.</p> <p>There would be statutory company reporting requirements (e.g. annual reporting to ASIC and/or ACNC) but no capacity for Council to compel publication of additional information to the community. If the company were wound up, the property and any money it had at the time would be applied to debts first, then distributed in accordance with its constitution.</p>	
Process to establish	Step	Timeframe
	Seek NSW Government concurrence on transfer of ownership of property	1 - 3 months
	Staff seek confirmation from Office of Local Government that the arrangement would not meet the definition of Public Private Partnership and is also otherwise compliant.	1 - 3 months
	Council works with Steering Committee to develop a constitution and register a company limited by guarantee (i.e. a trust or a charity).	3 – 6 months
	Council prepares trust, contract and transfer of ownership documents, with expert legal advice	6 – 9 months concurrent with step 3)
Benefits	<ul style="list-style-type: none"> • Enables the establishment of a skills-based association board • Enables the Board to make all decisions • Enables a reinvestment of all profits back into community services associated with the facility 	
Risks	<ul style="list-style-type: none"> • Does not meet all the objectives of community, Council or State Government and may not be supported by State Government. • Community concerns over lack of competitive process – this can be mitigated through communication and engagement but adherence to the proposal presented to and accepted by the State Government cannot be guaranteed by Council. • Community concerns over privatisation of public assets. At the time when the property was on the open market, ownership 'on trust' by a company limited by guarantee provided a higher level of 'ownership' compared to full privatisation of the property through sale. However, Council has now secured ownership of the property, so transfer of ownership 'on trust' to a company would reduce the level of public ownership. • Risk of failed project – the success of the Steering Committee to date in securing the site for community use is evidence in favour of proceeding with the steering committee which has the skills and experience to deliver a project of this type and scale. However, with a company limited by guarantee model, there could be a risk of a lack of return of the property if the company or project failed with large debt levels. • Competing interests in the community – the proposed uses for the site, as detailed in the proposal to State Government, form clear parameters for the project. However, other than as a shareholder (if Council was one) there would be limited ability for Council to restrict the company's ability to amend its constitution without prior Council approval or to influence the publication of company's documentation to ensure transparency of decision-making around all decisions. 	

Ability to generate financial return	<p><u>To Community</u> Under this model, the Company would own, on trust, and be responsible for the upgrade and maintenance of the building and providing services from it. As a company limited by guarantee it would have to apply all its profits to the purposes set out in its constitution.</p> <p><u>To Council</u> None.</p>
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The company limited by guarantee model is not recommended. It was considered at a time when State Government would continue to own the asset but that is no longer the case, and this model involves an unnecessary level of complexity and higher level of risk to Council than others.

The model is not commonly used in NSW local government and has not previously been tried in Byron Shire. There are successful examples of the model working in a range of situations, such as community housing trusts and cultural spaces owned by State Government vested to charitable trusts, such as [Abbotsford Convent](#) in Victoria. There are also some examples of company structures for community service provision, but some have experienced difficulties with distribution of assets on winding up, such as the legal dispute that occurred over distribution of donations when the new Northern NSW Helicopter Rescue Service Limited (company limited by guarantee) commenced and its predecessor company ceased.

Governance Model Recommendation

Of the 11 models previously investigated and discussed with Council and the Community Steering Committee, it is recommended that a direct lease model be adopted whereby:

1. The Steering Committee establishes a not-for-profit incorporated association, with a constitution that requires all profits to be put back into the property and the community services set out in the proposal.
2. Council provides the incorporated association with a lease of the facility to manage and operate as per the terms of the lease that Council sets (including for example a requirement not to amend the constitution).
3. Staff commence work on the next steps for a direct lease model set out above which include:
 - a. Finalising project initiation stage including updating detailed risk assessment and finalising statement of outcomes, project and communications plans. Staff also to seek confirmation from Office of Local Government that the arrangement would not meet the definition of Public Private Partnership and is also otherwise compliant.
 - b. Developing the key documents e.g. the head-lease and policy and template documents (e.g. sub-leases), with expert legal advice as required
 - c. Further workshops and reports to Council as matter progresses, including for approval of the key documents.

Refurbishment Funding

The original community proposal involved:

1. NSW Government continuing to own the facility and, as owner, funding the estimated \$2.5 million of necessary refurbishment works, to 'make it fit for purpose';

2. Rental from key anchor tenant/s (Tier 1 tenants) occupying around half of the available area and meeting ongoing operating costs, thereby allowing subsidisation of rental for other tenants (Tier 2 and 3 tenants) in the remaining half of the available area.

5 Instead, Council has resolved to purchase the facility (worth well over \$2.5 million in land value alone), and NSW Government is providing \$200,000 to cover the costs of some minor works to remove asbestos and contamination (minor areas only) and carry out some minor repairs to the roofing to fix water leaks.

10 This means that Council will have to find the estimated \$2.5 million upfront to carry out the necessary refurbishment works to make the building fit for purpose and there are two options currently available to do this discussed below.

15 Making the building fit for purpose by funding the upfront capital costs is key to the success of this project and options include:

1. Council authorising the head-lessee to enter into arrangements with one or more key anchor tenants, with a requirement for them to pay rent in advance, in sums sufficient to meet the upfront capital costs. Choosing this option would give certainty to everyone, with the space occupied by the key anchor tenant/s (and therefore the remaining space that will be available for other more subsidised community uses) and the amount of funding available both known before capital costs are incurred.

2. Council borrowing the funds and setting the rental in its head-lease at an appropriate level to meet the additional loan repayment costs. Under this option, there would be risk to Council of having taken on debt without certainty as to funding for repayments. It would also involve uncertainty for community or prospective tenants on how the available space may be used in future. Council would also need to consider reducing the level of sub-leasing restrictions it might otherwise apply, to enable the head-lessee to ensure they can raise sufficient income to meet their rent obligations to Council as well as operating costs.

This option will most likely require Council to complete a capital expenditure review and submit to the Office of Local Government for consideration/approval prior to any loan funds being drawn. Loan funding this proposal whilst potentially self financing, will increase Council's overall loan borrowings and may influence Council's loan borrowing capacity for other projects in future.

Next Steps

40 If the recommendation in this report is adopted and Council nominates a direct lease model be progressed with the Community Steering Committee, staff will work with this group and engage specialist commercial consultants to begin drafting key documentation for Council's consideration. This documentation will define the parameters for use of the site – operations, management, permitted uses, tenancy selection and financial modelling.

45 Simultaneously, staff will liaise with the Office of Local Government on the proposed mechanism to ensure that Council meets its statutory requirements.

50 The outcomes of this work will be reported back to Council for consideration prior to the negotiation of a head lease.

55

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.7	Optimise Council's property portfolio (SP)	1.2.7.3	Investigate Byron Bay Hospital development options

5 *Legal/Statutory/Policy Considerations*

Each governance model has particular requirements and processes which Council will have to comply with.

10 The recommended direct lease model:

- ✓ Meets the principles of Council's Supporting Partnerships Policy in that:
 - While there has not been a market based process, any community group was able to put forward a proposal to State Government for management of the property.
 - 15 ○ The partnership with the Community Steering Group has delivered ownership of the former hospital site to the Byron Shire community, when Council itself could never have achieved that.
 - It focuses on funding community services that Council could not otherwise deliver and delivering quadruple bottom line outcomes for community.
 - 20 ○ It would generate recurrent revenue for Council as well as deliver quantifiable, demonstrable and recurrent benefits to the community.
 - It has stopped the asset being sold and secured it in Council ownership. The proposal does involve a medium term lease (length still to be determined by Council) but on terms and conditions that will set out requirements for equitable and outcomes-based access to and use of the premises.
 - 25
- ✓ s55(3)(e) of the Local Government Act authorises direct *"leasing ... of land, other than the leasing ... of community land ..."*. This land is classified as Operational Land, so s55(3)(e) applies.
- 30 ✓ Confirmation will be sought from Office of Local Government that the arrangement is not a public private partnership or, if it is, that the intended governance model satisfies the requirements of the guidelines for public private partnerships.
 - Confirmation will also be sought from Office of Local Government that s358 of the Local Government Act (imposing restrictions on the formation or participation in formation of a corporation) does not apply to the recommended governance model.
 - 35
- ✓ Meets a number of the circumstances supporting direct negotiations as set out in the Independent Commission Against Corruption (ICAC) [Direct Negotiations Guidelines for Managing Risk](#). For example, this venture originally started by a proposal from the State Government for a competitive process where the property was to be put on the open market and everyone would have the opportunity to vie for it and on the basis of uniqueness, in that the community Steering Group is the only reason the Byron Shire community has obtained ownership of this asset and without them Council would not be considering governance models.
- 40

If Council considers a different governance model, other legal and statutory requirements could arise and this can be addressed as part of the review of project planning that will occur after Council decides on a governance model.

Financial Considerations

The original proposal highlighted refurbishment costs of \$2.5m to restore the building to a basic safe standard and fit for purpose. A full breakdown of these costs is provided in the original proposal – Attachment 1.

As noted above, NSW Health has indicated it will provide \$200,000 towards site remediation to remove some minor contamination and fix roof leaks.

The original community proposal included basic financial projections, as outlined below.

Hospital Site

Rent Tiers	Rate/m2	Area-m2	Total Rent
Tier 1	\$500	850	\$425,000
Tier 2	\$250	700	\$175,000
Tier 3	\$0	250	\$0
Total	\$0	1,800	\$600,000

Assumptions

Gross Floor Area (m2):	2,500
Net Lettable Area (NLA) as a % (m2):	72%
Total Area to rent (m2):	1,800
Annual Holding and Maintenance Cost per m2 of GFA:	\$150

Annual Breakdown

Revenue	\$600,000
Holding and Maintenance Cost	\$375,000
Distributions	\$225,000

This modelling is indicative only, and is intended to show the financial viability of the facility based on conservative estimates of market rates and net lettable area.

The proposed 2019/20 budget (subject to a separate report to this Ordinary Council Meeting) includes \$400,000 for holding costs and \$50,000 to engage specialist expertise in establishing key legal documentation. Funding of this expenditure is proposed to be provided by the Holiday Park Reserve with the view that over time these costs will be reimbursed once redevelopment has been completed and the facility becomes operational.

Should Council proceed with the recommendation to this report, and if a 'Tier 1' anchor tenant can be secured on the basis of providing upfront rental covering a number of years in advance, this can provide the funding required to refurbish the facility. As indicated earlier in the report, alternatively Council could consider loan borrowings to refurbish the facility with the view that the loan can be financed from rental revenues post refurbishment. Depending upon outcomes associated with

leasing the facility may require a future report to Council in respect of financing the refurbishment costs.

Consultation and Engagement

5 The repurposing of the former Byron hospital site into the Byron Community Hub was discussed at length, between 2016 and proposal submission in 2018, across a wide range of community forums including:

- 10
- An initial 'concept' meeting with around 80 attendees
 - 15 Steering Committee meetings
 - Hundreds of meetings with interested individuals and small groups

15 The original proposal was developed by the Community Steering Committee, who used local media to gather community input and support and made direct contact with more than 100 local citizens to gauge interest. The proposal was well received and is strongly supported by the Byron Bay community.

20 Following these discussions, the Committee researched the proposition with a wide range of stakeholders in the Byron Shire to understand its viability, the risks and community appetite and gauge the interest of potential tenants. The proposal received over 75 letters of support from the local community.

25 The project has attracted considerable interest from a wide range of prominent organisations wishing to deliver services to the Byron Bay community from a local base. This is in addition to a plethora of requests from smaller, locally-based community organisations who are crippled by existing market rates or are unable to deliver services from Byron Bay.

30 Since acceptance of the Community Proposal, information has been available on Council's website and in Council reports and media updates.

35 The recommended governance model of direct lease to an incorporated version of the Community Steering Committee, would not involve a further community consultation process or a competitive market process for the opportunity to lease the premises. The reasons for this are listed above but in summary, the Community Steering Group is the only reason that Council is now considering options for future management of this facility.

40 Other community groups, trusts or incorporated associations could have also put forward proposals to NSW Government, and Council would have engaged with them on the same basis. An example is the community group which has been working on a submission to State Government for surplus rail land in Mullumbimby. For the former Byron Bay Hospital site, the Community Steering Group volunteered, extensively engaged with and secured support from the community and achieved a great result for the Byron Shire community. Many 100's of skilled volunteer hours from the Community Steering Group have delivered this project to this point and that group has the skills and expertise necessary to achieve the outcomes it set out to achieve back in 2016.

50 The Steering Committee has committed to working with Council to continue to engage the local community as the project progresses and openness, accountability and transparency requirements would be built into the recommended direct lease ensuring that the community can stay informed.

Report No. 13.2 **Licence to Mullumbimby Sustainability Education and Enterprise Development Inc**
Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2019/800

Summary:

Council resolved (**19-159**) at its 18 April 2019 meeting to negotiate a temporary licence with Mullumbimby Sustainability Education and Enterprise Development Inc for occupation of part of Lot 22 DP 1073165 for the purpose of a community garden.

In accordance with s47(1) of the *Local Government Act*, Council advertised the proposed licence for 28 days and received a number of submissions. A summary of submissions received is detailed in this report.

Council must duly consider all submissions received prior to determining whether or not to grant the licence in accordance with the previous resolution (19-159).

RECOMMENDATION:

That Council having duly considered all submissions received grant a temporary licence to the Mullumbimby Sustainability Education and Enterprise Development Inc for occupation of part of Lot 22 DP 1073165 known as the Mullumbimby Community Gardens in accordance with Resolution (19-159) being:

- a) term one (1) month with monthly holding over;
- b) for the purpose of a community garden as defined in Policy No. 14/008 Byron Shire Council Community Gardens;
- c) rent payable monthly at the value of one twelfth of the minimum Crown rent as determined by clause 38 of the Crown Land Management Regulations 20017 (NSW);
- d) the Licensee to pay outgoings of water, contents and building insurances; and
- e) the Licensor to pay outgoings of the value of general land rates (if payable).

Attachments:

- 1 Submissions to grant of licence to Mullumbimby SEED, resolution 19-159, E2019/39737 

REPORT

Council resolved 19-159 at it 18 April 2019 meeting:

- 5 1. *That Council authorise the General Manager to negotiate a temporary licence with Mullumbimby Sustainability Education and Enterprise Development Inc for occupation of part of Lot 22 DP 1073165 known as the Mullumbimby Community Gardens on the following terms:*
- 10 a) *term one (1) month with monthly holding;*
 b) *for the purpose of a community garden as defined in Policy No. 14/008 Byron Shire Community Gardens;*
 c) *rent payable monthly at the value of one twelfth of the minimum Crown rent as determined by clause 38 of the Crown Land Management Regulations 2017 (NSW);*
 15 d) *the Licensee to pay outgoings of water, contents and building insurances; and*
 e) *the Licenser to pay outgoings of the value of general land rates (if payable).*
- 20 2. *That Council authorise the publication of the proposed temporary one (1) month licence with monthly holding over to the Mullumbimby Sustainability Education an Enterprise Development Inc for a period of 28 days seeking public comment.*
- 25 3. *That in the event no submissions are received, that Council delegate to the General Manager the authority to enter into the licence referred to in 1 above.*
- 30 4. *That if submissions are received that a new report be reported to Council at its June 2019 meeting.*

Public consultation:

- 30 Council publically advertised the proposed licence from 1 to 29 May 2019. Council received seven submissions and one 62 signature petition in support of the grant of a new licence and three submissions opposing the grant of a new licence.

A summary of submissions is tabled below:

Submissions supporting the licence	Council reply
<p>35 (E2019/4818) Many amazing things happen at the community garden;</p> <ul style="list-style-type: none"> • Children pick fruit and vegetables and gather eggs being important to their understandings; • FFA food section feed many in need and others by donation; • Plant nursery supplies seedlings to the site and others at reasonable prices; • Applying for an ABN to permit work for the dole people to develop the garden to be self-reliant with minimum grant funding; • Lunch-time Tuesday is internationally known attracting many overseas visitors; • The garden assist people to pay off expensive fines by allowing them to still feed themselves; 	<ul style="list-style-type: none"> • Council notes support given.

Submissions supporting the licence	Council reply
<ul style="list-style-type: none"> • Anyone may enter the garden and few have disrespect for the garden; • No where else in Australia like the community garden and the garden needs to be preserved and supported; • The garden is under management and Council's patience is sought until things settle down; and • The community garden profits so many of the community. 	
<p>(E2019/4824)</p> <ul style="list-style-type: none"> • The community garden is a nourishing and refreshing place for the community and celebrate children's birthdays; • A place to hold families together after separation through gardening; • Seen the garden grow and flourish for both persons and plans; and • Yes renew the licence. 	<ul style="list-style-type: none"> • Council notes support given.
<p>(E2019/4837)</p> <ul style="list-style-type: none"> • The community garden is a delightful and inspiring place to visit; • Community support includes: <ul style="list-style-type: none"> ○ Gardening plots, ○ Organic & bio-dynamic workshops, ○ Permaculture & horticulture courses; ○ Tuesday lunches; ○ State debt recovery community service; ○ Work for the dole program; ○ Food for all program (public access to produce), and ○ Community play group. • Record my appreciation of provided meals, workshops for gardening and knowledge; • Support for parents participating in weekly singing and play groups; • Permaculture and horticulture workshops is a valuable community asset; • Ability to pay off fines and work for the dole is a valuable community asset; • Garden makes a significant contribution to social well-being of the community; and • A place to walk through the gardens with friends. 	<ul style="list-style-type: none"> • Council notes support given.
<p>(E2019/4838)</p> <ul style="list-style-type: none"> • Community garden is a valuable 	<ul style="list-style-type: none"> • Council notes support given.

Submissions supporting the licence	Council reply
<p>community asset and deep appreciation for efforts of all involved;</p> <ul style="list-style-type: none"> • Witnessed praise from many, suffered difficulties but resolutions lead to improvements including: <ul style="list-style-type: none"> ○ State Debt recovery and work for the dole projects, ○ Food for all program, and ○ Tuesday lunches. • Many events, workshops and social capital assets are provided and available to the community; and • Appreciate this wonderful facility and regard it favourably for future assistance. 	
<p>(S2019/4839)</p> <ul style="list-style-type: none"> • Love taking my grandchildren to the community gardens; • Provides an opportunity to adults and children to explore the art of growing food in a safe and structured environment; and • Provides a connection to the food we eat. 	<ul style="list-style-type: none"> • Council notes support given.
<p>(S2019/4865)</p> <ul style="list-style-type: none"> • Support for continuation of the community gardens; • Provides a way to help produce fresh organic fruit and vegetables for the public every day of the year; • Strongly advocate continuation of the gardens that volunteers have worked on for 10 years; and • Appreciate Council's support. 	<ul style="list-style-type: none"> • Council notes support given.
<p>(E2019/39513)</p> <ul style="list-style-type: none"> • Wholeheartedly support the endorsement of a further 5 year licence to the fantastic and brilliant community garden; • Project is cutting edge community response to real threat of cohesive community food supplies; • Safe haven to learn and grow; and • Keep it going and support its achievements whilst addressing the real needs of those against the project. 	<ul style="list-style-type: none"> • Council notes support given.

- (S2019/4867) Petition supporting continuation of the community garden as an invaluable community resource signed by 62 signatures. Council notes support given.

Submissions objecting to the licence:	Council reply
<p>(E2019/37249)</p> <ul style="list-style-type: none"> • a whole new world in the garden begins after hours; • police intervention required on a number of occasions after hours to resolve violent disputes in the community garden; • a de-facto housing project has been created in the community gardens afterhours by the construction of covered spaces and open kitchens has encouraged more and more people to live and camp in the gardens overnight; • request all demolition of all current structures and the land is licensed only for a community garden; • issue that the garden is used as a venue for music and drumming workshop etc, all unrelated to community gardening, and request that the community garden is restricted to core gardening functions; • absolute ban on dogs in the community garden, dogs have destroyed nests, attacked ducks, pheasants, coucals, swamphens, moorhens along Saltwater Creek, owners merely express surprise at what the dog has done; • signage to erected to educate people why no dogs are permitted in the community garden; and • wholeheartedly support a peaceful, pro-wildlife community garden. 	<ul style="list-style-type: none"> • Mullumbimby SEED as the licensee is responsible for the community garden licensed area at all times including after hours. • Neighbours should continue to contact the police if concerned for the safety of persons or property. • The proposed licence will require Mullumbimby SEED to put in place procedures that secure the licenced area afterhours and other steps, approved by Council, that discourage overnight camping in the licenced area as an essential term of the licence. • Council will undertake an audit of all structures fixed to the land and assess current uses of structures. • The proposed licence authorises the licensee to hold 4 community events per year as an essential element of the licence. All events unrelated to core gardening functions must be run as a community event. • The proposed licence will require the licensee to create a policy, approved by Council, for dogs in the licensed area. • Council notes the request.
<p>(E2019/4657)</p> <ul style="list-style-type: none"> • object to licence being issued; • community garden source of many neighbourhood problems; • continually used as camping ground by itinerants being anti-social, drug affected and security threat to neighbours; • persons living in the gardens have entered private properties uninvited; these persons have abused and threatened neighbours. Anti-social behaviour occurs any time but mostly at night and there is no reason to believe a licence to Mullumbimby Seed will improve things; 	<ul style="list-style-type: none"> • Council notes the request. • Neighbours should continue to contact the police if concerned for the safety of persons or property. • The proposed licence will require Mullumbimby SEED to put in place procedures that secure the licenced area afterhours and other steps, approved by Council, that discourage overnight camping in the licenced area as an essential term of the licence. • Neighbours should continue to contact the police if concerned for the safety of persons or property. • The proposed licence will require the

Submissions objecting to the licence:	Council reply
<ul style="list-style-type: none"> • numerous noisy parties in the gardens; • object to the identification of the site not including its location in Stuart Street and is seen as an attempt by Council to hide the gardens exact location; and • in 2004 Council informed landowners the land would be used for a sportsground, with s94 funds used to construct the sportsgrounds – the community garden should be redeveloped as a sportsground. 	<p>licensee to put in place complaints handling policy and procedures, as an essential term of the licence, and to report to Council on a quarterly basis all complaints received.</p> <ul style="list-style-type: none"> • Mullumbimby SEED must comply with all noise regulations. The proposed licence requires noise to be limited to a residential setting and use of power between 8.00am – 4.00pm as an essential term of the licence. • The community garden has been issued the address 156 Stuart Street Mullumbimby. Council identifies the garden using this address. • Council notes the request.
<p>(E2019/37631) Mullumbimby SEED has total disregard to conditions of their licence by:</p> <ul style="list-style-type: none"> • Constructing of unauthorised buildings and beg forgiveness when caught; • Excavate unapproved drainage works with disregard to flooding issues; • Import fill onto the land without approval; • Hold unapproved events on weekends with unauthorised amplified sound; • House roosters on site when not permitted; • Permit people to stay overnight, with dogs, light fires, make noise by not securing the licensed area at night; • Mullumbimby SEED is a law unto themselves, that residents must tolerate, the licence should not be renewed; • The land is not being used as a community garden under Plan of Management and neighbours were not consulted; 	<ul style="list-style-type: none"> • Council has carried out an audit of all buildings on the land and will enforcement compliance with all building requirements. • Council notes this issue and will take steps to investigate. • Mullumbimby SEED must comply with all noise regulations. The proposed licence requires noise to be limited to a residential setting and use of power between 8.00am – 4.00pm as an essential term of the licence. • Roosters are not permitted in the licenced area and Council will investigate. • The proposed licence will require Mullumbimby SEED to put in place procedures that secure the licenced area afterhours and other steps, approved by Council, that discourage overnight camping in the licenced area as an essential term of the licence. • Council notes this all issues raised.

Submissions objecting to the licence:	Council reply
<ul style="list-style-type: none"> The Mullumbimby community garden contains multiple buildings, is a ramshackle mess of weeds and rubbish and unlike other examples of community gardens. Licence should be cancelled, land cleared of all buildings and unauthorised drainage works be reinstated to natural ground level, the current licence agreement is worthless. 	

In compliance with s47(4) *Local Government Act*, Council must consider all submissions duly received in making a decision to grant the licence in accordance with resolution (19-159).

5 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.2	Support access to a wide range of services and activities that contribute to the wellbeing of all members of the Byron Shire community	2.2.1	Develop and maintain collaborative relationships with government, sector and community	2.2.1.2	Participate in and inform community planning

Legal/Statutory/Policy Considerations

- 10 **s47 Leases, licences and other estates in respect of community land—terms greater than 5 years**
- (1) *If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:*
- 15 (a) *give public notice of the proposal (including on the council's website), and*
- (b) *exhibit notice of the proposal on the land to which the proposal relates, and*
- (c) *give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and*
- 20 (d) *give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.*
- (2) *A notice of the proposal must include:*
- 25 • *information sufficient to identify the community land concerned*
- *the purpose for which the land will be used under the proposed lease, licence or other estate*
- *the term of the proposed lease, licence or other estate (including particulars of any options for renewal)*
- *the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)*
- *a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.*
- 30 (3) *Any person may make a submission in writing to the council during the period specified for the purpose in the notice.*
- (4) *Before granting the lease, licence or other estate, the council must consider all submissions*
- 35 *duly made to it.*

s47A Leases, licences and other estates in respect of community land—terms of 5 years or less

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
 - (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
 - (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
 - (b) section 47 (9) has effect with respect to the Minister's consent.

Financial Considerations

Mullum SEED will pay annual rent to the value of one twelfth of the minimum Crown rent as provided by clause 38 of the *Crown Lands Management Regulations* 2018 for the term of the Licence and holding over. The Licensee must pay outgoings of water and must obtain own contents and building insurances. The Licensor outgoing is limited to the value of annual general land rates (if payable).

Consultation and Engagement

Nil.

Report No. 13.3
Directorate:
Report Author:
File No:

Feedback on Council's website
General Manager
Annie Lewis, Media and Communications Coordinator
I2019/870

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Summary:

10 The purpose of this report is to provide a summary of feedback on the recent call for public submissions on the design and functioning of Council's website as per Res **19-135**:

- 15
1. *That Council call for public submissions relating to the design and functioning of Byron Shire Council's website with an aim to improving the site to enable the community to be better informed and to engage with Council processes.*
 2. *That a report be provided to Council within three months regarding the submissions.*

RECOMMENDATION:

That this report and the work being undertaken in response to the comments provided through the survey be noted.

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REPORT

At the Ordinary Council Meeting on 28 March 2019 Council resolved (**Res 19-135**) :

- 5 1. *That Council call for public submissions relating to the design and functioning of Byron Shire Council's website with an aim to improving the site to enable the community to be better informed and to engage with Council processes.*
- 10 2. *That a report be provided to Council within three months regarding the submissions.*

To gather community feedback about the website a survey was put on www.yoursaybyronshire.com.au and Council's website and was open from 24 April to 23 May 2019. The survey was advertised in the Council notices in the Byron Shire Echo as well as promoted in social media posts on Facebook and in the E Newsletter. Additionally Community Roundtable participants and people involved in the Byron Model were contacted directly and notified of the survey.

A total of ten responses to the survey were received. There were no submissions received via email, mail or via the Customer Service staff.

Survey results

Age of respondents

- 46-59 age group – 4 people
- 60+ - 6 people

How do you rate the website?

- 3 respondents rated it as excellent
- 6 respondents rated it as average
- 1 respondent rated it as poor

How often do you use the website?

- 1 respondents used the website every day
- 5 respondents used the website 4-5 times a week
- 1 respondent used the website once every two weeks
- 3 respondents used the website a couple of times a month

How do you rate the look or appearance of the website?

- 1 respondent rated it as excellent
- 4 respondents rated it as good
- 5 respondents rated it as poor

People had the opportunity to provide additional comments on the appearance of the website and the following were received:

"Search as I have for anything 'youth' the only thing that comes up is an outdated policy. Where are all the activities that council funds and does for young people?"

"A lot of wasted real estate. The photos could be transparent so all the priority items could fit on 1 page."

How do you rate the quality of the information on Council's website?

- 3 respondents rated it as excellent
- 3 respondents rated it as average
- 5 • 4 respondents rated it as poor

People had the opportunity to provide additional comments on the quality of the information on the website and the following comments were provided:

10 *"Total lack of anything much at all regarding youth or young people and a 10 year old irrelevant youth policy. Even the so-called council employment program and the 'Future Youth' course for young people doesn't work, the link goes to the Byron Community College website and says 'this course has no current classes' and has done for months. Check out point 7.1 of the 'youth policy' - Continue to support and facilitate the Byron Shire Youth Council - where is this now?*

15 *No Youth Council. Time to actually update the policy and time to actually do something for Byron youth. What information are people looking for on the website?"*

"The search facility on Byron's website is very dismal. Google Search has been removed. There is no facility to do a detailed, multi search term search. Instead you get 20 times more then what you really want and the information you want is always on the last page."

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"The website is appalling in its function. The 'search' function is useless. Many links to documents do not work. The layout is confusing and misleading."

25 *"Your Bin Collection Days' doesn't recognise our address."*

"Why are some parts of strategic planning under 'community' - very confusing and misleading for anyone wanting to understand the suite of planning documents"

30 *"Bangalow Village Plan should be posted on the website to be readily accessible to the community. Currently available only as an attachment to a Council minute."* (NB: the Bangalow Village Plan and information about it is on the website and is the first item returned if that title is typed into the website search bar).

35 *"I would like to see the names of the council employees on the organisational chart. This would assist in identifying the various roles of officers in council so that the public can contact the relevant person for a particular issue and it would create more transparency."*

40 *"Access to a list of outstanding council resolutions."*

When asked what they look for on the website respondents said:

- Development applications (7 responses)
- Council documents – policies, strategies, studies, reports etc (7)
- 45 • What's on - things on exhibition, events (6)
- Jobs (6)
- Roads, roadworks, projects (2)
- Major projects e.g. Byron Bay bypass (2)
- Media releases (1)
- 50 • Council agendas, minutes, audio (1)
- Parking including pay parking (1)
- Waste, rubbish, recycling (1)

(Respondents could choose multiple options)

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When looking for information on the website people used the following methods:

- A search engine like Google (4 responses)
- The search bar on the website (7)
- The menus on the website (8)

(Respondents could choose multiple options)

Have you used the DA Tracker and what do you think?

- 2 people said it was a major improvement
- 5 people said it was an average improvement
- 1 person said there was no improvement
- 2 people said they had not used it yet.

People had the opportunity to provide additional comments on DA Tracker and the following comments were provided:

"In the table have a function to separately list DAs v CCs etc."

"An added feature to track DA compliance would be useful."

"Sometimes unable to find documents related to previously approved DA's. This may be a work in progress by BSC, or it may mean that I need to spend more on time site familiarisation."

"In DA Tracking when doing a search by address the top item in the drop down menu in the address fields is highlighted in dark blue which makes the black font barely legible. In DA Tracking there is no consistency in availability of determination documents. For example, in some cases PDF consents for DAs in 2004 are accessible whereas PDFs for DAs determined in 2007 are not. this is frustrating and time consuming for the public and also admin staff who are required to provide the info that should be available to the public."

People were given the option to provide advice on how they thought the website could be improved.

The following responses were received:

"By actually employing people such as youth officers, who can update the seriously outdated youth policy and maybe actually do something to engage the young people of Byron Shire."

"Use Google Analytics to ascertain what the majority of the traffic is looking for. Ensure these items are put in easy (front page) reach for everyone. Fix the Search facility so that we can search with multiple search items."

"Major review and rebuild"

"More expansive content pages, before having to switch screens (although probably not possible given style is probably set). Likewise images to support content. I just find it a bit clunky from a user POV - layout wise and to navigate and move around - not so much to do with actual content. Good job though, a big achievement to get all of that info onto a new site. I find the state government department sites like OEH much better and more comprehensive, for example."

"Search parameters don't always get a result, but can usually solve this issue by using Google."

"More categories displayed on the Home page to assist in searching for common topics. ie. one for developments. Drop down list of all strategies and draft strategies for ease of access. Create a Compliance Tracker which documents complaints/requests and action taken. this would reduce the work load on admin staff who expend much time on responding to requests for updates and would alleviate frustration from the public seeking information only to find that the relevant officer is not available to respond."

Additionally, a community member addressed the Council during public access prior to the meeting on 23 May 2019, citing problems with the website specifically the search engine and missing/broken links. (There were a number of broken/missing links on the website. A new system has been put in place where links are reviewed and fixed weekly.)

Website survey respondents provided the following websites as examples they feel are better than Byron Shire Council's:

- *"Tweed Council has a huge amount of information about youth, a huge youth policy and lots of activities that they run for teens there. Byron Council has none."*
- <https://www.melbourne.vic.gov.au/Pages/home.aspx>
- *"All other LGA websites seem to be better than this BSC one"*
- <https://www.noosa.qld.gov.au/>
- https://www.ballina.nsw.gov.au/cp_themes/default/home.asp *"To be honest most of the council websites I have seen are more functional then Byron's".*

Additional feedback about the website included:

- *"BSC is actively improving community engagement with various initiatives, including the upgraded website. This work is to be commended."*
- *"It's good to be kept informed without bias e.g. The Echo. Please keep up the rebuilding of the roads and as a tradie in the area, please keep up the push for our bypass."*

Conclusions

On average the Byron Shire Council attracts 18,000 users/month, 180,000 users/year, 4,700 users/week and 915 users/day. Based on the number of responses (10) it could be assumed that the majority of people who use Council's website are either satisfied with it or do not have a strong opinion about it.

The recent Community Survey found that usage of Council's website as source of information about Council news and activities had increased from 29% in 2016 to 51% 2018, with the new website having been introduced in February 2017.

The people who responded to the survey however raised some valid points and staff are working on resolving some of the issues. These include:

- Broken links

At the start of April there were 144 broken links on Council's website. At the start of June there were 0 broken links. Broken links are sometimes unavoidable (eg when links are to another organisation changes and they change their website) but staff are now checking for broken links each week and fixing them.

- Search engine

The search functionality relies on creators of web content to create the associated 'search list'. More information and training will be provided to staff on the importance of making sure this step is completed. In addition, Open Cities, the provider of Council's website, has recently announced improvements to the 'search' functionality and staff will be looking at how this can translate to Council's website.

- DA Tracker

DA Tracker is not a part of Council's website it is simply presented via Council's website. That is, changing Council's website platform will not change the DA Tracker functionality.

The DA Tracker is delivered by a third party provider and it has limitations in functionality and configuration over which Council little or no control. Staff have approached the provider with feedback from members of the public on functionality and improvement opportunities, including the colour of the fields as raised by one respondent (which staff had already raised when DA Tracker was launched in March 2019), and have asked them to consider improving their product in line with the feedback.

- User training

The website is designed on current best practice in terms of layout and that the search bar is the preferred way of finding information rather than expanding menus. This is a significant change from Council's old website which many users were used to using. Familiarity and training workshops could be held for regular Council website users to demonstrate the new navigation techniques and some of the features, like interactive maps, which were not available on the old website. Staff will make enquiries of users to see if there is enough demand for holding some familiarity and training workshops.

- Menus and positioning of information

While the layout of information on the website has attracted some comment it does not seem to be a significant issue. Staff will however review this in 2019.

- Availability of information

The new website does not carry the same amount of information as the old website. The old website held over 14,000 PDF documents, many of them outdated and inaccurate. A business decision was made not to migrate all of the 14,000+ documents across (because of the known inaccuracies). Instead, the approach was to migrate only those documents that could be confirmed (with the staff resources available at the time) as being still relevant and accurate and to continuously review and reinstate other historic but still accurate) documents as they became identified. This is an ongoing process and staff are continually working on this.

- Website feedback

Staff do use analytics (including Google analytics) to monitor website usage and to focus effort on the most frequently used functions/pages. Additional feedback links have been put on the most commonly visited website pages:

- DAs
- Employment
- Parking

Feedback is used to continuously improve the website and user experience.

The website appears to be doing its job as a conduit between the community and the Council. The survey and review of the website has provided valuable information and staff have already taken steps to ensure information is easily accessible. This process of review and the goal to provide timely, relevant content will continue with the recent creation of a permanent position dedicated to the website.

Consultation and Engagement

- Survey – www.yoursaybyronshire.com.au
- Facebook posts advising of the survey
- Byron Shire Echo notice
- E News

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Mayor and Councillor Fees 2019/20**
Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Governance Officer
File No: I2019/697
Theme: Corporate Management
 Governance Services

Summary:

The Local Government Remuneration Tribunal has handed down its report and determinations on fees for Councillors and Mayors for the 2019/20 Financial Year. This report outlines the Tribunal's fee range and the proposed Mayor and Councillor fees for 2019/20.

RECOMMENDATION:

That Council:

1. **Fixes the fee payable to each Councillor under Section 248 of the Local Government Act 1993 for the period 1 July 2019 to 30 June 2020 at \$20,280.**
2. **Fixes the fee payable to the Mayor under section 249 of the Local Government Act 1993, for the period from 1 July 2019 to 30 June 2020 at \$44,250.**
3. **Not determine a fee payable to the Deputy Mayor, in accordance with its current practice.**

REPORT

Each year the Local Government Remuneration Tribunal must determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors and mayors.

The Remuneration Tribunal has determined the maximum and minimum amounts of fees to be paid during the 2019/20 financial year. Byron Shire Council is categorised as a Regional Rural council and the appropriate fee range is as follows:

	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
Category	Minimum	Maximum	Minimum	Maximum
Regional Rural	9,190	20,280	19,580	44,250

* This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/member (s249(2)).

Currently the annual fees payable to Councillors and the Mayor for the 2018/19 financial year are the maximum fee fixed at \$19,790 per annum for a Councillor with an additional fee of \$43,170 for the Mayor.

The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging. It found that the full increase of 2.5 per cent is warranted. The Tribunal's determinations have been made with the assistance of two Assessors. The 2.5 per cent increase will apply to the minimum and maximum of the ranges for all existing categories.

A full copy of the Report and Determination of the Local Government Remuneration Tribunal is available at <https://www.remtribunals.nsw.gov.au/local-government/current-lgrt-determinations>

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.2	Review Councillors Provision of Facilities and Payment of Expenses Policy, including EAP and Fitness Passport

Legal/Statutory/Policy Considerations

Section 248 of the Local Government Act 1993 states:

1. A council must pay each Councillor an annual fee.
2. A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
3. The annual fee so fixed must be the same for each Councillor.
4. A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.

Section 249 of the Local Government Act also states (in the case of the Mayor)

1. *A council must pay the Mayor an annual fee.*
2. *The annual fee must be paid in addition to the fee paid to the Mayor as a Councillor.*
- 5 3. *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
4. *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- 10 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.*

Section 250 of the Local Government Act states:

- 15 *Fees payable under this Division by a council are payable monthly in arrears for each month (or part of a month) for which the councillor holds office.*

Financial Considerations

Councillors and Mayoral fees presently paid

\$19,790 each x 9	=	\$178,100
Plus Mayor additional fee	=	<u>\$ 43,170</u>

Total Paid		\$221,280
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Councillors and Mayoral fees 2019/2020 increased to maximum set by the Tribunal

\$20,280 each x 9	=	\$182,520
Plus Mayor additional fee	=	<u>\$ 44,250</u>

Total Paid		\$226,770
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The draft 2019/20 Budget includes a total allocation of \$226,900 for Councillor Fees and the Mayoral Allowance.

Allowance for Deputy Mayor

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

- "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."*

As stated in the above clause, Council is not bound to set a fee, but if it so chooses must deduct that sum from the amount available under the Mayoral allowance.

Current practice is that an acting period for Deputy Mayor would apply only in instances where the Mayor has leave of absence endorsed by Council and any pro rata fees would be deducted from the Mayoral allowance where agreed on a case by case basis in accordance with Section 249 of the Local Government Act 1993.

Consultation/Engagement

- 5 The Local Government Remuneration Tribunal consults with local governments to arrive at its determination. Byron Shire Council made a submission to the Tribunal supporting the maximum allowable increase of 2.5%. Council has an adopted view that the current maximum fees for Councillors and Mayors are inadequate for the roles and responsibilities.

Report No. 13.5 **Section 355 Management Committees - resignations, appointments**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/751
5 **Theme:** Society and Culture
 Community Development

Summary:

10 This report updates Council on recent resignations and proposed appointments to Section 355 committees.

RECOMMENDATION:

1. That the nominee in Confidential Attachment 1 be appointed to the Brunswick Heads Memorial Hall Management Committee.
2. That the nominee in Confidential Attachment 1 be appointed to the Brunswick Valley Community Centre Management Committee.
3. That Council review the Councillor representative on the Durrumbul Hall Management Committee and advise Cr _____ as the new representative.

Attachments:

- 1 Confidential attachment to report 27 June Council meeting - additional community members for Section 355 committees, E2019/34852 

REPORT

This report details resignations and proposed new appointments for Section 355 committees where nominations have been received. Advertising for new members was conducted recently for a month, closing on 24 May 2019. Staff utilised the new Love Byron Halls marketing materials via social media to augment the standard Council Notices advertising to encourage fresh membership.

Brunswick Heads Memorial Hall

A nomination has been received for the Committee. Details of the nominee can be found in Confidential Attachment 1.

Note that Councillors previously accepted the resignation of Dianne Burke from Brunswick Heads Memorial Hall Management Committee (resolution 19-185). However it is now understood that this was not intended as a resignation from the committee, rather a resignation from an office-bearing role. Councillors are asked to note that Dianne Burke remains on the committee.

Current members on this Management Committee are:

Councillors

- Cr Simon Richardson

Community Representatives

- Stephen Bond (leave of absence)
- Marj Trimble (Secretary)
- Beverley Rahill
- Ann Burnett
- Leah Schinagl
- Melinda Bennett
- Dianne Burke
- Trudy Ashworth (Chair)
- Paul Brennan (Treasurer)

Management Recommendation

That the nominee in Confidential Attachment 1 be appointed to the Brunswick Heads Memorial Hall Management Committee.

Brunswick Valley Community Centre

A nomination has been received for the Committee. Details of the nominee can be found in Confidential Attachment 1.

Current members on this Management Committee are:

Councillors

- Cr Jeannette Martin

Community Representatives

- Fran Leske
- Colin Munroe
- Jennifer Moore
- Carmel Lancaster

Management Recommendation

That the nominee in Confidential Attachment 1 be appointed to the Brunswick Valley Community Centre Management Committee.

Durrumbul Hall

Durrumbul Hall Management Committee have requested that the Councillor representative for the committee be reviewed as Cr Martin has been unable to attend meetings.

Current members on this Management Committee are:

Councillors

- Cr Jeannette Martin

Community Representatives

- Rommel Albanese
- Robin Buckley
- Jane Shand (Chair)
- Wayne Smith (Treasurer)
- Duncan Dey (Secretary)
- Liz Elliott
- Ewan Willis
- Amber Cordell-Mollet

Management Recommendation

That Councillors review the Councillor representative for Durrumbul Hall Management Committee.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.9	Develop capital upgrades, renewal and enhancements works program for buildings-including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)	1.2.9.1	Deliver program in consultation with community groups, s355 committees, Council asset managers and Plans of Management

Legal / Statutory / Policy Considerations

Management Committees and Boards of Management operate under Guidelines which state:

3.2 Committee Membership

Committee membership will number not less than four and not more than nine and

5 *each committee will state the actual number in their Terms of Reference unless otherwise decided by Council. The exception will be the Bangalow Parks (Showground) committee which numbers twelve. Council reserves the right to appoint up to two Councillors to each Committee. The total number of members includes office bearer committee members and Councillor members which are appointed by Council.*

10 *Whilst no particular qualifications are necessary (not withstanding 3.1.a), a commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential. Committees work best when the workload is shared amongst committee members and there is evident goodwill and cooperation amongst members.*

15 Further information on the operations and meeting minutes for these Committees and Boards can be found on Council's web site at <https://www.byron.nsw.gov.au/Council/Committees-and-groups/Section-355-Committees-and-Boards-of-Management>.

Financial Considerations

20 Community Members of Section 355 Management Committees are volunteer positions unless otherwise resolved by Council.

Consultation and Engagement

25 Section 355 Committee members are nominated in response to an open period of advertising calling to fill a vacancy. To hold office and be responsible for the management of a Council facility, all community committee members will be assessed against a set of criteria. Nominations are formally submitted in writing to Council for appointment.

Report No. 13.6 **Investments - 1 May 2019 to 31 May 2019**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/776

5

Summary:

10 This report includes a list of investments and identifies Council's overall cash position for the period 1 May 2019 to 31 May 2019 for Council's information.

This report is prepared to comply with Regulation 212 of the *Local Government (General) Regulation 2005*.

15

RECOMMENDATION:

That the report listing Council's investments and overall cash position as at 31 May 2019 be noted.

20

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.6

REPORT

Council has continued to maintain a diversified portfolio of investments. At 31 May 2019, the average 90 day bank bill rate (BBSW) for the month of May 2019 was 1.54% Council's performance to 31 May 2019 is 2.63%. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits, bonds and purchasing floating rate notes with attractive interest rates.

The table below identifies the investments held by Council as at 31 May 2019:

Schedule of Investments held as at 31 May 2019

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
24/03/17	1,000,000	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	Y	B	3.25%	1,014,155.00
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,019,374.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,030,440.00
28/10/16	650,000	Teachers Mutual Bank	Y	BBB+	28/10/19	Y	FRN	3.51%	651,492.40
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	3.01%	1,010,710.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	2.97%	748,512.75
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	3.17%	500,573.50
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	1,000,000.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
13/12/18	1,000,000	Summerland Credit Union	Y	NR	13/12/19	Y	TD	3.01%	1,000,000.00
18/12/18	2,000,000	Beyond Bank Australia	Y	BBB	18/06/19	Y	TD	2.80%	2,000,000.00
02/01/19	1,000,000	Police Credit Union Limited (SA)	Y	NR	01/07/19	Y	TD	3.05%	1,000,000.00
05/01/19	2,000,000	NAB	N	AA-	06/01/20	N	TD	2.75%	2,000,000.00
18/01/19	1,000,000	Westpac	Y	AA-	16/01/20	N	TD	2.73%	1,000,000.00
21/01/19	1,000,000	Police Credit Union Limited (SA)	N	NR	22/07/19	Y	TD	2.95%	1,000,000.00
23/01/19	1,000,000	Bank Vic	Y	NR	24/07/19	Y	TD	2.76%	1,000,000.00
30/01/19	1,000,000	Defence Bank	Y	BBB	30/01/20	Y	TD	2.85%	1,000,000.00
30/01/19	2,000,000	AMP Bank	Y	A-	30/07/19	N	TD	2.85%	2,000,000.00
04/02/19	1,000,000	Summerland Credit Union	N	NR	04/02/20	Y	TD	2.95%	1,000,000.00
05/02/19	2,000,000	MyState Bank	Y	NR	06/08/19	Y	TD	2.85%	2,000,000.00
08/02/19	2,000,000	Suncorp	Y	A	08/11/19	Y	TD	2.75%	2,000,000.00

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.6

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
08/02/19	1,000,001	AMP Bank	N	A-	07/08/19	N	TD	2.80%	1,000,001.00
11/02/19	1,000,000	B & E Ltd (Bank of Us)	N	NR	12/08/19	Y	TD	2.88%	1,000,000.00
25/02/19	1,000,000	AMP Bank	N	A	26/08/19	N	TD	2.80%	1,000,000.00
28/02/19	2,000,000	Australian Military Bank	Y	NR	01/06/19	Y	TD	2.78%	2,000,000.00
28/02/19	1,000,000	AMP Bank	N	A-	29/08/19	N	TD	2.80%	1,000,000.00
28/02/19	1,000,000	ME Bank	Y	BBB	27/06/19	Y	TD	2.68%	1,000,000.00
01/03/19	1,000,000	Suncorp	N	A+	29/07/19	Y	TD	2.60%	1,000,000.00
04/03/19	1,000,000	Maitland Mutual Building Society	Y	NR	03/06/19	Y	TD	2.77%	1,000,000.00
05/03/19	1,000,000	Australian Military Bank	N	NR	04/09/19	Y	TD	2.77%	1,000,000.00
05/03/19	1,000,000	Suncorp	N	A+	05/06/19	Y	TD	2.55%	1,000,000.00
06/03/19	1,000,000	Bananacoast Credit Union	Y	NR	04/03/20	Y	TD	2.90%	1,000,000.00
06/03/19	1,000,000	AMP Bank	N	A-	04/06/19	N	TD	2.65%	1,000,000.00
12/03/19	1,000,000	Summerland Credit Union	N	NR	01/06/19	Y	TD	2.75%	1,000,000.00
27/03/19	1,000,000	Maitland Mutual Building Society	N	NR	21/06/19	Y	TD	2.70%	1,000,000.00
29/03/19	2,000,000	NAB	N	AA-	27/06/19	N	TD	2.45%	2,000,000.00
29/03/19	2,000,000	NAB	N	AA-	12/06/19	N	TD	2.43%	2,000,000.00
01/04/19	1,000,000	NAB	N	AA-	01/07/19	N	TD	2.46%	1,000,000.00
03/04/19	1,000,000	Australian Military Bank	N	NR	03/07/19	Y	TD	2.77%	1,000,000.00
04/04/19	1,000,000	NAB	N	AA-	04/07/19	N	TD	2.46%	1,000,000.00
09/04/19	1,000,000	NAB	N	AA-	09/07/19	N	TD	2.44%	1,000,000.00
10/04/19	1,000,000	Bankwest	Y	AA-	09/07/19	N	TD	2.30%	1,000,000.00
23/04/19	2,000,000	NAB	N	AA-	22/07/19	N	TD	2.75%	2,000,000.00
29/04/19	1,000,000	ME Bank	N	BBB	16/08/19	Y	TD	2.43%	1,000,000.00
29/04/19	2,000,000	NAB	N	AA-	27/07/19	N	TD	2.40%	2,000,000.00
30/04/19	1,000,000	Australian Military Bank	N	NR	12/07/19	Y	TD	2.40%	1,000,000.00
30/04/19	1,000,000	ME Bank	N	BBB	29/10/19	Y	TD	2.43%	1,000,000.00
01/05/19	1,000,000	Maitland Mutual Building Society	N	NR	20/08/19	Y	YD	2.45%	1,000,000.00
07/05/19	1,000,000	Credit Union SA	Y	NR	06/08/19	Y	TD	2.35%	1,000,000.00
08/05/19	1,000,000	NAB	N	AA-	06/08/19	N	TD	2.35%	1,000,000.00
14/05/19	1,000,000	B & E Ltd (Bank of Us)	N	NR	14/08/19	Y	TD	2.40%	1,000,000.00
15/05/19	1,000,000	Maitland Mutual Building Society	N	NR	15/08/19	Y	TD	2.40%	1,000,000.00
21/05/19	1,000,000	Maitland Mutual Building Society	N	NR	20/08/19	Y	TD	2.38%	1,000,000.00
27/05/19	1,000,000	AMP Bank	N	A-	25/11/19	N	TD	2.45%	1,000,000.00

BYRON SHIRE COUNCIL

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13.6

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
28/05/19	1,000,000	Suncorp	N	A+	26/08/19	Y	TD	2.27%	1,000,000.00
28/05/19	1,000,000	Suncorp	N	A+	28/08/19	Y	TD	2.27%	1,000,000.00
N/A	1,199,352.23	CBA Business Online Saver	N	AA-	N/A	N	CALL	1.40%	1,199,352.23
12/01/18	3,544,220.74	NSW Treasury Corp	N	AAA	N/A	Y	CALL	2.04%	3,544,220.74
Total	70,641,923.97						AVG	2.63%	70,718,831.62

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. No Fossil Fuel ADI
Y = No investment in Fossil Fuels
N = Investment in Fossil Fuels
U = Unknown Status

Note 3.

Type	Description	
B	Bonds	Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.
FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
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.

Environmental and Socially Responsible Investing (ESRI)

5

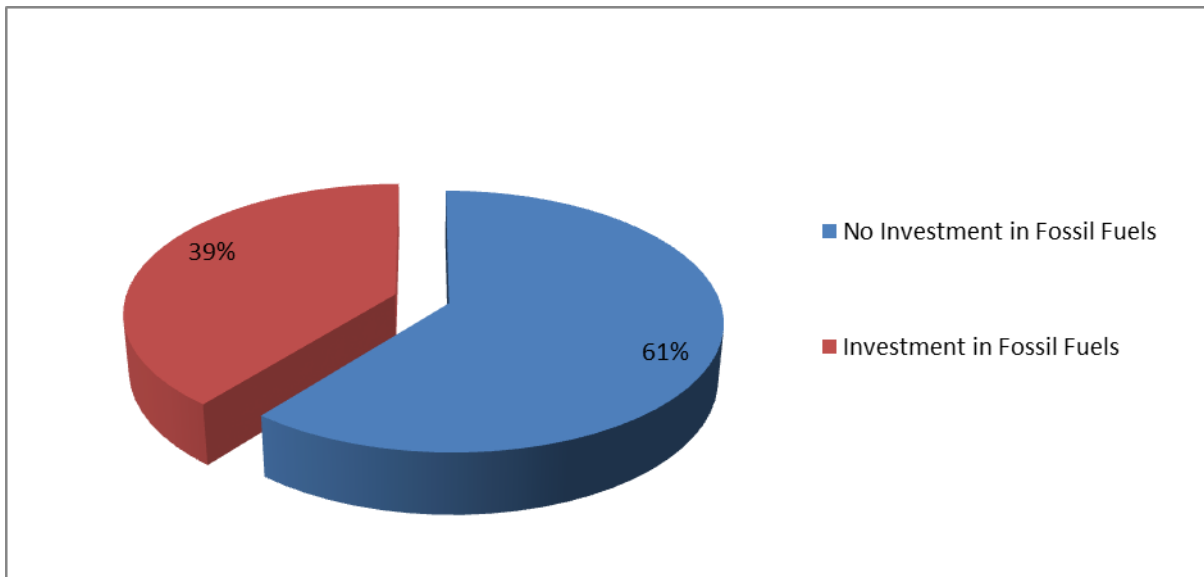
An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'No Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below

10

The notion of Environmental and Socially Responsible Investing is much broader than whether a financial institution as rated by 'marketforces.org.au' invests in fossil fuels or not. Council's current

15

Investment Policy defines Environmental and Socially Responsible Investing at Section 4.1 of the Policy which can be found on Council's [website](#)



Council has two investments with financial institutions that invest in fossil fuels but are nevertheless aligned with the broader definition of Environmental and Socially Responsible investments i.e.:

1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.

Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	45%	Meets policy
A+ to A-	A1	60%	10%	Meets policy
BBB to NR	A2,NR	40%	45%	Does not meet policy

The above table identifies compliance with Council's Investment Policy by the proportion of the investment portfolio invested with financial institutions, along with their associated credit ratings compared to parameters in the Investment Policy. The parameters are designed to support prudent short and long-term management of credit risk and ensure diversification of the investment portfolio. Unfortunately the financial institutions currently offering investments in the 'ethical' area are mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

Associated Risk

Progressively moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and continue to increase the organisation's credit risk (i.e. exposure to potential default). To monitor this issue the 'Investment Policy Compliance' table is now produced for each monthly Investment Report to Council.

Currently Council is exceeding its policy benchmark for the proportion of the investment portfolio invested in financial institutions with low credit ratings or no credit rating. Although this has reduced, it is still 5% above tolerance. This means a greater proportion of Council's investments

have a higher level of exposure to credit risk than Council has determined via policy. To redress this risk, Council would need to invest more of the portfolio with institutions with higher credit ratings but this will reduce the percentage of the investment portfolio invested ethically. Over time it is likely that institutions with higher credit ratings will move more into the ethical investment space and this will continue to be monitored closely for suitable investment opportunities.

The investment portfolio is outlined in the table below by investment type for the period 1 May 2019 to 31 May 2019:

Dissection of Council Investment Portfolio as at 31 May 2019

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
59,000,001.00	Term Deposits	59,000,001.00	0.00
2,900,000.00	Floating Rate Note	2,911,288.65	11,288.65
1,199,352.23	Business On-Line Saver (At Call)	1,199,352.23	0.00
3,544,220.74	NSW Treasury Corp (T Corp)	3,544,220.74	0.00
3,998,350.00	Bonds	4,063,969.00	65,619.00
70,641,923.97		70,718,831.62	76,907.65

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 of 1 May 2019 to 31 May 2019 on a current market value basis.

Movement in Investment Portfolio – 31 May 2019

Item	Current Market Value (at end of month) \$
Opening Balance at 1 May 2019	73,011,325.81
Add: New Investments Purchased	9,000,000.00
Add: Call Account Additions	0.00
Add: Interest from Call Account	1,527.82
Less: Investments Matured	11,000,000.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	5,977.99
Less: Call Account Redemption	300,000.00
Less: T Corp Redemption	0.00
Add: Fair Value Movement for period	0.00
Closing Balance at 31 May 2019	70,718,831.62

Investments Maturities and Returns – 1 May 2019 to 31 May 2019

Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000.00	B & E Ltd (Bank of Us)	TD	01/05/19	180	2.85%	14,054.79
1,000,000.00	Credit Union SA	TD	07/05/19	91	2.80%	6,980.82
1,000,000.00	NAB TD	TD	08/05/19	90	2.65%	6,534.25
1,000,000.00	Police Credit Union Limited (SA)	TD	14/05/19	180	2.85%	14,054.79
1,000,000.00	B & E Ltd (Bank of Us)	TD	15/05/19	91	2.82%	7,030.68
1,000,000.00	Maitland Mutual Building Society	TD	15/05/19	90	2.82%	6,953.42
1,000,000.00	Summerland Credit Union	TD	20/05/19	182	2.90%	14,460.27
1,000,000.00	Police Credit Union Limited (SA)	TD	21/05/19	96	2.80%	7,364.38
1,000,000.00	Suncorp	TD	24/05/19	119	2.70%	8,802.74
1,000,000.00	Suncorp	TD	27/05/19	182	2.70%	13,463.01
1,000,000.00	Suncorp	TD	28/05/19	181	2.79%	13,835.34
11,000,000.00						113,534.49

5 Council's overall 'cash position' 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 for operational purposes. In this regard, for the month of May 2019 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 31 May 2019

10

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	59,000,001.00	59,000,001.00	0.00
Floating Rate Note	2,900,000.00	2,911,288.65	11,288.65
Business On-Line Saver (At Call)	1,199,352.23	1,199,352.23	0.00
NSW Treasury Corp (T Corp)	3,544,220.74	3,544,220.74	0.00
Bonds	3,998,350.00	4,063,969.00	65,619.00
Total Investment Portfolio	70,641,923.97	70,718,831.62	76,907.65
Cash at Bank			
Consolidated Fund	3,047,397.07	3,047,397.07	
Total Cash at Bank	3,047,397.07	3,047,397.07	
Total Cash Position	73,689,321.04	73,766,228.69	76,907.65

STRATEGIC CONSIDERATIONS

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.5	Identification of ethical investment opportunities with environmental and social inclusion outcomes

Legal/Statutory/Policy Considerations

- 5 In accordance with Regulation 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*.
- 10 The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. The current Council Meeting cycle does not always allow this to occur, especially as investment valuations required for the preparation of the report are often received after the deadline for the submission of reports. Endeavours are being made to achieve a better alignment and for some months this will require reporting for one or more months.
- 15 Council's investments are made 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 Minister's Order – Forms of Investment, last published in the Government Gazette on 11 February 2011.
- 20 Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.

Financial Considerations

- 25 Council uses a diversified mix of investments to achieve short, medium and long-term results.

Report No. 13.7 Community Initiatives Program (Section 356) - 2019/20 funding round applications**Directorate:** Corporate and Community Services**Report Author:** Joanne McMurtry, Community Project Officer**File No:** I2019/784**Theme:** Society and Culture

Community Development

Summary:

The 2019/20 round of the Community Initiatives Program (Section 356) invited applications from the community for funding by Council. Fourteen applications were received, of which nine are recommended for funding.

RECOMMENDATION:

1. That Council provides funds from the Section 356 budget to the Community Initiatives Program 2019/20 projects recommended for funding in Confidential Attachment 1 (#E2019/34129).
2. That Council advertises the proposed Section 356 donations.
3. That Council notes that unsuccessful applicants will be provided feedback.
4. That Council staff continue to work with community groups to support them in submitting high quality applications to future rounds of the program.

Attachments:

- 1 Confidential - Applications for Community Initiatives Program 2019-20 recommendations for funding, E2019/34129

Background

The 2019/20 round of the Community Initiatives Program (Section 356) is the third round offered since the program was introduced. 10 projects have been funded under previous rounds with strong outcomes for the community.

A call for expressions of interest for the 2019/20 round was advertised during April with applications closing in May. Staff provided a workshop for potential applicants about program guidelines and how to write successful grant applications. The purpose of the workshop was to facilitate high quality applications and develop the grant writing capacity of community groups. Staff also assisted applicants with queries. Not all applicants attended the workshop or spoke to staff prior to submitting an application and, as a result, some applications did not meet criteria and/or demonstrate a clear case for funding.

Generally, application quality is improving each round the funding is offered. Staff will continue to support an improvement in grant writing skills and capacity building in this area. The Community Initiatives Program is an excellent pathway for community groups to develop skills in grant writing which may enable them to apply for state and federal government programs in future.

The assessment panel included:

- Community Projects Officer
- Resource Recovery and Projects Education Officer
- Events Liaison Officer
- Social and Cultural Development Coordinator
- Grants Officer
- Economy and Sustainability Coordinator

Projects recommended for funding

Fourteen applications were received for the Community Initiatives Program 2019/20, most applying for \$5,000 which is the maximum amount available to any one applicant, with two applications received for reimbursement of Council fees. An internal assessment panel reviewed the applications against the assessment criteria and recommends funding nine of the projects as outlined in Attachment 1.

Of the recommended applicants for funding, 3 are environmental projects, 2 are arts/cultural projects, 2 are community development/ wellbeing projects, and 2 community events have applied for reimbursement of Council fees. There is an equitable spread of projects including Bangalow, Byron Bay, Mullumbimby, the north of the Shire, and the whole of Byron Shire.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.2	Incorporate wellbeing framework within organisation to inform decision making	5.2.2.2	Facilitate annual Community Donations Program

Legal/Statutory/Policy Considerations

Section 356 of the *Local Government Act 1993*

Financial Considerations

Council's budget allocation for 2019-20 totals \$45,200.

- 5 The table below shows the outcome if all nine projects are funded.

<i>Total available amount</i>	\$45,200
Project 1	-\$5,000
Project 2	-\$5,000
Project 3	-\$5,000
Project 4	-\$5,000
Project 5	-\$5,000
Project 6	-\$5,000
Project 7	-\$5,000
Project 8 (reimbursement of fees)	-\$1,000
Project 9 (reimbursement of fees)	-\$1,000
TOTAL remaining unallocated amount for 2019/20	\$8,200

Consultation and Engagement

- 10 As outlined in the report.

Report No. 13.8 **Report of the Public Art Panel meeting 9 May 2019**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/793

Summary:

A Public Art Panel meeting was held on 9 May 2019 to consider seven reports. Due to time constraints, several matters were not finalised and an extraordinary meeting was recommended to be scheduled within two months to make further decisions.

RECOMMENDATION:

That Council:

1. **Convenes an extraordinary meeting of the Public Art Panel within two months to make further decisions around:**
 - a) **Railway Park Public Art Project**
 - b) **The Lighthouse Project – Bayshore Drive Roundabout**
 - c) **Public Art Guidelines and Criteria – review and update**
 - d) **The sculpture ‘The Beast Within’ by Allen Horstmanhof, that was temporarily approved to remain in situ following the 2015 Brunswick Nature Sculpture Walk event**
 - e) **The sculpture ‘Germination’ for Mullumbimby Sculpture Walk**
2. **Notes the recommendation from the Public Art Panel to support the proposed outcomes of discussions with the curator regarding the Bangalow Sports Fields remaining sculptures which are:**
 - a) **that the two items noted in the agenda labelled 1255-ART and P409-Art-001 are not sculptures and can be removed by Council staff;**
 - b) **that the sculpture labelled in the agenda ‘P409-ART-552’ will be removed by the artist; and**
 - c) **that the sculpture labelled ‘P49-ART-584’ in the agenda will be taken by the artist for cleaning and repairs with the intention to make a further request to loan the sculpture and place it on loan in Bangalow Parklands.**
3. **Approves the sculpture ‘Pandanus Seed People’ by Antone Bruinsma to remain in situ as a permanent sculpture, noting this sculpture won the Acquisition Prize at the 2018 Brunswick Nature Sculpture Walk event.**
4. **Notes that if ‘The Labyrinth’ is not installed as per the previous approval provided by Council by the end of June 2019, the temporary labyrinth will be removed.**
5. **Approves the requested financial contribution of \$3,000 to acquire the sculpture ‘UN RiNG’ and that the sculpture be accepted as a donation to the Mullumbimby Sculpture Walk and added to Council’s Public Art Asset Management Program.**
6. **Regarding the Wall near McGettigans Lane, Byron Bay:**
 - a) **Thanks the applicant for their submission and inform them that the Panel had decided not to proceed with a mural at this time.**
 - b) **Notes that further discussion around the possibilities for public artwork at this location will be held at the Public Art Panel September meeting.**

REPORT

A Public Art Panel (PAP) meeting was held on 9 May 2019 to consider seven reports, including:

- Railway Park Public Art Project
- 5 • The Lighthouse Project – Bayshore Drive Roundabout
- Public Art Guidelines and Criteria – review and update
- Public Art Conservation and Maintenance
- Brunswick Nature Sculpture Walk – outstanding matters
- Mullumbimby Sculpture Walk - public art proposals
- 10 • Public Art Proposal – Wall near McGettigans Lane, Byron Bay

Due to time constraints, several matters were not finalised and an extraordinary meeting was recommended to be scheduled within two months to make further decisions.

- 15 A copy of the Agenda for the Public Art Panel meeting of 9 May 2019 can be found at https://byron.infocouncil.biz/Open/2019/05/PAP_09052019_AGN_1038_AT_WEB.htm The Panel made recommendations to Council as described in the recommendations of this report.

STRATEGIC CONSIDERATIONS***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

Legal / Statutory / Policy Considerations

- 25 Public Art Policy
Public Art Strategy
Public Art Guidelines and Criteria

Financial Considerations

- 30 The current balance in the Public Art budget for 2018/19 is \$38,850. The Public Art Panel have recommended that the financial contribution of \$3,000 be approved to acquire the sculpture 'UN RiNG' for the Mullumbimby Sculpture Walk.
- 35 Note that all public art acquisitions will be added to Council's Public Art Asset Management System and will require annual inspection and maintenance. There is currently no budget allocated by Council for maintenance of public artworks across the Shire.

Consultation and Engagement

- 40 This report provides the minutes of the Public Art Panel, made up of 6 community representatives, 2 invited members and 2 councillors.

Report No. 13.9 **Adoption of the 2019/20 Operational Plan, including Budget, Statement of Revenue Policy, and Fees and Charges**

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance
 Anna Vinfield, Manager Corporate Services
 Heather Sills, Corporate Governance Officer

File No: I2019/859

Summary:

Council, at its 9 May 2019 Extraordinary Meeting, endorsed the Draft 2019/20 Operational Plan (including the Budget, Statement of Revenue Policy, and Fees and Charges) for public exhibition (Resolution 19-203).

The preparation of these documents is regulated under the Integrated Planning and Reporting Framework requirements legislated by the Local Government Act 1993 (Sections 402 to 406).







The report includes the submissions received during public exhibition for Council's consideration and recommends a number of proposed amendments. It also recommends that Council adopt the revised documents.

RECOMMENDATION:

That Council:

1. **Note the submissions received during the public exhibition period for the 2019/20 Operational Plan (including the Budget, Statement of Revenue Policy, and Fees and Charges).**
2. **Adopt the following documents:**
 - a) **Delivery Program 2017-2021 and 2019-2020 Operational Plan as exhibited with amendments (Attachment 1 #E2019/43131) and discussed in this report under the heading '*Draft 2019-2020 Operational Plan – amendments*'.**
 - b) **2019-2020 Statement of Revenue Policy as exhibited with amendments (included in Attachment 2 #E2019/43447) discussed in the report under the heading '*Draft General Land Rates and Charges (Statement of Revenue Policy)*'.**
 - c) **2019-2020 Budget Estimates as exhibited with amendments discussed in the report under the heading '*Draft 2019/20 Budget Estimates (Statement of Revenue Policy)*'.**
 - d) **2019-2020 Fees and Charges as exhibited (Attachment 3 #E2019/31385) with amendments discussed in the report under the heading '*Draft Fees and Charges (Statement of Revenue Policy)*'.**
3. **Adopt the proposed fees as outlined in the report under the heading Draft Fees and Charges (Statement of Revenue Policy) / Proposed Amendments, for the purposes of public exhibition and then adopt these fees should no submissions be received.**

Attachments:

- 1 2019/20 Operational Plan for adoption on 27 June 2019, E2019/43131 
- 2 Draft Revenue Policy 2019-2020 for adoption, E2019/43447 
- 5 3 Draft 2019/20 Fees and Charges, as exhibited, E2019/31385 
- 4 Community Engagement Results - Operational Plan and Budget 2019/20, E2019/43492 
- 5 Submissions Received - Draft Operational Plan and Budget 2019/20, E2019/43093 
- 6 Memo to Finance Manager regarding amendments to 2019/20 Fees and Charges, E2019/36226 
- 10

REPORT

The Community Strategic Plan, the Delivery Program and the Operational Plan form part of the Integrated Planning and Reporting Framework which is a requirement under the Local Government Act.

The 4-year Delivery Program turns the strategic goals found in the 10-year Community Strategic Plan into actions. The annual Operational Plan spells out the detail of the Delivery Program, identifying the individual projects and activities that will be undertaken in a specific year to achieve the commitments made in the Delivery Program. The Operational Plan must include the Council's annual budget, along with Council's Statement of Revenue Policy, which includes the proposed rates, fees and charges for that financial year.

Council undertook a significant review of its Delivery Program in 2018 following the development of a new Community Strategic Plan and recommendations from the Infrastructure Community Solutions Panel. It has not been reviewed this year.

Draft 2019-2020 Operational Plan

The Operational Plan actions detail the activities and projects Council will undertake. It is grouped under our five Community Strategic Plan themes, which are:

1. We have infrastructure, transport and services which meet our expectations
2. We cultivate and celebrate our diverse cultures, lifestyle and sense of community
3. We protect and enhance our natural environment
4. We manage growth and change responsibly
5. We have community led decision making which is open and inclusive

Within each theme, reading across, the Operational Plan is structured by Community Strategic Plan objective and strategy, Delivery Plan action, Operational Plan activity, financial implications, responsibility, measure and due date. Links to Community Solutions Panel (infrastructure) recommendations and Disability Inclusion Action Plan requirements are also referenced.

The draft Operational Plan is included at Attachment 1.

The draft Operational Plan was placed on public exhibition from 10 May to 7 June 2019. 49 written submissions were received during this period (as outlined further in the Consultation and Engagement section of this report).

Draft 2019-2020 Operational Plan – amendments

The Operational Plan presented to Council includes amendments based on the feedback from public exhibition as well as administration changes.

Key amendments include:

- Administration changes –
 - Inclusion of OP activity **1.2.7.5** – Railway Park precinct development
 - This project was identified in the draft capital works budget, but inadvertently no corresponding Operational Plan activity had been included
 - Remove **3.1.1.8** - Revise Roadside Vegetation management Plan Glovebox Handbook and mapping and include mapping as a GIS Layer (Integrated Pest Management Strategy action)
 - Amend wording and measure of **4.2.1.7** – Progress future use of Lot 22, Mullumbimby Planning Proposal and Design Charrette
 - Remove duplicate item **5.4.4.1** - Actions identified from Place Plans to inform quarterly budget reviews and future budget development

- Amend wording to **2.3.7.9** - Upgrade of existing Federal Park facilities / amenities
- Public submissions and proposed changes
 - New OP activity **1.2.4.6** - Review Beach entry points and develop an action plan
 - New OP activity **1.2.5.8** - provide in-kind support in preparing a capital project that improves accessibility and long term financial sustainability of the Petria Thomas Pool facility
 - New OP activity **5.2.1.11**- Support provision of geospatial information to the public via council's website, subject to investigation of funding sources
 - New OP activity **2.2.2.3** - Delivery of 1 child care sector capacity building workshop
 - New OP activity **3.2.1.6** – Develop a Climate Emergency Plan
 - Amend OP activity **5.1.2.3** Develop Engagement Toolkit to include Council providing information in Plain English.
 - Amend the OP measures for **1.2.4.1, 1.2.4.2, 1.2.4.3, 5.1.1.6, 5.2.1.10, 5.3.1.3, 5.3.1.4, and 5.3.2.2** to include ongoing consultation with the Access Consultative Working Group
 - Amend the OP measures for **5.1.3.1, 5.1.3.5, 5.2.1.6, 5.2.1.8, 5.2.3.4, 5.5.2.3** to “work towards and progress through the requirements of WCAG 2.1”
 - Amend the sewer capital works budget to provide additional \$240,000 for design and approvals.
 - Allocate additional \$1000 for NAIDOC Week from the S356 Community initiatives stream
 - Support in principle the inclusion of the Public Space Liaison Officer positions in the structure subject to identification of a funding source for the positions for a 2 year period
 - Support the fee waiver and monies reinvested by the Lone Goat Gallery Board to offset (through covering the exhibition hire fee) a minimum of one regional emerging artist show per financial year
 - Amend the budget to provide \$20,000 towards climate change mitigation and adaptation as per separate report to 27 June 2019 meeting.

Draft 2019/20 Budget Estimates (Statement of Revenue Policy)

The Draft 2019/20 Budget Estimates are based on the 2018/19 budget reviewed at 31 March 2019 Quarter Budget Review with various changes to reflect the updated cost of service delivery across all programs developed from the input received from each Council Directorate.

The Draft 2019/20 Budget Result on a Consolidated (All Funds) basis as placed on public exhibition forecasted a deficit budget result as outlined below at Table 1.

Table 1 – Forecast Budget Result 2019/20 Consolidated (All Funds)

Item	Amount \$
Operating Result	
Operating Revenue	84,234,700
Less: Operating Expenditure	87,528,600
Operating Result – Surplus/(Deficit)	(3,293,900)
Funding Result	
Operating Result – Surplus/ (Deficit)	(3,288,900)
Add: Non cash expenses – Depreciation	14,657,200
Add: Capital Grants and Contributions	27,593,200
Add: Loan Funds Used	1,844,000
Add: Asset Sales	0

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13.9

Less: Capital Works	(49,303,300)
Less: Loan Principal Repayments	(2,906,900)
Funding Result – Surplus/(Deficit) (Cash Movement)	(11,409,700)
Reserves Movement – Increase/(Decrease)	(11,259,500)
Overall Budget Result – Surplus/(Deficit) (Operating + Funding)	(150,200)

Table 1 indicated a forecasted budget deficit result of \$150,200 and this relates to the General Fund. The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 1 and placed on public exhibition is outlined in Table 2 below:

5

Table 2 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2019 at 31 March 2019 Budget Review (proposed)	1,145,200
Add: Estimated initial draft 2019/20 budget result	(150,200)
Forecast unrestricted cash balance at 30 June 2020	995,000

During the public exhibition period, the Draft 2019-2020 Statement of Revenue Policy incorporating the Draft 2019-2020 Budget Estimates has been further reviewed. The revised budget position is summarised in Table 3 below:

10

Table 3 – Forecast Budget Result 2019/20 Consolidated (All Funds) revised during public exhibition period

15

Item	Amount \$
Operating Result	
Operating Revenue	84,350,200
Less: Operating Expenditure	87,587,800
Operating Result – Surplus/(Deficit)	(3,237,600)
Funding Result	
Operating Result – Surplus/ (Deficit)	(3,237,600)
Add: Non cash expenses – Depreciation	14,657,200
Add: Capital Grants and Contributions	27,763,700
Add: Loan Funds Used	1,844,000
Add: Asset Sales	0
Less: Capital Works	(49,891,300)
Less: Loan Principal Repayments	(2,906,900)
Funding Result – Surplus/(Deficit) (Cash Movement)	(11,770,900)
Reserves Movement – Increase/(Decrease)	(11,638,500)
Overall Budget Result – Surplus/(Deficit) (Operating + Funding)	(132,400)

Table 3 indicates a forecasted budget deficit result of \$132,400 and this relates to the General Fund. The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 3 is outlined in Table 4 below:

20

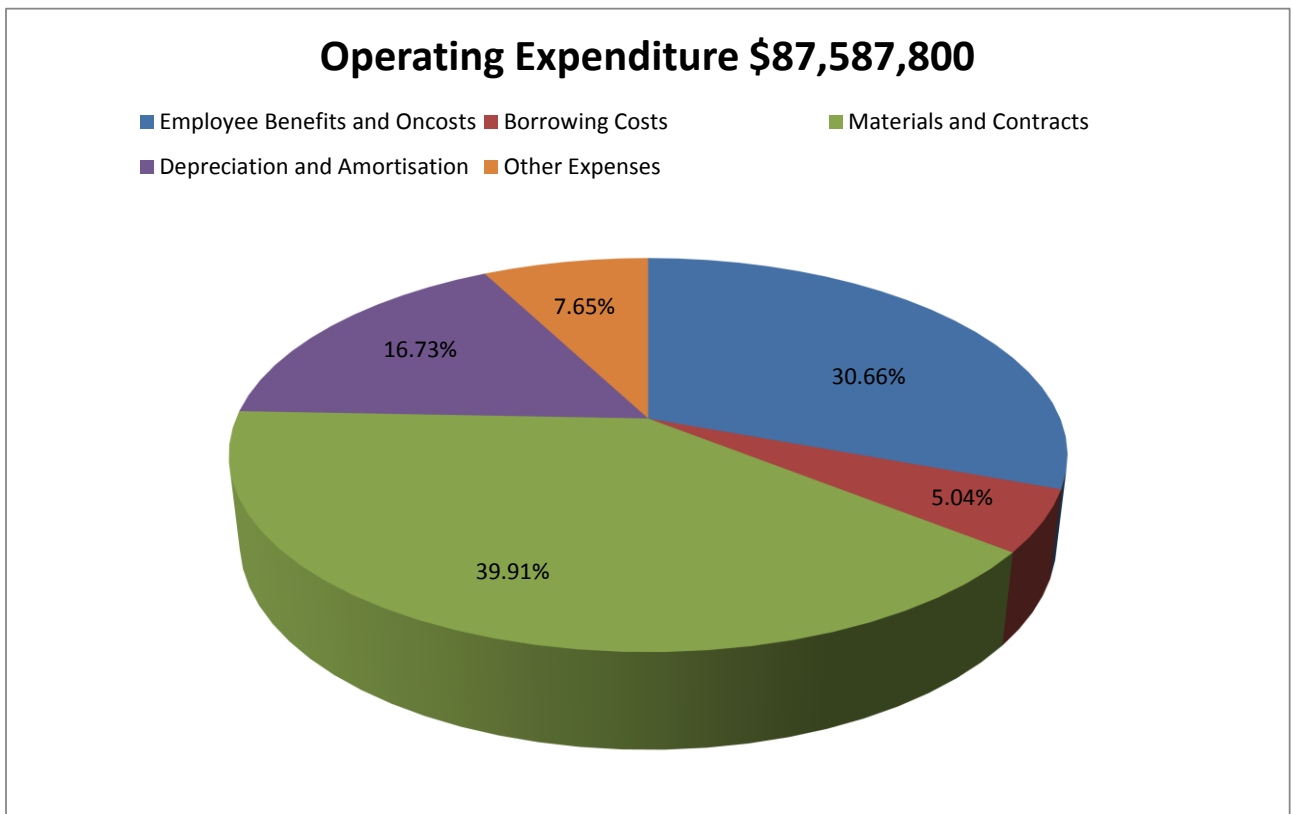
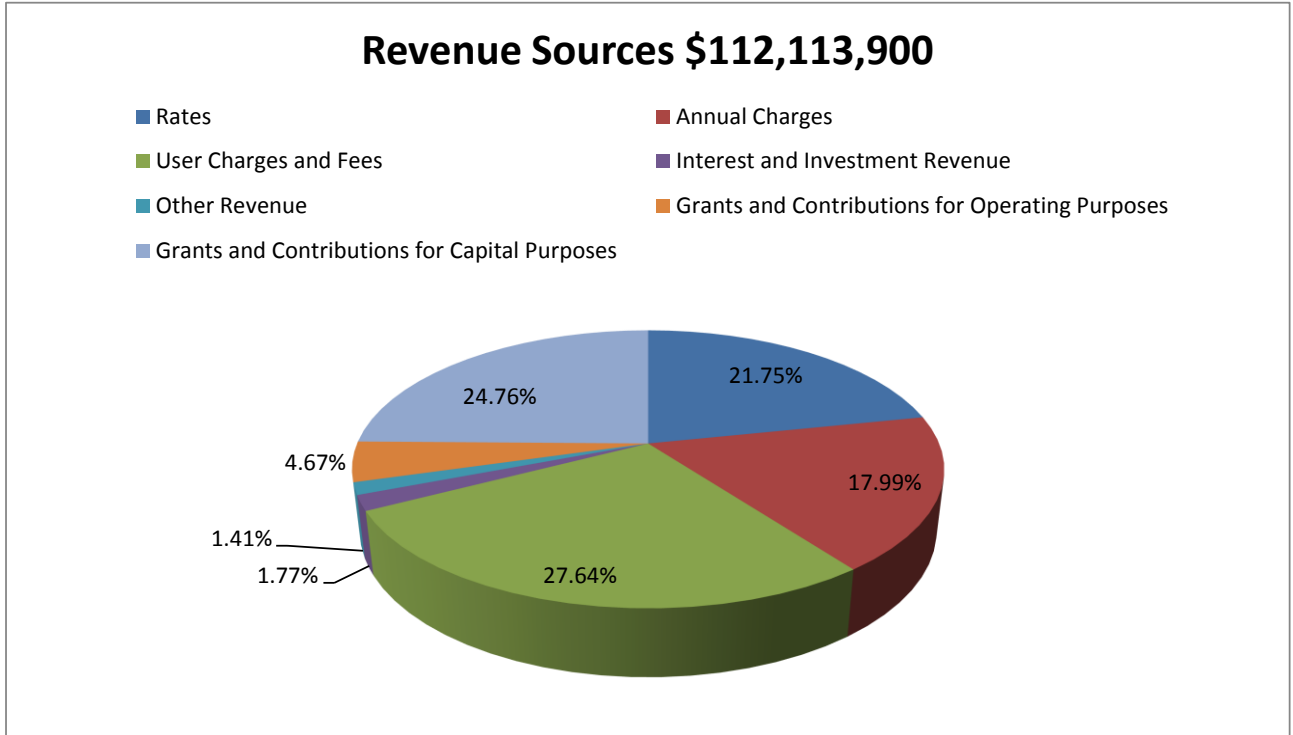
Table 4 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2019 at 31 March 2019 Budget Review (proposed)	1,145,200
Add: Estimated initial draft 2019/20 budget result	(132,400)

Forecast unrestricted cash balance at 30 June 2020	1,012,800
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The revised Draft 2019/20 Budget Estimates are also suggesting that Council's overall revenue and operational expenses are expected to be derived from the following sources and allocated respectively as outlined in the graphs below:

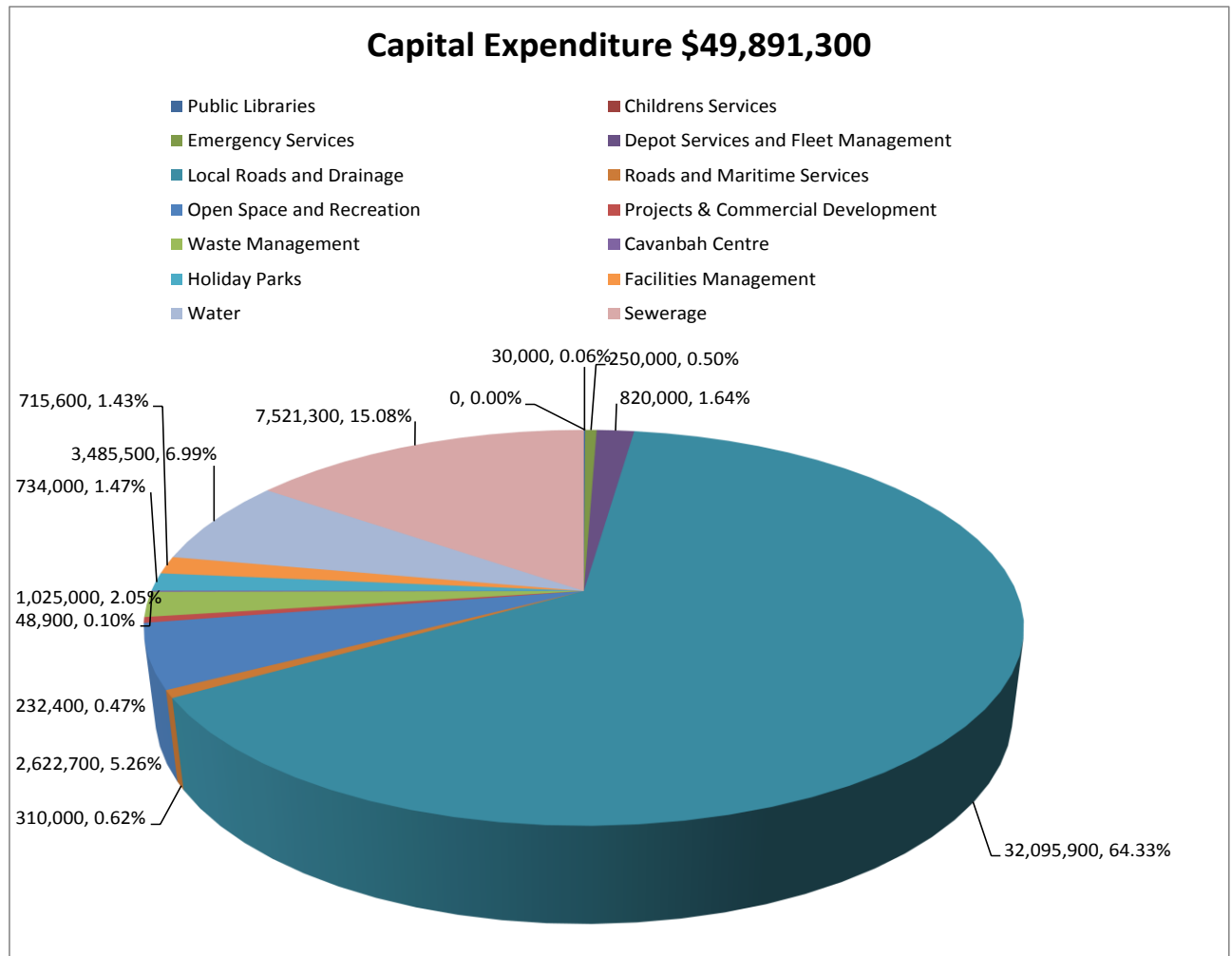
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10

In addition to the operational aspects of the proposed Draft 2019/20 Budget Estimates as revised during the public exhibition period, Council is proposing a capital works program of \$49.891million. By Fund, the projected capital works are:

- 5
 - General Fund \$38.884million
 - Water Fund \$3.486million
 - Sewerage Fund \$7.521million



The Draft 2019/20 Budget Estimates also propose new loan borrowings of \$1.844million to fund bridge and culvert replacement program (\$1,644,000) and the South Golden Beach Flood Pump (\$200,000). These borrowings are in addition to the 2018/2019 financial year borrowings of \$7.669 million.

Proposed Draft 2019/20 Budget adjustments following public exhibition

The major changes proposed to the Draft 2019/20 Budget Estimates following public exhibition are realised by the following items

- Following revision of Children's Services fees at Sandhills that were placed on public exhibition are estimated to generate an additional \$38,700 in revenue for the Centre. This additional revenue is proposed to be transferred to the Children's Services Reserve.
- Additional rating revenue of \$76,800 in the General Purpose Revenues budget program following processing of supplementary land valuations received from the Valuer General as

outlined in the Draft General Land Rates and Charges (Statement of Revenue Policy) section of this report on the next page.

- 5 • Reduce the general unallocated Section 356 donations budget in the Community Development Budget Program by \$1,000 but increase the contribution to NAIDOC week by \$1,000 in response to a submission received during the public exhibition period.
- 10 • Provide an additional \$39,000 in the Emergency Services budget program following advice from the NSW Government of Council's contribution to Emergency Services for the 2019/20 financial year. The Draft 2019/20 Budget already had an increase factored in but not to the extent now advised. Council's contribution has increased by over \$63,000 between 2018/19 and 2019/20 and is reflective of the NSW Government desire to increase funding for workers compensation for firefighters. This costs represents Council's share.
- 15 • Provide an additional \$15,000 towards the planning cost of the Dingo Lane Solar Farm in accordance with resolution **19-258**. The Draft 2019/20 Budget provided \$450,000 for this purpose but the resolution determined a budget of \$465,000. The additional \$15,000 is being funded from the Other Waste Reserve.
- 20 • Remove from the 2019/20 Budget two projects under the Stronger Country Communities Funding Program relating to CWA Brunswick Heads \$66,100 and Booyong Tennis Courts \$59,300 as both of these projects were completed in the 2018/19 financial year so the budget is not required. A corresponding reduction in capital grant revenue of \$125,400 has been realised.
- 25 • Include an additional \$295,900 for Main Arm Road and Settlement Road intersection following Council securing additional Blackspot funding from Roads and Maritime Services that was announced during the public exhibition period.
- 30 • Rename the capital works budget in the Open Space and Recreation Budget Program for upgrading the Federal Park Skate Facility. It is proposed to rename this budget item to be more general as Federal Park Facilities upgrade as it may be preferred this funding is applied to amenities over skate park upgrades. This change has no budget impact but changes the purpose of the \$40,000 budget allocated.
- 35 • Include \$20,000 in the Land and Natural Environment Budget Program for the Climate Change Mitigation and Action Plan. This funding is recommended for this purpose and is subject to a separate report to this Ordinary Meeting of Council.
- 40 • In the 31 March 2019 Quarter Budget Review, there was \$422,500 removed from the Water Fund capital works program associated with the Azalea Reservoir in Mullumbimby. These works were to be added to the 2019/20 Budget Estimates but were not added prior to public exhibition. It is now proposed to include these works at \$422,500 with funding provided by the Water Fund Capital Works Reserve.
- 45 • It is proposed to increase the budget in the Water Fund for Mullumbimby Inflow/Infiltration Reduction by \$90,000 to \$590,000 but reduce the Other Systems Inflow/Infiltration budget by \$350,000 to \$150,000. This overall reduction of \$260,000 has been returned to the Section 64 Developer Contributions Reserve in the Water Fund.
- 50 • As a new budget item, provide \$240,000 in the Sewerage Fund capital works program for the South Byron STP alternate flow path planning and approval works.

55 In addition to Table 3 above, budgeted financial statements incorporating an Operating Statement and Cash Flow Statement have been produced. These financial statements, replicating the format

of Council's Annual Financial Statements, are included in Attachment 1 as part of the Operational Plan, along with a one page summary of all Council budget program outcomes and the estimated balance of Council reserves as at 30 June 2020.

- 5 The immediate financial forecast of the General Fund for 2019/20 has been discussed in detail in this report, however it is suggested Council needs to look at its longer term financial position. The budget projections still demonstrate the difficulty Council has absorbing additional costs without corresponding revenue. It can only be emphasised that Council must consider carefully the long term implications on its finances in any consideration to add a new asset or service. The
- 10 immediate issue to redress during the course of the 2019/20 financial year is the projected budget deficit of \$132,400 proposed should Council adopt the Draft 2019/20 Budget outlined in this report.

Draft General Land Rates and Charges (Statement of Revenue Policy)

- 15 The Draft 2019/20 Revenue Policy includes the proposed rating structure, consistent with the structure revised by Council for the 2017/18 financial year. This is outlined in Attachment 3. The rating structure incorporates the third year of the approved 2017/18 Special Rate Variation (SRV) with the overall rate yield for 2019/20 increasing by 7.50% (including rate pegging of 2.70% set by the Independent Pricing and Regulatory Tribunal (IPART) for the 2019/20 financial year).

20 Given Council has an SRV approval for the financial years, 2017/18 to 2020/21, the Independent Pricing and Regulatory Tribunal (IPART) has set the rating structure for the next two financial years as the minimum rates to apply have been determined by Order.

- 25 In respect of other charges, the Draft 2019/20 Revenue Policy includes the following:

- Waste Charges – increases of 11.50% to apply due to:
 - Queensland waste levy implementation for depositing waste to landfill sites.
 - Increased recyclables cost resulting from ongoing changes China has made to recyclables acceptance (contamination levels and product acceptance pricing).
- Water and Sewerage charges increase in line with the rate pegging limit of 2.70%. Water consumption charges are proposed to change from a two step tariff structure to a single tariff structure in 2019/2020 for residential consumers, as is the case already for non-residential consumers. It is also proposed to phase in the removal of the different consumption charges between residential and non-residential consumers over the next two financial years so the consumption charge becomes the same for all consumers.
- The stormwater charge has not increased. It is a regulated charge that has not changed over the last twelve years.

- 40 During the public exhibition period, Council has processed and received a number of supplementary valuations from the Valuer General. The result of these supplementary valuations has increased the Council rating base and therefore permissible rating income. In respect of this, maintaining the Council adopted rating structure and set minimum rates determined by the 2017/2018 SRV, has resulted in the need to amend the ad valorem rates applicable to the rating
- 45 categories in the rating structure. This revision will generate an additional \$76,800 about the rating income outlined in the 2019/20 Budget Estimates placed on public exhibition. The additional rating revenue has been applied to the proposed Budget Estimates outlined in Table 3. The setting of the rating structure and other revenue policy charges are subject to a separate report to this Ordinary Meeting of Council given the legislative requirements that Council must make the rates
- 50 and charges via resolution.

Draft Fees and Charges (Statement of Revenue Policy)

The Draft 2019/20 Fees and Charges have been reviewed by the respective program managers and included at Attachment 4. Where possible, fees have been altered/increased to reflect the following specific changes:

- Increases in the Consumer Price Index (CPI)/Indexation - assumed at 1.90%.
- Review of fees and charges including benchmarking/cost of service provision and where possible, introduction of new fees to assist Council to generate additional/enhanced revenue.

During the exhibition period the Office of Local Government released Circular 19-09 concerning revised fees for companion animals in line with CPI. These changes will be made to the Adopted 2019/20 Fees and Charges as these fees are set by the NSW government, so are not required to be exhibited and Council must implement them.

Proposed Amendments

Air Space Usage Charges

Bangalow	\$127.50 per m ² annually
Brunswick Heads <i>Brunswick Terrace, Fingal, Park and Mullumbimbi Streets</i>	\$108.00 per m ² annually
Byron Bay – Precinct 1 and 2	\$240 .00 per m ² annually
Byron Bay – Remaining properties	\$181.50 per m ² annually
Mullumbimby	\$87 per m ² annually
Remainder of Shire	\$87 per m ² annually

Review of Temporary Food Business fees

1. Operation approval - Removal of three year approval fee
2. New fee for low risk temporary food stall applications [\$80.50]
3. New fee to accelerate temporary food stall applications [\$50.00 within 3 working days]

Drainage Diagram Urgency Fee [\$10]

For details on the proposed amendments refer to the memo at Attachment 6. The fees under the heading Proposed Amendments are yet to be advertised in accordance with Section 610F of the Local Government Act 1993 and it is recommended that Council resolve to publicly exhibit the proposed fees and adopt them at the conclusion of the public exhibition period if there are no submissions.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2 Create a culture of trust with the community by being open, genuine and transparent	5.2.1 Provide timely, accessible and accurate information to the community	5.2.1.1 Review Operational Plan annually

Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.2	Complete annual statutory financial reports
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Legal/Statutory/Policy Considerations

5 [Section 405 of the Local Government Act](#) outlines the Operational Plan requirements including public exhibition and timeframes.

The specific statements required by Council to be disclosed as part of its Revenue Policy are determined by [Clause 201 of the Local Government \(General\) Regulation 2005](#).

10 ***Financial Considerations***

The Operational Plan includes the annual budget required to fund the projects and services delivered as part of the Plan. The financial implications are outlined in the body of this report.

15 ***Consultation and Engagement***

The Draft 2019/20 Operational Plan and Budget have been prepared based on the strategic priorities in the Community Strategic Plan and insights from the 2018 Community Solutions Panel (infrastructure) and the 2018 Community Satisfaction Survey.

20 Initial community feedback was obtained through three community conversations held in early April as well as an online survey. The presentation included discussion on:

- how the budget and operational plan are developed
- outcomes and progress on investment of SRV and pay-parking funds
- 25 - projects being considered
- input on priorities from attendees.

The outcomes from these sessions are available online <https://www.yoursaybyronshire.com.au/our-plan> and have been incorporated (where possible) in the Operational Plan.

30 The Draft 2019/20 Operational Plan and Budget was subject to 28 days' public exhibition, from 10 May to 7 June 2019.

35 Community feedback was sought online via www.yoursaybyronshire.com.au, and through community conversation sessions, stakeholder information sessions, direct communication with committees and organisations, and an information booth in the Mullumbimby Office front foyer. Emails, public notices, and media releases were distributed to reach the widest population possible and provide the community with information and links to engage with Council.

40 A detailed report of the outcomes of this consultation and engagement is provided at Attachment 4 and the recommended amendments as per the public exhibition are outlined in section "Draft 2019-2020 Operational Plan – amendments" of this report.

45 ***Community Conversations:***

Community Conversation sessions were held on 15 April and 20 May 2019 to allow for members of the public to address staff on the Operational Plan and budget. Sessions ran from 12pm-2pm and 5pm-7pm each day. Approximately 30 members of the public attended one or several of the

sessions. An overview of the budget was provided and attendees given an opportunity to discuss key operational plan activities and projects.

5 Feedback and questions that were submitted as part of this process have been provided as part of the comprehensive feedback document at Attachment 4.

Submissions received:

10 Council received 49 written submissions. Council is required to consider any submissions received during the exhibition period prior to the Council's endorsement and/or adoption of these documents.

15 Full copies of the submissions are provided at Attachment 5 (with personal details redacted). Staff have considered the submissions and propose changes to the Operational Plan as outlined in this report. A summary and responses are provided in the comprehensive feedback document at Attachment 4.

The key issues raised are noted below:

- 20
 - Road maintenance
 - Public toilet maintenance and improvements
 - Road safety improvements
 - Drainage works
 - Improved beach access
 - Upgrades to the Mullumbimby Pool and other community infrastructure
- 25
 - Footpaths and cycleways
 - Bus shelters
 - Pay parking
 - Arts and Cultural Policy
 - Employment of Public Space Liaison Officers
- 30
 - Community facilities
 - Holiday letting

35

Report No. 13.10 **Byron Shire Council Submissions and Grants as at 1 June 2019**
Directorate: Corporate and Community Services
Report Author: Alexandra Keen, Grants Coordinator
File No: I2019/863

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Summary:


10 Council has submitted applications for a number of grant programs which, if successful, would provide funding to enable the delivery of identified projects. This report provides an update on these grant submissions.

15

RECOMMENDATION:

That Council notes the report and Attachment (E2019/39957) for the Byron Shire Council Submissions and Grants as at 1 June 2019.

Attachments:

20 1 Attachment - BSC Grants Register as at 1 June 2019, E2019/39957 

REPORT

This report provides an update on grant submissions since the last report.

5 Successful applications

The Federal Election on 18 May 2019, meant the Australian Government was in caretaker for the first half of the month. New Australian Government Ministers only assumed office on 29 May 2019, which has impacted the potential announcement of any successful new grants.

10 Unsuccessful applications

Nil.

15 Submitted applications

Council sponsored two applications (acoustic curtains for Mullumbimby Civic Hall, and Byron Bay Japanese Taiko Drumming) as part of the New South Wales Government's My Community Project Program. Individuals seeking to apply under this grant program were required to be sponsored by a not-for-profit entity which met certain criteria (which Local Councils generally met).

Additional information on grant submissions is provided in Attachment 1 – Submissions and Grants Report as at 1 May 2019.

25 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan .

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.12	Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.4	Provide governance for grants management

Legal/Statutory/Policy Considerations

Under Section 409 3(c) of the *Local Government Act 1993* Council is required to ensure that 'money that has been received from the Government or from a public authority by way of a specific purpose advance or grant, may not, except with the consent of the Government or public authority, be used otherwise than for that specific purpose'. This legislative requirement governs Council's administration of grants.

Financial Considerations

If Council is successful in obtaining the identified grants, more than \$4.7 million would be achieved which would provide significant funding for Council projects. Some of the grants require a contribution from Council (either cash or in-kind) and others do not. Council's contribution is funded. The potential funding and allocation is noted below:

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Requested funds from funding bodies	\$4,827,312
Council cash contribution	\$694,271
Council in-kind contribution	\$135,035
Other contributions	\$669,755
Funding applications submitted and awaiting notification (total project value)	\$6,326,373

Consultation and Engagement

Cross-organisational consultation has occurred in relation to the submission of grants, and the communication of proposed grant applications.

5

Report No. 13.11 **Policy Review - Debt Management and Financial Hardship Assistance**
Directorate: Corporate and Community Services
Report Author: Stephen Ansoul, Revenue Coordinator
File No: I2019/871

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Summary:

10

In November 2018, The Office of Local Government (OLG) released Debt Management and Hardship Guidelines under section 23A of the Local Government Act 1993 (LGA). It is mandatory for councils to consider these guidelines.

15

The OLG guidelines support councils to review their debt management policies and procedures to align them with best practice principles. They suggest objectives and measures councils can implement to ensure prompt payment, minimise default and recover debts fairly and effectively.

20

To satisfy the requirement to consider the guidelines, a comprehensive review of Council's existing debt recovery/management and financial hardship assistance policies has been undertaken.





This report seeks Council's endorsement of the draft "Debt Management and Financial Hardship Assistance Policy 2019" for public exhibition.

25

RECOMMENDATION:

1. That Council places the draft 2019 Debt Management and Financial Hardship Assistance policy (Attachment 1 E2019/41483) on public exhibition for a period of 28 days and if no submissions are received, adopts the policy.
2. That any submissions received on the draft 2019 Debt Management and Financial Hardship Assistance policy (Attachment 1 E2019/41483) be reported to Council for consideration, prior to the adoption of the draft Policy.
3. That Council rescinds the 2019 Rates and Charges Financial Hardship Assistance policy (Attachment 3 #E2019/35553) and 2010 Debt Recovery policy (Attachment 2 #W2018/463) at the time the draft 2019 Debt Management and Financial Hardship Assistance policy (Attachment 1 #E2019/41483) is adopted as per recommendation 1 or 2 above.

Attachments:

- 1 Draft Policy - Debt Management and Financial Hardship Assistance 2019 - PDF version presented to 27/06/19 Council Meeting, E2019/41483 
- 2 W2018/463 - debt_recovery_policy_adopted_11_11_10_res_no._10-890, W2018/463 
- 3 Policy Rates and Charges Financial Hardship Assistance 2019 (Current_Policies), E2019/35553 
- 4 OLG Debt Management and Hardship Guidelines November 2018 - pdf version - Office of Local Government - Debt Recovery, E2019/33813 

35

REPORT

In November 2018, The Office of Local Government (OLG) released Debt Management and Hardship Guidelines under section 23A of the Local Government Act 1993 (LGA). It is mandatory for councils to consider these guidelines.

Council's current policies have been reviewed to consider the appropriate method of dealing with debt management and recovery. Historically councils have tended to initiate stringent legal debt recovery processes as a matter of practice rather than as a last resort. Contemporary strategies focus on improved customer engagement, providing flexible payment options, offering reasonable financial support for customers facing financial hardship and only taking legal debt recovery actions as a last resort.

Council's Rates and Charges Pensioner Concessions Policy and Rates and Charges Financial Hardship Assistance Policy were reviewed as part of the Special Rate Variation application process in 2017, with only further cosmetic changes required in 2019. However the debt recovery policy has not been reviewed since 2010. This review is proposing consolidation of two policies and development of Management Administrative Guidelines (MAGs).

OLG guidelines and current policies have been included at attachments 1 to 4 to this report for information purposes and to provide more background information to Councillors in consideration of the proposed policy.

The key changes proposed from the policy review include:

- The consolidation of the current separate debt recovery policy and financial hardship policy
- Changing the progression of further debt recovery actions following the bulk quarterly issuing of overdue reminder notices to half yearly rather than quarterly
- The introduction of new "Management Administrative Guidelines" (MAG) that remove operational matters from the policy
- The expansion of eligibility criteria allowing interest charge reductions for customers making and complying with suitable periodical payment agreements
- Improved communication processes with customers especially prior to initiating legal debt recovery processes

Management Administrative Guidelines (MAGs)

One of the outcomes of the review is to recommend changing the structure of Council's corporate documentation by removing the majority of operational processes from Council adopted policies and introducing "Management Administrative Guidelines" (MAGs).

MAGs include operational practices or procedures that support Council adopted policies and are also intended to be a mechanism for the detailing of operational processes/procedures/practices that may not be related to policy statements or legislation.

Some of the benefits of MAGs:

- Reduction in unnecessary reporting to Council of operational changes.
- More efficient and timely adoption of operational changes.
- More consistent staff decision making and work practices.

In regard to the draft Debt Management and Financial Hardship Assistance Policy 2019, MAGs guide staff decision making processes on matters such as;

- Frequency, timing and methods of debt management processes
- Amount thresholds before instigating debt recovery actions
- Eligibility criteria for financial hardship applications and/or interest rate reductions
- Payment agreement guidelines (including actions for defaults)

- Requirements for attempted customer contact
- Required procedures when considering restricting the water supply flow rate due to overdue water charges

5 Combined Policies

Another outcome of the review is a recommendation to combine the existing Debt Recovery and Financial Hardship Assistance policies as they are closely related.

10 The Financial Hardship Assistance policy statements remain largely unchanged following the recent debt management review, however some significant changes have been made to debt management practices with the key changes being:

- 15 • To undertake rates and water usage accounts debt recovery action on a half yearly basis rather than quarterly:
 - The current quarterly process requires legal recovery if two quarterly instalments are overdue, so moving to a half yearly process has a similar result while being more efficient.
 - Overdue reminder notices will still be issued on a quarterly basis.
 - 20 ○ Staff resources freed up by half yearly debt recovery processing will be used to focus on communicating with customers in an attempt to avoid legal recovery action.
 - Half yearly debt recovery processing produces an easier and more efficient debt recovery process when combining overdue rates and water usage accounts that have different due dates.
- 25 • To expand financial assistance (in the form of interest charge concessions) in certain circumstances:
 - This change provides some financial relief for ratepayers who experience genuine temporary financial difficulty in paying rates/water charges and also provides an incentive for them to honour any agreed periodical payment arrangements.
 - 30 ○ Any interest reductions will be made in accordance with legislation and General Manager approved Delegation of Functions.

35 The impact on staffing, customers and Council's outstanding rates and charges ratio (currently less than the industry standard of 5%) will be monitored closely as indicated in the following key issues:

Customer Focus / Impact to Staff Resources – the suggested changes to the debt management processes put an emphasis on greater flexibility and improved engagement with customers.

40 Rates and Charges Outstanding Ratio – the impact of the new debt management processes may have an effect on Council's outstanding rates and charges ratio. This will be closely monitored to ensure Council continues to meet the rates and charges industry benchmark of less than 5%.

45 Interest Reductions – the proposed policy extends interest reduction eligibility. The extent of interest charge write-offs are unknown but may increase. It is important to understand that most interest reductions are made if a customer complies with a payment agreement so the benefit of providing this incentive is a likely increase in honoured agreements and reduced outstanding rates and charges.

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STRATEGIC CONSIDERATIONS***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.3	Ensure Council revenue billing and payments are accessible and collected

5 Legal/Statutory/Policy Considerations

Legislative considerations are outlined within this report and attached documentation. The draft policy the subject of this report is affected by several sections/clauses of the following legislation;

- 10 Local Government Act 1993 (LGA)
Local Government (General) Regulation 2005 (LGR)
Local Courts Act 2007

- 15 Council must consider the debt management guidelines attached to this report pursuant to section 23A of the LGA.

Financial Considerations

- 20 The draft policy, should it be adopted by Council, may result in a small reduction in interest revenue on overdue rates and charges. The positive to this may be reduced need to institute legal action for debt recovery if more payment arrangements are honoured.

Consultation and Engagement

- 25 The debt management policies and practices of several other Councils were considered during the review.

- 30 The draft policy was presented to the Executive Team for consideration on 22 May and was endorsed to be presented to Council for public exhibition.

Should Council adopt the recommendations of this report, this will place the proposed policy on public exhibition for 28 days providing the opportunity for submissions to be provided. Any submissions received will be reported to Council for consideration before adopting the policy.

Report No. 13.12 Making of the 2019/20 Ordinary Rates and Charges**Directorate:** Corporate and Community Services**Report Author:** Stephen Ansoul, Revenue Coordinator**File No:** I2019/8835 **Theme:** Corporate Management
Financial Services**Summary:**

10 At its Extraordinary Meeting held on 9 May 2019, following consideration of *Report No.4.1 Draft 2019-2020 Operational Plan and Budget for Public Exhibition*, Council adopted resolution **19-203**, which determined a proposed Rating Structure for the 2019/20 Financial Year for the purposes of public exhibition, and placed the Draft 2019/20 Statement of Revenue Policy comprising the

15 Budget Estimates, Rates and Charges, Borrowings and Fees and Charges on public exhibition for twenty eight days.

20 The Statement of Revenue Policy provides a detailed description of the rates, charges and fees that Council will levy on the 2019/20 Rates and Charges Notice and describes the circumstances of a property to which a specific ordinary rate, charge, interest or fee will apply. It also lists relevant sections of legislation that allows for the levy of each rate, charge or fee to be made.

25 The public exhibition period seeking submissions on the draft documents closed on 7 June 2019, with the details of those submissions being the subject of another report to this meeting.

Each year Council is required to make the ordinary rates and charges pursuant to sections 533, 534 and 535 of the Local Government Act 1993 (LGA), with section 543 of the LGA requiring Council to make a short separate name for each rate and charge it makes. Council is also required to set the rate of interest charged on overdue rates and charges in accordance with section 566 (3) of the LGA.

30

This report satisfies these legislative requirements for the 2019/2020 financial year.

RECCOMENDATION:

That in accordance with Sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA), Council makes the ordinary rates, makes the charges, makes the fees and sets the interest rate to be charged on overdue rates and charges for 2019/2020 listed in the following tables.

1. Ordinary Rates

Name of Ordinary Rate (Rate Notice short name)	*Rate in the Dollar or Ad-Valorem amount (\$)	Minimum Rate (\$)
Ordinary Rate Residential	0.2485	863.00
Ordinary Rate Residential Flood	0.2485	432.00
Ordinary Rate Business	0.4371	863.00
Ordinary Rate Business Byron CBD	0.5572	863.00
Ordinary Rate Mining	0.4371	863.00
Ordinary Rate Farmland	0.2274	863.00
Ordinary Rate Farmland Flood	0.2274	432.00

*Applied to 2016 base date land valuation

2. Domestic Waste Management Charges

Name of Domestic Waste Collection Charge (Rate Notice short name)	Annual Charge (\$)
Domestic Waste 80L 3 Bin Collection	147.00
Domestic Waste 140L 3 Bin Collection	310.00
Domestic Waste 240L 3 Bin Collection	460.00
Domestic Waste 140L Week Collect 3 Bins	812.00
Domestic Waste 240L Week Collect 3 Bins	1035.00
Domestic Waste 140L 2 Bin Collection	222.00
Domestic Waste 240L 2 Bin Collection	330.00
Domestic Waste Vacant Land Charge Urban	30.00
Domestic Waste Vacant Land Charge Rural	30.00
Domestic Recycling Additional Bin	103.00
Domestic Organics Additional Bin	119.00
Domestic Waste Exempt Collection Charge	60.00
Domestic Waste 80L 3Bin Multi Unit Serv	147.00
Domestic Waste 140L 3Bin Multi Unit Serv	310.00
Domestic Waste 240L 3Bin Multi Unit Serv	460.00
Domestic Waste 80L 2Bin Multi Unit Serv	147.00
Domestic Waste 140L 2Bin Multi Unit Serv	310.00
Domestic Waste 240L 2Bin Multi Unit Serv	460.00
Domestic Waste Strata 2Bin Share Service	246.00
Domestic Waste Strata 3Bin Share Service	246.00

3. Waste Management Charges (Non-Domestic)

Name of Waste Management Charge (Rate Notice short name)	Annual Charges (\$)
Commercial 140L Waste & Recycle Service	501.00
Commercial 240L Waste & Recycle Service	574.00
Commercial Waste 140L Bin Collection	501.00
Commercial Waste 240L Bin Collection	574.00
Commercial Rural Waste & Recycle Service	516.00
Commercial Recycling 240L Bin Collection	129.00
Commercial Organics 240L Bin Collection	119.00
Waste Operations Charge Residential	84.00
Waste Operations Charge Non-Residential	84.00

4. Mixed Waste Bin Changeover Fee

Fee	Charges (\$)
Mixed waste bin – size/capacity changeover fee (first changeover free of charge then all subsequent changes per property per annum per owner/s attracts fee)	56.00

5. Stormwater Management Service Charges

Name of Stormwater Management Service Charge (Rate Notice short name)	Annual Charges (\$)
Stormwater Charge Residential	25.00
Stormwater Charge Residential Strata	12.50
Stormwater Charge Business Strata	\$25.00 per 350m ² of the land area occupied by the strata scheme (or part thereof), proportioned by the unit entitlement of each lot in the strata scheme, minimum charge \$5.00
Stormwater Charge Bus/Mixed Strata Min	12.50
Stormwater Charge Business	\$25.00, plus an additional \$25.00 for each 350m ² or part thereof by which the area of the parcel of land exceeds 350m ²

6. Water Charges

Name of Water Charge (Rate Notice short name)	Annual Charges (\$)
Water Fixed Charge 20mm Residential	187.00
Water Fixed Charge 20mm Non-Residential	187.00
Water Fixed Charge 25mm Residential	293.00
Water Fixed Charge 25mm Non-Residential	293.00
Water Fixed Charge 32mm Residential	480.00
Water Fixed Charge 32mm Non-Residential	480.00
Water Fixed Charge 40mm Residential	749.00
Water Fixed Charge 40mm Non-Residential	749.00
Water Fixed Charge 50mm Residential	1,170.00
Water Fixed Charge 50mm Non-Residential	1,170.00
Water Fixed Charge 65mm Residential	1,977.00
Water Fixed Charge 65mm Non-Residential	1,977.00
Water Fixed Charge 80mm Residential	2,995.00
Water Fixed Charge 80mm Non-Residential	2,995.00
Water Fixed Charge 100mm Residential	4,679.00
Water Fixed Charge 100mm Non-Residential	4,679.00
Water Fixed Charge Vacant Residential	94.00
Water Fixed Charge Vacant Non-Residential	94.00
Water Fixed Charge Strata Residential	187.00
Water Fixed Charge Strata Non-Residential	187.00
Water Fixed Charge Fire Service Resident	249.00
Water Fixed Charge Fire Service Non-Res	249.00
	Usage Charges (\$)
Water Usage Charge Residential	2.60 per KL
Water Usage Charge Residential – Non-Compliant	5.40 per KL
Water Usage Charge Non-Residential	2.70 per KL
Water Usage Charge Non-Residential - Non-Compliant	5.40 per KL

7. Sewer Charges and On Site Sewage Management System Fee

Name of Sewer Charge (Rate Notice short name)	Annual Charges or Fee (\$)
Sewer Fixed Charge 20mm Residential	857.00
Sewer Fixed Charge 20mm Non-Residential	857.00
Sewer Fixed Charge 25mm Residential	1,338.00
Sewer Fixed Charge 25mm Non-Residential	1,338.00
Sewer Fixed Charge 32mm Residential	2,193.00
Sewer Fixed Charge 32mm Non-Residential	2,193.00
Sewer Fixed Charge 40mm Residential	3,425.00
Sewer Fixed Charge 40mm Non-Residential	3,425.00
Sewer Fixed Charge 50mm Residential	5,352.00
Sewer Fixed Charge 50mm Non-Residential	5,352.00
Sewer Fixed Charge 65mm Residential	9,045.00
Sewer Fixed Charge 65mm Non-Residential	9,045.00
Sewer Fixed Charge 80mm Residential	13,700.00
Sewer Fixed Charge 80mm Non-Residential	13,700.00
Sewer Fixed Charge 100mm Residential	21,407.00
Sewer Fixed Charge 100mm Non-Residential	21,407.00
Sewer Fixed Charge Vacant Residential	428.00
Sewer Fixed Charge Vacant Non-Res	428.00
Sewer Fixed Charge Rebated Residential (pods)	857.00
Sewer Fixed Charge Rebated Non-Resident (pods)	830.00
On-Site Sewage Management System (OSMS) Fee	47.00
	Usage Charges (\$)
Sewer Usage Charge Residential	1.94 per KL
Sewer Usage Charge Non-Residential	*SDF x 2.60 per KL

*SDF = Individual Property Sewer Discharge Factor (%)

8. Liquid Trade Waste Charges

Name of Liquid Trade Waste Charge (Rate Notice short name)	Annual Charges (\$)
Liquid Trade Waste – Category 1	160.00
Liquid Trade Waste – Category 2	267.00
Liquid Trade Waste – Category 2S	267.00
Liquid Trade Waste – Category 3	757.00
	Usage Charges (\$)
Liquid Trade Waste Usage Charge	**TWDF x 2.34 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Cat 1	**TWDF x 3.87 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Cat 2/2S	**TWDF x 16.95 per KL
Liquid Trade Waste Usage Charge – Non-Compliant Pump Stn	**TWDF x 3.87 per KL

*TWDF = Individual Property Trade Waste Discharge Factor (%)

9. Interest Rate on Overdue Rates and Charges

Name of Interest Rate (Rate Notice short name)	Rate (%)
Interest	7.5%

Report

Council will be continuing to apply the Special Rate Variation (SRV) approval from the Independent Pricing and Regulatory Tribunal (IPART) received on 9 May 2017 to increase its permissible general income by 7.5% per annum for four rating years from 2017/2018 (section 508A LGA). The 2019/20 financial year is the third year of the increase. This SRV incorporates the rate pegging limit (which was announced as 2.7% for 2019/20 and future rate peg announcements up to and including the 2020/21 financial year).

The amounts outlined in the first table in the recommendation to this report headed Ordinary Rates incorporate the 7.50% SRV as it applies for the 2019/20 financial year. The permissible notional income has been re-calculated since Council publicly exhibited the Draft 2019/20 Statement of Revenue Policy. As a result, the ad-valorem (rate in the dollar) amounts recommended for adoptions are slightly higher to those advertised. The minimum rate for each rating category or sub-rating category has not changed since being publicly exhibited as these were set by IPART for the term of Council's approved SRV.

The Office of Local Government advised via Circular 19-05 on 24 April 2019 that the maximum interest rate on overdue rates and charges is to be 7.5% for 2019/20. This is the same interest rate that applied in 2018/19. Council has traditionally adopted the maximum permissible interest rate to apply for overdue rates and charges.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.4	Treasury functions of Council managed to maintain cash flow and maximise return on invested funds

Legal/Statutory/Policy Considerations

Council is required to make the rates and charges and set the interest rate for 2019/20 pursuant to sections 533, 534, 535, 543 and 566 of the Local Government Act 1993 (LGA). The relevant sections or sub-sections of the LGA are summarised below:

533 Date by which a rate or charge must be made

A rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

534 Rate or charge to be made for a specified year

Each rate or charge is to be made for a specified year, being the year in which the rate or charge is made or the next year.

535 Rate or charge to be made by resolution

A rate or charge is made by resolution of the council.

543 Each form of a rate and each charge to have its own name

- 5 Council must, when making an ordinary rate or charge, give a short separate name for each amount of the ordinary rate or charge.

566 Accrual of interest on overdue rates and charges

- 10 *The rate of interest is that set by the council but must not exceed the rate specified for the time being by the Minister by notice published in the Gazette.*

Financial Considerations

- 15 The 2019/20 budget including proposed works and services to be adopted by Council at this meeting is the subject of another report. The Draft 2019/20 Budget Estimates has been based on the special rate variation increase of 7.5% as approved by the Independent Pricing and Regulatory Tribunal (IPART) for the general rate income in its third year. Charges proposed for water, sewer, stormwater and waste services have been based on the works and maintenance requirements of those areas and in conjunction with legislative requirements of the LGA to establish such charges.
- 20

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.13 Request for fee relief - A Day In The Bay

Directorate: Sustainable Environment and Economy

Report Author: Jess Gilmore, Events Liaison Officer

File No: I2019/908

Summary:

The organisers of the event "A Day in the Bay" have requested financial assistance in the form of:

1. Fee waiver for Cavanbah Centre fees incurred by their event - \$4,604
2. Contribution to event expenditure due to relocation of event - \$14,467

The purpose of this report is for Council to make a determination on this request.

RECOMMENDATION:

That Council:

1. **Grant a financial contribution of \$4,604 in the form of a budget transfer from the events funding support budget (2017.004) to the Cavanbah Centre to cover hire fees.**
2. **Not grant financial assistance in relation to the event expenditure request of \$14,467.**
3. **Advise A Day In The Bay organisers accordingly.**

Attachments:

- 1 A Day in the Bay - request for fee relief for 2018 event, E2019/30607



- 2 A Day in the Bay - invoice, E2019/42800



REPORT

“A Day in the Bay” was held at The Cavanbah Centre (general purpose field) on Saturday 8 December 2018. It was a ‘grassroots’ event for all ages featuring food and beverage stalls, boutique clothing pop-up stalls, indigenous artists, live music and children’s entertainment. All vendors were 100% local to the region. Proceeds from the entry cost (\$5 per adult, kids free) were donated to local charity Ingrained Foundation, to support grassroots environmental and social charities, again in the local area. Feedback about the event has been extremely positive (see Attachment 1 (E2019/30607), pp8-12).

Event organisers contacted Council in advance of their proposed event. Following this, they contacted the Red Devil Park about hosting the event.

The event organisers decided to proceed with use of the Red Devil Park for the event. They were of the opinion that all approvals were in place for the event to occur at the Park. (See Attachment 1 (E2019/30607), p13). However this was not the case.

The event organisers were notified by Council one week before their event that they did not have the necessary approvals in place for the event to proceed in that location. As a consequence, Council staff then worked with the organisers to gain approval to move the event to the Cavanbah Centre. The change of venue led to additional costs to the organisers which they are looking now to recoup.

It must be noted that despite the challenges and stress experienced by the event organisers during the venue change notification and subsequent process, the team worked collaboratively and constructively with Council to find solutions, and did not publicise the difficulties they faced; in fact, they publicly thanked Council for providing them with a larger venue, and worked with Council staff to improve the events service that The Cavanbah Centre was able to deliver, contributing to its development as an events venue in the Shire.

The costs borne by the organisers to move the event one week out are outlined in Attachment 1 (E2019/30607). In summary there are two separate costs:

- Cavanbah Centre hire fees of \$4,604 (see Attachment 2 E2019/42800) and;
- Additional costs of \$14,467 to enable the event to proceed at the Cavanbah (e.g. fencing, lighting, cool room hire, marketing the venue change).

The organisers are seeking financial assistance from Council to recoup these costs.

The request to waive fees for the Cavanbah centre (\$4,604) can be supported due to alignment with Council’s Delivery Plan activity 2.1(g) ‘Support a range of existing, emerging and major events’, and the hires fees for the Cavanbah being funded through alternate available funds in the event funding support budget.

The request for financial assistance in relation to event expenditure of \$14,467 is not supported as these costs were incurred as a result of the decision made by event organisers to proceed with the event at The Cavanbah Centre. The alternate for the event organisers was to postpone the event, and or proceed with the event as an unauthorised activity – both of which would have incurred costs.

STRATEGIC CONSIDERATIONS***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
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Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1 Support and encourage our vibrant culture and creativity	2.1.1 Support a range of inclusive events that encourage broad community participation and promote social inclusion	2.1.1.1 Participate in, promote or enable a range of community events
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Financial Considerations

- 5 If approved by Council a financial contribution of \$4,604 to be transferred from the events funding support budget 2017.004 to cover Cavanbah Centre fees.

Consultation and Engagement

- 10 General Manager
Director, Sustainable Environment and Economy
Manager, Open Spaces
Open Spaces Facilities Coordinator
Economy and Sustainability Coordinator
A Day in the Bay event organisers – Club Raiders
- 15

Report No. 13.14 **Byron Shire Climate Emergency Response**
Directorate: Sustainable Environment and Economy
Report Author: Tania Crosbie, Economy and Sustainability Coordinator
 Shannon Burt, Director Sustainable Environment and Economy
5 **File No:** I2019/915

Summary:

Council resolved at its ordinary meeting 18 October 2018 (**Resolution 18-680**):

1. *That Council:*
 - a) *notes the latest report of the Intergovernmental Panel on Climate Change (IPCC);*
 - 15 b) *notes the Federal government's latest emissions data showing we are increasing, not reducing our carbon emissions;*
 - c) *declares that we are in a state of climate emergency that requires urgent action by all levels of government, including by local councils, and*
 - 20 d) *acknowledges that Byron Shire is likely to be substantially affected by climate impacts, particularly sea level rise, bushfires, drought and floods.*
2. *That the recommendation be added to the Agenda of the upcoming Sustainable Emission Reduction Advisory Committee meeting for their input to convene a community-led Climate Emergency Guidance Group that provides a report as to how Council may assist;*
- 25 3. *That the Guidance Group develops a Shire-wide Community Climate Emergency Plan to further enhance resilience and reduce climate impacts in a timeframe that is as fast as practicably possible;*
- 30 4. *That Council, calls upon the State and Federal Governments to:*
 - a) *declare a climate emergency, and*
 - b) *to back this up with legislated programs to drive emergency action to reduce greenhouse gas emissions and meet the lower of the Paris Agreements at 1.5%*
- 35 5. *That Council writes to the Member for Ballina, Tamara Smith, the Parliamentary Secretary for Northern NSW, Ben Franklin, the Member for Richmond, Justine Elliot, the NSW Environment Minister Gabrielle Upton and the Federal Environment Minister Melissa Price, advising them of Council's resolution and urges them to acknowledge a climate emergency and to act with urgency to address the crisis.*
- 40 6. *That Council encourages neighbouring Local Government Areas to join with us by declaring a climate emergency, developing their own Climate Emergency Plans and advocating to State and Federal governments as per point (5).*

Council resolved at its ordinary meeting 13 December 2018 (**Resolution 18-841**) that staff provide an update report to the next available meeting on Council's climate change adaptation processes for rising temperatures, emergencies, asset maintenance, and water resources in a changing environment.

A report on Council's climate change adaptation processes was presented to the planning meeting of 21 February 2019, where Council resolved (**Resolution 19-011**) in two parts:

1. *to consider the development of an updated Climate Change Adaptation Implementation Plan for Council operations in the preparation of the draft 2019/20 Operational Plan and an allocation of \$80,000 in the preparation of the draft 2019/20 Budget; and*

2. *that the Climate Change Adaptation Process be made an agenda item at the next meeting of the Sustainability and Emissions Reduction Advisory Committee for consideration.*

A report to the Sustainability and Emissions Reduction Advisory Committee (SERAC) on 14 March 2019 fulfilled part two of **Resolution 19-011**.

This purpose of this report is to respond to the declaration of a state of climate emergency by Council (**Resolution 18-680**) and part 1 (**Resolution 19-011**).

This report recommends to Council a number of actions that can be achieved / completed in the coming 6 months to respond to the climate emergency declaration and plan for climate adaptation, in lieu of the full budget allocation of \$80,000 which is not able to be fully funded in the draft 2019/20 FY budget.

RECOMMENDATION:

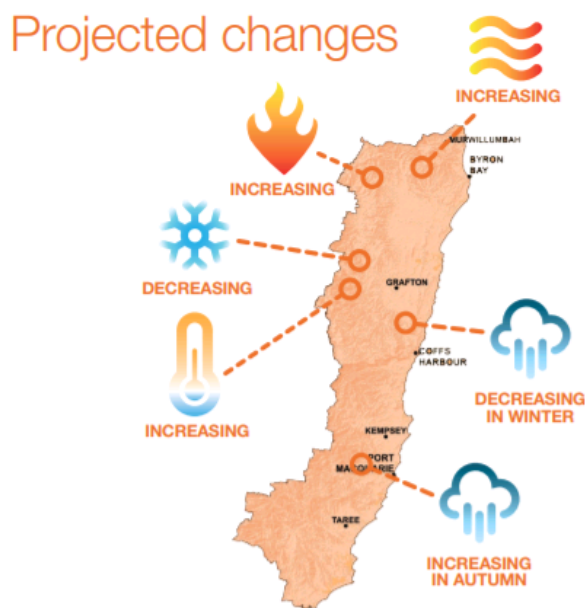
1. That Council note the report Byron Shire Climate Emergency Response.
2. That Council endorse the following actions the result of the report:
 - i. Include an action in the Operational Plan FY2019/20 about a 'Climate Emergency Plan';
 - ii. Hold a facilitated workshop between Councillors and the Executive Team to better understand and articulate what 'climate emergency' means in the Byron Shire context, and available mechanisms and resourcing for stronger action;
 - iii. Establish a Climate Emergency Cluster Group as defined in the body of the report;
 - v. Undertake a review of relevant climate policy and literature to establish an overarching framework for attracting grant funding and developing and delivering climate adaptation projects;
 - vi. In concert with item (iv) undertake a review of all Council programs to ensure alignment with our Climate Emergency commitment;
 - vii. Request ADAPT NSW to deliver Council and community workshops on ADAPT NSW/NCERA workshop outcomes; and
 - viii. Report to Council on the outcome of actions (i-vi) in December 2019.

REPORT

Background - our climate change context

- 5 Climate Emergency is a growing movement around the world that seeks to elevate climate change action to an emergency response, calling for strong and immediate action. The level of focus, attention, and resources that are placed on addressing climate emergency can be very different, and need to be better understood in the context of Byron Shire. A diagrammatic summary of the projected climate changes for the north coast region 2020-2039 is below.

10



Projected temperature changes	
Maximum temperatures are projected to increase in the near future by 0.4 – 1.0°C	Maximum temperatures are projected to increase in the far future by 1.5 – 2.4°C
Minimum temperatures are projected to increase in the near future by 0.5 – 1.0°C	Minimum temperatures are projected to increase in the far future by 1.6 – 2.5°C
The number of hot days will increase	The number of cold nights will decrease
Projected rainfall changes	
Rainfall is projected to decrease in winter	Rainfall is projected to increase in autumn and spring
Projected Forest Fire Danger Index (FFDI) changes	
Average fire weather is projected to increase in summer and spring	Severe fire weather days are projected to increase in summer and spring

Climate Change actions taken so far

- 15 By resolution (**Res 18-680**) Council recognises that we are in a state of climate emergency.
- Council's current climate risk management approach to respond to climate change has been mainly mitigation with some adaptation.

- 20 1) **Mitigation**—efforts to reduce greenhouse gas emissions;

Council has been conducting work in the mitigation space since 2004 and continues to do so with its goals of net zero emissions for Council operations by 2025 and sourcing 100% renewable energy by 2027 (**Res 17-086**).

5 The main tool and project driver for Council is the Net Zero Emissions Strategy for Council Operations 2025. This Strategy provides the roadmap for how Council intends on achieving net zero emissions as well as sourcing 100% renewable energy by 2027. This report is with Council for final approval (June 2019).

10 Byron Shire is already ahead of many councils when it comes to mitigation through emission reduction, with a number of the actions and projects in the strategy already being implemented. These are published on Council's web page.

https://byron.infocouncil.biz/Open/2019/06/PLA_20062019_AGN_1054.PDF

15 2) **Adaptation**—increasing society's capacity to cope with changes in climate.

Adaptation can be either a planned, proactive response to climate change or a reactive adjustment to climate change impacts after they have occurred.

20 Council's response to date includes:

1 *Support for a Community Led Climate Change response through the Climate Change Emergency Community Group (CCECG) (Res 18-680,18-737 & 19-172);*

25 2 *Inclusion of CCECG community representative (David Michie) and Cr. Cate Coorey (CCECG) as SERAC members;(Res 19-172)*

30 3 *A report to Council February 2019, on the status of Council's Climate Change Adaptation Processes - Update Report.*

https://byron.infocouncil.biz/Open/2019/02/PLA_21022019_AGN_1050_WEB.htm

35 This report provided an update on the status of Council's **climate change adaptation processes** as requested by Council at the 13 December 2018 meeting (**Res 18-841**). In summary:

- Climate change adaptation processes in Byron Shire currently occur at Council and at the regional level through Rous County Council and the New South Wales Government. Byron Shire Council supports Rous County Council who is planning for a reduced water supply in the region, and participates in regional adaption measures coordinated by the New South Wales Office of Environment and Heritage.
- In 2008, Byron and Tweed Shire Councils were jointly awarded federal government funding to engage a consultant to undertake a comprehensive risk assessment of the potential impacts of climate change on Council services and activities, and to recommend possible adaptation planning processes. From this work, Council resolved to adopt a Climate Change Adaptation Implementation Schedule (which included additional actions separately identified by Council). This schedule was not resourced, and as a result climate change adaptation processes have been incorporated into some Council policies, plans and strategies on an ad hoc basis since then. Most recent being Byron Shire Greenhouse Action Plan 2044 which was replaced by the Byron Shire Low Carbon Strategy 2014.
- Council's most comprehensive current climate change adaptation document, the Climate Change Strategic Planning Policy August 2014, provides guidance on future flood, coastline management and biodiversity planning. This policy is due for review.

4 Identification of available non-council funding options to prepare a Climate Emergency Plan including LGNSW and OEH Increasing Resilience to Climate Change Grants

- 5 Council did not meet the eligibility criteria for round 1 due to Council's Risk Assessment and Adaptation Action Plan 2008/2010 being developed more than five years ago. The criteria for round 2 appear to be the same.

10 The work identified below in the 'next steps' seeks to address gaps in and strengthen council's capacity to apply for future funding.

<https://www.lgnsw.org.au/policy/increasing-resilience-climate-change>

- 15 Further, LGNSW has a case studies page to assist councils to develop project ideas for grant eligibility. The projects will be used to inform the 'next steps' work and any grant funding applications made by Council for Increasing Resilience to Climate Change Grants round 3.

<https://www.lgnsw.org.au/policy/case-studies-1>

- 20
5 **At the regional level, staff participated in the OEH's *North Coast Enabling Regional Adaptation (NCERA)* planning workshops (2018). These workshops comprised of 154 regional stakeholders including local and state government, industry, human services, emergency management and environmental groups**

25
<https://climatechange.environment.nsw.gov.au/Adapting-to-climate-change/Regional-vulnerability-and-assessment/North-Coast>

- 30 The (NCERA) project aims to increase regional capacity and identify adaptation pathways that build regional resilience to climate extremes and minimise impacts on local communities. The final report is due in the second half of 2019.

35 Funding is anticipated for actions/ projects identified in the plan. It is understood that collaboration with one or more councils, regional organisations, private sector or government agencies, community groups and other organisations will be encouraged and will be looked upon favourably for grant applications.

As such it would be prudent for Council to wait for the release of this report and seek a briefing from ADAPTNSW on same prior to committing to a shire only Climate Emergency Plan. See below.

40 **Next Steps**

The full budget allocation of \$80,000 (**Res 19-011**) is not able to be funded in the draft FY19/20 budget without one or more of the funded projects in the Sustainable Environment and Economy Directorate being removed or its budget reduced. This would impact other resolutions of council, staffing, community expectations and state government requirements in most cases.

- 45 Notwithstanding the above, in recognition of the importance of the climate emergency declaration to Council, staff reviewed the budget and work program for FY19/20 and have identified an alternate response to (**Res 19-011**).

50 In lieu of a shire only Climate Emergency Plan as a first response, a number of actions have been identified for the coming 6 months to respond to the climate emergency declaration, and plan for climate adaptation in the long-term within existing resources and with an initial budget allocation of \$20,000 FY19/20.

The actions in no particular order follow:

1 Include an action in the Operation Plan FY2019/20 about a 'Climate Emergency Plan'. Example below.

3.2	Strive to become a sustainable community	3.2.1	Work towards a sustainable future that mitigates environmental impact and adapts to a changing climate	3.2.1.6	Define scope and options to progress Climate Emergency Plan
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5

2 A detailed conversation between Councillors and the Executive Team to better understand and articulate what climate emergency means in the Byron Shire context and available mechanisms and resourcing for stronger action.

10 It is recommended this detailed conversation occur through a facilitated workshop in the second half of 2019.

Key questions at this point in time include:

15

- What does climate emergency and Climate Emergency Plan mean in the Byron Shire Council context?
- How strong is the response expected to be and what level of resourcing would be directed to this by Council?
- What are the key areas in which Council can have the most impact?
- What are the resource implications for taking on full ownership of such a strategy (Plan development and ramping up of expectations to deliver a climate emergency response)?

20

3 Establish a Climate Emergency Cluster Group – to coordinate the work of council for a climate emergency plan as detailed in point 2. The Group to comprise of Councillors, relevant cross-Council staff and community representatives (nominated from relevant Council Panels/Committees). Minutes from the Climate Emergency Cluster Group will be reported to Council. The administration of this Group will be shared across the three Council Directorates.

25

4 Conduct a policy review of relevant Council policies (e.g. Council's Climate Change Strategic Planning Policy, adopted August 2014 Byron Tweed Climate Change Risk Assessment and Climate Change Adaptation Action Plan reports and the 2010 Byron Shire Climate Change Adaptation Implementation Schedule) for relevance to Climate Change emergency and develop an overarching policy framework to identify any gaps and a literature review for national and worldwide best-practice Local Government responses to Climate Change Declarations. To commence 1 July 2019.

30

5 Request ADAPT NSW to deliver Council and community workshops on ADAPT NSW/NCERA workshop outcomes. It is anticipated that the NCERA report will be delivered shortly, so any regional projects and outcomes will be reported to the Climate Change Emergency Cluster Group and to Council via SERAC.

35

6 Present a report to Council on the above actions in December 2019.

45

Should Council agree to the above actions, they can be resourced and progressed in the next 6 months.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.7	Prepare report on Council's climate change adaptation processes for rising temperatures, emergencies, asset maintenance, water resources in a changing environment
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5

Financial Considerations

The full budget allocation of \$80,000 (**Res 19-011**) is not able to be funded in the draft FY19/20 budget. The new funding required for the policy and literature review will added to the FY19/20 budget which is subject to a separate report to the June meeting.

10

Consultation and Engagement

N/A

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.15 Belongil Catchment Drainage and Issues Investigation

Directorate: Infrastructure Services

5 **Report Author:** James Flockton, Drain and Flood Engineer

File No: I2019/649

10 **Summary:**

Staff have previously provided reports to Council regarding various drainage issues in the Belongil Catchment.

15 These reports have resulted in resolutions of Council for staff to complete various tasks to further understand these issues.

This report provides further update and the result of these tasks.

20

RECOMMENDATION:

1. That the draft Belongil Creek Catchment Issues Study (E2019/34085) be reviewed by the relevant stakeholders and Council's Coastal Estuary and Catchment Panel prior to being presented back to Council for adoption.

2. That Council's Utilities team develop a detailed drainage maintenance program for Councils urban drainage asset across the shire, which will ensure all drainage assets are:
 - i. Located and mapped spatially;
 - ii. Inspected regularly; and
 - iii. Maintained appropriately after inspection

Attachments:

- 25 1 Belongil Creek Catchment issues study final draft for Council Report, E2019/34085
- 2 Confidential - Legal Advice - Belongil Catchment Drainage and Issues Investigation, E2019/42796



REPORT

Staff have previously provided reports to Council regarding various drainage issues in the Belongil Catchment. These reports have resolved as follows:-

Resolved (18-617) that, in relation to drainage concerns raised by Belongil residents south of Ewingsdale Road, Council:

- a) *undertake an immediate review of current and possible drainage paths for catchments leading to land at Melaleuca Drive and the Bayshore Drive intersection and investigate options for alleviating or removing impacts and report to the October 2018 Council meeting;*
- b) *prepare a "Belongil Catchment Issues Study" with the goal of then preparing a Belongil Catchment Management Plan that addresses, amongst other issues, that of drainage south of Ewingsdale Road and whether fill over large areas will not cause waterlogging downstream;*
- c) *allocate \$30,000 to prepare Belongil Catchment Issues Study for presentation to Council in February 2019.*

Resolved (18-684)

- 1. *That Council note the report and acknowledge that drainage in this area is complicated, flat and inefficient.*
- 2. *That the Bayshore Drive roundabout and the drainage maintenance works on Melaleuca Drive are unlikely to be the cause of the drainage issues being experienced by local residents.*
- 3. *That Council further investigate drainage easements from Ewingsdale Road to the Union Drain or an alternative lawful point of discharge including consideration of the impacts of the Ewingsdale Road duplication project by investigating appropriate drainage flow paths and create / negotiate easements as required to ensure lawful long term drainage for Ewingsdale Road.*
- 4. *That the Belongil Creek Entrance Opening Strategy considers the issues raised within this report (I2018/1795), to ensure any solutions do not further impact the long term viability of existing habitable low lying land in the Belongil Catchment as suitable and healthy land to live.*
- 5. *That staff continue to prepare a "Belongil Catchment Issues Study" with the goal of then preparing a Belongil Catchment Management Plan as per resolution 18-617.*
- 6. *That Council recommend the owner of the subject site further investigate potential blockages and flow paths downstream of their residence to improve drainage across their land, within current environmental planning legislation.*
- 7. *That Council obtain legal advice with regard to lawful points of discharge and whether a wetland or waterway must be reached.*
- 8. *That Councillors be given the opportunity to undertake a site inspection.*

The above resolutions have now been actioned by staff. They have resulted in staff now having an understanding of Council's current situation and preferred way forward.

Legal Advice

- 5 Council has received legal advice regarding the drainage issues at Melaleuca Drive, Byron Bay.

The advice is confidential attachment 2. The advice naming refers to the names shown in the image below.

- 10 Staff have also investigated Section 94 of the Roads Act 1993. This section states:

94 Roads authority may carry out drainage work across land adjoining public road etc

- 15 (1) A roads authority may, for the purpose of draining or protecting a public road, carry out drainage work in or on any land in the vicinity of the road.
- (2) The powers conferred by this section may not be exercised in or on land on which rail infrastructure facilities owned by Rail Corporation New South Wales, Sydney Metro, Transport for NSW, Sydney Trains, NSW Trains, Residual Transport Corporation of New South Wales, Transport Infrastructure Development Corporation or Rail Infrastructure Corporation are situated.
- 20 (2A) In this section, **rail infrastructure facilities** has the same meaning as it has in the [Transport Administration Act 1988](#).
- (3) The roads authority must pay compensation to the owner of the land for any loss or damage arising from the exercise of any power under this section.
- 25

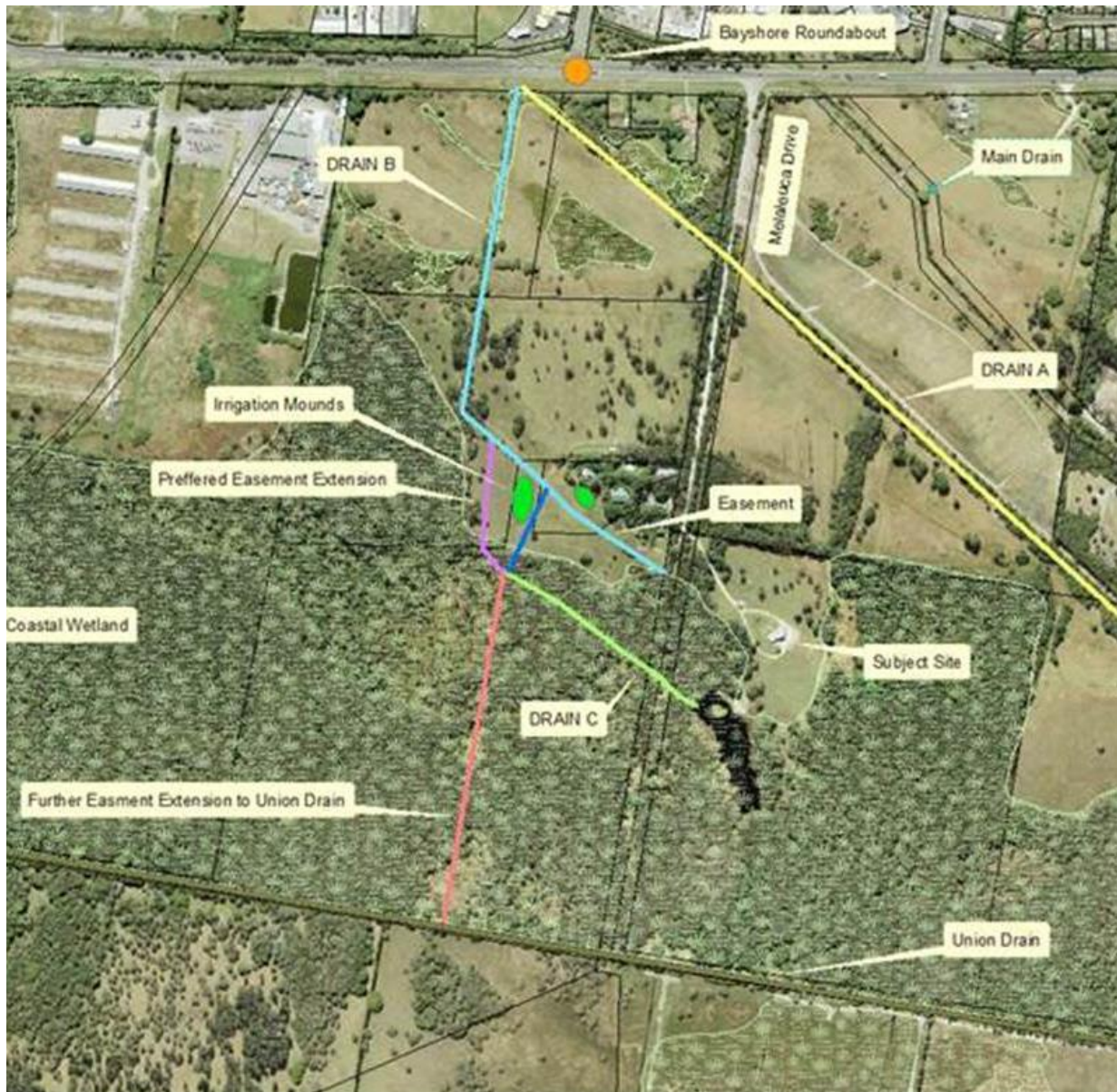
Section 94 doesn't confer any proprietary rights on Council. It grants a power to enter and a right to carry out work, but it doesn't grant an ongoing right to commit a nuisance by draining water over a property without consent. Therefore, in this instance this clause provides limited help. If Council had continued to maintain 'drain A' for example, with land owners permission under this clause, it would have ensured the drain remained a watercourse.

30

Unfortunately in this case Council's drainage program has resulted in 'drain A' slowly disappearing and the loss of this drainage path has occurred. Other options are now closed to Council.

35

Therefore, an alternative solution needs to be found.



Belongil Creek Issues study

Alluvium Consulting Australia Pty. Ltd were engaged by Council to develop the Belongil Creek catchment issues study.

Alluvium have completed this study in unison with the Belongil Creek Entrance Opening Strategy. Therefore the stakeholder workshops and meetings held with Councils Coast, Estuary and Catchment Panel all had dual purposes. To help them understand the issues facing the catchment, as well as develop the Belongil Creek Entrance Opening Strategy.

The knowledge from this consultation has all been used to develop the draft Belongil Creek Catchment Issues Study document and it is provided at attachment 1.

It should be noted that the intention of this document is to highlight all the issues and develop a method to investigate and resolve those issues. The study has done this and once adopted staff will be ready to begin the phase, as funding permits.

Key issues

Councillors are referred to confidential attachment 2 concerning lawful point of discharge for the water running off Ewingsdale Road.

Council will need to begin the process of resolving this issue. It is recommended that issues arising from the legal advice be dealt with as part of the Belongil Catchment Plan process.

The draft Belongil Creek Catchment Issues Study has documented various other concerns within the Belongil Catchment. The issues are varied across the various sub catchments, some can be resolved easily and some will be more long term goals, see attachment 1 for more details.

The continued under resourcing of drainage maintenance will increase the chances of situations similar to this occurring in the future. It is important that a detailed drainage maintenance program be prepared and implemented across the shire and that trunk drainage paths are identified to ensure they are maintained as a highest priority.

Further it is important that all Council works and development approvals have formal drainage easements through to a lawful point of discharge before works proceed.

Options

The recommended way to address all the key issues is through the preparation of a Belongil Catchment Plan, as detailed with attachment 1.

Next steps

It is recommended that the draft Belongil Creek Catchment Issues Study (attachment 1) be reviewed by the relevant stakeholders who were involved with the development of the study and Councils Coast, Estuary and Catchment Panel prior to being presented back to Council for adoption.

Once adopted it is recommended that Council proceed with the Belongil Catchment Plan, in accordance with the recommendations from the issues study. The catchment plan will provide recommended solutions for all the issues noted in the study and provide a framework to complete all the recommended solutions.

It is also recommended that Council's Utilities team develop a detailed drainage maintenance program for Councils urban drainage asset across the shire, which will ensure all drainage assets are:

- 5
 - i. Located and mapped spatially
 - ii. Inspected regularly
 - iii. Maintained appropriately after inspection

10 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.1	Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)	1.1.1.3	Implement ongoing urban drainage planned maintenance programs
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.6	Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	1.1.6.4	Implement urban drainage maintenance program

15 ***Legal/Statutory/Policy Considerations***

Legal / Statutory / Policy considerations have been discussed in the body of the report.

20 ***Financial Considerations***

A budget of \$120,000 has been recommended for the Belongil Catchment Plan in Councils 2019/20 budget.

- 25 Should this receive support the project can proceed in mid to late 2019.

Consultation and Engagement

- 30 Key stakeholders were consulted in the development on the draft Belongil Creek Catchment Issues Study.

Report No. 13.16 **Multi Use Byron Shire Rail Corridor**
Directorate: Infrastructure Services
Report Author: Therese Black, Business Analyst
 Joshua Winter, Civil Engineer
 Tony Nash, Manager Works
 Tania Crosbie, Economy and Sustainability Coordinator
File No: I2019/744

Summary:

A Council Mayoral Minute in late 2016, resolved to support an investigation into the feasibility of reactivating the rail corridor from Bangalow to Yelgun for multi-use transport applications.

Following an Expression of Interest and Request for Tender process, Council engaged Arcadis Australia Pacific Pty Ltd (Arcadis) to undertake a feasibility study into the reactivation of the rail corridor, focussing on the three components:

1. **Engineering Assessment:** to understand the existing condition of the corridor between Bangalow and Yelgun; its potential for multi-modal uses; the key risk areas; and costs of addressing infrastructure improvements.
2. **Social Impact Assessment:** to identify and analyse potential positive and adverse impacts to ensure that the needs of people affected by the proposed project are fully taken into account.
3. **Economic Feasibility Study:** to understand net benefits of identified project options over the asset life of the rail infrastructure both above and below ground; taking into consideration the benefits, (dis-benefits) and costs; to Council, all levels of Government, residents and tourists, alike.

Arcadis's investigations conclude that there is a community and economic need to reactivate the corridor to address a number of transport challenges in the Shire. The engineering inspections highlighted that the corridor is in reasonable condition and, although the existing trackform, alignment and structures will not support high speed heavy rail without significant reparation, the engineering condition assessment concluded that it has the capacity to support very light rail vehicles at moderate speeds.

A number of variable options were therefore considered with the following options further developed to inform the economic modelling and social impact assessment:

1. Very light rail (VLR) – trains with axle loads equal to or under 4 tonnes;
2. Hi-Rail – passenger vehicles utilising the rails that are adapted to also run on roads (i.e. can convert between rail and tyre wheels);
3. AV vehicles/ driverless pods – requires removal of existing rail infrastructure to construct a road within the corridor;
4. Guided busway –requires removal of the rails and construction of new pavement.

Each of these above solutions would include active transport, through separate paths for pedestrians and cyclists

5. Active transport, cycle, mobility scooters and walking – looking at two solutions;
 - a. one that removes the existing rail structure and
 - b. another that leaves the rails in place.

Multi-criteria analysis undertaken highlighted that Dual Mode Vehicles and cycling facilities (rail with trail), AV Vehicles and cycling (pods with trail) and multi-use cycling, pedestrian and mobility facility, provide greater flexibility and present cost effective and fit for purpose solutions for the corridor.

The economic assessment showed that for multi-use rail options, every \$1 spent provides near to or over \$1.00 in return, showing that usage of the existing rail infrastructure combined with active transport is not only socially beneficial, environmentally recycling and a healthy option but also, is economically viable.


Single use options that only include active (rail trail) and involved removing and replacing existing infrastructure were estimated to return less than a \$1.00 for every \$1.00 of investment.

RECOMMENDATION:

That Council:

1. **Note the Final Report for the Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun) pre-feasibility study as compiled by Arcadis; and**
2. **Request staff to evaluate the Arcadis Final Report and report back to Council on the next steps to progress the project.**

Attachments:

- 1 24.2017.33.1 - Byron Shire Rail Corridor_Final Summary Report, E2019/41426 
- 2 Confidential - 24.2017.33.1 - 20190528 MURC Appendix C Social Assessment Report, E2019/41428
- 3 Confidential - 24.2017.33.1 - 20190528 MURC Appendix C_Appendix A Community Engagement_Online Survey_Extract, E2019/41429
- 4 Confidential - 24.2017.33.1 - 20190528 Draft Proposed Concept AV Pods with active, E2019/41434
- 5 Confidential - 24.2017.33.1 - 20190528 Environmental Constraints Analysis, E2019/41435
- 6 Confidential - 24.2017.33.1 - 20190528 MURC Appendix A Engineering A State of the Use Corridor Report_includes Appendix A and B, E2019/41436
- 7 Confidential - 24.2017.33.1 - 20190528 Proposed Concept Hi_Rail with active, E2019/41437
- 8 Confidential - 24.2017.33.1 - 20190528 Proposed Concept Rail Trail Basic, E2019/41438
- 9 Confidential - 24.2017.33.1 - 20190528 Proposed Concept VLR with active, E2019/41439
- 10 Confidential - 24.2017.33.1 - 20190530 MURC App B Econ report 1 Case Studies Report 5-6-19, E2019/41461
- 11 Confidential - 24.2017.33.1 - 20190605 MURC App B Econ Report 2 Park and Ride Options, E2019/41462
- 12 Confidential - 24.2017.33.1 - 20190605 MURC App B Econ Report 3 Events and Festivals, E2019/41464
- 13 Confidential - 24.2017.33.1 - 20190605 MURC App B Econ Report 4 - Markets, E2019/41465
- 14 Confidential - 24.2017.33.1 - 20190530 MURC App B Econ Report 5 - Patronage, E2019/41466
- 15 Confidential - 24.2017.33.1 - 20190530 MURC App B Econ Report 6 - Community Benefits 5-6-19, E2019/41469
- 16 Confidential - 24.2017.33.1 - 20190605 MURC App B Draft Econ Report 7 - Land value, E2019/41470
- 17 Confidential - 24.2017.33.1 - 20190528 MURC Draft Econ Report - Tourism Numbers_5-6-19, E2019/41471
- 18 Confidential - 24.2017.33.1 - 20190605 MURC App B Econ report 9 - Funding options, E2019/41472
- 19 Confidential - 24.2017.33.1 - 20190530 MURC App B Econ report 10 BCR Economic Analysis 5-6-19, E2019/41473

REPORT

Council resolved in late 2016 to support multiple public transport and active transport use for the currently unused section of the Murwillumbah railway line within the boundaries of the Byron Shire.

- 5 This resolution followed the Mayor's June 2016 "The Byron Line Report", which was prepared to analyse the relevant issues and attempt to bring the Byron community together to develop an agreed vision.

- 10 The Byron Line Report outlines pathways to establish and manage a combined railway shuttle service and rail-trail walk/cycle way from Billinudgel and Bangalow within the Byron Shire.

To progress development of this combined infrastructure option, the Council engaged Arcadis Australia Pacific Pty Ltd (Arcadis) to undertake the following three assessments:-

- 15 1. An Infrastructure assessment of existing and required assets to inform a "State and Use of Corridor Report";
2. Economic feasibility; and
3. Social Impact assessment
- 20 Arcadis worked closely with a cross-divisional staff project team and undertook wide community engagement in the preparation of the study.

Engineering Assessment:

- 25 Track inspections undertaken indicated that the rail corridor appeared to be reasonably maintained prior to closure in 2004, with new sleepers and ballast works being undertaken between 2000-2002 prior to closure. Since rail services suspended in 2004, there has been little maintenance but also little usage, hence condition of the elements remains relatively unchanged subject only to deterioration from exposure to environmental conditions and vegetation overgrowth

- 30 Vegetation overgrowth was found to be the main issue and significant clearance throughout the corridor will be required to reactivate the corridor

- 35 The majority of the corridor contains 1 in 4 steel to timber sleepers, thereby requiring only 25-35% sleeper replacement. Ballast was found to be relatively new and suitable for mechanized plant for cleaning and reprofiling where required

Bridges and tunnels are the most valuable/ expensive asset on the corridor. The inspection assessed that:-

- 40 • tunnels appeared to be of sound structural condition;
• steel bridges inspected were found to be in very good condition; and
• timber bridges were in varying condition and will need additional engineering inspection and analysis to ascertain load capacities and reparation requirements.

- 45 Although the condition, alignment and grades make the corridor unsuitable for high or medium speed heavy rail solutions, the current condition was assessed as suitable to running low axle loads (maximum 10 tonne) vehicles at lower speeds of 40 – 50km/hr.

Overall, the engineering assessment concludes:

- 50 • the rail earthworks and formation appear to be in sound condition, apart from a slip near an existing tunnel;
• the track geometry appears to be sound, with both top and alignment in good condition. The interspersed steel sleepers are well packed and there were no signs of pumping or mud holes in the test audit areas;

- the rails are in good condition with minimal top and side wear, they appear almost to be near design standard with minimum tonnages on them. The profiles were near design (270 mm) in the majority of places inspected, even though covered by heavy vegetation in some areas;
- the ballast profiles on the rail structure are to standard for welded rail, with all shoulders and cribs being full. Inspection holes in the steel sleepers show they are well packed; and
- the track appears to have been well maintained, with some major works being undertaken prior to the track closure.

Options:

Based on the results of the engineering assessment, Arcadis developed the following options, to be further assessed through the economic and social assessments:

1. Very light rail (VLR) – trains with axle loads equal to or under 4 tonnes;
2. Hi-Rail – passenger vehicles utilising the rails that are adapted to also run on roads (i.e. can convert between rail and tyre wheels);
3. AV vehicles/ driverless pods – requires removal of existing rail infrastructure to construct a road within the corridor;
4. Guided busway –requires removal of the rails and construction of new pavement.

Each of these above solutions would include active transport, through separate paths for pedestrians and cyclists

5. Active transport, cycle, mobility scooters and walking – looking at two solutions;
 - c. one that removes the existing rail structure and
 - d. the other that leaves the rails in place.

Detail on each of the options, including indicative capital and operational costs, are contained within Arcadis' Final Summary Report (Attachment 1).

Economics:

Arcadis undertook economic modelling for the project, informed by a desktop analysis on:

- patronage;
- tourism numbers;
- park and ride options;
- events and festivals;
- markets;
- community benefits; and
- funding opportunities.

Overviews of this analysis are contained within Arcadis' Final Summary Report (Attachment 1).

Based on the outcomes of the analysis, Arcadis developed a Benefit-Cost Ratio (BCR) for each of the options, based on standard NSW cost benefit analysis guidelines, comparing the costs of each option against the sum of the following benefits:

1. Health benefits – e.g. increase in people walking & cycling;
2. Fare revenue;
3. Reduction in the cost of injury – associated with a reduction in vehicle crashes;
4. Reduced road costs;
5. Reduction in congestion costs

6. Reduced emissions; and
7. Reduced track maintenance.

5 Details of the BCR assessment are contained within Arcadis' Final Summary Report (Attachment 1). The Hi Rail option results in a BCR over 1, meaning that for every \$1.00 invested, there is \$1.00 or more returned.

Social Assessment:

10 Arcadis engaged with a wide range of stakeholders, including government, business and community, to understand community needs and identify and assess potential impacts associated with the nominated options.

The engagement confirmed a number of common themes:

- 15 • support for the use of otherwise wasted asset and land;
- support for efforts to address traffic issues;
- broad interest in active transport options; and
- interest in sustainable corridor opportunities.

20 Findings from the assessment of social impacts also informed the Multi Criteria Assessment process conducted across the project disciplines considering a list of criteria which captured the Byron Shire Wellbeing Indicators framework.

Options Assessment:

25 ***Key issues***

Byron Shire Council does not own or have any management rights on the Rail Corridor.

Next steps

30 Council to evaluate the Arcadis Final Report with a further report outlining next steps to go to Council later in the year.

STRATEGIC CONSIDERATIONS

Legal/Statutory/Policy Considerations

35 No known implications at this time.

Financial Considerations

40 Council has set a budget of \$230,000 available for the Multi Use Rail Corridor Feasibility Study project.

Consultation and Engagement

Stakeholders

Community meetings and survey (1,083 returned surveys)

45 Tricia Shantz – Social Impact Consultant to the Project

Neighbouring Shires

Regional Stakeholders

Detailed engagement strategy undertaken contained in the report (Appendix 1).

Report No. 13.17 **Brunswick Heads Parking Scheme Performance Review**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
Evan Elford, Team Leader Infrastructure Planning
5 **File No:** I2019/873

Summary:

At the 23 May 2019 Council meeting, Council resolved to postpone any decision in relation to the Brunswick Heads Parking Scheme Performance Review for one month. The decision was postponed to enable staff time to consult with community groups and analyse infringement data in a more comprehensive manner.

The purpose of this performance review is to address Council resolution **18-626** and to present the observations and recommendations submitted by consultants and from the Brunswick Heads Chamber of Commerce.

The observations and recommendations associated with the Bangalow and Mullumbimby parking schemes were presented in separate reports to the 23 May Council meeting.

RECOMMENDATION:**That Council:-**

1. Undertake an expanded Automated Number Plate Recognition (ANPR) survey of the Brunswick Heads parking scheme. The expanded ANPR survey area is to include:-
 - i) The existing Brunswick Heads parking scheme area,
 - ii) Fawcett Street, Mullumbimbi Street, Fingal Street and Booyun Street from Park Street through to Tweed Street
 - iii) East across the South Arm Bridge through to the Surf Life Saving Club
 - iv) South along Park Street from Fingal Street, through to Booyun Street.
2. Undertake an Economic Assessment of Brunswick Heads to understand the existing economic conditions, where visitors come from and how many of visitors are tourists versus locals
3. Investigate options to help increase compliance monitoring within the Brunswick Heads parking scheme through one or a combination of the following options:-
 - a) Increased patrolling through increasing the number of enforcement officers and associated patrolling equipment; and
 - b) Introduce parking technology, such as:-
 - i) In ground parking sensors
 - ii) Parking meters.
4. Integrate results and recommendations from the above items and report back to Council by May 2020 on recommended options to modify the parking scheme. (Options are to include, but not limited to, recommended modifications to time limits and recommended compliance monitoring options.)

Attachments:

- 1 Report 23/05/2019 Council Brunswick Heads Parking Schemes - Performance Review, I2019/597



- 2 Brunswick Heads Parking Scheme Review, E2019/24122



- 3 Brunswick Heads Chamber of Commerce - Community Consultation, E2019/41243



- 4 Infringement data for report appendix, E2019/41244



REPORT

Council Resolution 18-626

Council has undertaken a performance review of the parking schemes at Brunswick Heads in accordance with item 2 of Council resolution 18-626:

1. *That Council note the status and proposed actions relating to the parking schemes in Bangalow, Brunswick Heads and Mullumbimby.*
2. *That Council receive a further report detailing the performance review of the parking schemes at Bangalow, Brunswick Heads and Mullumbimby at the April 2019 Council meeting.*
3. *That within the current inactive zones associated with current parking layouts and existing kerb blisters, Council undertake a 12 month trial to provide free motorcycle and scooter parking spaces in the following:*
 - *Western edge of the beach front car park at the north end of Jonson St.*
 - *On southern edge of Bay St in front of the Beach Hotel.*
 - *The eastern end of Lateen Lane (aka Lawson Lane in Google maps)*
 - *Council car park at the north end of Middleton St.*
4. *That the current parking spaces for motorbike / scooter parking in Wategos be provided free of charge during the trial*

Items 3 and 4 relate to the installation of motorcycle parks within the Byron Bay and Wategos parking scheme and are not considered part of the Brunswick Heads parking schemes. As a result, these items were not considered as part of this review.

1. Report Structure

To address item 2 of the above resolution Council undertook a sustained Automated Number Plate Recognition (ANPR) survey of the Brunswick Heads Parking Scheme from April 2018 through to 28 January 2019.

Data collected from this survey and from Council's parking permit system was collated by Staff and provided to our consultant for statistical analysis and recommendations.

Based on the above process the report has, therefore, been structured in the following way:-

Section 2 is an overview of the data collected to undertake an analysis of the parking scheme.

Section 3 is an overview of the surrounding context to better understand the potential impact regionally significant developments may have on parking schemes in the near future.

Section 4 presents the observations and recommendations from:

- i) The TPS analysis,
- ii) The Brunswick Heads Chamber of Commerce (CoC),
- iii) Council's comments in response to the CoC requests,
- iv) Council review of Council's infringement data, and
- v) Council recommendations based on these observations and analysis.

2. Data Collection

Attachment 1 relates to the previous Council report submitted as part of the May Council meeting and provides a detailed discussion of the type of data collected as part of this review.

3. Surrounding Context

Attachment 1 relates to the previous Council report submitted as part of the May Council meeting and provides a detailed discussion of the surrounding context.

4. Parking Scheme Review

This section presents:-

- The observations and recommendations submitted by Traffic and Parking Systems (TPS) who were engaged by Council to undertake an analysis of the parking data discussed in Section 2 above.
- Requests and recommendations submitted by the Brunswick Heads Chamber of Commerce
- Observations and recommendations coming out of Council's analysis of infringement data.

It is important to note while considering the observations and recommendations that the proper operation and performance of a parking scheme depends on a number of issues, such as:

- i. Adequate supply and distribution of different time zones;
- ii. Supply vs Demand;
- iii. Turnover rates;
- iv. Number and type of infringements;
- v. Adequate number and location of bus zones, loading zones, mobility spaces, EV charging stations, car share spaces and taxi ranks.
- vi. Ability to efficiently monitor and enforce compliance;

4.1. Existing Parking Scheme

The figure below illustrates the location of each time zone and time limits within each zone.

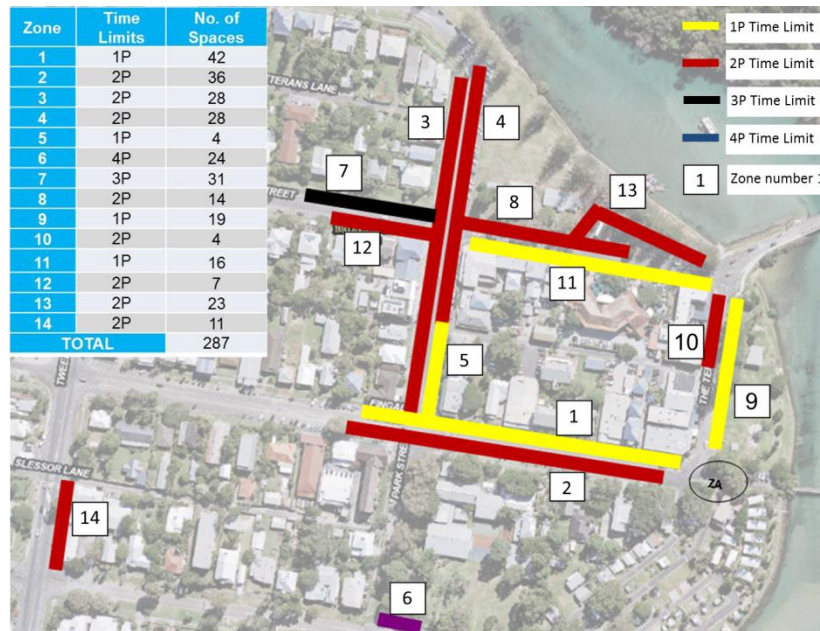


Figure 1: Existing time limits and parking zones

Below is a summary of the number of car spaces within Brunswick Heads parking scheme.

Zone	Time Limits	Number of Car Spaces
1	1P MON-SUN 9:00AM 5:00PM	42
2	2P MON-SUN 9:00AM 5:00PM	36
3	2P MON-SUN 9:00AM 5:00PM	28
4	2P MON-SUN 9:00AM 5:00PM	28
5	1P MON-SUN 9:00AM 5:00PM	4
6	4P MON-SUN 9:00AM 5:00PM	24
7	3P MON-SUN 9:00AM 5:00PM	31
8	2P MON-SUN 9:00AM 5:00PM	14
9	1P MON-SUN 9:00AM 5:00PM	19
10	2P MON-SUN 9:00AM 5:00PM	4
11	1P MON-SUN 9:00AM 5:00PM	16
12	2P MON-SUN 9:00AM 5:00PM	7
13	2P MON-SUN 9:00AM 5:00PM	23
14	2P MON-SUN 9:00AM 5:00PM	11
TOTAL		287

5

4.2. TPS Observations

Traffic and Parking Systems (TPS) were engaged by Council to undertake a Parking Scheme Review of Brunswick Heads. Below is a summary of the Brunswick Heads parking scheme observations and recommendations presented within the TPS report (refer to Attachment 2).

10

When looked at from a zone by zone basis, the majority of zones are operating at or near capacity for a large part of the year (capacity is defined as 90% of available spaces) – refer to page 4 Conclusions and Recommendations of Attachment 2.

Only zones 7, 8 and 12 have regular parking opportunities to any significant degree. Because these 3 out of 14 zones are not currently operating at or near capacity, parking supply within Brunswick Heads is currently adequate when the parking scheme is considered as a whole.

5 However, there is evidence that demand across all zones will approach capacity in the next 5 years. Based on the expected population growth discussed in *Surrounding Context* and the observations regarding time infringements (discussed below) this is considered to be an accurate assessment.

10 Given most zones are currently operating at or near capacity and all zones are expected to be at or near capacity within 5 years TPS recommend substantially more intensive and extensive compliance monitoring.

TPS observed the following time infringement concerns within the following zones:-

- 15 a) Medium to longer time zones 6, 7 and 13 (which have 4hr, 3 hr and 2hr time limits, respectively) had considerable time infringements.
- b) Medium time zone 12 (2 hr on the periphery of the parking scheme) had a high level of time infringement during low demand periods.
- c) Shorter time zone 11 (in the centre of the parking scheme) had a high level of time infringement during high demand periods.
- 20 d) Shorter term zones 1, 3 and 9 (1hr, 2hr and 1 hr, respectively, in the centre of the parking scheme) had a high level of time infringement during both low and high demand periods.

25 TPS concluded the over stay of time limits within the medium and longer term time zones (located on the periphery of the parking scheme) are probably forcing people to over stay time limits within the central, shorter time zones. This is because people wanting to stay longer may not find available longer term spaces so they resort to parking in short time zones, and over stay the time limits. Given the parking scheme is operating at or near capacity any time infringement has an amplified impact as there is limited to no vacant spots to ensure regular turnover.

30 In addition to the above TPS observations there are a number of community issues associated with the area east of South Arm Bridge. Of particular consideration is the potential re-categorisation of Crown Land managed by Council, namely: the land on which the Brunswick Heads Surf Club and Tennis Club are located. The categorisation of this land is currently under review with the land potentially becoming classified as Natural Area. If this area is re-categorised as Natural Area the majority of car spaces located adjacent to the surf club and tennis court will be lost

35

4.3. TPS Recommendations

Based on the above observations TPS propose the following recommendations.

40 4.3.1. TPS Recommendation 1: Increase Enforcement

The parking scheme has sufficient supply, provided time limit enforcement is substantially increased. This will ensure long term parking is pushed out to the periphery and all day parking is pushed to all day areas.

45 4.3.2. TPS Recommendation 2: Additional ANPR surveys over a wider area

The need for increased enforcement may cause more cars to push out into the all day parking areas and cause problems in these areas. Anecdotally, Council staff has observed these

surrounding all day parking areas adjacent to the parking scheme already have a significant number of cars parked in these areas.

To ensure the increased enforcement does not significantly impact the all-day areas in a negative way, additional ANPR surveys after changes / implementations are introduced is recommended by TPS. These additional surveys should include the following areas:-

- i) Across all of current time limited zones
- ii) West along Fawcett St, Mullumbimbi Street and Fingal Street through to Tweed Street (referred to as the "Town Zone")
- iii) East across the South Arm Bridge through to the Surf Life Saving Club (referred to as the Beach Zone)
- iv) South along Park Street from Fingal Street to Booyun Street (part of the "Town Zone").

Figure 4.3.2 below illustrates the areas where it is recommended to undertake an expanded ANPR survey.

Figure 4.3.2: Extent of existing and recommended expanded parking scheme



Council recommends adopting this recommendation for several reasons.

- i) Classification of Crown land along the South Beach Road is currently under review with significant implications in regards to parking layout and parking supply. As presented to the 6 June Strategic Planning Workshop, reclassifying Crown Land as Natural Land or General Community Use land with modifications to parking layout may potentially reduce the existing 360 (approx.) car spaces down to 190 (approx.). Given Council does not have

accurate data in relation to parking demand in this area, if the parking supply is reduced in such a significant manner it is unclear what impact this would have on the parking supply within the Brunswick Heads CBD area. There is a realistic possibility that overflow parking may occur within the Brunswick Heads CBD with patrons walking across the bridges to the beaches. As a result, it is recommended Council undertake an additional ANPR survey east of the South Arm Bridge to gain a clear understanding of the parking demand.

- ii) If Council undertakes a redesign of the parking layout along South Beach Road accurate data in relation to parking demand is essential.
- iii) Council compliance team anecdotally note that *"this is a very highly utilised area for parking, especially in peak season where it is full continuously"* along the full length of South Beach Rd.

4.3.3. TPS Recommendation 3: Increase 1P by 20%

Within page 4 of the TPS reports Conclusions and Recommendations it is stated: "There is also some evidence from the survey data and analysis supporting the need to convert some 2 hour parking in the Centre to 1 hour parking. Nominally, a 20% increase in the 1 hour duration sector may be appropriate at the expense of the 2 hour sector."

While this comment is not stated explicitly as a recommendation the Parking Scheme Performance Review report submitted to the 23 May Council meeting included a recommendation to increase the 1 hour parking by approximately 20%. TPS was asked to review this recommendation prior to submitting it to the 23 May Council meeting and after providing suggested alterations concurred with the recommendation.

The table below summarises the number of existing and proposed new time limit spaces based on the above TPS recommendations.

Time Limit	Existing # of spaces	Proposed # of Spaces
1P	81	97
2P	151	135
3P	31	31
4P	24	24
TOTAL	287	287

4.4. Brunswick Heads Chamber of Commerce Consultation

Council staff (Phil Holloway, Tony Nash and Andrew Pearce) met with representatives from the Brunswick Heads Chamber of Commerce (Kim Rosen and Michelle Begg) on Thursday 30 May, 2019. At the meeting the Chamber of Commerce raised a number of concerns and requests arising from the 23 May Council meeting report (refer to Attachment 3).

4.4.1. Chamber of Commerce Requests

A summary of their issues is presented below:

- i. E-Permits:

Would like to know how many residents within the Brunswick Heads Township own E-permits. Plus separate data for Ocean Shores/South Golden Beach and New Brighton.

ii. *Modifications to Time Limits:*

The BH CoC does not want to lose anymore 2 hour spaces to one hour spaces. They would like about 10-12 of the 2P spaces that were changed last year to 1 hour to be returned back to 2 hours because of the negative impact on businesses, especially on retailers. The spaces requested following consultation with BH CoC members are as follows: (see map attached)

- *6 spaces - East side of Terrace from Soundshell to the bridge*
- *4 spaces - East side of Park St from Yamis to the corner of Mullumbimbi St & Park St*

a. *It was noted that Council does not intend to introduce new 4P spaces or introduce time limits east of South Arm Bridge. The BH CoC offered to help collect data on the number of car spaces used by employees.*

b. *The BH CoC would agree with 2hr timed (not metered) parking at Torakina Beach car park for short-stay swims and one 15 min timed drop off zone for family gear.*

c. *The BH CoC noted the anomaly with the 15 minute signs not specifying Mon-Fri 9-5 as for other signs and requested this be added.*

d. *The BH CoC does not want the 3 hour spaces on Mullumbimbi St changed to 2 hours for now as customers need these for hairdressers and longer visits to shops and the park.*

e. *BH CoC suggests that instead of changing the all-day parking on Park St south of the school to 2 hours, the drop off/pick up issue be addressed in consultation with the school by, eg:*

- *“Kiss n Drop” with no parking between 8-9.30 & 2.30-4 (as discussed over a year ago)*
- *Allocation of these spaces as 15 min 8-9.30 and 2.30-4 as per other school signage. With no limits at other times. (This will stop all-day parking in this section).*

The BH CoC would prefer the current all-day in Park St opposite the school and next to the Health food Shop to be changed to 4 hours instead of the suggested 2 hours, creating a continuous 4 hour zone from the Park/Fingal St intersection south of the CBD to CWA hall.

f. *Re motor bike parking on the Terrace – a strategy or barrier is needed to stop cars parking in the motorbike parking area and sometimes up onto the kerb.*

iii. *Expanded ANPR Survey*

Undertaking additional ANPR survey's over an expanded area is supported. It recommended the expanded ANPR survey include Tweed St (between Booyun St and Mona Lane), Booyun St between CWA and Tweed St and east of the South Arm Bridge.

iv. *Economic Assessment*

It is requested that the Economic Assessment be undertaken prior to finalisation of any investigation into compliance monitoring options (i.e. increase of staff or introducing sensor parking technology).

v. *Data collection*

The BH CoC requested that data be collected to ascertain where business and school employees park - how many spaces are needed and how many all-day spaces are available in Fawcett St, Mullumbimbi St, Fingal St & Booyun St, before any recommendations are made to change any of the current all-day parking to 4 hour parking.

5 *The BH CoC offered to assist Council gather this data.*

vi. *Tourism Numbers*

The BH CoC requested updated information on what percentage of tourists who visit the Shire actually visit Brunswick Heads.

10 This request for tourism numbers was discussed at the meeting and subsequent emails.

4.4.2. Councils response to the above Chamber of Commerce Requests

The follow sections 4.4.2.1 to 4.4.2.3 present Council's response to the above CoC requests and comments.

15

4.4.2.1. E-Permits Data

The CoC requested information in relation to the number of permit holders who come from Brunswick Heads and the immediate surrounding areas. As a result, Council undertook a review of all permit holders and identified how many of them came from Brunswick Heads and the immediate surrounding suburbs.

20

Table 4.4.2a below presents a summary of every permit holder registered in the Byron shire permit database (whether a residential permit, worker permit, pension permit or disability permit) and what suburb they are registered in.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

13.17

Table 4.4.2a - Location of all E-Permit Holders by Suburb

Suburb	No. of Permit Holders	Suburb	No. of Permit Holders	Suburb	No. of Permit Holders
Alstonville	6	Federal	250	Repentance Creek	2
Austinvile	1	Fernleigh	4	Richmond Hill	1
Ballina	23	Fingal Head	1	Rosebank	8
Bangalow	952	Goonellabah	21	Russell Lea	1
Banora Point	1	Goonengerry	110	Skennars Head	4
Belongil	1	Goremans	1	Skidders Shoot	54
Billinudgel	57	Gran Flat	1	South Golden Beach	180
Binna Burra	60	Hayters Hill	11	Suffolk Park	2230
Bogangar	1	Huonbrook	35	Talofa	45
Booyong	6	Knockrow	2	The Channon	1
Bowen Hills	1	Lennox Heads	57	The Pocket	15
Brooklet	16	Lindendale	1	Tintenbar	2
Broken Heads	166	Lismore	30	Tregeagle	3
Brunswick Heads	313	Macleods Shoot	1	Tweed Heads	1
Bryon Bay	3840	Main Arm	60	Tuckombil	2
Burleigh Heads	1	Mcleods Shoot	28	Tyagarah	125
Burringbar	1	Melbourne	2	Uki	1
Casuarina	1	Middle Pocket	7	Upper Burringbar	3
Chinderah	1	Montecollum	42	Upper Coopers Creek	12
Clunes	35	Mooball	1	Upper Main Arm	27
Coopers Shoot	160	Mount Tambourine	1	Upper Wilsons Creek	13
Coorabell	202	Mullumbimby	1050	Varsity Lakes	1
Corndale	1	Mullumbimby Creek	55	Wanganui	1
Crabbes Creek	1	Myocum	320	Wategos Beach	8
Cumbalum	1	Nashua	40	West Ballina	3
Durrumbul	2	New Brighton	76	Whian Whian	2
East Ballina	12	Newrybar	40	Wilsons Creek	80
Eden Creek	1	Ocean Shores	1015	Wollongbar	3
Eltham	2	Palmwoods	5	Wooyung	1
Eureka	69	Possum Creek	107	Yamba	1
Evans Head	2	Pottsville	6	Yelgun	12
Ewingsdale	505	Regents Park	3	TOTAL	12666

The following Table 4.2.2b compares the E-Permit database against all LPR scans undertaken between 27 April 2018 - 28 January 2019. A total of 2,702 separate individual permit holders were identified as visiting Brunswick Heads in this period.

For example, in Table 4.2.2a there are 313 permit holders registered as living in Brunswick Heads. Of these 313 permit holders 277 were scanned by the LPR between 27 April 2018 and 28 January 2019.

All duplicates number plates were deleted so all 277 plates are separate individual permit holders.

Table 4.2.2b - Location of all Permit holders scanned in Brunswick Heads between April 2018-January 2019 as part of the LPR surveys.

Suburb	No. of E-Permit Holders	Suburb	No. of E-Permit Holders
Alstonville	1	Middle Pocket	3
Ballina	1	Montecollum	12
Bangalow	105	Mullumbimby	372
Billinudgel	32	Mullumbimby Creek	15
Binna Burra	13	Myocum	100
Broken Head	13	Nashua	13
Brooklet	1	New Brighton	36
Brunswick Heads	277	Newrybar	7
Byron Bay	327	North Ocean Shores	6
Clunes	4	Ocean Shores	699
Coopers Shoot	11	Palmwoods	2
Coorabell	43	Possum Creek	14
Corndale	1	Pottsville	1
East Ballina	1	Skidders Shoot	16
Eureka	3	South Golden Beach	111
Evans Head	4	Suffolk Park	183
Ewingsdale	66	The Pocket	10
Federal	32	Tyagarah	42
Goonellabah	4	Unknown	4
Goonengerry	17	Upper Coopers Creek	3
Huonbrook	12	Upper Main Arm	6
Lennox Head	6	Upper Wilsons Creek	9
Lismore	7	Whian Whian	1
Main Arm	16	Wilsons Creek	21
Mcleods Shoot	3	Yelgun	16
TOTAL			2702

- 5 The table below (Table 4.2.2c) isolates the towns requested by the CoC in section 4.4.1. Council also included Mullumbimby due to its similar proximity to Brunswick Heads. From this table it can be seen that 56% of all permit holders who visited Brunswick Heads between April 2018 to January 2019 came from the suburbs immediately surrounding Brunswick Heads.

- 10 *Table 4.2.2c - Location of all Permit holders scanned in Brunswick Heads between April 2018-January 2019 as part of the LPR survey requested by BH CoC.*

Suburb	No. of E-Permit Holders
Brunswick Heads	277
Mullumbimby	372
New Brighton	36
North Ocean Shores	6
Ocean Shores	699
South Golden Beach	111
TOTAL	1501
	56%

4.4.3. Discussion of the time limit modifications requested by the CoC

The CoC has made the following recommendations in regards to time limits which can be summarised as follows

- i. In contrast to the above TPS recommendation, do not convert any 1 hour spaces into 2 hour spaces.
- ii. Convert 10-12 x 1 hour spaces to 2 hour spaces, as it was previously at the start of 2018.
- iii. Make no changes to the 3 hours spaces.
- iv. Potentially install 2 hour parking at Torakina Beach with 1 x 15 minute space.
- v. Potentially install "Kiss n Drop" zone on east side of Park St next to the Public School
- vi. Prefer the installation of 4 hour (and not 2 hour) along west side of Park St, between Fingal St and Booyun St (preliminary Council investigation indicates approximately 17 spaces can fit along this section of Park St)

The CoC acknowledge they have included item v above without consultation with the school. A Kiss n Drop zone was raised in 2017 as part of a previous review. While such a zone may have community interest it has not been addressed as part of this review and is not considered an urgent project. Due to the complexity and costs associated with such a project it is recommended to consider this issue separate to the current parking scheme performance review.

Taking into consideration items i, ii, iii and vi these CoC recommendations will result in an overall reduction in the number of 1 hour spaces and an increase of 2 hour spaces. The table below summarises the number of existing and proposed new time limit spaces based on the above CoC recommendations.

Table 4.2.3 - Existing and proposed time limited parking spaces based on BH Coc requests and recommendations.

Time Limit	Existing # of spaces	Proposed # of Spaces
1P	81	69
2P	151	163
3P	31	31
4P	24	41
TOTAL	287	307

It is important to note these recommendations stand in contrast to those recommended by TPS. It is also noted that the 31 x 3-hour spaces are a lot for the few businesses located adjacent to these 3-hour spaces. In turn, all day parking is currently located approximately 50m from these businesses. In addition, 3-hour is anomalous to the rest of the Shire and adds another level of complexity to the parking scheme that is not preferred. However, while it is Council's preference to convert the 3-hour parking to 2-hour it is not explicitly identified by TPS. As a result, it is recommended to leave the 3-hour parking as currently exists.

4.4.3.1. Ongoing Investigations

The CoC has requested additional investigations be undertaken following on from this review and prior to Council adopting new compliance monitoring options. The requested investigations align with Council's recommendations as follows:

- 5 i. An expanded ANPR survey to include Tweed St (between Booyun Street and Mona Lane), Booyun Street between CWA and Tweed Street and east of the South Arm Bridge.
- ii. An economic Assessment of Brunswick Heads
- 10 iii. Survey staff parking – where they currently park, where they are able to park and how many spaces they technically require.
- iv. Research Tourism data to identify what percentage of visitors to the Shire visit Brunswick Heads. This may be determined through the economic Assessment.

15 **4.5. Infringement Analysis**

Both the Sustainable Economic and Environment directorate and Infrastructure Services have undertaken work to analyse Councils infringement data. The data has been analysed in three different ways as follows:

- 20 i. How many fines were issued for all compliance related matters versus how many fines were issued in relation to time limit over stays?
- ii. What period of the day and what days of the year had the most and least time limit overstay?
- 25 iii. What zones and streets within the parking scheme had the most and least time limit overstay?

4.5.1. All Fines versus Time Limit Overstay Fines

Refer to Attachment 4 (Sheet 1), for a breakdown of all parking related compliance fines issued in 2017/18 and 2018/19 within Brunswick Heads only, between May to April of each year.

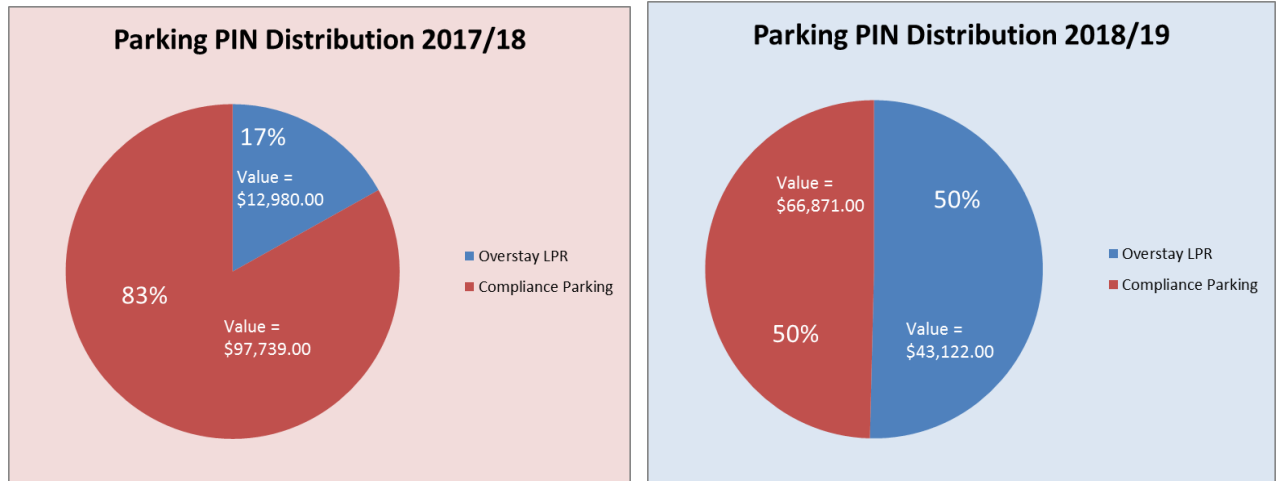
Table 4.5.1 below provides a summary from this attachment.

Table 4.5.1 – Summary of all fines versus overstay fines for Brunswick Heads.

	2017/18		2018/19	
	No. of Fines	Value of Fines	No. of Fines	Value of Fines
All parking fines issued	698	\$110,719	766	\$109,993
Only time overstay fines issued	121	\$12,980	386	\$43,122

- 35 Note, the number of "All parking fines issued" in 2018/19 increased by 68 fines, from 698 to 766. In comparison the number of overstay fines issued in 2018/19 increased by 265 fines, from 121 to 386. Despite the number of fines issued in 2018/19 increasing noticeably the total value of all the fines decreased. This suggests redeploying staff away from other types of infringements to focus on overstay infringements may not be the most cost effective option to adopt.

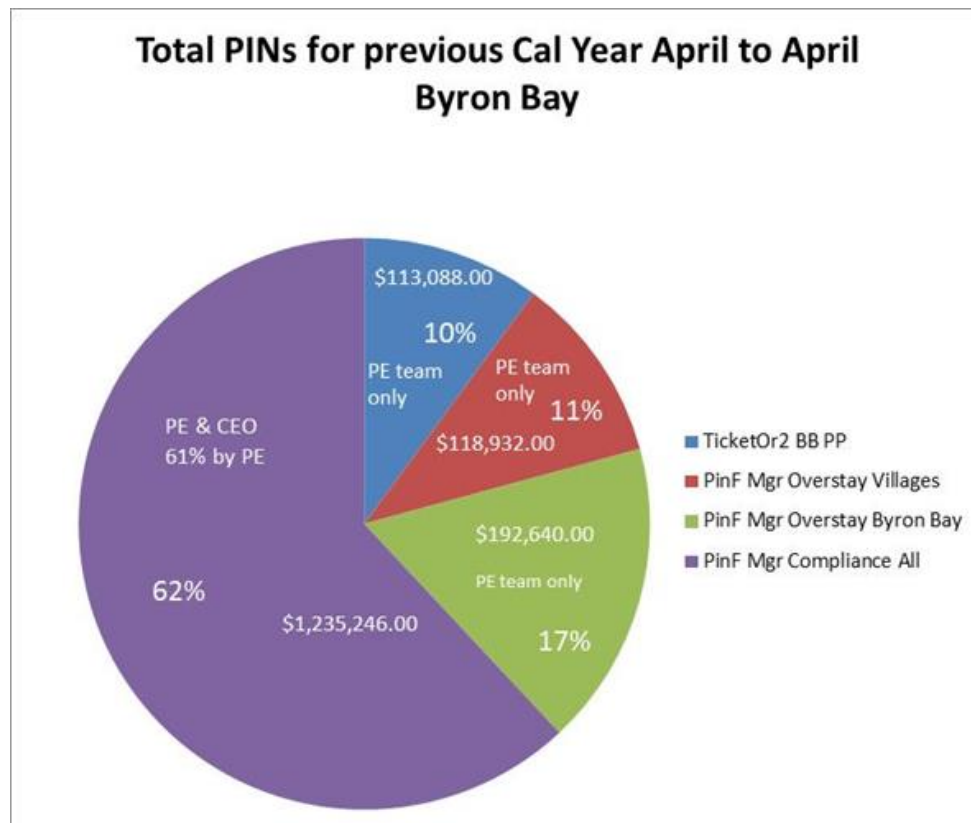
40 Table 4.5.1 is presented below as pie charts to help visualise the ratio between all parking compliance infringements and overstay infringements.



In regards to the above data it is important to note:-

- 5
 - In 2017/18 the 121 overstay fines accounted for 17% of all parking related fines. These 121 overstay fines in turn accounted for 11.7% of all parking fine revenue.
 - In 2018/19 the 386 overstay fines accounted for 50% of all parking related fines. These 386 overstay fines in turn accounted for 39% of all parking fine revenue.
- 10
 - The increase in Overstay fines in 2018/19 was due to the introduction of parking technology, namely the use of a second LPR equipped vehicle.
 - From this it can be seen that while overstay fines account for 50% of all fines they do not account for 50% of all parking related revenue. In fact, increased staff effort to target overstay fines resulted in a reduced annual parking fine revenue for Brunswick Heads.
- 15
 - Both PEO and CEO are able to issue "All parking fines issued" listed in Table 4.5.1
 - Only CEO's are able to issue "Only time overstay fines issues" in Table 4.5.1.
 - Council is unable to employ a third LPR equipped team without increasing staff numbers as LPR vehicles require a minimum of 2 staff members.

20 As a way of comparison the pie chart below presents a breakdown of infringements issued across the whole Shire between May 2017 - April 2019. This chart helps demonstrate the competing demands for the PEO's and CEO's to monitor compliance across the whole Shire.



5 **4.5.2. What time of day are most overstay fines issued in Brunswick Heads?**

A series of tables are presented below to help visualise:

- 10 i. What proportion of fines issued were for time limit overstay fines - Table 4.5.2a
- ii. Which month of the year experienced the most number of time overstay fines – Table 4.5.2b,
- 15 iii. Which street experienced the most time overstay fines – Table 4.5.2c,
- iv. For each month, how many cars were scanned in each ANPR survey, how many were identified as overstaying time limits and how many were eventually fined – Table 4.5.2d.
- v. For each time zone, how many cars were scanned in each ANPR survey, how many were identified as overstaying time limits and how many were eventually fined – Table 4.5.2d.

20 *Table 4.5.2a* (Attachment 4, sheet 2) presents the number of fines issued and the time of day when most fines are issued between May 2018 and April 2019. Approximately half of all parking related fines are for time limit overstay fines while the most common time of day for overstay fines of Mid Day (11.30am to 2.30pm). This is not surprising given Mid Day was the most common period in which Brunswick Heads was visited.

Table 4.5.2a

PERIOD OF THE DAY				TOTAL FINES ISSUED	TIME LIMIT FINES ISSUED	TIME LIMIT FINES %	# of Staff Visits
Morning	4:00:00 AM	to	9:00:00 AM	66	-	-	31
Late Morning	9:00:00 AM	to	11:30:00 AM	201	88	44%	68
Mid Day	11:30:00 AM	to	2:30:00 PM	316	219	69%	87
Afternoon	2:30:00 PM	to	5:00:00 PM	173	78	45%	40
Evening	5:00:00 PM	to	12:00:00 AM	10	-	-	4
TOTAL				766	385	50%	199

Table 4.5.2b presents the total number of parking related fines issued for each month between May 2018 and April 2019. As a way of comparison the table also shows how many of these fines were for time limit overstay.

Table 4.5.2b

DATE	TOTAL FINES ISSUED	TIME LIMIT FINES ISSUED			TOTAL TIME LIMIT FINES	TIME LIMIT FINES %
		Late Morning	Mid Day	Afternoon		
May-18	71	17	23	2	42	59%
Jun-18	43	3	9	0	12	28%
Jul-18	56	7	29	2	38	68%
Aug-18	55	9	13	3	25	45%
Sep-18	77	17	30	6	53	69%
Oct-18	46	6	11	0	17	37%
Nov-18	35	3	7	0	10	29%
Dec-18	112	9	8	4	21	19%
Jan-19	172	11	57	47	115	67%
Feb-19	12	3	4	0	7	58%
Mar-19	23	0	2	4	6	26%
Apr-19	64	3	25	10	38	59%

Unsurprisingly the most number of parking fines (all types) were issued in January and December with September the third highest month. December and January are regarded as the peak season while September is generally known to be the mid peak season.

More surprisingly, May is only a little lower than September and experiences more infringements than April (known as another peak period). This is surprising as May is commonly regarded as the low season and raises the question, why are there so many time limit fines during a supposedly quite period of the year?

Attachment 4 breaks the above two tables down into specific days of the year to show how many fines were issued on each day Brunswick Heads was visited by the LPR team. March 2019 had the least number of overstay fines issues (6), followed by February (7) and November (11). The most number of over stay fines were issued in January (115), September (53) and May (42).

Based on Attachment 4 (Sheet 2) Boxing Day to New Years Eve has the highest number of parking infringements but almost none of these are for time limit overstay. The second busiest day for parking fines is the Australia Day Long weekend where nearly all the fines are for time limit overstay. The third highest overstay fines were issued 9-12 May. The Easter period did not register a significant number parking infringements or overstay fines.

Table 4.5.2c (refer to Attachment 4, Sheet 3) presents a summary of how many parking fines were issued between May 2018 to January 2019 for each time limit zone, for each street and how many of these were for time limit overstay.

5

Table 4.5.2c

Time Limit Zone	# OF TIME LIMIT CAR SPACES (TLS)	TOTAL # OF CARS SCANNED BY LPR (LPRS)	LPR Overstays Detected Per Zone (LPRZ)	LPR Overstays Detected Per Street (LPRS)	TOTAL TIME LIMIT FINES ISSUED (TFI)	STREET	LPRZ/LPRS
1	42	2609	137	199	177	FINGAL	5.25%
2	36	1951	62				3.18%
3	28	1094	39	85	58	PARK	3.56%
4	28	1462	40				2.74%
5	4	275	6				2.18%
6	24	661	39	39	0	BOOYUN	5.90%
7	31	1119	96	204	79	MULLUMBIMBI	8.58%
8	14	957	29				3.03%
11	16	742	29				3.91%
12	7	170	4				2.35%
13	23	1212	46				3.80%
9	19	1350	56	59	71	THE TERRACE	4.15%
10	4	141	3				2.13%
14	11	325	4	4	0	TWEED	1.23%
TOTAL	287	14068	590	590	385		3.71%

10 Data presented in Table 5.4.2c indicates which streets experience the most number of fines. This in turn helps indicate the popularity of each location and where most people wish to park and risk overstaying time limits.

15 In particular, between May 2018 - January 2019, most overstay of time limits is detected within zones 1, 6, 7 and 9. It is expected these values will increase in peak periods and reduce in low periods.

20 Table 4.5.2d, overleaf, summarises how many Licence Plate Recognition (LPR) surveys were conducted between May 2018 - April 2019, how many cars were counted by the LPR surveys, how many cars were identified as overstaying time limits and how many of these identified cars were actually fined.

25 It is important to note that not all cars detected as overstaying time limits were fined. For example, where a car had a legitimate reason for overstaying a time limit, or the car was within a "grace period" fines might not be issued.

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

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May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	TOTAL
3345	2100	3562	5453	9048	2784	1849	2308	6974	1091	944	6190	45,648
139	75	98	95	235	41	34	52	339	17	29	164	1,318
42	12	39	25	52	17	10	20	115	9	6	38	385
71	43	56	55	77	46	35	112	172	12	23	23	725
30%	16%	40%	26%	22%	41%	29%	38%	34%	53%	21%	23%	29%
59%	28%	70%	45%	68%	37%	29%	18%	67%	75%	26%	165%	53%
May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	TOTAL
3345	2100	3562	5453	9048	2784	1849	2308	6974	1091	944	6190	45,648
4.2%	3.6%	2.8%	1.7%	2.6%	1.5%	1.8%	2.3%	4.9%	1.6%	3.1%	2.6%	2.9%
1.26%	0.57%	1.09%	0.46%	0.57%	0.61%	0.54%	0.87%	1.65%	0.82%	0.64%	0.61%	0.84%
"LPR Non-compliant detections" result in an "LPR infringement issued."												
compliant car may have a justifiable reason for overstaying the time limit, car may have left by the time the PEO is able to return to issue fine or PEO may see merit for not issuing an infringement.												
Total number of cars detected by the LPR as over staying time limits.												
Total number of cars fined for over staying time limits.												
Number of fines issued for all parking related infringements, such: parking in No Stopping zone, not paralleled park etc												
Number of over stays detected that result in a fine being issued.												
Number of over stay fines issued versus the total number of parking fines issued												

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Total # Spaces	Zone 2				Zone 3				Zone 4				Zone 5			
	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces
2%	19	11	7.64%		3	1	0.89%		9	3	2.68%		2	0	0.00%	
6%	5	0	0.00%		1	0	0.00%		2	0	0.00%		0	0	0.00%	
4%	26	4	2.38%		29	12	7.14%		17	9	5.36%		2	0	0.00%	
Total # Spaces	Zone 7				Zone 8				Zone 9				Zone 10			
	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces
0%	48	2	1.61%		1	0	0.00%		4	8	10.53%		4	0	0.00%	
0%	5	1	1.19%		0	0	0.00%		2	0	0.00%		0	0	0.00%	
0%	12	2	1.19%		17	6	3.57%		28	13	7.74%		2	1	0.60%	
Total # Spaces	Zone 12				Zone 13				Zone 14							
	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces	# Spaces	Overstays detected by LPR	Fines Issued	Issued / total # spaces
9%	1	2	7.14%		3	2	2.17%		2	0	0.00%					
0%	1	1	1.19%		0	0	0.00%		0	0	0.00%					
6%	3	0	0.00%		33	5	2.98%		0	0	0.00%					

4.6. Council Recommendations

The recommendations presented by TPS and the Brunswick Heads Chamber of Commerce do not align in some aspects, namely modifications to time limits. In presenting Councils recommendations below the aim is to provide a balance between those presented by TPS, the Brunswick Heads Chamber of Commerce and Council's ability within our existing resources.

4.6.1. Council Recommendation 1 – Expanded ANPR survey

Council's first recommendation is for IS and SEE directorates to undertake an expanded ANPR survey of Brunswick Heads expanding the footprint over which this survey is conducted, generally as per Figure 4.3.2. The responsibility will need to be equally owned and planned by the IS and SEE directorates as SEE have the resources to undertake the survey and IS to analyse the data.

This survey is recommended for two primary reasons:-

- i. 11 out of 14 parking zones in Brunswick Heads are currently operating at or near capacity for a large part of the year. Given this, and the expected increase in tourist numbers over the near future it is reasonable to expect the parking scheme to exceed capacity in the near future. Therefore, it is prudent for Council to begin planning now for when the parking scheme exceeds capacity. The expanded ANPR survey will provide the relevant data required to plan for these changes.
- ii. Classification of Crown land along the South Beach Road is currently under review. As presented to the 6 June Strategic Planning Workshop, reclassifying Crown Land as Natural Land or General Community Use land with modifications to parking layout may reduce the existing 360 (approx.) car spaces down to 190 (approx.). The impact of this on the Brunswick Heads parking scheme could be immense with substantial overflow parking being re-directed to the Brunswick Heads CBD area. The ANPR survey will enable Council to better understand parking demand east of South Arm Bridge and the potential impact of reducing car park numbers.

4.6.2. Council Recommendation 2 – Economic Assessment

Undertake an Economic Assessment of Brunswick Heads to better understand:

- i. The number of tourists versus locals going to Brunswick Heads
- ii. Why people go to Brunswick Heads, and
- iii. How visitor behaviour may change if parking technology is introduced.

4.6.3. Council Recommendation 3 – No changes to time limits

Once the expanded ANPR data is analysed, the Economic Assessment of Brunswick Heads is complete and changes to Crown Land classification east of South Arm Bridge are clarified Council will have a significantly clearer understanding of the whole Brunswick Heads CBD and connected areas

Until there is clarity with the above issues it is recommended to make no changes to the existing time limits. There is little point making even modest changes to time limits (as per TPS or CoC recommendation), with associated costs, if the above issues identify the need for substantial or different modifications in the near future.

4.6.4. Council Recommendation 4 – Investigate increased compliance monitoring options

As noted by TPS, the parking scheme currently has sufficient supply, provided time limit enforcement is substantially increased. If enforcement is substantially increase Council anticipates the existing parking scheme will have sufficient capacity over the short term. The length of this period is unknown and depends on the rate at which tourist numbers increase.

This increased monitoring will help ensure long term parking is pushed out to the periphery and all-day parking is pushed to all day areas outside of the parking scheme.

However, as demonstrated in Table 4.5.1 and the associated pie charts, adding a second LPR equipped vehicle substantially increased the number of overstay fines but resulted in reduced total infringement revenue. This suggests deploying a third LPR equipped vehicle may not be the most cost effective approach to long term compliance monitoring.

In addition to this, Council staff faces the competing demand of monitoring all parking related issues across the entire Shire.

As a result, it is recommended Council investigate different compliance options commonly adopted by other local governments and report back to Council in May 2020 the recommended option to adopt.

Such an investigation may include recommendations on how to adopt a combination of monitoring options within Brunswick Heads and how to include the area east of South Arm Beach, such as Torakina Beach car park.

5. Time Frames

The following section provides estimated timeframes required to implement the above recommendations. Additional time for consultation with stakeholders outside of Council has not been factored into the timeframe below.

1. Council Meeting (June 2019)
2. Expanded ANPR Survey
 - i. Plan the survey (July)
 - ii. Lead time (2 weeks)
 - iii. Survey – 6 months (Aug – Jan 2020)
 - iv. Council staff prepare ANPR data for analysis (Feb 2020)
 - v. Data analysed and report (mid March 2020)
 - vi. Report reviewed by Council staff (late March 2020)
 - vii. This report to be used to support Report on Compliance Options to Council
3. Economic Assessment – Stage 1 (Literature Review & On-line Surveys)
 - i. Purchase order approval process (June)
 - ii. Liaise between Council & SCU over survey questions (June)
 - iii. Undertake & submit Economic Assessment (10 weeks) (July-Sept)
 - iv. Council review report (Sept)
 - v. Possible SCU report refinements (Oct.)
4. Economic Assessment – Stage 2 (Intercept Surveys)
 - i. Purchase order approval process (July)

- ii. Liaise between Council & SCU over survey questions (July)
- iii. Confirm interviewers (Aug-Sept)
- iv. Lead Time
- v. Undertake Intercept Surveys (1 week) (Dec or Jan 2020 peak season)
- vi. SCU analyse data & prepare preliminary report for Council (Feb 2020)
- vii. Supply ANPR analysis to SCU for inclusion in Economic Assessment (late March 2020)
- viii. Council review report (early April 2020)
- ix. Possible Assessment refinements (mid April 2020)
- 5. Report on Compliance Options to Council
 - i. Research scope and issues associated with each option (June – Dec 2019)
 - ii. Concept Parking Scheme Design for each option (June – Dec 2019)
 - iii. Cost Estimates of materials & personnel (June – Dec 2019)
 - iv. Compare the ongoing financial cost / benefit sustainability of each option (Feb 2020)
 - v. Write Council report - enforcement option recommendations (March – April 2020)
- 6. Council Meeting (May 2020) – to resolve the adoption of an enforcement option (if required)

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.2	Ensure future traffic demand and alternative solutions are addressed in major infrastructure plans	1.6.2.2	Review Bangalow parking time limit changes
					1.6.2.3	Review Mullumbimby parking time limit changes
					1.6.2.4	Review Brunswick Heads parking time limit changes

Legal/Statutory/Policy Considerations

- As outlined in the report

Financial Considerations

- As outlined in the report.

Consultation and Engagement

- i. Council engaged the services of Traffic and Parking Solutions to undertake an analysis of the ANPR data and infringements
- ii. ANPR surveys were undertaken by Councils Parking Enforcement Officers
- iii. Brunswick Heads Chamber of Commerce were consulted and supplied their recommendations in writing.

Report No. 13.18 **South Arm Bridge - Proposed Delivery Timeline**
Directorate: Infrastructure Services
Report Author: Joshua Provis, Road and Bridge Engineer
File No: I2019/879

5

Summary:

10 Following a level 3 engineering inspection and load assessment of South Arm Bridge, Brunswick Heads in February 2019, Council was advised to reduce the 30 tonne load limit to 10 tonnes.

15 The report determined that a significant portion of the structural components are in poor to very poor condition and that further load limit reductions will be required in the near future if no action is taken.

20 Council has been successful in Round 4 of the Federal Government's Bridges Renewal Program with funding announcements made in April 2019. Funding agreements are expected to be finalised in early June 2019, at which time costs for design and planning can be incurred.

25 The South Arm Bridge Rehabilitation Project will involve the kind for kind replacement of all defective timber components with certified hardwood recycled from the 5 bridges project where possible, or otherwise purchased new.

30 This will mean the overall look and feel of the bridge will remain unchanged.

 This report seeks Council endorsement to deliver the works prior to Christmas 2019, as there are risks posed by waiting until the next available window, which would be after Easter 2020.

30

RECOMMENDATION:**That Council:-**

1. **Endorse the proposed project timeline for the South Arm Bridge Rehabilitation Project; and**
2. **Grant delegated authority to the General Manager for the awarding of the tender for the South Arm Bridge Rehabilitation Project (to enable completion of the works prior to Christmas 2019), subject to the tender:-**
 - a) **being within the approved project budget; and**
 - b) **being a conforming tender.**

35

Proposed Project Timeline

This report proposes to deliver the works prior to Christmas 2019.

- 5 With funding available in early June, and due to the timeframes involved with design, tendering and then reporting to Council for tender acceptance, this may be achieved by an early Council Resolution, which delegates authority to the General Manager to accept the most advantageous tender.
- 10 If works cannot be completed prior to Christmas, the next available window will be after Easter 2020 which carries additional risks and challenges discussed further in this report.

Thus the following timeline is proposed:

Receive funding agreement, engage design consultant	Early June
Report to Council seeking delegation	27 June
Complete detailed design, REF and community consultation	19 July
Call tenders	29 July – 26 August (4 weeks)
Tender evaluation	26 August – 2 September
Report to GM to accept tender	2 September
Construction contract	16 September – 9 December 2019 (3 months)

15

Risks

If works are not completed before Christmas the following risks need to be considered:-

- 20 1. Public safety due to bridge collapse. Council monitors loads at random through the North East Weight of Loads Group (NEWLOG), however there is a risk heavy loads ignore the signage and attempt to cross;
- 25 2. The cost of bin collection is currently approximately \$1,000 per week, and this will go up to approximately \$1,620 per week if a 5 tonne load limit is implemented. The cost to collect bins with no load limit is \$452 per week;
- 30 3. There are a number of DA's current for South Beach Road, including the Surf Club upgrade. Load limiting has cost implications for those works which also increases the risk of point 1 above;
4. A further load limit reduction to 5 tonnes is imminent and affects all of the above.

Proposed Works

35

Following completion of detailed design, the works will include the kind for kind replacement of components which have been rated as poor, very poor or unsafe in the level 3 engineering report, expected to be :

- 40
- 28 out of 32 piles;
 - 24 out of 42 girders;
 - 11 out of 36 corbels;
 - 10 out of 16 headstocks;
 - 30% of the decking (both longitudinal and transverse layers).

- 45 The other components in good and fair components will remain.

- 5 The component replacements will be done in conjunction with other engineering techniques including borate salt rods which prevent fungal decay of timber, galvanised horizontal fasteners which prevent water ingress and decay, and structural epoxy fill to diffuse good and fair condition components and fill any remaining voids.
- High strength fibre wraps may also be used on some components rather than replacement to assist in constructability and minimise full bridge closures.
- 10 The existing footprint of the bridge will not change, and the overall look will not change.
- It is expected a 50 year design life certification will be achieved for this bridge.
- 15 It is estimated these works will take 12 weeks to complete, weather permitting.
- At times a full closure of the bridge will be required.
- 20 The extent of closures will not be fully understood until the design is more advanced and finally when tenders are received.
- While all the pile replacements and many of the girder replacements can be done while maintaining single lane traffic flow over the bridge, some girders, all headstocks and the transverse deck planks will require full closure of the bridge.
- 25 The assessment criteria of the tender evaluation will weigh heavily towards low community impact in this regard.

Grant Arrangements

- 30 The Bridges Renewal Program Round 4 Guidelines state that construction must commence prior to the end of the 19/20 financial year and must be completed prior to the end of the 20/22 financial year.
- 35 Payment to Council will be through the submission of two milestone reports, one at project commencement and one at post completion.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.2	Develop maintenance levels for road network infrastructure in line with Community Solutions Panel values (SP)	1.1.2.6	Undertake general bridge inspection to identify and prioritise scheduled replacement and renewal of bridge components

Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1 Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.3 Prioritise road network asset renewal and upgrade programs in line with Community Solutions Panel values (SP)	1.1.3.3 Complete bridge replacement programs
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Legal/Statutory/Policy Considerations

Section 377 (General Power of the Council to Delegation), Local Government Act 1993 notes that:

- (1) *A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:-*
- i) *the acceptance of tenders to provide services currently provided by members of staff of the council,*

Financial Considerations

The draft 2019/2020 budget subject to a separate report to this Council Meeting provides an estimated budget of \$1,200,800 to deliver the South Arm Bridge.

The estimated cost includes design, project management and risk and contingency allowances.

Funding for the project proposed in the draft 2019/2020 budget totalling \$1,200,800 is from the following sources:

- Grant funding recently announced in round 4 of the Federal Government's Bridges Renewal Program - \$607,500
- New proposed loan borrowings for 2019/2020 - \$143,300
- Bridge replacement reserve - \$50,000
- 2017/2018 Special Rate Variation funding - \$400,000

The project and its funding sources have been reported to Council as part of the 2019/2020 draft budget process and been publicly exhibited. Should Council adopt the 2019/2020 budget, which is the subject of another report to this Ordinary Meeting, funding for the works and an expenditure budget of \$1,200,800 will be created.

Consultation and Engagement

Initial consultation with the community indicated that replacing the timber bridge with a new concrete bridge would be unacceptable. Residents and the Chamber of Commerce are supportive/ attached to the heritage look of the existing bridge, so feedback on Council's kind for kind replacement solution has been very positive to date.

A Communication and Engagement Plan has been developed for the project.

As part of the plan, briefing sessions will be held with businesses, residents, the Progress Association and the Chamber of Commerce in mid-late July, to discuss the works and potential impacts on the community.

Following tender assessment, evaluation and award, regular updates to the community and Council will be provided detailing construction timelines, performance, progress and any proposed traffic management/ road closure matters.

Report No. 13.19 **BioEnergy Facility Technical Operations Review**
Directorate: Infrastructure Services
Report Author: Dean Baulch, Principal Engineer, Systems Planning
File No: I2019/888

5

Summary:

10 Council has a strategy to achieve ‘Net Zero Emissions for Council Operations’ by the year 2025 (Council Resolution 18-841). A BioEnergy Facility is a key element of this Strategy. The current Community Strategic Plan has a goal through its 4-year Delivery Plan to “Increase the energy efficiency of Sewerage Treatment Plants,” with one element included in it’s Operation Plan to develop a plan for BioEnergy projects by June 2019.

15

Currently there are no comparable reference sites for the Council or NSW EPA to consider in relation to BioEnergy Facilities in Australia.

20 Byron Shire Council’s proposed BioEnergy Facility will be the first of its kind in Australia.

To be successful in Byron Shire, it is important that such a facility’s operational issues are properly understood by Council (exercise due diligence) and, ideally, also by the NSW EPA planning and permitting staff.

25

RECOMMENDATION:

1. **That Council’s Principal Engineer and the BioEnergy Facility Project Manager organise and conduct technical site visits to review operations of relevant HZI and Bekon BioEnergy sites, review their feasibility and report back to Council.**
2. **That, as an option, Council contact the Office of the Minister for Energy and Environment to request that NSW EPA personnel participate in the field visit.**

30

REPORT

Council has a strategy to achieve ‘Net Zero Emissions for Council Operations’ by the year 2025 (Council Resolution 18-841). A BioEnergy Facility is a key element of this Strategy.

The current Community Strategic Plan has a goal through its 4-year Delivery Plan to “Increase the energy efficiency of Sewerage Treatment Plants,” with one element included in it’s Operation Plan to Develop a plan for BioEnergy projects by June 2019.

Council, generally, has the following operational objectives at all of its Sewage Treatment Plants (STPs), to:

- Minimise waste produced in STPs.
- Maximise the beneficial reuse of STP treated effluent.
- Generate and utilise renewable energy sources to offset use of grid electricity.
- Implement projects to foster beneficial community outcomes.

The BioEnergy Facility project touches on many aspects of Byron Shire Council’s strategic objectives regarding: waste reduction; reducing truck movements related to waste transport; GHG emission reductions; reduced reliance on grid electrical energy; and broad local government leadership in the promotion of sustainable development tenants.

Council has already conducted several engineering and assessment stages regarding the potential for a BioEnergy Facility in the Shire, including: past community consultations; feedstock assessments; and concept engineering design.

As per Council Resolutions **18-395 & 18-774**: The Final Bankable Feasibility Study submittals from contractors were received in draft form by Council at the end of May 2019. These two contractors (Hitachi Zosen Inova (HZI) and Bekon) are world-leaders in dry Anaerobic Digestion (A.D.) of organic and green wastes. The present work is the culmination of various open-market competitions and Council’s extensive efforts to date.

The proposed BioEnergy Facility will be the first of its kind in Australia. According to the technology suppliers, Council is presently the furthest advanced in its engineering design and strategic considerations of such a facility.

NSW EPA

Currently there are no comparable reference sites for the EPA to consider in relation to BioEnergy in Australia.

Council staff are to meet with the NSW EPA senior officers and directors in Sydney mid-June 2019, to directly engage with the planning and permitting branches of the EPA. Staff will update the EPA regarding the project and, moreover, to engage the technology contractors and the EPA in early clarifications about the planned facilities in advance of more formal planning and permitting requirements for this BioEnergy project. The Council BioEnergy Facility Project Team believes that this will facilitate a transparent process for – and successful outcome– for the future planning consents and permit variations required.

Of importance, a facility of this type has not yet been developed in Australia. NSW EPA planning and permitting policies require that:

“Energy recovery facilities must use technologies that are proven, well understood and capable of handling the expected variability and type of waste feedstock. This must be demonstrated through reference to fully operational plants using the same technologies and treating like waste streams in other similar jurisdictions.” (NSW Energy from Waste Policy Statement, NSW EPA, 2015).

To ensure that the operational facilities are congruent with the needs and requirements for Council and the State, it is imperative that Council's utilities engineering personnel conduct technical visits to operational sites from HZI and Bekon in what NSW EPA would deem appropriate 'reference sites.'

Subject to Byron Shire Council approval of such technical visits, the Project Team proposes to invite NSW EPA delegate(s) to join Council on the technical visits, due to the obvious educational value and understanding that such visits would have for the EPA. It will also provide an approval and permitting pathway for other organisations into the future and Byron Shire Council will have established a reference site for the EPA.

Rationale

Importance of the technical visits – Risk of not proceeding:

There are no reference sites in Australia. The technologies and facilities have been embraced and implemented in Western Europe and North America. To be successful in Byron Shire, it is important that such a facility's operational issues are properly understood by Council's utilities engineering personnel and, ideally, also by the NSW EPA planning and permitting staff.

The risk exists that, if the actual operational site considerations are not well understood in advance of detailed design, planning and permitting efforts, then the NSW EPA and/or other consent authorities may not approve this project due to a lack of understanding or possibly because there has been inadequate adaptation of these works to the Australian and Shire's environmental requirements.

Clearly, by viewing operational facilities and collecting first-hand site, design and operational details regarding the facilities (and in between the Feasibility and Detailed Design phases), the Council Project Team will be much better positioned to direct the successful conclusion for the next phases of engineering design, planning and permitting activities with regulators and consent authorities.

Minimum capital cost of BioEnergy Facility	~ \$20Million
Ongoing operational cost per annum ~ \$500,000 over say 15years	~ \$7.5Million

Cost of getting it wrong/cost to the community ~ Minimum \$28Million [Council investment]

Opportunities gained from technical visits:

The Council Utilities Project Team, intentionally and in coordination with NSW EPA, will produce field reports including summary observations on the following issues (the first three bullets of which are the stated principle issues of concern from the NSW EPA):

- Noise
- Odour
- Traffic impacts
- Site aesthetics and view lines from surrounding properties
- Information on waste acceptance, storage, processing, reuse, management and disposal.
- Local markets the can use/buy outputs from the process.
- Results of stakeholder interview
- Energy output and payback periods
- Operability and maintainability
- Opportunities for improvement and adaption in Australia
- Restrictions and constraints relating to operation

- A virtual SWOT analysis of existing established and operating BioEnergy Facilities

During the technical visits, the Council Project Team will request interviews with the following stakeholders at the facilities visited:

- 5 • Owners/Operators
- Local government authorities
- Senior level government regulators (e.g., state-level equivalents, US EPA)
- Neighbouring property owners
- Operations and maintenance personnel
- 10 • Feedstock suppliers
- Customers of outputs from the process

This mission will be quite demanding and intensive in relation to travel, interviewing and report writing.

Participants

It is proposed that two representatives from Council conduct fact-finding technical visits to operating HZI and Bekon BioEnergy facilities in Western Europe and in North America (California USA and Ontario Canada).

The Project Team proposes that the Utilities Principal Engineer and the BioEnergy Facility Project Manager attend as Council's representatives.

Council will also invite the NSW EPA executive management to delegate its representative to attend to these technical field visits with Council. The developmental potential is enormous regarding Councils proposed facility to become a reference site in Australia for other Energy-from-Waste projects and, thus, influence NSW EPA's Resource Recovery policy and guidance.

Itinerary

The proposed itinerary for the technical visits, commencing in August 2019, is as follows:

- Day 1-2: Flights from Australia to Western Europe;
- Day 3-4: Visit HZI facilities in Switzerland (3-4 sites);
- Day 5: Travel to Germany;
- Day 6-7: Visit Bekon facilities in Germany (3-4 Sites);
- 35 • Day 8-9: Flights from Europe to Canada;
- Day 9: Visit Bekon facility outside Toronto;
- Day 10: Travel from Canada to USA;
- Day 11: Visit HZI facility outside San Francisco;
- Day 12-13: Flight from USA to Australia (cross date-line & lose 1 calendar day);
- 40 • Completed report to Council (including recommendations to proceed or not) - August/Sept 2019

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.2	Prepare Bioenergy Project Plan

Financial Considerations

Costs are estimated from technical site visits as follows:

- \$10,000 Airfares (\$5,000 assumed per person economy airfare)
- \$5,500 Per diem meals and sundry (assume 14d; 2 people; \$150 each per day)
- \$5,500 Per diem hotels (assume 14d; 2 people; \$150 each per day)
- \$9,000 Total internal travel and transfer costs for the team; shuttle, train, taxi, rental car etc.
- Total \$30,000 for two Council representatives

The financial impact represents <0.2% component of the project value using an approximate \$30,000 value for such an excursion in comparison to the potential \$20Million Council investment. This is obviously a very small cost [or insurance premium] in terms of 'getting it right' for the Shire.

These costs are in addition to Council's normal operating costs i.e. wages, etc.

Budget is already available. Current 2018/2019 budget for the project is \$606,000 with \$155,000 remaining. Interim budget for 2019/2020 is \$250,000 – this will change with reporting recommendations.

Legal/Statutory/Policy Considerations

Probity Considerations

The technical site visits are entirely funded by Council, the potential technology suppliers will only assist by informing staff of their operational sites. Staff know of no conflict of interest relating to, or personal or business gain that any parties will receive from, the occurrence of these technical visits.

Since its inception, the Council BioEnergy Facility Project Team has followed NSW LGA and Council procurement policies very closely. No incentives or gifts from either of the two contractors have been offered, nor will they be accepted. The technical visit proposed is a rigorous exercise intended to objectively and transparently examine operational facilities for the purpose of Council's learnings, risk management and future decision-making.

This technical visit has been initially assessed and it is considered that the proposal aligns to the objectives identified within the current and future strategic directions of Council and is of great relevance to the Shire.

The Council personnel attending the technical visits commit to retaining the knowledge gained consistent with Council's Learning and Development Policy. Furthermore, within one month of the technical visit, Council personnel will provide a written report on the findings.

No spouses or children will accompany the Council personnel.

Notes:

The Byron Bay AD is sized at PF1800 (=1,800m³ net volume for anaerobic digestion).

For information, some HZI operating sites include the following:

- San Luis Obispo (PF1800– same scale as Byron Bay; biogas to electricity; also owned and operated by HZI). Three hours drive north of Los Angeles International Airport.
- Winterthur (PF1500 – 17% smaller than Byron Bay; upgrading to biomethane and injection into the natural gas grid). Around 20 min drive from Zurich International Airport

- Vetroz (PF1300 – 28% smaller than Byron Bay; upgrading to biomethane and injection into the natural gas grid; includes Bio Waste, Green Waste, Liquid Manure, Waste Oil as feedstock). Around 3 hours drive from Zurich International Airport.
- 5 The above sites represent comparable markets in respect to the facility that Council is considering.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 **Report of the Audit, Risk and Improvement Committee Meeting held on 30 May 2019**

Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Governance Officer
File No: I2019/856

Summary:

This report provides the minutes of the Audit, Risk and Improvement Committee Meeting held on 30 May 2019 for determination by Council.

RECOMMENDATION:

1. That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 30 May 2019.

2. That Council adopts the following Committee Recommendation(s):

Report No. 4.1 **Local Government Performance Excellence Program 2018 Report**
File No: I2019/680

Committee Recommendation 4.1.1

1. That the Audit, Risk and Improvement Committee notes the Byron Shire Council LG Performance Excellence Program FY18 Report.
 2. That a Councillor Workshop be provided to outline the value of the LG Performance Excellence Program and identify the costs and benefits to Council and the community.
3. That Council adopts the following Committee Recommendation(s):

Report No. 5.1 **2018-2019 External Audit Engagement Plan**
File No: I2019/251

Committee Recommendation 5.1.1

1. That the Audit, Risk and Improvement Committee notes the External Audit Engagement Plan prepared by the Audit Office of New South Wales for the year ended 30 June 2019 as outlined in Attachment 1 (#E2019/13601).
 2. That the report and Attachment 1 of the closed part of the meeting remain confidential.
4. That Council adopts the following Committee Recommendation(s):

Report No. 5.2 **Updated Internal Audit Plan - May 2019**
File No: I2019/742

Committee Recommendation 5.2.1 that the Audit, Risk and Improvement Committee endorses the Internal Audit Plan, as updated in May 2019.

Committee Recommendation that the Audit, Risk and Improvement Committee endorses the Internal Audit Plan, as updated in May 2019.

5. That Council adopts the following Committee Recommendation(s):

Report No. 5.3 Cash Management Audit Review

File No: I2019/655

Committee Recommendation 5.3.1

- 1. That the Audit, Risk and Improvement Committee notes the Cash Management internal audit review report.**
- 2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (#E2019/35202).**
- 3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential.**

6. That Council adopts the following Committee Recommendation(s):

Report No. 5.4 Payroll Audit Review

File No: I2019/657

Committee Recommendation 5.4.1

- 1. That the Audit, Risk and Improvement Committee notes the Payroll internal audit review report.**
- 2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (#E2019/35209).**
- 3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential.**

7. That Council adopts the following Committee Recommendation(s):

Report No. 5.5 Audit Progress Report - May 2019

File No: I2019/711

Committee Recommendation 5.5.1

- 1. That the Audit, Risk and Improvement Committee notes the Internal Audit Activity Report - May 2019 (#E2019/35523).**
- 2. That the Audit, Risk and Improvement Committee endorses the recommendation from the Executive Team to close off 20 outstanding recommendations in Appendix C of the attached report (#E2019/35523) due to these actions being confirmed as complete.**

8. That Council adopts the following Committee Recommendation(s):

Report No. 5.6 Update on IT Actions

File No: I2019/778

Committee Recommendation 5.6.1

- 1. That the Audit Risk and Improvement Committee:
 - a) notes the update provided in the report on IT risk related activities.**
 - b) records actions as 'closed' where management has addressed the issue.****
- 2. That this update be regularly provided to the Committee as a standing item at each meeting.**

Report

The minutes of the Audit, Risk and Improvement Committee Meeting of 30 May 2019 for determination by Council can be located on Council's website at:

5 https://byron.infocouncil.biz/Open/2019/05/ARIC_30052019_MIN_1007.PDF

The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/05/ARIC_30052019_MIN_1007_WEB.htm

10 **Report No. 4.1 Local Government Performance Excellence Program 2018 Report**

Council's Executive Officer presented an overview of the Local Government Performance Excellence Program 2018 Report. The FY2018 report contains a mix of positive results and potential opportunities for further review or improvement. The Committee requested that the report be presented to a Councillor workshop to outline the value and identify the costs and benefits to Council and the community of continuing participation in this reporting mechanism.

Report No. 5.1 CONFIDENTIAL - 2018-2019 External Audit Engagement Plan

20 The report presented the 2018-2019 External Audit Engagement Plan for Council to the Audit, Risk and Improvement Committee. Amongst other things, it details the scope, key issues, audit approach and other engagements related to the fee payable to the Audit Office of New South Wales.

25 **Report No. 5.2 CONFIDENTIAL -Updated Internal Audit Plan -May 2019**

This report presented the Updated Internal Audit Plan as at May 2019 prepared by the Internal Auditor, O'Connor Marsden and Associates (OCM).

30 **Report No. 5.3 CONFIDENTIAL -Cash Management Audit Review**

Council's Internal Auditors, O'Connor Marsden and Associates (OCM), conducted an internal audit review of Cash Management systems and processes during February 2019.

35 **Report No. 5.4 CONFIDENTIAL -Payroll Audit Review**

Council's Internal Auditors, O'Connor Marsden and Associates (OCM), conducted an internal audit review of Payroll systems and processes during March 2019.

40 **Report No. 5.5 CONFIDENTIAL -Audit Progress Report -May 2019**

This report presented the Internal Audit Activity Report – May 2019 prepared by the Internal Auditor, O'Connor Marsden and Associates (OCM).

45 **Report No. 5.6 CONFIDENTIAL -Update on IT Actions**

This report provides a summary of all open actions with their current status and expected due dates, refer, Management Letter on the Final Phase of the Audit for the Year Ended 30 June 2017.

50 **Financial Implications**

As per the reports listed within the Audit, Risk and Improvement Committee Meeting of 30 May 2019.

Statutory and Policy Compliance Implications

As per the reports listed within the Audit, Risk and Improvement Committee Meeting of 30 May 2019.

5

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Local Traffic Committee Meeting held on 14 May 2019

Directorate: Infrastructure Services

Report Author: Stephanie Tucker, Infrastructure Planning Support Officer

File No: I2019/794

Summary:

This report contains the recommendations of the Local Traffic Committee meeting held on 14 May 2019.

Council's action on the LTC advice will be:

- a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RMS and the NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RMS and NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the RTC.

Due to the fact that the RMS and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RMS and the NSW Police have provided their vote on the issue.

RECOMMENDATION:

1. That Council note the minutes of the Local Traffic Committee Meeting held on 14 May 2019.

2. That Council adopt the following Committee Recommendation(s):
Report No. 6.1 Regulatory Signage - Byron St, BANGALOW - extend motorcycle parking, provide loading zone
File No: I2019/407

Committee Recommendation 6.1.1

That Council amend the Bangalow Parking scheme as follows:

- 1. That Council change the shared bus zone / 2P car spaces on the north side of Byron St and adjacent to the Lismore Road / Byron Street intersection into a shared bus zone / loading zone.**
 - 2. That Council change the one 1P car space adjacent to the existing two motorcycle spaces in front of the Bangalow Hotel into additional motorcycle parking.**
- 3. That Council adopt the following Committee Recommendation(s):**
Report No. 6.2 No Stopping Signs on Skinners Shoot Road
File No: I2019/440

Committee Recommendation 6.2.1

That Council approve the installation of 5 No Stopping signs (RMS sign no. R5-400) along one side of Skinners Shoot Rd (the side to be determined by council) starting from the driveway for 50 Skinners Shoot Rd and extending approximately 450m north east along Skinners Shoot Rd.

- 4. That Council adopt the following Committee Recommendation(s):**
Report No. 6.3 Signage requests from Compliance Team - Paterson St, Byron Bay;
New Brighton Rd, New Brighton; Wilfred St, Billinudgel; Sunrise Blvd,
Byron Bay
File No: I2019/679

Committee Recommendation 6.3.1

That Council approve the following:-

- 1. At Paterson Street, Byron Bay, install regulatory “No Parking 1am – 6am” signs on eastern side of Paterson Street between Lighthouse Road and Kipling Street.**
- 2. At New Brighton, install 3 regulatory “No Stopping” signs. Two signs on southern side of New Brighton Road between Park Street intersection and Casons Road intersection. Install one “No Stopping” sign approximately 15 metres along Casons Road from the intersection.**
- 3. Across the driveway entrance of the Rural Fire Service on Wilfred Street, Billinudgel replace the two “No Parking” signs with two “No Stopping Authorised Vehicles Only” signs.**
- 4. At Sunrise Boulevard, Byron Bay install regulatory signage as indicated in Figure 9:-**
 - 4.1 “No Stopping” signs on the eastern side of the Sunrise Boulevard from the Ewingsdale Road intersection and extending for approximately 200m. A new sign to be installed at approximately 50m intervals and as required**

- 4.2 “No Stopping” signs installed on the western side of Sunrise Boulevard from the Ewingsdale Road intersection and extending for approximately 70m.**
- 4.3 “Parallel Parking Only” signs installed on the western side of Sunrise Boulevard commencing at chainage 70m and extending for approximately 70m to chainage 140m.**
- 4.4 “No Stopping” signs installed on the western and eastern side of Sunrise Boulevard from approximate chainage 140m and extending approximately 100 to chainage 240m**

- 5. That Council adopt the following Committee Recommendation:
Report No. 6.4 Byron Bay Bypass Linemarking and Signage
File No: I2019/694**

Committee Recommendation 6.4.1

That council liaise with RMS and Police to provide feedback and provide a further report to the Local Traffic Committee seeking endorsement of the Pavement Marking and Signage Plans for the Byron Bay Bypass project.

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 14 May 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/05/LTC_14052019_AGN_1046_AT.PDF

The committee recommendations are supported by management and are provided in the attachment to this report.

Management Comments

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 14 May 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 14 May 2019.

Report No. 14.3 Report of the Transport and Infrastructure Advisory Committee Meeting held on 14 May 2019

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2019/837

Summary:

The attachment to this report provides the minutes of the Extraordinary Transport and Infrastructure Advisory Committee Meeting held on 14 May 2019 for determination by Council.

Included as attachments to this report are the revised versions of the Draft PAMP (*Attachment 1 - E2019/41670*) and Draft Bike Plan (*Attachment 2 - E2019/41671*), modified as discussed during the TIAC meeting held 14 May 2019. Comments made during the meeting were documented and are also attached (*Attachment 3 – E2019/31660*).

RECOMMENDATION:

1. **That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 14 May 2019.**

2. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.1 Presentation of revised versions of the Draft Bike Plan and Draft PAMP

File No: I2019/686

Committee Recommendation 4.1.1

1. **That the Draft Bike Strategy and Action Plan (#E2019/31495) and Draft Pedestrian Access and Mobility Plan (#E2019/31496) be updated as discussed today and when updated be endorsed and placed on public exhibition for the subsequent development and adoption of final versions of both plans.**
2. **That the recommended public exhibition process be undertaken, as detailed in this report.**

Attachments:

1 24.2017.51.1 - Byron Shire PAMP - DRAFT_V9, E2019/41670



2 24.2017.50.1 - Byron Shire Bike Plan - DRAFT_V9, E2019/41671



3 24.2017.50.1 - Comments on Draft V7 PAMP and Bike Plan from TIAC Meeting 14 May 2019,

E2019/31660



4 Minutes 14/05/2019 Transport and Infrastructure Advisory Committee Extraordinary, I2019/716



Report

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 14 May 2019 for determination by Council.

The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/05/TIAC_14052019_AGN_1079_AT_EXTRA.PDF

Included as attachments to this report are the revised versions of the Draft PAMP (*Attachment 1 - E2019/41670*) and Draft Bike Plan (*Attachment 2 - E2019/41671*), modified as discussed during the TIAC meeting held 14 May 2019.

Comments made during the meeting were documented and are also attached (*Attachment 3 – E2019/31660*).

Committee Recommendation

The committee recommendations are supported by management and are provided in the attachment to this report.

Financial Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 14 May 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 14 May 2019.

Report No. 14.4 Report of the Transport and Infrastructure Advisory Committee Meeting held on 17 May 2019

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2019/838

Summary:

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 May 2019 for determination by Council.

Included as an attachment to this report is the finalised RFQ for the engagement of a consultant to develop the Byron Shire Integrated Transport Management Strategy (Attachments 1-3), modified as discussed during the TIAC meeting held 17 May 2019.

Comments made during the meeting were documented and are also attached (Attachment 4).

RECOMMENDATION:

1. **That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 17 May 2019.**






2. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.1 Integrated Transport Management Strategy - Draft RFQ Review
File No: I2019/706

Committee Recommendation 4.1.1

That the Draft RFQ for the development of the Integrated Transport Management Strategy (previously known as the Shire-wide Transport Strategy) be modified as discussed including the consultation strategy and adopted for the engagement of a specialist consultant to undertake the work.

Attachments:

- 1 2019.0033 - RFQ - Byron Shire Integrated Transport Management Strategy (pdf), E2019/37213 
- 2 Att1 - 2019 03 08 - I2019 80 Report to Transport and Infrastructure Advisory Committee Development of a Shire-wide Transport Strategy, E2019/33901 
- 3 Att2 - E2015 36109 Project Plan Template, E2019/33903 
- 4 17 May 2019 TIAC Comments on Draft RFQ for the Integrated Transport Management Strategy, E2019/40769 
- 5 Minutes 17/05/2019 Transport and Infrastructure Advisory Committee Extraordinary, I2019/733 

Report

5 The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 17 May 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/05/TIAC_17052019_AGN_1080_AT_EXTRA.PDF

10 Included as an attachment to this report is the finalised RFQ for the engagement of a consultant to develop the Byron Shire Integrated Transport Management Strategy (Attachments 1-3), modified as discussed during the TIAC meeting held 17 May 2019. Comments made during the meeting were documented and are also attached (Attachment 4).

Committee Recommendation

15 The committee recommendations are supported by management and are provided in the attachment to this report.

Financial Implications

20 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 17 May 2019.

Statutory and Policy Compliance Implications

25 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 17 May 2019.

Report No. 14.5 **Report of the Transport and Infrastructure Advisory Committee Meeting held on 13 June 2019**
Directorate: Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2019/920

Summary:

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 13 June 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 13 June 2019.

2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 Update: Development of the Integrated Transport Management Strategy

File No: I2019/797

Committee Recommendation 4.1.1

1. That the update on the development of the Integrated Transport Management Strategy be noted.
2. That the extraordinary meeting of TIAC be organised in early 2020 (February) to discuss the Integrated Transport Management Strategy.
3. That the timetable for completion of the project be revised so that the final report can be adopted by Council prior to the end of this Council term.
4. That the final strategy must consider high level of degrees of feasibility that inform the priority deliverables.

3. That Council adopt the following Committee Recommendation(s):

Report No. 4.2 Buildings Asset Management Plan - Community Level of Service Survey

File No: I2019/860

Committee Recommendation 4.2.1

1. That the committee note the Community Levels of Service survey associated with the preparation of the Building Asset Management Plan (BAMP).
2. That committee receive a report on the contractual arrangements currently in place for the maintenance of non-Council owned toilets.

Attachments:

- 1 Minutes 13/06/2019 Transport and Infrastructure Advisory Committee, I2019/892



Report

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 13 June 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/06/TIAC_13062019_AGN_1015_AT.PDF

Committee Recommendation

The committee recommendations are supported by management and are provided in the attachment to this report.

Financial Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 13 June 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 13 June 2019.

Report No. 14.6 **Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 13 June 2019**
Directorate: Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2019/921

Summary:

The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 13 June 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 13 June 2019.

2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 North Byron Floodplain Risk Management Study and Plan - Update
File No: I2019/840

Committee Recommendation 4.1.1

1. That Council approve the design event modelling mapping for inclusion in the final Floodplain Risk Management Study and Plan documentation noting that design levels near the Billinudgel bridges will be crosschecked.
2. That Council approve the following mitigation options as the second set of flood mitigation options for assessment in the study:
 - a) Lowering of the Ocean Shores Golf Course Weir spillway
 - b) Combination of 4 Ocean Outlets, Marshalls Creek Dredging, Marshalls Creek Rockwall Modifications and Kallaroo Circuit Bund Modifications
 - c) Removal of the Brunswick River Training Walls
 - d) Billinudgel Infrastructure improvements (including railway bridges)
 - e) Reduction of debris collection risk at Federation Bridge
 - f) Dredging extended to side tributaries in Mullumbimby (including waterway openings under railway at Saltwater Creek and Kings Creek)
 - g) Avocado Court Overland Flow Path
3. That in order for project delivery and grant milestone targets to be met Council approve changes to the current 2019 Floodplain Management Committee Meeting Schedule. The 31 October 2019 meeting be moved to the end of September 2019 and an additional meeting is added at the end of November 2019.

Attachments:

1 Minutes 13/06/2019 Byron Shire Floodplain Risk Management Committee, I2019/893



Report

- 5 The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 13 June 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/06/BSFRM_13062019_AGN_1021_AT.PDF

10 **Committee Recommendation**

The committee recommendations are supported by management and are provided in the attachment to this report.

15 **Financial Implications**

As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 13 June 2019.

20 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 13 June 2019.

Report No. 14.7 Report of the Coastal Estuary Catchment Panel Meeting held on 7 June 2019**Directorate:** Infrastructure Services**Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services**File No:** I2019/922**Summary:**

The attachment to this report provides the minutes of the Extraordinary Coastal Estuary Catchment Panel Meeting held on 7 June 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Coastal Estuary Catchment Panel Meeting held on 7 June 2019.

2. That Council does not adopt the following Panel Recommendation(s) 4.1 as detailed in the Report , but instead adopts the Management Recommendation(s) as follows:

Management Recommendations:

That Council review the Climate Change Strategic Planning Policy as part of the Climate Emergency Response review of relevant climate policy and literature, to establish an overarching framework for climate adaptation across Council's business and programs.

Attachments:

1 Minutes 07/06/2019 Coastal Estuary Catchment Panel Extraordinary, I2019/858



Report

The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting of 7 June 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/06/CECP_07062019_AGN_1081_AT_EXTRA.PDF

Panel Recommendation

Committee recommendation 4.1.1 is not supported by management.

Panel Recommendation 4.1.1

1. *That staff review its current Climate Change Policy based on the outcomes and recommendations from 7 June workshop, including:*
 - a) *Reinsert rainfall increases in Table 1, not just as sensitivity tests*
 - b) *Simplify first objective to read "to set out parameters for strategic, infrastructure and operational planning"*
 - c) *Delete second objective*
 - d) *Replace third objective with "to set out ways and means of updating these parameters as new information arrives" or similar*
 - e) *Consider 100-year ocean water levels at specific river mouths (Agenda page 9) including ways of deriving future equivalent water levels*
 - f) *Include reference to Climate Adaptation Planning (Agenda page 12) for example: adaptation of building construction methods such that buildings be built on piers that enable simple house - raising instead of slab on ground.*
2. *That Council consider future planning documents based on ocean levels for which there may be timed predictions rather than on calendar year for which there may be ocean level predictions.*
3. *That Council draft future planning documents to separate consideration of existing development from future development.*
4. *That Panel supports the funding and development of Council's Climate Change Adaptation Implementation Plan.*

Management Comments

Management do not agree with the Panel recommendations 4.1. for the reasons given below and alternatively recommend:

That Council review the Climate Change Strategic Planning Policy as part of the Climate Emergency Response review of relevant climate policy and literature, to establish an overarching framework for climate adaptation across Council's business and programs.

The reasons for the suggested change of the recommendation are as follows:

The 27th June Council agenda also includes a report titled Byron Shire Climate Emergency Response. It is recommended that the recommendations proposed by the panel be considered as part of recommendation iv), within the Byron Shire Climate Emergency Response report.

- 5 Dealing with the panel's recommendation as part of this process is more desirable. Reviewing the Climate Change Strategic Planning Policy separately and outside of the Climate Emergency response report actions is not supported or recommended. It is important these issues all be dealt with through one holistic plan and policy review process.

Financial Implications

10

As per the Reports listed within the Coastal Estuary Catchment Panel Meeting of 7 June 2019.

Statutory and Policy Compliance Implications

15

As per the Reports listed within the Coastal Estuary Catchment Panel Meeting of 7 June 2019.

Report No. 14.8 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 13 June 2019**Directorate:** Infrastructure Services**Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services**File No:** I2019/923**Summary:**

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 13 June 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 13 June 2019.

2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 Belongil Catchment Drainage Board Draft Plan of Management
File No: I2019/13

Committee Recommendation 4.1.1

- 1) That ongoing discussion between Council and Belongil Catchment Board (BCDB) continue in respect of producing a memorandum of understanding (MOU).
- 2) That a workshop between representatives of BCDB, Council and NSW Department of Primary Industries (NSW DPI) be held as soon as possible to discuss management plan comments.
- 3) That workshop outcome be reported.

3. That Council adopt the Management Recommendation(s):

Report No. 4.2 Murthagh Wetlands Report Update
File No: I2019/645

RECOMMENDATION:

That Council note that the Committee meeting ran over time and that this item has been not discussed and have been referred to a future meeting of this Committee as the second item in the Agenda.

4. That Council adopt the following Committee Recommendation(s):

Report No. 4.3 Items Requested by Duncan Dey
File No: I2019/646

Committee Recommendation 4.3.1

That Council:

1. acknowledge that management of centralised urban sewage requires periodical assessment with annual reporting of the capacities of its 3 main elements:
 - a) the sewer collection system;
 - b) the sewage treatment plant; and
 - c) receiving environments.
2. acknowledge that receiving environments potentially include:
 - a) waterways,
 - b) wetlands,
 - c) irrigation areas;
 - d) marine environments, and
 - e) recycled water schemes which are generally downstream of the EPA licence point for the STP.
3. receive reports on the capacities of environments that receive effluent from the Byron Bay STP, including the details of modelling parameters.
4. That Committee notes Condition 9 of the development consent for the operation of the STP is that the new load connected from December 2002 onwards is matched by new re-use. The purpose of this Condition as explained in the EIS and its supporting documents was that there would be no increase in flow to the Belongil Catchment and receive the report on the following questions:
 - a) What was the inflow to the STP in December 2002 and what is it now, noting that another consent Condition is that inflow reaching 80% of the plant's capacity (6.95 ML/day) would trigger steps towards the next expansion.
 - b) What was the re-use from the STP in December 2002 and what is it now?
 - c) What is the current inflow to the STP and when is it estimated to reach 5.56 ML/day (80% of capacity)?
5. That Committee members and staff meet to discuss further.

5. That Council adopt the following Management

Report No. 4.4 Towards Zero - Byron Shire's Draft Waste Management and Resource Recovery Strategy

File No: I2019/841

RECOMMENDATION:

That Council note that the Committee meeting ran over time and that this item has been referred to a future meeting of this Committee for further discussion.

6. That Council adopt the following Management Recommendation(s):

Report No. 4.5 Inflow and Infiltration update

File No: I2019/848

RECOMMENDATION:

That Council note that the Committee meeting ran over time and that this item has been not discussed and have been referred to a meeting of this Committee as the first item in the Agenda.

7. That Council adopt the following Committee Recommendation(s):**Report No. 4.6 Schedule of Extraordinary Meetings of Water, Waste and Sewer Committee in 2019**

File No: I2019/877

Committee Recommendation 4.6.1

1. That Council ask that the extraordinary meetings of Water, Waste and Sewer Advisory Committee (WWSAC) be scheduled on:-
 - a) Thursday, 29 August 2019 at 9 am; and
 - b) Thursday 14 November 2019 at 9 am.
2. That the constitution for the WWSAC be amended to reflect 5 meetings per year.

5 Attachments:

- 1 Minutes 13/06/2019 Water, Waste and Sewer Advisory Committee, I2019/904



Report

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 13 June 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/06/WW SAC_13062019_AGN_1018_AT.PDF

Management Comments

The Committee meeting ran over time and therefore Reports 4.2; 4.4 and 4.5 in the Agenda have been not discussed and have been referred to a future meeting of this Committee.

Financial Implications

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 13 June 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 13 June 2019.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2019-0009 for the Processing of Co-mingled Recyclables to Polytrade Pty Ltd**

Directorate: Infrastructure Services
Report Author: Stephen Green, Resource Recovery Contracts Management Officer
File No: I2019/869

Summary:

On 14 February 2019, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0009 - Collective Tender for processing of co-mingled recyclables.

The Request for Tender was advertised from 8 April 2019 to 27 May 2019. One tender was received from Polytrade Pty Ltd.

The tender has been assessed in accordance with the provisions of the Local Government (General) Regulations 2005.

This Report summarises the background and assessment of the tender and provides a recommendation to award the tender for Contract 2019-0009.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Tender 2019-0009 for the Processing of Co-mingled Recyclables to Polytrade Pty Ltd.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
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 would reveal commercial information supplied by potential suppliers which could prejudice Council entering into a contract.

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

RECOMMENDATION:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender 2019-0009 for the Processing of Co-mingled Recyclables to Polytrade Pty Ltd are to be treated as confidential as they relate to matters specified in s10A(2)(d)i of the Local Government Act 1993.

2. That Council adopt the recommendation set out on the final page of the Report.

Attachments:

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| 5 | 1 | 2019-0009 Collective Tender for processing of co-mingled recyclables - Evaluation Report - Signed Final, E2019/40514 |
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