



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 27 February 2020

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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

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.

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 of the provisions in the Code of Conduct (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 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

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3. REQUESTS FOR LEAVE OF ABSENCE

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BYRON SHIRE COUNCIL

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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

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.

MAYORAL MINUTE

Mayoral Minute No. 8.1
File No:

Supporting Housing above Council Owned Carparks
I2020/180

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I move that Council:

1. **Support, in principle, facilitating the establishment of diverse and affordable housing on Council owned carparks, without decreasing the current number of available car parking spaces and having regard to the need to avoid negative impact on recent investment in emissions reduction capability.**
2. **Extend an invitation to housing providers to a preliminary session to ascertain requirements, possibilities and challenges for establishing housing above Council carparks, and that:**
 - a) **This session is to be a 'without prejudice' discussion prior to any activation of a more formal EOI process;**
 - b) **Council provides for internet based attendance.**
3. **Prior to this meeting, create a list of possible sites for discussion and consideration.**

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Background Notes:

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Councils have an often volatile relationship with 'development'-especially Byron. Mostly, Councils process what is brought to us within guidelines and rules largely created by the State Government. Sometimes we fight against poor development proposals. And sometimes, we can help enable great development proposals.

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This Mayoral Minute seeks support for Council to explore how we can enable developments that are greatly needed by our some within our community and which have the potential to be designed and created with innovation, sustainability and beauty.

As we all know all too well, affordable housing, or housing that is appropriate for the housing needs of very low, low and moderate-income households is in dire short supply in Byron Shire.

25

Byron Council has a long held, and long term commitment to strengthening and supporting our diverse community with appropriate housing and by demonstrating strong leadership.

30

Though we know that all levels of government must be active and involved in contributing to increasing the supply of Affordable Housing, and that local government is the least empowered level of government to do so; we should continue to try and do what we can, where we can and how we can.

35

Currently, Council is actively exploring ways of working effectively with the State Government to increase the supply of Affordable Housing within the shire via innovative and flexible planning provisions. We also continue to support an inter- governmental approach to address the housing challenges facing many residents of Byron, the Northern Rivers and Australia more generally.

40

As well as focusing on advocacy and partnership, Council is exploring how its own assets can be used for Affordable Housing and thus far, this has been through looking at its vacant or unused land.

Now, we should join other councils both nationally and internationally who are looking to add value to their 'lazy land', or 'lazy airspace'.

- 5 According to the University of Melbourne, (School of Design, Faculty of Architecture)
Project 3000: Producing Social and Affordable Housing on Government Land 2018, Lazy
 Government Land is defined as "any government site currently occupied by a land use that could
 be mixed with affordable and social housing but is currently not and where existing buildings are
 currently under four storeys." This could include, libraries, community and neighbourhood centres,
 10 ground level car parking, shopping and offices, some healthcare facilities, social services and
 childcare facilities.

- Adding an affordable housing project above a ground level car park could have three main
 benefits: it can minimise the impact of spatial dislocation of low income households by providing
 15 housing within town centres, it can reduce the cost of creating housing, and it can make better use
 of existing assets.

Starting with Why

- 20 So, why do it?
 Using our land to facilitate the creation of housing provides a high level of influence and control,
 providing some great possible outcomes:
- 25 1. It can ensure Council chaperones environmentally sustainable design (ESD) principles into
 designs to reduce energy use for future residents of the building. This would provide an
 environmental benefit as well; reducing the utility bills for the low income household and establish
 leadership in promoting sustainable design.
 - 30 2. It can help improve the wellbeing of people in a low income household by providing
 opportunities for people to live within their existing community even when they can no longer afford
 the private rental market or if they need to downsize from a family home.
 3. It can facilitate cultural diversity, and support for housing for our local indigenous mobs.
 - 35 4. It can enable low income workers to live close to where they work. This reduces the time and
 cost of travel to work and means they have more funds available for economic participation in the
 local community.
 - 40 5. Simply put, it can make it financially stack up. Affordable and social housing developers face
 significantly higher land costs today than in the last three decades. Land typically constitutes
 between 10% and 30% of development costs (Urbis 2011). By providing land for a nominal fee,
 affordable housing provision is more possible. The value and therefore cost of land within the
 Byron Shire makes it difficult for non-profits to develop social housing. Council leasing its land to
 non-profits for a nominal fee would eliminate this cost for housing providers.

45

Ownership Considerations

- Though many twists along the road need to be travelled before final decisions are reached, and
 without any desire to pre-determine outcomes, it would seem reasonable to assume that the
 50 statutory regime may consist of a long-term lease. The term of such lease is limited to 50 years
 under the Local Government Act. The rental amount can be set by Council and hopefully, that it
 would be a nominal, or peppercorn amount to ensure the financial viability and to navigate around
 the high land cost barriers currently faced by low cost housing providers.

The benefit of the lease option is that the land remains in public ownership and Council would retain significant control over the site. Council could establish requirements for the use and development of the land and enforce these through the lease conditions. A lease would provide Council with the highest level of control over the site with the benefits for our community as shared earlier. A lease is aligned with Council's preferred position of ensuring public land remains within public ownership.

A potential shortfall of establishing a leasing regime is that a lease provides less certain tenure and it may prove difficult for a housing association to secure finance or funding.

Expression of Interest Process

Again, much road will be travelled prior to decisions being finalised, however, I would encourage that within the Expression of Interest (EOI) process to identify a suitable tenant for the site, the tenant would ideally be a registered housing association or a charitable organisation capable of delivering affordable housing on the site.

Relationship with other Council Plans and Strategies

Providing, or at least supporting, the provision of diverse housing within the Shire is an outcome that is consistently espoused across numerous Council Plans and Strategies. This is the case within our overarching, umbrella strategic planning program- *Our Byron Our Future: Community Strategic Plan 2028* (CSP) and its accompanying Delivery Program 2017-2021 and Operational Plan 2019-2020. Within the CSP it states, "The community told us quite clearly, to "Providing strategies to ensure living in Byron Shire is affordable for locals and future generations, and to ensure young people don't have to move from the area due to lack of employment or housing options." Pertinent sections within the identified Community Objectives include:

- INFRASTRUCTURE: We have infrastructure, transport and services which meet our expectations
- COMMUNITY: We cultivate and celebrate our diverse cultures, lifestyle and sense of community, specifically, 'support and encourage our vibrant culture and creativity' and 'support access to a wide range of services and activities that contribute to the wellbeing of all members of the Byron Shire community.'
- GROWTH: We manage growth and change responsibly, specifically, 'support housing diversity in appropriate locations across the Shire' and 'establish planning mechanisms to support housing that meets the needs of our community.'
- GOVERNANCE: We have community led decision making which is open and inclusive

Council has also outlined its commitment to supporting diverse and accessible housing, seen through the following Housing Affordability Initiatives:

- North Coast Community Housing Project, Station Street Mullumbimby
- Lot 22 Stuart Street, Mullumbimby
- Expressions of Interest for Affordable Housing
- Residential Strategy housing affordability measures
- Our Housing Challenge: Local Communities: Local Solutions: Byron Perspective - 10 May 2019
- Housing Charrette, November 2018
- Byron Housing Roundtable, 5 July 2018
- Housing Summit, 10 February 2017

Lastly, Council's Homelessness Policy contains the recognition that all people have a right to housing that meets their individual needs

Possible Sites

5 Currently council holds quite a few parcels of land utilised for car parking. Some of these include the Council Administration building carpark, the Cavanbah Centre, North and South Lawson St Byron Bay, and Station St Bangalow. Of course if a pilot project proves successful, it could inspire State government owned land to follow suit.

Possible Housing Types

10 The exact types of Affordable Housing (e.g. social housing, shared equity housing) that could be provided through the development will naturally be explored through the EOI process, or outlined by Council within the EOI process. The mixture of Affordable Housing types that can be provided is influenced by financial viability, available funding sources, different housing needs within our community and wider planning models to ensure diversity and a healthy interaction with the wider township. All things considered, Affordable Housing developments would most likely comprise a range of housing across the Affordable Housing continuum, and be available to people with a range of incomes (between the very low to medium income brackets).

Examples from Elsewhere

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Australia

25 *Transforming Housing* is currently working with the Lord Mayor's Charitable Foundation and the City of Darebin on an Affordable Housing Challenge: transforming the air rights above a council parking lot into at least 60 social housing homes, as well as additional affordable rental homes.

Seen here, the City of Port Phillip has also recently completed an affordable housing development above one of its own carparks.



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The UK

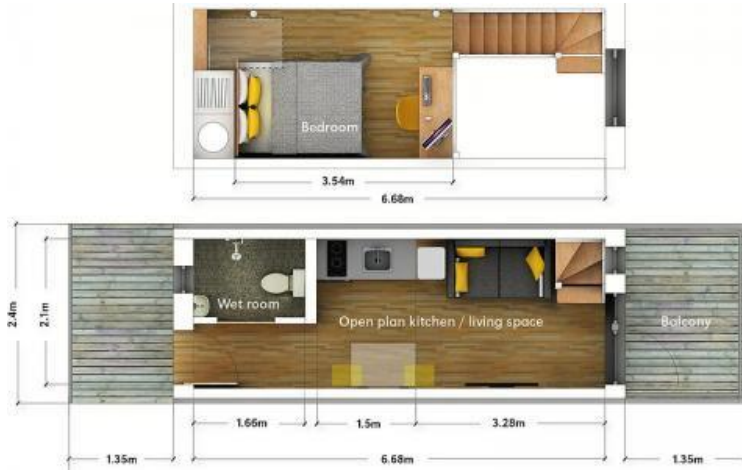
35 **Overseas, this seems a more matured** development process. The London firm Zedpods (zedpods.com) are an exciting case in point. Erected on piles above car parks, they preserve both the original parking space whilst offering cheap and quick-to-build housing above. The dead air space above a parking bay becomes a home for someone to live in. Dwellings come with an open-plan kitchen and living room (with an adjoining bathroom and balcony) takes up the space directly

above the car parking space, whilst a mezzanine floor above provides a reasonable double bedroom.



- 5 They can be built in a single terrace above one line of parking spaces, or in two facing lines with a communal space in the middle if the car park is bigger.

There are double pods, too – with space for two bedrooms, a larger open-plan dining-living area, and a separate kitchen.



And for the more ambitious-minded car-park owner, the homes can be stacked in two stories, though the construction of these involves resurfacing the car park

5



Germany





These wooden structures are an excellent building material which is ideally suited to its pre-fabrication and aesthetic radiance to build quickly houses, also just because of the massive immigration. This project proposes in its feasibility study to create in Koblenz on the area of the university a prototype as a superstructure of the parking lot in front of the university.

5



Here prefabricated modular components should be used for affordable housing. Due to the high prefabrication wooden structures allow a fast, efficient and economical construction process. In addition to shortening the construction period the modular design allows a big flexibility.



Finally, the planning for this multi-storey residential building is transferable to other plots. The supporting structure allows adaptable floor plans in all three residential floors, which can be divided individually via light partitions. The supporting structure consists of composite floors made of wood and concrete.

The three upper floors have common areas. Access is via a staircase. If required a lift can be installed. A solar system on top of the roof for heating support is planned. The building is designed for refugees and foreign students, suggesting to build 4 houses in the first phase.
Source by HennerHerrmanns.

5

Signed: Cr Simon Richardson

NOTICES OF MOTION

Notice of Motion No. 9.1 Julian Assange
File No: I2020/17

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I move that Council:

1. Notes that WikiLeaks publisher, Julian Assange, was a resident of the Northern Rivers region, spending four years living in Lismore from 1979 to 1983.
2. Notes that Julian Assange is in very poor health and facing extradition from the UK to the US in an unprecedented Espionage Act prosecution for engaging in journalistic activity. If convicted, he faces 175 years imprisonment and potentially the death penalty, therefore needs urgent consular support to help him prepare his defence.
3. Notes that Amnesty International's Deputy Director for Europe, Massimo Moratti said the UK must not extradite Julian Assange to the USA and that:
 - a) "The British authorities must acknowledge the real risks of serious human rights violations Julian Assange would face if sent to the USA and reject the extradition request. The UK must comply with the commitment it's already made that he would not be sent anywhere he could face torture or other ill-treatment.
 - b) "The UK must abide by its obligations under international human rights law that forbids the transfer of individuals to another country where they would face serious human rights violations. Were Julian Assange to be extradited or subjected to any other transfer to the USA, Britain would be in breach of these obligations."
4. Notes that UN Special Rapporteur on torture, Nils Melzer said:

"My most urgent concern is that, in the United States, Mr Assange would be exposed to a real risk of serious violations of his human rights, including his freedom of expression, his right to a fair trial and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment." He also stated, *"In 20 years of work with victims of war, violence and political persecution he has never seen a group of democratic States ganging up to deliberately isolate, demonise and abuse a single individual for such a long time and with so little regard for human dignity and the rule of law"*.
5. Notes that in a recent interview on RN Breakfast with the leading torture expert, Nils Melzer, he warned that Mr Assange could die in prison before getting his day in court and confirmed that the British government's handling of the extradition case is in blatant contravention of international Human rights Law.
6. Writes to the Australian Foreign Affairs Minister requesting that the Australian government must immediately step in to ensure the British authorities address his poor health condition and to uphold the Human Rights of an Australian citizen just as they would if Mr Assange was being held in Iran, Egypt, Cambodia or Indonesia. They must not turn a blind eye to the violation of any Australian's human rights, just because it is occurring in the West. The letter should also reference the points made above.
7. Writes to all our local State and Federal representatives asking to either join or support the Bring Assange Home Parliamentary Group, which is currently made up of 11 MPs from across party lines.

5 **Signed: Cr Sarah Ndiaye**

Councillor's supporting information:

The motion provides all relevant information.

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Staff comments by Vanessa Adams, Director Corporate & Community Services

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

15 Should the Notice of Motion be adopted officers will draft letters accordingly for signature by the Mayor.

Notice of Motion No. 9.2 **Petria Thomas Swimming Pool in Mullumbimby - Conversion to year round facility**
File No: I2020/29

5

I move that Council:

1. **Conduct a feasibility study into the financial viability of converting the Petria Thomas Swimming Pool in Mullumbimby into a year round, solar heated facility that could service the needs of the local and visitor population, by adding a disability access ramp to the existing 50 metre pool, a splash children's pool and a rehabilitation pool.**
2. **Look into the public health and social benefit that this facility would provide.**
3. **Research other council areas that have installed similar facilities such as Ballina Shire to see how these types of projects have worked in other similar communities.**
4. **Allocated the appropriate budget to conduct this study in the 2020/21 budget.**
5. **Identify potential funding sources including money from Council's own funds and appropriate grant opportunities and relevant timelines.**

10 **Signed: Cr Sarah Ndiaye**

Councillor's supporting information:

15 Mullumbimby has grown with the addition of Tallowood and the amount of people serviced by this village has grown to 3,500 directly and approximately 7,000 when you take in the hinterland and the suburbs to the north such as Brunswick Heads, Ocean Shores and New Brighton. The shire has long needed a year round place to swim laps for their physical and mental health and more appropriate rehabilitation facilities for people recovering from injury or just maintaining health aging practices. While a fully equipped hydrotherapy pool may not be possible, a warm water pool for
 20 general aquatic fitness programs and basic level aquatic therapy would be a highly appreciated addition to our region.

The Open Space and Recreation Needs Study 2018 identified that 'our community wants recreation, sports and aquatic facilities to meet the Shire's needs' and while there may be some
 25 funding challenges to overcome, this pool has a long history of being able to garner community support to make things happen. The first Chincogan Charge in 1960 was a fundraiser to build the swimming pool and the second race happened in 1967 to celebrate its opening. Since then the community have also raised money for some of the upgrades and other refurbishments. Both the State and Federal Governments have also had a variety of rounds of funding that a project such as
 30 this could meet the criteria. It is important we get the feasibility study underway to see if it is a viable option and to apply for these funding grants.

Notes from the Recreational Study regarding the pool included:
 35 *"The Petria Thomas Swimming Pool is the only 50 metre pool in the Shire. Open between October to March, some survey respondents indicated they are keen for the facility to be heated and open year-round. Council's Access Consultative Working Group advised that access into the facility is not currently provided, for example there is no disabled parking, kerb and guttering or all abilities pedestrian access, making access to utilise the facility difficult. It is recommended that the Access Consultative Committee Working Group, Mullumbimby High School and Petria Thomas Swimming
 40 Pool operators work with Council to review pedestrian movement to address these issues. In*

addition, while it is extremely expensive to add a ramp into the pool, any future retrofitting or redesign of the pool should consider the addition of a ramp, especially with an ageing community.”

The Mullumbimby Residents Association has long been interested in helping to make this vision a reality for our community and has recently been collecting signatures in support of the project and garner community interest. To date they have over 1,000 signatures in support. They have also had preliminary concept drawings prepared and while they may not meet all the necessary requirements, they allow people to reimagine the space and the opportunities it could present. So far the response has been very enthusiastic with hundred already signing the petition.

While discussions have gone on around the possibility of redeveloping the pool at Main Beach or building an aquatic centre at the Cavanbah Centre, there have been multiple challenges at both of these sites. Byron Bay is getting a huge investment in both the bike track from Suffolk Park to Byron as well as the multi-million dollar skate park that has been earmarked for the area behind the YAC and the Byron Library. This project would help service the needs of the broader community and add value to the experience of living in the hinterland and the northern parts of the Shire.

For a long time the main objection has been the cost, however the Ballina Shire have shown that this does not have to be the case. Having completed a full overhaul of their facility, the new facility was expected to continue running at a deficit, however it is now running at a profit. The popularity of a facility like this could see it breaking even or increasing revenue for council and providing a host of benefits for the community.

Staff comments by Michael Matthews, Manager Open Spaces and Resource Recovery
(Management Comments must not include formatted recommendations – resolution 11-979)

The redevelopment of the Petria Thomas Swimming Pool would provide the opportunity to achieve full accessibility in compliance with current standards and best practise. It would also provide significant opportunity to improve the facilities operational efficiency through the use of modern equipment and technologies.

There are recent examples of pool redevelopment to current standards that have moved the facilities financial position from an operating deficit to an annual profit through significantly improving the facilities utilisation relative to its operating costs.

Financial/Resource/Legal Implications:

Aquatic facility design including upgrades is a specialist field that involves multi-disciplinary engineering skills including Civil, Electrical, Mechanical, Environmental and architectural disciplines. A budget to achieve a Grant ready project that could achieve all of the desired outcomes could be sought from the market and put forward within Council's 2020/21 budget process.

Is the proposal consistent with any Delivery Program tasks?

Yes


Such a project is consistent with Provide active and passive recreational Community space that is accessible and inclusive for all. Ensure ongoing maintenance and upgrade of inclusive community buildings and swimming pools, Increase accessibility of facilities, Provide council buildings which are water and energy efficient.

Notice of Motion No. 9.3 Positive Change for Marine Life - River Warriors Program
File No: I2020/52

I move:

That Council supports Positive Change for Marine Life in its request for \$20,000 to employ a person locally to coordinate their River Warriors Program as part of our overall objective of 'Bringing Back the Bruns', creating a healthy river system, supporting our local biodiversity and marine environment.

Attachments:

- 1 Letter of Support from NSW Department of Primary Industries- River Warriors Program - Positive
 Change for Marine Life, E2020/3535 

Signed: Cr Sarah Ndiaye

Councillor's supporting information:

The Brunswick River System is a vital lifeline in our region. For many years it has been neglected, used as a dump site in parts, had inappropriate and non fish friendly crossings built across it, it's been polluted with toxic chemicals and run-off, had cattle pollute it, had it's vegetation cleared and weeds grow in and around it. Through multiple initiatives that include the work of local community groups, land owners, council and the Department of Fisheries, we're seeing a renewed interest in the rivers overall well being.

Positive Change for Marine Life are a local environmental group that have worked tirelessly to reduce plastic waste in our oceans and waterways and educate thousands of people along the way. They started in the Byron Shire but have since branched out up and down the coast and now overseas.

Positive Change for Marine Life recently received notification that we were successful in a Federal Government grant through recommendation from Justine Elliott's office. This will in part fund a River Warriors Coordinator to take over and ramp up the Brunswick River project. They are seeking an additional \$20,000 to cover the funding gap and to employ a person as the joint River Warrior's / Byron Bay Coordinator two days per week.

Attached are the reports from Phase I and II of our Queensland Government CSA grant, with total funding allocated at \$47,000. All of these outcomes were achieved over an 18-month period and had media coverage across channel 7 and 9 News, Gold Coast Bulletin, 4ZZZ FM, ABC Radio Gold Coast and Brisbane, Gold Coast Bulletin, as well as across social media networks. They clearly show the quality and quantity of environmental benefit achieved in this period. We need this kind of education and engagement to clean up the Bruns. PCFML have a proven track record of delivering great outcomes for ours and other communities. While some may suggest we should open this up to the public, no other organisation is offering similar programs so going through an EOI process will remove the opportunities presented by the current funding they have already been allocated and waste valuable time.

About the River Warriors Program

Positive Change for Marine Life's (PCFML) River Warriors initiative commenced in July 2017 when PCFML sponsor, The Byron Bay Cookie Shack drew our attention to a large amount of debris and

pollution in the Brunswick River in northern NSW. The business offered us their support to run a kayak-based clean-up in order to collect the debris and find out exactly what was there and where it came from, whilst raising awareness to the issue throughout the broader community.

5 In just one public-facing clean with project partners The Byron Bay Cookie Shack, Go Sea Kayaks, Byron Bay Eco Cruises and Kayaks and Mullum Cares, they managed to collect over 1.5 tonnes of debris - with 34 volunteers covering a 12km section of the river. Over the course of the following 6 months they developed a plan of action to address this issue at its source through ongoing surveys and engagement programs. They called the initiative River Warriors.

10 Reaching out to like-minded community groups, organisations and individuals in specific regions across northern NSW and SE QLD (which are both home to diverse species and where debris levels were noticeably high), they commenced Phase I of their first full-time River Warriors project on Tallebudgera Creek, QLD in May 2018.

The main focus for the River Warriors projects is to:

- 15 1) Run consistent kayak-based surveys from source to sea (or as close to these areas as accessible) collating and recording data on type, quantity, presence and source of marine debris in order to mitigate it;
- 2) Upload data into our ongoing marine debris database, as well as Tangaroa Blue's Australian Marine Debris Initiative (AMDII) database in order to keep a record of findings, as well as to feed into and support ongoing research into debris patterns and solutions;
- 20 3) Produce a Marine Debris Report Card, the first of its kind to not only highlight the issue of debris in waterways, but also to develop realistic and ongoing management solutions and a marine debris rating system for waterways based upon key variables outlined in our findings;
- 25 4) Utilise the Report Card to assist us in Phase II of the project, which aims to engage the community in our work through: awareness programs, educational signage, regular on-water clean-ups, as well as the exploration of strategic bins, litter mitigation devices, enforcement and monitoring programs, as well as a flood response plan;
- 5) Produce a subsequent report at the completion of Phase II, highlighting successes and challenges and determining ongoing actions to ensure the creek can continue to move toward or maintain an 'A' rating in the Report Card;
- 30 6) Obtain further funding for a Phase III component of the project, installing mitigation measures, facilitating a local Action group to lead the way in moving the waterway towards an "A" rating, and conducting another round of surveys to monitor changes to debris loads since the programs inception.

35 Since they were awarded with a Queensland Government Community Sustainability Action Grant to support the Tallebudgera Creek project in early 2018, they have been awarded subsequent funding to roll the project out across regions in Northern NSW, SE QLD and Brisbane area. They continue gathering baseline data from waterways in need across NSW and QLD, whilst engaging local stakeholders in practical, hands-on solutions to address marine debris at its source - creating long term behavioural change and a culture of stewardship for these places of incredible
40 ecological, recreational and economic importance.

Below is some information about River Warriors school based education programs offer, which are free.

Our River Warriors: Source to Sea educational programs engage students in the topics of marine debris and ocean pollution. We outline the environmental, social and human health impacts associated to human waste that currently affects our ocean, as well as solutions that we can all take to address the issue at its source. The 45 minute presentations engage students through a series of questions, photographs, information and short videos that explain:

- 1) Why the Ocean is important;
- 2) What is marine debris;
- 3) The problems associated to marine debris;
- 4) How we all contribute to the problem;
- 5) How we can work independently and collectively to solve the problem;
- 6) PCFML and what we do;
- 7) Our approach locally to solving the issue, including our River Warriors initiative on the Brunswick River.

PCFML staff hold a current Working With Children Card (QLD Blue Card), current First-Aid Certificates and we hold public liability insurance to \$20 million for up to 50 people on-water and unlimited numbers on land.

Staff comments by Lucy Wilson, Resource Recovery Education Officer, Infrastructure Services:

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

1. While PCFML's River Warriors Program is an important environmental initiative, Council staff have committed to undertaking a transparent and equitable process for engaging with community organisations requesting funding assistance of this nature, through the Community Initiatives Program 2019. This program allows for an allocation of up to \$5,000 for this type of activity by a not for profit organisation. Therefore, a direct request for financial assistance from Council for a program - that has also not been identified as a strategic priority - conflicts with this agreed process, a process that Positive Change for Marine Life requested.
2. The Notice of Motion states that "PCMFL are seeking an additional \$20,000 to cover the funding gap and to employ a person as the joint River Warrior's / Byron Bay Coordinator two days per week.
3. The River Warriors Program has not been identified as a project in Council's IDLEEP, nor does it align with any of the actions in the Integrated Waste Management and Resource Recovery Strategy (for adoption), and as such there is no allocated budget for a river clean-up project within Resource Recovery for 19/20.
4. Council currently provides In-kind support for the River Warrior Program through rubbish collection, waste disposal costs and staff time at an estimated cost of between \$400 - \$500 per clean up.
5. The River Warriors Program is more closely aligned with the overall objectives of the Bringing Back the Bruns Project, and if supported, it is recommended that it should sit within that program, however this would need to be specifically confined to the River Warriors program, and not for a broader role across the Shire. Council currently resources a full time position to run litter and illegal dumping programs across the shire.

Financial/Resource/Legal Implications:

If the proposal is supported by Council, appropriate funding source is General Revenue

5

Is the proposal consistent with any Delivery Program tasks?

Yes - *3.2.2 Support community environmental and sustainability projects*

- 10 The Community initiatives program can provide up to \$5,000 to a not for profit organisation.

Notice of Motion No. 9.4 **Support for Arts Northern Rivers**
File No: I2020/173

I move:

That Council write to Arts Northern Rivers to express our support for their open letter to the Hon Paul Fletcher MP and write to the Minister for Communications, Cyber Safety, and the Arts expressing that support.

Attachments:

1 Arts Northern Rivers - Open Letter to the Minister, E2020/9678 

Signed: Cr Sarah Ndiaye

Councillor's supporting information:

We join Arts Northern Rivers in expressing our concern and dismay at the decision to abolish a dedicated Department of Communications and the Arts and merging it into a mega Department of Infrastructure, Transport, Regional Development and Communications. We ask the Government to reconsider this decision. To ensure we continue to have a vibrant, innovative and valued arts and creative industries sector it is imperative that our Federal Government reflects its commitment to its growth. We believe the removal of arts from the title of this important department sends the wrong message to the sector and our nation.

Staff comments by Deb Stafford, Community and Cultural Development Coordinator, Corporate and Community Services.

Staff agree with the need for a federal departmental structure that explicitly names the arts and addresses dedicated arts considerations, such as Department of Communications and the Arts. If the NoM is adopted, staff will prepare the letter for the Mayor accordingly.

Financial/Resource/Legal Implications:

None identified.

Is the proposal consistent with any Delivery Program tasks?

Yes. Delivery Program Action 2.2.1 requires Council to '*Develop and maintain collaborative relationships with government, sector and community*'.

CSP Objective	L2	CSP Strategy	L3	DP Action
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


SUBMISSIONS AND GRANTS**Report No. 11.1 Submissions and Grants Report - February 2020****Directorate:** Corporate and Community Services**Report Author:** Alexandra Keen, Grants Coordinator**File No:** I2020/131**Summary:**

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.

RECOMMENDATION:

That Council notes the report and Attachment 1 (E2020/7580) for the Byron Shire Council Submissions and Grants as at 3 February 2020.

Attachments:

1 Attachment 1 - Grants and Submissions List, E2020/7580 

REPORT

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

5 Successful applications

Council was partially successful in receiving \$12,000 for heritage advisory services and \$11,000 for local heritage grants under the NSW Office of Environment and Heritage Community Heritage program.

10 Unsuccessful applications

Three applications were unsuccessful:

- 15 • Create NSW – Annual Organisational Funding for Lone Goat Gallery;**
- Community Resilience Innovation Program – joint application with Tweed Shire Council for Operational Recovery Networks Program; and**
- Community Heritage – Byron Shire Heritage Conservation Area review.**

20 Applications submitted

Eight applications were submitted by Council under various grant programs in December 2019. This included the submission of four applications for funding under the NSW Government's Fixing Country Roads Program 2019 (round 2), three applications were resubmitted and a further new application to upgrade the roads in the Byron Arts and Industry Estate was lodged.

Applications were also submitted for:

- 1. Connecting Byron – Rail Corridor Restoration – Building Better Regions Fund Round 4;**
- 2. Upgrade to the Ocean Shores Community Centre – Clubsgrants Infrastructure Round 2;**
- 30 3. Upgrade to Rifle Range Road – Fixing Local Roads; and**
- 4. Upgrade to Minyon Falls Road, Grays Lane and Seven Mile Beach Road – Fixing Local Roads.**

35 Upcoming grant opportunities

There are a number of upcoming grant opportunities for which Council proposes to submit a funding application, including:

- 40 • Clubsgrant – Infrastructure Grant Program Round 3 – Brunswick Heads Memorial Hall;**
- Active Transport Grants – Balemo Drive Stage 2;**
- Combating Weeds and Pests during Drought;**
- Flagship Fish Habitat Rehabilitation – Bringing Back the Brunswick River Stage 2;**
- Create NSW – Multi-year Funding – Lone Goat Gallery.**

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

5 *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 \$21 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:

Requested funds from funding bodies	\$21,144,347
Council cash contribution	\$3,570,219
Council in-kind contribution	\$482,255
Other contributions	\$700,000
Funding applications submitted and awaiting notification (total project value)	\$25,896,821

Consultation and Engagement

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

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Lease over road reserve adjoining 27 Marine Parade Byron Bay**

Directorate: General Manager

5 **Report Author:** Paula Telford, Leasing and Licensing Coordinator

File No: I2019/2023

10 **Summary:**

The owner of 27 Marine Parade Byron Bay has requested a new five year lease as per a condition of development consent (51.2015.1017).

15 Mandatory public notification of the proposed lease resulted in two submissions being received.

This report recommends that Council grant the proposed lease.


RECOMMENDATION:

That Council delegate to the General Manager, the authority to grant a new five year lease to Mr Stewart over 118.9m² of road reserve adjoining 27 Marine Parade Byron Bay under the following conditions:

- a) term five (5) years with no holding over or option to renew;
- b) initial rent set at \$4,500 (excl GST) and increased (not decreased) annually thereafter by CPI (all groups Sydney);
- c) lessee to pay all:
 - i) outgoings payable over the leased land,
 - ii) maintenance costs, and
 - iii) lease preparation costs.
- d) lessee provide a minimum of \$20 million public liability insurance coverage.

20

Attachments:

- 1 Confidential - Current Market Rental Report - part 27 Marine Pde Byron Bay - Lease to Scott Stewart 2020., E2020/3616
- 25 2 Submission 1 proposed lease over public road reserve adjoining 27 Marine Pde Byron Bay, E2020/2937 
- 3 3 Submission 2 proposed lease over public road reserve adjoining 27 Marine Pde Byron Bay, E2020/4506 

30

REPORT

Council granted development consent (51.2015.1017) for driveway crossover and works in a road reserve adjoining 27 Marine Parade Byron Bay. A condition of consent required the applicant to enter into a lease with Council under the *Roads Act 1993* (NSW) for structures encroaching on to the road reserve.

As a result Council entered into a five year lease with Mr Stewart over 118.9m² of road reserve adjoining 27 Marine Parade Byron Bay in 2015. Mr Stewart has requested a new five year lease following the expiry of that lease on 9 April 2020.

Proposed lease:

Terms of the proposed lease will include:

- Maximum term is five years,
- Initial rent of \$4,500 (excl GST) per annum as set by an independent rent valuation by Valuers Australia Real Estate Advisors;
- Rent to be increased (not decreased) annually thereafter by Consumer Price Index (all groups Sydney) for the term of the lease.
- Lessee outgoings:
 - all outgoings payable over the leased land,
 - a minimum \$20 million public liability insurance coverage, and
 - all maintenance.
- Lessor outgoings nil.

Notice of proposed lease:

Council must give notice of the proposed lease for a period of at least 28 days for public comment. Notice was given between 18 December and 20 January 2020 and Council received two submissions.

Submission	Council response
1. Value of rent under the lease 2. If terms of the lease permits the lessee and friends to park vehicles on the public road reserve	<ul style="list-style-type: none"> • Rent will commence at \$4,500 (excl GST). • The lease is required as condition of development consent 51.2015.1017. The lease provides exclusive possession to the lessee to occupy an 118.39sq encroachment onto the road reserve plus a 36.3sq driveway crossover.
1. Object to proposed lease, wording formalise indicates public land is already being used. 2. Long-time occupant of the area and request that Council not permit the continual take-over of public land by private developers in the location.	<ul style="list-style-type: none"> • The lease is required as condition of development consent 51.2015.1017. • Council notes the concern.

Council is required to duly consider all submissions received before determine if to grant the proposed lease. This report recommends that a new five year lease is granted to Mr Stewart in accordance with condition of development consent 51.2015.1017.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.3	Manage development through a transparent and efficient assessment process	4.1.3.1	Assess and determine development applications

5 Legal/Statutory/Policy Considerations
Roads Act 1993 (NSW)

153 Short-term leases of unused public roads

- 10 (1) A roads authority may lease land comprising a public road (other than a Crown road) to the owner or lessee of land adjoining the public road if, in its opinion, the road is not being used by the public.
- 15 (2) However, a lease may not be granted under this Division with respect to land that has been acquired by RMS under Division 3 of Part 12 (being land that forms part of a classified road) except by RMS.
- 15 (3) A lease granted under this Division may be terminated by the roads authority at any time and for any reason

154 Public notice to be given of proposed lease

- 20 (1) Before granting a lease under this Division, the roads authority must cause notice of the proposed lease:
- 20 (a) to be published in a local newspaper, and
- 20 (b) to be served on the owner of each parcel of land adjoining the length of public road concerned.
- 25 (2) The notice:
- 25 (a) must identify the public road concerned, and
- 25 (b) must state that any person is entitled to make submissions to the roads authority with respect to the proposed lease, and
- 25 (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

155 Public submissions

Any person may make submissions to the roads authority with respect to the proposed lease

30 156 Decision on proposed lease

- 35 (1) After considering any submissions that have been duly made with respect to the proposed lease, the roads authority may grant the lease, either with or without alteration, or may refuse to grant the lease.
- 35 (2) If the roads authority grants a lease, the roads authority must cause notice of that fact to be published in a local newspaper.

157 Special provisions with respect to short-term leases

- 40 (1) The term of a lease, together with any option to renew, must not exceed:
- 40 (a) except as provided by paragraph (b), 5 years, or
- 40 (b) in the case of a lease of land that has been acquired by the roads authority under Division 3 of Part 12, 10 years.
- 45 (2) A person must not erect any structure on land the subject of a lease under this Division otherwise than in accordance with the consent of the roads authority.
Maximum penalty: 10 penalty units.
- 45 (3) Such a consent may not be given unless the roads authority is satisfied that the proposed structure comprises a fence or a temporary structure of a kind that can easily be demolished or removed

Financial Considerations

- 5 Rent received by Council over the five year term of the lease will commence at \$4,500 (excl GST) per annum and increased (not decreased) annually thereafter by Consumer Price Index (all groups Sydney) for the term of the lease.

Consultation and Engagement

Nil.

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.2

Report No. 13.2 **Lease to Scouts NSW for occupation of the Byron Bay Scout Hall**
Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2019/1876

5

Summary:

10 The Scout Association of Australia trading as Scouts Australia NSW has requested a new twenty (20) year lease over the Byron Scout Hall, 29 Tennyson Street Byron Bay. The requested lease is consistent with the Plan of Management over the land.

15 This report recommends that Council offer a ten (10) year lease at fully subsidised rent and other outgoings to Scout Australia NSW in accordance with Policy Section 356 Donations – Rates, Water and Sewerage Charges.

20 The report recommends that the proposed lease permit Scouts to hire out the Hall, at its discretion (but consistent with the Plan of Management) with all hiring income to be used for building maintenance and the payment of outgoings.

RECOMMENDATION:

1. **That Council grant a new ten (10) year lease to The Scout Association of Australia over part of Folio 444/28/758207 known as the Byron Bay Scout Hall for the purpose of a scouting activities.**
2. **That Council authorise the publication of the new lease to The Scout Association of Australia for a period of 28 days for public comment.**
3. **That in the event that no comments are received, Council delegate to the General Manager the authority to enter into a new lease referred to in 1 above with the following minimum conditions:**
 - a) **term ten (10) years;**
 - b) **annual rent of \$22,600 to be fully subsidised by Council as a section 356 donation;**
 - c) **outgoings of general fixed rates, water and sewerage charges also fully subsidised by a section 356 donation in accordance with Councils Policy section 356 donations – rates, water and sewerage charges;**
 - d) **all lease preparation costs to be met by the Lessor;**
 - e) **the Lessee to pay outgoings of water, sewer and waste management user charges;**
 - f) **general maintenance costs to be met by the Lesser**
 - g) **authorise the Lessee to hire out the Byron Scout Hall, at its discretion (but consistent with the Plan of Management) and annually report to Council on its hiring function.**
4. **That in the event comments are received from the public exhibition, that a new report be tabled at Council's April meeting.**

Attachments:

25

- 1 Confidential - Current Market Rent Valuation (Valuers Australia) for the Scout Hall, Byron Bay 2020., E2020/4911

REPORT

Community Land and Plan of Management:

- 5 Lot 444 Section 28 DP 758207, 29 Tennyson Street Byron Bay, is Council owned land classified as community and categorised for general community use.

The Plan of Management Byron Bay Memorial Recreation Grounds ('POM') expressly authorises the grant of a lease, in accordance with quadruple bottom line outcomes.

10 A lease over the Byron Bay Scout Hall would provide:

- a) Social outcomes: the provision of a facility to engage young persons in scouting activities.
- b) Environmental outcomes: the provision of a facility to support Scouts to educate young members to participate in environmental initiatives and training courses.
- 15 c) Economic outcomes: the provision of a facility, at subsidised rent, to support Scouts to provide a range of activities for young persons.
- d) Governance outcomes: to secure the long-term tenure of the facility to support scouting activities in Byron Bay.

20 A lease to the Scout Association of Australia trading as Scouts Australia NSW ('Scouts NSW') for the purpose of a scout hall is consistent with requirements of the POM core objective of general community use and quadruple bottom line outcomes.

25 The Proposed Lease:

Scouts NSW has formally requested a new lease over the Byron Bay Scout Hall as means to resolve the ownership of the scout hall building and a way forward. Scouts NSW request:

- a 20 year lease under same terms and conditions as a prior 10 year lease that expired 30 June 2010;
- that Scouts contain to maintain and repair the building except all structural repairs that will remain with Council;
- full management rights of the Hall including the right to hire the Hall out to other community groups, not-for-profit organisations, local schools and the RSL Club for Anzac and Remembrance Day events;
- permit income from hire activities to be expended on maintenance and running expenses of the Hall; and
- perform scouting activities for the local community.

40 Term of Lease:

In accordance with the *Local Government Act*, Council must seek public comment for at least 28 days for any lease to be granted over community land.

45 The term of the lease (including options) must not exceed thirty (30) years under s46(3) of the *Act*. Ministerial consent is required for any lease term (including options) exceeding 21 years and where objecting submissions are received for any lease term (including options) exceeding 5 years.

50 Scout NSW is seeking a new 20 year lease over the Byron Scout Hall; however Council staff has concerns about the requested term on the following basis:

- a) the current POM over the land, recently adopted by Council, has a life span of 10 years to 2029 and any new lease term should not exist beyond Councils planned use of the land;
- 55 b) existing leases granted over the land are limited to 10 years; and

- c) cultural change within society is leading to the decreased participation rate by young people in Scouts as demonstrated by the recent closure of the Bangalow Scout Group.

As a result Council staff recommend that the maximum term of a lease new lease is 10 years.

Subsidies:

- a) Rent

Scouts NSW is a registered charity (57 030 516 857) and is eligible for fully subsidised rent. Market rent for the Scout Hall has been established by an independent valuation at \$22,600 per annum (exclusive of GST).

In accordance with Councils Policy section 356 donations – rates, water and sewerage charges, Council will subsidise 100% of general rates and fixed water and sewerage charges. Other outgoings are:

- b) Lessee outgoings:

- i. all usage charges for all services connected to the Scout Hall including waste management user charges;
- ii. insurances, public liability and contents for full replacement costs;
- iii. general maintenance and repair to the Scout Hall;
- iv. annual pest inspection and controls; and
- v. security services.

- c) Lessor outgoings:

- i. annual fire inspections and statements;
- ii. structural maintenance and repairs; and
- iii. building insurance.

- d) Hiring of the Scout Hall:

The proposed lease will permit the Lessee to hire out the Scout Hall to community groups, not-for-profit organisation, schools and the RSL Club and others at Scouts discretion (but consistent with the Plan of Management) with all generated income expended upon the maintenance and running expenses of the Hall.

Direct Negotiation:

Council is permitted to directly negotiate the proposed lease with Scouts NSW in accordance with s46A of the *Local Government Act*, because the Lessee is a not-for-profit organisation.

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	2.2.2	Support and facilitate accessible, high quality early childhood education and activities	2.2.2.1	Improve direct service provision and sector development to provide quality accredited early childhood education

Legal/Statutory/Policy Considerations

Local Government Act 1993 (NSW)

s46A Means of granting leases, licences and other estates

- (1) A plan of management is to specify, in relation to the community land to which it applies, any purposes for which a lease, licence or other estate may be granted only by tender in accordance with Division 1 of Part 3.
- (2) Nothing in this section precludes a council from applying a tender process in respect of the grant of any particular lease, licence or estate.
- (3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

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:
 - (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
 - (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:
 - 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.
- (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 duly made to it.
- (5) The council must not grant the lease, licence or other estate except with the Minister's consent, if:
 - (a) a person makes a submission by way of objection to the proposal, or
 - (b) in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.
- (6) If the council applies for the Minister's consent, it must forward with its application:
 - a copy of the plan of management for the land
 - details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision
 - a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
 - a copy of the public notice of the proposal
 - a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
 - if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years
 - a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.

- (7) *On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.*
- (8) *After considering the application and any report of the Director of Planning, the Minister, if satisfied that:*
- 5 (a) *subsections (1), (2) and (6) have been complied with, and*
 (b) *such consent would not contravene section 46, and*
 (c) *in all the circumstances, it is desirable to grant consent,*
 may consent to the granting of a lease, licence or other estate in respect of the whole or
 part of the land to which the application relates, subject to such terms and conditions as
 10 *the Minister specifies.*
- (8AA) *The Minister may consent to a lease or licence referred to in subsection (5) (b) only if the Minister is satisfied that there are special circumstances that justify the period of the lease or licence exceeding 21 years.*
- 15 (8A) *On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).*
- (9) *The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).*
- 20 (10) *For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:*
- (a) *would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate, or*
- 25 (b) *would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.*

Financial Considerations

- 30 This report is proposing that Council grants a Lease to Scouts Australia NSW with rent to the value of \$22,600 (exclusive GST) per annum fully subsidised by Council via a section 356 donation.

The report also proposes that Council fully subsidise 100% of fixed general rates, water and sewerage charges payable per annum and licence preparation fee of \$527 inclusive of GST.

- 35 The lessee is required to pay outgoings of all user charges for water, sewer and waste management, provide requisite public liability insurance and insure all owned fixtures and fittings. The lessee must also cover, at its cost, all general maintenance.

40 ***Consultation and Engagement***

Council is required to publically advertise the proposed license to Scouts Australia NSW for period not less than 28 days, seeking public comment on the proposed licence in accordance with s47(2) of the *Local Government Act 1993*.

- 45 Should comments be received by Council during the advertising period, a new report must be tabled at Council's October meeting so that Council may consider all comments received before resolving whether or not to grant the proposed license.

Report No. 13.3 **Lease to Byron Region Community College Inc**
Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2019/1933

5

Summary:

10 The Byron Region Community College Incorporated has requested a new ten year lease with a ten year option to renew over Council owned land and buildings at Lot B DP 326871 known as the 'Old NorthPower Building'. The new lease is sought for the purpose of a community college and light industrial business incubators. The Byron Region Community College requires a new lease for grant funding eligibility.

15

This report recommends that Council enter into the new lease.

RECOMMENDATION:

That Council delegate to the General Manager, the authority to enter into a new lease with the Byron Region Community College Incorporated for the purpose of community college and light industrial business incubators under the following minimum conditions:

- a) term ten (10) year plus a ten (10) year option to renew;
- b) annual rent of \$155,380 (exclusive GST) be fully subsidised by Council as a section 356 donation;
- c) Lessor outgoings:
 - i) Building insurance for full replacement value.
- d) Lessee outgoings:
 - i) all fixed Council rates and charges.
 - ii) all usage fees and charges for all services connected to the Premises.
 - iii) annual fire and pest inspections and controls.
 - iv) public liability, professional indemnity and contents insurances.
 - v) all building maintenance including all internal, external and structural maintenance.

20 **Attachments:**

- 1 Market Rent Valuation Report for the Byron Region Community College Inc., E2019/87943 

25

REPORT***Land:***

- 5 Lot B DP 326871, 6-8 Burringbah Street Mullumbimby known as the 'Old NorthPower Building' ('the Premises') is Council owned land classified as operational. All buildings and improvements on the land are owned by Council.

- 10 The Community Learning and Innovation Centre Inc ('CLIC') currently leases the Premises for the purpose of a community college and light industrial business incubators. That lease will expire on 8 September 2020. The Byron Region Community College Inc ('the Community College'), sub-lessee and member of CLIC, has requested a new 20 year lease term over Premises.

Background:

- 15 In 2001 ownership of the Premises was gifted to Council by Country Energy by resolution (01-1353). Prior to taking ownership, the Premises were leased to Council and managed by a section 355 Committee for utilisation by organisations specialising in adult learning. That management model restricted participating organisations to access relevant grant funding required to refurbish the site.

- 20 As a result, in 2002 CLIC was formed as a not-for-profit organisation, for the purpose of leasing the Premises and eligibility for relevant grant funding. Council resolved (02-1031) to enter into a ten year lease with a ten year option with CLIC. The lease was let at nominal rent on condition that CLIC indemnified Council against all costs and liabilities associated with development, maintenance and management of the Premises. The ten year option was granted under resolution (12-699) in August 2012.

- 25 During the lease term, CLIC has expended more than \$2 million dollars in grant funding, into site refurbishments and expansion of offered services.

Community College request to lease with Council:

- 35 CLIC was created with members of ACE (Adult and Community Education) and BETC (Ballina Employment and Training). Later these members were replaced by NORTEC and the Community College. The Community College remains the sole member CLIC.

- 40 The Director of the Community College informed Council that the College is now in a financial position to stand alone from CLIC and seeks to enter into a lease directly with Council. A new lease would ensure ongoing grant funding eligibility.

- 45 The President of CLIC has advised that CLIC would consent to ending its lease early on condition that the new lease is provided on similar terms as the current lease and signed in early March 2020. If conditions cannot be met then CLIC intends to perform its obligations under the lease to 8 September 2020.

Should Council enter into a lease with the Community College, then it is likely that CLIC will be wound-up.

- 50 ***Leasing to the Community College:***

- 55 The Community College is a not-for-profit community organisation that delivers vocational and other training in the Shire. In 2018 the Community College Annual Report states the College held 2,683 enrolments in 377 courses. Of those enrolments:

- 12% were fully funded vocational courses with 64% of these students completing their VET course in 2018;
- 25% of enrolments were from mature aged students;
- 7% of enrolments were by persons with a disability;
- 10% of enrolments were by persons looking for work;
- 50% of persons enrolled already held a degree or higher; and
- 63% of persons enrolled lived in the Byron Shire.

The Community College has been instrumental in developing an 'Innovation Hub' at the Mullumbimby campus. The College provides short-term subsidised office space (Business Incubators) and support through mentoring and development programs to selected small start-up businesses. Only regional businesses that meet ethical, sustainable and profitable criterion to engage local, national or international markets are eligible.

The not-for-profit partnership between Community College and the Sourdough Group continues to offer the Sourdough Business Pathways program that is resulting in increase revenues and jobs in the region. In 2018 the program mentored over 90 businesses by over 50 mentors providing their time pro-bono.

The Community College seeks to continue the successful 17-year relationship with Council and will continue to improve building assets and the expansion of adult education services offered by the College.

Terms of proposed lease:

The proposed lease to the Community College is to be offered on similar terms as the current lease to CLIC.

1. Similar terms:

- term ten (10) years with an option of ten (10) years to renew;
- for the purpose of a 'Community Learning Centre and light industrial Business Incubator';
- at nominal rent \$1.00 per annum if requested;
- Lessee to pay all outgoings including all fixed rates and charges, all usage fees for all services connected to the Premises, all fire safety inspections and works, all pest inspections and control, all insurances including \$20 million public liability, professional indemnity and building contents for full replacement cost; and
- Lessor to pay outgoings of building insurance only.

2. New term:

- Lessee must bear the cost of all building asset maintenance including all structural maintenance to ensure all buildings and structures remain in good condition and repair. The term of the lease will allow for the Lessee to strategically manage all building and structural assets within the leased area.

Subsidised rent:

In accordance with Council's resolution (02-1031), this report also seeks authority to grant a new lease to the Community College at fully subsidised rent to the value of \$155,380 (exclusive GST)

In return for the full rent subsidy, the Lessee must indemnify Council against all costs and liabilities associated with the development, maintenance and management of the site, including all structural maintenance. This obligation will require the Lessee to strategically set aside funds to adequately cover all future repairs, upgrades and replacements to buildings and structures over the term of the term.

Direct negotiation:

Council resolved (01-1353) to develop the Premises as a 'Community Learning and Innovation Centre' and subsequently entered into a long-lease with CLIC, a not-for-profit organisation at nominal rent. The intention by Council to utilise the Premise for community purposes was central to the decision by County Energy to transfer ownership of the Premise to Council in 2002.

The proposed lease to the Community College for the purpose of community college and light industrial business incubators is consistent with Council resolution (01-1353).

Council is not required to run a competitive tender for the proposed lease to the Community College in accordance with s55(3)(e) of the *Local Government Act 1993* (NSW).

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.3	Promote and support local business development, education and employment opportunities	4.3.1	Facilitate and support sustainable development of our business community	4.3.1.1	Review and implement the Economic Development Strategy and Action Plan

Legal/Statutory/Policy Considerations

Local Government Act 1993 (NSW)

s55 Requirements for tendering

- (1) A council must invite tenders before entering into any of the following contracts—
 - (d) a contract to perform a service or to provide facilities that, under some other contract, the council has undertaken to perform or provide for some other body,
 - (f) a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services),
 - (i) any other contract, or any contract of a class, prescribed by the regulations.
- (2) Tenders are to be invited, and invitations to tender are to be made, by public notice and in accordance with any provisions prescribed by the regulations.
- (2A) Nothing in this section prevents a council from tendering for any work, service or facility for which it has invited tenders.
- (3) This section does not apply to the following contracts—
 - (e) a contract for the leasing or licensing of land by the council, other than the leasing or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A),
- (4) A council that invites tenders from selected persons only is taken to comply with the requirements of this section if those persons are selected—
 - (a) from persons who have responded to a public advertisement for expressions of interest in the particular contract for which tenders are being invited, or
 - (b) from persons who have responded to a public advertisement for recognition as recognised contractors with respect to contracts of the same kind as that for which tenders are being invited.
- (5)–(7) (Repealed)

Financial Considerations

The proposed lease will require Council to provide full subsidised rent to the annual value of \$155,380 as a section 356 donation of Council.

Consultation and Engagement

Nil.

Report No. 13.4 Variation of temporary Byron Farmers Market licence at Cavanbah Centre**Directorate:** General Manager**Report Author:** Paula Telford, Leasing and Licensing Coordinator**File No:** I2019/2140**Summary:**

Council resolved (**19-555**) to vary the term temporary licence granted to the Byron Farmers Market Inc to 30 June 2020 with an additional six months, due to the continued closure of the Butler Street Reserve. In advertising the proposed licence variation, Council received one submission.

Due to time constraints whereby the expiry date of the Byron Farmers Market Inc licence was on 20 January 2020, and with the next available Council meeting being 27 February 2020, staff sort a Mayoral determination under s226(d) of the Act, on the consideration of the submission and the licence variation.

This report has been prepared in accordance with the terms and conditions of Mayoral delegation of authority, to advise the Council of the action taken by the Mayor in exercising his delegations.

RECOMMENDATION:**That Council note this Report.****Attachments:**

1 Submission from the Byron Bay Cycle Club, E2019/93360 

REPORT

Council resolved (19-555) at its 24 October 2019 meeting:

- 5 1. *That Council authorise the continued suspension of the community and farmers markets licences issued for the Butler Street Reserve with ongoing abatement of rent until both markets can be resumed at the Reserve.*

- 10 2. *That Council, delegate to the General Manager, the authority to vary temporary relocation market licences issued to:*
 - a. *Byron Bay Community Association Inc for community markets at the beachside to:*
 - 15 i) *Extend the term to 30 June 2020 with an additional option of six months; and*
 - ii) *The Licensor to pay the Licensee to its nominated bank account, within 30 days from the end of the term or any holding over, the amount of the bond held being an amount not exceeding \$1,000 (inclusive of GST).*
 - b. *Byron Farmers Market Inc for farmers markets at the Cavanbah Centre to:*
 - 20 i) *Extend the term to 30 June 2020 with an additional option of six months; and*
 - ii) *The Licensee to submit to the Licensor within 30 days from the end of the term and any holding over, all receipts detailing expenditure of \$20,000 and return by cheque made payable to Byron Shire Council the balance of any unspent monies.*

- 25 3. *That Council authorise the full subsidisation of rent under the varied licence term at a cost of \$6,689 (inclusive of GST) funded from the Byron Bay Bypass project. That Council continue to fully subsidise rent under the further six month option at a rate set by Councils 2020-2021 fees and charges.*

- 30 4. *That Council authorise the public exhibition of the variation of the farmers market licence to the Byron Farmers Market Inc for 28 days and should any submissions be received that a new report be brought back to Council.*

Submissions

Council publically advertised the variation to the Byron Farmers Market Inc at the Cavanbah Centre for 28 days between 13 November and 11 December 2019. Council received one submission. Points raised and Council response to the submission is detailed in the below table:

Points	Council response
1: Stage 1 of the multi use cycle path to the east of the Cavanbah Centre was constructed for bicycle use only and not for use by vehicles attending the Farmers Markets.	<p>The grant funded Criterion Track was constructed in 2013.</p> <p>Open Spaces have received advice that the design is comparable to typical small road design standards, and is suitable for use by vehicles.</p> <p>As described in the Plan of Management for the Cavanbah Centre, the land upon which the Criterion Track sits is classified as Community Land, and Categorised as General Community Use.</p>

Points	Council response
	<p>Council reserves its right to utilise the asset for the benefit of the wider community and will continue to make decisions that provide equitable community use.</p> <p>Upon completion of the stage 1, Council advised that the track would continue to be used as a service road for both users of the facility, as well as Council staff and contractors.</p> <p>Operational and community priorities have since required Council to extend the use of its asset to provide overflow parking for the Farmers Markets.</p>
2: Stage 2 Sports Australia funding is received with construction to commence in 2020. Council and the Byron Bay Cycle Club need to agree on the management of the construction during occupation by the Farmers Markets.	The Project Management Plan for the construction of Stage 2 of the track will address all operational construction elements and all existing use bookings at the Cavanbah Centre, including the Farmers Markets.

Section 47(4) of the *Local Government Act 2019* (NSW), ('the Act') requires that before granting the licence variation, Council must consider all submissions duly made.

- 5 Due to time constraints whereby the expiry date of the Byron Farmers Market Inc licence was on 20 January 2020, and with the next available Council meeting being 27 February 2020, staff sort a Mayoral determination under s226(d) of the Act, on the consideration of the submission and the licence variation.
- 10 In accordance with s226(d) of the Act, and the Delegation of Authority from the Council to the Mayor, the Mayor may in cases of necessity exercise the policy-making function of Council between meetings of Council.

Council staff considered:

- 15
- i. a case of necessity existed to ensure the continuation of the farmers market at the Cavanbah Centre to meet the expectations of the community and stall holders that rely on the markets for their livelihoods;
- 20
- ii. a variation to the market licence is required to extend the licence term. Extending the licence term is a policy-making function of Council that defines a course of action for the use of community land at the Cavanbah Centre to be adopted by Council; and
- 25
- iii. the variation of the licence must come into effect on 21 January 2020 being a date between Council meetings.

The Mayor having considered the submission made by the Byron Bay Cycle Club "*authorised the General Manager to vary the temporary market licence granted to the Byron Farmers Market in accordance with Resolution 19-555 item 2(b)*".

This report recommends that Council the Report on the action taken by the Mayor in exercising his delegations.

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

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Legal/Statutory/Policy Considerations

s 47A Leases, licences and other estates in respect of community land—terms of 5 years or less

- 10 (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.
- 15 (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.
- 20 (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

30 A variation to the temporary relocation markets licences granted to the Byron Farmers Market and Byron Bay Community Association requires Council to subsidise \$6,689 in fees with the amount to be funded from the Byron Bay Bypass project. Rent to be subsidised under the further six month option, will be at a rate in accordance with Council's adopted Fees and Charges for 2020/2021.

Consultation and Engagement

Nil.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5**National General Assembly of Local Government 2020****Directorate:**

Corporate and Community Services

Report Author:

Heather Sills, Corporate Planning and Improvement Coordinator

File No:

I2019/2064

Summary:

The National General Assembly of Local Government will be held from 14 to 17 June 2020 in Canberra. The Call for Motions Discussion Paper requires that motions from Councillors are to be lodged by 27 March 2020.

This report is provided in accordance with Council's Policy Councillor Expenses and Facilities 2019, Clause 6.36 "*A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate*"

RECOMMENDATION:

1. That Council authorises two Councillors being Councillors _____ and _____ to attend the 2020 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 14 to 17 June 2020 and nominates Cr _____ as the voting delegate.
2. That Council considers endorsement of any motions for submission to the National General Assembly, at its Ordinary meeting scheduled for Thursday, 26 March 2020, to meet the lodgement deadline with ALGA of Friday, 27 March 2020.

REPORT

Council has received the program and registration details for the National General Assembly of Local Government (NGA) to be held in Canberra from 14 to 17 June 2020. The theme for the 2020 NGA is *'Working Together for our Communities'*, acknowledging the need to come together and with other partners, including Federal Government, to deliver for our communities.

Council's Policy Councillor Expenses and Facilities 2019, Clause 6.36 states "A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate".

Council is entitled to one voting delegate in the debating session.

Conference Motions

The Councillor Expenses and Facilities 2019 Policy also states at clause 6.40 that "Submission of motions to the ... National General Assembly for consideration by Council will be done by notice of motion, which can be considered during the year."

As motions to the NGA are to be received by the Australia Local Government Association (ALGA) no later than 11:59pm on 27 March 2020 and must first be endorsed by Council prior to submission, a memo was provided to Councillors on 8 January 2020 with this information.

Staff will submit any adopted motions to ALGA on behalf of a Councillor/s prior to the deadline.

Call for Motions

The NGA Call for Motions Discussion Paper outlines the challenges faced by Local Governments across Australia, including financial constraints; adapting to rapidly evolving technologies and community expectations of access to 24/7 services via websites, mobiles, and call centres; changes in demographics and population size; and preferred means of community engagement. These challenges are likely to be compounded by climate change, the ageing population, and further advances in disruptive technologies, including artificial intelligences.

The discussion paper further explains that these challenges may also be exacerbated by increasing community expectations about the level and types of service and infrastructure provided by councils and the community's willingness to pay.

The full discussion paper is available from the following link:

https://alga.asn.au/site/misc/alga/downloads/events/2019_NGA/2018-Discussion-Paper-WEB.pdf

Conference Details

Where: National Convention Centre, Canberra, ACT
Dates: Sunday 14 June to Wednesday 17 June 2020

Costs:

(per delegate)	Registration Fee (early bird received by 8 May 2020)	\$989.00
	Accommodation (approx) (4 nights)	\$1,000.00
	Travel (approx.)	\$800.00
	Total:	\$2,789.00

Next steps

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, Motions must meet the following criteria:

- be relevant to the work of local government nationally
- not be focussed on a specific location or region – unless the project has national implications
- be consistent with the themes of the NGA
- complement or build on the policy objectives of your State and Territory local government association
- be submitted by a council which is a financial member of its State or Territory local government association
- propose a clear action and outcome
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All Motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the Motion, and endorsement of Council. Motions should be received by ALGA no later than 11:59pm on Friday 27 March 2020, electronically in the prescribed format.

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	5.6.11	Maintain effective relationships with key stakeholders, neighbouring local governments, government representatives and government agencies	5.6.11.2	Engage with government representatives and agencies

Legal/Statutory/Policy Considerations

In accordance with Council's Policy Councillor Expenses and Facilities 2019 "A resolution of Council is required to authorise attendance of Councillors at ...b) Australian Local Government Association National General Assembly as a voting delegate."

Financial Considerations

Council has an allocation for conferences of \$31,500 within the 2019/20 budget (2145.004). There is sufficient funding remaining to cover the cost of sending two delegates to the NGA.

Report No. 13.6 **Heritage Advisory Panel - Representatives**
Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Planning and Improvement Coordinator
File No: I2020/4

5

Summary:

10 Following the resignation from the Heritage Advisory Panel (Panel) of community representative Robyn Wright and Byron Bay Historical Society representative Robert Sampimon, Council called for nominations to replace these positions on the Panel. Nominations closed on 5 February 2020.

15 This report has been prepared to allow Council to consider the nominations received, as contained in Confidential Attachment 1, and advise the Heritage Panel of its representatives.

The term for the appointed representatives will be for the remainder of the current term of Council.

RECOMMENDATION:

:

1. **That Council accept the resignations of Robyn Wright and Robert Sampimon from the Heritage Advisory Panel and provide a letter of thanks.**
2. **That Council appoint _____ to the Heritage Advisory Panel.**
3. **That Council thank all nominees for their interest and time in submitting an Expression of Interest.**

20

Attachments:

- 1 Confidential - Expressions of Interest Nominations, E2020/8738

25

REPORT

The purpose of the Heritage Panel is to provide support and advice to Council to assist its operations on heritage matters. Actions of the Heritage Panel that can assist to achieve this include:

- Assisting Council in the development of policies and strategies including the preparation of a Heritage Strategy and the management of natural and cultural heritage generally in Byron Shire local government area.
- Advising Council staff, the Heritage Adviser and the Council on matters relating to the ongoing implementation of the Heritage Strategy (once completed).
- Assisting Council to procure and allocate funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy (once completed).
- Providing access to the general community to distribute information and for public input into heritage management, e.g. to nominate additional properties for assessment of heritage significance.
- Advising Council on a range of heritage-related matters which are of interest to the community, in particular, by providing expertise, local knowledge and guidance on heritage matters and in relation to heritage assessments.

As per its constitution, the Heritage Advisory Panel (Panel) requires the following membership:

- 3 Councillors
- 1 representative from each of the Shire's known historical societies being:
 - Brunswick Valley
 - Byron Bay
 - Bangalow
 - Mullumbimby
- 1 representative each from the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and the Tweed Byron Local Aboriginal Council
- 3 community representatives
- General Manager (or delegate)

Panel meetings are held as required, although generally every quarter for approximately two hours during business hours.

Council has received a resignation from the Panel from community representative Robyn Wright and Byron Bay Historical Society representative Robert Sampimon. Further, community member Janet Kneale has not attended the required number of meetings, in accordance with the adopted [Constitution](#) which states that:

"All Panel members are required to advise the chair when they are unable to attend Panel meetings....A Panel member (other than the Mayor) ceases to be a member of a Panel if the member:

- a) Has been absent from three consecutive meetings of the Panel without having given reasons acceptable to the Panel for the member's absence,*
- or b) Has been absent from at least half of the meetings of the Panel held during the immediately preceding year without having given to the Panel acceptable reasons for the member's absences."*

Accordingly, Council called for nominations to replace these positions on the Panel, with nominations closing on 5 February 2020. The term for the appointed representatives will be for the remainder of the current term of Council.

This report has been prepared to allow Council to consider the nominations received, as contained in Confidential Attachment 1, and advise the Heritage Panel of its representatives.

Prospective community representatives should demonstrate suitability on the basis of the following criteria:

- People who live, work, or study in the Byron Shire LGA
- Have a proven commitment, sensitivity, and understanding of issues relating to heritage issues in the Byron Shire LGA
- Be an employee, or member of an organisation whose primary function relates to the preservation of heritage

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	5.2.4.3	Provide support to Councillors – including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping

Legal/Statutory/Policy Considerations

Membership in accordance with the Heritage Panel [Constitution](#)

Financial Considerations

The advertisement for the applications for community representatives was undertaken within existing allocated resources.

Consultation and Engagement

Council advertised for expressions of interest for representatives Heritage Advisory Panel, which closed on 5 February 2020.

Report No. 13.7 **Investments - 1 January 2020 to 31 January 2020**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/113

5

Summary:

10 This report includes a list of investments and identifies Council's overall cash position for the period 1 January 2020 to 31 January 2020 for information.

15 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 January 2020 be noted.

20

REPORT

Council has continued to maintain a diversified portfolio of investments. At 31 January 2020, the average 90 day bank bill rate (BBSW) for the month of January 2020 was 0.89%. Council's performance to 31 January was 1.81%. 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. It should be noted that as investments mature, Council's % return will continue to decrease due to the lower rates available in the current market.

The table below identifies the investments held by Council as at 31 January 2020

Schedule of Investments held as at 31 January 2020

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%	1,044,263.16
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,108,880.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,077,720.00
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	1,062,980.00
21/11/19	1,000,250	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,000,250.00
27/11/19	500,000	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	500,000.00
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	1.83%	1,008,850.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.99%	753,667.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	2.27%	502,795.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
04/02/19	1,000,000	Summerland Credit Union	Y	NR	04/02/20	Y	TD	2.95%	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
03/07/19	1,000,000	Australian Military Bank	Y	NR	02/07/20	Y	TD	2.12%	1,000,000.00
04/07/19	1,000,000	NAB	N	AA-	30/03/20	N	TD	1.95%	1,000,000.00
15/08/19	1,000,000	Maitland Mutual Building Society	Y	NR	12/02/20	Y	TD	1.78%	1,000,000.00
16/08/19	1,000,000	Suncorp	Y	A+	12/02/20	Y	TD	1.73%	1,000,000.00
26/08/19	1,000,000	Suncorp	N	A+	21/02/20	N	TD	1.62%	1,000,000.00
27/08/19	2,000,000	Bank of Queensland	N	BBB+	27/02/20	N	TD	1.75%	2,000,000.00
27/08/19	1,000,000	AMP Bank	Y	BBB	26/08/20	N	TD	1.80%	1,000,000.00
29/08/19	1,000,000	Macquarie Bank Ltd	Y	A	25/02/20	Y	TD	1.80%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
03/09/19	2,000,000	Macquarie Bank Ltd	N	A	02/03/20	N	TD	1.75%	2,000,000.00
04/09/19	1,000,000	Australian Military Bank	N	NR	02/03/20	N	TD	1.70%	1,000,000.00
25/09/19	2,000,000	NAB	N	AA-	24/09/20	N	TD	1.60%	2,000,000.00
25/09/19	1,000,000	TCorp Green Deposit	N	AAA	25/03/20	N	TD	1.00%	1,000,000.00
08/10/19	1,000,000	NAB	N	AA-	06/04/20	N	TD	1.60%	1,000,000.00
08/10/19	1,000,000	My State Bank	Y	NR	06/02/20	Y	TD	1.70%	1,000,000.00
21/10/19	2,000,000	NAB	N	AA-	21/04/20	N	TD	1.57%	2,000,000.00
25/10/19	2,000,000	NAB	N	AA-	25/02/20	N	TD	1.60%	2,000,000.00
29/10/19	1,000,000	ME Bank	Y	BBB	28/07/20	Y	TD	1.58%	1,000,000.00
30/10/19	2,000,000	Macquarie Bank Ltd	N	A	29/04/20	N	TD	1.60%	2,000,000.00
04/11/19	1,000,000	NAB	N	AA-	03/02/20	N	TD	1.58%	1,000,000.00
06/11/19	1,000,001	AMP Bank	N	BBB	06/05/20	N	TD	1.75%	1,000,001.00
07/11/19	2,000,000	NAB	N	AA-	06/04/20	N	TD	1.58%	2,000,000.00
08/11/19	2,000,000	Suncorp	N	A+	04/08/20	N	TD	1.60%	2,000,000.00
25/11/19	1,000,000	AMP Bank	N	BBB	25/05/20	N	TD	1.90%	1,000,000.00
27/11/19	1,000,000	Coastline Credit Union	Y	NR	26/11/20	Y	TD	1.80%	1,000,000.00
27/11/19	2,000,000	Macquarie Bank Ltd	N	A	12/03/20	N	TD	1.60%	2,000,000.00
02/12/19	1,000,000	Maitland Mutual Building Society	N	NR	02/06/20	Y	TD	1.75%	1,000,000.00
03/12/19	1,000,000	AMP Bank	N	BBB	02/06/20	N	TD	1.90%	1,000,000.00
03/12/19	1,000,000	B & E Ltd (Bank of Us)	Y	NR	02/03/20	Y	TD	1.70%	1,000,000.00
03/12/19	2,000,000	Macquarie Bank Ltd	N	A	03/03/20	N	TD	1.60%	2,000,000.00
09/12/19	2,000,000	NAB	N	AA-	09/03/20	N	TD	1.60%	2,000,000.00
13/12/19	1,000,000	Summerland Credit Union	N	NR	14/04/20	Y	TD	1.80%	1,000,000.00
06/01/2020	2,000,000	NAB	N	AA-	4/6/2020	N	TD	1.58%	2,000,000.00
06/01/2020	1,000,000	Judo Bank	Y	NR	5/1/2021	N	TD	2.10%	1,000,000.00
06/01/2020	1,000,000	Police Credit Union Ltd (SA)	Y	NR	6/4/2020	N	TD	1.75%	1,000,000.00
08/01/2020	1,000,000	Suncorp	N	A+	7/5/2020	N	TD	1.50%	1,000,000.00
13/01/2020	1,000,000	Suncorp	N	A+	12/5/2020	N	TD	1.50%	1,000,000.00
20/01/2020	1,000,000	Westpac (Tailored)	Y	AA-	20/1/2021	Y	TD	1.41%	1,000,000.00
20/01/2020	2,000,000	NAB	N	AA-	19/5/2020	N	TD	1.60%	2,000,000.00
24/01/2020	2,000,000	Bank of QLD	N	BBB+	24/7/2020	N	TD	1.60%	2,000,000.00
28/01/2020	1,000,000	NAB	N	AA-	27/04/20	N	TD	1.58%	1,000,000.00
29/01/2020	1,000,000	MyState Bank Limited	Y	NR	28/5/2020	N	TD	1.60%	1,000,000.00
30/01/2020	1,000,000	Judo Bank	N	NR	30/7/2020	N	TD	1.85%	1,000,000.00
30/01/2020	1,000,000	The Mutual Bank (Maitland Mutual)	N	NR	30/4/2020	N	TD	1.75%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
30/1/2020	1,000,000.00	Macquarie Bank Ltd	N	A	30/4/2020	N	TD	1.60%	1,000,000.00
N/A	2,210,735.97	CBA Business Saver	N	AA-	N/A	N	CALL	1.20%	2,210,735.97
N/A	3,573,767.21	NSW Treasury Corp	N	AAA	N/A	Y	CALL	1.10%	3,573,767.21
Total	75,533,104.18						AVG	1.81%	75,843,909.84

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 highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

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

15

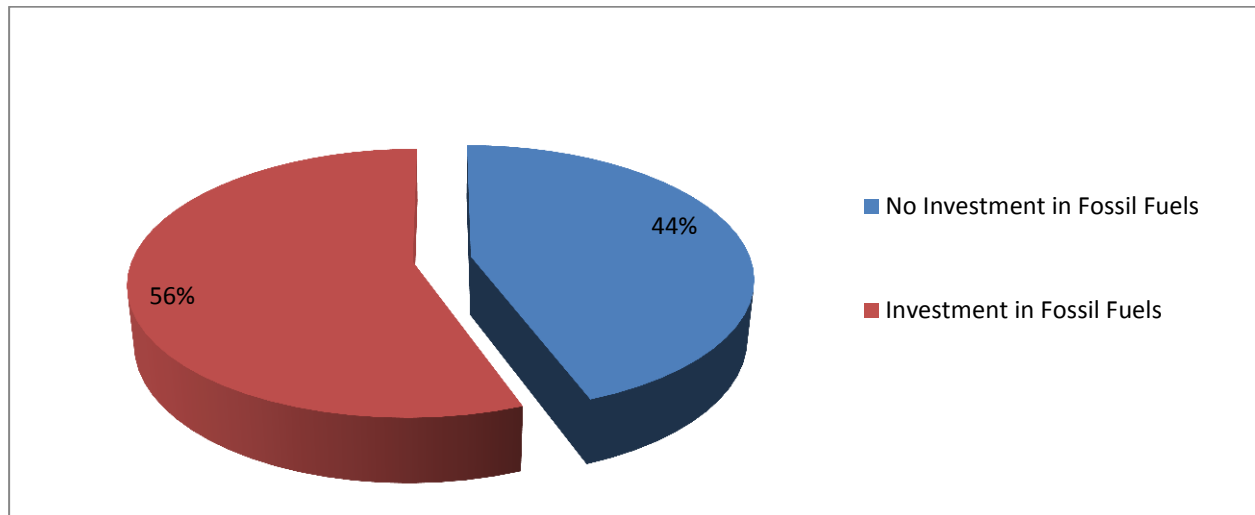
Council has two investments with financial institutions that invest in fossil fuels but are nevertheless aligned with the broader definition of Environmental and Socially Responsible investments i.e.:

20

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

25

2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.



Investment Policy Compliance

Investment policy compliance % per institution should not exceed the following			ACTUAL	Variance
AAA to AA	A1+	100%	50.35%	Meets policy
A+ to A-	A1	60%	13.33%	Meets policy
BBB to NR	A2,NR	40%	36.32%	Meets 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. Note that the financial institutions currently offering investments in the 'ethical' area are still mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

Associated Risk

Moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and 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.

The investment portfolio is outlined in the table below by investment type for the period 1 January 2020 to 31 January 2020:

Dissection of Council Investment Portfolio as at 31 January 2020

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
62,000,001.00	Term Deposits	62,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,265,312.50	15,312.50
2,210,735.97	Business On-Line Saver (At Call)	2,210,735.97	0.00
3,573,767.21	NSW Treasury Corp (T Corp)	3,573,767.21	0.00

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5,498,600.00	Bonds	5,794,093.16	295,493.16
75,533,104.18		75,843,909.84	310,805.66

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 January 2020 to 31 January 2020 on a current market value basis.

Movement in Investment Portfolio – 31 January 2020

Item	Current Market Value (at end of month) \$
Opening Balance at 1 January 2020	72,339,953.58
Add: New Investments Purchased	16,000,000.00
Add: Call Account Additions	1,500,000.00
Add: Interest from Call Account	0.00
Less: Investments Matured	14,000,000.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	3,956.26
Less: Call Account Redemption	0.00
Less: T Corp Redemption	0.00
Less: Fair Value Movement for period	0.00
Closing Balance at 31 January 2020	75,843,909.84

Term Deposit Investments Maturities and Returns – 1 January 2020 to 31 January 2020

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000	Police Credit Union	03/01/20	186	2.23%	11,363.84
2,000,000	NAB TD	06/01/20	366	2.75%	55,150.68
1,000,000	Westpac (Tailored)	20/01/20	94	2.73%	7,030.68
2,000,000	NAB TD	20/01/20	210	2.00%	23,013.70
2,000,000	Bank of Queensland	24/01/20	210	2.10%	24,164.38
1,000,000	NAB TD	24/01/20	184	1.85%	9,326.03
1,000,000	NAB TD	28/01/20	120	1.68%	5,523.29
2,000,000	AMP Bank	28/01/20	182	2.20%	21,939.73
1,000,000	MyState Bank Limited	29/01/20	91	1.70%	4,238.36
1,000,000	Defence Bank	30/01/20	365	2.85%	28,500.00
14,000,000					190,250.69

Council's overall 'cash position' is not only measured by funds invested but also by the funds retained in its consolidated fund or bank account for operational purposes. In this regard, for the month of January 2020 the table below identifies Council's overall cash position as follows:

5 Dissection of Council's Cash Position as at 31 January 2020

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	62,000,001.00	62,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,265,312.50	15,312.50
Business On-Line Saver (At Call)	2,210,735.97	2,210,735.97	0.00
NSW Treasury Corp (T Corp)	3,573,767.21	3,573,767.21	0.00
Bonds	5,498,600.00	5,794,093.16	295,493.16
Total Investment Portfolio	75,533,104.18	75,843,909.84	310,805.66
Cash at Bank			
Consolidated Fund	1,974,992.17	1,974,992.17	0.00
Total Cash at Bank	1,974,992.17	1,974,992.17	0.00
Total Cash Position	77,508,096.35	77,818,902.01	310,805.66

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

10 Legal/Statutory/Policy Considerations

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 it has invested under section 625 of the *Local Government Act 1993*.

15 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.

20 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.

25

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

Financial Considerations

5

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

**Report No. 13.8 Delivery Program 6-monthly Report and 2019/20 Operational Plan
Second Quarter Report - Q2 - to 31 December 2019**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

File No: I2020/6

Summary:


10 Council's Operational Plan outlines its projects and activities to achieve the commitments in its four-year Delivery Program. In accordance with the *Local Government Act 1993* progress reports must be provided at least every six months.

15 This report represents the second '6-monthly edition' of the Quarterly Report, providing an additional reporting layer regarding the Council's progress toward the higher level actions of the Delivery Program.

RECOMMENDATION:

That Council notes the Delivery Program 6-monthly Report and 2019/20 Operational Plan Second Quarter Report for the period ending 31 December 2019 (Attachment 1 #E2020/8890).

20 Attachments:

- 1 Delivery Program 6-monthly Report and Operational Plan Quarter Report - Q2 - to 31 December 2020, E2020/8890 

25

REPORT*Background*

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

10 The Delivery Program (4-year) outlines the principal activities to be undertaken to implement the strategies established by the Community Strategic Plan (10-year), within the resources available under the Resourcing Strategy. All plans, projects, activities, and funding allocations must be directly linked to this program.

15 The Delivery Program is supported by the annual Operational Plan, which identifies the individual projects and activities that will be undertaken for the year to achieve the commitments made in the Delivery Program.

20 The General Manager is required to provide six monthly progress reports to the Council on the progress toward the delivery program, in accordance with the *Local Government Act 1993* s404 which states:

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

- 25 While the requirement is six monthly reporting, the Council is provided with a Quarterly Report on the activities in the Operational Plan, to promote effective and efficient reporting and decision making.

Each section in the report notes the progress against the activities including:

- 30
- Activity
 - Responsible directorate
 - Measure
 - Timeframe
 - Comments

35

 - Status

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	5.2.1	Provide timely, accessible and accurate information to the community	5.2.1.3	Continuous improvements of reporting on progress of Delivery Program actions

40

Legal/Statutory/Policy Considerations

- 45 The General Manager is required under Section 404 (5) of the *Local Government Act 1993* to provide regular progress reports as to the Council's progress with respect to the principal activities detailed in the Delivery Program/Operational Plan. Progress reports must be provided at least every six months.

Financial issues

Council's financial performance for the reporting period is addressed in the Quarterly Budget Review, which is subject to a separate report included in this business paper.

5

Consultation and Engagement

The development of the Delivery Program was informed by extensive engagement around the Community Strategic Plan and specifically a Community Solutions Panel on infrastructure priorities.

10

The progress reports on the Delivery Plan will be published on Council's website as a way of ensuring transparency around how Council is progressing activities and actions.

Report No. 13.9 **Investments - 1 December 2019 to 31 December 2019**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/13

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Summary:

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

15 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 December 2019 be noted.

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REPORT

Council has continued to maintain a diversified portfolio of investments. At 31 December 2019, the average 90 day bank bill rate (BBSW) for the month of December 2019 was 0.90%. Council's performance to 31 December was 1.87%. 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. It should be noted that as investments mature, Council's % return will continue to decrease due to the lower rates available in the current market.

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

Schedule of Investments held as at 31 December 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%	1,044,263.16
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,108,880.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,077,720.00
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	1,062,980.00
21/11/19	1,000,250	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,000,250.00
27/11/19	500,000	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	500,000.00
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	1.83%	1,008,850.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.99%	753,667.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	2.27%	502,795.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
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
30/01/19	1,000,000	Defence Bank	Y	BBB	30/01/20	Y	TD	2.85%	1,000,000.00
04/02/19	1,000,000	Summerland Credit Union	Y	NR	04/02/20	Y	TD	2.95%	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
24/06/19	2,000,000	NAB	N	AA-	20/01/20	N	TD	1.90%	2,000,000.00
28/06/19	2,000,000	Bank of Queensland	N	BBB+	24/01/20	N	TD	2.10%	2,000,000.00
01/07/19	1,000,000	Police Credit Union Limited (SA)	Y	NR	03/01/20	Y	TD	2.23%	1,000,000.00
03/07/19	1,000,000	Australian Military Bank	Y	NR	02/07/20	Y	TD	2.12%	1,000,000.00
04/07/19	1,000,000	NAB	N	AA-	30/03/20	N	TD	1.95%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
24/07/19	1,000,000	Bankwest	Y	AA-	24/01/20	N	TD	1.85%	1,000,000.00
30/07/19	2,000,000	AMP Bank	Y	BBB	28/01/20	N	TD	2.20%	2,000,000.00
15/08/19	1,000,000	Maitland Mutual Building Society	Y	NR	12/02/20	Y	TD	1.78%	1,000,000.00
16/08/19	1,000,000	ME Bank	Y	BBB	12/02/20	Y	TD	1.73%	1,000,000.00
26/08/19	1,000,000	Suncorp	Y	A+	21/02/20	Y	TD	1.62%	1,000,000.00
27/08/19	2,000,000	Bank of Queensland	N	BBB+	27/02/20	N	TD	1.75%	2,000,000.00
27/08/19	1,000,000	AMP Bank	N	BBB	26/08/20	N	TD	1.80%	1,000,000.00
29/08/19	1,000,000	Macquarie Bank Ltd	Y	A	25/02/20	N	TD	1.80%	1,000,000.00
03/09/19	2,000,000	Macquarie Bank Ltd	N	A	02/03/20	N	TD	1.75%	2,000,000.00
04/09/19	1,000,000	Australian Military Bank	N	NR	02/03/20	Y	TD	1.70%	1,000,000.00
25/09/19	1,000,000	TCorp Green Deposit	N	AAA	25/03/20	N	TD	1.00%	1,000,000.00
25/09/19	2,000,000	NAB	N	AA-	24/09/20	N	TD	1.60%	2,000,000.00
30/09/19	1,000,000	NAB	N	AA-	28/01/20	N	TD	1.68%	1,000,000.00
08/10/19	1,000,000	NAB	N	AA-	06/04/20	N	TD	1.93%	1,000,000.00
08/10/19	1,000,000	My State Bank	Y	NR	06/02/20	Y	TD	1.70%	1,000,000.00
21/10/19	2,000,000	NAB	N	AA-	21/04/20	N	TD	1.57%	2,000,000.00
25/10/19	2,000,000	NAB	N	AA-	25/02/20	N	TD	1.60%	2,000,000.00
29/10/19	1,000,000	ME Bank	N	BBB	28/07/20	Y	TD	1.58%	1,000,000.00
30/10/19	1,000,000	My State Bank	N	NR	29/01/20	Y	TD	1.70%	1,000,000.00
30/10/19	2,000,000	Macquarie Bank Ltd	N	A	29/04/20	N	TD	1.60%	2,000,000.00
04/11/19	1,000,000	NAB	N	AA-	03/02/20	N	TD	1.58%	1,000,000.00
06/11/19	1,000,001	AMP Bank	N	BBB	06/05/20	N	TD	1.75%	1,000,001.00
07/11/19	2,000,000	NAB	N	AA-	06/04/20	N	TD	1.58%	2,000,000.00
08/11/19	2,000,000	Suncorp	N	A	04/08/20	Y	TD	1.60%	2,000,000.00
25/11/19	1,000,000	AMP Bank	N	BBB	25/05/20	N	TD	1.90%	1,000,000.00
27/11/19	1,000,000	Coastline Credit Union	Y	NR	26/11/20	Y	TD	1.80%	1,000,000.00
28/11/19	2,000,000	Macquarie Bank Ltd	N	A	12/03/20	N	TD	1.60%	2,000,000.00
02/12/19	1,000,000	Maitland Mutual Building Society	N	NR	02/06/20	Y	TD	1.75%	1,000,000.00
03/12/19	1,000,000	AMP Bank	N	BBB	02/06/20	N	TD	1.90%	1,000,000.00
09/12/19	2,000,000	NAB	N	AA-	09/03/20	N	TD	1.60%	2,000,000.00
13/12/19	1,000,000	Summerland Credit Union	N	NR	14/04/20	Y	TD	1.80%	1,000,000.00
03/12/19	1,000,000	B & E Ltd (Bank of Us)	N	NR	02/03/20	Y	TD	1.70%	1,000,000.00
03/12/19	2,000,000	Macquarie Bank Ltd	N	A	03/03/20	N	TD	1.60%	2,000,000.00
N/A	710,735.97	CBA Business Saver	N	AA-	N/A	N	CALL	1.20%	710,735.97
N/A	3,569,810.95	NSW Treasury Corp	N	AAA	N/A	Y	CALL	1.24%	3,569,810.95
Total	72,029,147.92						AVG	1.87%	72,339,953.58

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)

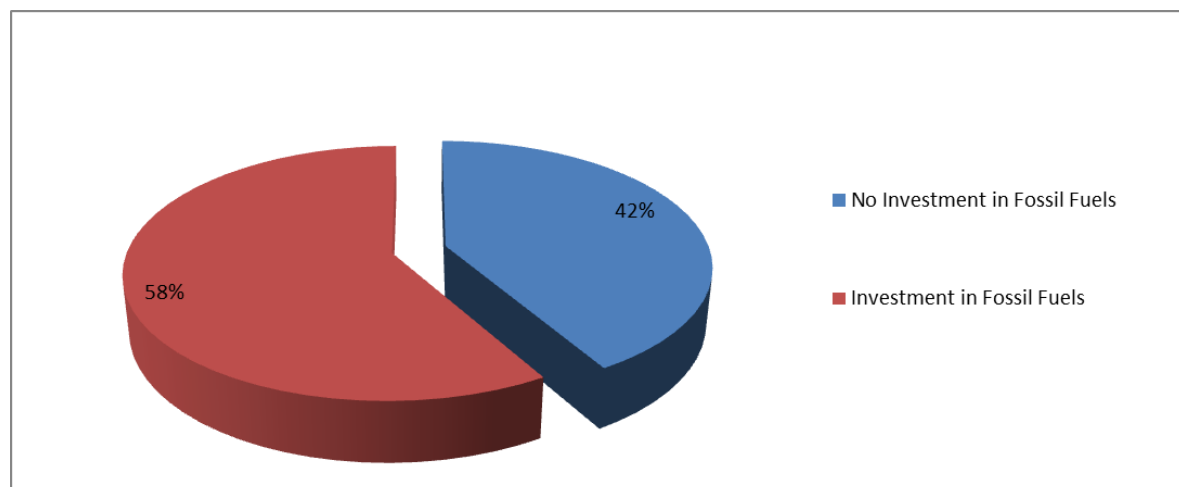
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An additional column has been added to the schedule of Investments to identify if the financial institution holding the Council investment has been assessed as a 'No Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au 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



20

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				
% per institution should not exceed the following			ACTUAL	Variance
AAA to AA	A1+	100%	48.28%	Meets policy
A+ to A-	A1	60%	12.49%	Meets policy
BBB to NR	A2,NR	40%	39.22%	Meets 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. Note that the financial institutions currently offering investments in the 'ethical' area are still mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

Associated Risk

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.

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

Dissection of Council Investment Portfolio as at 31 December 2019

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
60,000,001.00	Term Deposits	60,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,265,312.50	15,312.50
710,735.97	Business On-Line Saver (At Call)	710,735.97	0.00
3,569,810.95	NSW Treasury Corp (T Corp)	3,569,810.95	0.00
5,498,600.00	Bonds	5,794,093.16	295,493.16
72,029,147.92		72,339,953.58	310,805.66

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 December 2019 to 31 December 2019 on a current market value basis.

Movement in Investment Portfolio – 31 December 2019

Item	Current Market Value (at end of month) \$
Opening Balance at 1 December 2019	77,328,988.85
Add: New Investments Purchased	8,000,000.00
Add: Call Account Additions	22,000,000.00
Add: Interest from Call Account	4,524.30
Less: Investments Matured	13,000,000.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	6,440.43
Less: Call Account Redemption	22,000,000.00
Less: T Corp Redemption	0.00
Less: Fair Value Movement for period	0.00
Closing Balance at 31 December 2019	72,339,953.58

5 Term Deposit Investments Maturities and Returns – 1 December 2019 to 31 December 2019

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
2,000,000	NAB TD	09/12/19	90	1.72%	8,482.19
1,000,000	Summerland Credit Union	13/12/19	365	3.10%	31,000.00
1,000,000	The Mutual Bank (Maitland Mutual)	02/12/19	91	1.75%	4,363.01
1,000,000	AMP Bank	03/12/19	182	2.45%	12,216.44
2,000,000	Beyond Bank Australia	06/12/19	185	2.40%	24,328.77
2,000,000	Bankwest	27/12/19	182	1.90%	18,947.95
2,000,000	NAB TD	02/12/19	123	1.80%	12,131.51
2,000,000	Bankwest	06/12/19	122	1.70%	11,364.38
13,000,000					122,834.25

10 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 December 2019 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 31 December 2019

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	60,000,001.00	60,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,265,312.50	15,312.50
Business On-Line Saver (At Call)	710,735.97	710,735.97	0.00

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
NSW Treasury Corp (T Corp)	3,569,810.95	3,569,810.95	0.00
Bonds	5,498,600.00	5,794,093.16	295,493.16
Total Investment Portfolio	72,029,147.92	72,339,953.58	310,805.66
Cash at Bank			
Consolidated Fund	3,027,049.44	3,027,049.44	0.00
Total Cash at Bank	3,027,049.44	3,027,049.44	0.00
Total Cash Position	75,056,197.36	75,367,003.02	310,805.66

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. 13.10 **Budget Review - 1 October 2019 to 31 December 2019**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/24

5

Summary:

10 This report is prepared to comply with Regulation 203 of the *Local Government (General) Regulation 2005* and to inform Council and the Community of Council's estimated financial position for the 2019/2020 financial year, reviewed as at 31 December 2019.

15 This report contains an overview of the proposed budget variations for the General Fund, Water Fund and Sewerage Fund. The specific details of these proposed variations are included in Attachment 1 and 2 for Council's consideration and authorisation.




20 Attachment 3 contains the Integrated Planning and Reporting Framework (IP&R) Quarterly Budget Review Statement (QBRs) as outlined by the Office of Local Government in circular 10-32.

RECOMMENDATION:

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/7284) which include the following results in the 31 December 2019 Quarterly Review of the 2019/2020 Budget:**
 - a) **General Fund – \$150,000 decrease to the Estimated Unrestricted Cash Result**
 - b) **General Fund - \$1,176,700 decrease in reserves**
 - c) **Water Fund - \$669,600 decrease in reserves**
 - d) **Sewerage Fund - \$220,700 decrease in reserves**

2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$850,000 for the 2019/2020 financial year as at 31 December 2019.**

Attachments:

- 25 1 Budget Variations for General, Water and Sewerage Funds, E2020/7283 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2020/7284 
- 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2020/7285 

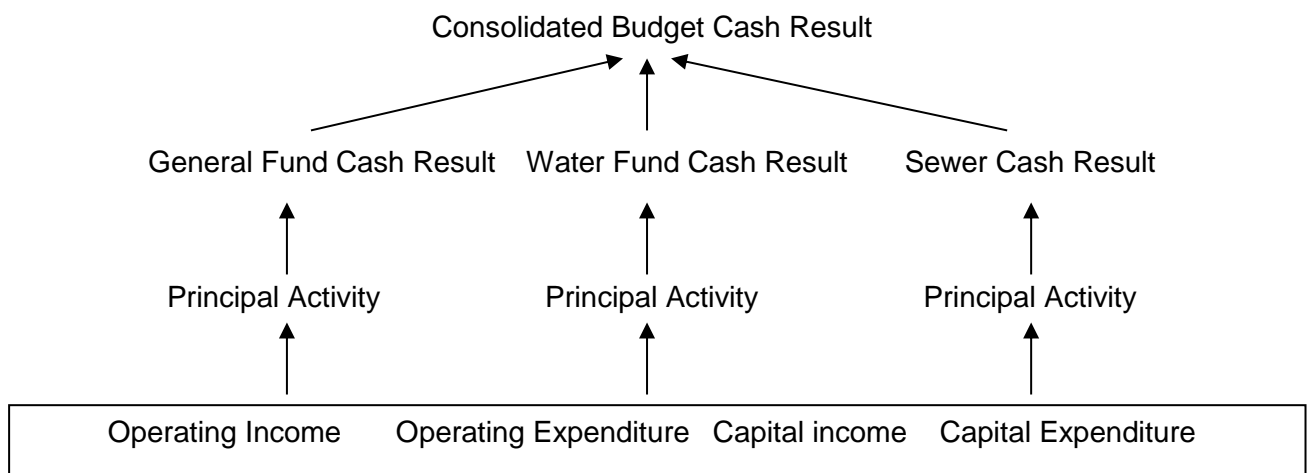
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REPORT

Council adopted the 2019/2020 budget on 27 June 2019 via Resolution **19-325**. It also considered and adopted the budget carryovers from the 2018/2019 financial year, to be incorporated into the 2019/2020 budget at its Ordinary Meeting held on 22 August 2019 via Resolution **19-390**. Since that date, Council has reviewed the budget taking into consideration the 2018/2019 Financial Statement results and progress through the first half of the 2019/2020 financial year. This report considers the December 2019 Quarter Budget Review.

The details of the budget review for the Consolidated, General, Water and Sewer Funds are included in Attachment 1, with an itemised listing in Attachment 2. This aims to show the consolidated budget position, as well as a breakdown by Fund and Principal Activity. The document in Attachment 1 outlines the budget review and is intended to provide Councillors with more detailed information to assist with decision making regarding Council's finances.

Contained in the document at Attachment 1 is the following reporting hierarchy:



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 27 June 2019 plus the adopted carryover budgets from 2018/2019 followed by the resolutions between July and September and the revote (or adjustment for this review) and then the revised position projected for 30 June 2020 as at 31 December 2019.

On the far right of the Principal Activity, there is a column titled "Note". If this is populated by a number, it means that there has been an adjustment in the quarterly review. This number then corresponds to the notes at the end of the Attachment 1 which provides an explanation of the variation.

There is also information detailing restricted assets (reserves) to show Council's estimated balances as at 30 June 2020 for all Council's reserves.

A summary of Capital Works is also included by Fund and Principal Activity.

Office of Local Government Budget Review Guidelines:

The Office of Local Government on 10 December 2010 issued the new Quarterly Budget Review Guidelines via Circular 10-32, with the reporting requirements to apply from 1 July 2011. This report includes a Quarterly Budget Review Statement (refer Attachment 3) prepared by Council in accordance with the guidelines.

The Quarterly Budget Review Guidelines set a minimum standard of disclosure, with these standards being included in the Local Government Code of Accounting Practice and Financial Reporting as mandatory requirements for Councils to address.

5 Since the introduction of the new planning and reporting framework for NSW Local Government, it is now a requirement for Councils to provide the following components when submitting a Quarterly Budget Review Statement (QBRs):-

- 10 • A signed statement by the Responsible Accounting Officer on Councils financial position at the end of the year based on the information in the QBRs
- Budget review income and expenses statement in one of the following formats:
 - Consolidated
 - By fund (e.g. General, Water, Sewer)
 - 15 ○ By function, activity, program etc. to align with the management plan/operational plan
- Budget Review Capital Budget
- Budget Review Cash and Investments Position
- 20 • Budget Review Key performance indicators
- Budget Review Contracts and Other Expenses

25 The above components are included in Attachment 3:-

Income and Expenditure Budget Review Statement by Type – This shows Council's income and Expenditure by type. This has been split by Fund. Adjustments are shown, looking from left to right. These adjustments are commented on through the last 11 pages of Attachment 1.

30 **Capital Budget Review Statement** – This statement identifies in summary Council's capital works program on a consolidated basis and then split by Fund. It also identifies how the capital works program is funded. Note that this is a snapshot in time as at 31 December 2019..

35 **Cash and Investments Budget Review Statement** – This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 December 2019 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should be recognised that the figure is at a point in time and
40 may vary greatly in future quarterly reviews pending on cash flow movements.

Key Performance Indicators (KPI's) – At this stage, the KPI's within this report are:-

- 45 ○ **Debt Service Ratio** - This assesses the impact of loan principal and interest repayments on the discretionary revenue of Council.
- **Rates and Annual Charges Outstanding Ratio** – This assesses the impact of uncollected rates and annual charges on Councils liquidity and the adequacy of recovery efforts
- 50 ○ **Asset Renewals Ratio** – This assesses the rate at which assets are being renewed relative to the rate at which they are depreciating.

These may be expanded in future to accommodate any additional KPIs that Council may adopt to use in the Long Term Financial Plan (LTFP.)

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BYRON SHIRE COUNCIL

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Contracts and Other Expenses - This report highlights any contracts Council entered into during the October to December quarter that are greater than \$50,000.

CONSOLIDATED RESULT

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The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds budget movements for the 2019/2020 financial year projected to 30 June 2020 but revised as at 31 December 2019.

2019/2020 Budget Review Statement as at 31 December 2019	Original Estimate (Including Carryovers) 1/7/2019	Adjustments to 31 Dec 2019 including Resolutions*	Proposed 31 Dec 2019 Review Revotes	Revised Estimate 30/6/2020 at 31/12/2019
Operating Revenue	87,128,100	(306,000)	214,000	87,036,100
Operating Expenditure	93,783,700	684,700	458,000	94,926,400
Operating Result – Surplus/Deficit	(6,655,600)	(990,700)	(244,000)	(7,890,300)
Add: Capital Revenue	28,167,600	(107,600)	2,766,600	30,826,600
Change in Net Assets	21,512,000	(1,098,300)	2,522,600	22,936,300
Add: Non Cash Expenses	14,657,200	0	0	14,657,200
Add: Non-Operating Funds Employed	1,844,000	0	0	1,844,000
Subtract: Funds Deployed for Non-Operating Purposes	(56,567,300)	(2,002,800)	(4,739,600)	(63,309,700)
Cash Surplus/(Deficit)	(18,554,100)	(3,101,100)	(2,217,000)	(23,872,200)
Restricted Funds – Increase / (Decrease)	(18,421,700)	(3,233,500)	(2,067,000)	(23,722,200)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	(132,400)	132,400	(150,000)	(150,000)

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GENERAL FUND

In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 31 December 2019:

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Opening Balance – 1 July 2019	\$1,000,000
Plus original budget movement and carryovers	(132,400)
Council Resolutions July – September Quarter	0
September Budget Review	132,400
Council Resolutions October – December Quarter	0
Recommendations within this Review – increase/(decrease)	(150,000)
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2020	(150,000)

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Estimated Unrestricted Cash Result Closing Balance – 30 June 2020	\$850,000
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The General Fund financial position overall has decreased by \$150,000 as a result of this budget review, bringing the forecast cash result for the year to \$850,000. This is below the target of \$1,000,000. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

There were no Council resolutions that impacted the budget result in the October to December quarter.

Budget Adjustments

The budget adjustments identified in Attachments 1 and 2 for the General Fund have been summarised by Budget Directorate in the following table:

	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
Budget Directorate			
General Manager	376,000	376,000	0
Corporate & Community Services	(218,900)	(212,200)	(6,700)
Infrastructure Services	4,941,700	5,106,300	(164,600)
Sustainable Environment & Economy	(1,111,900)	(1,133,200)	21,300
Total Budget Movements	3,986,900	4,136,900	(150,000)

Budget Adjustment Comments

Within each of the Budget Directorates of the General Fund, are a series of budget adjustments identified in detail at Attachment 1 and 2. More detailed notes on these are provided in Attachment 1 but in summary the major additional items included are summarised below by Directorate and are included in the overall budget adjustments table above:

General Manager's Program

- In the General Manager's program, it is proposed to increase the budget for legal expenditure by \$295,600 to reflect actual and committed legal expenditure known by Council with a small buffer. This can be funded from legal fees recovered (\$28,000) and the legal services reserve. It is also proposed to bring forward \$30,000 for a community satisfaction survey that was due in the 2020/2021 financial year.
- In the People and Culture program, an incentive rebate of \$80,400 was received from Statecover that can be used for Health and Wellbeing projects (\$5,000) and the Employee Assistance program (\$10,000) with the remaining funds transferred to the People & Culture reserve.

Corporate and Community Services

- In the General Purpose Revenues Program it is proposed to decrease the budget for interest earned on investments by \$342,100 representing \$150,000 for general interest and \$192,100 for developer contributions. Interest rates are at an all time low and it is likely Council will not earn

the current estimated interest revenue. This will be further monitored for the remainder of the financial year and is **the contributing factor to the change in the budget result from a balanced position to being a projected \$150,000 deficit**. Additional rate income of \$26,200 and pensioner abandonments of \$25,000 can be also recognised.

- In the Information Services program it is proposed to decrease operating expenditure by \$33,000 to support existing Community Resilience work in the Community Development program. This \$33,000 is a decrease to the Information Technology Strategic Plan actions due to estimated works coming in under budget. This can be returned to the Information Services reserve and fund the Community Resilience work in the Community Development program. It is also proposed to decrease the Information Technology Strategic Plan actions by a further \$30,000 and redirect this to lease payments as additional equipment is being acquired to build a more resilient network to satisfy Business Continuity and Disaster Recovery requirements.
- In the Community Development program it is proposed to increase operating expenditure due to additional budget being allocated for current Community Resilience work (\$33,000) funded from the information services reserve. It is also proposed to decrease the roof works at Brunswick Valley Community Centre by \$70,000 as the works will not occur this financial year. There are also estimated salary savings of \$69,500 due to vacant positions that can be transferred to the Community Development Reserve for use on future projects. It is proposed to decrease operating expenditure for the community pre school maintenance (\$19,700) and the condition assessment of buildings (\$21,700) as these budgets will not be expended in 2019/20. These can be returned to the Community Building Maintenance reserve. It is also proposed to create a \$50,000 budget for homelessness projects funded from donations to the Lone Goat Gallery with the funding provided by Council for the Lone Goat Gallery reallocated to the homelessness projects.
- In the Public Libraries program, the actual per capita grant and Local Priorities grant received are more than the current budget.

Infrastructure Services

- In the Projects and Commercial Development program, it is proposed to decrease various capital works projects due to them not being completed this financial year being Tyagarah Airfield subdivision \$50,000, Lot 22 Mullumbimby \$101,400, Lot 102 Depot relocation \$21,000 and Lot 12 Bayshore Drive remediation \$30,000.
- In the Depot Management program it is proposed to increase the capital works budget to allow for the purchase of fleet that was not purchased in the previous financial year with funding not carried over from 2019/2020 \$500,000. This can be funded from the Plant reserve.
- In the Local Roads and Drainage program, a number of adjustments are outlined under Note 17 in the Budget Variations explanations section of Attachment 1. Further disclosure is included on pages five, six and seven of Attachment 2 under the budget program heading Local Roads and Drainage. The report includes \$3,195,000 of additional capital works that are being funded from the Election Commitment Grant (Tourism Impacts Infrastructure Projects).
- In the Open Space & Recreation program, Council has received \$400,000 from an Election Commitment Grant (Tourism Impacts Infrastructure Projects) for the Sandhills Estate Activation & Pedestrian Linkages project.
- In the Waste & Recycling program it is proposed to increase operating expenditure due to an increase in organics disposal costs as a result of the closure of the Lismore waste facility (\$488,000), \$50,000 for preliminary investigations into material found in Simpsons Creek and

\$50,000 for the progression of Myocum quarry as a resource recovery facility. These are funded through the Domestic Waste and Waste Management reserves.

- In the Facilities Management program it is proposed to allocate a budget for various essential maintenance projects on the Administration Centre. A breakdown of these can be seen in note 24 of the comments. It is also proposed to create a budget for better ergonomics and security at the front counter.

Sustainable Environment and Economy

- In the Development & Certification program it is proposed to decrease capital income by \$800,000 from developer contributions due to the current level of income being under the expected budget.
- In the Planning Policy & Natural Environment program, it is proposed to increase operating income and expenditure due to grants received for the Integrated Flood Study (\$19,100), Flying Fox Improvements (\$26,500) and the CMP Scoping Studies (\$9,000). It is also proposed to decrease the budget of various other line items shown in comment 26 that can be returned to reserves for use in the 2020/21 financial year.
- In the Environment & Compliance program, it is proposed to increase operating income for On-Site Sewerage Management Applications as actual income is currently higher than the budget.
- In the Economic Development program it is proposed to decrease the budget for the Bay Lane Enhancement project (\$28,700), Byron Trails Visitor Maps (\$6,700), Small Business Week (\$1,100) and the Annual Business Survey (\$10,300). It is proposed to return these funds to reserves for use in the 202/21 financial year.

WATER FUND

After completion of the 2018/2019 Financial Statements the Water Fund as at 30 June 2019 has a capital works reserve of \$8,324,600 and held \$3,117,100 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2020, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2019	\$8,324,600
Plus original budget reserve movement	(31,100)
Less reserve funded carryovers from 2018/2019	(375,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(100,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(4,600)
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(511,400)
Estimated Reserve Balance at 30 June 2020	\$7,813,200

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2019	\$3,117,100
Plus original budget reserve movement	(966,100)
Less reserve funded carryovers from 2018/2019	(503,800)
Resolutions July - September Quarter – increase / (decrease)	0

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September Quarterly Review Adjustments – increase / (decrease)	322,500
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(665,000)
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(1,812,400)
Estimated Reserve Balance at 30 June 2020	\$1,304,700

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated decrease to reserves (including S64 Contributions) overall of \$669,600 from the 31 December 2019 Quarter Budget Review.

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SEWERAGE FUND

After completion of the 2018/2019 Financial Statements the Sewer Fund as at 30 June 2019 has a capital works reserve of \$6,392,800 and plant reserve of \$773,400. It also held \$8,685,200 in section 64 developer contributions.

10

Capital Works Reserve

Opening Reserve Balance at 1 July 2019	\$6,392,800
Plus original budget reserve movement	(1,005,900)
Less reserve funded carryovers from 2018/2019	(1,454,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(618,200)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	300,800
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(2,778,100)
Estimated Reserve Balance at 30 June 2020	\$3,614,700

Plant Reserve

15

Opening Reserve Balance at 1 July 2019	\$773,400
Plus original budget reserve movement	0
Less reserve funded carryovers from 2018/2019	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2020	\$773,400

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2019	\$8,685,200
Plus original budget reserve movement	(816,100)
Less reserve funded carryovers from 2018/2019	(1,018,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(20,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(521,500)
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(2,376,300)
Estimated Reserve Balance at 30 June 2020	\$6,308,900

20

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall decrease to reserves (including S64 Contributions) of \$220,700 from the 31 December 2019 Quarter Budget Review.

5 Legal Expenses

One of the major financial concerns for Council over previous years has been legal expenses. Not only does this item represent a large expenditure item funded by general revenue, but it can also be susceptible to large fluctuations.

The table that follows indicates the allocated budget and actual legal expenditure on a fund basis as at 31 December 2019.

Total Legal Income & Expenditure as at 31 December 2019

Program	2019/2020 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	28,000	0%
Total Income	0	28,000	0%
Expenditure			
General Legal Expenses	204,400	353,528	172.96%
Total Expenditure General Fund	204,400	353,528	172.96%

Note: Actual legal expenditure is exceeding the current budget by approximately \$149,100. There is a recommendation within this review to adjust the budget by \$295,600 to reflect the actual expenditure, known commitments and a small buffer for the remainder of this financial year. As the original budget has already been expended, Council is now utilising the legal reserve for additional costs incurred for the remainder of 2019/2020. Consequently the legal services reserve will be below the \$500,000 benchmark.

Financial Implications

The 31 December 2019 Quarter Budget Review of the 2019/2020 Budget has decreased the overall budget result by \$150,000. This brings the movement against the unrestricted cash balance attributable to the General Fund to a deficit of \$150,000 for the year, leaving the estimated unrestricted cash balance attributable to the General Fund at an estimated \$850,000 at 30 June 2020. This is principally due to the **decrease in expected investment income** attributable to the low interest rates. It is suggested that Council be conscious of decisions that may affect the unrestricted cash balance when considering matters with financial implications especially where funding sources are not identified.

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	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.1	Financial reporting as required provided to Council and Management

Legal/Statutory/Policy Considerations

In accordance with Regulation 203 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer of a Council must:-

- 5
- (1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the*
- 10 *relevant year, a revised estimate of the income and expenditure for that year.*
- (2) *A budget review statement must include or be accompanied by:*
- (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
- 15 *(b) if that position is unsatisfactory, recommendations for remedial action.*
- (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

Financial Considerations

- 20 This report indicates that the short term financial position of the Council is still satisfactory for the 2019/2020 financial year, having consideration of the original estimate of income and expenditure at the 31 December 2019 Quarter Budget Review.
- 25 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2019/2020 whilst now in deficit as outlined in this Budget Review, is recovered during the remainder of the 2019/2020 financial year.

Report No. 13.11 **Policy Review - Policies for repeal (part 3)**
Directorate: Corporate and Community Services
Report Author: Mila Jones, Governance Coordinator
File No: I2020/66

5

Summary:

10 At the Ordinary Meeting on 22 August 2019 Council received a report recommending that 21 public policies be repealed. During the public access session, there were three submissions made regarding six policies. It was resolved that this matter be presented to a Strategic Planning Workshop for further discussion. Following the Strategic Planning Workshop on 7 November 2019, it was agreed that a further report would be provided to Council in February 2020 discussing the next steps for those six policies.

15

This report provides an update and recommendation for the six policies and addresses some housekeeping matters regarding four other policies.

20

RECOMMENDATION:

1. That the following Policies be repealed based on the comments provided under their headings within this report:
 - a) Affordable Housing on Council Owned Land 2009
 - b) Camphor Laurel Management in Byron Shire 2011
 - c) Interim Policy on Genetically Modified Agriculture in Byron Shire 2001
 - d) Positive Ageing Policy 2010
 - e) Youth Policy 2010
2. That the Itinerant Food Vendors Policy 1994 be repealed based on its content being included in the current Commercial Use of Road Reserves Policy 2018.
3. That the following Policies be repealed, noting that these principles are included in the Procurement and Purchasing Policy 2017 and Guidelines:
 - a) Engagement of Consultants 1998
 - b) Engagement of Contractors other than Hired Plant and Haulage 1995
 - c) S355 Management Committee Boards: Receipt of Donations Policy 2010

25

REPORT

Six reports were the subject of public access submissions at the Ordinary meeting on 22 August 2019 and then further discussed by Councillors and staff at the Strategic Planning Workshop (SPW) on 7 November 2019. These policies are:

- Affordable Housing on Council Owned Land Policy 2009
- Camphor Laurel Management in Byron Shire Policy 2011
- Commercial and Other Activities on Public Land and Roads Policy 1994
- Interim policy on genetically modified agriculture in Byron Shire Policy 2001
- Positive Ageing Policy 2010
- Youth Policy 2010

Key issues

Submissions made at the 22 August Ordinary Meeting have been paraphrased in the following table and include staff feedback and recommendations, based on discussions held at the SPW.

[Affordable Housing on Council Owned Land Policy 2009](#)

- Public submission (paraphrased) by Matthew O'Reilly:

Not captured by the residential strategy. It says there's a process for Council to target and do feasibility studies of Council owned land for affordable housing before they do anything else. It's a good policy. He requests that it be put on exhibition for suggestions.

- Reason for repeal:

This Policy has been considered with and replaced by the development of the Residential Strategy. Local Planning Action no 17 on page 40 of the Draft Residential Strategy states:

'Apply a first option to be given to accessible housing, when considering the best use of lands owned by Council'

Accessible housing means housing for those households whose gross income falls within the following ranges of percentages of the median household income for the Byron Shire Statistical Division or relevant sub statistical area according to the Australian Bureau of Statistics.

- Very low income household - less than 50%
- Low income household – 50% or more but less than 80%
- Moderate income household – 80% to 120%

- Outcome following SPW discussion:

Council considered a report on the draft Residential Strategy at the 12 December 2019 meeting and noted (Resolution 19-636 part 5):

that staff are reviewing the public submissions received on the draft Residential Strategy and the submissions will be reported to Council for consideration in early 2020.

Recommendation: That the Policy be repealed.

Camphor Laurel Management in Byron Shire Policy 2011

- Public submission (paraphrased) by Matthew O'Reilly:

5 Policy is about how to manage camphor laurel properly so it doesn't go into this new Cape Byron Energy Company and Murwillumbah, and puts the council's position independent of regulation and legislation on this matter.

- Reason for repeal:

- 10
 - This Policy is not required and should be repealed since it is outdated and no longer has effect as legislation supporting it has been repealed.
 - The Noxious Weeds Act has been replaced by the Biosecurity Act 2015 and applicable policies/plans including Regional Strategic Weed Management Plan (North Coast).
 - 15 ○ Camphor is no longer listed as a noxious weed and is now only a species of concern in the North Coast LLS region. Work on this species occurs as part of existing weed programs.
 - Large scale clearing of camphor laurel (e.g. for biomass fired power stations), is addressed under Council's DCP, Chapter B2: Preservation of Trees and Other Vegetation. This DCP applies if in non-rural areas or is part of a DA. Table B2.1, page 8, states that large scale clearing of camphor laurel, involving multiple vehicle trips, heavy machinery and stockpiling, is subject to development consent.
 - 20 ○ In rural areas, the LLS Act 2013 applies and clearing of camphor is dealt with by them.
 - As Chapter B2 also refers to the repealed Noxious Weeds Act it will be updated in the next minor housekeeping amendment.
 - 25 ○ Updating the DCP with regards to current environmental legislation is also listed as an action in the working draft of the Biodiversity Conservation Strategy.
 - Developing a Biodiversity Chapter in the DCP is also proposed in Council's working draft Biodiversity Conservation Strategy, and would include provisions for clearing of camphor laurel where it supports biodiversity values, e.g. where adjacent to native vegetation or where there is an understorey of native vegetation.
 - 30

- Outcome following SPW discussion:

35 Further advice on where biofuel might sit was requested at the SPW and this will be the subject of a report to the next available Sustainability and Emissions Reduction Advisory Committee.

40 Recommendation: That the policy be repealed.

Commercial and Other Activities on Public Land and Roads Policy 1994

- Public submission (paraphrased) by Matthew O'Reilly:

45 This Policy is only about small roadside stalls where people can set up their little box stall to sell their fruit and veggies on the road reserve, like along Broken Head Road, near Newrybar. It's a really good policy.

- Reason for repeal:

- 50
 - There is significant crossover with Commercial Use of Road Reserves Policy.
 - This Policy addresses only establishment and operation of roadside stalls, this detail could reasonably be included within Commercial Use of Road Reserves.

- The key provisions in the Policy will be transferred to the Commercial Use of Road Reserves Policy.

- Outcome following SPW discussion:

This Policy will be recommended for repeal when the updated Commercial Use of Road Reserves Policy is reported to Council at a later date. This updated policy will include roadside stalls and other matters.

[Interim Policy on Genetically Modified Agriculture in Byron Shire 2001](#)

- Public submission (paraphrased) by Matthew O'Reilly:

There is no mention of this in the Sustainable Agriculture Strategy.

- Reason for repeal:

This Policy is superseded by development of the Sustainable Agriculture Strategy.

The purpose of the Policy was as an interim Council position in advance of developing the Sustainable Agriculture Strategy. The Strategy was developed consistent with Commonwealth, State and regional strategies and with the adoption of the Strategy this Policy is redundant.

Additionally Council has limited ability to deliver on the Policy provisions as the land use 'extensive agriculture' which includes the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes is permitted without consent in the rural RU1 and RU2 zones.

- Outcome following SPW discussion:

Council considered a report on the Agricultural Action Plan at the 12 December 2019 meeting and resolved (resolution 19-693, part 3) for staff to conduct a councillor workshop to review the Agricultural Action Plan. This workshop is planned for the March SPW.

Recommendation: That the policy be repealed.

[Positive Ageing Policy 2010 and Youth Policy 2010](#)

- Public submissions (paraphrased):

Matthew O'Reilly: These are policies that went to the community and went through a really long planning process. We're not seeing if we've met the outcomes over 10 years of these policies. How about audit and review to see if we've met what we've tried to achieve.

Nicqui Yazdi: Rather than repealing the document, review the nearly 10 year old document, which is pretty much irrelevant. Pretty much every point that Council said they intended to do with it hasn't been done. One of the big issues about repealing a youth policy and not having a standalone policy is not how it will affect just young people but also community organisations, in particular youth organisations. We quite specifically need to go to youth policies and sometimes download and actually use that policy in funding applications. These days if you don't have a solid youth policy for a community, a lot of grant bodies won't even look at you.

- Rosalie Bryant: Hold on to youth policy. Encourage that the policy is made more current. Helps with grant funding. Keep the document until Council has something better.

- Reason for repeal:

- *Specific policies don't align with current funding models*

Both the Positive Ageing and Youth Policies were written from a direct service provision approach. State Government no longer provides funding to Council for youth, ageing and disability roles within local government, so this model, where the plan was owned, driven and resourced through a key funded role, is no longer viable. As a result, the Community and Cultural Development team was restructured to take an issues based approach. This approach also aligns with good practice.

- *Inclusive engagement and planning is best practice*

Target group policies can be useful, however, the downside is that they separate people into stand alone groups that are not embedded in core business considerations, projects and activities. Implementing separate plans for each segment of the community e.g. youth, positive ageing, CALD, women, etc., becomes complex and unwieldy, whereas an integrated planning approach is more coherent and deliverable.

- *Council is not best placed to directly deliver services to young people and older people*

Local services are best placed to deliver services. Council is positioned to work collaboratively with front line services in a supportive role rather than duplicate or compete with the work of local organisations.

- *Support for funding applications sought by external organisations can be provided through existing documentation without requiring a specific policy*

The Community Strategic Plan, Delivery Program, Operational Plan and budget, along with community profile data from Council's website, meets that requirement. Council staff can better support local organisations to utilise existing online information.

- *Council does need to improve engagement with people whose voices are not being heard, and this is being actioned*

Council is improving its engagement practices through several approaches, including using the International Association for Public Participation (IAP2) model and the Byron Model. There is also additional engagement work progressing in the areas such as inclusion (e.g. Access Consultative Working Group) and young people (Youth Leadership Program, organisational training, youth interagency participation, etc.).

- *There are well resourced organisations with targeted engagement and strategy/policy frameworks relevant to our community*

For example, the NSW Office for Youth and NSW Advocate for Children and Young People (ACYP) have consulted widely with young people and make those consultation outcomes available for local and regional use.

- *Risk*

Risk exists where current policies contain initiatives that are not able to be delivered and/or are no longer relevant.

- Additional General Comments:

- *Positive Ageing:*

- Significant elements of the policy are captured in Council's Inclusion Planning, now mandated under the *Disability Inclusion Act (2014)*. Inclusion Planning embeds

accessible information, accessible infrastructure, inclusive events etc. in Council's core business.

- Content from this policy also appears in other key areas, e.g. housing in the Draft Residential Strategy.

○ *Current resourcing for young people*

- Council has allocated \$51,000 in direct investment to youth programs in the 2019-20 budget.
- While there are only four items in the OP with youth in the title, there are thirteen OP activities within the Social and Cultural theme alone that include young people, such as:
 - youth leadership (Byron Shire Youth Leadership Challenge)
 - youth grants program
 - Street Cruise harm minimisation program (delivered by Byron Youth Service)
 - Schoolies week funding and support
 - S356 grants (2 youth projects including youth theatre)

Additionally, Council is planning/delivering infrastructure investments such as developing a skate park in Byron Bay and the Byron Hospital redevelopment (a site for education and training).

- Outcome following SPW discussion:

Council staff identified relevant information for a new 'Young People' page on Council's website. Staff also contacted both organisational representatives who made public access submissions to better understand their information requirements and advise of the online content now available.

Recommendation: That the policies be repealed.

Administrative Housekeeping

It has been identified that four redundant policies were overlooked in the policy review process and were not recommended for repeal at the time:

- a) Engagement of Consultants Policy 1998
- b) Engagement of Contractors other than Hired Plant and Haulage Policy 1995
- c) Itinerant Food Vendors Policy 1994
- d) S355 Management Committee Boards: Receipt of Donations Policy 2010

See below for comments.

[Engagement of Consultants Policy 1998 and Engagement of Contractors other than Hires Plant and Haulage Policy 1995](#)

In 2017 a report to the Executive Team advised that:

These policies cover operational matters that are now dealt with in the Procurement Guidelines and do not reflect Council's current procurement practices. It is proposed that the deletion of these policies is reported to Council together with a range of other policies recommended for deletion.

As a result, on 22 March 2017, the Executive Team endorsed that these two policies be recommended to Council for repeal. To-date there has been no report to Council recommending the repeal of these policies and a recommendation to this effect is now included in this report.

[Itinerant Food Vendors Policy 1994](#)

At the Ordinary Meeting held on 22 February 2018 (Report 13.21) the Commercial Use of Road Reserves Policy 2018 was adopted which made this Policy redundant since all of its contents were inserted into the Commercial Use of Road Reserves Policy. The 2018 report omitted the standard recommendation that the now redundant Policy be repealed. This report seeks to correct this omission.

[S355 Management Committee Boards: Receipt of Donations Policy 2010](#)

This policy is actually an operational guideline and does not need to be in the format of an official policy. Instead, information will be added to the Halls and Venues Guidelines for Section 355 Management Committees and Boards outlining the intent of the policy when Section 355 committees are considering accepting donations, be they in the form of cash, furniture or other items, or perishable goods for a function or fundraising activity. The information will include consideration of Council's policies in the areas of procurement, WHS and public liability and the Code of Conduct.

Next steps

As reported at the Ordinary Meeting of 12 December 2019, the final phase of the policy review will be covered by separate reports to Council, as and when major updates become necessary. This may be due to statutory or legislative requirements, or to update Council's policy position where changes occur, for example due to changes to future Community Strategic Plans.

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	5.2.3	Provide access to publicly available corporate registers	5.2.3.4	Update and publish Council's policies online

Legal/Statutory/Policy Considerations

Council is required to comply with a varying suite of corporate compliance obligations originating from sources such as:

- Federal and State Based legislation, such as the Local Government Act 1993;
- Council's own internal policies and procedures; and
- Obligations which Council has elected to comply with (e.g. contracts).

Financial Considerations

There are no financial implications raised by this project.

Consultation and Engagement

Consultation has been held with the Councillors, Executive Team, Managers and relevant Document Development Officers.

Report No. 13.12 Council Resolutions Quarterly Review - Q2 - 1 October to 31 December 2020

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

File No: I2019/1896

Theme: Corporate Management
Governance Services

Summary:

This report provides an update on the status of Council resolutions.

194 resolutions were completed during the period 1 October to 31 December 2019.

As at 5 February 2020, there were 65 active resolutions. Resolutions could be active or overdue as a result of budget constraints, staff resourcing, extended negotiations with stakeholders, or other reasons.



At the 28 February 2019 Ordinary Meeting, Council resolved (**19-080**) to revise the report format for completed and active resolutions to be more condensed, in portrait format, and text searchable.

Work has been undertaken to provide the report in the format required.

RECOMMENDATION:

- 1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2020/8745).**
- 2. That Council notes the completed Resolutions in Attachment 2 (#E2020/8716).**

Attachments:

- 1 Active Resolutions as at 5 February 2020, E2020/8745 
- 2 Completed Resolutions - 1 October to 31 December 2020, E2020/8716 

Report

This report provides a quarterly update on the status of Council Resolutions to 31 December 2019. Detailed in the attached reports are:

5

- 194 resolutions were completed between 1 October – 31 December 2019
- 65 resolutions remained active
- 50 of the active resolutions were overdue

10

The active Council resolutions per Council terms are provided below:

- 64 active Council Resolutions from current Council (2016-2020)
- 1 active Council Resolution from previous Council (2012-2016)

15

Details of completed resolutions for the period are provided at Attachment 2 (E2020/8716).

Closure of Resolutions

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It is recommended that Resolution No. **17-023** from the meeting held on 2 February 2017 (reproduced below) be closed as the outstanding action identified in part 4 is contrary to current legislation.

17-001 Resolved:

1. *That the report on Rating and Revenue Options be received and noted.*
2. *That Council review its rating structure including the redistribution of the rating burden between the Residential, Business and Farmland rating categories and sub-categories, and that this review be undertaken as part of developing 2017/2018 Revenue Policy and supported by further modelling of rating structure scenarios and further consultation with impacted ratepayers.*
3. *That Council:*
 - i. *increase the hourly pay parking fee from \$3 to \$4 per hour and the capped fee for 4 hours from \$10 to \$12 from the 2017/18 financial year and,*
 - ii. *undertake the required advertising and 28 day consultation period inviting submissions prior to any formal adoption.*
 - iii. *that revenue raised from the increase be used for current asset renewal*
4. *That Council identify residential properties used for holiday letting and develop a process to reclassify these properties as business for rating purposes.*
5. *Prior to adoption, that Council receive a detailed evaluation report on the operation of paid parking.*

25

Council already has a process in place for the re-categorisation of properties for rating purposes. The onus is on Council to demonstrate that the dominant use of the property, in the case of holiday let properties, is not residential. For rating, residential is defined by Section 516(1) of the Local Government Act 1993 as land used for residential accommodation (otherwise than as a hotel, motel, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations).

30

The regulations prescribe that land used for caravan parks or manufactured homes cannot be categorised as residential but land used for retirement villages, serviced apartments or time-shares are to be categorised as residential. There are no other determinations in the regulations. For rating purposes if a property cannot be classified as either residential, farmland or mining the

default categorisation then becomes business. If Council was to classify holiday let properties as residential, it may find itself needing to defend its position in the Land and Environment Court.

The NSW Government is currently revisiting the NSW local government rating system after the review done by IPART in 2016. As part of that review, Council submitted about the appropriate categorisation of holiday let properties and will do so again in the current consultation, however there is currently no proposal by the Government to amend Section 516(1) of the Local Government Act 1993. Part 4 of resolution of 17-023 in view of no legislative backing should therefore be considered to be closed.

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	5.6.10	Use business insights and strategic business planning to continuously improve (SP)	5.6.10.2	Support development of performance measures for council services

Legal / Statutory / Policy Considerations

- Council requires a quarterly report be prepared to allow it to consider the quarterly Operational Plan and Quarterly Budget reviews along with a review of Council Resolutions.
- Implementation of Council Resolutions in accordance with the *Local Government Act 1993*.
- This report has been prepared in accordance with Part 3c) of Resolution 14-417.

Financial issues

A number of resolutions note that resource constraints limit completion of action required.

Report No. 13.13 **Update following sale of birds from The Lighthouse Sculpture**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2020/112

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Summary:

- 10 Council resolved to decommission The Lighthouse Sculpture located on Bayshore Drive and offer the undamaged birds for sale at \$20 per bird, with the funds received to be used to cover the cost of decommissioning and any remaining funds to be distributed between developing an Arts and Culture Policy and projects working to reduce homelessness in the Shire.
- 15 This report outlines the outcome of the bird sales and recommends a distribution of funds received.

RECOMMENDATION:

That after deducting expenses, Council divides the remaining funds from the sale evenly between the development of an arts and cultural policy (\$13,474) and projects working to reduce homelessness (\$13,474).

20

REPORT

Council resolved (19-409) at the 22 August 2019 ordinary meeting:

- 5 a) *To decommission The Lighthouse sculpture*
- b) *That once decommissioning is complete, to offer the undamaged birds for sale to the public via the Myocum Resource Recovery Centre at \$20 per bird with the funds to be used to cover the cost of decommissioning.*
- 10 c) *Distribute funds raised from the sale of the sculpture to develop a 'Byron Shire Council Cultural Policy' and projects working to reduce homelessness in the Byron Shire.*

In working out the sale process it became clear that the volume of interest made it impractical to conduct the sale through the Myocum Resource Recovery Centre and the sale was instead held at the Cavanbah Centre.

The key points are:

- 3,476 undamaged birds were successfully removed from the sculpture.
- Approximately 1,500 people expressed interest in purchasing a number of birds. Although most people sought one or two birds, there were a number of requests for between 10 and 50 birds, creating a risk of over-subscription
- In order to ensure that everyone who had expressed interest was able to purchase something, the first sale was limited to purchasing up to 2 birds from The Cavanbah Centre between 2 – 14 December 2019.
- From 16 – 18 December 2019, the remaining birds were available to anyone in the general public with no limit on bird numbers.
- All birds have now been sold with almost 1,200 people making purchases.
- Following confirmation from the artist that the frame was no longer potentially required by him, it was taken to the Resource Recovery Centre along with the damaged birds.

As per the resolution, the funds raised from the bird sale and the proposed distribution are outlined in the financial considerations section 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

40 Public Art Policy

Financial Considerations

The total amount raised through the sale was \$64,018.52 (ex GST).

The Lighthouse Sculpture – dismantling and bird sales costs	
Dismantling sculpture (incl. pay, tools, stock, equipment hire and traffic control)	
Sub-total	\$22,907.15
Sale (incl. pay, equipment, transport)	
Sub-total	\$14,163.15
Total Expenses	\$37,070.30

5

This leaves \$26,948.22 for distribution.

Proposed Distribution

10 It is recommended to Council to divide these funds evenly with \$13,474 going towards the development of an arts and cultural policy and \$13,474 towards projects working to reduce homelessness.

Consultation and Engagement

15 Open Spaces and Resource Recovery teams

Report No. 13.14 Councillor Representatives to the Cape Byron Headland Reserve Trust Board

Directorate: Corporate and Community Services
Report Author: Mila Jones, Governance Coordinator
File No: I2020/186
Theme: Corporate Management
Councillor Services

Summary:


Council has received correspondence dated 11 February 2020, from the National Parks & Wildlife Service (NPWS), (refer Attachment 1) advising that the current appointments to the Cape Byron Trust Board will expire on 30 June 2020. NPWS is requesting that Council provides completed nomination forms (also in Attachment 1) and curriculum vitae for three Councillor nominees, of which one will be appointed to all three committees for a four year term ending on 30 June 2023.

NPWS is seeking nominations by 20 March 2020. It is recognised that the forthcoming elections may impact on the successful nominee and that a new member may need to be appointed thereafter.

RECOMMENDATION:

1. That Council nominates three Councillors, Cr _____, Cr _____, and Cr _____ for consideration by the National Parks & Wildlife Service for the appointment of one Councillor to all three Committees - Arakwal National Park Management Committee, the Byron Coast Area Management Committee and the Cape Byron Trust.
2. That nomination forms, completed by the three nominated Councillors, be provided to the General Manager along with CVs by 18 March 2020 in order for staff to collate and forward on to the National Parks & Wildlife Service.

Attachments:

- 1 Letter and application form from NPWS - Arakwal Byron Coast and Cape Byron Trust nominees, E2020/11041 

Report

Council has received correspondence from the National Parks & Wildlife Service (NPWS) shown at Attachment 1, requesting that Council provides completed nomination forms (also in Attachment 1) and curriculum vitae for three Councillor nominees, of which one will be appointed to the three committees for a four year term ending on 30 June 2023. The three committees are:

- *Arakwal National Park Management Committee*: Established under section 24(3) of the National Parks and Wildlife Act 1974 (NPW Act) for the care, control and management of the Arakwal National Park and **meets for approximately half a day every second month**.
- *Byron Coast Area Management Committee*: Established under section 24(3) of the NPW Act for the care, control and management of Tyagarah, Brunswick Heads (south), Hayters Hill, Julian Rocks Nguthungulli, Cumbebin Swamp, Broken Head Nature Reserves and **meets for approximately half a day every second month**.
- *Cape Byron Trust*: Established under section 47GA of the NPW Act for the care, control and management of Cape Byron State Conservation Area and **meets for approximately half a day every second month**.

Note: The day of the meetings will be determined by the new committees. Generally, all three meetings are held one after the other on the same day.

NPWS are seeking nominations by 20 March 2020.

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	5.2.4.3	Provide support to Councillors – including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping

Financial Implications

Nil.

Statutory and Policy Compliance Implications

National Parks and Wildlife Act: sections 24(3) and 47GA

Report No. 13.15 **Electricity Contract**
Directorate: Corporate and Community Services
Report Author: Esmeralda Davis, A/Manager Corporate Services
File No: I2020/194

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Summary:

10 Council's main Electricity Contract is due for renewal in December 2020. Due to the potential for a complex retail and generation contract afforded by the proposed Dingo Lane Solar Farm and Bio-Energy Facility projects, it is proposed to extend the current Electricity Contract by one year to allow time to properly understand the market for retail and generation to ensure the best outcomes for Council and the community.

15

RECOMMENDATION:

That Council delegates to the General Manager, the authority to extend the current Electricity Contract by one year to December 2021.

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REPORT

Council's main electricity contract with its current provider runs until December 2020 and Council has been preparing to recommence the procurement process for its existing electricity needs.

- 5 Given the proposed Dingo Lane Solar Farm project and the proposed Bio-Energy Facility, both of which encompass the generation and retail of electricity, there is the potential to develop a single, multi-faceted contract. However this is a complex undertaking, requiring Council to understand the market appetite to manage both supply and sale.

- 10 In order to ensure the most considered and cost-effective outcomes for Council and the community it is proposed to extend Council's existing contract for electricity supply by one year. This will ensure Council does not miss an opportunity to obtain best value for money from the market.

The estimated value of the one year extension is approximately \$1.6M.

15

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.3	Ensure Council's procurement framework is robust, efficient and effective (SP)	5.5.3.1	Develop and implement forward procurement plan to ensure compliance with Local Government Act

20 ***Legal/Statutory/Policy Considerations***

The General Manager is delegated to approve contract renewals, however this extension is considered a variation and therefore requires delegated authority to proceed.

25 ***Financial Considerations***

No financial implications arise from the proposed contract variation.

Consultation and Engagement

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Nil

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 **Compliance Priorities Program Report 2019**
Directorate: Sustainable Environment and Economy
5 **Report Author:** Sarah Nagel, Community Enforcement Officer
Chris Larkin, Manager Sustainable Development
Kylie Grainey, Business Improvement Officer
File No: I2019/2142

Summary:

15 This report details activities undertaken to meet the adopted 2019 Compliance Priorities Program, and seeks adoption of a Compliance Priorities Program for 2020. It is recommended that Council continues to focus on those priorities listed as Very High and High and, as resources permit, on priorities listed as Medium and Low with the aim that all matters will ultimately be addressed in a timely manner as resources permit.

RECOMMENDATION:

1. That Council note the report on the Compliance Priorities Program 2019.
2. That Council adopt the proposed Compliance Priorities Program for 2020 as provided below:
 1. Very High Priorities:
 - 1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution;
 - 1.2 Significant environmental and public health incidents;
 - 1.3 Dangerous and/or menacing dogs;
 - 1.4 Livestock on public roads;
 - 1.5 Traffic, parking and unapproved camping activity. Camping enforcement, with an emphasis on environmentally sensitive areas;
 - 1.6 Asbestos containing material (ACM) being illegally dumped on public land (waste compliance).
 2. High Priorities
 - 2.1 Unauthorised events, including unapproved dwellings, wedding receptions, parties, 'doof' and 'rave' parties;
 - 2.2 Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones;
 - 2.3 Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it;

- 2.4 Development without consent, or not in accordance with consent, of the nature of Short Term Holiday Letting.**

3. Medium Priorities

- 3.1 Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;**
- 3.2 Non-compliant signage (07-550, 06-204).**

4. Routine Priorities

- 4.1 Companion animals with a high emphasis on high visibility enforcement and public education (15-465);**
- 4.2 Seasonal public health issues and community preparedness including issuing a minimum of two media releases;**
- 4.3 Tourist and visitor accommodation swimming pool safety, including legislative requirements;**
- 4.4 Onsite sewage management systems (including CERC project);**
- 4.5 Food Safety Inspections;**
- 4.6 Awareness of current public health requirements.**

REPORT

Compliance activities and statistics addressing the 2019 Compliance Priorities Program and the Byron Shire Council Operational Plan have been reported on in half yearly and annual reports to Council.

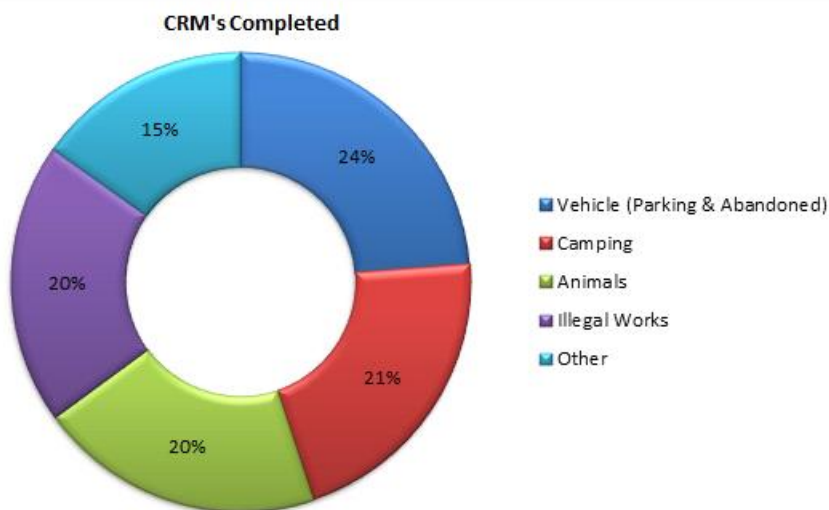
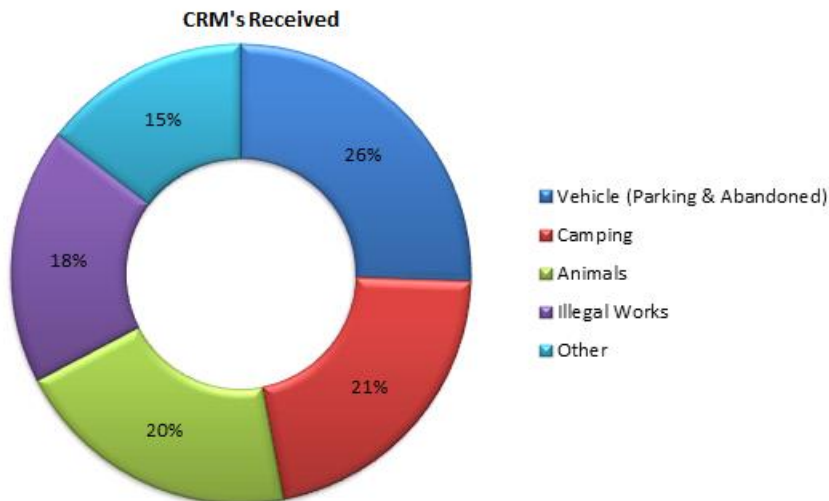
Between 1 January 2019 to 1 January 2020 (the reporting period), the Community/Parking Enforcement Team received **4,396** Customer Request Management ("CRM's") which are tabulated as follows:

	2018 RECEIVED	2019 RECEIVED	2018 COMPLETED	2019 COMPLETED
ILLEGAL WORKS	819	792	735	894
SHORT TERM HOLIDAY LET	187	113	185	125
ANIMALS	814	894	787	906
VEHICLE (includes Camping)	1631	1122	1557	1072
NOISE	138	185	134	180
OVERGROWN	86	48	71	55
DDD (dead dying, dangerous tree requests)	26	82	25	82
FIRE	3	4	4	6
FOOTPATH (Busking footpath dining etc.)	66	29	64	31
POLLUTION (excl noise)	58	102	57	125
SIGNS	49	34	47	42
TREES (illegal tree removal)	20	43	20	36
WASTE	16	4	18	2
CAMPING	-	944	-	948
TOTAL	3913	4396	3704	4504

Note: Some CRM's were carried over from the previous reporting period and completed in this period.

Note: A new category of 'camping' was created in January 2019 so statistics only apply for that period.

As can be seen in the following graphic the vast majority of enforcement work is dominated by vehicle (which included some camping), camping and animal complaints, with a considerable number of illegal work complaints also being registered and actioned during the reporting period.



By way of general comment for the period:

- 5 • it was an unprecedented dry end of year throughout the Shire (and the north coast generally) with a high risk of fire danger.
- the team experienced numerous staffing changes which had an impact on available resourcing at times.
- 10 • additionally, a change in fine strategy was undertaken in relation to illegal camping to ensure safety for officers, higher payment of fines, and a more effective deterrent of illegal camping.

15 The enforcement team continues to make best endeavours to respond to all manner of compliance priority duties across the whole of the Shire. This is done having regards to a rotating roster. The start and finish times on the roster are varied to accommodate the need to patrol numerous places in towns, villages and the coast and due to time of year. The roster must also observe State Award and Work Place Health and Safety requirements for officers.

20 CRMs will otherwise continue to be responded to as per the adopted Compliance Priorities Program and/or as resources permit their re-prioritisation.

Year end results

The following information is provided on the implementation and specific actions taken in relation to the adopted 2019 Compliance Priorities Program.

Very High Priorities:

1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution.

In the reporting period Council received **792** CRMs relating to illegal works and has concluded **894** (including other previously received CRMs).

Not all of those CRMs fell into this priority although the percentage concluded is accurate for this priority. Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution were generally actioned within 24 hours.

Under the terms of the Environmental Planning and Assessment Act, Council served **249** notices of entry to inspect premises in relation to unauthorised building works, activities and uses.

1.2 Significant environmental and public health incidents.

In the reporting period Council:

- issued **107** notices and orders under the Local Government Act, Environmental Planning and Assessment Act and Protection of the Environment Operations Act.
- issued **8** penalty infringement notices under the Environmental Planning and Assessment Act with a total value of \$22,500.00.
- issued **3** pollution and littering related penalty infringement notices under the Protection of the Environment Operations Act, with a total value of \$4,330.00.
- successfully finalised **4** Environmental Planning and Assessment Act prosecution in the local court for development without consent. Fines were imposed totalling \$4,350 and \$2,250 in costs.
- successfully finalised **1** Land and Environment Court matter. Fines were imposed totally \$1,900.

1.3 Dangerous and/or menacing dogs.

In the reporting period, there were approximately 690 customer requests made in relation to dogs. These include:

Customer Request Management Received	2019
Dogs Attacks	65
Dogs Barking	147
Dogs Found	183
Dogs Nuisance	290
Dogs Restricted	5
TOTAL	690

In the reporting period Council:

- served **13** Intentions to Declare a Menacing or Dangerous dog and issued **7** Orders relating to Menacing or Dangerous dogs under the Companion Animals Act
- completed regular patrols and issued **25** Companion Animal related penalty infringement notices to the value of \$13,940.00.
- successfully finalised **8** local court prosecution in relation to a dog. Seven prosecutions were withdrawn. Fines and costs were awarded to Council totalling \$8,845.75.

1.4 Traffic, parking and unapproved camping activity. Camping enforcement with an emphasis on environmentally sensitive areas.

In the reporting period Council:

- issued **187** camping related penalty infringement notices with a total value of \$20,570.00.
- obtained **45** successful convictions from the local court in relation to traffic, parking and unauthorised camping offences. In total Council was awarded fines and costs of \$6,709.
- issued **9,612** penalty infringement notices in relation to parking with a total value of \$1,683,475.00.
- issued **42** penalty infringement notices in relation to abandoned vehicles with a total value of \$23,100.00.
- completed regular coordinated patrols with Police, NP&WS, Crown Lands on various coastal lands where camping and camps were known to be causing community and environmental impacts.

1.5 Asbestos containing material (ACM) being illegally dumped on public land.

In the reporting period there were no significant reports of asbestos dumping on public land.

High Priorities:

2.1 Provide education or workshops and undertake compliance enforcement programs for; places of shared accommodation (commercial and non commercial) and improving compliance standards for unapproved dwellings.

In the reporting period the focus on high risk unauthorised dwellings remained and was actioned on a case by case basis.

2.2

(a) unauthorised events, including unapproved dwellings, wedding receptions, parties, 'doof and 'rave' parties;

With the progression of the Rural Weddings and Events planning control review, Officers have continued to attend to reports of unauthorised events in conjunction with local Police where necessary.

(b) Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones

In the reporting period, **185** noise complaints were received.

(c) Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it.

In the reporting period reports of uncontrolled dogs and or cats were actioned on a case by case basis and reported as CRMS.

(d) Development without consent, or not in accordance with consent of the nature of Short Term Holiday Letting.

Enforcement action in relation to short term holiday let properties is considered by Council on a case-by-case basis and is investigated in accordance with policies and applicable legislation, specifically ensuring robust evidence is in place to support legal proceedings. Council must also take into account any planning legislation changes put in place by the State Government at the time. There were no prosecutions of holiday let properties in the reporting period.

Medium Priorities:

3.1 Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;

In the reporting period, non-compliance with consent conditions were routinely picked up during the course of the abovementioned **249** formal inspections in relation to unauthorised building works, activities and uses.

3.2 Non-compliant signage (07-550, 06-204).

In the reporting period, Council impounded **24** unauthorised banners and signs.

Routine Priorities:

4.1

- (a) Companion Animals with a high emphasis on high visibility enforcement and public education.
- (b) Safe procedures for handling and disposal of Asbestos Containing Materials
- (c) Seasonal public health issues and community preparedness including issuing a minimum of two media releases.
- (d) Swimming pool safety including legislative requirements
- (e) Onsite sewage management systems (including CERC project)
- (f) Food Safety Inspections
- (g) Awareness of current public health requirements
- (h) Livestock on public roads

It should be noted that livestock on public roads are responded to immediately due to the immediate and likely risk of safety to members of the public and road users.

All other customer requests that did not fall within the very high priority category were dealt with via routine advisory correspondence or direct contact with the customer as time permitted.

During the reporting period **141** swimming pool inspections and **64** re-inspections were conducted. This included **92** dwellings with **49** in the category of holiday let, tourist and multiple dwelling.

In the reporting period, **343** inspections of fixed food premises, **224** inspections of temporary food premises and **3** inspections of mobile food premises were conducted.

Achievements 2019

- The deployment of a structured School and Bus Zone program for the ongoing enforcement of safety in school and bus zones.
- 5 • Animal Enforcement Officers supported the RSPCA's Mobile Education Unit (EMU) Bus at the Byron Bay Public School, promoting responsible pet ownership and teaching students about threats to wildlife and animal welfare in mid September 2019.
- Animal Enforcement Officers supported the inaugural Bow Wow! Look at me now! event which was held at the Mullumbimby Showground with over 100 dog owners benefiting from interactive dog training sessions, vet checks, nail clipping, micro-chipping, dog washing, riverside nature walk, sausage sizzle and doggie gift bags.
- 10 • A free RSPCA microchip day was held at the Brunswick Heads Community Centre.
- The continued focus in carrying out well planned targeted operations in relation to unauthorised camping, littering, alcohol free zones, busking, parking enforcement, unauthorised activities and development.
- 15 • Parking Enforcement Officers completed 60 days Expanded Survey Runs for paid parking data collection.
- Council's new Public Space Liaison Officer commenced work in the team.
- Community Enforcement and Animal Enforcement Officers undertook supervisory roles in the annual Rough Sleeping Count.
- 20 • Ongoing roll out and management of a signage and regulatory infrastructure process between Infrastructure Services and the Enforcement Team.
- The team continued educating the community and improving parking compliance.
- The formalisation of a Compliance Planner position within the team to better support investigation activity relating to illegal development and use.
- 25 • Ongoing engagement between the Parking Enforcement Team and Council's Events Coordinator to ensure that the highest and best use of Parking Enforcement resources during the course of events.
- The team continued to progress a 'Dogs in Public Spaces Strategy' in response to feedback gathered through our Community Strategic Plan engagement consultation about dogs on public land.
- 30 • Media releases issued encouraging responsible pet ownership within the Shire.
- Staff attendance at various planning and environment training sessions to develop greater collaboration within our area and develop skills and competencies within the team.
- 35 • Commenced reviews of Busking Policy, Commercial Use of Road Reserve Policy, Road Air Space Policy, Footpath Dining Policy and Fundraising Community Organisations Policy.
- Ongoing review of short term rental accommodation legislation and responses.
- Food Surveillance Champion Award 2019 Winner Group Country – Byron Shire Council Environmental Health Services.

Other key observations

- During the reporting period, **113** complaints were lodged relating to short term holiday let premises, and an additional **185** noise complaints made, many emanating from holiday letting situations. These figures support the continued concern of our community about the amenity impacts of holiday lets in local neighbourhoods.
- 45 • Officers and administrative staff have identified several recurrent complainants who provide unsubstantiated complaints on a variety of lower priority matters, or issues outside of Byron Shire Council's control, which greatly impact resources. A procedural approach to manage this is being developed, including a proposed policy, and will be implemented as part of the CRM system review and other process / staff and community educational improvements throughout the year.
- 50

- A continued increase in complaints relating to illegal camping activity occurred. As a result, the team responds to illegal camping via the issuing of a differing fine type which results in a higher level of payment, a safer approach for officers and a higher deterrent affect.
- A current review of how the team manages this activity is underway. This includes consultation with NSW Police and State Agency land managers.

Draft 2020 Compliance Priorities Program

The following is proposed as the 2020 Compliance Priorities Program.

1. Very High Priorities:

- 1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution;
- 1.2 Significant environmental and public health incidents;
- 1.3 Dangerous and/or menacing dogs;
- 1.4 Livestock on public roads;
- 1.5 Traffic, parking and unapproved camping activity. Camping enforcement, with an emphasis on environmentally sensitive areas;
- 1.6 Asbestos containing material (ACM) being illegally dumped on public land (waste compliance).

2. High Priorities

- 2.1 Unauthorised events, including unapproved dwellings, wedding receptions, parties, 'doof and 'rave' parties;
- 2.2 Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones;
- 2.3 Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it;
- 2.4 Development without consent, or not in accordance with consent, of the nature of Short Term Holiday Letting.

3. Medium Priorities

- 3.1 Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;
- 3.2 Non-compliant signage (07-550, 06-204).

4. Routine Priorities

- 4.1 Companion animals with a high emphasis on high visibility enforcement and public education (15-465);
- 4.2 Seasonal public health issues and community preparedness including issuing a minimum of two media releases;

- 4.3 Tourist and visitor accommodation swimming pool safety, including legislative requirements;
- 4.4 Onsite sewage management systems (including CERC project);
- 4.5 Food Safety Inspections;
- 4.6 Awareness of current public health requirements.

10 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	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.7	Monitor, investigate and resolve complaints in relation to public and environmental health
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	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.8	Undertake regular inspections of food premises to improve and maintain a high level of hygiene and food safety
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.3	Manage development through a transparent and efficient assessment process	4.1.3.6	Conduct the Swimming Pool and Fire Safety inspection program
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	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.3	Undertake proactive patrols of community parks and open spaces to monitor safe use by dogs and their owners
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	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.4	Provide ongoing information and education to the public regarding companion animals

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	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.5	Deliver annual RSPCA education program to local schools
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.6	Undertake regular and frequent parking patrols to increase availability and turnover in the Town and Village centres
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.12	Monitor and manage public and environmental health through a range of proactive inspections and surveillance programs
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.9	Undertake regular on-site sewage management inspections to ensure the protection of the community and environment
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.1	Monitor, investigate and resolve complaints in relation to community safety, land use and the environment
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.2	Undertake camping patrols throughout the Shire

Legal/Statutory/Policy Considerations

There a number of Acts which give local government regulatory powers. They include the:

- 5
- Local Government Act 1993
 - Environmental Planning & Assessment Act 1979
 - Protection of the Environment Operations Act 1997
 - Companion Animals Act 1998
 - Roads Act 1993

- 5
- Road Rules 2014
 - Road Transport Act 2013
 - Impounding Act 1993
 - Food Act 2003
 - Public Health Act 2010
 - Swimming Pools Act 1992

10 Compliance action is considered and determined through Council's adopted Enforcement Policy 2016 and the NSW Ombudsman Enforcement Guidelines for council's.

Financial Considerations

The 2020 Compliance Priorities Program is managed within the existing operational budget allocation.

Report No. 13.17 **Tallow Creek Urgent Dog Management - update on Res 19-602**
Directorate: Sustainable Environment and Economy
Report Author: Chloe Dowsett, Coastal and Biodiversity Coordinator
File No: I2020/100

Summary:

On 28 November 2019, Council considered a Notice of Motion (NoM) for '**Urgent bird protection from dogs at Tallow Creek**', with **Res 19-602** made on 12 December 2019 to urgently implement measures in bird breeding areas around the Tallow and Belongil Creeks Estuaries.

Res 19-602:

1. *That Council moves to urgently enact stricter dog compliance measures in bird breeding and hatching areas around the Tallow and Belongil Estuaries by committing increased ranger patrols and enforcing compliance and fines against off-leash breaches;*
2. *That Council confines dogs and their walkers to the sealed path that starts at Broken Head Road;*
3. *That Council notify Ingenia Caravan Park that access through the South Byron former STP is prohibited and those entering this area will be considered to be trespassing*
4. *That Council request a meeting with Caravan Park to decide the best alternative beach access route from their site and consults with NPWS and Byron Bird Buddies and any other stakeholders to develop a communication and education program*
5. *That a report be prepared for the February Ordinary Meeting on points 1-4 and providing costings and design of fencing on its land that will enable the beach access to be prevented.*
6. *That Council publicise these changes via traditional and social media.*




This report outlines the status of each item of the resolution and recommends an approach for managing dogs at Tallow Creek for Council consideration.

RECOMMENDATION:

1. **That Council endorse the following actions for implementation for dog management at Tallow Creek:**
 - a) **Council continue regular patrols at Tallow Creek around the Old South Byron STP site and on the sealed pathway from Broken head Rd to Suffolk Park off-leash area on Tallow Beach.**
 - b) **Council restrict the grassy pathway through the Old South Byron STP site at Tallow Creek to walkers without dogs only.**
 - c) **Council allow access through the small track about 50 m along the sealed pathway to provide more direct access for guests with dogs from within the Holiday Park.**
 - d) **Council consult with Ingenia to consider a '*dog restriction zone*' of 100 m adjacent the creek to provide protection for birds and wildlife that transit through the area.**

- e) Council to develop and roll out a communications campaign based on positive behavior and compliance messaging. Signage upgrades and updates to be progressed as a priority.
 - f) Council to plan a free community event (*Bow Wow! Look at me now!*) for park guests and the broader Suffolk Park community to engage with dog owners, to educate and improve dog behaviours in the community, in a positive rather than regulatory way.
 - g) Council to develop a Rewards Program or something similar recognising community members promoting responsible dog behaviour.
- 2. That Council consider an allocation of funding of \$22,000 in the next quarterly review to implement the recommended actions in 1.
 - 3. That once the recommended actions in 1 have been implemented for a minimum of 9 months a further report be tabled at Council on the results and outcomes of the actions.

Attachments:

- 1 Tallow Creek - values and threats - dogs and wildlife, E2020/6396 
- 5 2 Tallow Creek - BBB Birdwatchers Guide, E2020/4766 
- 3 Tallow Creek - Access and Map, E2020/6596 

REPORT

Background

- 5 On 28 November 2019, Council considered a Notice of Motion (NoM) for 'Urgent bird protection from dogs at Tallow Creek'.

10 The NoM was based on a bird survey (late 2019) at Tallow Creek carried out by Byron Bird Buddies where 73 bird species were counted at the Old South Byron STP site, adjacent Tallow Creek. On the survey day several dogs were noticed in the location not on leads, and one roaming on its own with no lead and no collar. The impact that unrestrained dogs can have on wildlife particularly nesting birds is clear, and the NoM was made in the interest of protection of birds during the present summer breeding season.

15 Resolution 19-602

Based on this NoM, the below resolution (**Res 19-602**) was made at the 12 December 2019, meeting to urgently implement measures in bird breeding areas around the Tallow and Belongil Creeks Estuaries:

- 20
1. *That Council moves to urgently enact stricter dog compliance measures in bird breeding and hatching areas around the Tallow and Belongil Estuaries by committing increased ranger patrols and enforcing compliance and fines against off-leash breaches;*

25

 2. *That Council confines dogs and their walkers to the sealed path that starts at Broken Head Road;*

30

 3. *That Council notify Ingenia Caravan Park that access through the South Byron former STP is prohibited and those entering this area will be considered to be trespassing*

35

 4. *That Council request a meeting with Caravan Park to decide the best alternative beach access route from their site and consults with NPWS and Byron Bird Buddies and any other stakeholders to develop a communication and education program*

40

 5. *That a report be prepared for the February Ordinary Meeting on points 1-4 and providing costings and design of fencing on its land that will enable the beach access to be prevented.*
 6. *That Council publicise these changes via traditional and social media.*

45 Tallow and Belongil Creek are unique coastal systems with significant environmental and cultural value. These natural areas face similar threats to other coastal systems in Byron Shire with a more comprehensive outline provided in Attachment 1 of this report.

Status of Resolution 19-602 Items

Below provides an update on the status of items 1-6 of resolution 19-602.

Item # 1 – Compliance and Ranger Patrols

- **That Council moves to urgently enact stricter dog compliance measures in bird breeding and hatching areas around the Tallow and Belongil Estuaries. This will be achieved by increased enforcement patrols with a focus on educating people in the area and then issuing fines for continued non-compliance.**

Animal Enforcement Officers have increased patrols at Tallow Creek along the sealed pathway from Broken Head Rd to Suffolk Park Beach and around the Old South Byron STP site.

These patrols have been incorporated into daily patrols of the Suffolk Park to Broken Head and Seven Mile Beach area. To date, minimal non-compliance has been observed in the area. Officers have spoken to persons observed walking dogs off-leash and issued verbal warnings. From the discussions with community it is apparent that the lack of clear signage in the area is the cause of confusion and non-compliance.

As outlined above, Council officers are responsible for effectively monitoring and undertaking compliance activities within all public spaces throughout the Shire. As such, patrols of these areas will be undertaken in accordance with Council's Compliance Priorities Program.

In parallel with increased patrols, an effective communication campaign is needed for dog owners about appropriate dog behaviour to increase awareness about the values of the area and to reduce dog/wildlife interactions. Signage upgrades are also required and are currently being progressed by the Enforcement Team.

Item # 2, 3 and 4 – Ingenia Holiday Park, dog control and access, communications campaign

- **That Council confines dogs and their walkers to the sealed path that starts at Broken Head Road;**
- **That Council notify Ingenia Holiday Park that access through the South Byron former STP is prohibited and those entering this area will be considered to be trespassing**
- **That Council request a meeting with Ingenia Holiday Park to decide the best alternative beach access route from their site and consults with NPWS and Byron Bird Buddies and any other stakeholders to develop a communication and education program**

Ingenia Holiday Park

The Ingenia Holiday Park at Suffolk Park is on the edge of Tallow Creek, and markets itself as dog friendly. Management have confirmed that the park itself being 'dog friendly' was of prime importance in their decision to lease the park. They are committed to positive dog/wildlife interactions and to ensure park activities have minimal impact on the surrounding environment. All dogs within the Holiday Park are required to be 'on leash' at all times unless they are within the designated 'off leash' areas within Park boundaries.

Staff contacted the Ingenia Holiday Park – Operations Manager QLD – Northern NSW who stated that he was completely unaware of the dog issue at Tallow Creek until the Council resolution was made and negative publicity appeared in the media in December 2019. Ingenia are committed to working through the matters raised in the resolution and have already made changes and adjustments to the way the Holiday Park accommodates dogs to alleviate the present issues. Ingenia have confirmed they are working very closely with their guests to ensure they are keeping dogs on leash through this area and have stated they will continue to be vigilant.

Since the publishing of the article Ingenia have implemented the following actions:

- Personal meeting between the Operations Manager and Jan Olley from Byron Bay Bird Buddies to discuss concerns and options for appropriate protection of wildlife in the area.
- Placement of Byron Bird Buddies informative material / leaflets issued to all guests upon check in and also in rooms (Attachment 2).
- Ingenia identifiers (bright orange collar band) and dog bags for all dogs staying within the park (refer pictures below).



On Friday 17 January 2020 Council staff met with Ingenia on-site to discuss the resolution and implications of the resolution for Holiday Park management.

Dog Control and Access

Please refer to the map at Attachment 3 for the proposed access arrangements.

At present the most direct access for Ingenia guests and their dogs to transit to the allocated Suffolk Park 'off-leash' area on Tallow Beach is through Council land. There is a grassed access path on the western side of Tallow Creek adjacent the Old South Byron STP site. The grassed path links up with the sealed pathway running from Broken Head Rd towards Tallow Beach and Suffolk Park off-leash area. The grassed path through Council land provides quicker and easier access to the sealed path rather than having to exit the Holiday Park.

The resolution calls for Council to confine dogs and walkers to the sealed path and prohibiting access through this area of Council land. Ingenia have confirmed that access through this section of Council land is the best route for Ingenia due to its amenity and direct access to the beach and they would be extremely disappointed if this access path were to be closed by Council. Ingenia have also confirmed they are happy to discuss responsibility for this area (mowing, removing rubbish, signage etc).

It is recommended that the grass path is restricted to walkers without dogs only rather than prohibiting all access through Council land. It is assumed that the broader community also walk through this area and compliance messaging should alert the public that dogs are prohibited in this area. Promotion of the sealed path starting from Broken Head Rd will be encouraged for all to use.

There is small access track past the unpowered tent site area of Ingenia Holiday Park where Council could provide right of way for Ingenia guests with dogs. This would allow guests to transit to the sealed access pathway from within the park.

Communications Campaign

Dog signage/regulatory messaging is largely inadequate and confusing. The prominent dogs on-leash message at the Broken Head Rd entry is clearly ignored by some dog owners and is the main sign for almost 1 km until you reach the off-leash area entry (refer signs below).



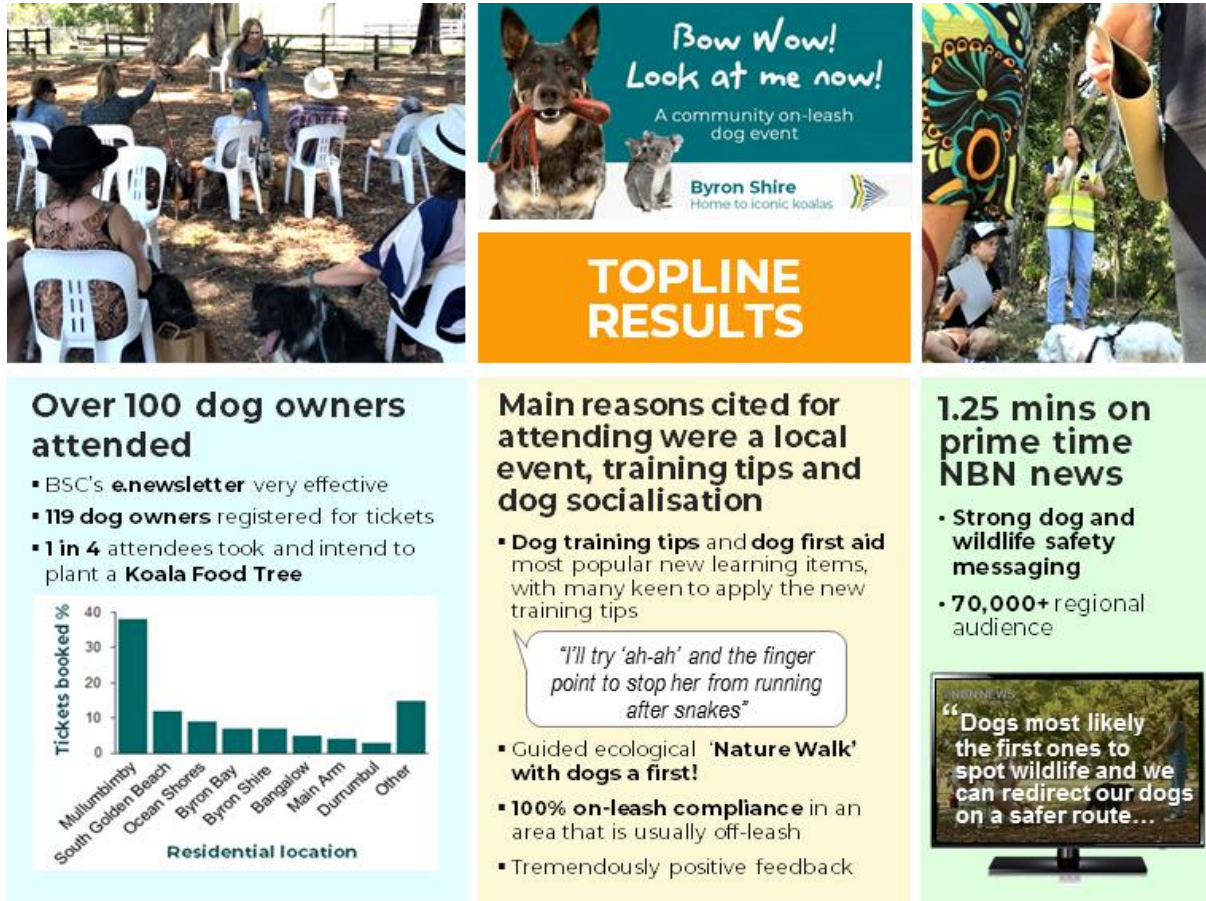
A campaign to substantially reduce the percentage of dog owners who walk their dogs off-leash by implementing effective, positive messaging is proposed. The proposed approach would rely on positive compliance and behaviour change messaging.

Behaviour change messaging focusses on changing behaviours as many dog owners *do not perceive their dogs as a threat to birds and other wildlife – i.e. “my dog wouldn’t do that”*. Positive compliance messaging appeals to the more positive and motivating side of human behaviour, one that reflects our desire to make a meaningful contribution to the environment and our society. Alternatively, if our message is fixated on a negative message, *“if you don’t obey the rules, you will receive a fine from Council”* this messaging model only appeals to our fear of consequences, and as a Council officer is unable to be present at the location 24 hours a day, this fear would be minimal.

It is proposed that the Communications Campaign would include creative concept development and communications material based on analysis of a target audience (including dog owners and key stakeholders such as NPWS, Ingenia and Byron Bird Buddies), production of test signage, and pre and post monitoring to understand the effectiveness of the campaign. Dog owner behaviour change is a limited area of research (likely due to it being a new and emerging social issue) and an external consultant specialising in this area would provide expertise and be more cost effective for Council. A consultant would be able to complete the campaign in a more timely manner than in-house Council staff due to competing priorities. The campaign could be used a test or pilot case which could be replicated in other areas of the Shire.

Bow Wow! Look at me now!

Council held the *Bow Wow! Look at me now!* free community dog event at Mullumbimby on Saturday 26 October 2019. The event was held to engage with dog owners, to educate and improve dog behaviours in the community, in a positive rather than regulatory way. A particular focus was interactive training demonstrations to teach dog owners a wildlife avoidance technique to help reduce dog-wildlife/koala interactions.



Key reasons given by dog owners for their attendance were dog training, local event, freebies and dog socialisation. All who responded to a follow-up survey said they would like to see the event held again and 47% indicated they would be willing to pay a small entry fee.

Importantly, 94% of attendees surveyed would recommend the dog training tips to others and 59% increased their vigilance for wildlife while dog walking or undertook some dog training after the event, or both. It is subsequently estimated that at least half of the dog owner attendees made positive behavioural changes to dog management, thereby providing a strong foundation to build upon via future events.

Item # 5 – Costing and Design for Fencing of old South Byron STP Land

- That a report be prepared for the February Ordinary Meeting on points 1-4 and providing costings and design of fencing on its land that will enable the beach access to be prevented.

Council is continuing to implement remediation of the South Byron STP site including the removal of historical contamination that extends south ward onto the adjoining property. The project team continue to work with the land owner to facilitate this work and it is anticipated that the southern fence will be renewed once the remediation is completed.

Recommended Actions

The recommended actions outlined below aim to provide a balanced approach to achieve mutually successful outcomes for Council, the environment and community, and Ingenia Holiday Park.

- a) Council continue regular patrols at Tallow Creek around the Old South Byron STP site and on the sealed pathway from Broken head Rd to Suffolk Park off-leash area on Tallow Beach.
- b) Council restrict the grassy pathway through the Old South Byron STP site at Tallow Creek to walkers without dogs only.
- c) Council allow access through the small track about 50 m along the sealed pathway to provide more direct access for guests with dogs from within the Holiday Park.
- d) Council consult with Ingenia to consider a 'dog restriction zone' of 100 m adjacent the creek to provide protection for birds and wildlife that transit through the area.
- e) Council (engage an external consultant) to develop a Communications Campaign based positive behaviour and compliance messaging. A communications program with an emphasis on effective communications development and deployment including client and stakeholder engagement and coordination is estimated to cost \$18,000.
- f) Council to plan a free community event (Bow Wow! Look at me now!) for park guests and the broader Suffolk Park community to engage with dog owners, to educate and improve dog behaviours in the community, in a positive rather than regulatory way.
- g) Council to develop a Rewards Program or something similar recognising community members promoting responsible dog behaviour.

Item #6 - Communication and Publicity

- **That Council publicise these changes via traditional and social media.**

Once the proposed approach is confirmed the Communications Team will work on creating a community engagement and communications plan. It is envisaged that comprehensive stakeholder engagement will be critical to the success of the Communications Campaign (Caravan Park Owners, Local dog owners, Shire dog owners, Byron Bird Buddies, Arakwal, National Parks, others).

This may include creation of visual communication tools including:

- Maps (where is on and off leash, what are the rules)
- Google Maps – information that can be accessed by local community and visitors.
- Signage with map information.
- Creative signage (like paws on the sealed path indicating on leash area, for example)
- Creation of a campaign visual identity (a simple banner with project name and maybe a graphic that can then be applied across all marketing materials. This could create a 'look' across flyers, Q&As, banners, signage, web materials etc.

Along with other more traditional publicity:

- Face Book posts
- Media Release
- Advertisement in local newspapers

Strategic Management of Tallow Creek

Council is aiming to embark on the new NSW coastal management process for this area in 2020 which aims develop an integrated and strategic Coastal Management Program (CMP) for the Tallow Creek and coastal area. A CMP aims to provide long-term strategic planning for the coast as it faces threats and increasing pressure.

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	3.2.2	Support community environmental and sustainability projects	3.2.2.1	Provide coastal, environmental and sustainability information and encourage and support community activities and groups

This project also aligns with the following actions in Council's draft Biodiversity Conservation Strategy, 2020:

Seek opportunities to work with tourism operators to build capacity in environmental awareness, for example through: <ul style="list-style-type: none"> - Identifying industry needs - Developing clear, simple messaging - Identifying most effective means to deliver key messages.
Seek funding for design and fabrication of engaging interpretive information regarding native wildlife at locations receiving high visitor numbers.
Work with Council Tourism staff to develop and deliver key environmental protection messages to visitors.
Support opportunities for incorporation of environmental awareness raising activities at events.

Financial Considerations

This project is not a currently funded project in the FY 19/20 OP. A budget bid for FY 2020/21 OP has been made however; due to its importance funding allocation should be considered at the next quarterly review.

Funding of \$22,000 would be required which would comprise:

- Communications Campaign (estimated cost for Consultant is \$18,000)
- Community Event (*Bow Wow Look at Me Now*) - (estimated cost \$4,000 however may decrease if a contribution from Ingenia is confirmed).

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.18 **Belongil Creek Catchment Update**
Directorate: Infrastructure Services
Report Author: James Flockton, Drain and Flood Engineer
File No: I2019/2048

Summary:

The Belongil Creek Entrance Opening Strategy has been out to Public Exhibition and comments have been received.



The Belongil Creek Issues Study has been reviewed by stakeholders.




The results of both processes are provided within this report, along with updated documents ready for Council approval.

RECOMMENDATION:

1. That Council adopt the Draft Belongil Creek Entrance Opening Strategy (Attachment 3 - E2019/76509) and Draft Belongil Creek Issues Study (Attachment 4 - E2019/76510).
2. That Council proceed with a Coastal Management Program for the Belongil Creek and Tallow Creek Catchments.
3. That Council update Council's 2019/20 Budget and Operational Plan, as below, to support proceeding with the above Coastal Management Program.
 - a) The \$120,000 budget line item in the 2019/20 budget for a 'Belongil Catchment Management Plan' be amended to a 'Belongil Creek and Broken Head to Cape Byron Coastal Management Program'
 - b) The 'Belongil Catchment Management Plan' item within the Operational Plan be amended to 'Begin stage one (scoping study) of a Coastal Management Program for Belongil Creek and Broken Head to Cape Byron (encompassing Tallow Creek).
 - c) Apply under the Coastal and Estuary Grants Program for 50% funding for to develop stage one (scoping study) of a Coastal Management Program for Belongil Creek and Broken Head to Cape Byron.
 - d) Use part of the above \$120,000 to fund Council's 50% share of the Coastal and Estuary Grant.
 - e) Use part of the above \$120,000 to engage a part-time Estuary Officer (2-3 days/wk for 12 months) to project manage the above scoping studies, supervised by Council's Coastal and Biodiversity Coordinator.

Attachments:

- 1 Belongil Creek Entrance Opening Strategy - Reply to submissions report, E2019/76507 
- 2 Belongil Creek Issues Study - reply to submissions report, E2019/76512 

- 3 Draft Belongil Creek Entrance Opening Strategy and EMP final draft V03, E2019/90136 
- 4 Belongil Creek Catchment Issues Study - final draft V02, E2019/76510 
- 5 OEH / DPIE comments of Belongil Issues Study - recommending we prepare a CMP rather than a Catchments Plan, E2019/59052 

5

REPORT

The Belongil Creek Entrance Opening Strategy has been out to Public Exhibition and comments have been received from agencies and the community.

The Belongil Creek Issues Study has been reviewed by all key stakeholders that were involved with the development of this document. Comments have been received from some stakeholders.

Both documents have been amended and updated following the above process.

The results of both processes have been reported to the Coast, Estuary and Catchment Panel, however, a quorum was not available at the meeting so there are no minutes of this meeting. Those in attendance were all supportive of adopting both documents, however, without a quorum, this could not happen.

The next Coast, Estuary and Catchment Panel meeting will be held on 12 March 2020. Council may refer the documents back to the panel or adopt them now. Adoption has been recommended below.

The results of both consultation processes are provided within the attached reply to submissions reports at attachments 1 and 2.

The final draft documents are provided at attachments 3 and 4.

Coastal Management Program

As part of the above processes the question of doing either a Catchment Management Plan OR Catchment Management Program has arisen and discussed between Council staff and the Department Planning Industry and Environment has occurred.

Advocating for Council to continue to embark on the new coastal management framework for the management of estuaries in the Byron Shire, public agency advice (Department of Planning, Industry and Environment – formerly OEH) is regularly received by staff informally via discussions with agency staff and formally (refer Attachment 5). The Department strongly encourages Council to prepare a Coastal Management Program (CMP) for Belongil and Tallow Creek in accordance with the NSW coastal management framework, with funding and technical support provided through the NSW Coastal and Estuary Program (50% funding available).

In relation to Tallow Creek Res **19-352** outlines that *Council supports the development of the first stage of the Coastal Management Program for Tallow catchment to be commenced in the next financial year.*

The development of CMPs require sufficient capacity and resources within Council with the first stage of the 5 stage process, consisting of a Scoping Study (est. \$65,000). Subsequent stages may also be in a similar vicinity of costs, depending on the amount of studies required and outcomes of the Scoping Study (Stage 1). As mentioned above there is 50% funding available through the Coastal and Estuary Grants Program.

This report considers the content of the two Belongil Creek related documents, however, Council has also recently completed Water Sensitive Urban Design Strategy which was due for public exhibition in November 2019.

All the above recommend Council either prepare a CMP or a Catchment Management Plan as a means for implementing on-ground works/projects to improve the health of the estuary and/or

catchment. A brief outline of the benefits and key risks of preparing either a CMP or Catchment Management Plan are presented below.

Benefits of preparing a CMP

- Informing decision making for estuary management options
- Proper understanding of risks and opportunities in the catchment
- Accurate and detailed information about risk and consequence
- Collaborative working to attract funding and investment
- Clear strategic vision for estuaries to achieve integrated management

Benefits of preparing a Catchment Plan over a CMP

- Document can be prepared quicker
- Document can be adopted by Council (does not require gazettal)
- On ground works can begin much sooner

Key Risks of NOT Preparing a CMP

- Limitation for funding of estuary/catchment management actions
- Reduced value of estuaries and cost implications (due to increasing pressure from development, tourism, growth and disturbance)
- Opportunity cost (financial costs in the long-term through not planning for future outcomes)
- Adaptation cost (through not considering climate change adaptation options)
- Limitation of liability under Section 733 of the LGA
- A Catchment Management Plan is outside the legislative process for coastal planning

Key Risks of Preparing a CMP

- Expectations of the local community for implementation of the actions
- Council accountability and obligations for implementing the CMP
- Conflict with other resource commitments and demands of Council
- Funding/financing and internal capacity to manage the preparation of a CMP
- Funding/financing and internal capacity to manage the implementation of a CMP

The key risks of not preparing a CMP generally outweigh the risk of preparing a CMP. There are also various benefits from a social, economic and environment perspective to preparing a CMP.

Due to the complex nature of preparing these plans/programs, Council has a zero track record for the gazettal of any coastal and/or estuary management plans. As such, fatigue and frustration has been felt internally and externally in relation to coastal planning.

That being said, the process under the newly enacted legislation should be encouraged to plan for our coastal and estuary environments. To date the complex and competing interests in management of both ICOLLs has created many reports/studies resulting in ad hoc and disconnected management (primarily of Belongil). A CMP aims to bring all stakeholders together in an integrated and strategic manner.

Approval of the Belongil Creek Entrance Opening Strategy does not impact a CMP process in anyway. The strategy is simply included in the processes and may see further updates following the completion of the CMP.

Further the Belongil Creek Issues Study is seen as a supporting document to the Scoping Study stage of a CMP.

Resourcing the development of CMPs:

Staff have continually expressed concern to DPIE regarding lack of funding/financing available for the development of CMPs (only 50% through the grants program) and lack of internal capacity to

resource the development of CMPs. DPIE have informally suggested that they would be capacity to provide a higher level of DPIE staff resourcing to assist with the preparation of consultancy briefs, management of key agencies, however this has not yet been formally presented to Council.

- 5 DPIE staff have also held discussions with other agencies to negotiate potential monetary assistance/contributions from these agencies for the development of CMPs. These discussions are ongoing; however DPIE staff have advocated that Council propose higher level conversations about funding with agencies. As such DPIE staff encourage Council write formal letters to agency Managers / Directors and relevant Ministers outlining funding and resourcing issues for preparing
10 CMPs.

Due to the existing work commitments of the Coastal and Biodiversity Coordinator Council will also need to resource a part time (3 day/wk) Estuary Officer to deliver the project.

- 15 The proposed change in coastal planning for Belongil and Tallow Creek ICOLLs will involve the following key steps.
- SPW with Councillors on 7 November 2019 to discuss the new legislative process for development of Coastal Management Programs (CMPs) and the benefits of developing CMPs over Catchment Management Plans.
 - 20 ➤ Staff provide a report to Council recommending that Council pursue the newly enacted NSW coastal management framework for both Tallow and Belongil Creek ICOLLs (i.e develop CMPs), rather than developing Catchment Management Plans.
 - 25 ➤ Council write to key agency Managers and Directors (NPWS, DPI Fisheries, Crown Lands) to request funding assistance to contribute to the development of CMPs.
 - Council write to the NSW Coastal Council and relevant Ministers administering the *Coastal Management Act 2016* outlining the key issues and necessity for more funding assistance from relevant agencies for Council to progress with the development of CMPs.
 - 30 ➤ Council write to the Department of Primary Industry and Environment seeking formal confirmation of an agency officer to provide assistance to the CMP process.
 - 35 ➤ Council use the current funding in the Operational Plan (\$120,000) for preparation of Stage One (Scoping Studies) for Belongil Creek and Broken Head to Cape Byron encompassing Tallow Creek. A contribution from Council of \$65,000 with an assumed 50% contribution from the Coastal and Estuary Grants Program (total \$130,000) would likely cover engagement of a consultancy to prepare the two CMP (Stage One) Scoping Studies.
 - 40 ➤ Council use the remaining funding in the Operational Plan (\$55,000) to engage a part-time Estuary Officer (2-3 days/wk for 12 months; 30-45K) to project manage the development of Scoping Studies supervised by the Coastal and Biodiversity Coordinator within EEP/SEE .

45 **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	1.1.6	Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes	1.1.6.10	Development of Belongil Creek Catchment Management Plan

Legal/Statutory/Policy Considerations

- 5 Given the comments verbally received and provided by DPIE within Attachment 5, the preparation of a CMP for both Belongil and Tallow Creeks appears to be safest process for Council to complete. When considering the proposal from a legal and statutory risk, to Council and staff, perspective.

Financial Considerations

- 10 There is funding in the Operational Plan 2019/20 for the development of a *Belongil Catchment Management Plan*. This is an action in the Operational Plan with \$120,000 allocated with no expenditure as at the time of preparing this report.
- 15 There is no funding allocated for the commencement of a CMP for Tallow Creek in this FY 2019/20. However, due to the recent fish kill in Tallow Creek, the commencement of a CMP for Tallow Creek is seen as being more important than Belongil, in the current public and agency view.
- 20 As a preliminary estimate it appears that project costs would be in the vicinity of \$130,000 comprising \$65,000 funding from Council \$65,000 through the Coastal and Estuary Grants Program. This would leave \$55,000 available to fund a part time Estuary Officer as indicated in the proposed third recommendation of this report assuming no other expenditure aside from Council contribution to the grant funding.
- 25 It is acknowledged that \$130,000 would likely cover engagement of a consultancy to prepare a CMP (Stage One) Scoping Study for Belongil Creek and a CMP (Stage One) Scoping Study for Broken Head to Cape Byron encompassing Tallow Creek.

Consultation and Engagement

- 30 Community, all stakeholders, Coastal and Biodiversity Coordinator, Flood and Drainage Engineer, Manager Utilities.

Report No. 13.19 **Tender 2019-0037 Repentance Creek Road Causeway Upgrade**
Directorate: Infrastructure Services
Report Author: Joshua Provis, Road and Bridge Engineer
File No: I2020/85

5

Summary:

10 On 4 November 2019, the Acting General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0037 Repentance Creek Road Causeway Upgrade.

15 The Request for Tender was advertised from 12 November 2019 to 19 December 2019. Tenders were received from the following organisations:

- Civil Contracting Solutions
- Durack Civil
- Eire Constructions
- 20 • OM Civil

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005. This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2019-0037.

25

RECOMMENDATION:

1. **That Council award Tender 2019-0037 to Durack Civil for a lump sum of \$499,997.00 excluding GST.**
2. **That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.**
3. **That Council in awarding the contract reallocate \$116,300 from Left Bank Road Causeway Renewal budget (GL44283.058) and \$11,700 from Investigation of Causeways for Renewal budget (GL44283.040) to increase the project budget to \$628,000 for the Repentance Creek Road Causeway Upgrade Project (GL44283.057).**

Attachments:

- 30 1 Confidential - 2019-0037 Repentance Creek Road Causeway Replacement - Tender Evaluation Report, E2020/5345

Report

On 4 November 2019, the Acting General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0037 Repentance Creek Road Causeway Upgrade.

The contract is required to replace and upgrade the existing causeway crossing over Byrangery Creek, on Repentance Creek Road at Goonengerry, as the condition of the crossing is very poor and is regularly cut off by flood waters. The asset has been identified as high priority for replacement as part of Councils asset risk management framework.

The Request for Tender sought responses from proponents to provide design and construction services for the demolition and removal of the existing causeway and replacement with a new bridge or box culvert structure.

The Contract is expected to commence in late February 2020 for a period of four months.

The Contract will be managed by Council's Road and Bridge Engineer, Josh Provis.

Tenders were advertised as follows:-

- Sydney Morning Herald: 12 November 2019
- Byron Shire Echo: 13 November 2019
- Tenders Online: 4 November – 19 December 2019
- Council website: 4 November – 19 December 2019

A mandatory tender briefing was held on site on 28 November.

An Evaluation Panel comprising of three Council staff members was formed.

Tenders closed on 19 December 2019 and tenders were received from the following proponents:

- Civil Contracting Solutions
- Durack Civil
- Eire Constructions
- OM Civil

Tenders were evaluated by the Evaluation Panel in accordance with the following evaluation criteria:

Mandatory criteria:-

- a) Tenderer must have a valid Australian Business Number.
- b) Substantial conformance to Conditions of Contract and Statement of Requirements.
- c) Workers compensation insurance for all employees.
- d) Holds, or is willing to obtain, the insurances as specified in the Statement of Requirements.
- e) Satisfactory Work Health and Safety practices.
- f) Commitment to ethical business practice principles.

Qualitative criteria:

Criteria	Elements
Profile and relevant experience	Tenderer profile
	Previous relevant experience
	Environmental practices
	Opportunities for disadvantaged people
	Local employment opportunities
Quality and availability of resources	Proposed key personnel
	Proposed staff
	Use of subcontractors
	Vehicles, plant and equipment
Delivery Plan	Goods/services standards and methodology
	Implementation plan
	Product sustainability
	Supporting local business, social enterprise and Indigenous business
Price	Total contract price

- 5 Following the evaluation, the Evaluation Panel conducted referee and financial checks on the preferred tenderer. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the attached Evaluation Report.

Key Issues

- 10 During the works, Repentance Creek Road will be closed to through traffic and a detour will be implemented via Mafeking Road. This is required as a side track would add significant cost to the project, and would be environmentally damaging due to filling in the creek and clearing of high value vegetation.

- 15 The average detour for motorists is expected to be approximately 2.2km.

The new bridge will be designed and built to withstand the 5% AEP flood event, which means it is likely to be over-topped by flood waters once in every 20 years.

Financial Implications

- 20 The price basis for the contract is a lump sum of \$499,997. Including contingency, project management and other required allowances, the total project cost is \$605,525.

- 25 Council has an original budget of \$500,000 available for this project for 2019/20220 and has currently expended at the time of writing this report \$22,437 leaving \$477,563 available for this project.

- 30 Therefore a budget adjustment of \$128,000 (rounded) is required. It is proposed this adjustment is funded from *Left Bank Road Causeway Renewal* budget of \$116,300 and from *Design and Investigation of Causeways for Renewal* budget of \$11,700, as per the proposed third recommendation of this report.

All of the funding sources for the project budgets identified in this report are from unexpended loan funds.

Statutory and Policy Compliance Implications

- 5 The tendering process has been undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2005. The Local Government (General) Regulations 2005 define the options available to Council. An extract is provided below.
- 10 Local Government (General) Regulation 2005 - Reg 178
- Acceptance of tenders*
- 15 *178 Acceptance of tenders*
- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
- (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*
- 20 (2) *A council must ensure that every contract it enters into as a result of a tender accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the council (as provided for in [section 55](#) (2A) of [the Act](#)), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*
- 25 (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
- (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - 30 (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - 35 (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*
- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - 40 (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*
- 45 Council's endorsement of the recommendation to award the tender as recommended in the attached Evaluation Report is sought.

Report No. 13.20 Council Resolution 19-322 Update - Brunswick Heads Periodic Parking

Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2020/104

Summary:

This report is in response to Council Resolution 19-322. Resolution 19-322 authorised staff to investigate the possibility of establishing periodic pay parking within Brunswick Heads.

This report provides an update on where the investigation is up too.

RECOMMENDATION:

That Council note the report and the work undertaken by staff to progress Council Resolution 19-322.

Attachments:

- 1 Report 27/06/2019 Council Brunswick Heads Parking Scheme Performance Review, E2020/10328 
- 2 Intercept Survey Results Summary, E2020/7309 

REPORT

Council previously resolved 19-322.

5 Resolved 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,
 - 10 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.
- 15 2. Undertake an Economic Assessment of Brunswick Heads to understand the existing economic conditions, where visitors come from and how many visitors are tourists versus locals
- 20 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
 - 25 b) Introduce parking technology, such as:
 - i) In ground parking sensors
 - ii) Parking meters.
- 30 4. Expedite a report that provides information on:
 - a) Establishing a periodic pay parking program to be activated on long weekends, holidays and high demand periods, noting;
 - i) RMS have clarified that this is permissible
 - ii) These nominated periods are high parking demand periods in which increased adherence to parking bay times is provided by pay parking efficiently.
 - 35 b) A potential periodic pay parking program across the South Arm Bridge through to the Surf Life Saving Club, and that:
 - i) Reflections and Crown Lands be contacted to ascertain support
 - ii) Funds generated in this area are utilised to improve road, environment and infrastructure outcomes in this area.
- 40 5. 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.)

45 While the full range of tasks required to complete all of the items above are not yet complete, significant work has been undertaken to progress the above resolution. Below is a summary of the tasks that have been undertaken and the status of the remaining tasks.

EXPANDED ANPR SURVEY

50 Since the beginning of September staff has undertaken an Automatic Number Plate Recognition (ANPR) survey of Brunswick Heads. These surveys occur every second week on Sunday, Thursday and Saturday and will continue through to the end of February. Conducting the survey every second week between September to February will result in approximately 13 weeks of data (aka: 39 days of data.)

To ensure the quantity and quality of data obtained meets industry best practice Traffic and Parking Solution (TPS) were consulted to confirm which days of the weeks should be adopted for the survey and how frequently the survey should be done. TPS recommended Sunday, Thursday and Saturday as they typically represent busy, slow and medium days of the week.

It was also recommended to use with the same 3 days through out the survey rather than do the surveys on different days each week. This would ensure the survey remained objective and was not distorted through deliberately picking known peak and low days. It is noted that staff were requested by a community group to undertake the survey on a few specific dates outside the above roster. This was not undertaken due to the reasons above.

It is also noted that TPS does not feel 13 weeks / 39 days of data are technically required. They note that just as roads are designed around traffic counts taken on only a limited number of days parking schemes are adequately designed around data obtained from only a small number of days. For example, TPS are comfortable to survey towns 2 days a week on 3 different weeks (a total of 6 days per town). However, given the context surrounding this project they appreciate more data than less is required and the data being gathered is more than enough to provide an accurate understanding of parking patterns in the town.

This new expanded ANPR data is in addition to the previous ANPR survey done during April 2018 to January 2019. This smaller ANPR survey covered only the area immediately surrounding the CBD area of Brunswick Heads.

Combined, this set of data is expected to be comprehensive.

It is worth noting that during a meeting held with the Brunswick Heads Chamber of Commerce on 30th May 2019 the following months were identified as low, medium and high periods for the town's commercial business.

Low: February, March, August and November
Medium: September, October and July
High: December, January and April (particularly Easter)

Given the expanded ANPR survey is to be conducted between September to February this 6 month period covers 2 low months, 2 medium months and 2 high months.

Results for the expanded ANPR survey are being forwarded to TPS for analysis. Observations resulting from this data will be finalised by TPS once the expanded ANPR survey is complete.

The streets that form part of the expanded ANPR survey are shown below by the blue lines:



Economic Assessment

5 EthosUrban were engaged to undertake an economic assessment of Brunswick Heads and the potential implications associated with the introduction of a paid parking scheme. It is noted that EthosUrban were part of a similar Economic Assessment of Yarraville (a commercial centre in suburban Melbourne) at the request of the Yarraville Chamber of Commerce.

10 As part of this assessment EthosUrban visited the Shire in November and met with Council Staff to understand the projects background and the context of resolution **19-322**. At that time they also met with several representatives of the Brunswick Chamber of Commerce on 5th November 2019.

15 In addition, EthosUrban consulted in person with several businesses within the Brunswick Heads CBD and over the phone with representative of the Byron Bay Chamber of Commerce, Brunswick Heads Progression Association and CABS (Community Alliance for Byron Shire).

The findings of this report will be available as part of the Council report due in May 2020.

Intercept Survey

20 An intercept Survey was undertaken by Council staff on Thursday 29th and Friday 30th November 2019. This intercept survey was done independently to the Economic Survey to identify where people are coming from and why they come to Brunswick Heads. However, the results of the survey were provided to EthosUrban to include in their analysis of the town.

25 The questions were developed in consultation with EthosUrban to ensure they were relevant, useful and not subjective / leading type questions. Below are the questions used in the survey. A visual summary of the results is shown in attachment 2.

- 30
1. Age (optional)
 2. Sex (optional)
 3. What is the main purpose of your visit today?
 4. Where do you live (postcode)?

5. How did you get to Brunswick Heads?
6. What types of business do you/did you visit when here?
7. How much money did you spend (or do you intend to spend) while in Brunswick Heads today?
8. In general, how often would you visit Brunswick Heads?
9. How long do intend to stay for this visit?

Investigate Compliance Monitoring Options

Council contacted three companies mid 2019 to submit compliance monitoring options for Brunswick Heads. Two companies submitted quotes and concepts in September 2019. However, since then Council issued an Expression of Interest to renew the Byron Bay Pay Parking Contract which expires December 2020. The companies approached in September indicated their intent to provide submissions to this EOI. As a result, it was required to put ongoing conversations on hold to ensure no conflicts of interest.

Within the EOI it was stated that Council wants a system that is flexible and scalable and may be rolled out seamlessly to areas beyond the current Byron Bay Pay Parking footprint. This is to ensure Council has the option to easily expand any adopted Pay Parking system to other areas, if considered appropriate. Therefore, EOI submissions may be used to identify latest and most appropriate compliance technology options available.

Typical systems, used in combination with enforcement officers, that may be relevant to the Brunswick Head location include:

- Mobile Phone / Mobile Device apps
- In ground sensors
- CCTV's
- Contemporary parking meters with additional compliance and payment features
- The above systems synced with wayfinding apps, signage and compliance dashboards for improved real time supervision

Periodic Pay Parking Program

Discussions with TfNSW (formerly RMS) and various companies have confirmed that periodic (aka variable, seasonal or demand responsive) pay parking systems are able to be installed.

Preliminary investigations indicate pay parking prices are able to be varied in a few different ways. Prices may be applied only during peak seasons and long weekends, as identified within Council Resolution 19-322, and turned off during low – medium months. Consideration will need to be given what to do with the meters when pay parking is not operating – cover meters, remove meters or do nothing.

Prices can be varied throughout the day if required. During known peak hours prices may be increased or decreased as demand throughout the day prices drops. For example, in the case of parking meters the price can be displayed on the meter and as the hourly rate changes throughout the day this rate can be displayed on the meter. Mobile device apps are able to be programmed in a similar manner. A central data system or dashboard is able to control the price. This information is pushed out to the meters and mobile app's which then display the prices.

Demand can be monitored through meters, mobile apps, CCTV's or in ground sensors which track the surge or decline in parking demand through the day and seasons.

On special event days, prices can also be amended accordingly to meet the demand and keep turnover happening.

Key issues

- ANPR survey is continuing;
- ANPR data to be analysed by consultants;
- EthosUrban engaged to complete the Economic Assessment;
- Intercept Survey undertaken and included in the Economic Assessment;
- Compliance monitoring options being reviewed as part of the Byron Bay Pay Parking EOI;
- Various technology options used in combination are available to provide periodic pay parking, as required;
- Allocate sufficient budget to roll out pay parking and associated infrastructure and services (i.e. signage, meters, linemarking, education, permit system and communication).

Next steps

- Designing potential options for a pay parking permit system for Brunswick Heads
- Designing time limits appropriate for the pay parking scheme and within the surrounding streets to anticipate cars being pushed out into the surrounding residential areas
- Ongoing consultation with Reflections and Crown Lands regarding potential installation of pay parking within Crown Lands.
- Integrate results and recommendations from the above items and report back to Council by May 2020 on recommended options to modify the parking scheme.

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	1.6.1	Implement review of parking management	1.6.1.1	Implement Parking Management Strategies for: - Bangalow - Belongil - Mullumbimby - Brunswick Heads incorporating accessible parking requirements based on community need (which may exceed legislative requirements)
	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	1.6.2.1	

Financial Considerations

While significant budget allocation is expected to be required if pay parking is to be introduced to Brunswick Heads a cost estimate has not been identified at the time this report was written.

Consultation and Engagement

- Ongoing consultation with Reflections and crown Lands regarding potential installation of pay parking within Crown Lands is required.
- 5 • Brunswick Heads Chamber of Commerce, Brunswick Heads Progress Associated, Community Alliance for Byron Shire, Byron Chamber of Commerce and numerous businesses within Brunswick Heads were engaged as part of the Economic Assessment.
- An intercept survey was undertaken where Council staff interviewed over 320 visitors to the town in November 2019.

Report No. 13.21 **Relocation of Byron Bay Netball Club to Cavanbah Centre and Outdoor court lighting.**

Directorate: Infrastructure Services

Report Author: James Newberry, Facilities Officer Liaison

File No: I2020/114

Summary:

This report seeks Council endorsement for the Relocation of the Byron Bay Netball Club from the Byron Bay Recreation Grounds to the Cavanbah Centre and a budget allocation of \$61,000 for the installation of netball court lighting at the Centre.

RECOMMENDATION:

1. **That Council endorse the relocation of Byron Bay Netball Club from the Byron Recreation Grounds to the Cavanbah Centre.**
2. **That Council allocate \$61,000 through the Open Space (Byron Bay Catchment) developer contributions reserve for the installation of outdoor court lighting at the Cavanbah Centre by reducing the Railway Park project budget by \$61,000.**

REPORT

The Byron Bay Netball Club (BBNC) have utilised three bitumen courts at the Byron Bay Memorial Recreation Ground (BBMRG) since the early 1980's. The courts at this location are outdated, in a state of disrepair, and due for renewal. As such, BBNC use the courts for training only, as all competition is played at the over utilised Mullumbimby courts.

On 15 October 2019 Essential Energy advised Council that the flood light poles on the netball courts at the BBRG needed to be removed. The poles and lighting infrastructure were removed by Essential Energy in late November 2019.

Given the current condition of the BBMRG Netball Courts and following consultation and agreement with BBNC, it is proposed that any further infrastructure investment for Byron Netball is better spent at the Cavanbah Centre. The Courts at the Cavanbah Centre are of a superior quality and standard, and are largely unused due to the absence of lights, which restricts usage to daylight hours.

Lights will ensure that the Cavanbah Centre becomes the sporting hub for the BBNC. The club currently has four teams with members aged from six years old up to seniors. The club expects growth from a move to the Cavanbah Centre, due to better quality facilities, location, and parallel concurrence with other sporting codes. Currently only Mullumbimby has lights or courts suitable for competition. There is a need for an additional netball facility to encourage multi gender growth of an established female sport. The BBNC expects to attract new players and interest from not only Byron but also from other areas such as Sunrise, Bangalow and Ewingsdale areas.

The BBNC currently has an active working committee which has expressed excitement at the opportunity to introduce a new social competition under lights at the Cavanbah centre. In addition the club has expressed the potential for the relocation of "Legends Netball" which is a twilight competition requiring lights, which is currently played at Mullumbimby.

Installation of lights at the dual purpose (Netball and Basketball) Cavanbah courts, would not only provide a home for Netball at the Cavanbah, but would provide opportunity for night basketball when the indoor courts are at capacity at the Cavanbah, an activity in high demand and provide for other usage opportunities.

A budget of \$61,000 is required for the installation of outdoor netball court lighting to court lighting standards at the Cavanbah Centre.

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	2.3	Provide accessible, local community spaces and facilities	2.3.7	Deliver Open Space and Recreational services in line with Community Solutions Panel values (SP)	2.3.7.1	Operate Cavanbah Centre and sports fields

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

- 5 It is proposed to fund the \$61,000 required for these works from available unexpended developer contributions. Netball court lighting at the Cavanbah Centre is specifically identified in the contributions plan. Savings from the Railway Park project can be reallocated for this purpose rather than returning them to the Byron Bay Open Space contributions reserve which was part of the original funding source for the Railway Park project.

Consultation and Engagement

- 10 Byron Bay Netball Club
Essential Energy

Report No. 13.22 **Bioenergy Facility Vendor Selection and Future Work Plan**
Directorate: Infrastructure Services
Report Author: Dean Baulch, Principal Engineer, Systems Planning
 John Hart, Process Consultant
 5 **File No:** I2020/125

Summary:

This report is presented in two parts:

Part 1 briefs Council on the present status of the Bioenergy Facility ('BEF') project, the results of the recent site investigations to operating bioenergy facilities overseas by Infrastructure Services Utilities personnel.



Part 2 summarises the background and assessment of the deliverable packages, recommends the selection of a preferred vendor for Contract No. 2017-0069, and provides recommendations to proceed with forward-work plans for the project. Contract deliverable packages have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005.

Forward-work plans will be staged providing Council with multiple Milestones and opportunities to review to adapt and/or proceed with the project.

RECOMMENDATION:

1. **That Council endorse the selection of the preferred vendor for the next stages of design of the Byron Shire Bioenergy Facility project, as recommended in the Design Evaluation Report prepared by the Council Evaluation Panel.**
2. **That Council authorise the General Manager to negotiate contract variations with the preferred vendor. Subject to successful negotiations, that Council make public its selection of a preferred vendor.**
3. **That Council authorise the General Manager to proceed with other forward-work plans to advance the planning and design of the Bioenergy Facility project.**
4. **That the current budget be increased by \$147,000 to \$865,600 from the Sewer Fund Capital Works Reserve in order to finance the forward-work plans until end of FY2020.**

Attachments:

- 1 Byron Shire BEF_Site Inspection Report Draft RevB, E2020/9224 
- 2 Confidential - E2020/9177 Bioenergy Facility DesignEvaluationPlan_2020JAN06, E2020/9177
- 3 Confidential - E2020/9158 Bioenergy Facility DesigEvaluationReport_2020FEB03, E2020/9158
- 4 Bioenergy Timeline_07FEB2020, E2020/9211 
- 5 Confidential - E2020/9199 Bioenergy Facility Initial Financial Analysis Memo to File 2020FEB05, E2020/9199
- 6 Confidential - Bioenergy Timeline Cashflow Feb 2020, E2020/9222

REPORT PART 1 – PROJECT UPDATE

Information/Background:

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 also has the objective to achieve carbon-neutrality for its own energy use by 2025, as well as sourcing 100% of Council’s energy needs through renewable energy by 2027.

Over the past three years, Council has either participated in or led several assessments, engineering designs and community consultation stages regarding the potential for a Bioenergy Facility in the Shire. To date, there has been strong community support for the concept of renewable bioenergy. Council’s presently-framed BEF project contemplates local feedstocks of organic wastes, for example, including the following:

- STP biosolids
- Kerbside green bin food organics and garden organics (‘FOGO’)
- Grease trap fats oils and grease (‘FOG’)
- Coppice energy crops grown with recycled water irrigation and compost or biosolids soil amendments.
- Commercial food waste that is presently going to landfill

It must be noted that Council has never contemplated any biomass feedstocks sourced from forestry or milling activities, or any incineration or combustion-based technologies.

Broad Project Drivers and Benefits:

The Byron Shire BEF project touches on many aspects of Byron Shire Council’s strategic objectives regarding:

- Sustainable management of STP waste biosolids
- Reduced Sewage Treatment Plant (‘STP’) use of grid electrical energy
- Source-separation and local waste management solution, by diverting the organic fraction of municipal solid waste away from landfilling
- Provision of high-nutrient-value soil amendment for local agricultural industry
- Reducing truck movements and distances related to waste transport
- Greenhouse gas (‘GHG’) emission reductions
- Close alignment with – and support for – Council’s zero emissions strategy
- Diversification of the use of Council Operational Land assets
- Broad local government leadership in the promotion of sustainable development tenants

Preliminary Design and Business Case Analysis:

Preliminary engineering design and business case analysis work recently concluded with two contractors experienced in the design, construction and operation and maintenance (‘O&M’) of dry Anaerobic Digestion (‘dry A.D.’) organic waste processing facilities converting organic wastes to biogas: Hitachi Zosen Inova Australia Pty Ltd. (‘HZI’) and Skala Australasia Pty Ltd., which represents the Eggersman Bekon group (‘Bekon’) in Australia.

Final satisfactory reporting deliverables were received from both teams in December 2019 and January 2020, and have been reviewed and evaluated by Council personnel. This is discussed further in Part 2 of this report.

Bioenergy Facility Planning and Permitting Considerations:

Current planning consultants’ advice regarding the planning consent for a BEF is the following:

- The works will be considered Designated Development due to:
 - The likelihood of accepting >5,000 tonnes per year of organic wastes

- The Byron STP Operational Land sited within the '100m proximity zone' to coastal wetlands
- The DA consent authority is believed to be the Northern Regional Review Panel by virtue of the works value exceeding \$5,000,000. Council will still be required to independently assess the works' application and provide an opinion and recommendation to the NRRP.
- The project proposes to use the NSW Department of Planning, Industry and Environment ('DPIE') Secretary's Environmental Assessment Requirements ('SEARs') process, which is an established framework for Council to identify:
 - The relevant issues to be addressed in the EIS
 - The environmental impact assessment process generally, as well as the required consultation to be undertaken during the assessment
 - The structure and general content of the EIS

Current advice from the NSW EPA Grafton Operations team, which is responsible for administering the Byron Bay STP Environmental Protection License ('EPL'), is that the BEF can be added as an amendment to the existing EPL with the ancillary activities of Composting, Resource Recovery and Energy Generation.

Council has engaged in consultations with NSW EPA waste management and energy-from-waste personnel, and current advice is that two NSW EPA Resource Recovery Orders and Exemptions will apply to this project:

- Land application of solid and liquid digestate
- Biogas eligible fuel (energy from waste)

Council has discussed this project with the DPIE Water Branch (formerly DPI-Water), and their only expressed concern was regarding guaranteeing the security of the STP operation. To safeguard the STP operation and secure DPIE s.60 approvals, Council personnel will ensure that designs provide for no direct interfaces between the BEF and the STP, and that any Design & Construction ('D&C') contract scope includes a requirement to safeguard the STP operation.

Note that the Byron STP legal parcel is designated Operational Land.

Reference Site Inspections:

As per Council Resolution **19-343**, the Utilities Principal Engineer and the Bioenergy Facility Project Manager attended as Council's representatives to site inspections at overseas operational bioenergy facilities employing dry A.D. processes. Council deemed it essential to conduct site inspections and interviews at operational sites for risk management purposes and to collect detailed reference site data for the EIS required for planning consents and for EPA licensing. These facilities utilised the technology developed by HZI, Bekon, or Renewi Orgaworld.

Council personnel witnessed the operation of nine full-scale facilities in Germany, Switzerland, Canada and the USA, and concluded that both the processing technology from HZI and Bekon would generally meet Council's objectives for a Byron Shire Bioenergy Facility. A thorough summary report has been prepared in order to collate the considerable data and relevant information collected during the site inspections, interviews and meetings. The report summary is attached to this report; refer to Attachment 1 (E2020/9224).

Prior to the site inspections, EPA highlighted to Council that its main concerns with respect to approving a BEF were to mitigate potential impacts from noise, odours and increased traffic. Council personnel observed first-hand during the site inspections that noise and odour have robust controls and management at the sites due to enclosed operations under negative pressure (to capture odorous inside air) and biofilters for the treatment and abatement of odour. Buildings were specifically designed for noise attenuation.

No offensive noise or odours were noted outside any of the facilities, with residential development as close as ~150m from the facilities. At the A.D. facilities visited, Council personnel noted no higher-than-normal volumes or obstructions from traffic. Detailed traffic, noise and odour impact studies will be a requirement of the EIS in advance of the applications for development consents and EPL variation.

Data collected to date from regulatory personnel in California and British Columbia indicated no operational concerns related to noise, odour or traffic impacts. Furthermore, site designers and operators from the facilities visited in Europe indicated that they have had no community complaints or regulatory infractions whatsoever from noise, odour or traffic. Although Council is still in the process of independently confirming these assertions with the respective regulators, their statements align with Council's observations from the site inspections, i.e., that the installations were generally congruent with their surroundings.

Of importance, we noted that the Swiss and German residents of the areas visited already have a high level of acceptance for BEF installations in their communities due to their ubiquitous nature. Therefore, Council must conduct robust public education and awareness campaigns with respect to the Byron Shire BEF to ensure that the local community is aware of and supportive about what this project entails. Community Engagement Plans are in place and will commence subject to the outcome of this Report's recommendations.

Typical Anaerobic Digestion Durations and Digestate Products:

Dry A.D. facilities output products are called 'digestates.' The HZI plug flow reactor continuous fermenter takes approximately three weeks to digest organic wastes, and produces 65% liquid digestate and 35% solid digestate. The Bekon batch tunnel fermenter process uses a ~28-day process and outputs almost entirely solid digestate, that is, little or no liquid dependent upon the feedstocks' condition and the specific digestion process employed.

Following screening to remove impurities (metal, plastic, glass) and oversized woody material, solid A.D. digestate is nutrient-rich and can be land applied under similar conditions to what Council presently employs for STP biosolids. Similar to biosolids, A.D. digestate has little financial value post-digestion. However, once 'finished' and 'matured' over a period of four to six weeks via aerobic composting with fresh garden and landscaping organic waste (but no food), the final compost product is a commodity with a much higher market value.

Siting at the Byron STP:

In earlier stages of work, Council assessed five potential locations for the siting of the BEF:

- Byron Bay Resource Recovery Centre
- The four Byron Shire Council STP sites at: Bangalow; Byron Bay; Brunswick Valley/Mullumbimby; Ocean Shores

The Byron Bay STP site is presently the preferred location for the BEF due to the following reasons:

- Ability to take as feedstock into the BEF all biosolids from the Byron Bay STP, which is Council's largest STP
- Directly relevant to sewage treatment works, therefore, may be funded from the Sewer Reserve Fund
- Operation Land with permissible land use zoning
- Financial and GHG emission reduction benefits from supplying Council's single largest grid electrical user (~20% of total Council use) with renewable energy
- Good proximity to existing sources of organic wastes including commercial food establishments and residential FOGO
- Best road access of all sites
- Lowest impact of all sites on additional traffic movements and transport distances

For context, below is a figure indicating the potential location for the BEF on the Byron STP Operational Land parcel to the northeast of the Arts and Industry Estate. Note that the potential location for the BEF is ~450m west of the boundary of the Gallagher Street phase of the 'Habitat' development, off Wallum Place.

5

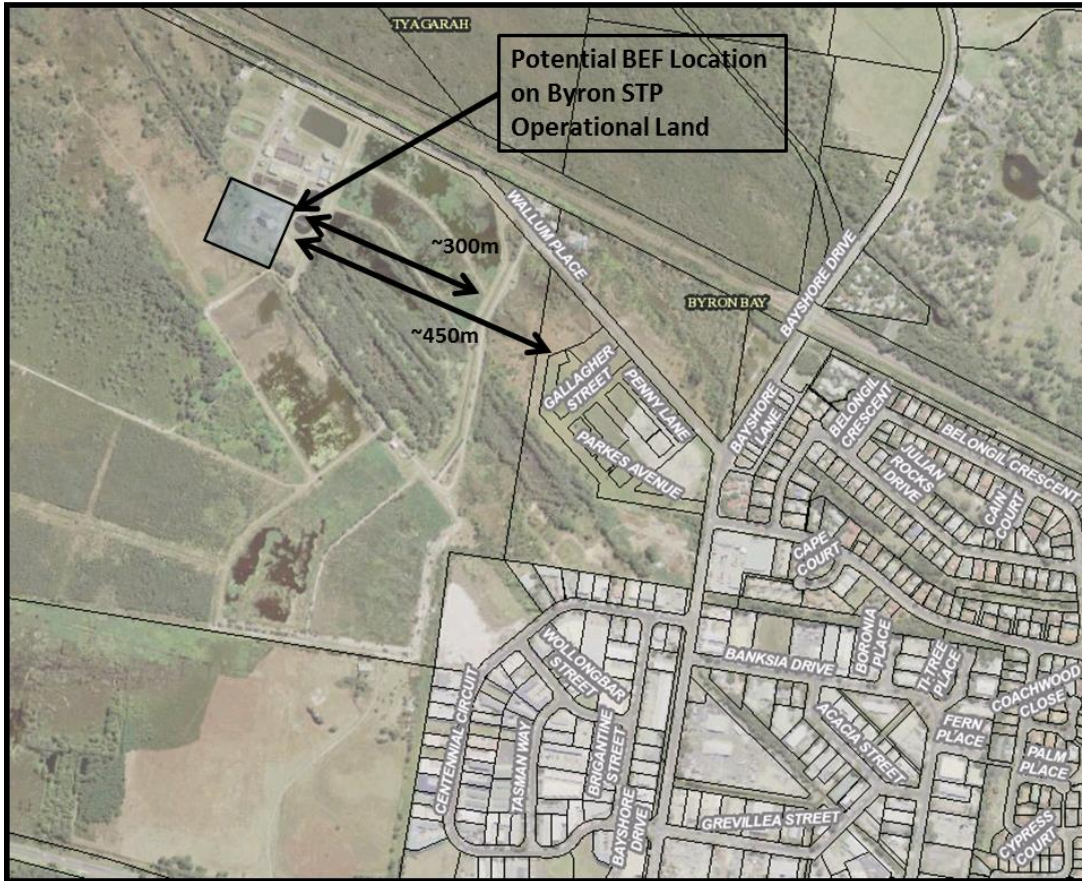


Figure: Setback of the Proposed BEF from Neighbouring Development

Below are draft site plans of the BEF concepts from both Proponents, which indicates potential placement, scale and layout on presently-unused portions of the Byron STP Operational Land parcel.

10



Site Plan: Hitachi Zosen Inova



Site Plan: Skala (Eggersmann Bekon)

REPORT PART 2 - Design Evaluation Panel Report and Recommendation

Council Resolution **18-774** (Meeting Date 28/10/2018; Council Report 16.4; Record No. I2018/1892) resolved to award two competing contracts to by Skala Australasia Pty Ltd. and

5 Hitachi Zosen Inova Australia Pty Ltd., for the preliminary design and business case analysis work packages that were procured under Council Contract No.2017-0069.

Preliminary design and business case analysis deliverable packages were received from both proponents in accordance with the contract requirements.

10 An Evaluation Panel was formed comprising two Council staff members and one engineering consultant, to assess the design and business case analysis deliverables packages in accordance with the following evaluation criteria:

15 Mandatory criteria:

1. Deliverables substantially comply with the Request for Tender Part A4 Statement of Requirements
2. Ability to accept Council's prescribed feedstock sources
3. Ability for final digestate to comply with Grade A class of NSW EPA Biosolids Guidelines.
- 20 4. Project business case is financially feasible with no grant funding, which is a requirement of the Australian federal government's Australia Renewable Energy Agency (ARENA) Advancing Renewables Fund grant criteria
5. Ability for final digestate, when blended with compost, to comply with "AS 4454—2012 Composts, soil conditioners and mulches" quality requirements.

25 Qualitative criteria:

1. Footprint
2. Operation simplicity
3. Quality of solid digestate
- 30 4. Quality and quantity of liquid digestate
5. Health and Safety
6. Environmental impacts
7. Adaptable and expandable process
8. Other units in similar sub-tropic environment (e.g., California?)

35 Price criteria

1. CAPEX \$
2. OPEX \$/y.
3. \$/'event' major scheduled maintenance
- 40 4. NPV (including O&M annual costs)
5. IRR%
6. Payback time
7. Capacity value for money: CAPEX (\$)/throughput capacity (t/y.)
8. Energy output value for money: CAPEX (\$)/net energy production (GWh/y.)

45 Refer to the Design Evaluation Plan (Attachment 2 - E2020/9177) that was used to guide the Evaluation Panel, and reflected the contract requirement for the deliverables packages.

The “Expression of Interest” (EOI) and tendering process was undertaken in accordance with Council’s Purchasing and Procurement Policy and the provisions of the Local Government (General) Regulation 2005. Probity advisors, HBL Ebsworth, confirmed that Council is not required to conduct any further public procurement for this project.

Council’s endorsement of the recommendation to select the preferred vendor for the Bioenergy Facility project, as recommended in the attached Design Evaluation Report (Attachment 3 - E2020/9158) is sought.

Next steps:

As part of phased delivery, such that Council may periodically re-confirm and reconsider whether to continue with this project, staff recommend that Council conduct forward work plans on: engineering works; final technology selection; commercial contract models; planning approvals and permitting.

Now that Council has inspected actual operational facilities and have the Preliminary Design and Business Case Analysis deliverables, Council must now define the overall logistical viability and financial benefit of the project and, specifically, in the Northern Rivers’ context. Staff recommend that the following tasks proceed as part of forward work plans:

- Finalise and implement a Community Engagement Plan, in cooperation with other Council directorates, including focused public education campaigns regarding the BEF
- Bridging engineering works
 - Feedstock characterisation; Biomethane Potential testing
 - Select the final A.D. facility scale and layout
 - Confirm the required aerobic composting for maturation of A.D. digestate, and identify a viable solution for conducting this step
- Further business case analyses
 - Levelised cost-benefit analysis to validate feedstocks’ in relation to the selection of the preferred processing technology
 - Lock-in feedstock supply contracts
 - Confirm markets for final products
- Grant funding applications
- Procurement and contract models established
 - e.g., a staged Early-Contractor-Involvement at this stage for design
- Planning approvals and consents: EIS; NSW EPA EPL variation; RRO&Es

Also, refer to projected Project Timeline (Attachment 4 - E2020/9211). The PRG will continually focus on managing Council’s risk as the project progresses, through regular updates to the ET, and schedule Milestones for Council to review and re-confirm its support for the project to continue, and a chance to cancel or redirect the project at any time.

STRATEGIC CONSIDERATIONS

Net Zero Emissions Strategy for Council Operations 2025

Table 6: Projects in the Pipeline: Bioenergy Facilities at Sewage Treatment Plants

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:

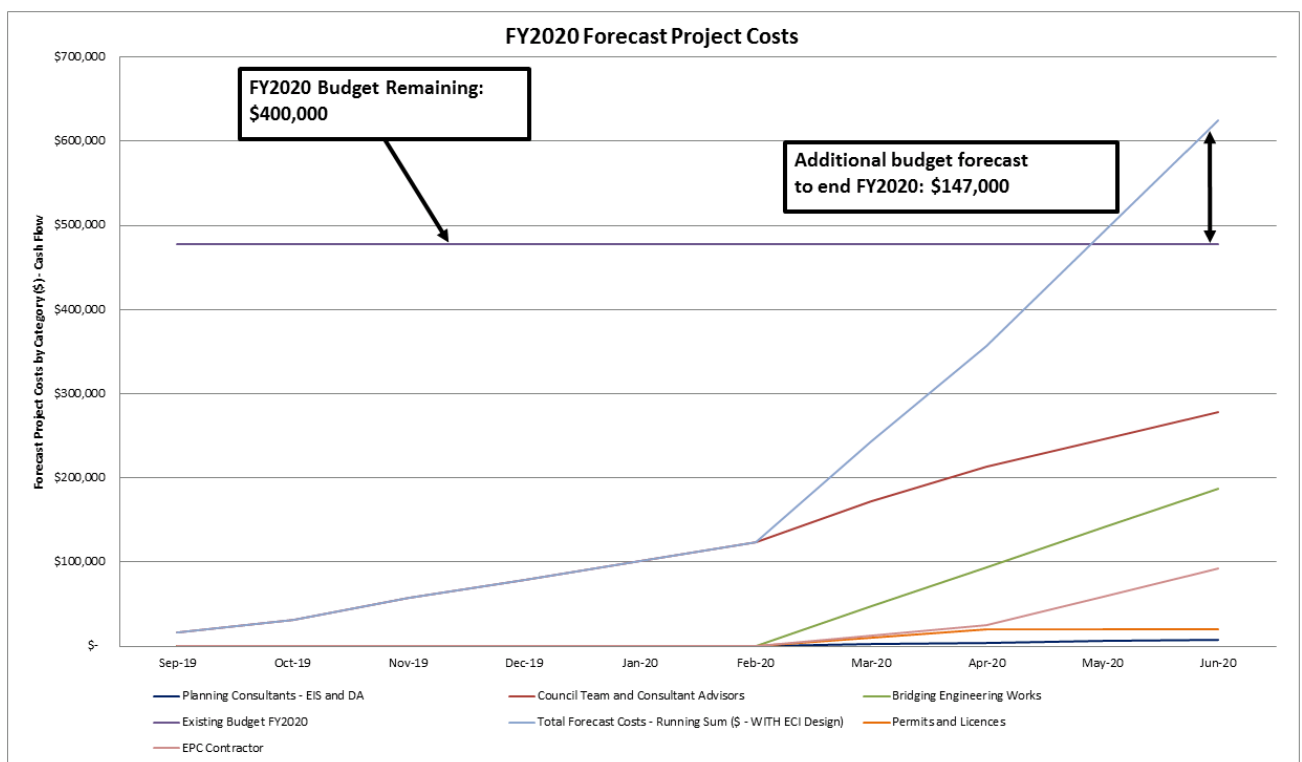
Refer to the "Bioenergy Facility Initial Financial Analysis Memo to File 2020FEB05" (Attachment 5 - E2020/9199) which contains more detailed information about the initial investment and lifecycle costs for the preferred BEF option and potential initial implications for Council's debt position.

Based on input from the two preliminary design teams and Council experience, the following FY2020 project costs are forecast for the remainder of the year:

• Council's owner's team (PM; Finance; Planning; Grants; etc.):	\$219,833
• Engineering consultants re. feedstocks characterisation and maturation:	\$187,500
• Planning consultants for SEARs:	\$ 8,000
• Council ancillary civil works and BEF Early Contractor Involvement:	\$111,667
• Permits, licences, resource recovery orders & exemptions:	\$ 20,000
Total Budget estimate for works in FY2020:	\$547,000

There is presently \$400,000 remaining in FY2020 project budgets. In summary, the estimated additional budget required for the FY2020 forward work plan tasks is as follows:

• Total Budget estimate for works to complete in FY2020:	\$547,000
• Budget remaining in FY2020:	\$400,000
Additional budget estimate for FY2020:	\$147,000



Should Council approve the additional \$147,000 budget increase, this will increase the Bio-Energy Facility budget to \$865,600 for the 2019/2020 financial year.

These funds will be sourced from the Sewerage Capital Works Reserve through appropriate representative adjustments to forecasting. At the end of these due diligence activities, Council will be in a position to make a final go/no-go decision on this project, expected timeline for this decision is November 2020.

Refer also to the Bioenergy Facility Timeline with the overall cashflow forecast also included therein (Attachment 6 - E2020/9222).

Comment by Manager Finance

- 5 *Refer to “Bioenergy Facility Initial Financial Analysis Memo to File 2020FEB05” (Attachment 5 - E2020/9199) for the comments from the Manager Finance.*

Consultation and Engagement

Consultations since the August 2019 site inspections have included meetings with:

- 10 • Executive Team Sept.2019, Oct.2019 and Nov.2019.
 • Infrastructure Services Resource Recovery Sept.2019.
 • Environmental & Economic Planning Sept.2019.
 • Strategic Planning Workshop Oct.2019.
 • Ballina Shire Council Dec.2019.
15 • SERAC Jan.2020.

- 20 In December 2019, Council staff met with staff from Ballina Shire Council to discuss the project. Ballina staff indicated that they would like the two Councils to investigate what collaboration might be possible for this project. The intention is to advanced discussions in the coming months and Byron Shire Council Executive Team and Councillors be kept informed of progress.

A Project Reference Group was formed and held its first meeting in January 2020.

- 25 A Stakeholder Engagement Plan, with particular emphasis placed upon a staged public education campaign and consultation with key Stakeholders, has been completed in an initial revision, and will be treated as a living document during the project execution lifecycle, to be updated, expanded and adapted as required.

Report No. 13.23 **Suffolk Park Pump Track Location**
Directorate: Infrastructure Services
Report Author: Malcolm Robertson, Team Leader Open Space
File No: I2020/127

Summary:





Council resolved (**19-547**) on 24 October 2019 to allocate funding for construction of a Pump Track at Suffolk Park, with the final positioning of the Pump Track to be the subject of further community consultation. This report provides the outcomes of community consultation and seeks determination on the final location.

RECOMMENDATION:

1. That Council approve the final positioning of the Pump Track at the North West corner, Option 1, subject to this facility not encroaching into
 - a) a 45m by 65m area immediately west of the existing carpark, and;
 - b) or the footprint of the existing community garden,

as these areas are to be subject of a future masterplan.
2. That Council develop a Masterplan for the Reserve that is subject to further community consultation and which is reported back to Council for adoption.
3. That Council allocate a budget of \$10,000 from the Open Space Suffolk Park Reserve for the development of the Masterplan.

Attachments:

- 1 Suffolk Park Pump Track Online Survey Responses Report, E2020/12606 
- 2 Suffolk Park Football Club Submissions - Pump Track, E2020/12756 
- 3 Minutes - Community Consultation meeting Suffolk Park Pump Track.pdf, E2020/8692 
- 4 Suffolk Park Concerns.pdf, E2020/12754 

REPORT

On 13 December 2018, Council adopted the *Open Space and Recreational Needs Assessment Action Plan*. An action within this plan is the construction of a BMX/pump track within the Suffolk Park Recreation Reserve. The Suffolk Park Progress Association (SPPA) subsequently successfully applied for a \$156,300 grant from the *My Community Projects 2019* fund for the construction of a Pump Track. Council resolved 24 October 2019 to contribute \$150,000 to the project and that the final positioning of the Pump Track is to be the subject of further community consultation, including direct engagement with current user groups, with a report to be brought back to Council recommending the final location.

The Suffolk Park Progress Association (SPPA) had proposed three options for the location of the pump track for community consideration (options 1-3 on figure 1.).

Specifically to the location of the pump track, representations have been made by the Suffolk Park Football Club (SPFC) for

- The pump track to be in totem of Arakwal Women Dolphin (Wagun) in honour of Linda Vidler and;
- the establishment of a new half Soccer field (65m by 45m) to the South East of pump track location Option 1 and west of the existing carpark.

Staff notes that a range of other designs and concepts that do not relate directly to the pump track location was also provided to Council from the SPFC. As these are better considered during a future master planning of the precinct, these have not been considered or included within this report.

All desires, aspirations and needs are better considered during future master planning of the site where consultation is targeted at understanding all community needs and wants for this local recreational precinct.

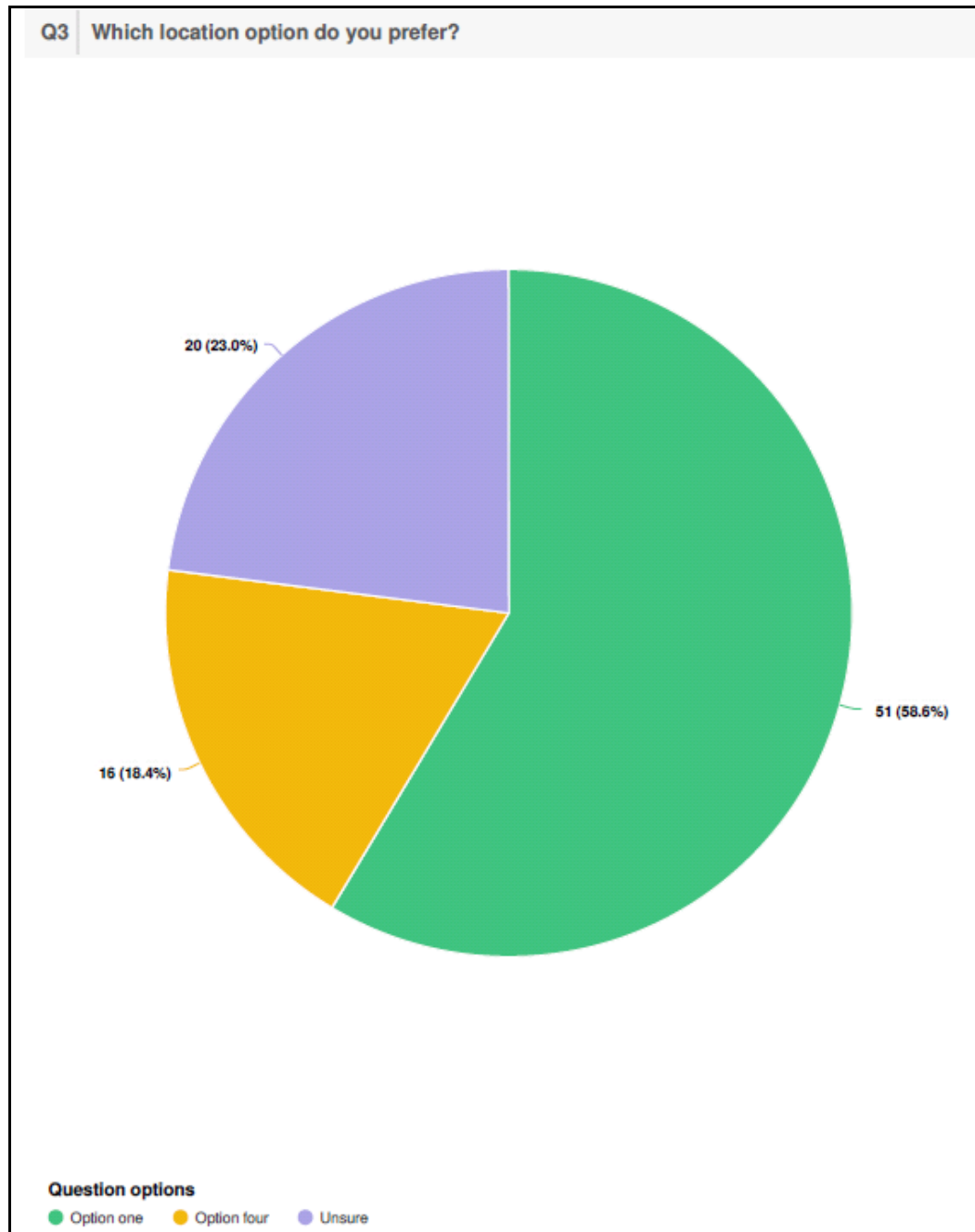
Figure 1. Pump track location options



Note: The above image was used during consultation. Further consultation with the SPFC confirmed that option 4 was not the clubs preference but rather the clubs preference was a pump track in a Arakwal Totem design at location One (1) and that did not encroach on the clubs vision for an additional half (1/2) soccer field to the west of the existing car park.

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A total of 87 respondents completed the survey section on preferred location. Of these 51 (58.6%) preferred option 1, 20 respondents (23%) were unsure and 16 wanted the location suggested by the SPFC.



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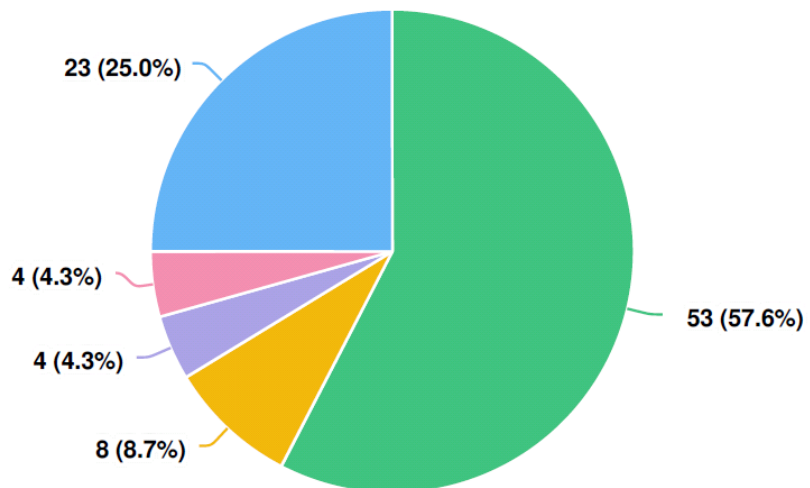
Key issues

15

Council sought feedback from the community via online survey on the extent of support for the Pump Track. There were 92 responses to this question, with 61 (66.3%) in favour, with responses primarily focusing on the health and community benefits of the proposed recreational facility.

Respondents opposed to the construction of the Pump Track provided reasons ranging from perceived noise impacts, increased parking, anti social behaviour and concerns about impacts upon the existing community garden and bushland areas.

Q1 To what extent do you support the construction of the pump track.



Question options

Strongly support Somewhat support Neutral Somewhat oppose Strongly oppose

In order to better inform the community, Council staff are currently developing information sheets that will provide greater understanding of the physical layout and impact of a pump track as the design progresses. This information will be distributed as part of the next stage of the project.

Council's adopted Plan of Management contains specific actions to ensure that use of the grounds and facilities for active recreation is kept to local facility level.

Council's adopted *Open Space and Recreational Needs Assessment Action Plan* contains guidelines for elements to be considered when designing and developing town/village parks such as the Suffolk Park Recreation Grounds.

Suffolk Park Recreation Reserve Masterplan

It is noted by staff that at the time of writing of this report, a submission of council has been made to the Geographical Names Board (NSW) for the formal naming of this reserve to *Linda Vidler Memorial Park*.

Council Resolution **19-547** on 24 October 2019 also resolved that improvement works at the park focus on shading and new plantings as a high priority. A number of opportunities for planting of shade trees were identified in the concept plans created with development of the adopted Plan of Management.

Following Council determination of preferred location for the pump track, detail design will be undertaken with the preferred contractor and will include further engagement with community.

It is considered appropriate that an overall masterplan be developed subject to additional consultation, with a plan being brought back to Council for adoption. This is considered important as recent consultation has highlighted possible conflicting priorities and community desires for the precinct and acknowledging that Suffolk park has limited public Open Space within Suffolk Park available for embellishments.

The completed masterplan would include locations for those elements identified as actions within the *Open Space and Recreational Needs Assessment Action Plan* and approved within the adopted Plan of Management. These elements would include the community gardens and outdoor exercise equipment, any potential public art components as well as identifying the most appropriate layout of shade trees and associated plantings within the overall design. Detail design of individual infrastructure elements would only be advanced once budget was identified and adopted by Council.

Next Steps

Once the location of the site has been confirmed, Council staff will work in partnership with the Suffolk Park Progress Association to engage a suitably qualified and experienced contractor for design and construction of the Pump Track that takes in to full account the results, comments and concerns raised by individuals, associations and groups in order to mitigate or minimise perceived impacts from the development.

Design of the track will include a full Review of Environmental Factors to ensure all potential impacts that are identified are eliminated, mitigated or managed. Design will also consider;

- Safety In Design
- Crime Prevention Through Environmental Design (CPTED) principles, sightlines, lighting, secure location and passive surveillance.
- Community expectations, needs and priorities (as per consultation completed – information provided to tenderers)
- Location, orientation and integration within surrounding landscape with specific consideration of existing vegetation, drainage and flooding risk.
- Accessibility and inclusive design including ease of access for wheelchairs, prams and people with limited mobility
- Landscape plantings Materials palette and theming
- Provision of seating and shade for ease of supervision and passive surveillance of children by parents or carers
- Facilitation of social interaction considering *NSW Everyone Can Play Guideline*.

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	2.3	Provide accessible, local community spaces and facilities	2.3.7	Deliver Open Space and Recreational services in line with Community Solutions Panel values (SP)	2.3.7.14	Deliver adopted infrastructure within the Suffolk Park Recreation Ground

Legal/Statutory/Policy Considerations

The development of a Pump Track by or on behalf of Council can be constructed without consent under the Infrastructure SEPP 2007.

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A Review of Environmental Factors will be completed during the planning stage of the project.

Financial Considerations

10 \$150,000 from the Suffolk Park Open Spaces developer contributions reserve has been allocated to this project in support of Suffolk Park Progress Association grant funding of \$156,300 from *My Community Projects 2019*.

15 An allocation of \$10,000 from the Suffolk Park Open Spaces developer contributions reserve if recommendation 4 is adopted.

Consultation and Engagement

20 To determine the preferred location for the Suffolk Park Pump Track an online survey was conducted. The survey was open from 02 December 2019 through until 02 February 2020. The results of that survey are in Attachment 1. A community meeting to discuss the Pump Track was held on December 3rd at the Suffolk Park Community Centre with representatives from the Suffolk Park Progress Association, Suffolk Park Football Club, Suffolk Park Community Gardens and in the order of 50 community members in attendance (Minutes attachment 4).

Report No. 13.24 **Tender 2019-0066 Byron Creek Bridge Replacement**
Directorate: Infrastructure Services
Report Author: Joshua Provis, Road and Bridge Engineer
File No: I2020/139

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Summary:

10 On 4 November 2019 the Acting General Manager, under delegated authority, approved the use of the open tender method to call tenders for Contract 2019-0066 Byron Creek Bridge Replacement.

The Request for Tender was advertised from 12 November to 19 December 2019. Tenders were received from the following organisations:

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1. Ark Construction Group
2. Casa Engineering
3. Davbridge Properties
4. Eire Constructions
- 20 5. Hazell Bros Group
6. OM Civil
7. Saunders Civilbuild.

20

Alternative submissions were received from Casa Engineering and Eire Constructions, so a total of 9 tenders were assessed by the Evaluation Panel.

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Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005. This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2019-0066 Byron Creek Bridge Replacement.

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RECOMMENDATION:

1. **That Council award Tender 2019-0066 Byron Creek Bridge Replacement to Ark Construction Group for a lump sum of \$1,928,411.00 excluding GST.**
2. **That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.**
3. **That \$55,600 be added to the current 2019/2020 Budget of \$200,000 with funding provided from the 2017/2018 Special Rate Reserve.**

Attachments:

35

- 1 Confidential - Request for Tender 2019-0066 Byron Creek Bridge Replacement - Evaluation Report (signed), E2020/7958

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Report

On 4 November 2019, the Acting General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0066 Byron Creek Bridge Replacement.

The contract is required to replace and upgrade the existing bridge crossing over Byron Creek, on Bangalow Road at Talofa. The bridge has a timber structure with concrete decking slabs. The condition of the timber is very poor and the asset has been identified as high priority for replacement as part of Councils asset risk management framework.

The Request for Tender sought responses from proponents to provide design and construction services for the installation of a single lane side track, demolition and removal of the existing bridge, and construction of a new reinforced concrete bridge to Australian Standards.

The design and construct Contract is expected to commence in late February 2020 for a period of five months.

The Contract will be managed by Council's Road and Bridge Engineer.

Tenders were advertised as follows:

- Sydney Morning Herald: 12 November 2019
- Byron Shire Echo: 13 November 2019
- Tenders Online: 4 November – 19 December 2019
- Council website: 4 November – 19 December 2019

Mandatory tender briefings were held on site on 21 November and 10 December 2019.

Tenders closed on 19 December 2019 and tenders were received from the following proponents:

1. Ark Construction Group
2. Casa Engineering
3. Davbridge Properties
4. Eire Constructions
5. Hazell Bros Group
6. OM Civil
7. Saunders Civilbuild

An Evaluation Panel comprising of three Council staff members was formed.

Tenders were evaluated by the Evaluation Panel in accordance with the following evaluation criteria:

Mandatory criteria:

- a) Tenderer must have a valid Australian Business Number.
- b) Substantial conformance to Conditions of Contract and Statement of Requirements.
- c) Workers compensation insurance for all employees.
- d) Holds, or is willing to obtain, the insurances as specified in the Statement of Requirements.
- e) Satisfactory Work Health and Safety practices.
- f) Commitment to ethical business practice principles.

Qualitative criteria:

Criteria	Elements
Experience and performance in similar civil engineering projects	Tenderer profile
	Previous relevant experience
	Environmental practices
	Opportunities for disadvantaged people
	Local employment opportunities
Satisfactory quality and environmental management practises and systems, and resources available to complete the works	Proposed key personnel
	Proposed staff
	Use of subcontractors
	Quality and environmental management systems
Delivery plan and construction methodology	Goods/services standards and methodology
	Implementation plan
	Product sustainability
	Supporting local business, social enterprise and Indigenous business
	Employment opportunities
Price	Total contract price

Following the evaluation, the Evaluation Panel sent out clarifications to two preferred tenderers. Satisfactory answers were provided to those questions and both tenderers were invited into Council to present to the Evaluation Panel and further discuss their submission.

Following the presentations, the Evaluation Panel agreed the preferred tenderer and conducted referee and financial checks. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the attached Evaluation Report.

Key Issues

The contract includes the construction of a single lane side track and temporary crossing over Byron Creek to the south of the existing bridge. Traffic controllers will be in place during works hours to manage the efficient flow of traffic over the side track. After work hours traffic lights will be in place.

Project Timeframe

Contract award	28 February 2020
Site establishment	20 April 2020
Traffic detour to side track	13 May 2020
Practical Completion	13 August 2020

Financial Implications

The price basis for the contract is a lump sum and the value is \$1,928,441. Including contingency, project management and other required allowances, the total project cost is \$2,256,285.

Council has a budget of \$2,200,700 represented by the following amounts:

- \$200,000 in the 2019/2020 financial year

- \$2,000,700 proposed for the 2020/2021 financial year fully funded but yet to be allocated by Council.

Therefore, on the basis Council commits the 2020/2021 proposed budget for the Byron Creek Bridge, a budget adjustment of \$55,600 is required to cover the total cost of the project. It is proposed the budget adjustment of \$55,600 is funded from the 2017/2018 Special Rate Reserve and added to the current 2019/2020 Budget of \$200,000.

Statutory and Policy Compliance Implications

The tendering process has been undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2005. The Local Government (General) Regulations 2005 define the options available to Council. An extract is provided below.

Local Government (General) Regulation 2005 - Reg 178

Acceptance of tenders

178 Acceptance of tenders

- (1) *After considering the tenders submitted for a proposed contract, the council must either:*
 - (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*
 - (b) *decline to accept any of the tenders.*
- (2) *A council must ensure that every contract it enters into as a result of a tender accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the council (as provided for in [section 55](#) (2A) of [the Act](#)), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*
- (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*
 - (a) *postpone or cancel the proposal for the contract,*
 - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
 - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
 - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
 - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
 - (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*
 - (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
 - (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

Council's endorsement of the recommendation to award the tender as recommended in the attached Evaluation Report is sought.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.1 **Report of the Local Traffic Committee Meeting held on 6 December 2019**

Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
 Stephanie Tucker, Infrastructure Planning Support Officer
File No: I2019/2130

Summary:

This report contains the recommendations of the extraordinary Local Traffic Committee meeting conducted via email between 6 -12 December 2019.

RECOMMENDATION:

1. **That Council note the minutes of the Local Traffic Committee Meeting held on 6 December 2019.**
2. **That Council adopt the following Committee Recommendation(s):**

Report No. 6.1 Events- Bangalow Christmas Eve 2019 - Byron St Road Closure
File No: I2019/2015

Committee Recommendation 6.1.1

1. **That Council approve the Bangalow Christmas Eve Carnival 2019 to be held Tuesday 24 December 2019, that includes the temporary road closure below:**
 - a) **Byron Street, Bangalow between Ashton Street and Granuaille Road, between 3:30pm and 10:00pm.**
2. **That the approval provided in Part 1 is subject to:**
 - a) **A Traffic Management Plan and Traffic Control Plans be developed and implemented by those with appropriate RMS accreditation;**
 - b) **Separate approvals by NSW Police being obtained, noting that the traffic control plan is partially located on a state road;**
 - c) **That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
 - d) **The event organiser provide event detail so it can be notified on Council's webpage;**
3. **The event organiser:**
 - a) **undertake consultation with community and affected businesses including adequate response/action to any raised concerns;**
 - b) **undertake consultation with emergency services and address any identified issues;**
 - c) **hold \$20m public liability insurance cover which is valid for the event;**

- d) pay Council's Road Event Application Fee prior to the event.

3. That Council adopt the following Committee Recommendation(s):

Report No. 6.2 Byron Youth Activity Centre - Parking Regulation
File No: I2019/2016

Committee Recommendation 6.2.1

1. That Council support the proposed modifications to the Byron Bay Parking Scheme in the area immediately adjacent to the Youth Activity Centre (YAC) and Sandhills Child Care Centre. These modifications are to be in accordance with Figure 4, as shown in the body of this report. These modifications are to include:-
 - a) Expand the Restricted Parking Area to include the car parking area adjacent to the YAC,
 - b) Introduce a No Parking Area 7pm-7am over the Restricted Parking Area,
 - c) Introduce Yellow No Stopping lines in key locations to prevent parking along the eastern side of the road and the dead end,
2. That the approval provided in Part 1 is subject to Crown Land approval.

4. That Council adopt the following Committee Recommendation(s):

Report No. 6.3 Seven Mile Beach Road - No Parking Area Amendments
File No: I2019/2018

Committee Recommendation 6.3.1

That Council's decision to approve the establishment of No Parking Area 9pm – 5am over the full length of Seven Mile Beach Road is supported by LTC.

5. That Council adopt the following Committee Recommendation(s):

Report No. 6.4 Mobility Parking - 108 Jonson Street, Byron Bay
File No: I2019/2037

Moved 6.4.1

That Council:

1. Approves the installation of up to 2 accessible on-street car spaces in front of 108 Jonson Street, Byron Bay.
2. Approves the adoption of either Option 1 (E2019/88797) or Option 2 (E2019/89041) subject to the installation of appropriate regulatory signs and line markings and accessibility spaces in accordance with Australian Standards.

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Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 6 December 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/12/LTC_06122019_AGN_1149_AT_SUP_EXTRA.PDF

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.

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 Local Traffic Committee Meeting of 6 December 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 6 December 2019.

**Report No. 14.2 Report of the Transport and Infrastructure Advisory Committee
Meeting held on 3 December 2019****Directorate:** Infrastructure Services**Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services**File No:** I2020/51**Summary:**

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 3 December 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 3 December 2019.

2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 Integrated Transport Management Strategy

File No: I2019/1965


Committee Recommendation 4.1.1

1. That Council note the proposed Strategic Outcomes, 'Focus Areas', evidence and research information presented by GTA.

2. That TIAC feedback and guidance comments be provided to GTA.

3. That members provide feedback on groups and stakeholders to be consulted during final draft strategy.

Attachments:

1 Report 03/12/2019 Transport and Infrastructure Advisory Committee Integrated Transport Management Strategy Extraordinary, E2020/10311 

Report

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 3 December 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/12/TIAC_03122019_AGN_1121_AT_EXTRA.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 3 December 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 3 December 2019.

Report No. 14.3 Report of the Transport and Infrastructure Advisory Committee Meeting held on 30 January 2020**Directorate:** Infrastructure Services**Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services**File No:** I2020/120**Summary:**

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 30 January 2020 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 30 January 2020.

2. That Council adopt the following Committee Recommendation(s):

Report No. 4.1 Road Laser Condition Assessment - process and condition outcomes
File No: I2020/30

Committee Recommendation 4.1.1

1. That Council note the Road Laser Condition Assessment process.
2. That committee continue to receive information about the progress and improvement of the road network as data becomes available and findings be shared with the community.

3. That Council adopt the following Committee Recommendation(s):

Report No. 4.2 Open Spaces Asset Management Plan Communication Strategy
File No: I2020/31

Committee Recommendation 4.2.1

That Council note the draft Communication Strategy for Open Spaces Asset Management Plan (OSAMP).

4. That Council adopt the following Committee Recommendation(s):

Report No. 4.3 Integrated Transport Management Strategy - Update
File No: I2020/58

Committee Recommendation 4.3.1

1. That TIAC approve two extraordinary TIAC meetings to be held on Tuesday 3 March 2020 and Tuesday 19 May 2020.
2. That Committee receive the draft strategy before 11 February 2020 if possible.

5. That Council adopt the following Committee Recommendation(s):

Report No. 4.4 Stormwater Assets Management


File No: I2020/83

Committee Recommendation 4.4.1

1. That Council note the report.
2. That a further report regarding prioritisation and funding of shire wide urban stormwater renewals (including relationships to funding of other assets such as sewer and flood mitigation) be presented to the next available meeting of TIAC for consideration.

Attachments:

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- 1 Minutes 30/01/2020 Transport and Infrastructure Advisory Committee, I2020/92 

Report

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 30 January 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/01/TIAC_30012020_AGN_1180.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 30 January 2020.

Statutory and Policy Compliance Implications

As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 30 January 2020.

Report No. 14.4 **Report of the Water, Waste and Sewer Advisory Committee Meeting held on 30 January 2020**

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2020/121

Summary:

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 30 January 2020 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 30 January 2020.**

2. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.1 Inflow and Infiltration - Sewer Asset Management

File No: I2019/2060

Committee Recommendation 4.1.1

That Council:

- a) **recognise the high level of deterioration of Mullumbimby's systems for sewage and stormwater, built in the 1940's to 1960's;**
- b) **support the ongoing projects to appropriately manage sewer assets and support expenditure proposed in this report, plus expenditure required in future budgets;**
- c) **recognise that this expenditure may only be the beginning, and that on-going assessment and maintenance is required over the life of such systems and that deterioration generally increases over time;**
- d) **recognise that similar outcomes are likely in other urban areas like Byron Bay and Ocean Shores;**
- e) **note the Communication Plan to be updated.**

3. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.2 Effects of water mining in Byron and surrounding shires on groundwater resources

File No: I2019/2131

Committee Recommendation 4.2.1

That this item to be included in the next Agenda of WWSC.

4. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.3 Condition 9. Additional Load at Byron STP

File No: I2019/2155

Committee Recommendation 4.3.1

1. That Council note that:-
 - a) 2,408 ETs (i.e.1.42 ML/day) of new development (plus some ETs for secondary dwellings) has been approved for connection to the Byron Bay STP since Condition 9 of Council's approval of the STP in December 2002;
 - b) reuse capacity is currently 3,427 ET (2.02 ML/day); and
 - c) Condition 9 is currently satisfied.
2. That staff investigate and recommend a modern day industry method for calculating Average Dry Weather Flow that can be applied consistently across all of Council's Sewage Treatment Plants.
3. That staff continue to monitor compliance to Condition 9 and report quarterly to WWSAC and Council.
4. This information to be integrated with ongoing reuse strategies.
5. That Council adopt the following Committee Recommendation(s):

Report No. 4.4 Byron Bay Integrated Water Management Reserve

File No: I2020/53

Committee Recommendation 4.4.1

That Council note the report.

6. That Council adopt the following Committee Recommendation(s):

Report No. 4.5 Nutrient Loading in the Belongil

File No: I2020/56

Committee Recommendation 4.5.1

That this item to be included in the next Agenda of WWSC.

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Attachments:

- 1 Minutes 30/01/2020 Water, Waste and Sewer Advisory Committee, I2020/80 

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Report

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 30 January 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/01/WW SAC_30012020_AGN_1181_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 Water, Waste and Sewer Advisory Committee Meeting of 30 January 2020.

Statutory and Policy Compliance Implications

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 30 January 2020.

Report No. 14.5 Report of the Local Traffic Committee Meeting held on 28 January 2020

Directorate: Infrastructure Services
Report Author: Stephanie Tucker, Pay Parking Coordinator
File No: I2020/181

Summary:

This report summarises the Local Traffic Committee meeting held on 28 January 2020.

Please note that Roads and Maritime Services (RMS) are now known as Transport for NSW (TfNSW).

Although the Transport for NSW representative was not present at this meeting, Ian Shanahan, Network and Safety Officer, Northern Region of TfNSW has emailed his concurrence with the minutes (E2020/10416).

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 TfNSW 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 TfNSW 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 TfNSW and the NSW Police representatives in writing of their intention to approve the proposal. TfNSW 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 TfNSW and NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the RTC.

Due to the fact that TfNSW and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both TfNSW 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 28 January 2020.
- 2. That Council adopt the following Committee Recommendation(s):

Report No. 6.1 Give Way Sign and Linemarking - McGettigans Lane and Ewingsdale

Rd, Byron Bay

File No: I2019/2057

Committee Recommendation 6.1.1

That Council support the installation of a Give Way sign and line marking at the intersection of McGettigans Lane and Ewingsdale Road subject to the signage and linemarking being designed and installed in accordance with AS1742.2 and Austroads Guide to Traffic Management Part 10 requirements.

3. That Council adopt the following Committee Recommendation(s):**Report No. 6.2 Events - Byron Bay Triathlon 2020 - Traffic Management**

File No: I2019/2149

Committee Recommendation 6.2.1

- 1. That council endorse the Byron Bay Triathlon to be held on Saturday 9th May 2020, subject to satisfactory appraisal of the conditions in recommendation no. 2, and includes the temporary road closures below:**
 - Bay Street (from Fletcher St to Middleton St) 5am to 5pm
 - Middleton St (from Bay St to Marvel St) 5am to 3pm
 - Lawson St (from Fletcher St to Massinger St) 5am to 5pm
 - Marvell St (from Middleton St to Tennyson St) 10:30am to 3pm
 - Tennyson St (Marvel St to Browning St) 10:30am to 3pm
 - Bangalow Rd (from Browning St to Old Bangalow Rd) 11:30am to 3pm
 - Broken Head Rd (Old Bangalow Rd to Beech Dr) 11:30am to 3pm
- 2. That the approval provided in Part 1 is subject to:-**
 - a) Separate approvals by NSW Police and TfNSW being obtained, as required;**
 - b) The development of a Traffic Management Plan and Traffic Control Plans for the 2020 event by those with relevant and current TfNSW accreditation. The TMP and TCP must go back to the LTC for approval at the 10 March 2020 LTC meeting.**
 - c) The Traffic Control Plan being implemented by those with relevant and current TfNSW accreditation;**
 - d) The impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
 - e) the event be notified on Council's web page;**
 - f) The event organiser:**
 - i) informing community and businesses that are directly impacted (eg within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and**

respond to any concerns raised;

- ii) arranging for private property access and egress affected by the event;
- iii) liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;
- iv) consulting with emergency services and any identified issues be addressed;
- v) holding \$20m public liability insurance cover which is valid for the event;
- vi) paying of Council's Road Event Application Fee prior to the event.

4. That Council adopt the following Committee Recommendation(s):

Report No. 6.3 Events - Mullum2Bruns Paddle 2020

File No: I2020/43

Committee Recommendation 6.3.1

- 1. That Council endorse the Mullum2Bruns Paddle 2020 to be held Sunday 24 May 2020, that includes the temporary road closure below:**

Brunswick Terrace, Mullumbimby, between Tincogan Street and Tyagarah Street (to become one-way traffic), between 06:30am and 10:00am on Sunday 24 May 2020.

- 2. That the approval provided in Part 1 is subject to:**

- a) the development of a Traffic Management Plan and Traffic Control Plan(s) for the 2020 event by those with relevant and current TfNSW accreditation;**
- b) the Traffic Control Plan being implemented by those with relevant and current TfNSW accreditation;**
- c) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
- d) the event be notified on Council's webpage;**
- e) the event organiser:**
 - i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns;**
 - ii) undertake consultation with emergency services and any identified issues addressed;**
 - iii) holding \$20m public liability insurance cover which is valid for the event;**

- iv) paying Council's Road Event Application Fee prior to the event.
- v) Undertake a debrief within two weeks of the event involving event staff, Police (if they had incidents) and traffic controllers. A debrief report is to be submitted to Council with any future event application.

5. That Council adopt the following Committee Recommendation(s):

Report No. 6.4 Events - Byron Coast Charity Walk 30 May 2020

File No: I2020/45

Committee Recommendation 6.4.1

1. That Council support the Westpac Life Saver Rescue Helicopter fundraiser, Byron Coast Charity Walk, to be held Saturday 30 May 2020.
2. That Council support in Part 1 is subject to:
 - a) The development of a Traffic Management Plan and Traffic Control Plan(s) for the 2020 event by those with relevant and current TfNSW accreditation. The Traffic Control Plan(s) and Traffic Management Plan is to include, but is not limited to, the following:
 - b) signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
 - c) on the day of the event, at 500m intervals, and facing both directions of travel, signs advising of "Special Event – Charity Walk Ahead" (or similar) are installed prior, and removed after, the event occurs; and
 - d) a safety induction for participants advising of hazards be provided.
 - e) Implementation of the Traffic Management Plan and Traffic Control Plans as designed by those with appropriate accreditation and implemented by people with appropriate accreditation, including traffic controllers.
 - f) That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - g) The event is notified on Council's webpage.
 - h) The event organiser:
 - i) Undertake consultation with affected community and businesses including adequate response/action to any raised concerns.
 - ii) Undertake consultation with emergency services and any identified issues addressed.
 - iii) Holding \$20m public liability insurance cover which is valid for the

event.

iv) **Paying Council's Road Event Application Fee prior to the event.**

6. That Council adopt the following Committee Recommendation(s):

Report No. 7.1 Festival of the Stone 2020-2022 Assessment Officer Ben Grant/ Renan Solatan

File No: I2020/2

Committee Recommendation 7.1.1

- 1. That Council endorse the Festival of the Stone to be held on Saturday 6 June 2020, in accordance with the Local Traffic Committee recommendations.**
- 2. That the endorsement provided in Part 1 is subject to:-**
 - a) Separate approvals by NSW Police and TfNSW being obtained, as required;**
 - b) The development of a Traffic Management Plan and Traffic Control Plan(s) the event by those with relevant and current TfNSW accreditation;**
 - c) The Traffic Control Plan, if required, being implemented by those with relevant and current TfNSW accreditation;**
 - d) The Traffic Management Plan and Traffic Control Plans are to include the following amendments:**
 - i) All parking and vehicular drop-off including shuttle bus, taxi, Uber & other mode of transportation for the event shall utilise the Cavanbah Centre. The car parking area in Cavanbah Centre must be maintained during the event and returned to pre-festival conditions. Any damage to the car parking area shall be repaired immediately and all cost shall be borne by the consent holder;**
 - ii) Drop-off & Pick-up of elderly and people with disability shall be undertaken at the existing northern access of the site and assisted with event personnel; and**
 - iii) No drop-off & pick-up permitted along Centennial Circuit other than elderly and people with disability**
 - iv) Entry into the event is to be via Ewingsdale Road and Bayshore Drive/Centennial Circuit (north intersection)**
 - v) Exit from the event site is to be via Bayshore Drive/Centennial Circuit (north intersection)**
 - vi) Entry/Exit via Cavanbah Centre**
 - e) The event is notified on Council's webpage.**
 - f) The event organiser:**
 - i) Holding \$20m public liability insurance cover which is valid for the**

event.

- ii) Undertaking consultation with emergency services and any identified issues addressed.**
- iii) Undertaking consultation with community and affected businesses including adequate response/action to any raised concerns.**
- iv) Paying Council's Road Event Application Fee prior to each event.**
- g) Development approval conditions of consent**

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 28 January 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/01/LTC_28012020_AGN_1179_AT.PDF

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 28 January 2020.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 28 January 2020.