



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 26 November 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

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15. QUESTIONS WITH NOTICE

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

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BYRON SHIRE COUNCIL

ORDINARY MEETING

The Draft 2019-2020 Financial Statements were presented to Council at the 22 October 2020 Ordinary Meeting and subsequently referred to external audit.

At the time of preparing this Agenda, the external audit process is still being finalised specifically around the comprehensive revaluation of Council's assets and a Supplementary Agenda with this report will be distributed to Councillors and made available online at <https://www.byron.nsw.gov.au/Council/Council-meetings/Agendas-Minutes> prior to the meeting.

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Vallances Road Natural Burial Ground
File No: I2020/1194

5

We move that Council:

- 1. Designate the site outlined in red the map below at Vallances Rd for the creation of a Natural Burial Ground**
- 2. Establish a steering committee of community members to oversee the process including:**
 - **the layout of the grounds and selection of appropriate sites for burial plots, ceremonial space and regeneration outcomes.**
 - **future governance of the Natural Burial Ground**
 - **funding of the infrastructure requirements**
 - **drafting rules and regulations for the Natural Burial Ground**
 - **the naming of the Natural Burial Ground**
- 3. Investigate the permissibility to subdivide and sell the two sections of cleared land to the north of the proposed burial ground.**

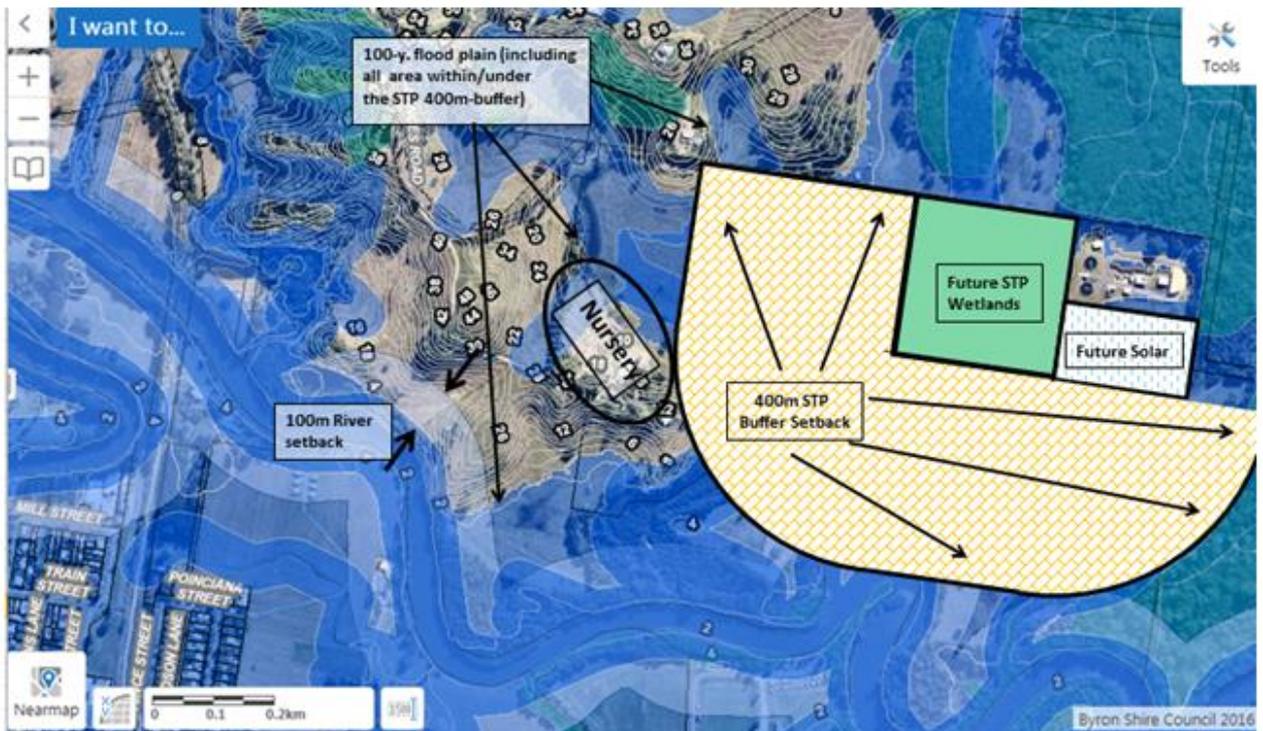
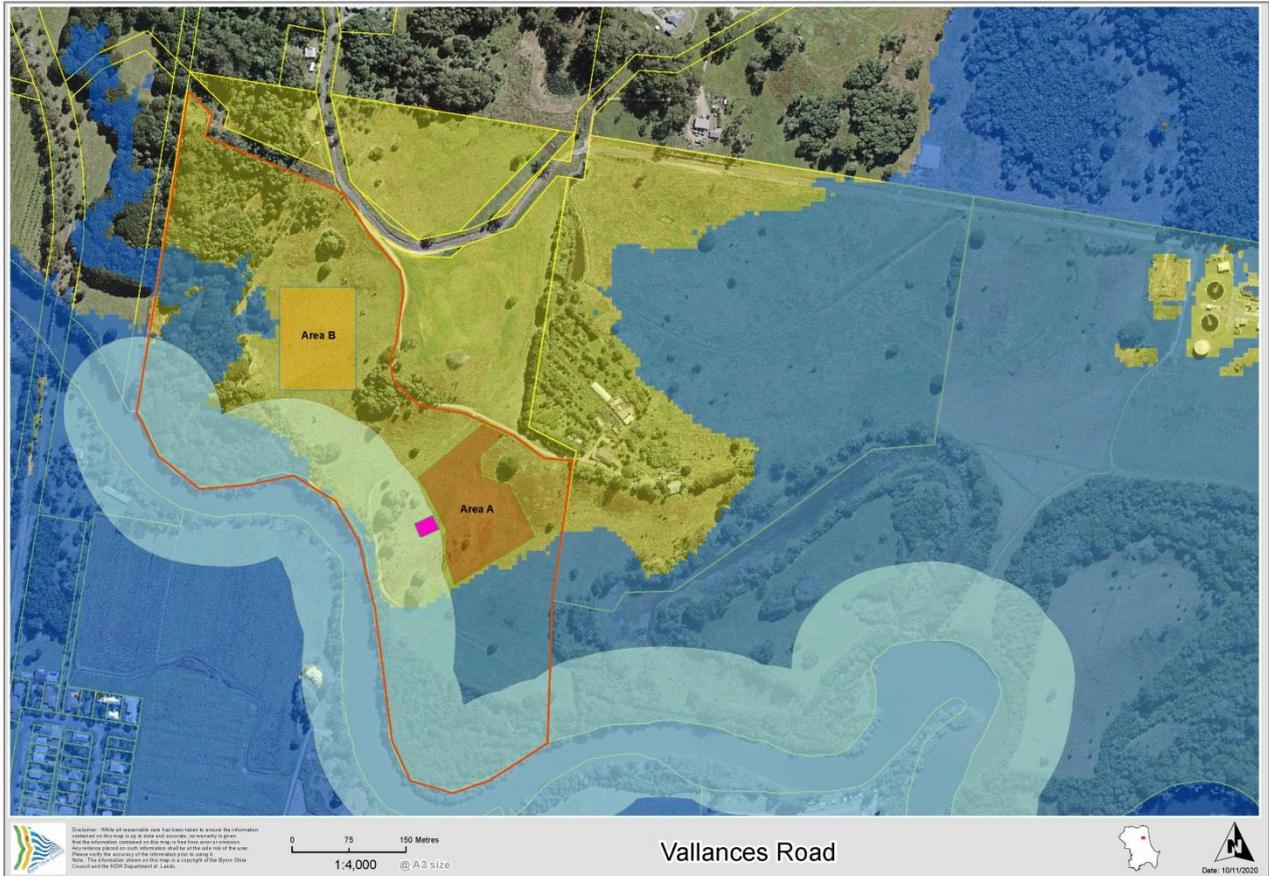
Attachments:

- 10 1 Burial Figures Last 5 Years, E2020/91418 
- 2 Vallances Road Plan of Management - Rev 1, E2017/86476 

15 **Signed: Cr Michael Lyon**
Cr Jeanette Martin

Councillor's supporting information:

20 The Vallances Rd STP land parcel is far larger than the current and future requirements of the STP situated in the north-east corner of the site. There is an opportunity to create a public recreation space on the site with potential access from a future rail or rail with trail to the west of the land. Whilst much of the site is sloped there are some significant sections of flatter land that would be suitable for the purposes of a natural burial ground. Two of these areas are marked as Areas A and B on the attached map, within the overall proposed footprint of the natural burial ground,
25 marked in red outline. Area A is a prime spot with flatter, usable ground and magnificent views due to the elevation in some spots.



- 5 The river buffer of 100 metres will not allow burials but would be a perfect spot for a building or structure for holding ceremonies, which would be permissible. One suggested location at the top of the knoll is marked on the map with a purple box.

The environmental benefits of natural burial have been noted in the previous resolution of Council in November 2019 that sought potential sites for a burial ground. Key to the success of the burial ground will be the funding to set up the essential infrastructure such as a building to hold ceremonies and the establishment of walking paths.

5 A community-based steering group has already formed under the auspice of MulumSEED and their newly formed Facebook page has 200 followers. The group have researched the fast growing natural burial movement both nationally and internationally, noting best practice outcomes. They are confident in delivering a showcase model of a natural burial ground to the Byron Shire.

10 There is also an opportunity to create a general public recreation space throughout the site, with magnificent views of the surrounding hinterland. It is ideal for a walking and/or cycling track, with established roads already in existence next to the river. It is also the perfect site for regeneration and biodiversity outcomes and is another opportunity for Council to further walk its talk in terms of land management. There are large cleared sections of 100m buffer zone next to the river that could be regenerated as part of this project, as well as large buffer zones for the proposed STP wetlands that could also be regenerated from their current state of open grassland. There is the opportunity to collaborate with local organisations in this space such as Brunswick Valley Landcare, Reforest Now, ZEB's Replant and other community bush regenerators.

20 Funding for this project could come from various sources, including crowd funding or donations and bequests received through campaigns run by stakeholders. Due to the biodiversity outcomes envisioned, the project will also potentially meet criteria for environmental grants. This need for funding may form part of a future NOM for this site and riparian zones in the shire more broadly once the details around the possible sale of the remaining part of the lot in the northwest are determined.

25 To create a cemetery under the relevant legislation is a fairly simple matter, it just requires a resolution of Council. All cemetery and crematorium operators in NSW are required under the Cemeteries and Crematoria Act 2013 to register all cemeteries and crematoria they operate by completing and submitting a form to Cemeteries & Crematoria NSW.

30 Part 8 of the Public Health Regulation 2012 informs how deceased bodies are stored, transported and interred and this is the main set of rules and regulations relating to burial:
35 <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2012-0311#pt.8>

40 Commonly, burials in a natural burial ground are done in a shroud rather than a coffin and a general exemption on behalf of a community can be sought from that section of the regulations that requires a burial to be in a coffin.

See attached CCNSW Understanding Your Options factsheet and links below:

www.dpie.nsw.gov.au/ccnsw/afterdeathchoices

45 www.industry.nsw.gov.au/cemeteries-crematoria/planning-for-burial-cremation-and-ways-to-remember-life/know-more-about-my-options

https://www1.health.nsw.gov.au/pds/ActivePDSDocuments/PD2013_048.pdf

50 **Staff comments by Michael Matthews, Manager Open Space and Resource Recovery, Infrastructure Services:**
(Management Comments must not include formatted recommendations – resolution 11-979)

Staff are of the understanding that the selection criteria for establishing a cemetery are the same regardless of whether it is to be used for natural or other forms of bodily interment.

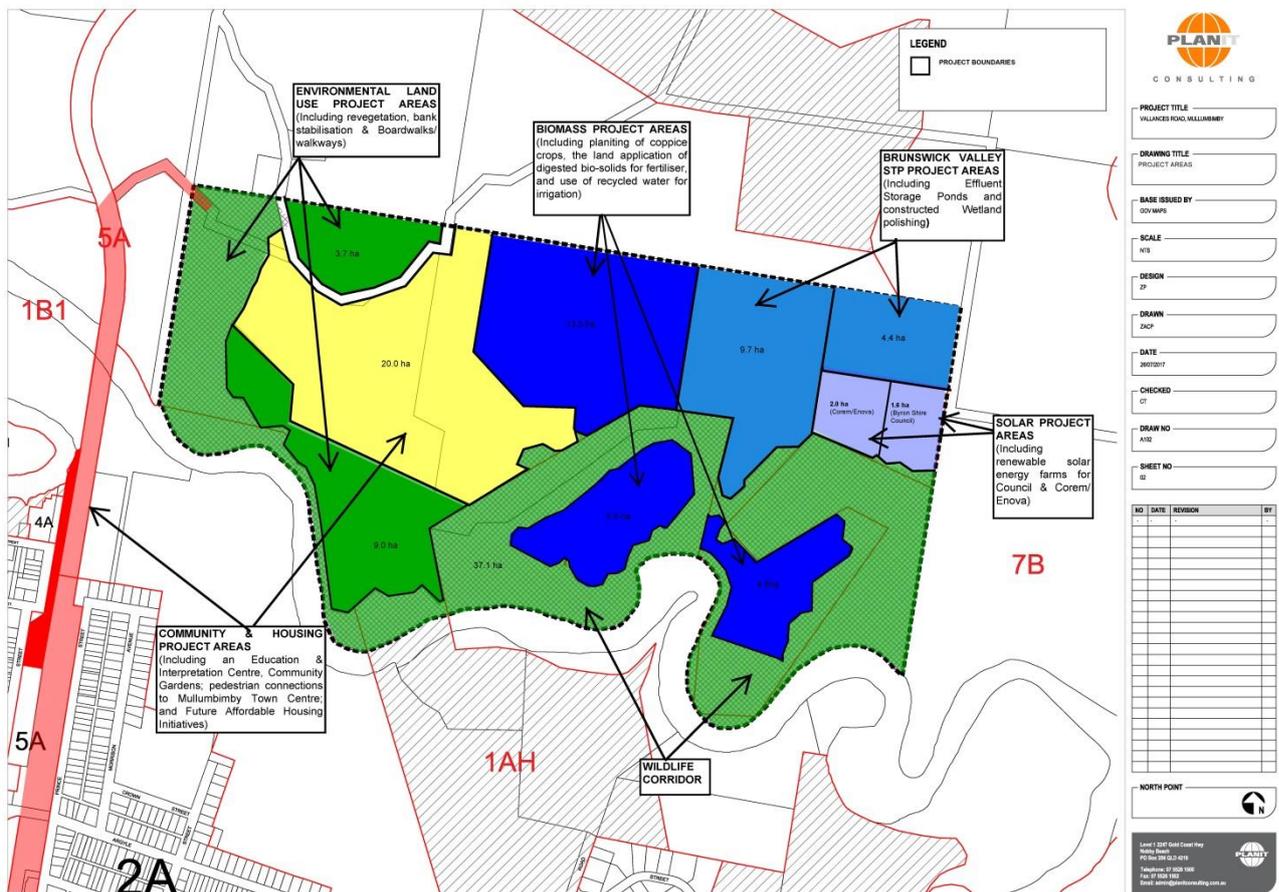
5 The land that is being considered is Council Owned Operational land zoned RU2 and in accordance with LEP 2014, Cemeteries are permitted with consent.

10 Staff also notes that natural burials across Australia take on various forms and operational approaches from open flat grassed areas (that may or may not eventually return to native bushland) to random interments within bushland.

Council operates four (4) cemeteries in the shire, namely Byron Bay, Mullumbimby, Clunes and Bangalow. Internment figures for the past 5 years are attached for information.

15 **Staff comments by Cameron Clark, Manager Utilities, Infrastructure Services:**

The Vallances Road Plan of Management was adopted 26 October 2017. This plan does not currently provide provisions for a natural burial cemetery.



20 Any provision for a natural burial cemetery needs to be considered against the current adopted Plan of Management. The Plan of Management will need amendment to include this use as part of the Development Assessment process where this cemetery initiative is supported by Council.

25 **Financial/Resource/Legal Implications:**

The Interment industry in NSW is governed by the *Cemeteries and Crematoria Act 2013* and the *NSW Health Act* and its regulations. Supporting infrastructure costs will need to be considered as

part of Councils annual budget process as the natural burial site and ancillary infrastructure is further defined.

Is the proposal consistent with any Delivery Program tasks?

5

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)	2.3.7.6	Identify a suitable site for the establishment of a Natural Burial facility

Notice of Motion No. 9.2 Movement and Place Planning Vision
File No: I2020/1787

I move:

1. **That Council sets a target journey complete time within the Shire of 1 minute per kilometre for standard sized registered passenger road vehicles.**
2. **That this abovementioned vision/target be incorporated in all Council committees including Byron Bay Town Master Plan, Public Access Movement & Planning, Local Traffic Committee, Bike Plans, road & street designs, traffic management and parking in suburban streets and roads across the shire.**
3. **That Council calls for submissions and comments from the public and Council committees for a review at the end of 12 months from the adoption of this motion.**

5

Signed: Cr Alan Hunter

10

Councillor's supporting information:

15 It is generally accepted the network of shire roads and streets are a major part of the system of public space that help connect our places. Public space is where people can socialise and add vitality to their neighbourhoods, and streets and roads have an important role in that vitality. Aligning movement functions with the places they serve can make our transport networks and public spaces better contribute to the liveability of communities and productivity of the shire.

20 Movement is a key enabler of places. Done well it can enhance and contribute to successful places, designed poorly movement can diminish places and contribute to their decline.

25 In broadening our thinking about our roads and streets beyond movement, places can better deliver social, environmental and economic improvements for the entire community. Traffic congestion in recent times, especially along Ewingsdale Rd, has become a very high profile and antagonising issue for many of our residents and ratepayers brought on by a significant design failure at the M1 interchange, the current road works on Butler Street and increased activity in the Arts & Industrial Estate.

30 Thoughts about extending Tennyson St through to Lawson St, a further long term parking station at that end of town and other traffic calming devices are emerging as we progress the need to deal with increased traffic reaching the destination in a safe and timely fashion.

To learn and build on from this experience it is important that Council takes an overall leadership position to co-ordinate and plan the strategy to improve how we move around our shire, with ease and safety for the benefit of all.

35

Hence the need for a standard and consistent targeted vision.

Councillors, I hope you can support this motion.

*“Byron is one big traffic jam”
Reviewed 29 October 2009*

5 *Don't come to Byron by car. You'll sit in a line of other cars between 2 and 5 km long. All possible solutions to the problem have been exhausted - as I was by the time I got into town after 25 minutes crawling bumper to bumper. Lots of other drivers gave up and turned around and went somewhere else. Next time I'll take the bus.*

https://www.tripadvisor.com.au/ShowUserReviews-g528934-r48026032-Byron_Bay_Byron_Shire_New_South_Wales.html#

10



Staff comments by Evan Elford, Manager Works, Infrastructure Services:

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

5 Infrastructure services are working on several fronts to improve the Shire road network standards, safety and operating efficiency which will aid in reducing congestion and improve travel times for trips on our key travel corridors.

These actions include:

- 10
- Road safety improvements through road safety audits and grant application
 - Improved and more regular road maintenance programs and scheduling
 - Working in a more collaborative way with TfNSW to develop holistic solutions for our movement corridors in consideration of identified actions from adopted place making and masterplans. A second stakeholder working group meeting is being scheduled for February

15 2021 with initial focus on the M1/ Ewingsdale Road interchange and Ewingsdale Road corridor as a consequence of extensive traffic congestion experienced in that location. TfNSW have committed to signalling the interchange as an initial action to reduce travel time delay

 - Development of Council's Shirewide Integrated Transport Management Strategy. Significant effort has gone into the preparation of this document to inform the future direction and actions regarding movement and place interactions. The document is in the final phase of
- 20 preparation in readiness for public exhibition and comment.

Financial/Resource/Legal Implications:

25 There are no identified staff resources available or budget to undertake these actions to implement the proposed vision/target and assessment.

Is the proposal consistent with any Delivery Program tasks?

30 No. Integrating the proposed vision/target into various committees and undertaking public engagement actions are not identified as tasks under Council's adopted Delivery Program / Operational Plan.

35

PETITIONS

Petition No. 10.1 **Proposed 5G upgrade to the tower at 8 Acacia Street Byron Bay NSW**
Directorate: Sustainable Environment and Economy
5 **Report Author:** Shannon Burt, Director Sustainable Environment and Economy
File No: I2020/1733

Council is in receipt of a petition containing 721 signatures which seeks:

10 *"We object to the proposed 5G upgrade to the tower at 8 Acacia Street Byron Bay NSW, and would like call for moratorium on the roll out of 5G in the Byron Shire for the following reasons*

- 15 1. *There are thousands of peer-reviewed scientific studies evidencing harm from radiofrequency electromagnetic radiation (RF EMR) well below the standards set by ARPANSA.*
- 20 2. *The ARPANSA Standard has been strongly criticised by independent scientists worldwide as unscientific and inadequate for the protection of human safety. Authorities in other countries have adopted standards ten to 10,000 times more rigorous than the ARPANSA Standard.*
- 25 3. *More than 250 scientists have signed the International EMF Scientist Appeal, which calls for stronger exposure limits. These scientists have published more than 2000 peer-reviewed papers on EMF in professional journals and arguably constitute the majority of experts on the effects of non-ionizing radiation.*
- 30 4. *No long term prospective studies have been completed proving the safety of RF EMR levels under the ARPANSA Standard for children.*
- 35 5. *In 2011, the International Agency on Research on Cancer (IARC) listed non-ionising radiofrequency radiation from cell phones and other wireless devices in Group 2B: Possibly carcinogenic to humans.*
- 40 6. *A number of scientists have since argued that the evidence that wireless is carcinogenic has increased and ARC should upgrade the listing to Group 2A: probably carcinogenic to humans or Group 1: carcinogenic to humans classification.*
- 45 7. *The views of ICNIRP (on whose guidelines the ARPANSA Standard is based) and ARPANSA are not in line with the opinions of the larger, independent scientific community that has published peer-reviewed research on the biological effects of RF EMR. ICNIRP is not independent of industry and has had numerous conflicts of interest identified over the years.*
- 50 8. *5G would massively increase our exposure to RF EMR with a new array of densely populated "small" cell transmitters making this hazardous exposure inescapable 24/7.*
- 55 9. *There are no independent long term studies demonstrating the safety of prolonged exposure to the millimetre frequencies (from 26 GHz up to 86+ GHz) intended to be used for 5G in the future.*
10. *Scientific literature on the health risks of 5G frequencies identifies detrimental skin and ocular effects and profound effects on all biological systems including cells, bacteria, yeast, animals and humans, including heart rate variability, teratogenicity, bacterial growth alterations with antibiotic resistance.*

- 5 11. *Internationally, hundreds of scientists and medical doctors have called for a moratorium on the roll-out of 5G until potential hazards for human health and the environment have been fully evaluated (e.g. International EMF Scientist Appeal and the SG Appeal). Such moratoria have been implemented overseas (e.g. in Greece, Brussels, Geneva and Glastonbury).*
- 10 12. *ARPANSA has acknowledged that further research on the frequencies to be used with SG is needed: Both the RSC (2014) and SCENIHR (2015) reviews identified that the dosimetry in the 6 GHz to 300 GHz range is still developing and further research is required to examine the effects of exposure to new and emerging technologies. The SCENIHR review in particular mentioned that "considering the expected increase in use of THz technologies, more research focusing on the effects on skin (longterm, low-level exposure) and cornea (high intensity, short-term exposure) is recommended."*
- 15 13. *5G millimetre waves involve vastly more pulsation than the 3G and 4G microwaves. There is substantial scientific evidence that pulsed EMFs are usually much more biologically active than non-pulsed (or continuous wave) EMFs.*
- 20 14. *Upgrading the base station to 5G would add a layer of radiation exposure, on top of the already existing 3G and 4G infrastructure. EME levels would continue to rise cumulatively as further carriers upgrade to 5G by installing more antennas. They would rise even further in the second phase of 5G with the use of mmWaves requiring the dense deployment of small cells.*
- 25 15. *Multiple peer-reviewed studies have shown an increase in ill health effects in populations living near mobile phone base stations, ranging from neurological damage to breast and brain cancers.*
- 30 16. *A recent analysis by Vertiv found that the move to 5G would likely increase total network energy consumption by 150 to 170 per cent by 2026.*
- 35 17. *Professor Martin Pall (Emeritus of Biochemistry and Basic Medical Sciences, Washington State University) has warned that EMF exposures make plants much more flammable, and may therefore cause and contribute to bushfires. With Australia facing record bush fire threat levels, there is an urgent need for more research into the bushfire risk 5G poses to rural (and even urban) Australia.*
- 40 18. *Many scientists have warned that flora and fauna - trees, birds, wildlife and insects are all under threat of harm (or worse) from microwave radiation from SG. Widespread harm to flora and fauna (especially bees) would have dire repercussions for us all.*
- 45 19. *There are growing privacy and security concerns about the Internet of Things, with increasing invasions of smart home devices by hackers.*
- 50 20. *Mobile phone towers, in general, cause a significant loss of scenic amenity to residents.*
- 55 21. *Based upon historical trends, mobile phone towers adversely affect the value and saleability of nearby properties.*
22. *The New South Wales Department of Education has a preference for a distance of at least 500 metres from the boundary of schools, from mobile telecommunications*

facilities. The Education Department supports objections against mobile telecommunications facilities near school grounds. Busy Kids Day Care Centre and Periwinkles Preschool are both 300 metres from this tower location. (<https://policies.education.nsw.gov.au/policv-librarv/policies/mobile-telecommunications-facilities>)

A redacted copy of the petition is attached to this report for reference. The confidential signed petitions have been provided to Councillors separately due to the file size (#E2020/92252)

10 Comments from Director Sustainable Environment and Economy:

This matter was reported to the Planning Meeting 15 October 2020. https://byron.infocouncil.biz/Open/2020/10/PLAN_15102020_AGN_1171.PDF

15 At this meeting Council resolved as follows:

20-541 **Resolved** that Council provide the following feedback on the proposal to upgrade the mobile phone base station at 8 Acacia Street Byron Bay:

- a) *it recognises that the low impact facility complies with current Australian government regulations in relation to emission of electromagnetic energy; specifically, Australian Standard Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields - 3kHz to 300 Ghz, as published by the Australian Radiation Protection and Nuclear Safety Agency;*
- b) *it requests identification of and commitment by a State or Federal Government body to do a comprehensive review of the cumulative impacts of the 5G technology;*
- c) *it requests identification of who holds responsibility for the on-going monitoring of any cumulative impacts; and*
- d) *its preference is that fibre cable is the more equitable and least intrusive technology for internet provision to meet the needs of all Byron Shire residents.*

The following response from Telstra has since been received to Resolution **20-541**.

20 *Matthew Wood from Downer has forwarded your email to Telstra for response. We acknowledge Council's resolution and note that we addressed two of these questions in our letter of 25 March 2020.*

25 **b) it requests identification of and commitment by a State or Federal Government body to do a comprehensive review of the cumulative impacts of the 5G technology;**

Telstra is not in a position make any commitment on behalf of a State of Federal Government body. As per our letter to you dated 25 March 2020:

30 *The Australian Communications and Media Authority ([ACMA](#)) undertakes random audits of base stations as part of its regulatory function. The Australian Radiation Protection & Nuclear Safety Agency ([ARPANSA](#)) also periodically conducts a National survey of base stations and publishes the results on its website. These are the organisations responsible.*

35 *Telstra have been measuring its 5G for some time and regularly publish our findings. You can read about them here: <https://exchange.telstra.com.au/5-surveys-of-5g-show-eme-levels-well-below-safety-limits/>*

<https://exchange.telstra.com.au/5g-electromagnetic-energy-eme-and-your-health-here-are-the-facts/>

5 c) **it requests identification of who holds responsibility for the on-going monitoring of any cumulative impacts;**

As above.

10 d) **its preference is that fibre cable is the more equitable and least intrusive technology for internet provision to meet the needs of all Byron Shire residents.**

15 *5G is the next evolution of mobile phone networks, much like 4G surpassed 3G ten years ago. Mobile phone networks are not intended to replace wired internet provision (responsibility of NBN Co). Australia's mobile phone networks provide telephone services including 000 calls for the majority of Australia's population. Mobile networks also deliver connectivity for wireless devices such as Point of Sale machines for businesses, medical alert devices, search and rescue etc. We note the Byron Bay Councillors also depend on this technology as their preferred method of contact:*

20 <https://www.byron.nsw.gov.au/Council/Mayor-and-councillors/Meet-our-Mayor-and-Councillors>

Thank you for providing your feedback on this proposal.

No further action is proposed by staff.

RECOMMENDATION:

1. **That the petition regarding proposed 5G upgrade to the tower at 8 Acacia Street Byron Bay NSW be noted.**
2. **That the petition be referred to the Director Sustainable Environment and Economy.**

Attachments:

- 30 1 Petition Letter Against 5G Upgrade to Tower - Redacted, E2020/92238 

Petition No. 10.2 **Bring Back Our Little Kids Swings**
Directorate: Infrastructure Services
Report Author: Michael Matthews, Manager Open Space and Resource Recovery
File No: I2020/1773

5

Council is in receipt of a petition containing 707 signatures which seeks:

10 *We, the local community and users of Waterlily Park, Ocean Shores, have been fundraising (cake & face painting stalls, donations etc) to pay for a new set of Little Kids Swings/Big Quad 3 Swings to replace our Little Kids Swings that BSC removed in 2017, and promised to bring back after they installed the Fort. We have taken into account all safety measures, sight lines and codes to install the new swings in a boat surround (built about ground from warped bridge timbers and 5 x lg hardwood tree stumps for the bow where the sand pit will be) in the same alignment as the Basket*
15 *Swing (ie. Position A – just east of the spoon drain where the community requested it) in accordance with the 2020 Online Community Consultation Survey Results.*

Comments from Director Infrastructure Services:

20

The following Little Kids swings have been procured for installation in Waterlily Park. Installation was scheduled in August 2020 however was placed on hold due to staff unable to reach agreement to the position of the swings with the Waterlily Playscape Committee.



25

At Councils 27 August 2020 meeting, Council resolved (**20-416**) the following in relation to these swings.

30

Resolved that Council receive a Crime Prevention through Environmental Design (CPTED) report for the Waterlily Park precinct at the earliest possible Council meeting that considers the inclusion of CCTV and the positioning of other play scape elements such as future children’s swings.

35

Due to Qld Border closures and availability of an appropriately qualified Crime Prevention Officer from NSW Police, a site assessment was unable to be completed until 12 November 2020. Finalisation of the CPTED report that addresses the above Resolution of Council is anticipated to be available to the December 17 Ordinary meeting. This report is to provide a completed CPTED report and staff recommendations as to the positioning of play scape elements and CCTV considerations.

40

Staff met with representatives of the Waterlily Playscape Committee on 12 August 2020.

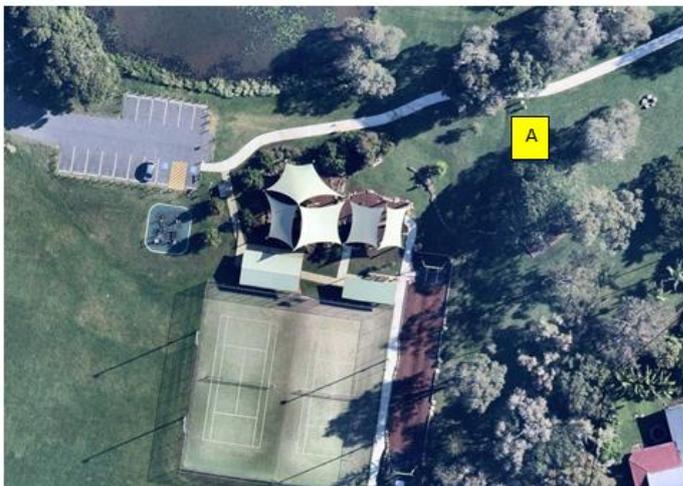
5 The position circled in green on the below image (Image 1) represents the location requested by representatives of the Waterlily Playscape Committee for the position of the “Little Kids Swings”. This position was further confirmed onsite with Playscape representatives as position A on the below aerial image 2, said to be the communities chosen location referencing the survey as attached to this report that was commissioned by the Waterlily Playscape Committee.

10 **Image 1**

95.2% of respondents support suggested location for the little kids swings – see location at the map below.



15 **Image 2**



In the interests of child safety through enabling improved active supervision of children by parents and or carers, in particular where more than one child is being supervised at one time, it is staffs recommendation that the “little kids swings” be co-located with the Playscape as shown in the below image (3).

5

This location is considered desirable as this allows parents and or carers to actively supervise more than one child and intervene when a hazard presents.

Image 3

10



It is staff understanding that location B above remains unsupported by representatives of the Playscape committee on the following basis.

15

- The community has chosen site A referencing the attached survey commissioned by the Playscape Committee.
- Perceived opportunity for bullying of younger kids by older children that utilise the existing Playscape and that the ‘little kids’ should have their own play area.

20

Staff have considered site A against CPTED and Safety in Design Principles and have strongly recommended that the new “little kids swings” be as reasonably practically co-located in close proximity to the Playscape in the interests of improving child safety.

25

Preliminary site assessment by staff and NSW Police has identified that co-location of the swings that improves active parental or carer active surveillance of children (particularly multiple children) is an important and highly desirable measure in improving child safety within this precinct.

30

A completed CPTED report, accompanied with staffs recommendations is scheduled to be tabled at Councils December 17 Ordinary meeting.

RECOMMENDATION:

1. That the petition regarding request to bring back swings be noted.
2. That Council receives a report on preferred site locations to the December 2020 Council Meeting for consideration.

Attachments:

- 5
- 1 Confidential - Petition from Petition from Tina Petroff to Bring Back Our Little Kids Swings at water lily park, E2020/89551
 - 2 Waterlily Playscape - Community Consultation Results Jan 2020_1.17MB, E2020/91217 

SUBMISSIONS AND GRANTS

Report No. 11.1 **Grants and Submissions November 2020**
Directorate: Corporate and Community Services
5 **Report Author:** Esmeralda Davis, A/Manager Corporate Services
File No: I2020/1741

10 **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.

15

RECOMMENDATION:

That Council notes the report and Attachment 1 (E2020/87785) for Byron Shire Council's Submissions and Grants as at 2 November 2020.

Attachments:

20 1 Attachment 1 - Grants and Submissions - November 2020, E2020/87785 

REPORT

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

5 Successful applications

In October 2020, Council was successful in obtaining a combined \$40,830 from the Australia Day Council for *Australia Day Branding*, and from the NSW Department of Primary Industries for the *Habitat Action Program*.

10 Unsuccessful applications

Council was unsuccessful in securing funding from NSW Government – Crown Lands for Showground Stimulus – Phase 2.

15 Applications submitted

Three grant applications were submitted in October 2020 under the Transport for NSW Fixing Country Bridges program for:

- 20
- Sherringtons Bridge replacement
 - Englishes Bridge replacement
 - Upper Main Arm Bridge replacement

25 Upcoming grant opportunities

There are a number of upcoming grant opportunities for which Council may submit funding applications including:

- 30
- Fixing Country Roads 2020
 - Bushfire Local Economic Recovery Fund 2020
 - Building Better Regions Fund 2020
 - Regional Tourism Recovery Fund 2020

35 **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

40 ***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.

45

Financial Considerations

5 If Council is successful in obtaining the identified grants, more than \$15 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	\$15,975,193
Council Contribution Cash	\$1,918,376
Council Contribution In-Kind	\$214,532
Other contributions	\$258,809
Funding applications submitted successful and awaiting notification (total project value)	18,366,910

10

Consultation and Engagement

15

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 **Request to hold daytime New Years Eve 2020 Community Market**
Directorate: General Manager
5 **Report Author:** Paula Telford, Leasing and Licensing Coordinator
File No: I2020/1572

10 **Summary:**

The Byron Bay Community Association Incorporated has requested approval to hold a market in Denning Park on New Years Eve 2020.

15

RECOMMENDATION:

1. That Council approves the request from the Byron Bay Community Association Incorporated to hold a community market in Denning Park on New Year's Eve 2020.
2. That Council delegates to the General Manger the authority to grant an Occasional Market Licence to the Byron Bay Community Association Incorporated on the following conditions:
 - a) Type: community market of not more than 260 stall holders;
 - b) Term: 31 December 2020 between 8:00am and 3:00pm with the market site fully vacated by 4:00pm;
 - c) Fee: \$458 inclusive of GST; and
 - d) Market must have a registered COVID Safe plan.

20

REPORT

5 Council has received a request from the Byron Bay Community Association Incorporated ('the Association') to hold a community market in Denning Park Byron Bay on New Years Eve ('NYE') 2020.

10 The Association is a current holder of a market licence. The market licence permits the Association to hold a community market on the first Sunday of each month. The Association must apply for a separate licence for any additional market, including the proposed NYE 2020 market.

Sustainable Community Markets Policy 2020:

15 Councils Sustainable Community Market Policy 2020 was amended by resolution (20-292) to include an Occasional Market defined as:

'A single day Market held not more than 2 times in any 12 month period by the same application and on a day that no other market, authorised by this, Policy is held.'

20 As a result the Association may apply for an Occasional Market Licence to hold the proposed NYE 2020 market in Denning Park Byron Bay.

Council as the Crown Land Manager is authorised to grant a short-term licence for the purpose of a market prior to having adopted a Plan of Management for the Land.

25 Details of proposed NYE market:

The Association requests approval for the following market:

- a community market to be held between 8am and 4pm on 31 December 2020;
- market to have between 250 to 260 market stalls;
- 30 • the market to be run in accordance with its existing COVID-19 Safety Plan, Market Stall Plan, Emergency Plan and Waste Management Plan for a community market; and

The Association also requests a separate licence for car parking at the Sandhills Estate.

35 The 4pm market closure time is requested to provide for the safety of patrons, stall holders and vehicles to safely move from the market site.

Development approvals:

40 The proposed NYE market in Denning Park does not require development approval. Denning Park is Crown Land zoned as 7(f1) Coastal Land in the Byron LEP 1988 whereby clause 48(1) permits conditional temporary use of the land for markets.

Market Fee:

45 The proposed NYE market in Denning Park will require Council to grant Occasional Market Licence. A licence fee will be payable in accordance with Councils 2020-21 Fees and Charges being \$458 (inclusive of GST).

Impact of COVID-19 on New Year Eve events:

Council resolved (**20-143**) on 26 March 2020 that Council:

- 5 1. *Considers a budget allocation of 2020/2021 of up to \$150,800 for the fully delivery of New Year’s Eve event.*
 2. *Negotiates the terms and conditions of the partnership agreement with Byron Bay Community Centre to reflect an evidence based approach.*
 10 3. *Conducts an express of interest process to engage a delivery partner for New Year’s Eve events commencing 2021/2022.*

Subsequent to the above resolution, more stringent restrictions under the Public Health Order were imposed because of the state of the COVID-19 pandemic. As a result the above resolution was unable to be acted on.

15 In March 2020 the NSW Police informally advised Council to cancel all sponsored NYE events. However this advice has now changed with the NSW Police advice to Council dated 30 October 2020 that:

20 *The NSW Police is supportive of the Byron Bay Community Association’s proposed NYE market at Dening Park. The NSW Police recommend that a comprehensive COVID-19 Safety Plan is in place and is complied with. That the markets not continue into the evening.*

25 This report recommends that Council grant an Occasional Market Licence to the Association for a NYE 2020 market in Dening Park subject to the market site being fully vacated by 4:00pm.

30 That all other conditions of the Occasional Market Licence mirror that for a community market including the requirement that the licenced land be returned in the same condition that it was prior to the commencement of the market.

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

35 ***Legal/Statutory/Policy Considerations***

***Byron LEP 1988
 Zone No 7 (f2) (Urban Coastal Land Zone)
 1 Objectives of zone***

40 *The objectives of the zone are—
 (a) to identify urban land likely to be influenced by coastal processes,*

- 5 (b) to permit urban development within the zone subject to the council having due consideration to the intensity of that development and the likelihood of such development being adversely affected by, or adversely affecting, coastal processes,
- (c) to permit urban development within the zone subject to the council having due consideration to—
- 10 (i) the need to relocate buildings in the long term,
(ii) the need for development consent to be limited to a particular period,
(iii) the form, bulk, intensity and nature of the development, and
(iv) continued safe public access to the site, and
- (d) to allow detailed provisions to be made, by means of a development control plan, to set aside specific areas within the zone for different land uses and intensities of development.

cl 48 Temporary use of certain land

- 15 (1) Despite any provision of this plan, a person may, without the consent of the Council, carry out development on land for any purpose (not being designated development) within Zone No 6 (a) or 7 (f1) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if—
- (a) such land is vested in the Crown, a Minister of the Crown or the Council, and
- (b) the development does not involve the erection of permanent structures ancillary to the use of that land.
- 20 (2) Despite any other provision of this plan, a person may, but only with the consent of the Council, carry out development on the following land for any purpose (not being designated development) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if the development does not involve the erection of permanent structures ancillary to the use of that land—
- 25 Lot 1, DP 201626 and Lot 2, DP 542178, Ewingsdale Road, Ewingsdale
Lot 358, DP 704247, Bangalow Road, Byron Bay.

Financial Considerations

30 The proposed NYE community market requires Council to grant an occasional market licence. A licence fee is payable in accordance with Councils 2020-21 Fees and Charges. The licence fee is \$458 (inclusive of GST).

Consultation and Engagement

35 Nil.

Report No. 13.2 **Draft Media and Communications Policy**
Directorate: General Manager
Report Author: Annie Lewis, Media and Communications Coordinator
File No: I2020/1738

5

Summary:

10 The purpose of this report is to seek Council's endorsement for the draft Communications and Social Media Policy (E2109/14919) to be put on public exhibition.

RECOMMENDATION:

1. **That Council endorse the draft Communications and Social Media Policy for public exhibition (Attachment 1 E2019/14919).**
2. **That if no submissions are received the draft Communications and Social Media Policy is adopted.**

15 **Attachments:**

- 1 Draft Communications and Social Media Policy, E2019/14919 

20

REPORT

Information/Background:

5 The Communications Policy is in need of updating with the current policy last amended in 2013 and commencing on 1 January 2014.

10 In early 2019 an updated policy was written and after discussion with the Media and Communications team, it was decided the policy should be broadened to include social media which is currently a separate policy.

A new Communications and Social Media Policy has been completed and reviewed and endorsed by the Executive Team and the Communications Panel.

15 The new policy takes into account the policies of other Councils and their approach to media and social media in the workplace.

20 The policy provides guidance for staff on their responsibilities as employees of Council when they are posting on social media platforms, which reinforces the information provided during induction in the workplace.

25 Social media attracts frank, fearless and unsolicited comments from the community which in some cases are not complementary of staff and Council. Any staff member monitoring social media for work purposes should be aware of the Managing Unreasonable Customer Conduct 2020 (current policies) (E2020/53014) and the Practice Guide Managing Unreasonable Online Behaviour V2 (E2019/85185).

Consultation:

30 Kylie Armstrong – Manager, People and Culture
Colin Baker – Manager, IT
Executive Team
Communications Panel

STRATEGIC CONSIDERATIONS

35 ***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	5.2.3.2	Review, update and publish Council policies online and report on the status of Council's policy register

Legal/Statutory/Policy Considerations

40 This policy supersedes:

- Social Media Policy (13/011)
- Communications Policy (13/013)

45 Reviewed by Legal Counsel: ☒

Financial Considerations

NIL

5

Report No. 13.3 **Community Roundtable Guidelines**
Directorate: General Manager
Report Author: Annie Lewis, Media and Communications Coordinator
File No: I2020/1804

5

Summary:

10 The purpose of this report is to finalise Council resolution (**19-498**) *That a constitution be drafted for presentation the next Community Roundtable that clarifies process and timelines for agenda setting.*

15 Given the Community Roundtable is an informal gathering of people representing community groups it is recommended to Council, and endorsed by the Community Roundtable that guidelines for the group be adopted in lieu of a constitution.

RECOMMENDATION:

That Council resolves to endorse the adoption of Community Roundtable Guidelines in lieu of a constitution. (Attachment E2020/89508)

Attachments:

20

- 1 Community Roundtable Guidelines, E2020/89508 

REPORT

In September 2019 Council resolved (**19-498**) *That a constitution be drafted for presentation to the next Community Roundtable that clarifies process and timelines for agenda setting.*

5 A 'protocol' for the Community Roundtable was developed when it was initially established which provided a general purpose and structure for the meetings.

10 As the Community Roundtable is an informal gathering that is not a committee of Council it is felt that, rather than develop a constitution, a revision of the existing protocol would be appropriate.

A revised protocol, renamed the *Community Roundtable Guidelines*, was presented to the Community Roundtable for discussion and endorsement on 11 November 2020. Community groups represented at that meeting were:

- 15 • Mullumbimby Residents Association
- Bangalow Residents Association
- CABS
- Brunswick Heads Progress Association
- Skinners Shoot Residents Association
- 20 • Belongil Residents Association
- Ewingsdale Community Association
- Suffolk Park Progress Association

Representatives suggested a change to 3.5 of the guidelines to read:

25 *3.5 Agenda items submitted by community groups should generally have shire-wide relevance.*

This change has been incorporated. The Community Roundtable representatives at the meeting on 11 November agreed that a report be prepared for Council highlighting their endorsement of the document.

30 In addition to the feedback received at the meeting, feedback was also from provided from two Community Groups, that submitted an apology for the meeting. This feedback was supportive of the Guidelines and also the change requested by the meeting.

35 **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	5.1	Engage and involve community in decision making	5.1.1	Facilitate inclusive community consultation and stakeholder engagement to inform Council decision making (SP)	5.1.1.3	Hold quarterly Community Roundtable meetings

40 ***Legal/Statutory/Policy Considerations***

N/A

45 ***Financial Considerations***

N/A

Consultation and Engagement

5

General Manager
Community Roundtable

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 **Policy Review 2020-2021**
Directorate: Corporate and Community Services
5 **Report Author:** Mila Jones, Governance Coordinator
File No: I2020/1707

10 **Summary:**

As part of Council’s compliance framework, an annual review of Council policies is undertaken. This is the first in a series of reports to Council relating to the 2020/21 policy review.

15 Nine policies are discussed in this report, two policies are being recommended for updating and seven are proposed to be repealed as the information is contained elsewhere, for example as required by legislation:

Updated policies

- 20 • Building Information Certificates Policy 2020
• Local Order for the Keeping of Animals Policy 2020

Recommended for repeal

- 25 • Construction of Garages and Outbuildings on Vacant Land Policy 1994
• Corporate Sustainability Policy 2012
• Development Policy 1994
• Lavertys Gap Weir Catchment Management Policy 2007
• Maximum Speed Limits on Rural Roads Policy 2011
• Public Consultation – Proposed Works Policy 1994
30 • Traffic Control at Worksites Policy 1998

RECOMMENDATION:

1. **That the following policies be placed on public exhibition for the reason stated alongside it for 28 days to allow 42 days for submissions:**
 - a) **Building Information Certificates Policy 2020 – as updated and shown in track changes at Attachment 1**
 - b) **Local Order for the Keeping of Animals Policy 2020 – as updated and shown in track changes at Attachment 2**
 - c) **Construction of Garages and Outbuildings on Vacant Land Policy 1994 – to be repealed**
 - d) **Corporate Sustainability Policy 2012 – to be repealed**
 - e) **Development Policy 1994 – to be repealed**
 - f) **Lavertys Gap Weir Catchment Management Policy 2007 – to be repealed**
 - g) **Maximum Speed Limits on Rural Roads Policy 2011 – to be repealed**
 - h) **Public Consultation – Proposed Works Policy 1994 – to be repealed**
 - i) **Traffic Control at Worksites Policy 1998 – to be repealed**

2. **That:**
 - a) **should there be no submissions received for a policy, the update or repeal be endorsed for those policies; and,**
 - b) **should submissions be received on a policy, those policies be reported back to Council noting the submissions and any amendments made as a result of the feedback received.**

Attachments:

- 1 DRAFT Policy Building Information Certificates 2020, E2020/82904 
- 2 DRAFT Policy Local Order for the Keeping of Animals 2020, E2020/83128 

REPORT

An important element of public sector governance is establishing key policies and ensuring they are available, regularly updated and monitored for compliance.

An annual review of Council's policies is conducted by the Governance Coordinator and coordinated with relevant document development officers.

A rolling four year policy review timetable assists the review process. There are approximately 60 policies listed for review in 2020-2021. Since 1 July 2020, 16 policies have been reviewed. Of these 16 policies:

- four policies remain current
- three required only minor amendments such as updating references to Acts, that were endorsed by the Executive Team
- the remaining nine are the subject of this report

When reviewing our policies, Council's Corporate Documents Standard (internal policy) provides the following guidance to staff:

A Policy sets out Byron Shire Council's position on a specific matter – a formal statement of intent and non-discretionary governing principles that apply to Byron Shire Council's practice. The principles are derived from and shaped by the law and regulations that apply, community expectations, and the values and mission contained in the adopted Community Strategic Plan. A Policy is a concise document that may facilitate, enable or constrain practice, standard, guidelines or delegated functions but does not prescribe in detail how to perform certain functions - instead it provides a framework for action with its primary role being to guide the achievement of the adopted strategic goals and ensure legislative compliance.

The most recent developments in legislative requirements, and the community's and Council's position on certain matters have been checked for each policy to determine whether a policy required updating, or whether a policy was still necessary. A policy may no longer be necessary, for instance, if legislation now wholly covers Council's policy position, or if a Policy reflects legislation that no longer exists.

Table 1: Updated Policies

Policy	Directorate	Action taken
Building Information Certificates Policy 2020 (Last reviewed in 2004)	SEE	Updates have been made to reflect current practise and current legislation. Refer to track changes made to Policy at Attachment 1
Local Order for the Keeping of Animals 2020 (Last reviewed 2012)	SEE	Addition of map 3, legislative update and correction of restrictions in Wildlife Protection Areas. Refer to Draft Policy at Attachment 2

Table 2: Policies recommended for repeal

Policy	Directorate	Reason for repeal
<p><u>Construction of Garages and Outbuildings on Vacant Land Policy 1994</u></p>	<p>SEE</p>	<p>This Policy is redundant. Maintaining this outdated Policy could be viewed as permitting persons to occupy a building that essentially is not designed for residential accommodation and should not be encouraged. Issues include not meeting flood, bushfire and other constraints that are applicable to a normal dwelling house.</p> <p>S68 of the LG Act removed the temporary structures section and it now sits in the Code's SEPP which makes no reference to occupation of a temporary residence.</p> <p>There are options under the LG Regulations for occupying rural properties for intermittent stays (weekends) and therefore no need for a Council policy on this matter.</p>
<p><u>Corporate Sustainability Policy 2012</u></p>	<p>SEE</p>	<p>This Policy has been superseded by the <u>Net Zero Emissions Strategy for Council Operations 2025 and Action Plan</u> as well as the <u>Sustainable Catering Policy</u> recently adopted by Council.</p> <p>Net Zero Emissions Strategy and Action Plan:</p> <ul style="list-style-type: none"> - Outlines Council's position on emissions reductions, which incorporates specific organisation-wide actions to support energy and water efficiency, waste management, fuel efficiency and sustainable governance. - Addresses all Objectives and Council Commitments under sections 2 and 3 of Corporate Sustainability Policy, in particular: <ul style="list-style-type: none"> o Objective 2.3, 2.5, 2.6, 2.8 o Council Commitments 3.2, 3.3, 3.6, 3.10, 3.13, 3.14, 3.15 - Supersedes section 4. Corporate Sustainability Target with the following targets: <ul style="list-style-type: none"> o Net Zero Emissions by 2025 o 100% Renewable Energy by 2027 o Key additional targets are also listed under 'Goals' section of Net Zero Action Plan <p>Sustainable Catering Policy:</p> <ul style="list-style-type: none"> - Outlines Council's position on sustainable catering principles that align with Net Zero Emissions Strategy and Action Plan, Integrated Waste Management and Resource Recovery Strategy - Addresses Corporate Sustainability Policy Objectives 2.2, 2.4, 2.5, 2.6, 2.8 - Addresses Corporate Sustainability Policy

Policy	Directorate	Reason for repeal
		<p align="center">Council Commitments 3.5, 3.8, 3.10, 3.14</p> <p>In addition to the Net Zero Emissions Strategy and Action Plan, and the Sustainable Catering Policy, the Integrated Waste Management and Resource Recovery Strategy addresses many of these same objectives and commitments.</p>
<p><u>Development Policy 1994</u></p>	<p>SEE</p>	<p>This Policy is now redundant. The points listed in this 1994 document are all requirements of legislation and the document offers no extra policy position:</p> <ul style="list-style-type: none"> • Point 2.1 is covered by LG Act Principles for Local Government: 8A(1)(b), (c), (h), (2), (3) and EP&A Act s1.3 • Point 2.2 is covered by LG Act s89, EP&A Act 1.3, EP&A Act Sch 1, EP&A Regs Div 11 • Point 3.2 is covered by EP&A Act Div 2.6, s3.7, s3.24 and the GIPA Act
<p><u>Lavertys Gap Weir Catchment Management Policy 2007</u></p>	<p>IS</p>	<p>The subject of this Policy now forms part of the <u>Byron Drinking Water Quality Management Plan</u> which was prepared in accordance with best practise and the Australian Drinking Water Guidelines. The Plan takes on the objective of the Policy and outlines the range of activities carried out by Council to ensure the provision of safe drinking water to its customers. The Management Plan is a publically available document.</p>
<p><u>Maximum Speed Limits on Rural Roads Policy 2011</u></p>	<p>IS</p>	<p>Policy to be repealed based on the following considerations:</p> <ul style="list-style-type: none"> • Policy Statement states at 2.1 “Council supports a maximum speed limit of 80 kph on all major and minor rural roads (as per the adopted Road Hierarchy) in Byron Shire.” This blanket statement may inadvertently contradict the stated objectives due to several reasons. <p>The first is that speed zones are managed by TfNSW who have not delegated any authority to local organisations to manage speed zones. This is to ensure a consistent and predicable approach to speed zones is adopted state wide. It is understood that road safety is potentially compromised when neighbouring organisations adopt different approaches to speed limits. As a driver moves from Shire to Shire they become unsure what speed limits apply, potentially resulting in diverse and contrary driving patterns across Rural Roads. To help ensure this safe and consistent approach to speed zones across the State TfNSW have developed the NSW Speed Zoning Guidelines.</p> <p>In addition, this makes compliance and enforcement for Police more complex as drivers have greater justification for not realising what Shire they are in</p>

Policy	Directorate	Reason for repeal
		<p>and what speed zones apply.</p> <p>In regards to ensuring the most safe road environment, TfNSW review speed limits and road safety in a holistic manner through a framework call Safe Systems approach. The Safe Systems approach acknowledges that speed limits are closely linked to the road side environment and road design and road safety needs to be a balance between speed limits, road design and managing the road side environment. The Safe Systems approach, of which the TfNSW Speed Zoning Guidelines is a part of, is based on national standards and international research. Proposing a blanket maximum 80k/h may contradict international research and national guidelines.</p> <p>TfNSW understand applying the default speed limits across all major and minor rural roads is inappropriate and encourage a local community to submit speed zone reviews. They have provided a portal for people to submit their requests (https://www.saferroadsnsw.com.au/haveyoursay.aspx). These requests are reviewed by a local TfNSW Officer who happens to also be the TfNSW representative for the LTC.</p> <p>A Council example: community requests have been submitted for some rural roads where the default speed limit was 100k/h. After a review TfNSW have recommended 20k/h. Rather than have a policy that states a blanket recommended maximum speed it is recommended trusting the system and let TfNSW review speed limits consistently and in accordance with national guidelines and international research. This TfNSW assessment was based on site specific conditions and road side environments.</p> <ul style="list-style-type: none"> • Policy Statement states at 2.2 “Council supports a maximum speed limit of 50 kph on all roads in village and hamlet locations within Byron Shire, including Main Arm, Federal and Goonengerry”. This is contrary to TfNSW and NSW Speed Zone Guidelines. • Legislative Framework at 3.1 references the Road Transport (Safety and Traffic Management) Act 1999 which was repealed in July 2013. • What Council Can Do states at 4.1 “Council will support any reasonable community request for a review of the speed limit and refer the request to the Local Traffic Committee for consideration.” LTC has no delegated authority to approve or manage speed

Policy	Directorate	Reason for repeal
		<p>zone reviews. Channelling community requests for speed zone reviews also creates the perception within the community that Council is responsible for speed zones, it creates the impression that community members can't submit their own requests and potentially disempowers the community from submitting their own requests.</p> <ul style="list-style-type: none"> • What Council Can Do states at 4.2 "Council will lobby the RTA and the NSW Government for consistency in speed zones across the Shire." TfNSW already do this in accordance with their Guidelines and national standards.
<u>Public Consultation – Proposed Works Policy 1994</u>	IS	This Policy is redundant. It predates and is superseded by Council's current communications strategy. Standard communication plans are built around projects and may change between different types of projects.
<u>Traffic Control at Worksites Policy 1998</u>	IS	This Policy is redundant. The existing <u>Traffic Control at Worksites Manual</u> (produced by TfNSW/RMS) is the guiding document. This technical manual is up to date with current work, health and safety legislative requirements and developments in risk management principles relating to temporary traffic management. The matters contained in the Policy are also performed as part of standard WHS procedures of Council and this Policy offers no additional Council position.

Improved policy template for accessibility

- 5 Further work is being undertaken in this review period to convert all policies to a new template that provides improved online accessibility, including better formatting for assistive technology such as screen readers. Font sizes and spacing have also been increased to improve general readability.

STRATEGIC CONSIDERATIONS

10 **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	5.2.3.2	Review, update and publish Council policies online and report on the status of Council's policy register
	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	5.2.1.6	Review and update Council business templates for consistency and accessibility

Legal/Statutory/Policy Considerations

Each policy is reviewed to ensure consistency with the relevant legislation, agency guidelines, rules or protocols.

Financial Considerations

5

There are no financial considerations

Consultation and Engagement

10

Prior to this Ordinary Meeting:
Relevant document development officers
Managers
Executive Team

15

Following this Ordinary Meeting the documents will be placed on public exhibition in order to receive submissions.

Report No. 13.5 **Section 355 Management Committees - resignations and appointments update**

Directorate: Corporate and Community Services

Report Author: Joanne McMurtry, Community Project Officer

5 **File No:** I2020/1718

Summary:

10 This report updates Council on recent resignations and proposed new appointments for Section 355 committees where nominations have been received.

15

RECOMMENDATION:

1. **That the resignation from Damon Lewis from the Bangalow A&I Hall Board of Management be accepted and that a letter of thanks be provided. That the nominee in Confidential Attachment 1 be appointed to the Bangalow A&I Hall Board of Management.**
2. **That the nominees in Confidential Attachment 1 be appointed to the Brunswick Heads Memorial Hall Management Committee.**
3. **That the nominee in Confidential Attachment 1 be appointed to the Brunswick Valley Community Centre Management Committee.**
4. **That the resignation from Christine Willmott from the Marvell Hall Management Committee be accepted and that a letter of thanks be provided. That the nominee in Confidential Attachment 1 be appointed to the Marvell Hall Management Committee.**
5. **That the resignation from Linda Holland from the Suffolk Park Community Hall Management Committee be accepted and that a letter of thanks be provided.**

Attachments:

- 20 1 Confidential - Confidential attachment to Council report 26 November - Nominees for Section 355 committees, E2020/85770

REPORT

This report details resignations for Section 355 committees where nominations have been received for each committee below.

5

Following Council resolution **20-385** to extend the term for Advisory Committees, Panels and Section 355 Committees until September 2021, community representatives on Section 355 Management Committees and Boards were given the option to continue until this date or give notice to resign. Some of the resignations below were received following this communication.

10

A number of committees have expressed a desire for new members, including:

15

- Bangalow A&I Hall
- Brunswick Heads Memorial Hall
- Brunswick Valley Community Centre
- Marvell Hall
- Suffolk Park Community Hall

Advertising for new members was conducted recently and some nominations were received following this process.

20

Bangalow A&I Hall

25

A resignation has been received from Damon Lewis from the Bangalow A&I Hall Board of Management. Nominations have been received for the committee. Details of the nominees can be found in Confidential Attachment 1.

Current members on this Management Committee are:

Councillors

30

- Cr Cate Coorey

Community Representatives

35

- Tony Heeson (Chair)
- Peta Heeson (Treasurer)
- Roland Dickson (Vice Chair)
- Don Osbourne (Secretary)
- John Hudson
- Michael Dowd

40

Management Recommendation

That the resignation from Damon Lewis from the Bangalow A&I Hall Board of Management be accepted and that a letter of thanks be provided. That the nominees in Confidential Attachment 1 be appointed to the Bangalow A&I Hall Board of Management.

45

Brunswick Heads Memorial Hall

Nominations have been received for the committee. Details of the nominee can be found in Confidential Attachment 1.

50

Current members on this Management Committee are:

Councillors

55

- Cr Simon Richardson

Community Representatives

- Trudy Ashworth (Chair)
- Tracey Woods (Secretary)
- Paul Brennan (Treasurer)
- Marj Trimble
- Ann Burnett
- Leah Schinagl
- Melinda Bennett (Bookings)
- Dianne Burke

5

10

Management Recommendation

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

15

Brunswick Valley Community Centre

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

20

Current members on this Management Committee are:

Councillors

- Cr Jeannette Martin

25

Community Representatives

- Fran Leske (Bookings/ Secretary/ Assistant Treasurer)
- Colin Munroe (Chair)
- Jennifer Moore (Treasurer/ Assistant Secretary)
- Elizabeth Jackson

30

Management Recommendation

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

35

Marvell Hall

A resignation has been received from Christine Willmott from the Marvell Hall Management Committee. A nomination has been received for the committee. Details of the nominee can be found in Confidential Attachment 1.

40

Current members on this Management Committee are:

Councillors

- Cr Cate Coorey
- Cr Jan Hackett (alternate)

45

Community Representatives

- Margaret Robertson (Booking)
- Caroline Lloyd (Chair/Maintenance)
- Jim Beatson
- Maureen Lightfoot (Treasurer)

50

Management Recommendation

5 That the resignation from Christine Willmott from the Marvell Hall Management Committee be accepted and that a letter of thanks be provided. That the nominee in Confidential Attachment 1 be appointed to the Marvell Hall Management Committee.

Suffolk Park Community Hall

10 A resignation has been received from Linda Holland from the Suffolk Park Community Hall Management Committee.

Current members on this Board of Management are:

Councillors

- 15
- Cr Cate Coorey
 - Cr Simon Richardson (alternate)

Community Representatives:

- 20
- Margaret Wiles (Chair)
 - Joy Taylor (Secretary)
 - Michelle Chapman (Treasurer)
 - Madeleine Serrier (Bookings)
 - Sergio Scudery
 - Margaret Beazley
- 25
- Annabelle Sinclair

Management Recommendation:

30 That the resignation from Linda Holland from the Suffolk Park Community Hall Management Committee be accepted and that a letter of thanks be provided.

STRATEGIC CONSIDERATIONS

35 **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.1	Deliver infrastructure maintenance services in line with Community Solutions Panel values (SP)	1.2.1.1	Building assets managed to support the provision of services to the community.
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.2	Support effective management of community buildings (SP)	2.3.2.2	Review community building management models to maximise effective operation

Legal/Statutory/Policy Considerations

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

5 3.2 Committee Membership

10 *Committee membership will number not less than four and not more than nine and each committee will state the actual number in their Terms of Reference unless otherwise decided by Council. The exception will be the Bangalow Parks (Showground) committee which numbers twelve. Council reserves the right to appoint up to two Councillors to each Committee. The total number of members includes office bearer committee members and Councillor members which are appointed by Council.*

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

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

25 Financial Considerations

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

30 Consultation and Engagement

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

Report No. 13.6 **Operational Plan 2020/21 - First Quarter Report - Q1 - 1 July to 30 September 2020**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

5 **File No:** I2020/1722

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 summarises Council's progress towards achieving the annual activities contained in the 2020/21 Operational Plan. This report is the first quarterly progress report for the period 1 July to 30 September 2020.

RECOMMENDATION:

1. **That Council notes the 2020/21 Operational Plan First Quarter Report for the period ending 30 September 2020 (Attachment 1 #E2020/81520).**
2. **That Council adopts the proposed amendments to the Operational Plan 2020/21 outlined in Attachment 2 (#E2020/87473).**

20 **Attachments:**

- 1 Operational Plan Quarterly Report - Q1 - July to September 2020, E2020/81520 
- 2 Quarter 1 Report - Proposed Amendments to Operational Plan, E2020/87473 

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. 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.

10 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:

15 *"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**"*

20 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.

25 This report details Council's progress towards achieving the activities in the 2020/21 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions may be delayed or reprioritised.

The report (Attachment 1 #E2020/81520) is structured by the five 'Our Byron, Our Future' Community Strategic Plan 2028 objectives:

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

Each section notes the progress against the activities including:

- 40 • Activity
- Responsible directorate
- Measure
- Timeframe
- Comments
- Status
- 45 ○ On track – Indicates that an activity is currently on track, taking into account the timeframe, measures, and budget
- Needs attention – Indicates that the scope of the activity may need to be reviewed in line with constraints such as timeframe/budget
- Not commenced – The activity is not due to have commenced or has not commenced
- 50 ○ Completed – The activity has been completed in accordance with the prescribed measures

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	5.2.1.2	Continuous improvement of corporate planning and reporting process

5

Legal/Statutory/Policy Considerations

10 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

15 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.

Consultation and Engagement

20 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.

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

Report No. 13.7 **Budget Review - 1 July 2020 to 30 September 2020**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/1727

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 2020/2021 financial year, reviewed as at 30 September 2020.

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 (QBR) as outlined by the Office of Local Government in circular 10-32.

25 This report was considered by the Finance Advisory Committee at its Meeting held on 12 November 2020.

RECOMMENDATION:

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/88837) which include the following results in the 30 September 2020 Quarterly Review of the 2020/2021 Budget:**
 - a) **General Fund – \$60,700 increase to the Estimated Unrestricted Cash Result**
 - b) **General Fund - \$3,045,100 increase in reserves**
 - c) **Water Fund - \$800,900 decrease in reserves**
 - d) **Sewerage Fund - \$431,200 decrease in reserves**

2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$428,200 for the 2020/2021 financial year as at 30 September 2020.**

Attachments:

- 30
- 1 Budget Variations for General, Water and Sewerage Funds, E2020/88834 
 - 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2020/88837 
 - 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2020/88835 

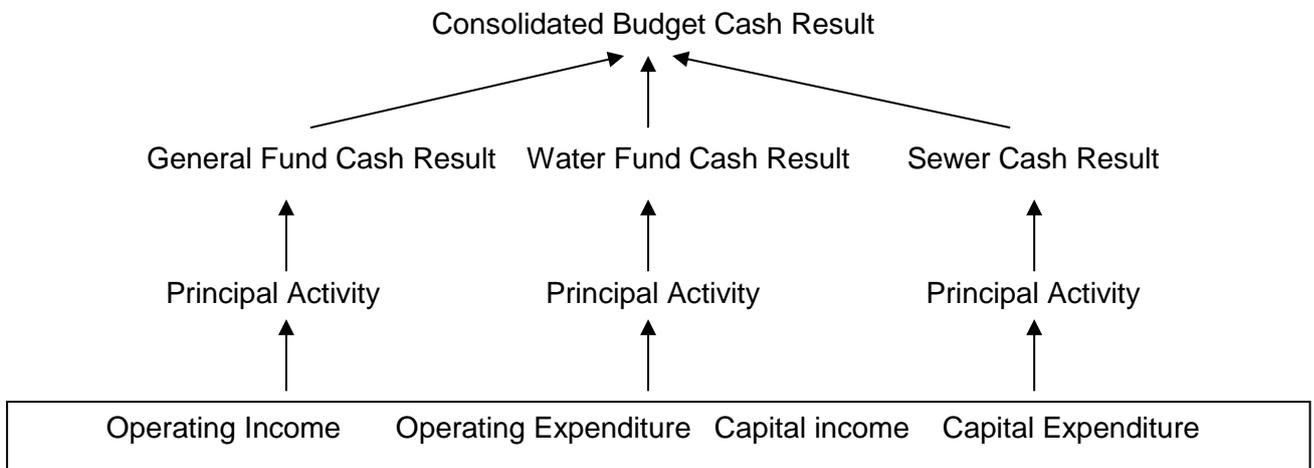
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REPORT

Council adopted the 2020/2021 budget on 30 July 2020 via Resolution 20-357. It also considered and adopted the budget carryovers from the 2019/2020 financial year, to be incorporated into the 2020/2021 budget at its Ordinary Meeting held on 27 August 2020 via Resolution 20-384. Since that date, Council has reviewed the budget taking into consideration the unaudited 2019/2020 Financial Statement results and progress through the first quarter of the 2020/2021 financial year. This report considers the September 2020 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 of Council, as well as a breakdown by Fund and Principal Activity. The document in Attachment 1 is also effectively a publication outlining a review of the budget 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 2019/2020 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 2021 as at 30 September 2020.

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 2021 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):-
- A signed statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRs
 - 10 • Budget review income and expenses statement in one of the following formats:
 - Consolidated
 - By fund (e.g. General, Water, Sewer)
 - By function, activity, program etc. to align with the management plan/operational plan
 - Budget Review Capital Budget
 - 15 • Budget Review Cash and Investments Position
 - Budget Review Key performance indicators
 - Budget Review Contracts and Other Expenses

The above components are included in Attachment 3:-

20 **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.

25 **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. As this is the first quarterly review for the reporting period, the Statement may not necessarily indicate the total progress achieved on the delivery of the capital works program.

30 **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 30 September 2020 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
35 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:-

- 40 ○ **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
- 45 ○ **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.)

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds' budget movements for the 2020/2021 financial year projected to 30 June 2021 but revised as at 30 September 2020.

5

2020/2021 Budget Review Statement as at 30 September 2020	Original Estimate (Including Carryovers) 1/7/2020	Adjustments to 30 Sept 2020 including Resolutions*	Proposed 30 Sept 2020 Review Revotes	Revised Estimate 30/6/2021 at 30/9/2020
Operating Revenue	84,311,000	0	734,100	85,045,100
Operating Expenditure	91,880,000	380,000	810,200	93,070,200
Operating Result – Surplus/Deficit	(7,569,000)	(380,000)	(76,100)	(8,025,100)
Add: Capital Revenue	27,338,600	141,000	102,900	27,582,500
Change in Net Assets	19,769,600	(239,000)	26,800	19,557,400
Add: Non Cash Expenses	14,986,200	0	0	14,986,200
Add: Non-Operating Funds Employed	27,000,000	0	0	27,000,000
Subtract: Funds Deployed for Non-Operating Purposes	(96,029,000)	(397,000)	1,846,900	(94,579,100)
Cash Surplus/(Deficit)	(34,273,200)	(636,000)	1,873,700	(33,035,500)
Restricted Funds – Increase / (Decrease)	(33,916,400)	(636,000)	1,813,000	(32,739,400)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	(356,800)	0	60,700	(296,100)

GENERAL FUND

10 In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 30 September 2020:

Opening Balance – 1 July 2020	\$724,300
Plus original budget movement and carryovers	(356,800)
Council Resolutions July – September Quarter	0
Recommendations within this Review – increase/(decrease)	60,700
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2021	(296,100)
Estimated Unrestricted Cash Result Closing Balance – 30 June 2021	\$428,200

15 The General Fund financial position overall has increased or improved by \$60,700 as a result of this budget review, bringing the forecast cash result for the year to a deficit of \$296,100. The

proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

5 At the meeting of 24 September 2020, Council resolved through Resolution **20-518** “*That Council considers a budget allocation at the September quarterly review to undertake further work on the Rail with Trail on the corridor between Mullumbimby and Byron Bay.*” At this point in time there has not been the capacity to identify sufficient funding for this resolution given the overall Council budget position is still projecting a deficit position although a reduced deficit. Further consideration of this resolution will be given when the 31 December 2020 Quarterly Budget Review is completed which will provide a better indication of 2020-2021 financial year outcomes.

15 Council has not passed any resolutions that impact the unrestricted cash result for the July 2020 to September 2020 quarter.

Budget Adjustments

20 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	0	0	0
Corporate & Community Services	86,900	122,600	(35,700)
Infrastructure Services	(2,457,000)	(2,458,400)	1,400
Sustainable Environment & Economy	573,800	478,800	95,000
Total Budget Movements	(1,796,300)	(1,857,000)	60,700

Budget Adjustment Comments

25 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:

30 **Corporate and Community Services**

- In the General Purpose Revenue program, it is proposed to increase income by \$62,800 as the final amount allocated to Council for the Financial Assistance Grant (FAG) is more than the budget. This is offset by a decrease in income of \$30,300 due to the interest charged on overdue rates not being applied to any ratepayers until 1 January 2021 given the decision by the NSW Government to set the interest rate at 0% until this time.
- In the Information Services program it is proposed to move budgets to reflect actual expenditure. There is no effect on the budget result of this program.
- In the Corporate Services Program, it is proposed to increase operating expenditure by \$68,800 due to costs involved with the procurement of the electricity supply contract.

- In the Community Development program it is proposed to increase operating expenditure due to the BCA compliance maintenance (\$9,100) and building asbestos removal (\$32,900) program continuing. These can be funded from the Community Building Maintenance reserve.

5 **Infrastructure Services**

- 10 • In the Projects and Commercial Development program, it is proposed to increase capital expenditure due to a budget being required for Lot 22 Mullumbimby (\$50,000) and Lot 102 Depot Relocation (\$10,000), as there are ongoing investigations and development of future use options.
- 15 • In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 12 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the second and third pages of Attachment 2 under the budget program heading Local Roads and Drainage.
- 20 • In the Roads and Maritime Services program (RMS) it is proposed to decrease income and expenditure due to the supplementary portion of the block grant being utilised on the Ewingsdale road project.
- 25 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 14 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fourth page of Attachment 2 under the budget program heading Open Space & Recreation.
- 30 • In the Waste & Recycling program it is proposed to increase operating income as the actual income expected for domestic waste management charges (\$71,800), Commercial Annual charges (\$184,000) and the annual Waste operations charge (\$21,600) are more than the current budget. It is proposed to decrease capital expenditure due to the amenities building works and the rehabilitation of the landfill not expected to be completed in 2020/21. These are funded through the Waste Management reserve. Funding is also provided from the Other Waste Reserve to reimburse the Plant Fund for plant purchased last financial year.
- 35 • In the Cavanbah Centre program, it is proposed to increase expenditure due to a budget required for the new booking system (\$26,000) and concrete slabs for new grandstands (\$24,800).
- 40 • In the Facilities Management program it is proposed to decrease capital expenditure due to the Byron Hospital Development (\$2,850,000) being completed in the next financial year. There are various other capital works adjustments outlined under Note 19 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fifth page of Attachment 2 under the budget program heading Facilities Management. .

45 **Sustainable Environment and Economy**

- In the Development Certification program, it is proposed to increase operating income due to increased income from activities over road reserves.
- 50 • In the Environment & Compliance program, it is proposed to increase the budget for on-site sewerage installation and applications by \$25,000 to match actual income received.
- 55 • In the Planning Policy & Natural Environment program, it is proposed to add a budget for approved grant funded projects including Streets as Shared Spaces (\$125,000), the Communities Combating Pests and Weeds project (\$299,700) and the Byron Arts and Industrial Estate Pocket park project (\$44,900).

WATER FUND

After completion of the 2019/2020 Financial Statements the Water Fund as at 30 June 2020 has a capital works reserve of \$9,260,100 and held \$1,483,600 in section 64 developer contributions.

5

The estimated Water Fund reserve balances as at 30 June 2021, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

10

Opening Reserve Balance at 1 July 2020	\$9,260,100
Plus original budget reserve movement	(1,406,900)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(720,900)
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	(2,127,800)
Estimated Reserve Balance at 30 June 2021	\$7,132,300

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2020	\$1,483,600
Plus original budget reserve movement	(620,500)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(80,000)
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	(700,500)
Estimated Reserve Balance at 30 June 2021	\$783,100

15 Movements for Water Fund can be seen in Attachment 1 with a proposed estimated decrease to reserves (including S64 Contributions) overall of \$800,900 from the 30 September 2020 Quarter Budget Review.

SEWERAGE FUND

20

After completion of the 2019/2020 Financial Statements the Sewer Fund as at 30 June 2020 has a capital works reserve of \$6,884,700 and plant reserve of \$896,200. It also held \$8,117,300 in section 64 developer contributions.

25 Capital Works Reserve

Opening Reserve Balance at 1 July 2010	\$6,884,700
Plus original budget reserve movement	(2,958,400)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(349,200)
Forecast Reserve Movement for 2010/2021 – Increase / (Decrease)	(3,307,600)
Estimated Reserve Balance at 30 June 2021	\$3,577,100

Plant Reserve

Opening Reserve Balance at 1 July 2020	\$896,200
Plus original budget reserve movement	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2021	\$896,200

30

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2020	\$8,117,300
Plus original budget reserve movement	(2,202,600)
Resolutions July - September Quarter – increase / (decrease)	(451,000)
September Quarterly Review Adjustments – increase / (decrease)	(82,000)
Forecast Reserve Movement for 2020/2021 – Increase / (Decrease)	(2,735,600)
Estimated Reserve Balance at 30 June 2021	\$5,381,700

5 Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall decrease to reserves (including S64 Contributions) of \$431,200 from the 30 September 2020 Quarter Budget Review.

Legal Expenses

10 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 can also be susceptible to large fluctuations.

15 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 September 2020.

Total Legal Income & Expenditure as at 30 September 2020

Program	2020/2021 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	0	0%
Total Income	0	0	0%
Expenditure			
General Legal Expenses	200,000	159,500	79.74%
Total Expenditure General Fund	200,000	159,500	79.74%

20 Note: At the time of writing this report in October, Council has incurred additional expenditure that brings the total legal expenditure for 2020.21 to \$212,100. This is slightly more than the current budget and can be funded from the legal services reserve that currently has a budget of \$500,000. This will be reviewed and adjusted at the 31 December 2020 Quarterly Budget Review.

25 **Financial Implications**

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

30

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 relevant year, a revised estimate of the income and expenditure for that year.*
 - 10 (2) *A budget review statement must include or be accompanied by:*
 - 15 (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
 - (b) *if that position is unsatisfactory, recommendations for remedial action.*
 - (3) *A budget review statement must also include any information required by the Code to be included in such a statement.*

Financial Considerations

20 The 30 September 2020 Quarter Budget Review of the 2020/2021 Budget has improved the overall budget result by \$60,700. This brings the movement against the unrestricted cash balance attributable to the General Fund to a deficit of \$296,100 for the year, leaving the estimated unrestricted cash balance attributable to the General Fund at an estimated \$428,100 at 30 June 25 2021. This is an improved result for the first quarter, but going forward Council must be conscious of decisions that may affect the unrestricted cash balance when considering matters with financial implications especially where funding sources are not identified.

30 It is the view of the Responsible Accounting Officer that the short term financial position of the Council is still satisfactory for the 2020/2021 financial year, having consideration of the original estimate of income and expenditure at the 30 September 2020 Quarter Budget Review.

35 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2020/2021 outlined in this Budget Review continues to improve for the remainder of the 2020/2021 financial year. Council must remember it has a short term financial goal of maintaining \$1,000,000 in unrestricted cash and if it is of the view to recover this position by 30 June 2021, the budget position must continue to improve by \$571,800 to a surplus position of \$275,700.

Report No. 13.8 **Council Investments - 1 October 2020 to 31 October 2020**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/1728

5

Summary:

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

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

15

RECOMMENDATION:

That Council notes the report listing Council's investments and overall cash position as at 31 October 2020.

REPORT

5 Council has continued to maintain a diversified portfolio of investments. At 31 October 2020, the average 90 day bank bill rate (BBSW) for the month of October 2020 was 0.07%. Council's performance to 31 October 2020 was 1.02%. 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.

10

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

Schedule of Investments held as at 31 October 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	N	B	3.25%	1,046,700.00
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,152,260.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	3.00%	1,091,930.00
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,126,670.00
21/11/19	1,000,250	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,028,020.00
27/11/19	500,000	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	522,906.50
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	1.02%	1,010,430.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.12%	753,337.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	1.39%	502,890.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
27/11/19	1,000,000	Coastline Credit Union	Y	NR	26/11/20	Y	TD	1.80%	1,000,000.00
06/01/20	1,000,000	Judo Bank	Y	NR	05/01/21	N	TD	2.10%	1,000,000.00
20/01/20	1,000,000	Westpac (Tailored)	Y	AA-	20/01/21	N	TD	1.41%	1,000,000.00
06/05/20	1,000,001	AMP Bank	Y	BBB	04/11/20	N	TD	1.65%	1,000,001.00
12/05/20	1,000,000	The Mutual Bank	Y	NR	09/11/20	N	TD	1.50%	1,000,000.00
25/05/20	1,000,000	AMP Bank	N	BBB	23/11/20	N	TD	1.65%	1,000,000.00
26/05/20	1,000,000	Judo Bank	N	NR	24/11/20	Y	TD	1.70%	1,000,000.00
28/05/20	2,000,000	AMP Bank	N	BBB	25/11/20	N	TD	1.65%	2,000,000.00
02/06/20	1,000,000	AMP Bank	N	BBB	01/12/20	N	TD	1.60%	1,000,000.00
03/06/20	1,000,000	Auswide Bank	Y	NR	02/12/20	N	TD	1.15%	1,000,000.00
02/06/20	1,000,000	ME Bank	Y	BBB	01/12/20	N	TD	1.13%	1,000,000.00
24/07/20	2,000,000	Bank of Queensland	N	BBB+	19/07/21	N	TD	0.90%	2,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
28/07/20	1,000,000	ME Bank	N	BBB	29/01/21	Y	TD	0.63%	1,000,000.00
30/07/20	1,000,000	Judo Bank	N	NR	30/07/21	N	TD	1.25%	1,000,000.00
03/08/20	1,000,000	NAB	N	AA-	03/08/21	N	TD	0.85%	1,000,000.00
04/08/20	2,000,000	Suncorp	Y	A+	04/08/20	N	TD	0.70%	2,000,000.00
19/08/20	2,000,000	NAB	N	AA-	17/12/20	N	TD	0.70%	2,000,000.00
19/08/20	2,000,000	NAB	N	AA-	19/08/21	N	TD	0.80%	2,000,000.00
26/08/20	1,000,000	AMP Bank	N	BBB	26/08/20	N	TD	0.80%	1,000,000.00
02/09/20	1,000,000	Bank of Queensland	N	BBB+	01/09/21	N	TD	0.78%	1,000,000.00
02/09/20	1,000,000	NAB	N	AA-	02/09/21	N	TD	0.75%	1,000,000.00
07/09/20	2,000,000	NAB	N	AA-	05/01/21	N	TD	0.70%	2,000,000.00
24/09/20	2,000,000	NAB	N	AA-	24/09/21	N	TD	0.65%	2,000,000.00
30/09/20	1,000,000	Bank of Queensland	N	BBB+	30/09/21	N	TD	0.65%	1,000,000.00
30/09/20	2,000,000	CBA Green Deposit	N	AA-	30/09/21	N	TD	0.70%	2,000,000.00
06/10/20	1,000,000	Police Credit Union Ltd (SA)	Y	NR	06/01/21	N	TD	0.80%	1,000,000.00
07/10/20	2,000,000	MyState Bank Limited	Y	NR	07/10/21	Y	TD	0.70%	2,000,000.00
13/10/20	1,000,000	The Mutual Bank	N	NR	13/04/21	N	TD	0.60%	1,000,000.00
27/10/20	1,000,000	The Capricornian	Y	NR	28/01/21	Y	TD	0.50%	1,000,000.00
28/10/20	1,000,000	The Mutual Bank	N	NR	27/01/21	N	TD	0.45%	1,000,000.00
N/A	15,259,011.16	CBA Business Saver	N	AA-	N/A	N	CALL	0.55%	15,259,011.16
N/A	4,279,767.89	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	0.55%	4,279,767.89
N/A	6,108,282.80	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.07%	6,108,282.80
Total	74,395,662.85						AVG	1.02%	74,882,206.85

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.

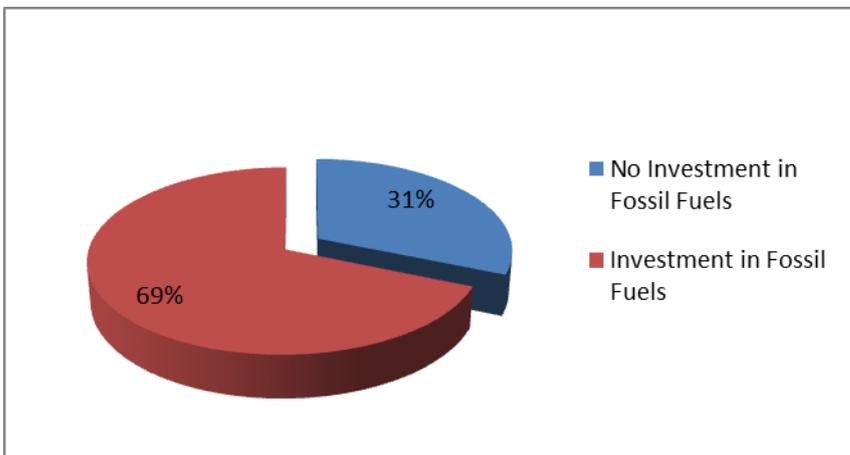
Environmental and Socially Responsible Investing (ESRI)

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 three 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.
 2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.
 - 25 3. \$2,000,000 investment with Commonwealth Bank maturing on 30 September 2021 known as a Green Deposit.



4.
30

Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	63%	Meets policy
A+ to A-	A1	60%	0%	Meets policy
BBB to NR	A2,NR	40%	37%	Meets policy

5 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

15 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.

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

Dissection of Council Investment Portfolio as at 31 October 2020

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
41,000,001.00	Term Deposits	41,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,266,657.50	16,657.50
15,259,011.16	CBA Business Saver	15,259,011.16	0.00
4,279,767.89	CBA Business Saver – Tourism Infrastructure Grant	4,279,767.89	0.00
6,108,282.80	NSW Treasury Corp	6,108,282.80	0.00
5,498,600.00	Bonds	5,968,486.50	469,886.50
74,395,662.85		74,882,206.85	486,544.00

25 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.

30 The table below provides a reconciliation of investment purchases and maturities for the period of 1 October 2020 to 31 October 2020 on a current market value basis.

Movement in Investment Portfolio – 31 October 2020

Item	Current Market Value (at end of month) \$
Opening Balance at 1 October 2020	70,105,222.47
Add: New Investments Purchased	6,000,000.00
Add: Call Account Additions	6,500,000.00
Add: Tourism Call Account Additions	5,000,000.00
Add: Interest from Call Account	5,415.04
Add: Interest from Tourism Saver Account	1,980.16
Add: T Corp Additions	0.00
Add: Interest from T Corp	4,037.24
Less: Call Account Redemption	2,500,000.00
Less: Investments Matured	7,000,000.00
Less: Tourism Call Account Redemption	3,234,445.56
Less: Tourism Call Account Fees	2.50
Less: T Corp Redemption	0.00
Plus: Fair Value Movement for period	0.00
Closing Balance at 31 October 2020	74,882,206.85

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

5

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000.00	Police Credit Union	06/10/20	183	1.90%	9,526.03
1,000,000.00	The Mutual Bank	13/10/20	133	1.25%	4,554.79
1,000,000.00	The Capricornian	27/10/20	91	0.70%	1,745.21
1,000,000.00	The Mutual Bank	28/10/20	120	1.05%	3,452.05
1,000,000.00	Coastline Credit Union	28/10/20	120	1.05%	3,452.05
2,000,000.00	Macquarie Bank	28/10/20	91	0.50%	2,493.15
7,000,000.00					25,226.25

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 October 2020 the table below identifies Council's overall cash position as follows:

10

Dissection of Council's Cash Position as at 31 October 2020

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	41,000,001.00	41,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,266,657.50	16,657.50

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
CBA Business Saver	15,259,011.16	15,259,011.16	0.00
CBA Business Saver – Tourism Infrastructure Grant	4,279,767.89	4,279,767.89	0.00
NSW Treasury Corp	6,108,282.80	6,108,282.80	0.00
Bonds	5,498,600.00	5,968,486.50	469,886.50
Total Investment Portfolio	74,395,662.85	74,882,206.85	486,544.00
Cash at Bank			
Consolidated Fund	3,309,116.37	3,309,116.37	0.00
Total Cash at Bank	3,309,116.37	3,309,116.37	0.00
Total Cash Position	77,704,779.22	78,191,323.22	486,544.00

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.6	Identification of ethical investment opportunities with environmental and social inclusion outcomes

5

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*.

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.

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 March 2011.

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

25

Financial Considerations

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

Report No. 13.9 **Council Resolutions Quarterly Review - Q1 - 1 July to 30 September 2020**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

5 **File No:** I2020/1735

Theme: Corporate Management
Governance Services

10 **Summary:**

This report provides an update on the status of Council resolutions as at 30 September 2020. 101 resolutions were completed during the period 1 July to 30 September 2020.

15 As at 30 September 2020, there were 117 active resolutions. Resolutions could be active or overdue as a result of budget constraints, staff resourcing, extended negotiations with stakeholders, or other reasons.

20

RECOMMENDATION:

1. **That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2020/82855).**
2. **That Council notes the completed Resolutions in Attachment 2 (#E2020/86794).**
3. **That Council endorses the closure of the Resolutions identified in Table 1: Council resolutions that have been superseded by other resolutions; and which have been included in the completed Resolutions in Attachment 2 (#E2020/86794).**

Attachments:

- 25 1 Active Resolutions - as at 30 September 2020, E2020/82855 
- 2 Completed Resolutions - 1 April to 30 June 2020, E2020/86794 

Report

Each quarter, Council is provided with an update on the status of Council resolutions; identifying those resolutions completed within the reporting period, and those resolutions that remain 'Active'.

- 5 At its Ordinary Meeting held on 24 September 2020, Council resolved (20-513):
- 10 1. *That the report be revised to ensure that details of actions taken to complete requirements of resolutions are provided for each of those proposed to be closed and that the report distinguishes between resolutions that are complete from those that are sought to be closed.*
 - 15 2. *That future reports ensure that details of actions are provided against all resolutions and that separate lists are provided for completed resolutions, defined as those with actions linked to the requirements of the resolution and closed resolutions, defined as those where alternative or no action is proposed.*

The quarterly reporting process is being improved to address these requirements.

Quarterly Report – 1 July to 30 September 2020

Active Resolutions

The *Active Resolutions Report* (#E2020/82855) provides an update to Council on all active resolutions as at 30 September 2020; with relevant commentary regarding the status of each resolution as at this date. There are 117 active resolutions; including those resolutions from the September Council Meetings which may or may not have had any action taken at the time of preparing this report. 48 of the active resolutions were overdue by more than 60 days at the time the report was prepared.

Completed Resolutions

The *Completed Resolutions Report* (#E2020/86794) provides details of those resolutions that were completed during the period 1 July to 30 September 2020. There were 101 resolutions completed between 1 July to 30 September 2020.

Resolutions for Closure

Council resolutions that are no longer relevant or have been superseded either by other resolutions, legislative change or other matters, are provided in Table 1 below. These resolutions are also reflected in the *Completed Resolutions Report*.

Table 1: Council resolutions that have been superseded by other resolutions:

Meeting Date	Res No.	Report Title	Staff Comments and Recommendation
20/02/2020	20-026	PLANNING - 26.2016.6.1 The Farm Planning Proposal, Ewingsdale Road Byron Bay	Superseded by Resolution 20-272
16/04/2020	20-161	Design Options - Lot 12 Bayshore Drive, Byron Arts & Industry Estate	Superseded by Resolution 20-304
21/05/2020	20-204	PLANNING - 26.2019.10.1 Proposed Rezoning North Beach Byron - Options Report	Superseded by Resolution 20-470
21/05/2020	20-218	PLANNING - Update on Resolution 19-266 - Review of DCP 2014 and the introduction of the Low Rise Medium Density Code	Superseded Resolution 20-473
25/06/2020	20-304	Update Resolution 20-161 - Lot 12 Bayshore Drive redevelopment next steps	Superseded by resolution 20-446

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.2	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

5 *Legal / Statutory / Policy Considerations*

Implementation of Council Resolutions in accordance with the *Local Government Act 1993*. This report has been developed in accordance with Council resolution **20-513**.

10 *Financial issues*

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

Report No. 13.10 **Meeting Schedule 2021**
Directorate: Corporate and Community Services
Report Author: Joelinda Bourke, Corporate Support Officer
File No: I2020/1736

5

Summary:

10 This report outlines the proposed schedule of dates and times for Council's Ordinary and Planning Meetings, Strategic Planning Workshops, Advisory Committees and Panels, and Community Roundtables in 2021.

15 The 2021 schedule is based on this year with consideration being made for the Local Government election to be held on 4 September 2021, amongst other matters as outlined in this report.

RECOMMENDATION:

1. **That Council adopts the following schedule of Ordinary and Planning Meetings and Strategic Planning Workshops (SPW) for 2021, noting that the dates following the 2021 election are dependent on the date of finalisation of the councillor election.**

2. **That Council notes that the LGNSW Annual Conference 2021 is scheduled to be held from 16-18 November 2021 in Sydney, and noting that this coincides with the Planning Meeting scheduled for November, decides whether to proceed with separate meetings or whether it wishes to combine the Planning and Ordinary Meetings for the month of November.**

Date	Meeting/Workshop (Thursday)
04-Feb-21	SPW
18-Feb-21	Planning
25-Feb-21	Ordinary
04-Mar-21	SPW
18-Mar-21	Planning
25-Mar-21	Ordinary
01-Apr-21	SPW
15-Apr-21	Planning
22-Apr-21	Ordinary
06-May-21	SPW
20-May-21	Planning
27-May-21	Ordinary
03-Jun-21	SPW
17-Jun-21	Planning
24-Jun-21	Ordinary
29-Jul-21	Ordinary

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05-Aug-21	Planning (brought forward)
12-Aug-21	SPW
26-Aug-21	Ordinary (Caretaker Period)
02-Sep-21	SPW
04-Sep-21	LG Election
16-Sep-21	Induction (TBC)
23-Sep-21	Extraordinary
07-Oct-21	SPW
21-Oct-21	Planning
28-Oct-21	Ordinary
04-Nov-21	SPW
18-Nov-21	Planning
25-Nov-21	Ordinary
02-Dec-21	SPW
09-Dec-21	Planning
16-Dec-21	Ordinary

3. That Council adopts the following schedule of Advisory Committee and Panel meetings for 2021 (at a minimum) noting that dates following the Local Government Election on 4 September may require shifting:

Meeting	Date (2020)
Advisory Committees	
Arakwal Memorandum of Understanding (Thursday)	08-Apr-21
	10-Jun-21
	09-Sep-21
	11-Nov-21
Audit, Risk & Improvement (Thursday)	11-Feb-21
	13-May-21
	19-Aug-21
	14-Oct-21 (Extraordinary)
	11-Nov-21
Biodiversity (Thursday)	11-Mar-21
	13-May-21
	09-Sep-21
	11-Nov-21
Byron Shire Floodplain Risk Management (Thursday)	28-Jan-21
	08-Apr-21
	10-Jun-21

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	30-Sep-21
Finance (Thursday)	11-Feb-21 13-May-21 19-Aug-21 11-Nov-21
Sustainability and Emissions Reduction (Thursday)	28-Jan-21 08-Apr-21 10-Jun-21 30-Sep-21
Transport and Infrastructure (Thursday)	28-Jan-21 08-Apr-21 10-Jun-21 30-Sep-21
Water, Waste and Sewer (Thursday)	11-Feb-21 29-Apr-21 19-Aug-21 14-Oct-21
Panels	
Coastal Estuary Catchment (Thursday)	11-Mar-21 13-May-21 14-Oct-21
Communications Monday 4:00pm	08-Feb-21 10-May-21 02-Aug-21 08-Nov-21
Heritage (Thursday)	11-Mar-21 10-Jun-21 09-Sep-21
Public Art (Thursday)	11-Feb-21 29-Apr-21 19-Aug-21 14-Oct-21
Strategic Business (Thursday)	28-Jan-21 11-Mar-21 30-Sep-21

4. That Council endorses the following schedule of Planning Review Committee meetings for 2021:

Planning Review Committee	
Thursday following Planning Meetings	18-Feb-21 18-Mar-21 15-Apr-21 20-May-21 17-Jun-21

	<p>05-Aug-21</p> <p>21-Oct-21</p> <p>18-Nov-21</p> <p>09-Dec-21</p>
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5. That Council endorses the following schedule of Local Traffic Committee meetings for 2021:

Local Traffic Committee	
Tuesday 10:30am	09-Feb-21
	13-Apr-21
	08-Jun-21
	03-Aug-21
	12-Oct-21
	29-Nov-21

6. That the Ordinary Meetings be held in the Council Chambers, Mullumbimby with a start time of 9.00am.
7. That the Planning Meetings be held in the Council Chambers, Mullumbimby with a start time of 11.00am, following site inspections which are held at 9.00am on the day of the Planning Meeting.

Attachments:

- 1 DRAFT Council meeting matrix 2021, E2020/87512 

REPORT

The proposed meeting schedule, as attached to this report, is based on this year’s schedule however the following matters have also been considered:

- 5 • The 2021 Local Government elections will be held on 4 September and the Councillors will need to be sworn in.
- There is a 4 week caretaker period prior to the election, therefore an additional Ordinary Meeting has been scheduled for 29 July, and a Planning Meeting has been moved forward to 5 August in order to overcome this issue.
- 10 • Following the election, Council will need to decide on the committees and/or panels it wishes to establish and appoint councillor representatives accordingly. Committees are generally dissolved prior to the election, however, for any re-adopted committees, we have in the past invited existing community members to stay on until new members are appointed. Therefore, any committees and panels that have been added to the draft schedule following the
- 15 elections are only a guide at this stage.

The schedule has also been prepared with consideration to events such as public holidays and conferences and allows for the fairest distribution of time for Advisory Committee and Panel Meetings. Noted impacts are:

- 20 • The 2021 National General Assembly of Local Government is scheduled to be held from 20-23 June 2021 in Canberra. Although there is no meeting during this time, there is an Ordinary Meeting scheduled for the day after the Assembly.
- The LGNSW Annual Conference 2021 is scheduled to be held from 16-18 November 2021 in Sydney, NSW. This coincides with the Planning Meeting scheduled for November. The
- 25 alternative is to combine the Planning and Ordinary Meetings for the month of November.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.2	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

30 ***Legal/Statutory/Policy Considerations***

Various sections of the Local Government Act 1993 apply to meeting dates. Section 9 notes that a council must give notice to the public of the times and places of its meetings, Section 365 notes

35 that Council is required to meet at least 10 times each year, and Section 367 outlines the required notice period of business papers for Councillors.

The full regulation is available at http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

40 ***Financial Considerations***

There are no financial implications with this meeting schedule.

Report No. 13.11 **Bushfire Local Economic Recovery Fund - proposed project submissions**

Directorate: Corporate and Community Services

Report Author: Esmeralda Davis, A/Manager Corporate Services

5 Therese Black, Business Analyst

File No: I2020/1753

10 **Summary:**

The purpose of this report is to present Council with the list of proposed projects to be submitted for grant funding under the Bushfire Local Economic Recovery Fund, subject to favourable business cases supporting their feasibility.

15

RECOMMENDATION:

That Council notes the list of potential projects proposed for submission to the Bushfire Local Economic Recovery (BLER) Fund, closing 11 December 2020.

Attachments:

20 1 Bushfire Local Economic Recovery Fund Program Guidelines October 2020, E2020/89727 

REPORT***Background***

5 The Bushfire Local Economic Recovery (BLER) Fund will provide \$250 million of further funding to support the social and economic recovery of communities affected by bushfire in 47 regional NSW Local Government Areas (LGA), which includes Byron Shire LGA. It will support projects that retain and create new jobs in regional areas, build resilience, and increase preparedness for future bushfire seasons. Further information is available in Attachment 1.

10 Council is eligible to submit more than one application and funding is available in five categories:

- Enabling Infrastructure - \$400,000 to \$20,000,000
- Industry and Business Development - \$200,000 to \$4,000,000
- Social Development - \$400,000 to \$20,000,000
- 15 • Natural Environment and Resource Development - \$200,000 to \$4,000,000
- Built Environment Adaptation - \$400,000 to \$20,000,000

Eligible projects must:

- Demonstrate that they support the recovery of the local community's economy, social well-being, environment or improve resilience to future natural disasters
- Be able to commence within six months of the funding deed being executed and be completed by 30 June 2022
- Align with one of the five categories listed above
- Be accompanied by a business case if greater than \$1m is sought

25 Applications will be assessed against the following criteria:

1. Alignment with regional objectives
2. Local support and participation, i.e. letters of support and local procurement & employment
3. Evidence Base, e.g. local strategic plan, gap analysis, surveys, local media
- 30 4. Feasibility, i.e. planning, costing and risk mitigation
5. Enduring benefit, i.e. ongoing and sustainable benefit to the community

Applications close at 2pm 11 December 2020, and successful applicants will be notified from April 2021.

Issues

40 The BLER Fund provides Council with the opportunity to support the recovery of our community through infrastructure projects, economic development, improved social and environmental outcomes and resilience. The focus for this funding is to deliver projects that support local jobs and provide an enduring benefit to the community and future proof communities for resilience against natural disasters. It is essential that projects submitted are eligible and able to demonstrate strong evidence against all the assessment criteria, to increase the likelihood of Council's success in obtaining the funding.

45 With this in mind, staff have identified four potential projects proposed for submission, noting the requirements above and in particular that they must be able to commence within 6 months of the funding deed being executed and be completed by 30 June 2022. Staff are currently developing business cases for the identified projects and, subject to a favourable outcome, intend to make a submission for the following projects:

50

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

No.	Project	Scope of Works	Grant Funding Sought <small>(estimate subject to business case)</small>	Fund Category
1	Mullumbimby to Brunswick Heads cycleway	<p>IT006 Mullumbimby to Brunswick Heads On Road Cycleway – Mullumbimby. Priority A From Prince Street to Bashforth Lane roundabout. Including missing path link on Tweed Street, opposite Eucalyptus Lane.</p> <p>Including MU033 Priority: C - Construct 400m of new shared path on western side of Manns Road between Mullumbimby Road and end of Manns Road.</p>	\$6M	Enabling Infrastructure

Suitability Assessment:

Action IT006 & MU033 in adopted Bike Plan Priority A & C.

This project would stimulate the local economy by creating jobs locally during construction. Further it would complete a safe and bike friendly link between Brunswick Heads and Mullumbimby. This will create a tourism driver through active tourism and in turn further stimulate local economies in the long term. This bike friendly route would also make commuting safer by bike and in turn create benefits to the environment by reducing the numbers of cars on the road.

Further the project will provide safe commuting, bike and pedestrian links to Manns Road Industrial Estate and the Mullumbimby Rugby League Club.

Early works could commence within 6 months, with longer term works requiring more detailed planning for completion by June 2022.

No.	Project	Scope of Works	Grant Funding Sought <small>(estimate subject to business case)</small>	Fund Category
2	Bangalow Cycleway	<p>Off track – Cycle and pedestrian path (Rifle Range Rd to Bangalow showgrounds and sports fields).</p> <p>BA026 Priority: B - Off road path from Rifle Range Road to Granualle Road. Provide link to existing Leslie Street path.</p> <p>BA006 Priority: B - Links to show ground opposite Hanlon Court and links to sports grounds at Corlas Crescent.</p> <p>BA021 Priority: C – section from Railway line to Byron Creek.</p> <p>BA022 Priority: C - Bridge to sports grounds.</p>	\$1.6M	Enabling Infrastructure

Suitability Assessment:

BYRON SHIRE COUNCIL

No.	Project	Scope of Works	Grant Funding Sought <small>(estimate subject to business case)</small>	Fund Category
<p>Action BA026, BA006, BA021, BA022 in Council adopted Bike Plan Priority: B & C</p> <p>This project would stimulate the local economy by creating jobs locally during construction. Further it would complete a safe bike and pedestrian friendly link between urban areas and Bangalow main street. This will create a tourism driver through active tourism and in turn further stimulate local economies in the long term. This route would make bike and pedestrian movement safer and in turn create benefits to the environment by reducing the numbers of cars on the road. Early works could commence within 6 months, with longer term works requiring more detailed planning for completion by June 2022.</p>				
No.	Project	Scope of Works	Grant Funding Sought <small>(estimate subject to business case)</small>	Fund Category
3	Green Line Byron Bay – Belongil Coastal Walkway	To activate the Belongil area by strategically introducing greater public use through a formal pedestrian/bicycle pathway from Main Beach car park to Kendall Street Belongil, including an amenities block.	\$2.5M	Natural Environment & Resource Development
<p>Suitability Assessment:</p> <p>The early concept plan for this project has been supported by the community, Council (Res 18-001) and Arakwal. This project would address persistent safety and compliance issues relating to the use of the land, by investigating the opportunities for improved activation, connectivity and regeneration of the land as a means of managing these issues into the future.</p> <p>This project seeks to support the outcomes of the Byron Bay Town Centre Master Plan in terms of access and movement (beach accesses, points of interest), public domain (connection, underutilisation of a public space), natural environment (vegetation enhancements), aesthetics and function (reducing compliance issues eg. illegal camping, rubbish dumping).</p> <p>In addition, this project would stimulate the local economy by creating local jobs during construction, and improve the connectivity between Main Beach and Belongil, creating a tourism driver to further stimulate local economies, resulting an enduring benefit to the community.</p>				
No.	Project	Scope of Works	Grant Funding Sought <small>(estimate subject to business case)</small>	Fund Category
4	Byron Hospital	To repurpose the former Byron Hospital building into a community hub, providing much needed services in the education, community, health and cultural sectors.	\$2M	Social Development
<p>This project is a community-led repurposing of a state government asset to provide vital and significantly lacking welfare, social, cultural and educational services in the Byron town centre, servicing the Byron Shire.</p> <p>Extensive community consultation was undertaken over an 18 month period to develop the proposal, taking into consideration the needs of local organisations, members of the community,</p>				

No.	Project	Scope of Works	Grant Funding Sought <small>(estimate subject to business case)</small>	Fund Category
		<p>potential tenants of the site and all political parties. The community and political support for the project is unanimous and unparalleled.</p> <p>By virtue of the project's rental structure, commercially viable businesses will help to fund community services that would otherwise struggle to exist in the business hub of Byron Bay. In this unique not-for-profit model, both community and commerce intertwine to create a financially regenerative project that benefits the very fabric of Byron Bay.</p> <p>Economic and social impact assessments have been undertaken, along with detailed project planning, risk management framework, financial modelling and governance structure.</p> <p>The project addresses economic and social targets outlined in the NSW Innovation Strategy, North Coast Regional Plan, the North Coast Destination Management Plan and Council's Community Strategic Plan.</p>		

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

There are no statutory or legal implications with the funding of these projects.

10 ***Financial Considerations***

There are no adverse impacts on Council's financial position as all of the projects are funded from grants, developer contributions or existing budget allocations.

15 Under the BLER Fund, Council is not required to provide a co-contribution for each project, however, it is encouraged. Sources of funding for each project are shown below:

Project	Total Project Budget *	Grant Funding Sought	Additional Sources of Funding for Co-contribution	Funds Required for Concept Design and Grant Preparation.
Mullumbimby to Brunswick Heads cycleway	\$6M	\$5.2M	\$600k from Election Commitment Grant. \$100,000 of developer contributions from Mullumbimby Cycleways Reserve	\$100,000 of developer contributions from Mullumbimby Cycleways Reserve.

Project	Total Project Budget *	Grant Funding Sought	Additional Sources of Funding for Co-contribution	Funds Required for Concept Design and Grant Preparation.
Bangalow Cycleway	\$1.6M	\$1.6M	Nil	Proposed within grant
Green Line Byron Bay – Belongil Coastal Walkway	\$2.5M	\$2.5M	Nil	\$60K funded from Crown Pay Parking Reserve.
Byron Hospital	\$3.5M	\$2M	\$1.5M co-contribution from Council – loan to project from Water and Sewer fund over 20 year period	None – only resource to do the business case.

*Note: Total project budget is a high level estimate. Business Cases are being developed to ensure more detailed costing estimates and scope prior to application. The total grant funding sought will be in accordance with the final business case total project budget needs.

5

Consultation and Engagement

The Executive Team reviewed the proposed list of projects at a meeting on 4 November 2020 and supports the preparation of grant applications and business cases where favourable.

10

Individual projects have had varying degrees of community consultation as outlined above. If Council is successful in obtaining grant funding to proceed with the relevant projects, community consultation will form a part of the project planning, as per Council's standard process.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 Net Zero Emissions Action Plan for Council Operations 2025 - public submissions and endorsement of final Plan

5 **Directorate:** Sustainable Environment and Economy
Report Author: Hayley Briggs, Sustainability and Emissions Reduction Officer
 Julia Curry, Sustainability and Emissions Reduction Officer
File No: I2020/1544

10

Summary:

15 At the Ordinary Council Meeting of 27 August 2020, Council resolved (1) to adopt the draft *Net Zero Emissions Action Plan for Council Operations 2025* (the Action Plan) (Attachment 1) for public exhibition for a period of 28 days, and (2) that any submissions received on the draft Action Plan be reported to Council for consideration, prior to the adoption of the final Action Plan (**resolution 20-388**).

20 The draft Action Plan was placed on public exhibition from Monday, 7 September until Monday, 5 October 2020. A total of four submissions were received from the public (see Attachment 2). As per **resolution 20-388**, this report presents to Council for consideration:

- 25 1) the public submissions to the draft Action Plan, and why no comments have been incorporated into the final version; and
 2) the final Action Plan for endorsement.

30 The overall aim of the Action Plan is to map a path for future activities that Council will undertake in order to reduce emissions from Council operations. The Action Plan is founded on the Net Zero Emissions Strategy for Council Operations 2025 (the Strategy) and Council's commitments to being net zero emissions for Council operations by 2025, and to sourcing 100% of its electricity through renewable energy by 2027 (Attachment 3). Progress updates on the Action Plan will be provided to Council each year as part of the annual emissions inventory.

RECOMMENDATION:

- 35 1. That Council notes the four public submissions to the draft *Net Zero Emissions Action Plan for Council Operations 2025* (Attachment 2, E2020/84849).
 2. That Council adopts the exhibited version of the *Net Zero Emissions Action Plan for Council Operations 2025* (Attachment 1, E2020/56957).
 3. That Council notes that progress updates on the Action Plan will be provided to Council each year as part of the annual emissions inventory report to Council.

Attachments:

- 40 1 Net Zero Emissions Action Plan for Council Operations 2025, E2020/56957 
 2 Public submissions to the draft Net Zero Emissions Action Plan for Council Operations 2025, E2020/84849 
 3 FINAL Net Zero Emissions Strategy for Council Operations 2025, E2019/37526 

REPORT

At Council Ordinary Meeting 23 March 2017 **resolution 17-086** was developed and included two specific targets:

- 5 • Council commits to achieving 100% net zero emissions by 2025 in collaboration with Zero Emissions Byron (ZEB).
- Council commit itself to source 100% of its energy through renewable energy within 10 years.

10 On 2 August 2017 the Executive Team considered a follow up report to **resolution 17-086** and considered the delivery of an emissions reduction strategy for Council, to meet these targets. The *Net Zero Emissions Strategy for Council Operations 2025* (the Strategy) was adopted by Council on 20 June 2019 (**resolution 19-268**) (Attachment 3).

- 15 The 2019/20 Operational Plan included the following action and related measure:
- 3.2.1.1 *Implement Net Zero Emissions Strategy for Council Operations 2025*
 - o *Develop and deliver annual action plan to prioritise and evaluate emissions reduction projects*

20 This Action Plan has been crafted to sit alongside the Strategy and deliver on the above Operational Plan measure.

25 To develop the Action Plan, workshops with the Sustainability and Emissions Reduction Advisory Committee and Council Managers were held in February 2020. Additional feedback was obtained from non-SERAC Managers and other relevant staff to ensure the Action Plan was accurate and achievable. The Action Plan was presented to Councillors for discussion at the 6 August 2020 Strategic Planning Workshop.

Public Submissions

30 The draft the Action Plan was on public exhibition for a period of 28 days from Monday 7 September until Monday 5 October. A total of four submissions were received from the public during the exhibition period. Table 1 below summarises the submissions and staff response.

35 **Table 1: Summary of public submissions to the draft Action Plan**

Submission	Incorporated into final Action Plan?	Reason for inclusion / exclusion
I am from Ballina, and don't see much mention of this area. I believe that grey water could be offered to existing premises, and in addition could be recycled to drinking water as they do in London etc.	Unable to include.	The Action Plan is not relevant to Ballina Shire.
BSC and the emissions reduction team should be congratulated on this comprehensive and well integrated plan, if it can all be brought to fruition it will make a significant difference! It is unfortunate that the public is still largely unaware of how much BSC is doing to lower emissions for their operations. I hesitate to add more suggested actions as there is so much in this already but as a member of Zero Emissions Byron we would love to see more actions from council to encourage, educate and regulate the buildings and developments in	Unable to include.	Noted, the public could be made more aware of the work Council is doing to reduce operational emissions; the Sustainability Team is planning to reinstate the Sustainability Newsletter on a quarterly basis. The first edition should come out before the end of the calendar year. Regarding the ability of

Submission	Incorporated into final Action Plan?	Reason for inclusion / exclusion
Byron Shire. We see things like black roofs, very little passive solar design with energy & water wasting design common that is still happening. We would love to see more done through all of council's points of contact and levers.		Council to "encourage, educate and regulate the buildings and developments in Byron Shire"; this recommendation has not been included as this Action Plan focusses on Council operations only. However, the Sustainability Team acknowledges that this would be an effective way to reduce community emissions and will consider such an approach if Council develops a community emissions framework.
Not before time. Great. Finland a great role model.	Unable to include.	No suggestions to incorporate.
Has the council investigated a Power Purchase Agreement with a Renewable Energy Generator or Retailer? It is possible to use these arrangements to move to 100% renewable energy faster than your current timeline without Council needing to build its own generation facilities.	Already covered in Action Plan.	See: Part 3 – Action Plan Roadmap – Objective A – Electricity (p.9). Action A6 is to "Liaise with regional LGAs to collaborate and develop local energy projects". In relation to this action, staff are currently in the early stages of investigating the viability of a Power Purchase Agreement.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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10
The Action Plan reflects all international, federal, state and regional plans and targets. It complements Council's overarching Community Strategic Plan (CSP) and recognises the growing interest in emissions reduction projects and renewables observed in the Byron Shire, which is highlighted in the CSP. As well as being a key tool to support the delivery of the *Net Zero Emissions Strategy for Council Operations 2025*, the Action Plan is further complemented by a number of other Council policies and strategies (including but not limited to *Towards Zero – Byron Shire's Integrated Waste and Resource Recovery Strategy 2019-2029*, the *Integrated Water Cycle Management Plan*, the *Integrated Transport Management Strategy*, and the *Sustainable Visitation Strategy 2020-2030*). It delivers on the below Operation Plan activity:

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	3.2.1.1	Deliver the Net Zero Emissions Action Plan for Council Operations 2025

15

Legal/Statutory/Policy Considerations

Council has no statutory obligations to produce an emissions reduction Action Plan.

5 *Financial Considerations*

The cost of preparing the Action Plan was included in the 2020/21 budget.

10 Emissions reduction and the transition to 100% renewable energy can both cost and save Council depending on the project. Projects listed in the Action Plan will need to be assessed for financial viability on a case by case basis with funding considered in line with preparing Council's annual budget.

15 *Consultation and Engagement*

To develop the Action Plan, workshops with the Sustainability and Emissions Reduction Advisory Committee and Council managers were held in February 2020. Additional feedback was obtained from non-SERAC Managers and other relevant staff to ensure the Action Plan was accurate and achievable. The Action Plan was presented to Councillors at the 6 August 2020 Strategic Planning Workshop. The draft version was endorsed by Council for public exhibition at the Ordinary Council Meeting of 27 August 2020.

Report

5 The Local Heritage Places Grants program is jointly funded by Council and the NSW Heritage Division as part of its commitment to heritage management and tourism within Byron Shire. The purpose of the fund is to provide small grants to support owners of heritage items or draft heritage items in maintaining their heritage property.

10 There is an amount of around \$12,000.00 in the 2020-21 fund made up of a grant from the Heritage Division of the NSW Office of Environment of up to \$5,500.00 and \$6,500.00 from the Council.

15 Up to \$3,000 is normally available for each project from the total funding pool. The main conditions are that property owners need to provide one dollar for every dollar contributed jointly by Council and the Heritage Division and that the work must be completed before or by March, 2021.

Due to the impact COVID restrictions and lockdowns has had on our community; it is believed that applications are down on previous years.

20 Only two (2) applications were received this year. Each proposal was assessed by Council’s Heritage Advisor and Heritage Planner against the required Heritage Division criteria. (Grant applications are confidential attachments 1 – 2).
<https://www.byron.nsw.gov.au/files/assets/public/hptrim/grants-and-subsidies-liaison-grants-and-funding-programs-heritage-grants-2018/e201851035-local-heritage-fund-guidelines-2019-2020.pdf>

Funding available for	Heritage items that are either <ul style="list-style-type: none"> – Listed as a heritage item in the Local Environmental Plan (schedule 5), or – Included in a conservation area in the Local Environmental Plan (schedule 5), or – Supported by Council’s heritage officer / planner as being of heritage significance.
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Priorities	Projects that are: <ul style="list-style-type: none"> – For heritage item/s in a well maintained heritage streetscape or landscape setting. For a heritage item/s with public access and visibility. – For urgent maintenance works to avert management risks (e.g. severe deterioration, demolition, or demolition by neglect). – Part of a heritage group or precinct. – Fire, service and access upgrade for Building Code Australia compliance for ongoing or adaptive reuse of your heritage items/s. – Have not received previous council funding support in the last 5 years.
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Projects that will NOT be funded	<ul style="list-style-type: none"> – New buildings. – Routine maintenance (e.g. lawn mowing, gutter cleaning or carpet cleaning). – Projects where adequate funding is available from the applicant or other sources. – New commemorative monuments or works Purchase of heritage
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	<p>buildings</p> <ul style="list-style-type: none"> - Relocation of buildings or work to relocate buildings - Private headstones. unless there is no possibility of descendent support for the project - Flood lighting of heritage buildings Purchase of equipment. - Movable railway heritage items.
Common selection criteria for all projects	<p>Funding is targeted to projects with:</p> <ul style="list-style-type: none"> - Sustainable long term heritage benefit - Public benefit and enjoyment. - Innovation and leadership. - Funding equity and cost effectiveness.

The focus for the 2020-2021 Local Heritage Grants Program is conservation works that enhance individual places, buildings and historic streetscapes including buildings in conservation areas that will promote and foster community appreciation of the history of the Shire.

5 After consideration by the Council’s Heritage Adviser and Heritage Planner, the two (2) projects that met the criteria have been recommended to Council for funding this year. The successful applications are Attachments 1 & 2.

10 In summary:

- Two applications will receive \$4,000 each. This is an additional amount to that advertised as part of the criteria.
- Due to COVID impacts, and that the number of grant applications are down from previous years, this increase in grant fund support is appropriate as both applications will complete building repairs, enhancements and maintenance to prominent local heritage items in main towns.

20 The funding of these projects will support over \$15,286.59 worth of work to be carried out in this financial year on heritage property restoration.

25 Further and to note, that there are a number of other potential projects that were discussed during the application process with landowners. Some of these were for minor building works and painting of local heritage items. If any of these projects can be progressed by or before the March 2021 grant acquittal deadline, the residual funding from the grant allocation will be utilised to support these in part or full.

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	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.2	Administer Council's Heritage Advisor and Heritage Projects Funds

30

Financial Implications

5 Council will deliver the Local Heritage Grants Program with the aid of a grant from the Heritage Division of the NSW Office of Environment and Heritage with Council providing at least \$6,500 to qualify for up to \$5,500 from the Heritage Division of the Office of Environment and Heritage.

Statutory and Policy Compliance Implications

10 The Local Heritage Grants program is a key action task in the Byron Shire Heritage Strategy 2020-2024.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.14 **Recycled Water Fees and Charges - Residential and Non-Residential**
Directorate: Infrastructure Services
Report Author: Dean Baulch, Principal Engineer, Systems Planning
 Pablo Orams, Integrated Water Management Officer
File No: I2020/1454

Summary:

This report has been prepared to allow Council to consider the adoption of a charge for recycled water use in its 2020/21 revenue policy. The proposed inclusion of recycled water charges in Council's revenue policy is based on legal advice.

RECOMMENDATION:

That Council:

- Adopts the following proposed charges:**

Recycled Water Usage Charge (Section 502 LGA)

A volumetric water usage charge will be levied based on the recycled water usage recorded as passing through the dedicated recycled water meter/s servicing each property. Water access charges are not applicable for dedicated recycled water meter connections.

Water Usage Charges

<i>Charge Type</i>	<i>Rate per Kilolitre (\$/KL)</i>	<i>Estimated Yield (\$)</i>
<i>Residential</i>		
<i>Residential Recycled Water Usage Charge</i>	<i>0.01</i>	<i>Unknown</i>
<i>Non-Residential</i>		
<i>Non-Residential Recycled Water Usage Charge</i>	<i>0.01</i>	<i>Unknown</i>

For the purpose of public exhibition for a period of 28 days;

- Adopt the proposed Charges as of the date of close of public exhibition, if no submissions are received, during the public exhibition period; or**
- Receive a further report on the submissions, if submissions are received during the public exhibition period.**

Attachments:

- Agreement for the Supply of Recycled Water from Byron Bay Urban Recycled Water Scheme - End user Agreement Template, E2020/88806 

REPORT

5 The NSW Department of Primary Industries, Office of Water provides *NSW Guidelines for Recycled Water Management Systems (2015)*. It requires having an effective management system to identify and control risks to the public at the point of use of the recycled water, including a recycled water management plan or system that follows the *Australian Guidelines for Water Recycling (2006)* and end user agreements.

10 *Byron Shire Councils Wastewater Management System - Management Framework (2016)* includes the use of end users agreements to set out the terms and conditions under which the recycled water scheme will operate. The agreements sets out roles and responsibilities of Council and the end user, record keeping and reporting, environmental management, monitoring and communication and penalties for non-compliance with the agreement amongst others.

15 End user agreements are in place with customers connected to the Byron Bay Urban Recycled Water scheme (BBURWS) and are updated every five years. This involves Council and the customer agreeing to a set of obligations and responsibilities under which the recycled water scheme operates, supported with legal sanctions. This includes the commercial terms under which
20 the recycled water was supplied and who should perform certain tasks and when and who bears the cost.

Council has nine (9) existing end user agreements in place for the BBURWS and three currently being reviewed for signing. A further two customers have recently enquired about connection to the
25 BBURWS.

The end users agreements contain a pricing clause (See Attachment 1- Section 2) which outlines that Byron Shire Council will supply recycled water at the rate of \$0.01 per kL, if demanded, from one week after the date of execution of the Agreement.
30

Key issues

35 *The Recycled Water Management Strategy 2017-2027* established the path for recycled water management in the Byron Shire over the next 10 years. It outlined Councils "risk based implementation" including end user agreements and funding and costings.

Funding and costing included Council charging a minimum cost for recycled water of \$0.01 per kilolitre (kL), providing customers with a financial incentive to connect to the recycled water scheme.
40

At the Council Meeting on the 23 August 2018, it was resolved (**18-527**) that Council adopt the *Recycled Water Management Strategy 2017-2027* as exhibited (Richardson/Hunter).

45 The *Local Government Act 1993* (LG Act) prevents Council determining a charge in the absence of following the process under the LG Act. A recycled water agreement which imposes a charge for recycled water where the charge hasn't been properly adopted by Council arguably has no effect.

To ensure agreements Council has entered, and will enter, with recycled water users are lawful regarding price, Council should adopt a charge for recycled water via its revenue policy.
50

The proposed price is consistent with Council's adopted *Recycled Water Management Strategy 2017-2027*.

55 The proposed updated *2020/21 Revenue Policy including Fees and Charges* will require the following inclusions:

Recycled Water Usage Charge (Section 502 LGA)

A volumetric water usage charge will be levied based on the recycled water usage recorded as passing through the dedicated recycled water meter/s servicing each property.

Water access charges are not applicable for dedicated recycled water meter connections.

5

Water Usage Charges

Charge Type	Rate per Kilolitre (\$/KL)	Estimated Yield (\$)
Residential		
Residential Recycled Water Usage Charge	0.01	Unknown
Non-Residential		
Non-Residential Recycled Water Usage Charge	0.01	Unknown

This would benefit Council by ensuring that Council is operating as per its *Waste Water Management System Framework (2016)* and also following the *NSW Guidelines for Recycled Water Management Systems (2015)*.

10

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

15

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.5	Provide continuous urban water and sewerage services within the Shire	1.5.6	Protect and enhance our natural environment and biodiversity	1.5.6.1	Review Effluent Reuse management plan strategy

Legal/Statutory/Policy Considerations

The *NSW Guidelines for Recycled Water Management Systems (2015)* requires a recycled water management plan or system that follows the *Australian Guidelines for Water Recycling (2006)* and end user agreements.

20

Adopting a recycled water charge via Council's revenue policy will ensure Council is acting consistently with the LG Act.

25

Financial Considerations

This report will not influence Councils budget.

Consultation and Engagement

30

Engagement, consultation and subsequent review of this report has been undertaken with the following Council teams:

- Utilities
- Finance
- Legal

35

A 28 day public exhibition will be required.

Report No. 13.15 **Renaming Granuaille Crescent**
Directorate: Infrastructure Services
Report Author: Deanna Savage, Roads and Property Officer
File No: I2020/1635

5

Summary:

10 NSW Ambulance in response to Council correspondence in relation to Council Res **20-447** is requesting Council reconsider its position not to rename Granuaille Crescent on the southern side of Hinterland Way.

15 In light of safety concerns raised, Staff support renaming to ‘Satinash Crescent’ and reallocation of house numbers in accordance with Geographical Naming Board Policy, noting the board’s pre approval of Satinash Crescent as the preferred street name.

RECOMMENDATION:

1. **That Council endorses the renaming of Granuaille Crescent on the Southern side of Hinterland Way to ‘Satinash Crescent’ and reallocate numbers in accordance with Geographical Naming Board Policy.**
2. **That the endorsed name be formally submitted to the NSW Geographical Names Board for concurrence, advertising and Gazettal in accordance with regulation requirements.**
3. **That new street name signs be erected and funded from the General Fund for Sign Maintenance.**

20

Attachments:

- 1 2nd Letter email Granuaille Crescent Bangalow naming irregularity from James Porter Operations manager NSW Ambulance, E2020/88236 

25

REPORT

Council resolved **Res No 20-447** at 27 August 20 meeting;

Resolved:

- 5 1. *Not endorse the renaming of Granuaille Crescent on the Southern side of Hinterland Way.*
2. *Request the NSW Ambulance to review its GPS and other databases to ensure they are kept up to date.*

10 Council has received further correspondence from NSW Ambulance (*Attachment 1 E2020/88236*).
NSW Ambulance has requested Council reconsider. Extract of letter sent below:

15 *“Please be aware that NSW Ambulance GPS systems are up to date. But, as your aerial maps show (on the attachments you sent me), it would be very easy for a reasonable person to become confused by the very close locations of streets/roads with identical names.*

I respectfully request that Council reconsiders their decision to not make a name change. It may end up saving someone’s life by correcting the problem. It may, however, have a very different outcome for someone if the current problems continue.”

20 Under the NSW Address Policy and User manual there are a number of statements that address the importance of the ability for Emergency Services to be able to locate addresses without delay and difficulty.

25 NSW Address Policy and User Manual available in detail at:
https://www.gnb.nsw.gov.au/_data/assets/pdf_file/0020/223346/NSW_Address_Policy_and_User_Manual.pdf

Extract from the Foreword written by Narelle Underwood Surveyor-General of NSW:

30 *“Many web and database applications rely on addresses as the central reference point to connect services and integrate data. As a result, **addresses must adhere to the basic principles that they are simple, singular (i.e. not-duplicated)**, intuitively understood and relevant to place.*

35 *These addressing principles are important for both government and the community. The community depends on the use of consistent addresses for service delivery and public safety, **particularly when it comes to emergency response times**. Government depends on it to deliver infrastructure and policies that make a difference to the economy and people’s lives.”*

40 Council staff have looked at all the submissions again and “Satinash Crescent” has been pre approved by the Geographical Names Board and was the most preferred by the residents.

45

50

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.1	Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)	1.1.1.2	Implement ongoing road planned maintenance programs

5 ***Legal/Statutory/Policy Considerations***

Byron Shire Council Street Name Register.

10 Council is able to name roads in accordance with the authority provided in Part 10, Division 4, Section 162 of the *Roads Act 1993*.

The procedure of naming roads, is dictated by Sections 7 to 10 within Part 2, Division 7 of the *Roads Regulation 2018*, which is available in detail at:

15 <https://www.legislation.nsw.gov.au/view/whole/html/inforce/current/sl-2018-0512>

Council is the authority to name this road and has done so in line with the below regulations:

- Road Regulations 2018 - Part 2 - Division 1 - Section 7 – Procedure for naming roads
- Roads Act 1993 - Division 4 - Section 162 - Naming of public roads
- 20 • NSW Addressing User Manual - 6.7 Principles of Road naming - 7 Addressing Procedures
- Council Policy No.07/102 – Tourist, Street Name, Community Facility and Service Signs – Section 4.2f

25 ***Financial Considerations***

The funds for the erection of the sign/s will be from the General Fund for Sign Maintenance.

30 Council will be required to pay for amendments to street name signage from the existing budget - approximately \$200.

Consultation and Engagement

35 The adjoining land owners and the general public have been consulted and provided comment and submissions.

Report No. 13.16 Road Closure Proposal adjoining 101 Pearce Road Pt Lot 30 DP 862126

Directorate: Infrastructure Services

Report Author: Deanna Savage, Roads and Property Officer

5 File No: I2020/1637

10 **Summary:**

This report is being presented to Council to endorse the closure of part Council road reserve adjoining 101 Pearce Creek Road Pt Lot 30 DP 862126 highlighted in red Image 1 and subsequent sale to the adjoining land owner. The land size is approximately 534m²

15 Crown Land has determined the road/land will vest in Council upon closure. (*Attachment 1 E2020/88221*)

RECOMMENDATION:

1. That Council endorses the closure of road reserve 101 Pearce Creek Road Pt Lot 30 DP 862126 highlighted in red Image 1 in this report.
2. That Council ascertains market value by engaging a suitably qualified Valuer and delegates to the General Manager the authority to enter into a contract for sale of the closed road with the owner of adjoining Pt Lot 30 DP 862126 at a value no less than the value placed on the closed road by the independent Valuer.
3. That the applicants pay all costs associated with the road closure, sale and consolidation, including but not limited to:
 - a) Council application fees
 - b) Council's surveyor's fees and survey, valuation and legal costs
 - c) All registration fees
 - d) Legal costs
4. The allotment created by the part road closure to be consolidated into the existing Parcel No 237378 Pt Lot 30 DP 862126.
5. That Council authorises the execution of all documents necessary to affect the road closure, sale, transfer and consolidation of the closed road.

20

Attachments:

- 1 Council road closure proposal - Part Pearce Road Booyong PT Lot 30 DP 862126 Response from Crownland, E2020/88221 
- 25 2 Email Request for Investigation into Council Road Closure - 101 Pearce Road Booyong Pt Lot 30 DP 862126, E2020/88217 
- 3 All Submissions for potential road closure PT Lot 30 DP 862126 101 Pearce Road Booyong, E2020/88213 

30

REPORT

Road closure application

- 5 An application was received from Northern Rivers Land Solutions (*Attachment 2 – E2020/88217*), on behalf of the owner of Pt Lot 30 DP 862126, requesting the closure and purchase of Council road reserve, highlighted in red **Image 1 and Image 2**. The closure will rectify historical encroachment issues whilst still allowing sufficient road width. There will be no physical changes to the road reserve.

10



Image 1

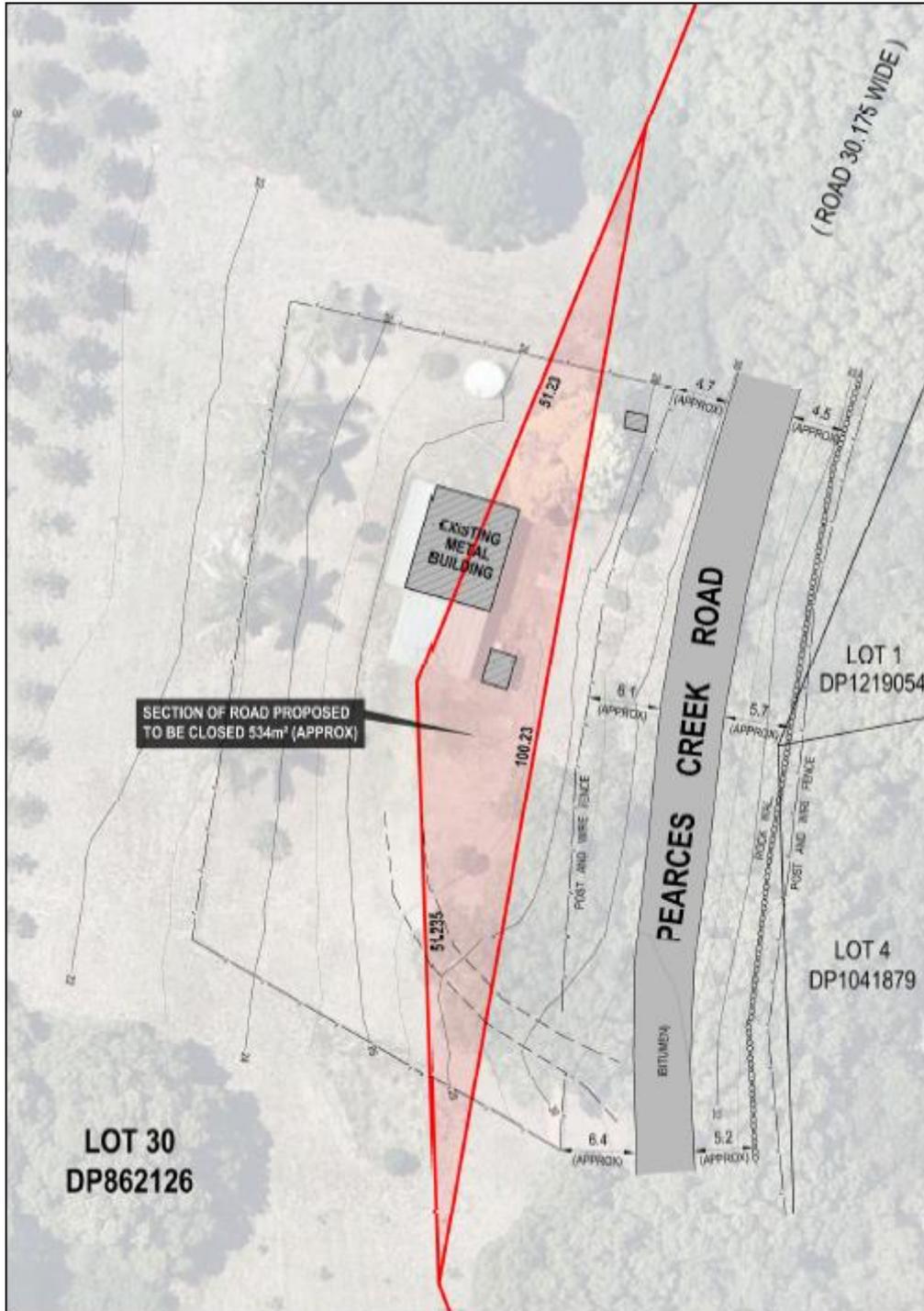


Image 2

5 Staff accepted the application as per the process for road closures and the *Roads Act 1993* Part 4 Closing of public roads, Division 3 Closing of council public roads by councils 38A, when council may close council public road.

10 The closure was advertised in the Byron Echo on 9 September 2020. Letters were sent out to all adjoining land owners, Crown Lands and all Notifiable Authorities as per the *Roads Act 1993*.

A 28 day submission period was given with no submissions of objection by authorities, adjoining land owners or members of the public being received. *Attachment 3 E2020/88213* shows all submissions received.

Crown Lands have notified Council that once the road has been closed the land will vest in Council (*Attachment 1 E2020/88221*) and negotiations for the sale can move forward with the adjoining land owners.

5 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.1	Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)	1.1.1.2	Implement ongoing road planned maintenance programs

Legal/Statutory/Policy Considerations

10

Roads Act 1993

Part 4 Closing of public roads

Division 3 Closing of council public roads by councils

38A When council may close council public road

15

A council may propose the closure of a council public road for which it is the roads authority if:

(a) the road is not reasonably required as a road for public use (whether for present or future needs), and

(b) the road is not required to provide continuity for an existing road network, and

(c) if the road provides a means of vehicular access to particular land, another public road provide lawful and reasonably practicable vehicular access to that land.

20

38B Notification of proposal to close council public road

(1) A council that is proposing to close a council public road must cause notice of the proposal:

(a) to be published in a local newspaper, and

25

(b) to be given to:

(i) all owners of land adjoining the road, and

(ii) all notifiable authorities, and

(iii) any other person (or class of person) prescribed by the regulations.

(2) The notice:

30

(a) must identify the road that is proposed to be closed, and

(b) must state that any person is entitled to make submissions to the council with respect to the closing of the road, and

(c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

35

38C Public submissions and formal objections

(1) Any person may make submissions to the council with respect to the closing of the road in the manner and within the period specified in the notice published under section 38B.

(2) Without limiting subsection (1), a notifiable authority in relation to the road may include a statement in the authority's submission to the effect that the authority formally objects to the closing of the road. The authority may withdraw the objection any time by written notice given to the council.

40

Note.

If a formal objection is made, section 38D (2) provides that the road may not be closed until the objection is withdrawn by the authority or set aside by the Land and Environment Court under this section.

5 (3) The council may appeal to the Land and Environment Court against a formal objection made by a notifiable authority against the closing of the road.

(4) On any such appeal, the Land and Environment Court may:

(a) affirm the objection, or

(b) set aside the objection.

10 (5) In deciding whether to affirm or set aside the objection, the Land and Environment Court must have regard to the public interest.

38D Decision of proposal

(1) After considering any submissions that have been duly made with respect to the proposal, the

15 council may, by notice published in the Gazette, close the public road concerned.

(2) However, a council public road may not be closed:

(a) in the case of a classified road—unless RMS consents to the closure of the road, or

(b) in the case where a notifiable authority has formally objected under section 38C to the closing of the road—until the objection is withdrawn by the authority or set aside by the

20 Land and Environment Court under that section.

38E Effect of notice of closure

(1) On publication of the notice closing the council public road concerned:

(a) the road ceases to be a public road, and

25 (b) the rights of passage and access that previously existed in relation to the road are extinguished.

(2) The land comprising a former road:

(a) in the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place)—remains vested in the council, and

30 (b) in any other case—becomes (or, if previously vested in the Crown, remains) vested in the Crown as Crown land.

38F Appeals to Land and Environment Court against closure decision

(1) A person referred to in section 38B (1) (b) may appeal to the Land and Environment Court against the closure of a council public road by a council.

35 (2) On any such appeal, the Land and Environment Court may:

(a) affirm the closure, or

(b) set aside the closure.

(3) Section 38E is taken never to have applied to a closure that is set aside.

40 (4) To avoid doubt, an appeal under section 38C does not prevent an appeal under this section.

SECT 43 Disposal of land comprising former public road owned by council

(1) This section applies to land vested in a council and forming part of a former public road.

(2) Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the council, the council resolves that it is to be community land, in which case the land is community land.

45 (3) If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.

(4) Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

5 Financial Considerations

All costs associated with the road closure are borne by the applicant.

10 As per *Roads Act 1993* legislation above the money received by council from the proceeds of sale of this land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

Consultation and Engagement

15 As per the *Roads Act 1993* requirements, the necessary notices and submissions period was undertaken and no objections were received.

Report No. 13.17 **Byron CBD Mobility Spaces Review**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
Stephanie Tucker, Pay Parking Coordinator
5 File No: I2020/1732

10 **Summary:**

At the Ordinary Council meeting held 26 March 2020, Council resolved as follows:

15 ***Resolution 20-137***

Resolved that Council review disability parking arrangements in the CBD and report back as soon as possible on whether:

- 15 a) *an adequate supply exists to meet demand across all parts of the CBD; and*
b) *appropriate footpath access exists from the spaces in these locations*

20 A subsequent review has identified the supply of mobility spaces meets requirements outlined in Australian Standards. However, the majority of mobility spaces require upgrades to ensure adequate access.

RECOMMENDATION:

That Council:

1. **Endorses the upgrade of mobility spaces within Byron Bay to comply with current standards as budget allows.**
2. **Supports the existing \$71,000 Special Rate Variation funds for Access Ramps and Footpaths works be used to begin the renewal of these mobility spaces to current standards.**

25

REPORT

AS2890.5 On-Street Parking provides national guidance the recommended supply of accessible car spaces. The table below, taken from AS2890.5, shows the recommended proportion of accessible spaces. The Byron CBD is considered to have a predominately retail/commercial Land use, therefore, 2% of car spaces are recommended to be allocated for accessible parking.

Table 4.2 – Recommended minimum number of accessible spaces by land use

Type of development and land use	Recommended minimum number of accessible spaces
Retail/commercial	2%
Public transport	2%
Community facilities, libraries, galleries, places of worship	2%
Senior citizens centres, clubs and residential care facilities	3% to 4%
Medical centres, services and hospitals	3% to 4%
Tertiary education institutions	1% to 2%
Entertainment centres, function centres	2%
Outdoor sporting facilities and outdoor recreation areas	1% to 2%

10 An audit of parking spaces in June 2020 within the Byron Bay Pay Parking scheme identified approximately 1,800 car parks, 36 of these spaces are dedicated to accessible parking. Three (3) of these accessible spaces are located within the new Railway Car Park (3 accessible spaces) and one (1) within the new Lawson Street South Car Park.

15 36 dedicated accessible spaces out of 1,800 spaces amounts to 2%. Therefore, with regards to supply, the Byron Bay pay parking scheme complies with AS2890.5 recommendations.

20 The parking spaces audit does not include accessible spaces provided within the off-street carparks of commercial premises and non-council carparks such as Byron Bay Library, Mercato Complex, Aldi and Aged Care car parks. Typically, off-street car parks require approximately 1 accessible space per 100 car spaces. The provision of off street accessible spaces is controlled by the Building Code of Australia and Building Certifiers.

25 Figures 1-4 below show the layout of all accessible spaces within the Byron Bay Parking Scheme. Note there are an additional 3 spaces in the new Rails Car Park and 1 in the new Lawson St South car park not yet shown in these figures.

30 In addition, the Building Code of Australia requires a minimum of one disabled space per 100 car spaces. As a result there are many more disabled spaces provided off street within private car parks, such as, Aldi, Byron Library, Mercato and other residential / commercial developments. These spaces have not been assessed as they are within private property.

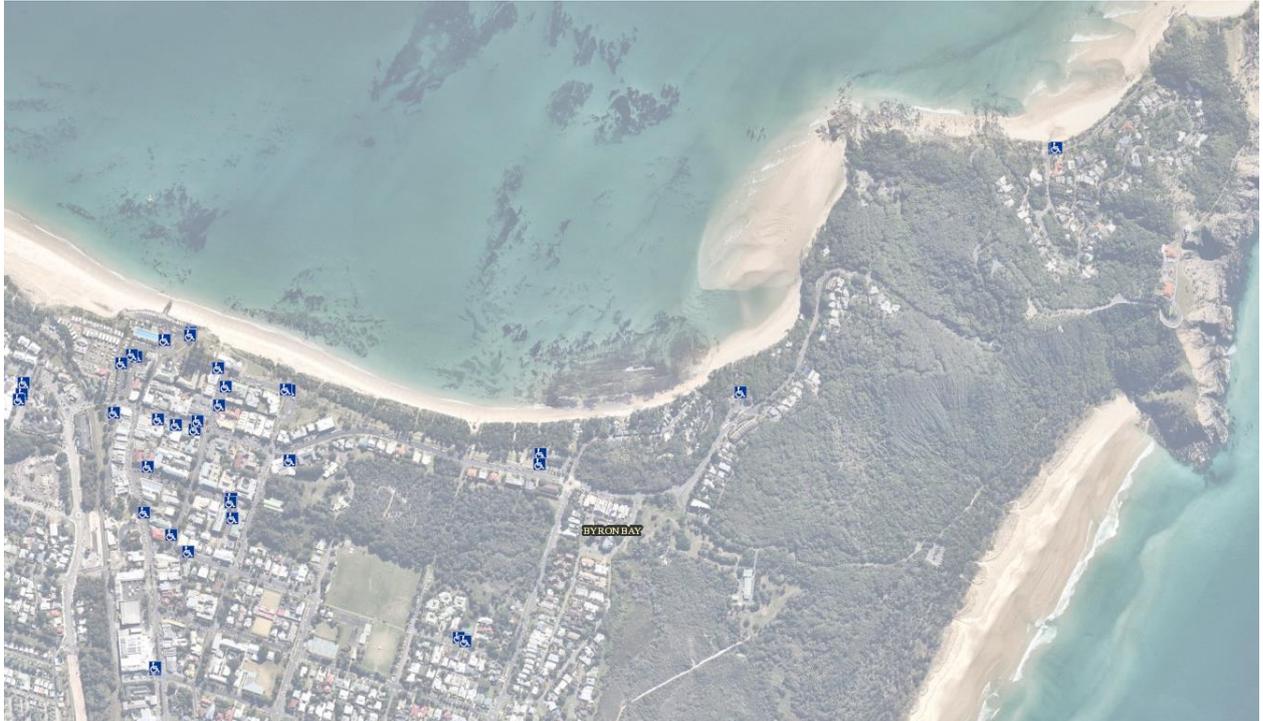


Figure 1 – Location of accessible spaces in Byron Bay Pay Parking Scheme



5

Figure 2 - Current location of mobility spaces in CBD (North)



Figure 3 - Current location of mobility spaces in CBD (Central)



5 **Figure 4 - Current location mobility spaces in CBD (South)**

Staff have undertaken a review of footpath access from the spaces and can confirm a large number of the mobility spaces do not comply with the current 2890.5 (2020) design requirements.

10 It is helpful to note that a majority of the mobility spaces were designed and constructed under a previous version, namely 2890.5 (1993). A significant design change has occurred since 1993.

As a result it is recommended to upgrade a significant number of the mobility spaces within Byron Bay to accord with AS2890.5.

15

Funding

5 Works costs will vary by space as some spaces will require existing ramps to be modified, some will require completely new ramps, some spaces will need to be relocated to better connect them to footpaths and access ramps, while several spaces will require the introduction of a new shared space with bollard. Given each space will require something different to upgrade it is difficult to provide a cost estimate at this time.

10 If an average cost of \$2,000 per space was assumed to upgrade all space this would result in a total cost of \$72,000. However, this does not take into account budget required for staff time associated with design work, approvals, administration, community consultation or where more complex upgrade works are required.

15 However, staff have identified \$71,000 within the 2020/21 budget already allocated to the renewal of Access Ramp and Footpath works. These funds could be specifically allocated to the renewal of mobility spaces in Byron Bay.

As Staff begin to roll out the upgrade of mobility spaces a more accurate estimate to complete the upgrade of additional mobility spaces can be submitted for quarterly budget reviews, as required.

20 It is proposed that Council support the existing \$71,000 Special Rate Variation funds for Access Ramps and Footpaths works be used to begin the modification of these mobility spaces to current standards.

25 Further reporting will be provided to Council when the above funds have been expended. At this time Council can consider additional funding requirements to complete the renewal of Byron Bay mobility spaces at the next available quarterly budget review or within the 2021/22 budget, as funding permits.

Background Information

30 The following section has been presented to provide Councillors with background information on the design requirements for mobility spaces. The primary standard is AS2890.5 - On-Street Parking and AS1428.1 - Design for access and mobility.

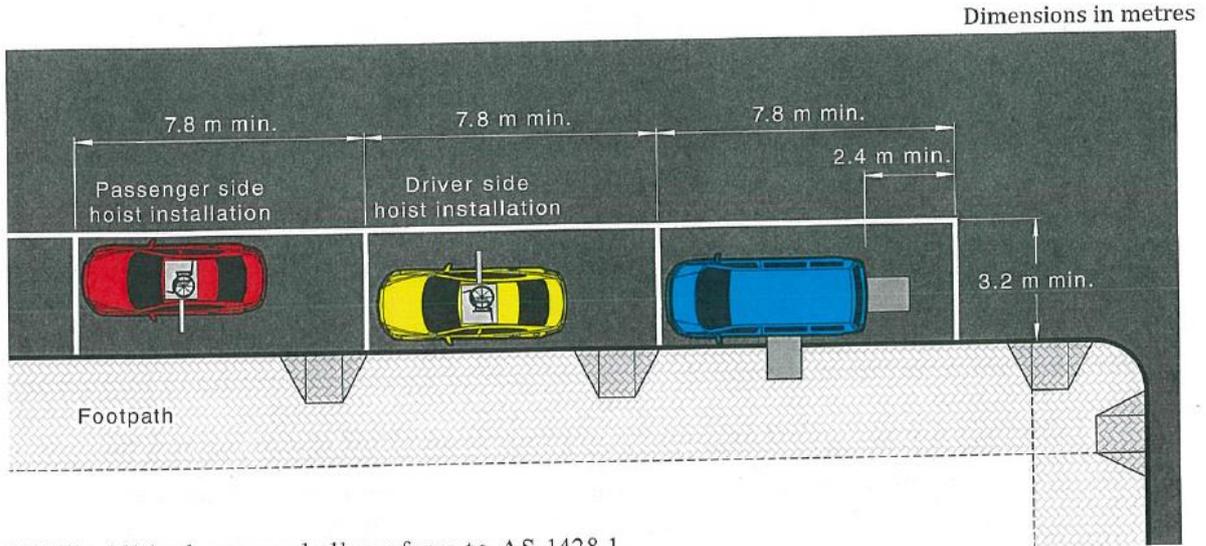
35 AS2890.5 (2020) states the following design requirements for access:

4.5.2 Parking space design requirements

Parking spaces for use by people with disabilities shall conform with the following:

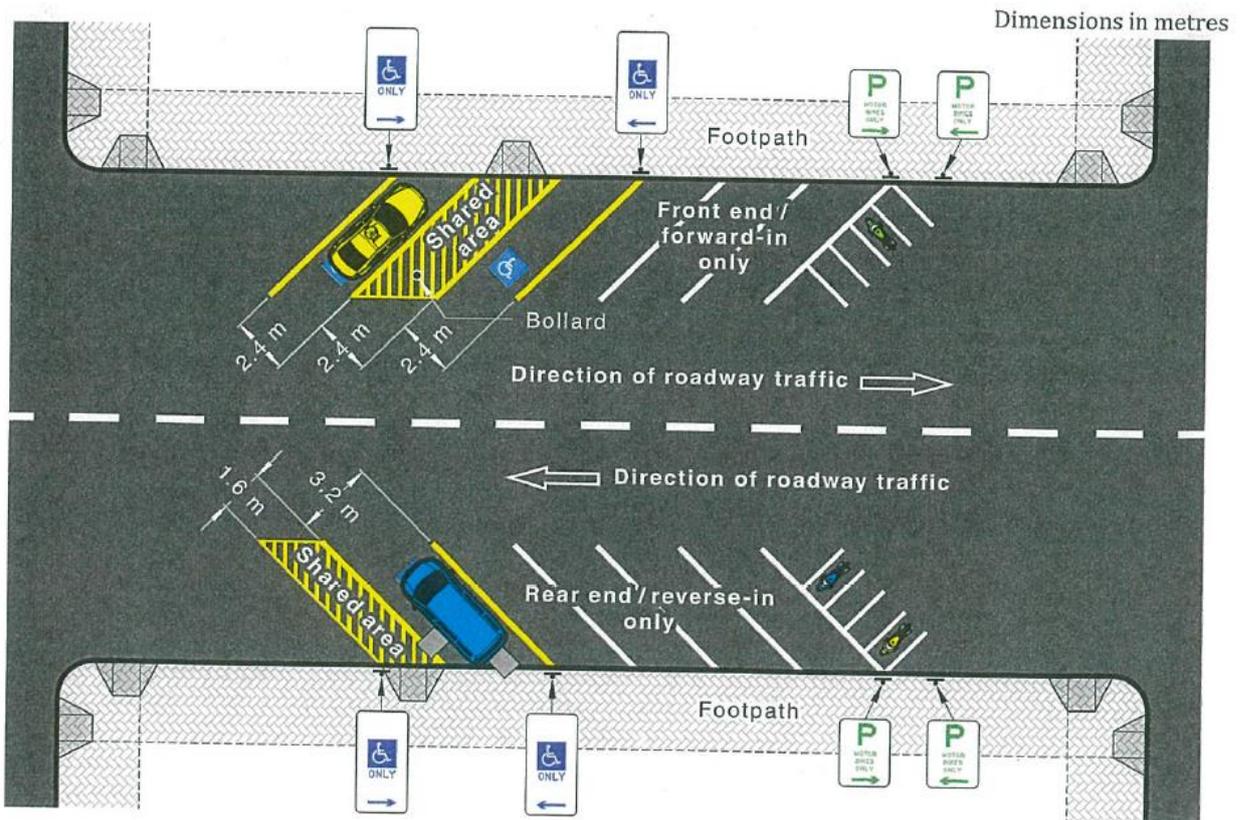
- 40 a. *Pavement requirements – A parking space shall consist of an unobstructed area having a firm plane surface, all at the one level, with a fall not exceeding 1:40 in either the direction of parking or at 90 degrees to it, or 1:33 if the surface has a bituminous seal.*
- b. *Provision of kerb ramps – Accessible parking spaces and shared areas shall incorporate kerb ramps to access pedestrian footpaths in accordance with AS 1428.1.*
- 45 c. *Provision of accessible path of travel – A continuous, accessible path of travel in accordance with AS 1428.1 shall be provided between each parking space and the adjacent footpath.*

The following snippets are taken from AS2890.5 (2020) to illustrate what spaces should look like when they comply with the above requirements.



NOTE: All kerb ramps shall conform to AS 1428.1.

Figure 4.2 — Examples of accessible parallel parking without kerb extensions



NOTE:

1. Shared area markup required.
2. All kerb ramps shall conform to AS 1428.1.
3. Motor bike parking is not recommended adjacent to shared areas due to potential for encroachment.

Figure 4.5 — Examples of accessible angle parking without kerb extensions

Any works to upgrade mobility spaces in Byron Bay will be in accordance with these design requirements. Consideration has not been given to Off Street Mobility Spaces located within private property.

5 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	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.2	Delivery prioritised Pedestrian and Access Mobility Plan (PAMP) facilities

10 *Legal/Statutory/Policy Considerations*

Mobility parking and associated ramps and pathways are required to be designed and constructed in accordance with the following standards:

- AS1427.1 – Design for Access and Mobility
- 15 AS2890.5 – Parking Facilities (Part 5 – On-Street Parking)
- AS2890.6 – Parking Facilities (Part 6 – Off Street Parking for People with Disabilities)

Financial Considerations

20 Staff have identified \$71,000 within the 2020/21 budget already allocated to the renewal of Access Ramp and Footpath works. These funds could be specifically allocated to the renewal of mobility spaces in Byron Bay.

25 It is proposed that Council support the existing \$71,000 Special Rate Variation funds for Access Ramps and Footpaths works be used to begin the modification of these mobility spaces to current standards.

30 Further reporting will be provided to Council when the above funds have been expended. At this time Council can consider additional funding requirements to complete the renewal of Byron Bay mobility spaces at the next available quarterly budget review or within the 2021/22 budget, as funding permits.

Consultation and Engagement

35 No community consultation has taken place or is considered required.

Report No. 13.18 **Temporary Relocation of Main Beach Patrolled Swim Area**
Directorate: Infrastructure Services
Report Author: Michael Matthews, Manager Open Space and Resource Recovery
File No: I2020/1783

5

Summary:

10 A request has been received from the Byron Bay Surf Life Saving Club for the temporary relocation of the flagged swim area to the wrecks, Main Beach when surf conditions result in unsuitable conditions for Patrol access, set-up and safe swimming in front of the Surf Club.

15 The Byron Bay Surf Life Saving Club (BBSLSC) considers the Main Beach area in front of the Surf Club as currently presenting as an unsafe area at times for Surf Patrol access, set-up and safe swimming. This concern is largely due to sand depletion and reef exposure that is occurring east of the Main Beach Carpark.

20 The area of Main Beach at the Wreck however, due to localised sand profile is considered by both the volunteer and paid lifeguard service, as a safer alternative Patrol Area.

BBSLSC has requested assistance from Council to:

- Obtain suitable and safe access for members, public, rescue equipment and other emergency services to the Wreck Beach from the car park
- 25 • Allocate an area of beach from the southern end of the Wreck Beach extending 200 metres along length of patrol area where dogs are on leashes so it is safe for the general public, patrol and emergency teams.

30 Both the off lead companion animal exercise area and access needs have been considered. In the interests of providing continued safe patrolled swim area at Main beach, and as a result of erosion events east of the Byron Bay Carpark, it is considered appropriate that the BBSLSC request be endorsed by Council.

RECOMMENDATION:

That Council:

1. **Approves the area from the mapped Off lead companion animal exercise area to the western side of main beach carpark as Councils endorsed alternative flagged patrol area for Main Beach.**
2. **Ensures that beach access is maintained to allow for suitable access for members, public, and rescue equipment.**

35 **Attachments:**

- 1 BBSLSC Brief Erosion Surf Rescue Service_10.20, E2020/89960 
- 2 Policy: Companion Animal Exercise Areas 2019 (current_policies), E2019/10485 

40

REPORT

5 A request has been received by the Byron Bay Surf Life Saving Club (BBSLSC) for the temporary relocation of the flagged swim area to the wrecks, main beach.

10 The Byron Bay Surf Life Saving Club considers the Main Beach area in front of the Surf Club as presenting as an unsafe beach at times due to erosion, resulting in conditions that are unsuitable for Surf Patrol access, set-up and safe swimming at times.

The area of Main beach at the Wreck however, due to the existing sand profile is considered by life guards as a safe alternative Patrol Area.

15 BBSLSC has requested assistance from Council to:

- Obtain suitable and safe access for members, public, rescue equipment and other emergency services to the Wreck Beach from the car park
- Allocate an area of beach from the southern end of the Wreck Beach extending 200 metres along length of patrol area where dogs are on leashes so it is safe for the general public, patrol and emergency teams.

20 **Safe Access**



25 Current patrolled swim area and access



5

10

Access from Carpark to the West



5 **Maintenance to access.**

The shaded area in the below images depict the current access alignment. Staff propose to re-profile this alignment in order to remove trip hazards improving public safety. Works are proposed to commence on completion and approval of a Review of Environmental Factors.

10

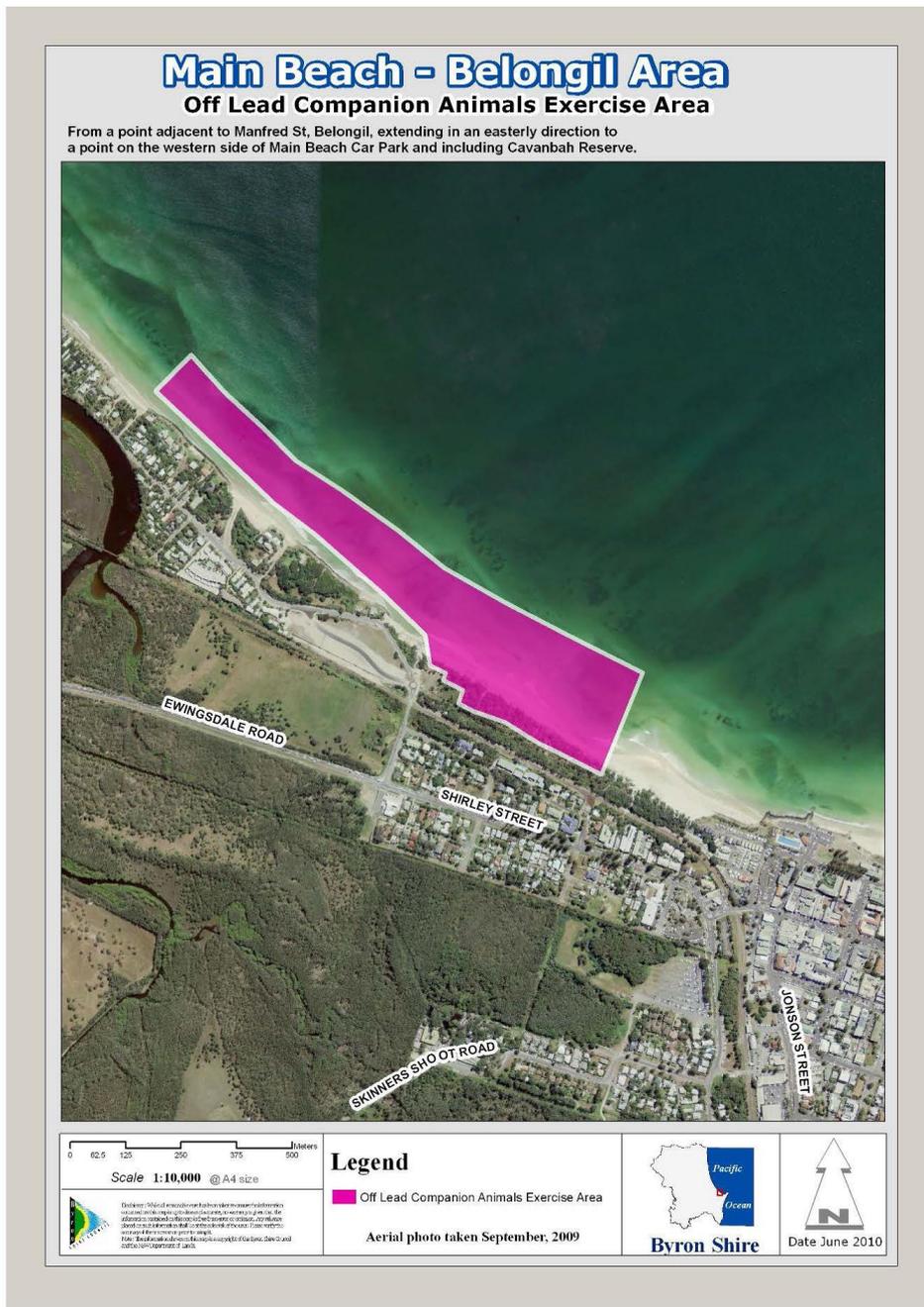




Off-lead Exercise Area

The below off lead companion animals exercise area map is shown below.

Policy: Companion Animal Exercise Areas 5.31



E2018/82250

Page 1 of 15

- 5 As the area proposed is neither a On or Off Lead companion animals exercise area, there are no statutory companion animal conflicts with this proposed patrolled area.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.	Provide accessible, local community spaces and facilities	2.3.5	Maintain Public Open space in a safe and efficient way that provides for both active and passive recreation (SP)	2.3.5.2	Deliver beach safety programs as adopted
	3					

5

Legal/Statutory/Policy Considerations

10 Maintenance of existing access to main beach undertaken under the ISEPP provisions and access maintenance adopted budget.

Financial Considerations

15 Maintenance works funded from Open Space beach access maintenance program. Materials and labour to improve access estimated at \$4,500.

Appropriate funding source is funds from beach access maintenance, sourced from Crown reserves.

20 ***Consultation and Engagement***

The Byron Bay Surf Life Saving Club and Australian Lifeguards Service

Report No. 13.19 **Use of Delegated Authority - Local Traffic Committee**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2020/1788

5

Summary:

10 It is anticipated that one or more extraordinary meeting of the Local Traffic Committee will be required before the end of 2020 to deal with late applications for Christmas events and/or for traffic and parking management. Due to the timing of both Council and LTC extraordinary meetings dates it is unlikely that LTC recommendations will be able to make it to Council meetings for adoption.

15

This report seeks Council's support for the General Manager to use Delegated Authority in consultation with Director of Infrastructure Services to act on LTC recommendations arising from extraordinary LTC meetings in November and December 2020.

20

RECOMMENDATION:

That Council approve the General Manager using Delegated Authority in consultation with the Director of Infrastructure Service to act on recommendations arising from extraordinary Local Traffic Committee meetings in November and December 2020 for matters where the Local Traffic Committee members are unanimous in their decision.

25

REPORT

Council meets on the following dates for the remainder of 2020, these dates are based on the time of writing this report:

- 5 Council (Planning) – 19 November and 10 December 2020
- Council – 26 November and 17 December 2020

There are no scheduled LTC meetings for the remainder of 2020. However, Staff are now aware of a number of projects and events that may require LTC recommendations prior to the end of 2020.

10 An extraordinary meeting may be required in November or early December to actions items in a timely manner.

15 One such event is an enquiry from a local community group about having a Christmas carol event in Palm Park in Mullumbimby on 13 December. To progress key community projects and applications and to manage any unforeseen traffic and parking issues, it is proposed that the General Manager use Delegated Authority in consultation with the Director of Infrastructure Service to act on recommendations arising from extraordinary LTC meetings within November and December 2020.

20 Staff held discussions with the Transport for NSW representative on the LTC who noted the above approach is adopted by other Councils for all LTC action. Therefore this approach is considered suitable for a short period.

25 It is recommended that Council approve the General Manager using Delegated Authority in consultation with the Director of Infrastructure Service to act on recommendations arising from extraordinary LTC meetings in November and December 2020 for matters where the LTC are unanimous in their decision.

30 In the case of matters where a LTC representative considers a specific item should not proceed or requires Council approval and the LTC recommendation is not unanimous, the specific item will proceed through to the next available Ordinary Council meeting for determination.

35 Accordingly, the use of Delegated Authority would only be used if LTC are unanimous in their decisions and be limited to November and December 2020.

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	1.6.4	Improve effectiveness of Local Traffic Committee	1.6.4.1	Report regulatory traffic matters for recommendation to Council and items requiring comment through the Local Traffic Committee

Legal/Statutory/Policy Considerations

45 The Roads and Maritime Services (RMS) have delegated functions to the Council in accordance with '[A guide to the delegation to councils for the regulation of traffic](#)' which states (page 4) that: "The Council may sub-delegate their powers to Councillors, the General Manager or an employee of the Council for Items 1 and 3 above."

Further, the recommendation is consistent with [Section 377 – General power of the council to delegate](#) of the *Local Government Act (General) 1993*.

Financial Considerations

5

Not applicable.

Consultation and Engagement

10

Not applicable.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 8 October 2020

5 **Directorate:** Corporate and Community Services
Report Author: Pamela Durkin, Social and Cultural Support Officer, CACS - Social & Cultural Planning
File No: I2020/1599

10 **Summary:**

15 The Arakwal Memorandum of Understanding Advisory Committee met on 8 October 2020 and attached are the minutes for noting by Council.

RECOMMENDATION:

1. That Council notes the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 8 October 2020.
2. That Council adopts the following Committee Recommendation:

Report No. 3.1 Arakwal Cemetery - guidelines and fee waivers
File No: I2020/808

Committee Recommendation 3.1.1

That the Arakwal MoU Advisory Committee recommends:

1. Council seeks further information on whether an application to NSW State Government may be supported to waive burial fees for Arakwal members in recognition of their Native Title Rights and, if appropriate, pursues the waiver.
2. Until such time that a permanent pathway is in place, that an application can be submitted by Arakwal Corporation on a case by case basis for fees to be waived for burial costs which can be approved by the General Manager.

20

Attachments:

- 25 1 Minutes Arakwal MOU Advisory Committee Meeting 8 October 2020, I2020/1479 

Report

5 The attachment to this report provides the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting of 8 October 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/10/AMUAC_08102020_AGN_1223_AT_EMBEDDED.PDF

10 The committee recommendation is supported by staff and is provided in the attachment to this report.

Financial Implications

15 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 8 October 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 8 October 2020.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.2 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 10 September 2020**

5 **Directorate:** Sustainable Environment and Economy
Report Author: Kimberley Rogers, Environment Support Officer
File No: I2020/1761

10 **Summary:**

This report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 10 September 2020 for determination by Council.

15

RECOMMENDATION:

That Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 10 September 2020.

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Attachments:

25 1 Minutes 10/09/2020 Sustainability and Emissions Reduction Advisory Committee, I2020/1366 

Report

5 The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 10 September 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/09/SERAC_10092020_AGN_1219_AT.PDF

Financial Implications

10 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 10 September 2020.

Statutory and Policy Compliance Implications

15 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 10 September 2020.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 Report of the Local Traffic Committee Meeting held on 21 October 2020

5 **Directorate:** Infrastructure Services
Report Author: Stephanie Tucker, Pay Parking Coordinator
File No: I2020/1743

10 **Summary:**

This report contains the recommendations of the extraordinary Local Traffic Committee (LTC) meeting held via email 16- 21 October 2020.

15 Council's action on the LTC advice will be:

- 20 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.
- 25 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 30 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.
- 35 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).
- 40 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.

40 Due to the fact that the RMS and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RMS and the NSW Police have provided their vote on the issue.

RECOMMENDATION:

45 1. **That Council notes the minutes of the Local Traffic Committee Meeting held on 21 October 2020.**

2. **That Council adopt the following Committee Recommendation(s):**

Report No. 6.1 Event - Road Closure (Coopers Shoot Rd)
File No: I2020/1638

RECOMMENDATION:

That Council and LTC supports the Nine Perfect Strangers film project and the associated temporary closure of part of Coopers Shoot Road, subject to:

- a. The location of the temporary road closure to be in accordance with Attachment 1 (E2020/83292).**
- b. Council and Local Traffic Committee support and associated Local Traffic Committee recommendations, namely:-**
 - i. Traffic Management Plan (TMP) and Traffic Control Plans (TCP) to be developed and implemented by those with appropriate TfNSW accreditation and to be in accordance with the submitted TMP (E2020/83292)**
 - ii. The TMP and TCP is include adequate private property access and egress affected by the project;**
 - iii. Separate approvals by NSW Police and TfNSW to be obtained, as required;**
 - iv. That the impact of the event be advertised via a notice in the local weekly paper a minimum of 14 days 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;**
 - v. The film project organiser is to:-**
 - liaise with Council depot to ensure filming does not conflict with and significantly impact any Council works proposed in the area;**
 - provide event details so it can be notified on Council's webpage;**
 - inform the community and businesses that are directly impacted by the temporary road closure via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
 - undertake consultation with emergency services, bus companies, taxi and waste operators ensuring arrangements are made for provision of services during conduct of the event;**
 - hold \$20m public liability insurance cover which is valid for the event; and**
 - pay Council's Road Event Application Fee prior to the event.**

Attachments:

5

1 LTC_21102020_MIN_1258_EXTRA, E2020/87799 

Report

5 The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 21 October 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/10/LTC_21102020_AGN_1258_AT_EXTRA_EMBEDDED.PDF

10 **Financial Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 21 October 2020.

15 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 21 October 2020.

Report No. 14.4 **Report of the Water, Waste and Sewer Advisory Committee Meeting held on 29 October 2020**

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

5 **File No:** I2020/1756

Summary:

10 The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 29 October 2020 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 29 October 2020.**

15 2. **That Council adopt the following Committee Recommendation(s):**

Report No. 3.1 Adoption of Minutes from 30 July 2020 Meeting
File No: I2020/1181

Committee Recommendation 3.1.1

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 30 July 2020 be confirmed.

3. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.1 Byron STP Condition 9. Additional Load - Quarterly Report
File No: I2020/1125

Committee Recommendation 4.1.1

That Council note the report.

4. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.2 2020 Household Kerbside waste Compostion Audit
File No: I2020/1524

Committee Recommendation 4.2.1

That Council:

1. **Note the report.**
2. **Hold a forum with the recycling/upcycling/reusing groups.**
3. **Investigate the possibility of auditing registered short term holiday letting dwellings.**

4. share the findings and promote good recycling practices in our community, schools and businesses.

5. That Council adopt the following Committee Recommendation(s):

Report No. 4.3 Framework for guiding the strategic direction of (recycled) water management

File No: I2020/1573

Committee Recommendation 4.3.1

That Council:

1. Note the report.
2. Further develop the proposed framework and assess the requirements for its practical implementation.

6. That Council adopt the following Committee Recommendation(s):

Report No. 4.4 Inflow and Infiltration - quarterly update

File No: I2020/1583

Committee Recommendation 4.4.1

That Council note the report.

7. That Council adopt the following Committee Recommendation(s):

Report No. 4.5 Commercial and domestic water resourcing

File No: I2020/1584

Committee Recommendation 4.5.1

That Council receive a report on a possible LEP amendment to introduce a clause to limit water extraction for commercial purposes.

5

Attachments:

- 1 Minutes 29/10/2020 Water, Waste and Sewer Advisory Committee, I2020/1237 

10

Report

5 The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 29 October 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/10/WWSAC_29102020_AGN_1226_AT_EMBEDDED.PDF

Committee Recommendation

10 The committee recommendations are supported by management and are provided in the attachment to this report.

Financial Implications

15 As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 29 October 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 29 October 2020.

Report No. 14.5 Report of the Local Traffic Committee Meeting held on 3 November 2020

Directorate: Infrastructure Services
Report Author: Stephanie Tucker, Pay Parking Coordinator
File No: I2020/1762

5

Summary:

10 This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 3 November 2020.

Council's action on the LTC advice will be:

- 15 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.
- 20 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
25 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
30 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
35 of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the RTC.

40 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 3 November 2020.**
- 2. That Council adopt the following Committee Recommendation(s):**
Report No. 6.1 Heritage Park, Mill St, Mullumbimby - No Parking 1am -6am
File No: I2020/1412

Committee Recommendation 6.1.1

That Council endorse the installation of No Parking Area 1am-6am signage to cover

Heritage Park, Mullumbimby.

3. That Council adopt the following Committee Recommendation(s):
Report No. 6.2 Bayshore Dr, Byron Bay - No Stopping
File No: I2020/1413

Committee Recommendation 6.2.1

That Council endorse the installation of No Stopping signs and yellow linemarking to prevent on-street parking along the Bayshore Drive frontage of 26 Bayshore Drive, Byron Bay.

4. That Council adopt the following Committee Recommendation(s):
Report No. 6.3 Give Way Sign - Cedar Rd, Wilsons Creek
File No: I2020/1558

Committee Recommendation 6.3.1

That Council endorse the installation of a Give Way sign and TB (hold line) at the intersection of Montecollum Drive and Cedar Road to give preference to through traffic on Cedar Road.

5. That Council adopt the following Committee Recommendation(s):
Report No. 6.4 No Stopping - South Beach Lane, Brunswick Heads
File No: I2020/1575

Committee Recommendation 6.4.1

That Council support the installation of No Stopping signs within South Beach Lane and on the western edge, approximately between chainages 130 to 190.

6. That Council adopt the following Committee Recommendation(s):
Report No. 6.5 Byron Bay Bypass - On-Road Cycleway
File No: I2020/1601

Committee Recommendation 6.5.1

That Council endorse the attached plans for the Byron Bay Bypass On-Road Cycleway pavement marking and signage to be installed as part of the Byron Bay Bypass project (#E2020/82748).

5

7. That Council adopt the following Committee Recommendation(s):
Report No. 6.6 Burringbar Street Mullumbimby Street Activation and Traffic Flow Improvements
File No: I2020/1612

Committee Recommendation 6.6.1

That Council endorse the attached plans for the Burringbar Street Mullumbimby Street Activation and Traffic Flow Improvements (#E2020/83138).

8. That Council adopt the following Committee Recommendation(s):

Report No. 7.1 Tennyson Street - Shared Path & Crossings

File No: I2020/1632

Committee Recommendation 7.1.1

Engineering Comments:

Council to note the committee comments.

5 Attachments:

1 LTC_03112020_MIN_1229, E2020/88976 

10

Report

5 The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 3 November 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/11/LTC_03112020_AGN_1229_AT_EMBEDDED.PDF

Financial Implications

10 As per the Reports listed within the Local Traffic Committee Meeting of 3 November 2020.

Statutory and Policy Compliance Implications

15 As per the Reports listed within the Local Traffic Committee Meeting of 3 November 2020.

Report No. 14.6 **Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 October 2020**

Directorate: Infrastructure Services

Report Author: Shelley Flower, Infrastructure Planning Support Officer, IS - Works

5 **File No:** I2020/1775

Summary:

10 The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 29 October 2020 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 October 2020.**

2. **That Council adopt the following Committee Recommendation(s):**

Report No. 3.1 Adoption of Minutes from previous Floodplain Risk Management Committee Meeting

File No: I2020/1629

Committee Recommendation 3.1.1

That the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 20 August 2020 be confirmed.

15

3. **That Council adopt the following Committee Recommendation(s):**

Report No. 4.1 Mullumbimby Land Release Areas (MLRA) Flood and Stormwater Assessment

File No: I2020/1589

Committee Recommendation 4.1.1

1. **That Council acknowledges the adoption of the North Byron Flood Risk Management Study and Plan.**

2. **That Council note the presentation regarding the Mullumbimby Land Release Areas and the associated DRAFT Flood Impact Assessment (Attachment 1 – E2020/43608).**

3. **That Council note the importance of evacuation management for the site and the existing constraints in relation to evacuation capacity of Mullumbimby township, as identified in FRMS&P at action RM07.**

4. **That Council commences holistic analysis of emergency management for the proposed area.**

Attachments:

- 1 Mullumbimby Land Release Areas - Flood Impact Assessment and SWMP Final_Aug2020, E2020/43608 
- 5 2 Minutes 29/10/2020 Byron Shire Floodplain Risk Management Committee, I2020/1649 

Report

5 The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 29 October 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/10/BSFRM_29102020_AGN_1225_AT_EMBEDDED.PDF

Committee Recommendation

10 The committee recommendations are supported by management and are provided in the attachment to this report.

Financial Implications

15 As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 29 October 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 29 October 2020.

CONFIDENTIAL REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 16.1 **CONFIDENTIAL - Lot 12 EOI Evaluation**
Directorate: Sustainable Environment and Economy
Report Author: Andrew FitzGibbon, Place Liaison Officer
File No: I2020/1730

5

10 **Summary:**

As per Council resolution (**Res 20-446**) Expressions of Interest (EOI) were sought for the development of Council-owned land at Lot 12 Bayshore Drive, within the Byron Arts and Industry Estate.

15

As per the resolution, the EOI process aimed to seek developers/partners who are able to achieve Council's vision for the property.

20

The call for EOIs was open from 14 September to 26 October 2020 (a period of more than 6 weeks).

Two EOI submissions were received. One from Citta Property Group and one from The Creative Capital Company.

25 The EOI Review Panel noted:

- Both submissions met the baseline compliance assessment requirements.
- The Citta Property Group proposal is brief and does not provide a clear design approach for the project. The panel recommends not proceeding any further with the Citta Property Group proposal.
- The Creative Capital Company proposal is detailed and provides a high level of consideration in response to the EOI. It provides a sound approach that warrants further discussion about delivery of the proposed development.

30

35

The Creative Capital Company EOI predominately addresses the EOI criteria, providing a masterplan to illustrate their ideas for the site, which will provide a long-term financial return to Council and a delivery model addressing how the infrastructure could be provided at no cost to Council. Their proposal provides for the delivery of the TAFE NSW Connected Learning Centre as required by the brief.

40

It is recommended that Council proceed with The Creative Capital Company EOI and commence direct negotiations regarding the proposal. This negotiation period would provide an opportunity to

45 1) refine the masterplan to ensure it addresses any outstanding concerns; b) seek independent valuation checks; and c) develop a plan and vision for the proposed Council lots.

45

RECOMMENDATION:

- 50 1. **That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Lot 12 EOI Evaluation.**
2. **That the reasons for closing the meeting to the public to consider this item be that the report contains:**

a) **information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business**

5 **3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:**

Report addresses EOI responses that would result in further commercial negotiations regarding Council-owned land

10

Attachments:

- 1 Confidential - Request for Expression of Interest Lot 12 Bayshore Drive, E2020/86840
- 2 Confidential - Lot 12 Site Strategy & Urban Design Protocol, E2020/68646
- 15 3 Confidential - Lot 12 EOI Evaluation Plan, E2020/88414
- 4 Confidential - Lot 12 EOI Evaluation Report, E2020/88398
- 5 Confidential - Citta Property Group EOI, E2020/86090
- 6 Confidential - Creative Capital EOI, E2020/86085
- 7 Confidential - Creative Capital EOI - Confidential Attachment - Appendix F, G, H, E2020/90966
- 20 8 Confidential - Probity Plan - Lot 12 Bayshore Drive, E2020/86840