BYRON SHIRE COUNCIL

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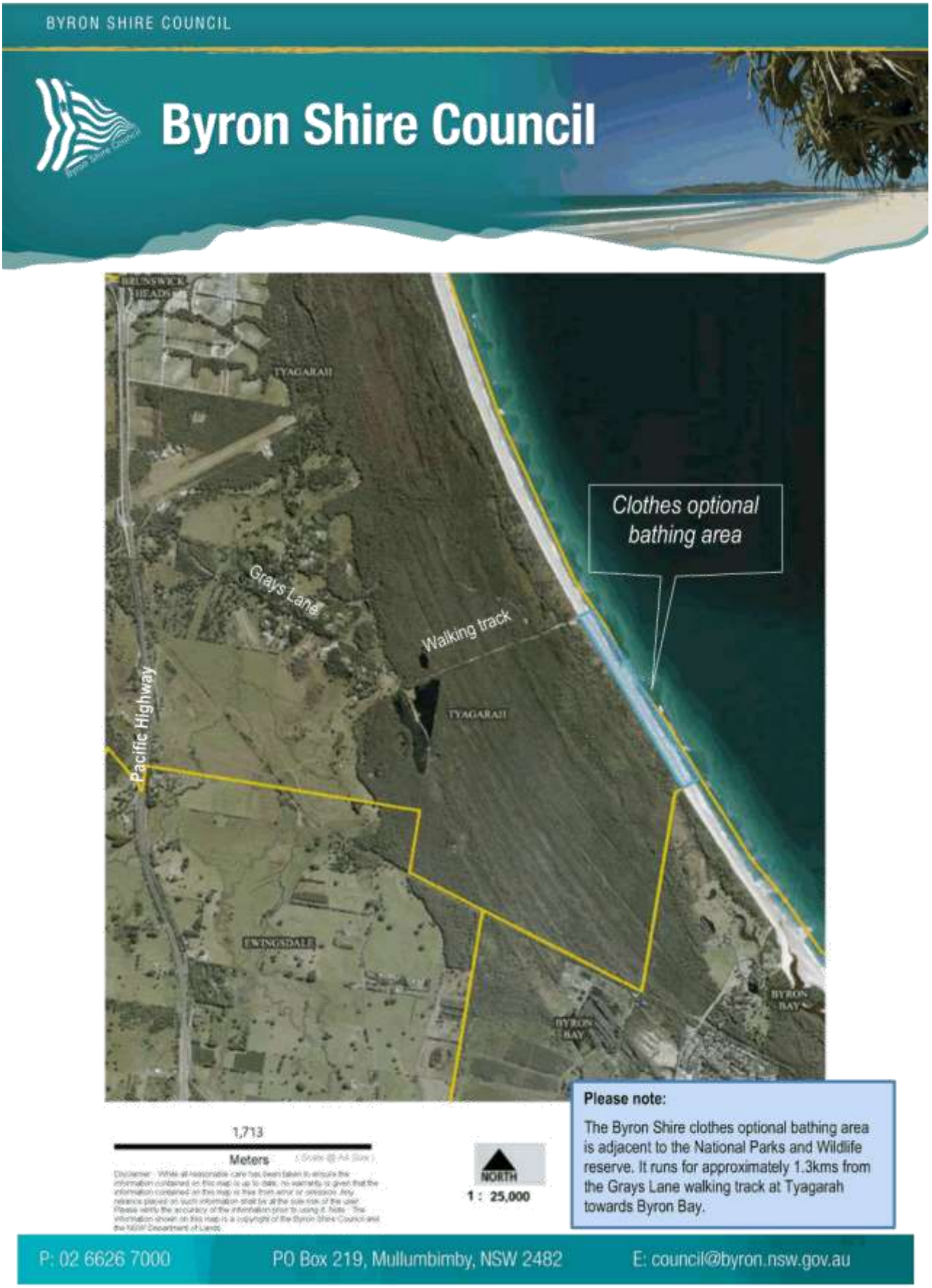
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BYRON SHIRE COUNCIL
Byron Shire Council
BRUNSWICK HEADS
TYAGARAH
Clothes optional bathing area
Grays Lane
Walking track
Pacific Highway
TYAGARAH
EWINGSDALE
BYRON BAY
BYRON BAY
1,713
Meters
NORTH
1 : 25,000
Please note:
The Byron Shire clothes optional bathing area is adjacent to the National Parks and Wildlife reserve. It runs for approximately 1.3kms from the Grays Lane walking track at Tyagarah towards Byron Bay.
P: 02 6626 7000
PO Box 219, Mullumbimby, NSW 2482
E: council@byron.nsw.gov.au

BYRON SHIRE COUNCIL



Feral Animal (wild dog, fox and cat) Management Plan 2013-2015

January 2013

Acknowledgements

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Disclaimer
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Front page photo: Jim Rogers

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1. Introduction

Feral animals are recognised as having significant impacts on both livestock and wildlife. Councils Biodiversity Conservation Strategy recognises the impacts feral animals have on native species and in 2011 Council resolved to support Landcare Groups, land managers and landholders in the Shire to undertake a strategic wild dog, fox and cat control program and co-ordinate control with the Livestock Health and Pest Authority (LHPA) and National Parks and Wildlife Service (NPWS).

Council commenced a trapping program in late 2011, mainly targeting wild dogs but also foxes and cats. Significant trapping effort was carried out between March and September 2012 resulting in removal of 63 dogs, 21 foxes and 5 cats. The trapping program was successfully carried out on private land and involved financial support from both Council and landholders. Following this initial trapping program Council resolved to provide additional funding and an ongoing commitment to feral animal management.

This plan provides a framework for Byron Shire Council to work with stakeholders to undertake control actions to reduce the environmental, economic and social impacts of wild dogs, foxes and cats.

This plan aims to be complementary to the Regional Wild Dog Management Plan for the North Coast Livestock Health and Pest Authority Area 2011-2015, and Northern Rivers Wild Dog poster plan for Area 2 and 3 (in part).

1.1. Aims and objectives

This plan aims to support private land holders and land managers undertaking feral animal control and encourages a co-ordinated approach to feral animal management in Byron Shire.

Specific objectives are:

1. Increase community involvement in feral animal (wild dog, fox and cat) management in order to minimise impacts of predation on livestock and wildlife.
2. Minimise threats to public safety from wild dogs.
3. Record and share records of feral animal activity and impacts.
4. Increase collaboration within Council divisions, relevant agencies and stakeholders involved in domestic and feral animal management.
5. Monitor feral animal activity and impacts and evaluate the effectiveness of the plan.

1.2. Legislative and policy considerations

The following legislation applies to the management of feral animals carried out under this plan.

Table 1 Legislation relevant to management of feral animals in Byron Shire

Legislation	Overview
Rural Lands Protection Act 1998	Requires that all land managers in NSW have an obligation to control declared pest species (wild dogs) on their land.
Threatened Species Conservation Act 1995	Lists key threatening process and identifies threatened species at risk from predation in NSW. Guides the development of Threat Abatement Plans*, recovery plans and priority action statements (PAS).
Environmental Protection and Biodiversity Conservation Act 1999	Lists key threatening process and identifies threatened species at risk from predation in Australia. Guides the development of Threat Abatement Plans.*
Pesticides Act 1999	Regulates the use of pesticides in NSW. Use of sodium monofluoroacetate (1080) is controlled by a pesticide control order under this Act.
Prevention of Cruelty to Animals Act 1979	Regulates the humane handling and destruction of animals.
Firearms Act 1996 and Firearms (General) Regulation 1997	Regulates the ownership and use of firearms in NSW.
Workplace Health and Safety Act 2011	Governs the requirements to ensure and safe and healthy workplace.
Companion Animals Act 1998	Councils have the responsibility under this act to provide for effective and responsible care and management of companion animals.
Game and Feral Animal Control Act 2002 and Game and Feral Animal Control Regulation 2012	Provides for the effective management of introduced species of game animals, and to promote the responsible and orderly hunting of game animals on public and private land and of certain pest animals on public land.
Local Government Act 1993	Defines a Council's charter to include: *properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is*

	responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development

* Red foxes and feral cats are classed as nuisance animals in NSW and while there is no obligation for a landholder to control these species, they are recognised as a significant threat to biodiversity through the declaration of 'Predation by the European Red Fox' and 'Predation by the Feral Cat' as a key threatening processes under the *Threatened Species Conservation Act 1995* and *Environmental Protection and Biodiversity Conservation Act 1999*. Threat abatement plans, have been prepared for the Red fox under the *Threatened Species Conservation Act* and for feral cats under the *Environmental Protection and Biodiversity Conservation Act 1999*. These plans provide a strategy for managing the threats and impacts posed by these species.

Other plans and strategies relevant to the management of animals in the Byron Shire include:

- Regional Wild Dog Management Plan for the North Coast Livestock Health and Pest Authority Area 2011-2015
- Northern Rivers Wild Dog poster plan for Area 2 and 3 (in part).
- Northern Rivers Region Pest Animal Strategy 2012- 2015 – Office Environment and Heritage
- Feral Animal Control Plan, West Byron Sewage Treatment Works 2004 – Byron Shire Council.
- Companion Animal Management Plan 2000 – Byron Shire Council

Control of feral animals is consistent with the Byron Biodiversity Conservation Strategy 2004 in regard to the key themes of *Community Involvement & Education*, *Environmental Weeds & Introduced Pests* and *Threatened Species.*

1.3. Target Species

1.3.1. Wild dogs

All wild-living dogs including dingoes, feral dogs and hybrids are included as wild dogs under the *Rural Land Protection Act 1998* (*RLP Act*). Wild dog refers to any dog living in the wild and can be divided into three groups:

- Dingoes (*Canis lupus dingo*); native dogs brought from Asia around 5000 years ago which are related to wolves. Pure dingoes are populations or individual that have not hybridised with domestic dogs.
- Feral dogs (*Canis lupus familiaris*): dogs that where once domesticated but are now living wild.
- Hybrids: dogs resulting from cross breeding of dingoes and domestic or feral dogs.

In NSW under the *Rural Lands Protection Act 1998* wild dogs, including dingoes, have been declared a pest animal throughout NSW.

1.3.2. European Red Foxes

The European red fox (*Vulpes vulpes*) has a natural distribution across the continents of Europe, Asia and North America. Foxes were deliberately introduced into Australia in the 1850's for recreational hunting. A range of characteristics combine to make the fox an extremely successful invasive animal including having a wide dietary range,

few serious diseases, few natural enemies, a high reproductive rate and a high rate of cub survival.

1.3.3. Cats

Feral cats (*Felis catus*) were introduced to Australia early during European settlement and were established in the wild by 1850. Intentional releases were made in the late 1800s in the hope that cats would control rabbits, rats and mice. Feral cats are now found in most habitats on the mainland, Tasmania and many offshore islands.

For management purposes cats are divided into three categories - domestic, stray and feral. Domestic cats are owned and cared for, and stray cats are those found roaming cities, towns and some rural holdings. Cats in all categories cause impacts on wildlife, however feral cats, which survive in the wild, are the target for management in this plan.

1.4. Feral Animal Distribution

Currently there is limited information regarding the exact distribution and abundance of wild dogs, foxes and cats in Byron Shire. The recent land use and social demographic changes in the Shire, from predominantly livestock industries to horticulture and lifestyle properties, has increased the suitable habitat for feral animals. All three species have been reported over much of the Shire and could be expected to occur in most areas.

Wild dogs have been observed in most areas of the Shire, based on reported sightings to Council and from the DogScan website. Highest activity levels have been reported in Goonengerry, Upper Coopers Creek, Huonbrook, The Pocket, Mt Chincogan, Main Arm, Mullumbimby Creek and Wilson Creek. However, wild dogs have also been reported in more cleared areas including Coopers Shoot, Bangalow, Coorabel and Ewingsdale.

Records of foxes have been recorded at Byron Bay, Broken Head, Goonengerry and Clunes on the FoxScan website. NPWS undertake baiting for foxes in Brunswick Heads and Tyagarah Nature Reserves. This represents a wide distribution in a variety of habitat types and as such foxes could be expected to occur in most areas of the Shire.

Information regarding feral cats is the scarcest, however given their ability to adapt to a variety of areas they could be expected to occur in most areas except perhaps dense rainforest vegetation.

1.5. Schedule 2 – Dingo Conservation Areas

To balance the need to control wild dogs with the conservation of dingoes, Pest Control Order 17 allows the general destruction obligation for lands listed under Schedule 2 of the Order to be satisfied through the preparation of a Wild Dog Management Plan. Wild Dog Management Plans for these areas include both control and conservation objectives. Schedule 2 areas in Byron Shire include Mt Jerusalem, Goonengerry and Nightcap National Park and Whian Whian State Conservation Area. Schedule 1 areas include all other lands and in these areas wild dogs, including dingoes, are a declared pest and landowners have an obligation to control them.

Dingoes were once widespread however historic eradication programs and hybridisation with domestic and feral dogs significantly impacted on dingo

populations. Currently the extent of pure dingo populations in the north coast region is unclear. Research in some areas of Australia has indicated that the dingoes, and wild dogs, can play an important role as top order predators and can potentially reduce the abundance of other feral predators such as the red fox and cat (Glen *et al* 2007).

Opportunistic collection of tissue samples during Councils 2012 trapping program provided 27 samples of wild dog DNA which were analysed to assess the approximate percentage of dingo ancestry for each individual. All of the samples provided enough DNA for analysis and the results show that all the samples are considered hybrids between domestic dogs and dingoes, with all samples having between 51% and 81% dingo ancestry.

1.6. Stakeholders

Table 2 lists relevant stakeholders in regard to feral animal control in Byron Shire.

Table 2 List of stakeholders

Stakeholder	Role
Byron Shire Council	• Control feral animals on Council managed land including wild dog control in compliance with the *RLP Act* 1998 and in line with relevant *Standard Operating Procedures*. • Support private landholders to control feral animals on private land. • Provide information on responsible dog ownership and control options available.
North Coast Livestock Health and Pest Authority	• Assist private land managers and public land managers to 'continuously suppress and destroy' wild dogs.
National Parks and Wildlife Service	• Undertake wild dog and fox control in compliance with the *RLP Act* 1998 and in line with relevant *Standard Operating Procedures*. • Implement and monitor control programs in accordance with Northern Rivers Region Pest Animal Strategy.
Byron Shire private land managers	• Undertake wild dog control in compliance with the *RLP Act* 1998 and in line with *Standard Operating Procedures*. • Control foxes and cats with support from Council and LHPA. • Ensure domestic animals are not allowed to roam freely unsupervised.
Department of Primary Industries – Catchment and Lands	• Undertake wild dog control in compliance with the *RLP Act* 1998 and in line with *Standard Operating Procedures*.
Landcare groups	• Promote responsible pet ownership, feral animal control options and programs. • Assist in coordinating control programs on private land.
Invasive Animals Cooperative Research Centre	• Provide advice and support to Council and other stakeholders.

2. Impacts of feral animals

2.1. Livestock

Wild dogs and foxes can have significant impacts on primary production. In Byron Shire wild dogs impact on the cattle industry, particularly targeting calves as well as sheep, alpacas, poultry, domestic dogs and horses. Predation by wild dogs can lead to loss of calves and associated financial loss, increase labor requirement in terms of stock management (moving stock to secure paddocks, higher monitoring requirement during calving season etc), emotional distress of witnessing attacked livestock. Foxes can impact on livestock particularly smaller livestock such as poultry, as well as spreading disease (see 2.4 below).

2.2. Wildlife

The threat posed by pest animals to biodiversity has been identified as the fourth largest in NSW behind land clearing, weeds and altered fire regime, in terms of total number of species at risk. Predation by feral dogs (*Canis lupus familiaris*), foxes and cats have all been listed as Key Threatening Process' under the *Threatened Species Conservation Act 1995*.

Wild dogs prey on a variety of animals including mammals, birds and reptiles of all sizes from insects to cattle. They mainly prey on medium-large sized mammals when available including possums, bandicoots and wallabies. Predation by wild dogs has been identified as a threat to 36 species listed as threatened in NSW, 13 of these species have been recorded in Byron Shire (Coutts Smith *et al* (2007) Appendix 1).

Uncontrolled domestic dogs are an ongoing issue across the landscape particularly in the urban fringe and rural residential areas. Roaming domestic dogs are often reported as being responsible for death and injury to native wildlife, particularly koalas.

Foxes prey particularly on small to medium-sized, ground-dwelling and semi-arboreal mammals, ground-nesting birds and chelid tortoises. Foxes have been shown to cause more impacts on wildlife, compared with wild dogs, due to their larger diversity of prey species (Claridge *et al* 2010, Glen *et al* 2006). A total of 111 threatened species in NSW were identified as at risk from foxes, including 31 species which occur in Byron Shire (Coutts Smith *et al* (2007) Appendix 1).

Feral cats prey mainly on small to medium sized mostly birds, mammals and reptiles. They pose a threat to more native species than any other pest animal or weed. In NSW they have been identified as a threat to 117 threatened species, 32 of these species occur in Byron Shire (Coutts Smith *et al* (2007) Appendix 1).

2.3. Public safety

Wild dogs can cause concerns for public safety particularly when they form packs. Council has received reports from residents of wild dogs being active close to houses in Main Arm, Wilson Creek and Huonbrook areas as well as in farming areas around Federal, Clunes and Booyong.

2.4. Disease

Wild dogs are implicated in the spread of hydatid tapeworm which is a risk to both human health and livestock due to hydatidosis. They also provide a reservoir for heartworm infection and dog diseases such as parvovirus. Wild dogs are a major potential risk of maintaining and spreading dog rabies if it were to be introduced to Australia. In high density areas foxes may pose a risk to humans and pets, through transmission of diseases such as distemper, parvo virus and mange. Feral cats can

carry infectious diseases such as toxoplasmosis and sarcosporidiosis, which can be transmitted to native animals, domestic livestock and humans.

3. Management of Feral Animals

Determining the most appropriate method for managing the impact of pest animals needs to consider several factors including efficacy, cost-effectiveness, practicality, target specificity, operator safety, and also humaneness (or animal welfare impact). National Codes of Practice (COPs) and Standard Operating Procedures (SOPs) for the humane control of pest animals must be complied with when undertaking control programs.

3.1. Control Options

3.1.1. Baiting

Use of Sodium monofluoroacetate (1080) baits is considered to be the most effective method of controlling dogs and foxes over larger areas and is therefore the most used method of fox and wild dog control throughout Australia. It is not legal to use 1080 baits to poison cats.

The SOPs *DOG004 Ground baiting of wild dogs with 1080*, and *FOX001 Ground baiting of foxes with 1080* provides an overview of the use of 1080 baits. All baiting carried out as part of this plan must be in line with these SOPs and relevant legislation.

3.1.2. Padded Jaw trapping

Padded jaw traps are often used in conjunction with baiting programs. Use of padded jaw traps reduces the injuries caused to trapped animals. Trapping is often employed when other control methods are not available (eg. in peri urban areas where laying of baits cannot be undertaken) or not effective (eg. to target problem animals that do not take baits).

The SOPs *DOG001Trapping of wild dogs using padded jaw traps*, and *FOX005 trapping of wild dogs using padded jaw traps* provides guidelines for the use of padded jaw traps. All trapping carried out as part of this plan must be in line with these SOPs and relevant legislation.

3.1.3. Shooting

Shooting is usually an opportunistic method of control and can be used to target specific problem animals. It is labor intensive and considered an ineffective technique to reduce populations of wild dogs over extensive areas.

3.1.4. Den fumigation

Fumigation of fox dens with carbon monoxide (CO) gas can be used to control foxes particularly to destroy young cubs. Den fumigation can be effective to target active dens but is not effective as a general fox control method and should be used in combination with other control methods.

SOP *FOX004 Fumigation of fox dens using carbon monoxide* provides an overview of the use of carbon dioxide to fumigate fox dens. Den fumigation undertaken as part of this plan must be carried out in line with this SOP.

3.2. Constraints

3.2.1. 1080 bait use

1080 is a restricted pesticide and can only be used by those people who are authorised and trained. The use of 1080 baits is restricted by the Pesticides Act 1999 - Pesticide Control (1080 Liquid concentrate and bait products) Order 2010 (PCO). The PCO sets out who can use 1080 baits to control specific pest animals and how it is used.

The PCO includes a number of restrictions on where 1080 baits can be used. This includes baiting in closely settled farming areas or areas within four (4) kilometres of a village or any street. Ground Baiting using 1080 for wild dogs and foxes must not be laid within 500 metres or 150 meters respectively of a habitation, except where a landholder uses 1080 baits on their own property, in which case the landholder may lay the 1080 baits closer to their own habitation.

However these conditions do not apply if the baiting program is planned in conjunction with, and has been approved by, an Authorised Control Officer (LHPA Ranger). A program approved under this condition must include strategies for minimising risk to non-target animals. This condition applies to proposals where an Authorised Control Officer plans a baiting program, in which case the 1080 wild dog baits may be laid closer to a habitation, subject to

- the Authorised Control Officer undertaking a risk assessment
- Any adjoining landholders agreeing in writing to use or allow the use of 1080 wild dog baits as part of a coordinated wild dog control program at distances of less than 500 metres but no closer than 150 metres from a habitation on the landholder's property;
- Landholders know the risk involved and accept responsibility for problems arising for the program

1080 wild dog baits must not be laid within 10 metres of a domestic water supply.

The restrictions on the use of 1080 have potential to reduce the area where baiting can be carried out and alternative control methods will need to be used in these areas.

3.2.2. Impacts on wildlife

Baiting and trapping have the potential to negatively impact off target species. Dogs and foxes are particularly susceptible to 1080 poison as are other mammalian carnivores; however herbivores, birds and reptile are less susceptible. A risk assessment is included in Appendix 4 which includes management actions to be taken to minimise the risk of off target impacts to wildlife.

4. Management Approach

The most effective approach to feral animal management involves a nil tenure approach were management is coordinated between all land managers. While Council owns and manages some lands, the majority of land in the Shire is privately owned. Therefore, to ensure effective management of feral animals at a landscape scale it is essential to encourage and support private landholders to undertake feral animal control. In addition collaboration with other agencies undertaking feral animal management in the Shire (i.e. NPWS, LHPA) is essential.

Council supports an integrated management approach where all appropriate management options are considered. Ground baiting is considered the most cost effective control method and should be employed where possible. Given the constraints on the use of 1080 baits the use of a soft jaw trapping is also considered an important component in the management response.

As such the main focus of Councils program will be the use of traps in areas where baiting with 1080: (a) has not been effective in targeting problem animals via alternative methods (b) is not possible due to constraints on use or (c) is not supported by landholder.

4.1.1. Community Involvement

Council's involvement in feral animal control is a way to support landholders to meet their obligation to control wild dogs under the *Rural Lands Protection Act*. Landholders and land managers will be encouraged to participate in management of feral animals by:

- Reporting sightings and impacts of feral animals to Council and the LHPA. This information will be recorded and used for monitoring feral location and evaluating the effectiveness of the management program.
- Provide advice and support to land holders regarding relevant legislation, responsibilities and management options, and refer enquiries to the LHPA. This will include advice regarding the role of relevant stakeholders in the management of feral animals.
- Forming local control groups with neighbouring landholders, in conjunction with LHPA, to ensure a broad scale management program is undertaken. LHPA actively encourage this approach in regards to wild dog control and some control groups are currently formed.
- Participating in the trapping program. Council will engage the services of an appropriately experienced and licensed trapper to work on private land. Landholders will be invited to participate in trapping program where impacts are being experienced.

Action 1: Promote feral animal control program in conjunction with LHPA and invite landholders experiencing feral animal impacts to be involved.

Action 2: Provide advice and support to landholders in conjunction with LHPA regarding feral animal management, responsibilities and options.

Action 3: Promote responsible pet ownership and highlight impacts of domestic animals on wildlife and link with issue of feral animals.

Action 4: Encourage land owners and land managers to complete training and undertake 1080 baiting in collaboration with LHPA.

4.1.2. Engagement with agencies

Within Byron Shire the Livestock Health and Pest Authority and the National Parks and Wildlife Service undertake or support wild dog and fox control programs. Coordinating Councils feral animal program with these agencies will improve the effectiveness of feral animal management across the broader area.

Action 5: Liaise with LHPA and NPWS regarding annual coordinated control programs.

4.1.3. Trapping Strategy

Although more resource intensive, trapping is considered an effective method of control to use as part of an integrated control program. Trapping can be used in combination with baiting in order to target bait shy animals, and in more highly populated areas where use of 1080 in constrained.

Council will support an integrated approach by engaging a suitably skilled and licensed trapper. Council will pay a retainer to the trapper and a 'fee per carcass' for each animal successfully trapped and euthanized will be payable by the landholder.

Landholders will be invited to express interest in participating in the program. This will include the requirement to demonstrate the commitment and capacity to fund the fee per carcass element of the program. Landholders expressing a willingness to collaborate on the program will be selected based on the prioritisation criteria (see below). The program will aim to complement existing activities and avoid duplication of control efforts.

Trapping will be carried out between Autumn and Spring in order to maximise capture of feral animals and minimise off target capture of native wildlife.

Given the limitation of Council resources it is important to prioritise where control effort will be focused to achieve the most effective results. In line with the model code of practice, priority will be given to areas that involve collaboration with regional control programs carried out by other agencies or landholders, as well as where significant impacts are occurring to livestock and wildlife.

The following situations are considered a HIGH PRIORY for control:

1. Sites that involve co-ordination with land management agencies involved in feral animal control program (i.e NPWS, LHPA)
2. Sites where there is an ongoing demonstrated commitment to control programs.

Sites not meeting the above criteria will only be consider for inclusion in Councils control program as resources allow, or where considered appropriate based on local knowledge and experience of Council officers and/or the trapping contractor.

Landholders involved in the program will also be required to agree to information regarding control actions to be shared with the LHPA.

Action 6: Engage experienced and qualified trapper to undertake trapping on Council and private land.

Action 7: Develop and implement a strategic trapping schedule. Prioritise trapping location based on criteria outlined in 4.1.3

5. Data collection and project evaluation

Primarily monitoring of the management program will aim to collect information regarding the location and impacts of feral animals; the trapping activities and outcomes and the level of community involvement.

5.1. Feral animal location and impacts

The following observations can be used by landholders as an indicator of the presence of feral animals:

- Wild dog, fox or cat seen or heard.
- Dog tracks identified in areas domestic dogs are known not to be located.
- Sand pads or non toxic bait stations.
- Scat/ faeces and scratch marks.
- Livestock kills or damage/ or stressed animals.

Council flora and fauna databse will be used to record the location of feral animals and impacts caused. Information to be included in the database includes: location, date, species, abundance, method of observation, impact and any management response. This information should be shared with other stakeholders and be analysed over time to determine if control programs are reducing the reported sightings and impacts of feral animals.

Action 8: Record data of feral animal sightings and impacts in Council's flora and fauna database.

Action 9: Encourage landholders to report sightings and impacts of feral animals to Council and LHPA.

Action 10: Share records with relevant stakeholders.

5.2. Trapping activities and outcomes

A program will be established to monitor the outcomes of the trapping program. The information outlined in Table 3 will be collected in order to establish trap effort and outcomes.

Table 3 Information to be recorded during trapping program

Theme	Data required
Trapping Effort	Trapping dates
	Number of traps set each day
	Trap success each day
Trap location	Property
	GPS coordinates
Captures	Species
	Date of capture
	Sex
	Age Class
	Weight
	Pregnacy status

	Photo
	By catch
Impacts	Signs of feral animal activity
	Evidence of impacts on livestock
	Evidence of impacts of wildlife
Other	Weather
	other relevant observations

Action 11: Establish monitoring program of feral animal trapping effort, location, captures and impacts.

5.3. Scat and stomach analysis

Evaluating the ecological impact of feral animals can be achieved by examining their diet and the simplest way to do this is through scat analysis. This can also be achieved through examination of stomach contents which is also easily achieved as part of a trapping program. Scat analysis consists mainly of identifying mammalian hairs and examining bones, teeth and claws.

Analysis can give an indication of what species feral animals are preying on and, if the sample size is large enough, the proportion of each prey species within the predator's diet (Claridge *et al* 2012, Brunner and Wallis 1986). In addition DNA analysis is able to be performed on scats, which is desirable in the case of wild dogs to collect information regarding the level of hybridizing occurring within the wild dog population.

Collection of scats can be undertaken through transect surveys along forest and farm roads in a range of locations or opportunistically as part of the trapping program.

Action 12: Support a research and monitoring program to collect scats and stomach contents of feral animals trapped during the program for analysis.

Action 13: Support research in regard to dingo conservation, the ecological function of wild dogs and the impacts of feral animals on wildlife.

5.4. Infrared cameras

Infrared cameras are a monitoring tool that could be used for a variety of purposes. They could be used to confirm the presence of feral animals or native species in an area, as well as determine abundance, if included in an appropriate survey design. They can also be used to investigate animal behaviour without being influenced by the presence of people. Infrared camera also provide images that can be effectively used for community engagement/ awareness programs.

Action 14: Design and undertake monitoring program using infrared cameras in order to determine presence of feral animals and/ or behaviour at trap locations.

6. Action Summary

Action	Description	Timeframe	Responsibility and resources required	Priority	Desired outcome
1.	Promote feral animal control program in conjunction with LHPA and invite landholders experiencing feral animal impacts to be involved.	March 2013-ongoing	Existing staff time (Team Leader - Natural Environment), LHPA	High	List of participating landholders established.
2.	Provide advice and support to landholders in conjunction with LHPA regarding feral animal management, responsibilities and options.	Ongoing	Existing staff time, LHPA and NOROC wild dog project officer (until June 2013)	High	Advice provided, feral animal webpage on Council website established.
3.	Promote responsible pet ownership and highlight impacts of domestic animal on wildlife and link with issue of feral animals.	Ongoing	Existing staff time (Rangers) and NOROC wild dog project officer (until June 2013)	High	Decrease in roaming domestic animals (cats, dogs) and associated impacts.
4.	Encourage land owners and land managers to complete training and undertake 1080 baiting in collaboration with LHPA.	Ongoing	Existing staff time, LHPA and NOROC wild dog project officer (until June 2013)	High	Increase in baiting where impacts are occurring.
5.	Liaise with LHPA and NPWS regarding annual coordinated control programs.	March 2013-ongoing	Existing staff time (Team Leader - Natural Environment), LHPA, NPWS.	High	Stakeholder meeting occurs twice yearly in late Summer and Spring.
6.	Engage experienced and qualified trapper to undertake trapping on Council and private land as required.	March 2013 (yearly review)	Existing staff time (Team Leader - Natural Environment)	High	Experienced trapper engaged to undertake trapping work.

Action	Description	Timeframe	Responsibility and resources required	Priority	Desired outcome
7.	Develop and implement a strategic trapping program. Prioritise trapping location based on criteria outlined in 4.1.3	March – September (yearly)	$20,000 pa. for trapper (dependant on level of activity)	High	Trapping undertaken, decease in feral animal impacts.
8.	Record data of feral animal sightings and impacts in Council's flora and fauna database.	March 2013	Existing staff time (Team Leader - Natural Environment)	High	Records collected and entered into database.
9.	Encourage landholders to report sightings and impacts of feral animals to Council and LHPA.	Ongoing	Existing staff time (Team Leader - Natural Environment)	High	Reports received, if occurring.
10.	Share records with relevant stakeholders.	Ongoing	Existing staff time (Team Leader - Natural Environment)	High	Records shared with relevant stakeholders
11.	Establish monitoring program of feral animal trapping effort, location, captures and impacts.	March 2013	Existing staff time and trapper.	High	Monitoring program established.
12.	Support a research and monitoring program to collect scats and stomach contents of feral animals trapped during the program for analysis.	Ongoing	Existing staff time, trapper, partnerships with universities.	Low	Material collected, research occuring.
13.	Support research in regard to dingo conservation, the ecological function of wild dogs and the impacts of feral animals on wildlife.	Ongoing	Existing staff time, partnerships with university and Invasive Animal CRC.	Low	Increase level of research in region.
14.	Design and undertake monitoring program using camera traps.	March 2013	Existing staff time, trapper.	Medium	Camera traps used to monitor trapping and feral animal presence.

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Appendix 1 Threatened species in Byron Shire at risk from feral animal predation

Species listed under the *NSW Threatened Species Conservation Act 1995 (TSC)* and the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)*, at risk from predation by wild dogs, foxes and cats.

Scientific name	Common name	Conservation status	wild dog	fox	Cat
Aepyprymnus rufescens	Rufous bettong	TSC (V)		x	
Amaurornis olivaceaus	Bush hen	TSC(V)		x	x
Anseranus semipalmata	Magpie goose	TSC (V)		x	
Atrichornis rufescens	Rufus scrub wren	TSC (V)		x	x
Botaurus poiciloptilus	Australasian bittern	TSC (E1)		x	x
Burhinus grallarius	Bush stone curlew	TSC (E1)		x	x
Cercartetus nanus	Eastern pygmy possum	TSC (V)	x	x	x
Dasyornis brachypterus	Eastern bristle bird	TSC, EPBC (E1)		x	x
Dasyurus maculatus	Spotted tail quoll	TSC (V), EPBC (E)		x	x
Erythrotriorchis radiatus	Red goshawk	TSC (CE), EPBC (V)		x	
Esacus neglectus	Beach stone curlew	TSC (E4)	x	x	x
Grus rubicunda	Brolga	TSC (V)	x		
Haematopus fuliginosus	Sooty oyster-catcher	TSC (V)	x	x	x
Haematopus longirostris	Pied oyster-catcher	TSC (E1)	x	x	x
Ixobrychus flavicollis	Black Bittern	TSC (V)		x	x
Litoria aurea	Green and gold bell frog	TSC (E1), EPBC (V)		x	x
Marcopus parma	Parma Wallaby	TSC (V)		x	x
Menura alberti	Alberts lyrebird	TSC (V)	x	x	x
Miniopterus schreibersii oceanensis	Eastern bentwing bat	TSC (V)		x	x
Ninox connivens	Barking owl	TSC (V)		x	x
Ninox strenua	Powerful owl	TSC (V)	x	x	x
Nurus atlas	Atlas rainforest ground beetle	TSC (E1)			x
Nurus brevis	Shorter rainforest ground bettle	TSC (E1)			x
Onychoprion fuscata	Sooty tern	TSC (V)	x		x
Pachycephala olivacea	Olive whistler	TSC (V)		x	x

Petaurus norfolcensis	Squirrel glider	TSC (V)	x	x	x
Petrogale penicillata	Brush tail rock wallaby	TSC, EPBC (V)		x	
Phascolarctos cinereus	Koala	TSC (V), EPBC (V)	x		
Phascogale tapoatafa	Brush tail phascogale	TSC (V)		x	x
Planigale maculata	Common planigale	TSC (V)		x	x
Potorous tridactylus	Long nose potoroo	TSC (V), EPBC (V)	x	x	x
Pseudomys gracilicaudatus	Eastern chestnut mouse	TSC (V)	x	x	x
Pseudomys oralis	Hastings river mouse	TSC (E1), EPBC (E)		x	x
Pterodroma neglecta	Kermadec Petrel	TSC (V)			x
Pterodroma nigripennis	Black wing petrel	TSC (V)			x
Sternula albifrons	Little tern	TSC (E1)	x	x	x
Thylogale stigmatica	Red-legged pademelon	TSC (V)		x	x
Turnix melanogaster	Black breasted button quail	TSC (CE)		x	x

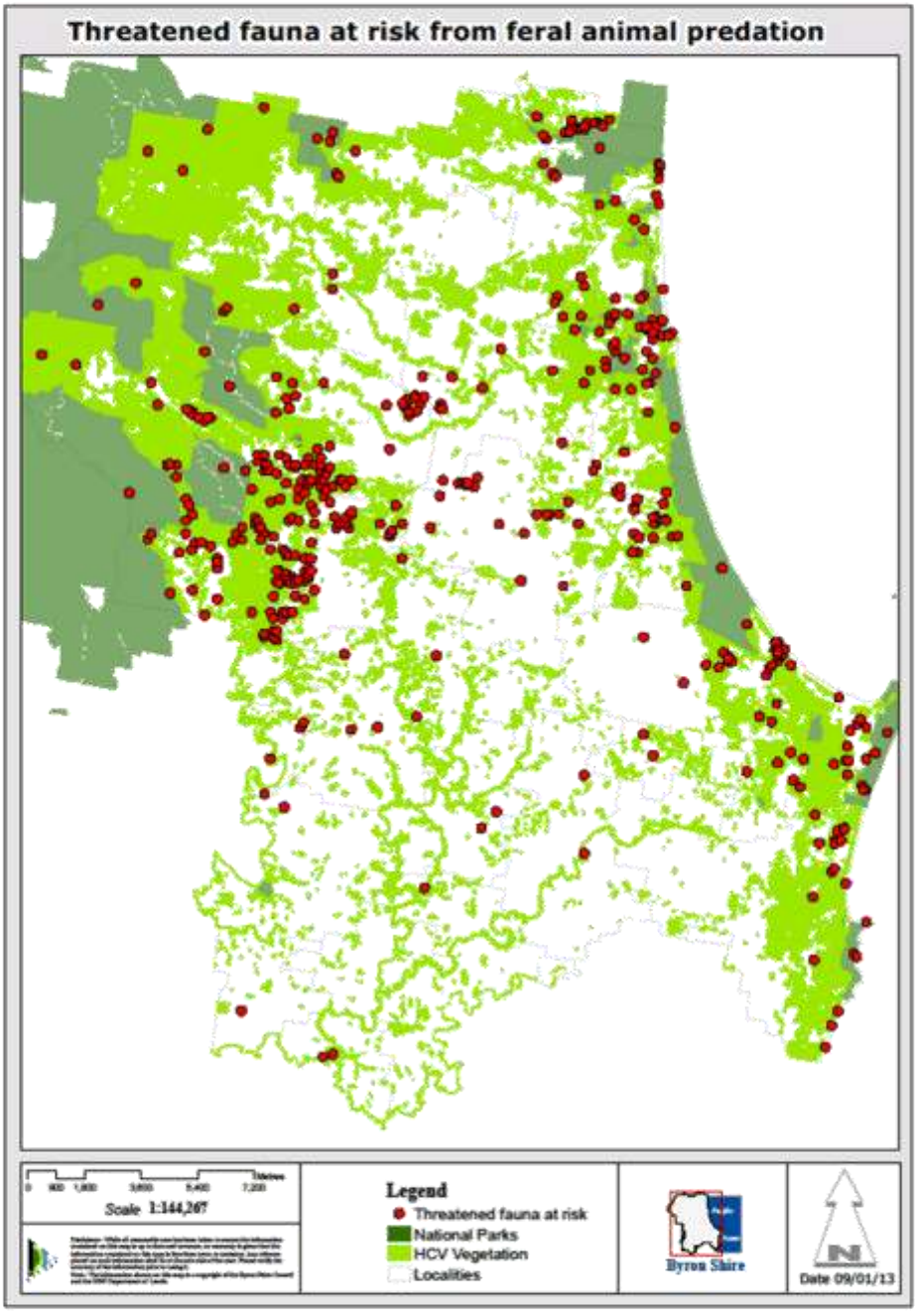
V - Vulnerable

E1- Endangered

CE - Critically Endangered

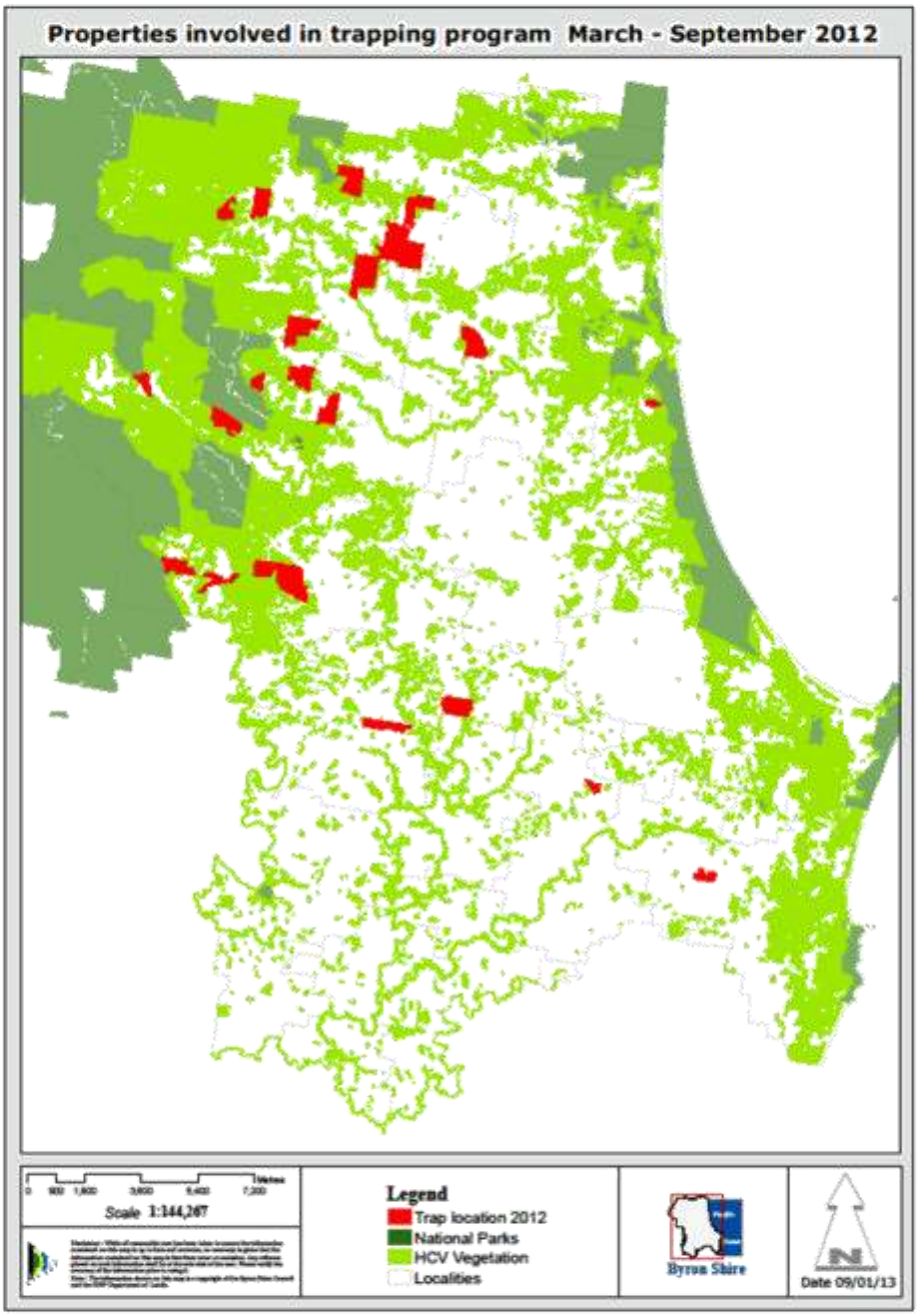
Source: Coutts Smith *et al* (2007), Atlas of NSW Wildlife (http://www.bionet.nsw.gov.au/), Department of Sustainability, Environment, Water, Population, and Communities (http://www.environment.gov.au/biodiversity/threatened/index.html)). Data from the BioNet Atlas of NSW Wildlife website, which holds records from a number of custodians. The data are only indicative and cannot be considered a comprehensive inventory, and may contain errors and omissions.

Appendix 2 Location of threatened fauna species at risk from feral animal predation in Byron Shire.



(Source: Byron Shire Council threatened species database)

Appendix 3 Location of properties involved in Council's feral animal trapping program in 2012.



Appendix 4 Risk Analysis
Adapted and modified from DEC 2006.

Risk	Likelihood	Consequence	Risk	Action
Non-target kill or injury to wildlife.	Possible	Moderate	High	• The Pesticide Control (1080 Liquid Concentrate and Bait Products) Order (PCO) 2010 and standard operating procedure DOG004 (SOP) describe the risk of 1080 ground baiting to native fauna and prescribes conditions and general restrictions on ground baiting so as to limit the risk associated with bait to the environment and native wildlife. All baiting will be carried out by trained persons in line with PCO and SOP. • The standard operation procedure DOG001 outlines the risk of trapping to wildlife and describes conditions and general restrictions on the use of padded jaw traps. All trapping will be carried out in line with the SOP. • Trapper will be appropriately experienced and licensed in undertaking trapping.
Non-target kill of domestic animals.	Possible	Moderate	High	• Wild dog and fox control programs are undertaken with the support of and coordination with the Livestock Health and Pest Authority and neighbours. All neighbours and occupiers within 1km of the baiting location will be notified to advise of the proposed 1080 baiting program. The Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2010 prescribes conditions to minimise risk to domestic animals and includes distance restrictions, public notification requirements and 1080 poisoning notice requirements. These conditions will be implemented to minimise the risk to domestic animals. • Properties neighbouring trapping sites should be notified. • Injured domestic dogs should be taken to the vet and when the identity of the owner has been establish they must be notified. • If trapper is in doubt about status of trapped dog it is to check with microchip scanner.

				• Uninjured domestic dogs caught should be taken to the Council pound.
Contamination of watercourses from 1080 baits	Unlikely	Minor	Low	• Baits will be air dried for 1-2 days to prevent seepage and as baits will be hand placed will not end up in watercourses. • The Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2010 prescribes conditions and general restrictions on ground baiting to minimise the risk to the environment and wildlife. These conditions will be implemented to minimise the risk of watercourse contamination.
Contamination of soil from 1080 leaching in the field	Rare	Insignificant	Low	• Baits will be air dried for 1-2 days to prevent seepage and 1080 is degraded rapidly by soil micro-organisms. • The Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2010 prescribes conditions and general restrictions on ground baiting and the risk to environment. These conditions will be implemented to minimise the risk of soil contamination.
Human poisoning from mixing and deploying baits	Rare	Major	High	• The Pesticide Control (1080 Liquid Concentrate and Bait Products) Order 2010 prescribes conditions and general restrictions on the use of 1080 baits so as to minimise the risk to humans. These conditions will be implemented to minimise the risk to humans, during the preparation and handling of 1080 poison baits.
Failure to impact on feral animals from as a result of the management program.	Possible	Moderate	High	• The Plan provides the techniques to enable monitoring of the feral animal impacts and will evaluate the effectiveness of the Plan. The Plan implementation will be reviewed and modified as required to optimise effectiveness.

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PLANNING FOR PEOPLE

A COMMUNITY CHARTER FOR GOOD PLANNING IN NSW

The Companion Document to the Charter

This is the Companion document to Planning for People: A Community Charter for Good Planning in NSW (the Charter). It details the principles and expected outcomes of a good planning system, as well as mechanisms through which the Charter could be implemented.

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Principles governing good planning

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- Effective and genuine public participation in strategic planning and development decisions 3
- An open, accessible, transparent and accountable, corruption-free planning system 4
- The integration of land use planning with the provision of infrastructure and the conservation of our natural, built and cultural environment 5
- Objective, evidence-based assessment of strategic planning and development proposals 6

Section 2
Expected outcomes of a good planning system

- Respects, values and conserves our natural environment and the services it provides. 7
- Facilitates world-class urban environments with well-designed, resource-efficient housing, public spaces and solar access that meet the needs of residents, workers and pedestrians. 7
- Provides housing choice, including affordable housing and sufficient housing for the disadvantaged, in a diversity of locations. 8
- Celebrates, respects and conserves our cultural (including Aboriginal) and built heritage. 9
- Protects and sustainably manages our natural resources, including our water resources, fragile coastlines and irreplaceable agricultural land for the benefit of present and future generations while maintaining or enhancing ecological processes and biological diversity. 10
- Retains and protects our Crown lands, natural areas, landscapes and flora and fauna for the benefit of the people of NSW. 10
- Gives local and regional communities a genuine and meaningful voice in shaping their local area and region, its character and the location, height and density of housing. Provides certainty and fairness to communities. 11

Section 3
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Section 1: Principles governing good planning

The well-being of the whole community, the environment and future generations across regional, rural and urban NSW

This principle is captured by the internationally-recognised concept known as Ecologically Sustainable Development (ESD).

Ecologically Sustainable Development is a framework for evaluating human activity based on the knowledge that our technological capacity to use resources and alter our environment may have unintended consequences, such as pollution, loss of biodiversity and resource depletion. Development that is unsustainable may also reduce the economic capacity of our environment, alter its natural beauty and reduce its spiritual and social value.

In 2011, the NSW Government commissioned a review of the NSW planning system by the Hon. Tim Moore, a former Liberal Minister and then Commissioner of the Land and Environment Court, and the Hon. Ron Dyer, a former Labor Minister. The report resulting from this review recommended that ESD be the overarching object of the new planning legislation[1].

The concept and principles of ESD were elaborated through a series of documents and legal instruments at the 1992 Earth Summit held in Rio de Janeiro, Brazil. The Rio Declaration enunciated the key principles of sustainability as the principle of integration of environmental considerations and development objectives, the precautionary principle, the conservation of biological diversity, intergenerational equity and the promotion of improved valuation, pricing and incentive mechanisms (including the polluter pays principle).

In NSW legislation, ESD is defined in section 6(2) of the Protection of the Environment Administration Act 1991 (NSW), as follows:

...ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

(a) the precautionary principle-namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(ii) an assessment of the risk-weighted consequences of various options,

(b) inter-generational equity-namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

(c) conservation of biological diversity and ecological integrity-namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

(d) improved valuation, pricing and incentive mechanisms-namely, that environmental factors should be included in the valuation of assets and services, such as:

(i) polluter pays-that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,

(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

1 Moore T and Dyer R (2012), *The Way Ahead for Planning in NSW: Recommendations of the NSW Planning System Review.*

(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Effective and genuine public participation in strategic planning and development decisions

Politicians and public officials are not the only people who should be involved on making decisions. Every person has the right to participate in decisions that affect their lives and people affected by a planning or development proposal have a right to comment and suggest solutions.

Strategic planning is about engaging communities to set a broad vision for and shape the character of their local area. It includes but is not limited to deciding what type of development should be allowed where in their neighbourhood.

Development affects more than those who propose it. Even development of a single dwelling on a suburban lot can affect the character of its street and developments that have an impact on biodiversity, water quality or traffic generation, for example, has much wider flow on effects.

Strategic planning or developments that do not meaningfully engage communities can only ever be second best as they cannot presume to understand or address community wishes and needs.

Good strategic plans combine the best elements of local requirements and higher level concerns. The role of planning authorities includes facilitating community input into the preparation of strategic plans prior to public exhibition and promoting genuine, open dialogue between stakeholders. The role of consent authorities is to consider public comments on development proposals and ensure compliance by developers.

A Minister should not amend or refuse to make a local plan unless it is inconsistent with a state or regional plan. Further, the Minister's decision to amend or refuse to make a plan should be legally challengeable. Also, the Minister should not have the power to appoint an administrator to take over a Council's planning functions except where a finding of corruption against the Council or its staff has been made by the Independent Commission Against Corruption (ICAC).

Consultation must start at the community level and include genuine, open dialogue between stakeholders. For example, effective participation can begin with precinct committees or equivalent existing organisations that provide an effective forum for community involvement on an ongoing basis. Effective participation should also consider innovative and accessible techniques such as surveys, community juries and shopping centre drop-in forums.

Whichever techniques are used, a good planning system must provide a legislated minimum mandatory scheme for public participation. It must also ensure that the assessment process is appropriate to the level of likely environmental impact of the planning or development proposal.

The greater the likely environmental impact of a proposal, the greater scrutiny it should receive from both the public and the authority assessing it.

Public participation has been curtailed significantly with respect to some of the largest and most potentially environmentally damaging proposals such as State Significant Developments and critical infrastructure proposals. This has led to public scepticism that major developments are not being adequately assessed.

The following principles are proposed as mandatory community participation requirements. They would apply to all decision makers under the Act who would be required to take all reasonable steps to ensure that consultation is carried out in accordance with these principles.

1. Community expects and has a right to participate in strategic planning, development assessment and related decisions. As a consequence these principles must be implemented in good faith and community participation methods should go beyond the minimum standards in the legislation.

2. Community participation should be undertaken independently of the proponent and facilitated to ensure its processes and results have credibility.
3. The decision maker should recognise the diversity of interests and specifically identify and tailor information for:
    - those individuals and organisations likely to have an interest in the proposal, including those who may be directly impacted;
    - those likely to have an interest in the local and regional implications of the project; and,
    - those organisations with a state or national interest.
4. Notification and participation opportunities should not be impeded by the timing; location and style (for example, avoid holiday periods or meeting sites that are not near public transport).
5. The information provided should be provided in a way that is transparent, accurate and easy to understand via a variety of methods including letters, social media, websites and events.
6. Participation should be not be limited to the passive supply of information and should encourage and record views and informed opinion. Methods of engagement include surveys, submissions, drop-in centres, community group and local meetings, and briefings with key organisations. Providing feedback will also encourage the further development of views towards possible alternatives and solutions.
7. Assistance should be provided to the community and those with limited resources to interrogate and understand complex information. This may include, for example, the provision of funds to obtain independent advice, meetings with panels of experts, or commissioning of further research by consent authorities to be made public prior to a decision.
8. Dialogue between stakeholders should be facilitated, bringing together recognised representatives of stakeholders to allow the opportunity to devise solutions on a level playing field.
9. A public report outlining the issues, responses and further research undertaken should be made available prior to the decision.
10. The community should be re-engaged with respect to amendments to a proposal (other than minor amendments).
11. Community engagement strategies (general or project specific) should be evaluated in line according to pre-set key performance indicators such as the range of groups contacted, levels of satisfaction with the information provided, the choice of engagement methods, the recording of accurate recording of views and the extent to which events were made accessible to the public.

Decision-makers would be obliged to prepare a community participation strategy subject to biennial evaluation.

An open accessible, transparent and accountable corruption-free planning system

Whether it is urban development, transport, public assets, coal mines or coal seam gas, public confidence in NSW planning is at an all-time low.

We therefore call for:

- Implementation of all recommendations of the ICAC report *Investigation into corruption risks involved in lobbying,* November, 2010.
- Implementation of all recommendations of the ICAC report *Anti-corruption safeguards and the NSW planning system*, February 2012.
- Implementation of all recommendations from the 2013 ICAC operations Jasper and Acacia (investigation of the allegations concerning mining exploration licenses).
- Creation of a Strategic Planning and Policy Unit and Development Assessment Unit (refer to Section 3 for detail).

- Introduction of a low cost (no costs jurisdiction), third-party merit review process for all development applications in the NSW Land and Environment Court.
- Limiting discretionary power available to the Minister for Planning.

The position of the Charter and this Companion document is that the ability for all parties to challenge the factual basis (i.e. access a merits review) of all development decisions in the Land and Environment Court reduces the incentive to inappropriately influence politicians and/or public officials.

This is an important corruption safeguard and goes further than Recommendation 16 in ICAC's 2012 report *Anti-corruption safeguards and the NSW planning system,* which recommends that third party appeals be limited to development that is significant and controversial; represents a significant departure from existing development standard; and/or is the subject of a voluntary planning agreement.

According to the Australian Productivity Commission:

> *Third party (that is, non-applicant) appeals may improve the quality of decisions by reducing the scope for deals between developers and regulators and by catching poor decisions. Furthermore, the ability to appeal an unpopular development can protect neighbourhood amenity and enhance community trust in the system.*[2]

It has been claimed that the availability of third party merits review slows down development approval[3] and in NSW third party merits appeals are only available for Designated Development (i.e. development requiring an Environmental Impact Statement and listed in Schedule 3 of the *Environmental Planning and Assessment Regulations (2000).*

In contrast to this argument Victoria, which has approximately six times the number of merit appeals relative to population compared to NSW[4], is often held up as having a more efficient planning system than NSW. Examples of this can be seen in the recent comments by Chris Johnson, Chief Executive Officer of the developer lobby group the NSW Urban Taskforce:

> *Melbourne has also done a much better job of building sufficient housing for its growing population, particularly in the inner city.*[5]

Justice Stuart Morris, then President of the Victorian Civil and Administrative Appeals Tribunal, has noted that *the existence of third party appeal rights discourages corrupt behaviour between developers and local government.*[6]

The extent to which corruption can distort good planning and destroy the public's confidence in the planning system was illustrated graphically by the 2008 ICAC investigation into Wollongong City Council. This investigation recommended the revocation of an approval for a large development named the 'Quattro', the vacation of all civic offices of the Council and corruption findings with regard to ten individuals.

In addition to third party merits review, open standing to bring judicial review proceedings is an important mechanism to ensure statutory compliance by authorities with the legislation.

The integration of land use planning with the provision of infrastructure and the conservation of our natural, built and cultural environment

Generally, decisions relating to urban development, infrastructure, energy and natural resources are made by single-issue agencies in the absence of adequate coordination between these agencies and inadequate reference to broad, longer-term goals for NSW.

This silo mentality is a major impediment to achieving the kind of strategic planning needed in the 21st century.

[2] Productivity Commission (2011), *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments*, Chapter 3, Regulatory Framework, p.86

[3] Judge Christine Trenorden (2009), *Town Planning Law- Past Present and Future.*

[4] Productivity Commission (2011), *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments*, Chapter 3, Regulatory Framework, p.83

[5] http://www.smh.com.au/comment/why-melbourne-has-planned-better-for-growth-than-sydney-20140601-zru54.html#ixzz39aMSmG4Y

[6] Justice Stuart Morris (2005), *Third Party Participation in the Planning Permit Process*, p.6.

More attention needs to be given to mechanisms through which land use planning decisions can be effectively integrated with other key government decisions relating to infrastructure and natural resource management.

In other countries, the integration of land use planning with infrastructure and natural resource management is implemented to a greater degree than in NSW. Particular priorities include the integration of land use planning with:

- transport policy (to improve accessibility to employment and services and reduce energy dependence)
- infrastructure policy (to improve sustainable resource use and provide facilities to communities)
- biodiversity conservation and natural resources management (to promote settlement patterns and activities that support the long-term integrity of natural areas and processes).

In order to address the lack of coordination between various agencies, we also call for the establishment of a Strategic Planning and Policy Unit (see Section 3 for detail).

Objective, evidence-based assessment of strategic planning and development proposals

The foundation stone of a good planning system is a sound knowledge base that is accessible to all stakeholders and is maintained and updated by government in the public interest.

We call on the NSW Government to commit resources towards good quality and objective data to be used as a basis for planning and development decisions at state, regional and local levels. At the very least, such data would need to include detailed studies of planning constraints such as flood mapping, mine subsidence, biodiversity and vegetation mapping, acid sulphate soils, coastal risk and fire prone lands, as well as demographic information.

We also call for the establishment and funding of an independent Spatial Data Authority (or the adaptaion of an existing body) that would be responsible for maintaining and updating data in the public interest (see Section 3 for more detail).

Reliable data is essential to sound strategic planning, however, it must be recognised that it can only be accurate to a certain scale. Moreover, information about some matters, such as threatened species, is likely to be incomplete. In such cases it is important that further studies be undertaken to assess the actual and cumulative impacts of specific proposals.

In relation to development assessment, the current system in which proponents select and pay their own consultants to prepare reports, including environmental impact statements, creates obvious conflicts of interests.

Although it is equitable for the developer to pay for such reports, the objectivity of these reports must be ensured by keeping the appointment of consultants at arm's length from the proponent. This could be achieved by the establishment of a panel of accredited consultants with consultants appointed by a body other than the proponent (for example the Development Assessment Unit - see Section 3).

To ensure the quality and reliability of the information contained within consultants' reports, provisions that make it an offence to include deceptive or misleading information in these reports should also be strengthened.

We call for an improved system for engaging consultants designed to achieve the following outcomes:

- annually reviewable professional accreditation of consultants
- provisions that make it an offence, as well as an act of misconduct, to include deceptive or misleading material in consultants' reports
- breaking the financial nexus between developers and consultants
- provision for the appointment of consultants to projects at arm's length from proponents.

We note that these outcomes would require a detailed set of administrative criteria and regulations to be

implemented. The following points are suggestions for how such a system could operate:

- A central register of consultants with expertise in various areas is created and managed by a Development Assessment Unit or other body.
- Proponents pay a fee (based on a percentage of the estimated construction investment value) into a designated fund.
- One or more consultant(s) are allocated to the proponent's proposal from the register of consultants via a process of rotating selection and paid for by the fee contributed by the proponent.
- The consultant(s) prepares a publicly available study of values and potential impacts associated with the proponent's proposal.
- The proponent then finalises and lodges the proposal.

To be eligible for placement on the central register, we suggest that consultants should be accredited annually on the basis of ongoing professional development and the quality of reports they produce.

It is important that the people of NSW have confidence in the integrity and objectivity of consultants' reports. With respect to the provisions for deceptive and misleading conduct mentioned above, it is imperative that a complaints process be made available to the public so that allegations of misleading or less than rigorous reporting can be addressed. The assessing authority must be given a positive duty to pursue matters where there is prima facie evidence that misleading or deceptive conduct has occurred with regard to a planning or development proposal.

This Companion document does not support the direct employment of private certifiers by developers. Where private certifiers are used we call for a system which breaks the financial nexus between developer and certifier in the same way the nexus between proponents and consultants needs to be broken.

Section 2: Expected outcomes of a good planning system

Respects, values and conserves our natural environment and the services it provides

In order to prevent the death of our environment by a thousand cuts and ensure that our bushland, water and wildlife can be enjoyed by future generations, our planning system must:

1. Ensure that detailed strategic level planning is undertaken in an integrated manner. Good strategic planning considers environmental constraints along with conservation priorities.
2. Ensure that, where there is not adequate environmental data, or there is new information, the potential for cumulative impacts of developments is adequately assessed.
3. Ensure that environmental impacts are adequately assessed by using an objective 'improve and maintain' test based on current data.

Facilitates world-class urban environments with well-designed, resource-efficient housing, public spaces and solar access that meet the needs of residents, workers and pedestrians

Urban design is concerned with the arrangement, appearance and function of our streets, suburbs and cities. It is less about buildings and more about the public spaces between them. There is a particular focus on the creation of a civic or social realm in which people interact. Consequently, urban design must have strong regard to human needs, both physical and social.

Urban design involves many different disciplines including planning, real estate, architecture, landscape architecture and engineering. It operates from the macro scale of planning, the structure of the wider urban region, to the micro scale of street furniture and lighting.

Integration between these different spatial scales is very important to achieving the desired character and quality of particular places.

Urban design can significantly influence[7]*:*

- *the economic success and socio-economic composition of a locality - whether it attracts people to live there; whether the costs of housing and travel are affordable; and whether access to job opportunities, facilities and services are equitable*
- *the physical scale, space and ambience of a place. As such, it affects the balance between natural ecosystems and built environments, and their sustainability*
- *the social and cultural nature of a locality: how people interact with each other, how they move around, and how they use a place. Although urban design is often delivered for a specific project, it is in fact a long term process that continues to evolve over time.*

It is this layering of building and infrastructure types, natural ecosystems, communities and cultures that gives places their unique characteristics and identities.

The planning system must ensure that walkability and public transport, as well as public spaces which foster community are an integral part of local neighbourhoods.

Further, the aim of delivering a long-term protection policy and plan for urban parklands, public spaces, and remnant bushland on private and public land should be enshrined in regulation. The current system has seen green corridors destroyed at the hands of developers and successive ministers, an action that accords private profits higher value than our environmental and open space assets. The protection of remnant natural areas and sufficient green spaces in higher density areas should be top priorities.

The best available scientific and planning expertise can deliver an environment that meets a variety of human and environmental needs, including protecting native flora and fauna, maintaining and improving connectivity, linking the community in a caring way to bushland and delivering clean air, opportunities for interaction and communal activity and relaxation.

Good urban planning should also provide for a co-ordinated approach and a variety of funding opportunities that assist local government deliver the objectives above and improve the resources available to the large number of community groups involved in the protection of urban green spaces and natural areas.

Lastly, good urban planning should involve Social Impact Assessments for communities impacted by proposed development especially when those communities are disadvantaged, vulnerable or resource-poor.

Provides housing choice, including affordable housing and sufficient housing for the disadvantaged, in a diversity of locations

Local and state planning frameworks are only one of many influences to affect housing affordability. Housing purchase or rental is strongly influenced by state and federal taxation and charges, as well as incentives the stated intent of which is to increase housing stock and affordability.

The planning system has a key role in facilitating the provision of housing by zoning land for housing and allowing planning authorities to collect contributions for infrastructure such as roads, local drainage works, open space and community facilities. It also sets standards for the design and construction of dwellings. Some of these standards promote environmental outcomes (e.g. environmental sustainability) and social outcomes (e.g. disability access).

Where the system allows for land to be used for housing rather than other purposes, it can also contribute to greater supply of dwellings, which in turn can contribute to reducing the cost of provision and the price paid by homebuyers. Allowing housing to be developed only in this way would have negative impacts if there were an unacceptable loss of land used for other worthwhile activities, such as agriculture, or land that is conserved

[7] The Urban Design Protocol: http://www.urbandesign.gov.au

as natural habitat. It could also have negative social impacts if new housing estates were built far from centres with services like hospitals and schools, or were not linked to jobs by public transport.

The mainstream housing market does not cater to everyone equally, which is why our planning system should retain an objective of provision and maintenance of affordable housing. Affordable housing means housing that is specifically targeted to lower-income and moderate-income households. This sort of housing could be 'start up' housing for homebuyers entering the housing market for the first time, housing for 'key' workers employed on lower wages, or for people who cannot participate in the workforce because of age, disability or family responsibilities.

The planning system can and should allow for a diversity of dwelling types and densities. It should be able to conserve areas of low-rise, low-density housing as well as allow for medium-rise, medium-density housing in areas where this fits in, for example, around railway stations and shopping centres. While recognising the over-consumption of energy of high-rise towers, some communities may elect this form of housing in their local area.

Inappropriate development controls that prevent a diversity of housing types from being developed, such as secondary dwellings, should be removed. Planning authorities should also require apartment buildings over a certain size (e.g. 10-20 units) to contain units with a range of bedroom sizes, to accommodate small and large families.

As far as possible, all buildings should be designed in line with Universal Design principles to cater for people of all ages and abilities. As a minimum, all unit buildings should be built with a proportion of units that are accessible for aged people and those with disabilities in accordance with the Liveable Housing Design Guidelines.[8]

In some cases, developers of private housing should be asked to contribute towards dedicated affordable housing, where their development leads to a loss of existing affordable housing, creates a need for affordable housing, or is only allowable because there has been a change in zoning or development controls.

Celebrates, respects and conserves our cultural (including Aboriginal) and built heritage

> *Places of cultural significance enrich our lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. These places are historical records that are important as tangible expressions of our Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.*
>
> *People strongly value the quality of their local historic environment, the distinctive look and feel of the places in which they live and work. It is interesting to note, that, in Australia, …*
>
> *there are more than 2,000 local historical societies in Australia who run local historical museums and archives, and are involved in local heritage conservation.*
>
> *Not only does the historic environment define identity and enhance our daily lives, it also provides a tangible and direct link with the past. This is an experience that historic documents or a record of a long gone place cannot replace.*[9]

This Charter and Companion document call on our planning system to respect and conserve our heritage - cultural and built, and integrate the stand-alone Aboriginal Cultural Heritage legislation currently in development.

[8] http://livablehousingaustralia.org.au/

[9] Australia ICOMOS, Submission to the Australian Productivity Commission (122), p.6.

Protects and sustainably manages our natural resources, including our water resources, fragile coastlines and irreplaceable agricultural land for the benefit of present and future generations while maintaining or enhancing ecological processes and biological diversity

Land use planning and development is intrinsically linked with environmental protection, nature conservation and natural resource management (NRM). This is because actions that affect the environment and our natural resources are regulated, either directly or indirectly, through our planning system. The impact of planning and development on the environment is therefore a key consideration for decision-makers in preparing planning instruments and determining development applications.

Conversely, land use planning has the potential to support the achievement of environmental outcomes, including the protection and sustainable management of water resources, biodiversity, agricultural land and basic raw materials.

Our planning system must endeavour to provide a clear and structured framework for long term strategic planning (for example, through a state plan or regional plans) that subsequently sets the direction and outcomes for land use planning policies at a local level.

In the context of the Charter, strategic planning is used as an overarching term to describe planning for anticipated development and growth, taking into consideration key factors, such as the environment, health, transport, local food production and infrastructure for healthy, liveable and sustainable communities, as well as planning on a precautionary basis for future sea level rise and extreme weather events.

Strategic planning frameworks should underpin the development of planning instruments. This means that all planning instruments or planning strategies (for example state plans, regional plans, state environmental planning policies and local environment plans) should be developed within a strategic planning framework.

Retains and protects our Crown lands and natural areas, landscapes and flora and fauna for the benefit of the people of NSW

> *The NSW Crown Estate is large and diverse - making up about 42 per cent of the State - and holds tremendous importance for the social, environmental and economic health of NSW.* [10]

These lands remain in public ownership after over two centuries of divestment since the original Crown possession of Aboriginal country by Governor Phillip in 1788, and are of significant and irreplaceable value to the people of NSW.

Reserved under public authorities for a range of public purposes, including roads, waterways and protected areas to cemeteries, and sports grounds, or leased for pastoral activities, these public lands provide the people of NSW with vital recreational, community development, tourist and heritage values.

An assessment of the conservation values of all NSW Crown reserves, Crown leases and waterways was conducted between June 2013 and June 2014 by the National Parks Association of NSW and the Nature Conservation Council of NSW.[11] This assessment revealed that these lands offer a range of important conservation values, ranging from providing remnant vegetation and habitat for threatened species in highly cleared landscapes, to habitat connectivity and irreplaceable coastal values.

Recreational space in particular is rapidly assuming greater importance in our increasingly densified and privatised cities, where shortages are likely to occur in older, inner-city communities now subject to increased populations through urban consolidation.

Public lands belong to the people of NSW. Because of their significant and irreplaceable values we do not support their sell-off or use for exclusive commercial

[10] NSW Trade and Investment (2014), *Crown Lands for the Future - Crown Lands Management Review Summary and Government Response (Introduction: Our Crown Land).*

[11] The full results of this assessment are available as Attachment 1 to the Nature Conservation Council of NSW Submission on the Crown Lands Legislation White Paper dated 20 June 2014

purposes. We also note the interest of the Aboriginal community in Crown lands.

Gives local and regional communities a genuine and meaningful voice in shaping their local area and region, its character and the location, height and density of housing. Provides certainty and fairness to communities

Engaging communities in strategic planning to set a vision for and shape the character of their local area must involve public participation. This must be a two-way process with the community giving input to Council (or the relevant planning authority), as well as Council educating the community about strategic planning and options for planning controls and future types of development in the area.

This process could begin with a survey (both written and on-line) to find out what the local community thinks is important in determining the vision and character of their area identifying what aspects of their area they would like to maintain and those that they would like to change. As part of the survey, the community could also be asked about what features of amenity, such as solar access or public space, are most important to them.

Local community workshops could also be undertaken to inform the public about the strategic planning process and the purpose of the survey, and relevant information could be posted on the Council website.

While the survey was underway, Council could undertake the environmental, transport and infrastructure studies necessary for the preparation of a local strategic plan and planning controls.

Having collated the results of the survey, Council could then prepare a draft vision and character statement to be provided to the local community for further comment.

Once Council had finalised the vision, character statement and other studies, it could then commence the formal process of preparing a strategic plan and planning controls involving public participation as discussed earlier in this document.

Section 3: Possible mechanisms for implementation

Establishment of a Strategic Planning and Policy Unit

A planning system works best when the functions of strategic planning and development assessment are separated at both state and local government levels.

Strategic planning is a multi-disciplinary, multi agency process which is broader than simply determining what development should occur where. As such, it is important that it be separated from the development assessment process.

There are many examples of strategic plans (including conservation plans) being made *after* development approval has been given or indicated. The infamous Lower Hunter Regional Strategy, the Lower Hunter Regional Conservation Plan and the series of court cases surrounding the Catherine Hill Bay and Huntlee developments are a case study in why strategic assessment and development should be separated.

The Australian Productivity Commission recommended the institutional separation of assessment and regulatory functions from those of policy setting in its November 2013 report, *Major Project Development Assessment Processes.*[12]

The role of a dedicated Strategic Planning and Policy Unit would be to ensure the co-operation of all state agencies in strategic planning by facilitating consultation and technical input into the development, monitoring and evaluation of state, regional and local plans. This Unit could also take on the role of policy development and law reform.

[12] Productivity Commission (2013), *Major Project Development Assessment Processes*, Recommendation 6.5, p.34

Establishment and funding of an independent Spatial Data Authority

A key input into strategic planning is the availability of good data, including flood studies, vegetation mapping, acid-sulphate soils mapping, coastal risk assessment, traffic data and population data.

An option that could improve the availability and compatibility of data is to create an independent Spatial Data Authority or, alternatively, to adapt an existing authority to fulfil a similar role.

There is no Authority currently charged with producing spatial data to a common standard and with adequate resources. Development proponents often produce studies that focus on their particular development proposal and Councils produce data that may not compatible with a neighbouring council or state agency.

By establishing and funding an independent Spatial Data Authority, NSW would produce informed and robust strategic plans.

Establishment of a Development Assessment Unit

A Development Assessment Unit could replace the current NSW Department of Planning and Environment. Its primary functions would be to:

- provide a secretariat to the Development Assessment Commission (see section 3 of this document)
- provide assessment assistance to smaller regional Councils in the form of experienced planners who can assist in the assessment of developments which Council does not have the in-house expertise to assess
- co-ordinate and allocate consultants to development proposals at arm's length from the proponent
- ensure adequate monitoring, compliance and enforcement.

A planning system should set professional standards for planners governed by a statutory professional body. This body could be tasked with renewing the accreditation of planners on an annual basis. The planning system could stipulate that only accredited planners can conduct the assessments of development applications.

Establishment of a Statutory Development Assessment Commission

In order to improve the processes and independence of decisions relating to the determination of the largest developments in NSW, Moore and Dyer suggested that a Planning Commission chaired by a full-time judge of the Land and Environment Court, determine State Significant Development and Infrastructure.[13]

The Charter and this Companion document support consideration of this model (with some differences) as a way of restoring public confidence in the planning system and removing suggestions of political patronage in the appointment of Commissioners and members of Joint Regional Planning Panels.

A NSW Development Assessment Commission (DAC), that is, Moore and Dyer's Planning Commission chaired by a judge of the Land and Environment Court, could be tasked with determining large developments, including State Significant Development and Infrastructure, on the basis of existing state, regional and local plans, as well as the objectives of the Act.

A judge seconded as Chair of the DAC would bring political independence to the DAC and ensure rigour in its determinations. They could not sit as a judge while chairing the DAC.

Moore and Dyer note that both the NSW Workers Compensation Commission and the Administrative Appeals Tribunal use this model currently.[14]

The DAC would operate as a panel, not as a tribunal or court. Parties would be self-represented (unless special leave was granted for professional representation for public interest reasons) and the rules of evidence and cross examination would not apply. There would be

[13] Moore T and Dyer R (2012), *The Way Ahead for Planning in NSW: Recommendations of the NSW Planning System Review*, Vol. 1 p. 30 and Vol. 2, p.20.

[14] See *Administrative Decisions Tribunal Act 1979*, Section 17 and *Workplace Injury Management and Workers Compensation Act 1998*, Section 369.

access to third party merit appeals on DAC determinations through the Land and Environment Court, unlike Moore and Dyer's Planning Commission.

The establishment of the DAC would remove the Minister from determining large developments while retaining elected representation in determining strategic plans and local development approvals.

The members of the DAC would be recruited by public advertisement and required to state why their qualifications and experience make them suitable applicants.

Moore and Dyer suggested that the preferred appointees should be recommended by a panel to the Minister.[15] Another method could be to require that the Minister seek endorsement of the nominees by the NSW Parliament, a process that would allow a level of public scrutiny of the appointments.

Establishment of a Statutory Community Board

The NSW planning system has long been criticised for being susceptible to sustained lobbying by the property and mining sectors.

Our planning system could create a statutory board of community representatives who must be consulted by the Minister prior to strategic planning decisions being made.

This Community Board would represent urban, regional and rural stakeholder bodies from various sectors, including peak associations for social needs, environment, community, transport, as well as resident groups.

Access to Information

The availability of and timely access to supporting documents is vital for public participation in the planning system and all the information relating to a strategic planning proposal or development should therefore be available to the public.

On this basis, all proponents should be required to sign a waiver of copyright and indemnify both the planning/consent authority and the public.

Further, claims for commercial-in-confidence should only be allowed where the consent authority has applied a test that has established a real possibility of commercial damage occurring.

© August 2014 Planning for People: A Community Charter for Good Planning in NSW has been prepared by a working group of community organisations in consultation with the Better Planning Network, Community Councillors Network, Inner Sydney Regional Council for Social Development, National Parks Association of NSW, National Trust of Australia (NSW), Nature Conservation Council of NSW, NSW Heritage Network, Shelter NSW and the Total Environment Centre.

Disclaimer: While all attempts have been made to be accurate with the material presented in this document no representations, express or implied, are made and no legal responsibility or liability is accepted.

[15] Moore T and Dyer R (2012), *The Way Ahead for Planning in NSW*, Vol. 2, p.31.

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MEMORANDUM OF AGREEMENT

Parties: Byron Shire Council; Belongil Swamp Drainage Union
Regarding: West Byron Sewage Treatment Plant Effluent Discharge to the Belongil Union Drain.

Basis for Agreement

1. Fixed fee of $10,000 per annum for up to – say 900 ML/year.

2. Variable charge of $10 per ML for each ML of discharge beyond 900 ML/year.

3. The fixed fee and variable charge to be adjusted for CPI.

4. The fixed fee will not be reduced if effluent reuse results in less discharge to the Belongil drainage system

5. Effluent flow and reuse volumes will be used by Council to establish drainage discharge volumes.

6. Annual payment on a Financial Year basis.

7. Continued close working relationship through :

   a) Belongil Estuary Management Committee.
   b) Council advice to Drainage Union Meetings.
   c) Drainage Union representation on the Byron Bay Wastewater Steering Committee.

8. The agreement reflects the provisions of the Operating Environmental Management Plan (OEMP) for the Sewage Treatment Plant.

9. The agreement acknowledges that a Drainage Management Plan is required under Section 26 of the Water Management Act 2000 and the provisions of this plan will be taken into consideration when the agreement is renewed.

10. The Parties agree to establish a mutually acceptable reference panel to assist the Parties in all matters pertaining to this agreement including dispute resolution.

11. Currency will be twenty four months from the date of agreement.

#670441

On behalf of Byron Shire Council

Position ..... Dated

Witnessed .....

Position ..... Dated

On behalf of Belongil Drainage Union

Position ..... Dated

Witnessed: .....

Position ..... Dated

#670441

Byron Shire Council
Current Submissions and Grants as at 27 September 2017

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
Aus Gov, Dept of Infrastructure and Regional Development	Bridges Renewal Programme	5,000,000	IS	Replacing Blindmouth Creek Crossing	1,140,550	570,275	570,275/ 570,275	Submitted 12 June 2017	Successful
Aus Gov, Dept of Infrastructure and Regional Development	Bridges Renewal Programme	5,000,000	IS	Bridges for the Bangalow Agricultural Area	5,177,815	2,588,908	2,588,908/ 2,588,908	Submitted 12 June 2017	Successful
Aus Gov Dept of Infrastructure and Regional Development	Building Better Regions Fund – Community Investments Stream	100,000	CCS	Building Capacity in Byron's Community Halls	20,000	20,000	20,000	Submitted 31 March 2017	Successful
NSW Office of Environment and Heritage	Coastal and Estuary Grants Program	100,000	SEE	North Byron Shire Coastline Management Plan	150,000	75,000	75,000 (Cash) 75,000 (Council)	Submitted 3 July 2017	Successful
NSW Dept of Primary Industries	Recreational Fishing Trust	No stated upper limit	IS	Fishing platform and bank regeneration Brunswick River	104,668	81,668	81,668/ 23,000	Submitted 13 March 2017	Unsuccessful

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
Aus Gov Office of Prime Minister and Cabinet	Smart Cities and Suburbs – round 1	5,000,000	SEE	3D Mapping Tool for Shire planning	300,000	150,000	150,000/ 100,000 (cash) 50,000 (in-kind)	Submitted 30 June 2017	Decision pending
NSW Dept of Industry	Shark Management Strategy Program	50,000	IS	Shark Smart Alert and Advice System	55,218	50,000	50,000 (cash) 5,218 (in-kind)	Submitted 30 July 2017	Decision pending
Aus Gov Dept of Infrastructure and Regional Development	Regional Jobs and Investment Packages – Local Infrastructure	25,000,000	IS	Byron Bay Bypass	22,500,000	8,000,000	8,000,000 (cash) 10,500,000 (RMS) 4,000,000 (Council)	Submitted 30 July 2017	Decision pending
NSW Gov RMS	NSW Boating Now	No stated upper limit	IS	Brunswick Harbour Boat Ramp	1,237,138	890,353	890,353 (Cash) 297,785 (Council cash) 50,000 (Council in-kind)	Submitted 20 August 2017	Decision pending
NSW Gov RMS	Safer Roads 2018-19	No stated upper limit	IS	622 Bangalow Road (CH 5450-CH6150) Safety Enhancement	93,200	46,600	46,600 (Cash) 46,600 (Council cash)	Submitted 14 August 2017	Decision pending

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
NSW Gov RMS	Safer Roads 2018-19	No stated upper limit	IS	Jonson St 95 – Ped Xing – Wombat Crossing Upgrade	107,333	53,666.50	53,666.50 (Cash) 53,666.50 (Council cash)	Submitted 14 August 2017	Decision pending
NSW Gov RMS	Safer Roads 2018-19	No stated upper limit	IS	Coolamon Scenic Drive (Sth Mullumbimby) Safety Improvements	75,000	37,500	37,500 (Cash) 37,500 (Council cash)	Submitted 14 August 2017	Decision pending
NSW Gov Restart NSW	Fixing Country Roads	5,000,000	IS	Bridges for the Bangalow Agricultural Area	5,177,816	2,588,908	2,588,908/ 2,588,908	Submitted 1 Sept 2017	Decision pending
NSW Gov Regional Growth fund	Regional Cultural Fund Medium scale infrastructure	1,000,000	CCS	Renovation and extension of Brunswick Heads Library	818,883	607,786	607,786 (cash) 166,595 (Council cash) 44,502 (Council and RTRL in-kind)	Submitted 4 Sept 2017	Decision pending
NSW Gov Family and Community Services	Seniors Week	1,000	CCS	Byron Seniors Week	2,750	1,000	1,000 (cash) 1,750 (Council in-kind)	Due 8 Sept 2017	Decision pending

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
Commonwealth-NSW Government National Disaster Relief and Recovery Arrangements	Northern Rivers Business Recovery Program	100,000	SEE	Byron Trails	35,000	9,470	9,470 (cash) 9,470 (Council) 16,060 (advertising revenue)	Submitted 1 Sept 2017	Decision pending
Commonwealth-NSW Government National Disaster Relief and Recovery Arrangements	Northern Rivers Business Recovery Program	100,000	SEE	Keeping our visitors SAFE	10,000	5,000	5,000 (cash) 5,000 (Council)	Submitted 1 Sept 2017	Decision pending
Commonwealth-NSW Government National Disaster Relief and Recovery Arrangements	Northern Rivers Business Recovery Program	100,000	SEE	Billinudgel is back in business	145,500	85,500	85,500 (cash) 60,000 (Council)	Submitted 1 Sept 2017	Decision pending

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
Commonwealth-NSW Government National Disaster Relief and Recovery Arrangements	Northern Rivers Business Recovery Program	100,000	SEE	Northern Rivers Food Tourism Industry – workshops and marketing campaign	30,000	15,000	15,000 (cash) 5,000 (Council) 10,000 (ticket sales)	Submitted 1 Sept 2017	Decision pending
NSW Dept of Industry – Fisheries	Habitat Action Grants	40,000	IS	Removal of Four Causeways on Brunswick River	340,000	40,000	40,000 (cash) 300,000 (Council cash)	Submitted 18 Sept 2017	Decision pending
NSW Office of Environment and Heritage	Saving Our Species	No stated upper limit	SEE	Corridors Project, Actions from the Koala Plan of Management	40,000	40,000	40,000 (Cash) Council – Nil	Submitted 27 September 2017	OEH identified actions in the KPOM as aligning with NSW Koala Strategy and approach Council accordingly.
NSW Gov Regional Growth Fund NSW	Stronger Country Communities	1,000,000	IS	Clarks Beach Amenities	1,200,000	632,000	632,000 (Cash) 578,000 (Council Cash)	Due 18 October 2017	
NSW Gov Regional Growth Fund NSW	Stronger Country Communities	1,000,000	CCS	Heritage House Bangalow Enhancement	250,000	250,000	250,000 (Council and community contribution to be confirmed)	Due 18 October 2017	

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
NSW Gov Regional Growth Fund NSW	Stronger Country Communities	1,000,000	CCS	Refurbish and renew Sandhills Childcare, Byron Bay	250,000	250,000	250,000 (Community contribution to be confirmed)	Due 18 October 2017	
NSW Gov Regional Growth Fund NSW	Stronger Country Communities	1,000,000	IS	Waterlilly Park Active Recreation, Ocean Shores	600,000	600,000	600,000 (Council and community contribution to be confirmed)	Due 18 October 2017	
NSW Gov RMS	Active Transport	No stated upper limit	IS	Pedestrian Access Management Plan	60,000	45,000	45,000 (Cash) 15,000 (Council cash)	Due 20 October 2017	
NSW Gov RMS	Active Transport	No stated upper limit	IS	Byron Shire Bike Plan	60,000	45,000	45,000 (Cash) 15,000 (Council cash)	Due 20 October 2017	
NSW Gov RMS	Active Transport	No stated upper limit	IS	Shared Zones for Bay and Lateen Lanes	300,000 (TBC)	200,000	200,000 (Cash) 100,000 (Council Cash TBC)	Due 20 October 2017	
NSW Gov RMS	Active Transport	No stated upper limit	IS	Cycle/walking paths Broken Head Rd (Suffolk Park to Byron Bay)	292,625	151,900	151,900 (Cash) 140,725 (Council Cash TBC)	Due 20 October 2017	

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
NSW Gov RMS	Active Transport	No stated upper limit	IS	Cycle/walking paths Lismore Rd, Bangalow.	120,000	90,000	90,000 (Cash) 30,000 (Council Cash TBC)	Due 20 October 2017	
NSW Gov RMS	Active Transport	No stated upper limit	IS	Cycle/walking paths Balemo Drive, Ocean Shores.	618,750	315,125	315,125 (Cash) 303,625 (Council Cash TBC)	Due 20 October 2017	
NSW Gov RMS	Active Transport	No stated upper limit	IS	Cycle/walking paths Ewingsdale Rd, Ewingsdale.	151,875	78,650	78,650 (Cash) 73,225 (Council Cash TBC)	Due 20 October 2017	
NSW Gov Regional Growth Fund	Growing Local Economies	No stated upper limit	IS	Byron Bay Town Centre Bypass	22,500,000	8,000,000	8,000,000 (cash) 10,500,000 (RMS) 4,000,000 (Council)	EOI in preparation – no formal due date	
NSW Gov Regional Growth Fund	Growing Local Economies	No stated upper limit	IS	McGettigans Lane RAB to Pacific Interchange	8,000,000	4,000,000	4,000,000 (cash) 4,000,000 (Council)	EOI in preparation – no formal due date	
NSW Gov Regional Growth Fund	Growing Local Economies	No stated upper limit	IS	Clifford Street RAB	4,000,000	2,000,000	2,000,000 (cash) 2,000,000 (Council)	EOI in preparation – no formal due date	

Funding body	Funding Scheme	Total Amount Council can access from Funding Scheme	Directorate	Council Project	Total project value	Requested Amount from Funding Body	Contribution Breakdown: Funding Body/ Council	Status	Comments
NSW Gov Regional Growth Fund	Regional Sports Infrastructure	No stated upper limit	IS	The Cav Extension and Swimming Pool	12,000,000	6,000,000	6,000,000 (cash) 6,000,000 (Council)	EOI in preparation – no formal due date	

LOCAL GOVERNMENT NSW

BYRON SHIRE COUNCIL
DOC NO:
REC'D 07 JUN 2017
FILE NO: Elections

Our ref: R15/0015 Out-26247

2 June 2017

Cr Simon Richardson
Mayor
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Dear Cr Richardson

SAVE THE DATE: Local Government NSW Annual Conference 2017

I write to formally invite you to this year's Local Government NSW Annual Conference which will be held from **Monday 4 December to Wednesday 6 December at the Hyatt Regency, Sydney.** Please note this date is later than usual to accommodate local government elections in September.

As you are aware, the Conference is the main policy making event for the local government sector where issues are debated and motions put forward for the consideration of delegates. As 2017 is a Board election year, voting for the new LGNSW President and Director positions will also take place at the Conference.

This letter contains important information to help you participate fully in this year's Conference.

Registration – to attend the Conference

All Conference attendees will be invited to register online from August on the LGNSW website. Members will be able to take advantage of special 'early bird' rates.

Note: Voting delegates must be registered to attend the Conference and also be registered as a voting delegate.

Registration – as a voting delegate

Separate from Conference registration, members must register the names of their delegates for voting on motions during formal business sessions and to vote for the Board.

Each member (as financial on 9 October 2017) is entitled to a certain number of voting delegates. The formula for calculating members' voter entitlement is prescribed at Rule 23 of the LGNSW Rules. Members will be notified about voting delegate entitlements, for voting on motions and voting for the Board, by Friday 13 October.

The deadline to provide LGNSW with the names of delegates to vote on motions and for the Board is Monday 13 November. Nominations of voting delegates received after the closing date can not be accepted. However a member may substitute the name(s) of its voting delegates, at any time, in line with Rule 34 of the LGNSW Rules.

LOCAL GOVERNMENT NSW
GPO BOX 7003 SYDNEY NSW 2001
L8, 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 49 853 913 882

Please note the 2017 deadlines for voting on motions and voting for the LGNSW Board.

Deadline	Action
Monday 9 October	Deadline for payment of membership fees (required for your council to be entitled to vote for motions and the LGNSW Board)
Friday 13 October	Members notified of number of delegates that can vote: • on motions • for the LGNSW Board
Tuesday 7 November	Deadline to nominate as a candidate for a position on the LGNSW Board (Note this date is currently subject to confirmation by the Australian Electoral Commission. LGNSW will advise if it changes.)
Monday 13 November	Deadline for members to provide names to LGNSW of delegates who will vote for: • motions • the LGNSW Board

For further information about voting on motions and for the Board please contact Ms Debra Law, Divisional Coordinator – Member Services on 02 9242 4142 or Debra.Law@lgnsw.org.au.

Motions

All members can put forward motions to be considered at the Conference. Members will be invited to submit motions online from mid-year using the "LGNSW Conference Business Sessions Submission Form" on the LGNSW website.

The LGNSW Board is working to help ensure the motions debate centres on advancing the sector wide policy agenda in new ways. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

For further information on submitting motions please contact Ms Elizabeth Robertson, Policy Officer, on 02 9242 4028 or Elizabeth.Robertson@lgnsw.org.au.

Accommodation

December is a busy time in Sydney and LGNSW encourages delegates to book accommodation as early as possible to avoid disappointment.

For Conference delegates wishing to stay at the venue (Hyatt Regency) a reduced accommodation rate is available from Sunday 3 December until Thursday 7 December. For group bookings please contact Ashley Markovic, Group Reservations Coordinator, on 02 9290 4812 or Ashley.Markovic@hyatt.com.

A range of alternative hotels are within walking distance of the Conference venue. LGNSW has negotiated a 10% discount for members staying at all Accor Hotels in the immediate area. See the LGNSW Annual Conference webpage.

Outstanding Service Awards

The Outstanding Service Awards will be presented at the Gala Dinner during the Conference. For information about the Awards, including where to apply and eligibility, please check the LGNSW website.

Conference Gala Dinner

The dinner will be held on Wednesday 6 December and all those registered for the Conference may attend.

Further details

Further details about the Conference will be published on the LGNSW website as they become available, including about the Gala Dinner, President's Opening Reception, Conference business sessions, programs and 'early bird' pricing.

I trust the information above is of assistance. We will provide further reminders and updates closer to the Conference.

I very much look forward to seeing you at the Conference in December.

Yours sincerely

Cr Keith Rhoades AFSM
President

LOCAL GOVERNMENT NSW

Our ref: R16/0028
(Adam Dansie)

10 October 2017

Dear General Manager / Chief Executive Officer

Local Government NSW Annual Conference 2017

The purpose of this letter is to provide you with important information about voting at the Local Government NSW Annual Conference 2017 (Conference).

Allocation of voting entitlements

This year the Conference will involve two types of voting and LGNSW is required to develop two rolls of voters, one for voting in the election for Office Bearers and the Board (Board election), and a separate roll of voters for voting on motions.

The formula for calculating members' voting entitlements is prescribed at Rule 23 of the LGNSW rules.

The number of voting delegates that each member is entitled to send to the Conference for each type of voting is set out in the table at **Annexure A**. Column A indicates the number of voters for voting on motions and where applicable, Column B indicates the number of voters for voting in the Board election.

In accordance with the LGNSW rules, only members that were financial on 9 October 2017 have been allocated voting entitlements.

Nomination of voting delegates by 12 midnight (AEDT) on 1 November 2017

Members are required to advise LGNSW of the names of their nominated voting delegates by 12 midnight (AEDT) on 1 November 2017. Nominations received after this time/date cannot be accepted.

Ordinary members need to advise LGNSW of the name(s) of their nominated voting delegate(s) for both types of voting: voting on motions and voting in the Board election.

Associate members need to advise LGNSW of the name(s) of their nominated voting delegate(s) for voting on motions only.

To vote in the Board election, delegates must be a Councillor of a council which is an Ordinary member.

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To vote on motions, delegates must be an elected member of a council, county council, the Lord Howe Island Board (LHIB), Norfolk Island Regional Council (NIRC) or Related Local Government Body (RLGB) or an Administrator appointed in accordance with the *Local Government Act 1993*.

Forms for advising LGNSW of the names of members' nominated voting delegates are available on the Annual Conference page of the LGNSW website:
http://www.lgnsw.org.au/events-training/local-government-nsw-annual-conference

Substitution of nominated voting delegates

Subject to the LGNSW rules and AEC requirements, a member may notify LGNSW of a change to the name of an already nominated voting delegate (a substitute delegate).

> **Board election:** Ordinary members may notify a change to the name of a nominated voting delegate in the Board election under either rules 34(b) or (c) of the LGNSW rules by giving notice in writing signed by either the Mayor or the General Manager of the member to **both** Ross Nassif (LGNSW) at ross.nassif@lgnsw.org.au **and** Renee Damasena (AEC Returning Officer) at nswelections@aec.gov.au, by 5:00pm (AEDT) on Monday, 4 December 2017, using the "*Substitute Delegate – Board Election*" form available on the LGNSW website.
>
> **Motions:** Ordinary members and Associate members may notify a change to the name of a nominated voting delegate for voting on motions under either rules 34(b) or (c) of the LGNSW rules by giving notice in writing signed by either the Mayor or the General Manager of the member to Michele O'Neill (LGNSW) at michele.oneill@lgnsw.org.au, using the "*Substitute Delegate – Motions*" form available on the LGNSW website.

Further information about the Conference is available on the Annual Conference page of the LGNSW website.

I look forward to seeing you at the Conference in December.

Yours sincerely

Cr Keith Rhoades AFSM
President

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LOCAL GOVERNMENT NSW

Annexure A

Members' voting entitlement at the 2017 Local Government NSW Annual Conference

Member	Column A – Number of voters for voting on motions	Column B – Number of voters for voting in Board election
Albury (R/R)	4	4
Armidale Regional (R/R)	3	3
Ballina (R/R)	3	3
Balranald (R/R)	1	1
Bathurst Regional (R/R)	3	3
Bayside (M/U)	10	9
Bega Valley (R/R)	3	3
Bellingen (R/R)	2	2
Berrigan (R/R)	1	1
Blacktown (M/U)	12	12
Bland (R/R)	1	1
Blayney (R/R)	1	1
Blue Mountains (R/R)	4	4
Bogan (R/R)	1	1
Bourke (R/R)	1	1
Brewarrina (R/R)	1	1
Broken Hill (R/R)	2	2
Burwood (M/U)	4	4
Byron (R/R)	3	3
Cabonne (R/R)	2	2
Camden (M/U)	5	5
Campbelltown (M/U)	10	9
Canada Bay (M/U)	5	5
Canterbury-Bankstown (M/U)	13	12
Carrathool (R/R)	1	1
Castlereagh-Macquarie (R/R)	1	0
Central Coast (R/R)	7	7
Central Darling (R/R)	1	0
Central Murray (R/R)	1	0
Central Tablelands Water (R/R)	1	0
Cessnock (R/R)	4	4
Clarence Valley (R/R)	4	4
Cobar (R/R)	1	1

Member	Column A – Number of voters for voting on motions	Column B – Number of voters for voting in Board election
Coffs Harbour (R/R)	4	4
Coolamon (R/R)	1	1
Coonamble (R/R)	1	1
Cootamundra-Gundagai Regional (R/R)	2	2
Cowra (R/R)	2	2
Cumberland (M/U)	11	10
Dubbo Regional (R/R)	4	4
Dungog (R/R)	1	1
Edward River (R/R)	1	1
Eurobodalla (R/R)	3	3
Fairfield (M/U)	10	10
Federation (R/R)	2	2
Forbes (R/R)	1	1
Georges River (M/U)	9	9
Gilgandra (R/R)	1	1
Glen Innes Severn (R/R)	1	1
Goldenfields Water (R/R)	1	0
Goulburn Mulwaree (R/R)	3	3
Greater Hume (R/R)	2	2
Griffith (R/R)	3	3
Gunnedah (R/R)	2	2
Gwydir (R/R)	1	1
Hawkesbury City (M/U)	5	5
Hawkesbury River (M/U)	2	0
Hay (R/R)	1	1
Hilltops (R/R)	2	2
Hornsby (M/U)	7	7
Hunters Hill (M/U)	2	2
Inner West (M/U)	10	10
Inverell (R/R)	2	2
Junee (R/R)	1	1
Kempsey (R/R)	3	3
Kiama (R/R)	3	3
Kimbriki Environmental Enterprises Pty Ltd (M/U)	1	0
Ku-ring-gai (M/U)	7	7
Kyogle (R/R)	1	1
Lachlan (R/R)	1	1

Member	Column A – Number of voters for voting on motions	Column B – Number of voters for voting in Board election
Lake Macquarie (R/R)	7	7
Lane Cove (M/U)	4	4
Leeton (R/R)	2	2
Lismore (R/R)	3	3
Lithgow (R/R)	3	3
Liverpool (M/U)	10	10
Liverpool Plains (R/R)	1	1
Lockhart (R/R)	1	1
Lord Howe Island Board (R/R)	1	0
Maitland (R/R)	4	4
Mid-Coast (R/R)	4	4
Mid-Western Regional (R/R)	3	3
Moree Plains (R/R)	2	2
Mosman (M/U)	3	3
Murray River (R/R)	2	2
Murrumbidgee (R/R)	1	1
Muswellbrook (R/R)	2	2
Nambucca (R/R)	2	2
Narrabri (R/R)	2	2
Narrandera (R/R)	1	1
Narromine (R/R)	1	1
Newcastle (R/R)	7	7
New England Tablelands (R/R)	1	0
Norfolk Island Regional Council (R/R)	1	0
Northern Beaches (M/U)	11	11
Oberon (R/R)	1	1
Orange (R/R)	3	3
Parkes (R/R)	2	2
Parramatta, City of (M/U)	11	10
Penrith (M/U)	10	10
Port Macquarie-Hastings (R/R)	4	4
Port Stephens (R/R)	4	4
Queanbeyan-Palerang Regional (R/R)	4	4
Randwick (M/U)	7	7
Richmond Valley (R/R)	3	3
Riverina Water (R/R)	1	0
Rous Water (R/R)	1	0

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Member	Column A – Number of voters for voting on motions	Column B – Number of voters for voting in Board election
Ryde (M/U)	7	7
Shellharbour (R/R)	4	4
Shoalhaven (R/R)	5	5
Singleton (R/R)	3	3
Snowy Valleys (R/R)	2	2
Strathfield (M/U)	4	4
Sutherland Shire (M/U)	11	10
Sydney, City of (M/U)	10	10
Tamworth Regional (R/R)	4	4
Temora (R/R)	1	1
Tenterfield (R/R)	1	1
The Hills Shire (M/U)	10	9
Tweed (R/R)	4	4
Upper Hunter (R/R)	2	2
Upper Lachlan (R/R)	1	1
Upper Macquarie (R/R)	1	0
Uralla (R/R)	1	1
Wagga Wagga (R/R)	4	4
Walcha (R/R)	1	1
Walgett (R/R)	1	1
Warren (R/R)	1	1
Warrumbungle (R/R)	1	1
Waverley (M/U)	5	5
Weddin (R/R)	1	1
Wentworth (R/R)	1	1
Western Sydney Regional Organisation of Councils (M/U)	1	0
Willoughby (M/U)	5	5
Wingecarribee (R/R)	3	3
Wollondilly (R/R)	3	3
Wollongong (R/R)	7	7
Woollahra (M/U)	5	5
Yass Valley (R/R)	2	2
LGNSW Board (M/U)	7	7
LGNSW Board (R/R)	9	9
TOTAL:	488	466

Draft Policy:

Supporting Partnerships

2017

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council		**Resolution No.**	
Document Owner	*Insert here the Executive Team position title e.g. Director ….*		
Document Development Officer	*Insert there the position title of the person responsible for developing and/or reviewing this document*		
Review Timeframe	*All policies are to be reviewed within a 4 year period, insert her the number of years (not greater than 4 years) for the review timeframe of this document*		
Last Review Date:	June 2017	**Next Scheduled Review Date**	June 2019

Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.
E2017/34665	N/a	New Policy

Further Document Information and Relationships

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

Related Legislation*	The Local Government Amendment (Public Private Partnerships) Act 2004 (The Act). The Local Government (General) Regulation 2005 (the Regulation). The Local Government Act 1993 , Section 625 The Local Government Act 1993, Investment Order (relating to investments by Council)
Related Policies	Byron Shire Council Financial Sustainability Plan #E2016/26998 Byron Shire Council Policy No 2.6 Procurement and Purchasing #1049387
Related Procedures/ Protocols, Statements, documents	NSW Office of Social Impact Investment, *Social Impact Investment Policy* (2016) Impact Investing Australia (refer website: https://impactinvestingaustralia.com/useful-links/) *Guidelines on the Procedures and Processes to be followed by Local Government in Public Private Partnerships*, Department of Local Government (1 September 2005) *Investment Policy Guidelines*, Division of Local Government, Department of Premier and Cabinet (May 2010) *Capital Expenditure Guidelines*, Division of Local Government, Department of Premier and Cabinet (December 2010) *Integrated Planning and Reporting Guidelines for local government in NSW*, Division of Local Government, Department of Premier and Cabinet (March 2013)

Note: Any reference to Legislation will be updated in the Policy as required. See website http://www.legislation.nsw.gov.au/ for current Acts, Regulations and Environmental Planning Instruments.

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A POLICY TO SUPPORT PARTNERSHIPS

Delivering better services and results for the Community is a key priority for Byron Shire Council. When it comes to tackling our most pressing issues, we recognise that Council may not be able to solve them alone. The opportunity exists for Council to harness the innovation and capital of the non-government sectors to deliver better outcomes for the Community.

1. PURPOSE

This policy establishes a framework to assess if a partnership approach is the best project delivery mechanism to achieve economic, social, environmental and cultural/governance outcomes.

It will assist project (internal and external) proponents in determining when Council will consider partnerships with Council and will seek to ensure that Council is compliant with all relevant legislation and statutory requirements.

2. OBJECTIVES

a) To develop partnerships that demonstrate transparency, probity, accountability and consistency from their inception.

b) To ensure projects achieve complete transparency and encourage open process through competitive open market processes to achieve best value for money for the Community.

c) To enable the development of partnerships that can achieve quadruple bottom line outcomes (economic, social, environmental, civic leadership) and deliver recurrent revenue to Council.

d) To commit to improving Council's capacity to identify and engage with social impact investment opportunities for the market to bring forward innovative proposals and engage with potential investors.

e) To assist Council, retain and manage public land in a financially sustainable way delivering quantifiable and demonstrable benefit of the Community, where it is in the best interest of the Community to do so.

3. SCOPE

This policy applies to:

a) All Council operations

b) Operational or Community Land owned by Council

c) Public land managed by Council, to the extent that partnerships on that land may be legally possible

d) New areas of service that will positively affect Council operations and the community

e) All forms of partnership with the private and non-government sector that includes but is not limited to PPPs (as defined by The Act) and captures all other types of partnerships including lease and sale agreements, tendered services, Build Own Operate Transfer arrangements, Council in-kind and land donation, Philanthropic / Volunteering and others.

This policy does not apply to land that has been identified in Council's Financial Sustainability Plan for a particular use/purpose.

4. STATEMENT

Byron Shire Council is committed to considering partnerships as a means of:

a) Delivering infrastructure and services that may not otherwise be possible

b) Providing accelerated delivery of priority infrastructure projects

c) Retaining valuable land in community ownership

d) Delivering projects with quadruple bottom line outcomes and that offer the best value for money to the Community.

e) Accepting innovative approaches and paying only if they achieve their outcomes.

5. PARTNERSHIP PRINCIPLES

There are many different types of partnership arrangements and innovative models emerging in Australia. Any model can be considered that delivers on the objectives and meetings the principles of this policy, along with statutory requirements (Refer Appendix A for case studies and examples).

a) Partnership arrangements can only arise through an open, market-based process, where everyone is given the opportunity to compete for the partnership opportunity.

b) The primary focuses of partnerships should be to:

   i) fund services and projects that would not otherwise be able to be delivered or delivered within an acceptable timeframe; and

   ii) improve the financial sustainability of the Council and deliver positive quadruple bottom line outcomes for Community.

c) The outcomes of partnerships must be to generate recurrent revenue, reduce recurrent expenditure or otherwise deliver quantifiable, demonstrable and recurrent benefit to the Council and the community.

d) Generally, preference will be given to retention of land and assets in public ownership and avoidance of sale or extremely long periods of exclusive use (eg 99yr leases).

6. STRATEGIC FRAMEWORK

Refer to **BSC Financial Sustainability Plan**

Since 2013 Council has had a Financial Sustainability Plan, the objectives of which include to:

- improve the financial sustainability of Council
- identify and realise viable and sustainable commercial opportunities
- identify opportunities for and achieve cost and waste reductions in operating and/or cost activities of Council
- identify opportunities for sustainable increases to existing recurrent revenues, and to research, investigate and evaluate opportunities for deriving new, recurrent and sustainable sources of

revenue identify and pursue new and recurrent revenue sources including opportunities arising from the strong tourism/visitor market
- increase resource sharing through collaboration with government agencies and community stakeholders
- improve the overall financial performance of Council.

The plan has a Chapter dedicated to "Collaborations and Partnerships". It notes:

> "Council cannot achieve the outcomes of its Community Strategic Plan on its own. Undertaking strategic partnerships and sector collaboration increases the transparency and accountability of Council, strengthen the capacity of projects and services and achieve shared objectives. The benefits of partnerships include:
>
> - More effective service delivery
> - More efficient resourcing
> - More effective policy development and decision making
> - Promoting innovation
> - Decreasing duplication"

This Policy, with its quadruple-bottom line sustainability objectives, has been developed as an action under the Financial Sustainability Plan.

Refer to Policy No 2.6, Procurement and Purchasing.

Council's adopted Key Procurement Principles are:

a) Value for Money and Sustainability
b) Fair, Honest and Consistent Dealings
c) Local and Australian Content
d) Ethical Behaviour
e) Risk Management
f) Competitiveness

Refer to Integrated Planning & Reporting Guidelines:

https://www.olg.nsw.gov.au/sites/default/files/Intergrated-Planning-and-Reporting-Guidelines-March-2013.pdf

> These guidelines set out the requirements for Councils across NSW to undertake their planning and reporting activities in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. The guidelines aim to assist with Councils:
>
> a) Community Strategic Plan
> b) Resourcing Strategy
> c) Delivery Program and Operational Plan
> d) Annual Report

7. SUSTAINABILITY & INNOVATION

Byron Shire Council is interested in supporting innovative forms of finance that address social or environmental challenges while generating financial benefit. This may be where investors actively seek to place capital in businesses and funds that can harness the positive power of enterprise.

Impact investment is one emerging approach which brings together capital and expertise from across the public, private and non-profit sectors. It is driven by measureable outcomes, innovation, prevention and partnerships. Investors may include:

- Philanthropic foundations, including public ancillary funds
- Financial institutions, including banks, credit unions and development finance institutions
- Superannuation funds
- Retail funds or trusts
- Wealthy individuals and families

Byron Shire Council will prepare for future transactions by improving our capacity to identify and engage with impact investors or innovative financing arrangements opportunities.

The UN Sustainability Development Goals provide useful examples to contextualise, communicate, and align impact objectives amongst a broad group of stakeholders, including governments, development finance institutions, investors, and non-profits. The SDGs provide context for impact investors to see how their strategies and objectives fit into broader sustainable development efforts. By using these examples and actively pursuing their impact objectives, long-term positive impact on society and the environment can be created alongside commercial returns. The examples include:

Social

- Poverty reduction, food security
- Good health and wellbeing
- Quality education
- Gender equality

Environmental

- Clean water and sanitisation
- Affordable and clean energy
- Sustainable cities and communities
- Life on land
- Life below water
- Climate action

Economic

- Decent work and economic growth
- Industry, innovation and infrastructure
- Responsible consumption and production

Governance

- Compliance with relevant legislation and Council's policies



- Peace, Justice and strong institutions
- Partnerships for the objectives

8. DEFINITIONS

List here all the terms and acronyms used in the Policy, and their definitions.

Policy	A course or principle of action adopted or proposed by an organisation or individual.
PPP	A Public Private Partnership is an arrangement between a Council and a private person for the purposes of providing public infrastructure or facilities in which the Council has an interest, liability or responsibility under the arrangement, and/or, delivering services in accordance with the arrangement.
The Act	The Local Government Amendment (Public Private Partnerships) Act 2004.
The Guidelines	Guidelines on the Procedures and Processes to be followed by Local Government in Public Private Partnerships, Department of Local Government (1 September 2005).
EoI	Expressions of Interest.
OLG	The Office of Local Government.
PRC	The Project Review Committee's charter is to review council processes for significant or high risk projects before Council can enter into a PPP.
Capital Expenditure Guidelines	Guidelines to assist Councils with capital expenditure for projects outside of the Public Private Partnership definition.
Impact Investment	Investment which aims to solve social or environmental challenges while generating financial profit. Impact investors actively seek to place capital in businesses and funds that can harness the positive power of enterprise.

9. APPENDIX 1 - LEGISLATIVE FRAMEWORK

In June 2004, the NSW Government introduced legislation by way of amendment of the Local Government Act 1993. The Act brings into effect the recommendations of the Emeritus Professor Maurice Daly, Commissioner of the Liverpool City Council Public Inquiry, in relation to Public Private Partnerships.

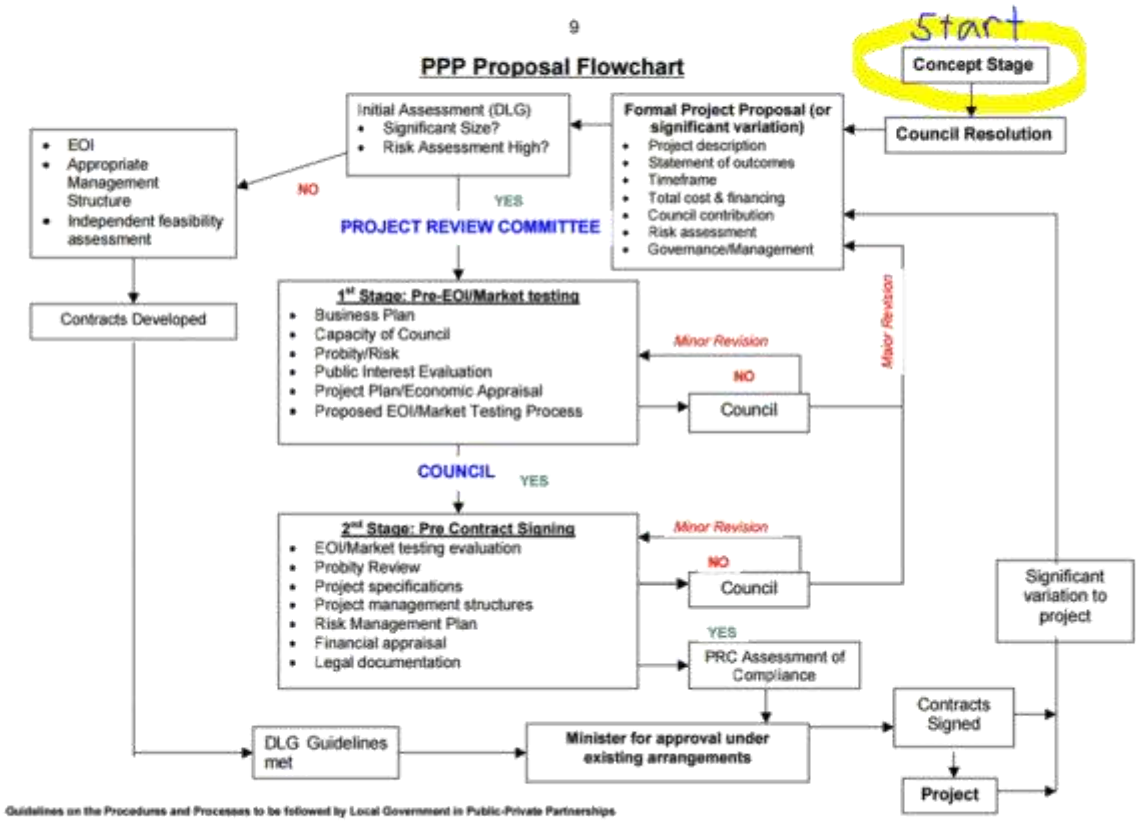
The Act is aimed at providing a framework within which local governments can successfully negotiate and implement PPP arrangements in NSW. This framework is outlined in a Department of Local Government (DLG) document Office of Local Government's Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships.

To assist NSW Councils, the Department of Local Government published its Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships. These guidelines provide comprehensive and explicit information to assist Councils in meeting their legal requirements. The guidelines establish procedures to be followed for the various stages of a PPP project.

See the guidelines -

https://www.olg.nsw.gov.au/sites/default/files/05-51.pdf

The PPP Proposal Flowchart proscribed by the OLG Guidelines is copied below:



Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships, can be accessed online at:

https://www.olg.nsw.gov.au/content/public-private-partnerships-guidelines-and-legislation

10. APPENDIX 2 – CASE STUDIES / EXAMPLES OF PARTNERSHIPS

It is intended that this Appendix is updated and refreshed with relevant case studies and examples of partnerships.

The OLG provides the following case study from Woollahra Council:



CASE STUDY 1: Cross Street, Double Bay (currently car park)
Council EOI selected Palace Cinemas in a consortium with Built and Axiom Properties in July 2016.
The project is a rebuild on car-park side with mixed use development (residential; public parking, retail and 10 theatre cinema complex.)
Proponent selected from both a planning and financial perspective, driven by placemaking principles and street activation.

Woollahra Council has undertaken a number of earlier PPPs:
The Cosmopolitan Centre (Double Bay) - 2006
PPP with Gloxinia Investments Pty Ltd to redevelop the Cosmopolitan Centre. The PPP involves a 99 year lease to Gloxinia Investments Pty Ltd for the ground level retail stratum and the upper residential stratum with Council owning the middle carpark stratum containing 78 car spaces, function room and office space.

Kiaora Lands Redevelopment (Double Bay) - 2011
PPP with Woolworths Ltd for the redevelopment of various parcels of land ownded by Woolworths and Council around Kiaora Lane and Kiaora Road in Double Bay.

CASE STUDY 2: An alternative model
Lismore Community Solar Project (Farming the Sun).

Lismore City Council's Community Solar Project is now up and running with the first solar farm installed and generating energy on the roof of the Goonellabah Sports & Aquatic Centre.

Lismore Community Solar is a collaboration with Farming the Sun, a not-for-profit renewable energy facilitator, to build two 99kW solar farms in Lismore, the second being a solar farm at the East Lismore STP using innovative floating technology.

They are believed to be Australia's first ever council/community solar farms and they are funded by a financial model that is unique in Australia.

ABOUT THE BUSINESS MODEL
http://farmingthesun.net/lismore/business-model/

It is intended for each of the two solarfarms to be funded by up to 20 impact investors (i.e. 40 investors in total) by way of two $180,000 loans to Lismore City Council.

Council has approved the loan subject to full subscription of the Investment share offers by the community companies. Each loan will be used to procure and construct the solarfarm, with any surplus funds (noting that the actual cost for each project is still subject to a public tender process) can be applied to other projects under Council's 2023 Renewable Energy Master Plan.

Council will repay the investors with interest to the community companies for a period of seven years followed by a 'bullet' repayment of capital in full.

Two proprietary companies have been established as investment vehicles, one for each 100kW solarfarm. Each community company will raise the capital for the loans through a private impact investment share offer.

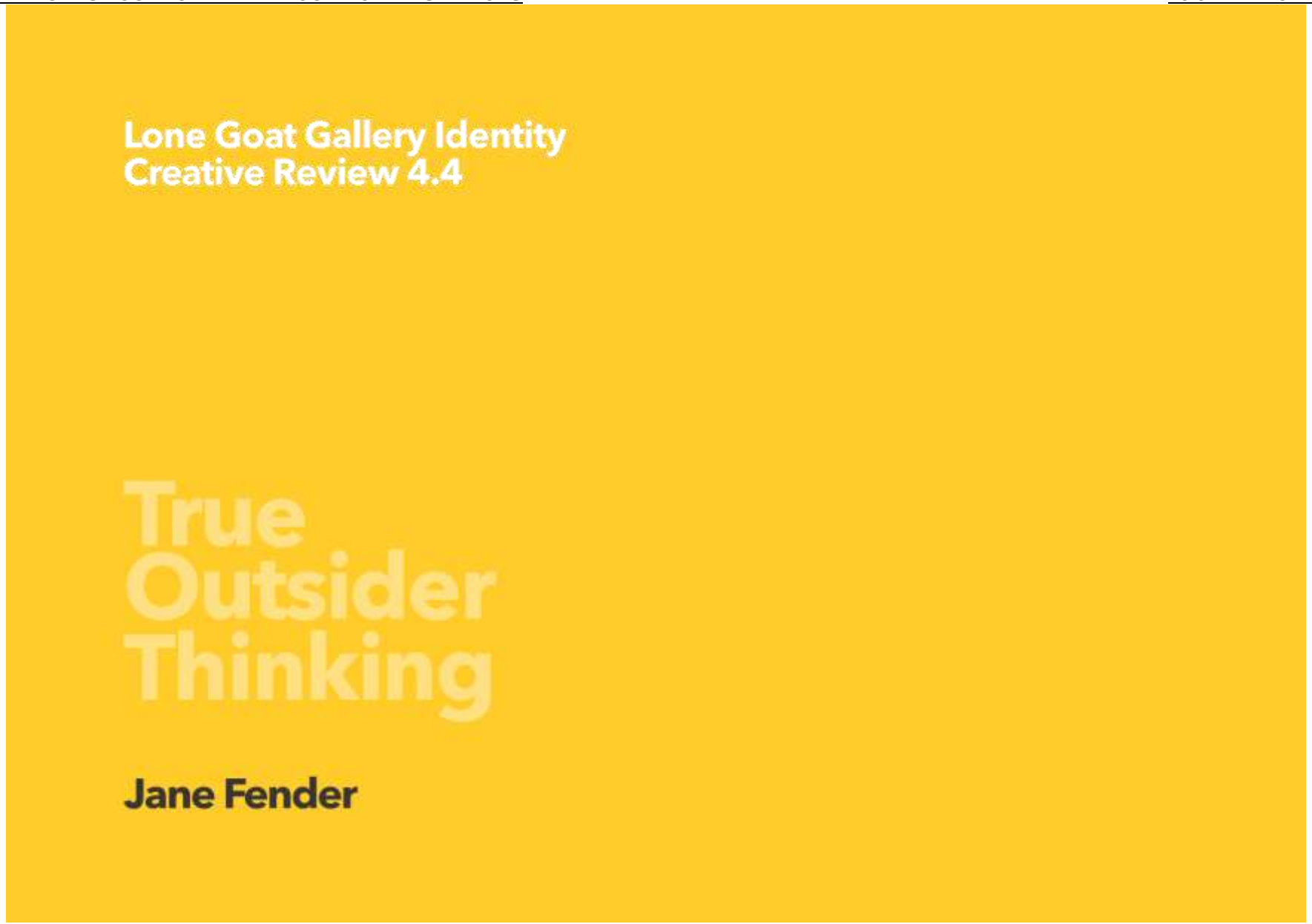
Simplicity is the key to this business model and loan-based structure being used. So too is transparency of the financial and legal arrangements: for both the prospective investors and for Lismore City Council.

The financial backing of Lismore City Council, the use of Class A solar power equipment with long-term maintenance agreements, make these impact investments sound and low risk.

Disclaimer: *Lismore City Council (Council) is not in a financial partnership or joint venture with Starfish Initiatives, the Farming the Sun collaboration, or any other associated entity or organisation. Council's role in this initiative is as borrower of funds and as the entity that owns and constructs the solar farms. Council does not guarantee the appropriateness of any investment in this initiative. The material provided by Council about the initiative is general in nature and does not constitute financial advice. If you are considering investing in this initiative, you should obtain advice from a suitably qualified advisor. You should obtain and review a Product Disclosure Statement or Prospectus before making any decision to invest.*

Mullumbimby OSHC facility

The play space is located under raised classrooms next to the toilet block. No heating, limited protection from the elements	
All furniture requires upgrading.	
Kitchen facilities – Will not meet WHS and Regulations.	
No designated walls, water ingress and the area is cold for the children in winter.	


Lone Goat Gallery Identity
Creative Review 4.4
True
Outsider
Thinking
Jane Fender

TOOLKIT/IDENTITY SYSTEM

LONE GOAT GALLERY

LONE GOAT GALLERY

LONE GOAT GALLERY

LONE GOAT GALLERY

LONE GOAT GALLERY

LONE GOAT GALLERY

LONE GOAT GALLERY

BYRON BAY

BYRON BAY

BYRON SHIRE COMMUNITY GALLERY

BYRON SHIRE COMMUNITY GALLERY

TOOLKIT/IDENTITY SYSTEM
GOATS



GOAT MARK #1



GOAT MARK #2



GOAT MARK #3

LONE
GOAT
GALLERY








LONE GOAT GALLERY
ABOUT EXHIBITIONS APPLICATIONS CONTACT US
BYRON SHIRE COMMUNITY GALLERY
September 8 - October 4, 2017
Mahala Magins
LANDshapes
EXHIBITION OPENS
FRIDAY SEPTEMBER 8
6PM – 8PM

MINUTES OF MEETING

PUBLIC ART PANEL MEETING

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 28 September 2017
Time	9.00am

Minutes of the Public Art Panel Meeting held on Thursday, 28 September 2017
File No: I2017/1439

PRESENT: Cr J Hackett, Cr S Ndiaye, Cr S Richardson

Staff: Joanne McMurtry (Community Project Officer)
Joanne McMurtry (Minute Taker)
Merran Morrison (contractor)

Invited Members: Peter Wood (Arts Northern Rivers)
Sharon Sloane (Arakwal Corporation)

Community Representatives: Rick Molloy, Julie Lipsett, Denise Napier, Robert Bleakley, Lisa Hochhauser

Cr Ndiaye (Chair) opened the meeting at 9.05am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Matthew Baird, Kelly Reiffer and Sarah Ford.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Committee Recommendation:

That the minutes of the Public Art Panel Meeting held on 4 May 2017 be confirmed.
(Ndiaye/Bleakley)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 **Presentations on Public Art Projects**
File No: I2017/1301

Committee Recommendation:

1. That the Public Art Panel receive presentations on the following projects:

a) Mullumbimby Sculpture Walk

b) Brunswick Nature Sculpture Walk

2. That the Public Art Panel establish a more formal relationship with Mullumbimby Sculpture Walk by nominating Denise Napier (alternate Cr Sarah Ndiaye) to attend meetings.

3. That the Public Art Panel recommend to Council to note that in principal support is provided to the Brunswick Nature Sculpture Walk event proposed for October long weekend in 2018 and request a formal application from BNSW to developing a partnership.

(Napier/Richardson)

The recommendation was put to the vote and declared carried.

Report No. 4.2 **Membership changes to the Public Art Panel**
File No: I2017/1317

Committee Recommendation:

That the Public Art Panel recommend to Council to:

1. **Note the resignation from Rebecca Townsend and provide a letter of thanks for her participation in the Public Art Panel;**

2. **Seek a youth representative for the Panel via advertising and social media;**

3. **Note the change of nominee for the Public Art Panel from the Bundjalung of Byron Bay (Arakwal) Corporation Pty Ltd, being Sharon Sloane, Acting General Manager.**

(Ndiaye/Hochhauser)

The recommendation was put to the vote and declared <<carried/lost>> .

Report No. 4.3 **Public Art Strategy Principles**
File No: I2017/1300

RECOMMENDATION:

That the Public Art Panel note the progress on the development of a new Public Art Strategy.

There being no further business the meeting concluded at 11.55pm.

Strengthening local government

Local Government Grants Commission

Circular to Councils

Circular Details	**GC 146** / 22 August 2017 / A559446
Who should read this	Councillors / General Managers / Finance Managers
Contact	Helen Pearce – 02 4428 4131 / helen.pearce@olg.nsw.gov.au
Action required	Information

2017-18 Financial Assistance Grants

What's new or changing

- The NSW Minister for Local Government, the Hon. Gabrielle Upton MP and the Australian Government have approved the NSW Local Government Grants Commission's recommendations for the 2017-18 financial assistance grants.

What this will mean for your council

- The 2017-18 payments, as set out in the attached schedule, are made up of the estimated entitlement for 2017-18, less an advance payment made to councils on 8 June 2017 and less an amount for an overpayment that occurred in 2016-17.
- The overpayment was the result of a determination made by the Commonwealth Treasurer in accordance with the 2016-17 *final factor* requirements of the legislation.
- It is anticipated that the first quarterly instalment of the 2017-18 grants will be paid to local authorities by 23 August 2017. Subsequent instalments are expected to be paid on 16 November 2017, 16 February 2018, and 16 May 2018.
- Letters will be emailed to each local authority with their specific payment details.

Key points

- The grants are paid under the provisions of the *Local Government (Financial Assistance) Act 1995* (Cwlth).
- Attachments to this Circular give background information about the grants.

Where to go for further information

- Additional information is available from the Grants Commission's web page at www.olg.nsw.gov.au (follow the "Commissions & Tribunals" links).

Helen Pearce

Helen Pearce
Executive Officer
Grants Commission
NSW Local Government Grants Commission
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T 02 4428 4131 **F** 02 4428 4199 **TTY** 02 4428 4209
E grants@olg.nsw.gov.au **W** www.olg.nsw.gov.au (follow the "Commissions & Tribunals" links)

NSW LOCAL GOVERNMENT GRANTS COMMISSION

SCHEDULE OF RECOMMENDATIONS FOR FINANCIAL ASSISTANCE GRANTS - 2017-18

Local Governing Body	Estimated Resident Population 30/6/2016	Recommended General Purpose Entitlement 2017-18	Recommended Local Roads Entitlement 2017-18	Recommended Total Entitlement 2017-18	General Purpose 2016-17 CPI/Pop. Adjustment	Local Roads 2016-17 CPI/Pop. Adjustment	Total 2016-17 CPI/Pop. Adjustment	General Purpose 2017-18 Advance Payment	Local Roads 2017-18 Advance Payment	Total 2017-18 Advance Payment	General Purpose 2017-18 Payments	Local Roads 2017-18 Payments	Total 2017-18 Payments
Albury (C)	52,411	4,882,156	1,342,703	6,234,859	-9,576	448	-9,129	2,413,727	660,116	3,073,843	2,468,853	683,035	3,151,887
Armidale Regional	30,045	3,964,306	2,341,119	6,305,425	-7,757	794	-6,963	1,955,124	1,170,100	3,125,224	2,001,425	1,171,813	3,173,238
Ballina (S)	42,556	2,961,561	1,322,982	4,284,543	-5,797	439	-5,358	1,461,196	646,644	2,107,840	1,494,568	676,777	2,171,345
Balranald (S)	2,385	2,511,793	1,274,238	3,786,031	-4,915	429	-4,486	1,238,771	631,886	1,870,657	1,268,107	642,781	1,910,888
Bathurst Regional	43,080	4,312,684	1,904,250	6,216,934	-8,439	633	-7,806	2,126,938	932,781	3,059,719	2,177,307	972,102	3,149,409
Bayside	160,944	3,280,700	1,105,467	4,386,167	-6,421	372	-6,049	1,618,271	1,341,875	2,960,147	1,656,008	-236,037	1,419,971
Bega Valley (S)	33,662	4,944,181	1,877,133	6,821,314	-9,842	635	-9,207	2,480,655	935,063	3,415,718	2,453,684	942,705	3,396,389
Bellingen (S)	13,066	2,609,502	915,330	3,524,832	-5,106	298	-4,808	1,286,959	439,149	1,726,108	1,317,437	476,479	1,793,916
Berrigan (S)	8,420	3,126,236	1,331,450	4,457,686	-6,117	445	-5,672	1,541,803	655,751	2,197,554	1,578,316	676,144	2,254,460
Blacktown (C)	348,138	13,294,546	3,226,453	16,520,999	-28,752	1,079	-27,673	7,246,862	1,590,185	8,836,987	6,018,992	1,637,347	7,656,339
Bland (S)	5,917	4,391,286	2,843,267	7,234,553	-8,593	957	-7,636	2,165,704	1,409,695	3,575,399	2,216,989	1,434,529	3,651,518
Blayney (S)	7,457	1,674,935	814,417	2,489,352	-3,277	274	-3,003	826,048	403,258	1,229,306	845,610	411,433	1,257,043
Blue Mountains (C)	80,072	7,314,212	1,338,178	8,652,390	-14,318	456	-13,862	3,608,739	671,607	4,280,346	3,691,155	667,027	4,358,182
Bogan (S)	3,007	2,454,955	1,398,687	3,853,642	-4,804	467	-4,337	1,210,740	688,675	1,899,415	1,239,411	710,479	1,949,890
Bourke (S)	2,814	3,686,186	1,834,287	5,520,473	-7,213	617	-6,596	1,817,961	909,646	2,727,607	1,861,012	925,256	2,786,270
Brewarrina (S)	1,875	2,441,370	1,257,224	3,698,594	-4,777	423	-4,354	1,204,040	623,472	1,827,512	1,232,553	634,175	1,866,728
Broken Hill (C)	18,557	3,908,552	486,814	4,395,366	-7,648	166	-7,482	1,927,627	244,872	2,172,499	1,973,277	242,108	2,215,385
Burwood	36,505	744,123	251,615	995,738	-1,483	86	-1,397	373,814	126,013	499,827	368,826	125,688	494,514
Byron (S)	33,278	1,857,706	1,109,098	2,966,804	-3,637	381	-3,256	916,569	562,095	1,478,664	937,500	547,384	1,484,884
Cabonne	13,999	2,669,015	1,982,268	4,651,283	-5,223	667	-4,556	1,316,311	983,196	2,299,507	1,347,481	999,739	2,347,220
Camden	77,504	2,446,087	1,271,969	3,718,056	-4,788	401	-4,387	1,206,868	590,763	1,797,631	1,234,431	681,607	1,916,038
Campbelltown (C)	161,996	8,275,675	1,674,994	9,950,669	-16,200	566	-15,634	4,083,112	834,559	4,917,671	4,176,363	841,001	5,017,364
Canada Bay (C)	90,427	1,843,274	611,465	2,454,739	-3,645	207	-3,438	918,722	304,924	1,223,646	920,907	306,748	1,227,655
Canterbury-Bankstown	359,671	8,273,270	2,566,323	10,839,593	-17,906	870	-17,036	4,511,602	1,282,740	5,794,342	3,743,768	1,284,453	5,028,221
Carrathool (S)	2,760	3,355,823	2,220,126	5,575,949	-6,566	747	-5,819	1,655,032	1,100,151	2,755,183	1,694,225	1,120,722	2,814,947
Central Coast	334,857	20,956,549	4,254,636	25,211,185	-41,024	1,448	-39,576	10,339,694	2,134,158	12,473,852	10,575,831	2,121,926	12,697,757
Central Darling (S)	2,070	3,637,933	1,535,041	5,172,974	-7,118	516	-6,602	1,794,163	760,957	2,555,120	1,836,652	774,600	2,611,252
Cessnock (C)	56,532	5,415,068	1,615,249	7,030,317	-10,600	550	-10,050	2,671,725	810,127	3,481,852	2,732,743	805,672	3,538,415
Clarence Valley	51,211	7,481,369	3,167,621	10,648,990	-14,645	1,067	-13,578	3,691,212	1,571,951	5,263,163	3,775,512	1,596,737	5,372,249
Cobar (S)	4,989	3,828,686	1,663,128	5,491,814	-7,482	559	-6,933	1,888,239	824,389	2,712,628	1,932,955	839,298	2,772,253
Coffs Harbour (C)	73,892	5,184,279	2,084,542	7,268,821	-10,149	700	-9,449	2,557,858	1,031,084	3,588,942	2,616,272	1,054,156	3,670,430
Coolamon (S)	4,419	2,226,404	1,181,061	3,407,465	-4,356	397	-3,959	1,098,022	584,979	1,683,001	1,124,026	596,479	1,720,505
Coonamble (S)	4,188	2,302,765	1,423,390	3,726,155	-4,506	479	-4,027	1,135,682	706,232	1,841,914	1,162,577	717,637	1,880,214
Cootamundra-Gundagai Regional	11,392	3,394,566	1,508,984	4,903,550	-6,642	508	-6,134	1,674,139	748,804	2,422,943	1,713,785	760,688	2,474,473
Cowra (S)	12,527	2,940,767	1,396,804	4,337,571	-5,866	471	-5,389	1,477,062	693,953	2,171,015	1,457,845	703,322	2,161,167
Cumberland	222,758	5,876,619	1,574,947	7,451,566	-12,719	541	-12,169	3,515,407	797,784	4,313,191	2,348,502	777,704	3,126,206
Dubbo Regional	51,449	7,960,201	3,271,514	11,131,715	-15,387	1,077	-14,310	3,878,123	1,587,828	5,465,951	3,966,691	1,684,763	5,651,454
Dungog (S)	9,323	1,565,322	880,701	2,446,023	-3,063	296	-2,767	771,989	436,594	1,208,583	790,270	444,403	1,234,673
Edward River	8,876	3,690,023	1,471,857	5,161,880	-7,220	496	-6,724	1,819,853	730,669	2,550,522	1,862,950	741,684	2,604,634
Eurobodalla (S)	38,119	5,191,492	1,588,829	6,780,321	-10,163	534	-9,629	2,561,416	787,104	3,348,520	2,619,913	802,259	3,422,172
Fairfield (C)	207,022	7,463,512	1,666,597	9,130,109	-16,141	566	-15,575	4,068,330	834,414	4,902,744	3,379,041	832,749	4,211,790
Federation	12,569	4,380,621	2,137,526	6,518,147	-8,572	719	-7,853	2,160,444	1,060,143	3,220,587	2,211,605	1,078,102	3,289,707
Forbes (S)	9,768	3,178,570	1,867,699	5,046,269	-6,220	627	-5,593	1,567,614	923,533	2,491,147	1,604,736	944,793	2,549,529
Georges River	149,489	3,047,200	1,065,166	4,112,366	-6,070	362	-5,708	1,529,904	533,325	2,063,229	1,511,226	532,203	2,043,429
Gilgandra (S)	4,349	2,265,776	1,344,262	3,610,038	-4,448	452	-3,996	1,121,070	666,573	1,787,643	1,140,258	678,141	1,818,399
Glen Innes Severn	9,001	2,557,512	1,331,380	3,888,892	-5,004	448	-4,556	1,261,319	659,516	1,920,835	1,291,189	672,312	1,963,501

Local Governing Body	Estimated Resident Population 30/6/2016	Recommended General Purpose Entitlement 2017-18	Recommended Local Roads Entitlement 2017-18	Recommended Total Entitlement 2017-18	General Purpose 2016-17 CPI/Pop. Adjustment	Local Roads 2016-17 CPI/Pop. Adjustment	Total 2016-17 CPI/Pop. Adjustment	General Purpose 2017-18 Advance Payment	Local Roads 2017-18 Advance Payment	Total 2017-18 Advance Payment	General Purpose 2017-18 Payments	Local Roads 2017-18 Payments	Total 2017-18 Payments
Goulburn Mulwaree	29,918	3,181,589	1,650,050	4,831,639	-6,226	554	-5,674	1,569,755	817,006	2,386,761	1,605,606	833,598	2,439,204
Greater Hume (S)	10,406	2,995,978	1,971,900	4,967,878	-5,862	663	-5,199	1,477,562	977,729	2,455,291	1,512,554	994,834	2,507,388
Griffith (C)	26,125	3,592,410	1,567,438	5,159,848	-7,029	528	-6,501	1,771,712	777,518	2,549,230	1,813,669	790,448	2,604,117
Gunnedah (S)	12,989	2,722,507	1,543,415	4,265,922	-5,327	520	-4,807	1,342,691	765,732	2,108,423	1,374,489	778,203	2,152,692
Gwydir (S)	5,030	2,455,398	1,802,775	4,258,173	-4,807	623	-4,184	1,211,664	918,438	2,130,102	1,238,927	884,960	2,123,887
Hawkesbury (C)	66,762	2,719,083	1,666,378	4,385,461	-5,323	566	-4,757	1,341,561	834,235	2,175,796	1,372,199	832,709	2,204,908
Hay (S)	2,956	1,836,364	777,385	2,615,749	-3,978	262	-3,714	1,002,085	385,768	1,387,853	832,303	391,879	1,224,182
Hills (S)	164,802	3,359,342	1,910,466	5,269,808	-6,899	595	-6,304	1,664,114	876,730	2,540,844	1,688,329	1,034,331	2,722,660
Hilltops	18,993	4,934,129	2,709,567	7,643,696	-9,655	906	-8,749	2,433,424	1,335,693	3,769,117	2,491,050	1,374,780	3,865,830
Hornsby (S)	151,237	3,082,831	1,437,868	4,520,699	-6,222	459	-5,763	1,543,826	675,874	2,219,700	1,532,783	762,453	2,295,236
Hunters Hill (M)	14,843	302,562	143,697	446,259	-605	49	-556	152,478	72,158	224,636	149,479	71,588	221,067
Inner West	189,578	4,017,981	1,304,099	5,322,080	-8,693	443	-8,250	2,191,096	652,904	2,844,000	1,818,192	651,638	2,469,830
Inverell (S)	17,042	3,626,454	1,983,937	5,610,391	-7,096	667	-6,429	1,788,502	983,085	2,771,587	1,830,856	1,001,519	2,832,375
Junee (S)	6,329	1,788,902	889,950	2,678,852	-3,500	301	-3,199	882,254	443,874	1,326,128	903,148	446,377	1,349,525
Kempsey (S)	29,842	3,952,899	1,778,646	5,731,545	-7,738	599	-7,139	1,950,310	883,008	2,833,318	1,994,851	896,237	2,891,088
Kiama (M)	21,671	1,086,010	490,935	1,588,945	-2,149	154	-1,995	541,744	227,466	769,210	554,117	263,623	817,740
Ku-ring-gai	124,179	2,531,278	1,087,556	3,618,834	-5,042	372	-4,670	1,270,823	548,512	1,819,335	1,255,413	539,416	1,794,829
Kyogle	9,542	2,533,249	1,587,616	4,120,865	-4,957	534	-4,423	1,249,353	786,940	2,036,293	1,278,939	801,210	2,080,149
Lachlan (S)	6,749	5,460,375	3,261,385	8,721,760	-10,685	1,097	-9,588	2,692,959	1,616,768	4,309,727	2,756,731	1,645,714	4,402,445
Lake Macquarie (C)	205,748	13,235,080	2,678,467	15,913,547	-25,908	909	-24,999	6,530,019	1,339,355	7,869,374	6,679,153	1,340,021	8,019,174
Lane Cove (M)	36,996	754,131	271,772	1,025,903	-1,476	90	-1,386	371,951	132,443	504,394	380,704	139,419	520,123
Leeton (S)	11,712	3,003,724	1,007,904	4,011,628	-5,878	339	-5,539	1,481,383	499,777	1,981,160	1,516,463	508,466	2,024,929
Lismore (C)	44,993	4,275,492	1,893,142	6,168,634	-8,370	637	-7,733	2,109,473	938,080	3,047,553	2,157,649	955,699	3,113,348
Lithgow (C)	21,474	3,255,434	1,216,190	4,471,624	-6,626	410	-6,216	1,670,110	603,778	2,273,888	1,578,698	612,822	2,191,520
Liverpool (C)	210,113	6,554,970	2,158,340	8,713,310	-13,762	719	-13,043	3,468,674	1,059,270	4,527,944	3,072,534	1,099,789	4,172,323
Liverpool Plains (S)	7,738	2,190,462	1,322,542	3,513,004	-4,286	445	-3,841	1,080,297	656,114	1,736,411	1,105,879	666,873	1,772,752
Lockhart (S)	3,103	2,017,361	1,291,909	3,309,270	-4,363	519	-3,844	1,099,655	764,676	1,864,331	913,343	527,752	1,441,095
Lord Howe Island (Bd)	401	209,322	0	209,322	-415	0	-415	104,693	0	104,693	104,214	0	104,214
Maitland (C)	78,096	5,525,809	1,307,362	6,833,171	-10,817	438	-10,379	2,726,363	645,832	3,372,195	2,788,629	661,968	3,450,597
Mid-Coast	91,648	12,191,222	5,172,056	17,363,278	-23,865	1,738	-22,127	6,014,993	2,564,221	8,579,214	6,152,364	2,609,573	8,761,937
Mid-Western Regional	24,313	3,771,233	2,321,955	6,093,188	-7,382	777	-6,605	1,860,678	1,144,608	3,005,286	1,903,173	1,178,124	3,081,297
Moree Plains (S)	13,866	4,500,870	2,781,386	7,282,256	-8,807	938	-7,869	2,219,748	1,382,132	3,601,880	2,272,315	1,400,192	3,672,507
Mosman (M)	30,646	624,692	233,460	858,152	-1,252	80	-1,172	315,443	117,255	432,698	307,997	116,285	424,282
Murray River	11,596	5,067,331	2,840,472	7,907,803	-9,915	956	-8,959	2,499,116	1,409,107	3,908,223	2,558,300	1,432,321	3,990,621
Murrumbidgee (new)	4,071	2,574,490	1,542,716	4,117,206	-5,203	529	-4,674	1,311,384	779,611	2,090,995	1,257,903	763,634	2,021,537
Muswellbrook (S)	17,414	2,418,036	898,706	3,316,742	-4,737	303	-4,434	1,193,923	445,959	1,639,882	1,219,376	453,050	1,672,426
Nambucca (S)	19,808	2,574,187	1,172,333	3,746,520	-5,037	395	-4,642	1,269,543	581,407	1,850,950	1,299,607	591,321	1,890,928
Narrabri (S)	13,717	4,589,836	2,260,108	6,849,944	-8,981	766	-8,215	2,263,624	1,128,853	3,392,477	2,317,231	1,132,021	3,449,252
Narrandera (S)	5,912	2,971,361	1,523,999	4,495,360	-5,814	513	-5,301	1,465,422	755,699	2,221,121	1,500,125	768,813	2,268,938
Narromine (S)	6,796	2,688,671	1,394,309	4,082,980	-5,286	469	-4,817	1,332,281	691,621	2,023,902	1,351,104	703,157	2,054,261
Newcastle (C)	162,766	10,508,688	1,775,932	12,284,620	-20,571	607	-19,964	5,184,852	894,318	6,079,170	5,303,265	882,221	6,185,486
North Sydney	73,514	1,498,518	472,908	1,971,426	-2,980	160	-2,820	751,143	236,453	987,596	744,395	236,615	981,010
Northern Beaches	268,849	5,480,246	2,187,431	7,667,677	-10,927	744	-10,183	2,753,995	1,096,598	3,850,593	2,715,324	1,091,577	3,806,901
Oberon	5,350	1,617,828	907,311	2,525,139	-3,166	305	-2,861	797,884	448,830	1,246,714	816,778	458,786	1,275,564
Orange (C)	42,356	3,307,283	1,108,443	4,415,726	-6,499	372	-6,118	1,635,771	548,094	2,183,865	1,665,022	560,721	2,225,743
Parkes (S)	15,328	3,911,455	2,009,210	5,920,665	-7,654	675	-6,979	1,929,059	995,424	2,924,483	1,974,742	1,014,461	2,989,203
Parramatta (new)	235,961	7,369,538	1,952,364	9,321,902	-15,938	656	-15,283	3,804,151	966,184	4,770,335	3,549,449	986,836	4,536,284
Penrith (C)	202,076	8,560,602	2,326,144	10,886,746	-16,758	784	-15,974	4,223,692	1,155,366	5,379,058	4,320,152	1,171,562	5,491,714

Local Governing Body	Estimated Resident Population 30/6/2016	Recommended General Purpose Entitlement 2017-18	Recommended Local Roads Entitlement 2017-18	Recommended Total Entitlement 2017-18	General Purpose 2016-17 CPI/Pop. Adjustment	Local Roads 2016-17 CPI/Pop. Adjustment	Total 2016-17 CPI/Pop. Adjustment	General Purpose 2017-18 Advance Payment	Local Roads 2017-18 Advance Payment	Total 2017-18 Advance Payment	General Purpose 2017-18 Payments	Local Roads 2017-18 Payments	Total 2017-18 Payments
Port Macquarie-Hastings	78,967	6,228,012	2,742,459	8,970,471	-12,182	917	-11,275	3,072,822	1,350,666	4,423,488	3,142,998	1,392,710	4,535,708
Port Stephens	71,406	5,317,727	1,190,540	6,508,267	-10,410	404	-10,006	2,623,699	595,246	3,218,945	2,683,616	595,698	3,279,316
Queanbeyan-Palerang Regional	57,334	3,563,657	2,307,642	5,871,299	-7,019	764	-6,255	1,769,200	1,126,329	2,895,529	1,787,438	1,182,077	2,969,515
Randwick (C)	147,408	3,004,781	937,613	3,942,394	-5,984	318	-5,666	1,508,347	469,190	1,977,537	1,490,450	468,741	1,959,191
Richmond Valley	23,426	3,260,204	1,536,646	4,796,850	-6,379	516	-5,863	1,607,874	760,872	2,368,746	1,645,951	776,290	2,422,241
Ryde (C)	119,544	2,436,798	894,675	3,331,473	-4,809	303	-4,506	1,211,988	446,080	1,658,068	1,220,001	448,898	1,668,899
Shellharbour (C)	70,734	4,209,719	858,047	5,067,766	-8,241	289	-7,952	2,077,022	425,378	2,502,400	2,124,456	432,958	2,557,414
Shoalhaven (C)	101,462	8,755,472	3,241,173	11,996,645	-17,139	1,080	-16,059	4,319,838	1,591,384	5,911,222	4,418,485	1,650,869	6,069,364
Silverton (VC)	57	32,433	0	32,433	-64	0	-64	16,208	0	16,208	16,161	0	16,161
Singleton	24,061	2,275,050	1,251,438	3,526,488	-4,454	414	-4,040	1,122,481	609,397	1,731,878	1,148,115	642,455	1,790,570
Snowy Monaro Regional	20,880	6,516,611	2,669,080	9,185,691	-12,757	898	-11,859	3,215,213	1,322,969	4,538,182	3,288,641	1,347,009	4,635,650
Snowy Valleys	15,013	4,048,925	1,339,419	5,388,344	-7,947	451	-7,496	2,003,057	664,254	2,667,311	2,037,921	675,616	2,713,537
Strathfield (M)	40,963	834,995	277,312	1,112,307	-1,647	94	-1,553	415,044	138,082	553,126	418,304	139,324	557,628
Sutherland (S)	227,312	4,633,552	1,978,927	6,612,479	-9,284	673	-8,611	2,339,964	992,170	3,332,134	2,284,304	987,430	3,271,734
Sydney (C)	210,931	4,299,640	1,258,328	5,557,968	-8,427	421	-8,006	2,123,976	620,936	2,744,912	2,167,237	637,813	2,805,050
Tamworth Regional	61,800	6,104,358	4,057,853	10,162,211	-12,762	1,355	-11,407	3,216,445	1,996,389	5,212,834	2,875,151	2,062,819	4,937,970
Temora (S)	6,088	2,062,662	1,172,577	3,235,239	-4,050	394	-3,656	1,020,699	581,362	1,602,061	1,037,913	591,609	1,629,522
Tenterfield (S)	7,038	2,855,634	1,602,760	4,458,394	-5,588	539	-5,049	1,408,347	794,377	2,202,724	1,441,699	808,922	2,250,621
Tibooburra (VC)	128	72,832	0	72,832	-144	0	-144	36,396	0	36,396	36,292	0	36,292
Tweed (S)	94,011	7,621,004	2,765,355	10,386,359	-14,919	925	-13,994	3,760,106	1,363,338	5,123,444	3,845,979	1,402,942	5,248,921
Upper Hunter (S)	14,522	2,816,226	1,884,134	4,700,360	-5,511	634	-4,877	1,388,912	934,878	2,323,790	1,421,803	949,890	2,371,693
Upper Lachlan (S)	7,794	2,574,790	1,841,371	4,416,161	-5,095	620	-4,475	1,284,228	913,929	2,198,157	1,285,467	928,062	2,213,529
Uralla (S)	6,376	1,476,557	936,595	2,413,152	-2,889	315	-2,574	728,211	464,870	1,193,081	745,457	472,040	1,217,497
Wagga Wagga (C)	64,272	6,898,628	3,132,620	10,031,248	-13,499	1,055	-12,444	3,402,279	1,554,497	4,956,776	3,482,850	1,579,178	5,062,028
Walcha	3,054	1,204,993	900,338	2,105,331	-2,358	313	-2,045	594,281	461,179	1,055,460	608,354	439,472	1,047,826
Walgett (S)	6,750	4,089,837	1,896,829	5,986,666	-8,003	638	-7,365	2,017,034	940,782	2,957,816	2,064,800	956,685	3,021,485
Warren (S)	2,901	1,582,814	1,003,696	2,586,510	-3,097	338	-2,759	780,615	497,596	1,278,211	799,102	506,438	1,305,540
Warrumbungle (S)	9,688	4,343,827	2,379,614	6,723,441	-8,500	800	-7,700	2,142,297	1,178,450	3,320,747	2,193,030	1,201,964	3,394,994
Waverley	73,366	1,495,501	431,061	1,926,562	-2,984	146	-2,838	751,981	215,845	967,826	740,536	215,362	955,898
Weddin (S)	3,709	1,517,765	971,582	2,489,347	-2,979	329	-2,641	748,534	484,887	1,233,421	766,261	487,024	1,253,285
Wentworth (S)	6,962	3,997,812	1,953,070	5,950,882	-7,823	657	-7,166	1,971,649	967,714	2,939,363	2,018,340	986,013	3,004,353
Willoughby (C)	77,833	1,586,557	573,650	2,160,207	-3,134	198	-2,936	789,787	291,332	1,081,119	793,636	282,516	1,076,152
Wingecarribee (S)	48,845	3,118,984	1,796,732	4,915,716	-6,106	602	-5,504	1,538,867	886,604	2,425,471	1,574,011	910,730	2,484,741
Wollondilly (S)	49,109	2,355,372	1,330,151	3,685,523	-4,611	450	-4,161	1,162,110	663,684	1,825,794	1,188,651	666,917	1,855,568
Wollongong (C)	211,213	15,888,415	2,359,997	18,248,412	-31,089	803	-30,286	7,835,880	1,182,640	9,018,520	8,021,446	1,178,160	9,199,606
Woollahra (M)	59,860	1,220,193	428,398	1,648,591	-2,434	146	-2,288	613,457	214,717	828,174	604,302	213,827	818,129
Yass Valley	16,870	1,564,576	1,307,895	2,872,471	-3,061	439	-2,622	771,621	646,591	1,418,212	789,894	661,743	1,451,637
NSW Total	7,726,426	524,987,494	211,136,302	736,123,796	-1,042,021	71,073	-970,949	262,634,102	105,532,451	368,166,553	261,311,371	105,674,924	366,986,294
	0	0	0	0	0	0	0	0	0	0	0	0	0
NSW Total	7,726,426	524,987,494	211,136,302	736,123,796	-1,042,021	71,073	-970,949	262,634,102	105,532,451	368,166,553	261,311,371	105,674,924	366,986,294

Byron Shire Council

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2017

Byron Shire...a thriving and vibrant community
where residents and visitors can live, work and play in a sustainable environment"



Byron Shire Council

General Purpose Financial Statements
for the year ended 30 June 2017

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Overview

(i) These financial statements are General Purpose Financial Statements and cover the operations for Byron Shire Council.

(ii) Byron Shire Council is a body politic of NSW, Australia – being constituted as a local government area by proclamation and is duly empowered by the *Local Government Act 1993* (LGA).

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note 2(b).

(iii) All figures presented in these financial statements are presented in Australian currency.

(iv) These financial statements were authorised for issue by the Council on 26 October 2017. Council has the power to amend and reissue these financial statements.

Byron Shire Council

General Purpose Financial Statements
for the year ended 30 June 2017

Understanding Council's financial statements

Introduction

Each year, individual local governments across New South Wales are required to present a set of audited financial statements to their council and community.

What you will find in the statements

The financial statements set out the financial performance, financial position and cash flows of Council for the financial year ended 30 June 2017.

The format of the financial statements is standard across all NSW Councils and complies with both the accounting and reporting requirements of Australian Accounting Standards and requirements as set down by the Office of Local Government.

About the Councillor/Management Statement

The financial statements must be certified by senior staff as 'presenting fairly' the Council's financial results for the year and are required to be adopted by Council – ensuring both responsibility for and ownership of the financial statements.

About the primary financial statements

The financial statements incorporate five 'primary' financial statements:

1. The Income Statement

Summarises Council's financial performance for the year, listing all income and expenses.

This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

2. The Statement of Comprehensive Income

Primarily records changes in the fair value of Council's Infrastructure, Property, Plant and Equipment.

3. The Statement of Financial Position

A 30 June snapshot of Council's financial position indicating its assets, liabilities and "net wealth".

4. The Statement of Changes in Equity

The overall change for the year (in dollars) of Council's "net wealth".

5. The Statement of Cash Flows

Indicates where Council's cash came from and where it was spent. This statement also displays Council's original adopted budget to provide a comparison between what was projected and what actually occurred.

About the Notes to the Financial Statements

The Notes to the Financial Statements provide greater detail and additional information on the five primary financial statements.

About the Auditor's Reports

Council's annual financial statements are required to be audited by the NSW Audit Office. In NSW the auditor provides 2 audit reports:

1. an opinion on whether the financial statements present fairly the Council's financial performance and position, and
2. their observations on the conduct of the audit, including commentary on the Council's financial performance and financial position.

Who uses the financial statements?

The financial statements are publicly available documents and must be presented at a Council meeting between seven days and five weeks after the date of the Audit Report.

The public can make submissions to Council up to seven days subsequent to the public presentation of the financial statements.

Council is required to forward an audited set of financial statements to the Office of Local Government.

Byron Shire Council

General Purpose Financial Statements
for the year ended 30 June 2017

Statement by Councillors and Management
made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder,
- the Australian Accounting Standards and professional pronouncements, and
- the Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these financial statements:

- present fairly the Council's operating result and financial position for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 26 October 2017.

Simon Richardson
Mayor

Basil Cameron
Councillor

Ken Gainger
General manager

James Brickley
Responsible accounting officer

Byron Shire Council

Income Statement
for the year ended 30 June 2017

Budget 2017 [1]	$ '000	Notes	Actual 2017	Actual 2016
	Income from continuing operations			
	Revenue:			
36,746	Rates and annual charges	3a	36,968	35,688
25,655	User charges and fees	3b	28,460	24,907
1,697	Interest and investment revenue	3c	2,373	2,461
1,532	Other revenues	3d	1,320	1,378
5,503	Grants and contributions provided for operating purposes	3e,f	11,270	12,209
19,043	Grants and contributions provided for capital purposes	3e,f	18,767	12,707
	Other income:			
–	Net gains from the disposal of assets	5	–	1,270
90,176	Total income from continuing operations		99,158	90,620
	Expenses from continuing operations			
21,622	Employee benefits and on-costs	4a	21,575	20,877
4,572	Borrowing costs	4b	4,598	4,909
27,638	Materials and contracts	4c	29,378	30,246
12,515	Depreciation and amortisation	4d	14,036	13,234
–	Impairment	4d	–	–
4,735	Other expenses	4e	5,979	5,380
–	Net losses from the disposal of assets	5	2,417	–
–	Net share of interests in joint ventures and associates using the equity method	19	–	–
71,082	Total expenses from continuing operations		77,983	74,646
19,094	Operating result from continuing operations		**21,174**	**15,974**
	Discontinued operations			
–	Net profit/(loss) from discontinued operations	24	–	–
19,094	Net operating result for the year		21,174	15,974
19,094	**Net operating result attributable to Council**		21,174	15,974
–	**Net operating result attributable to non-controlling interests**		–	–
51	**Net operating result for the year before grants and contributions provided for capital purposes**		2,407	3,267

[1] Original budget as approved by Council – refer Note 16

This statement should be read in conjunction with the accompanying notes.

Byron Shire Council

Statement of Comprehensive Income
for the year ended 30 June 2017

$ '000	Notes	Actual 2017	Actual 2016
Net operating result for the year (as per Income Statement)		**21,174**	**15,974**
Other comprehensive income:			
Amounts which will not be reclassified subsequently to the operating result			
Gain (loss) on revaluation of I,PP&E	20b (ii)	6,233	38,333
Total items which will not be reclassified subsequently to the operating result		*6,233*	*38,333*
Amounts which will be reclassified subsequently to the operating result when specific conditions are met			
Other movements in reserves	20b (ii)	560	(4,637)
Total items which will be reclassified subsequently to the operating result when specific conditions are met		*560*	*(4,637)*
Total other comprehensive income for the year		**6,793**	**33,696**
Total comprehensive income for the year		27,968	49,670
Total comprehensive income attributable to Council		27,968	49,670
Total comprehensive income attributable to non-controlling interests		–	–

This statement should be read in conjunction with the accompanying notes.

Byron Shire Council

Statement of Financial Position
as at 30 June 2017

$ '000	Notes	Actual 2017	Restated 2016	Restated * 2015
ASSETS				
Current assets				
Cash and cash equivalents	6a	13,036	43,950	36,119
Investments	6b	63,139	34,539	36,320
Receivables	7	9,947	8,556	8,752
Inventories	8	407	1,357	2,251
Other	8	17	86	30
Non-current assets classified as 'held for sale'	22	2,432	–	–
Total current assets		**88,977**	**88,488**	**83,472**
Non-current assets				
Investments	6b	2,665	1,000	536
Receivables	7	361	630	513
Inventories	8	–	–	–
Infrastructure, property, plant and equipment	9	761,915	748,290	698,887
Other	8	–	–	–
Total non-current assets		**764,940**	**749,920**	**699,936**
TOTAL ASSETS		853,918	838,408	783,408
LIABILITIES				
Current liabilities				
Payables	10	11,149	10,456	9,552
Income received in advance	10	254	248	–
Borrowings	10	2,555	2,592	2,646
Provisions	10	5,379	5,125	5,197
Total current liabilities		**19,337**	**18,421**	**17,395**
Non-current liabilities				
Borrowings	10	57,573	60,129	63,640
Provisions	10	5,058	5,481	1,087
Total non-current liabilities		**62,631**	**65,610**	**64,727**
TOTAL LIABILITIES		81,968	84,031	82,122
Net assets		771,949	754,377	701,286
EQUITY				
Retained earnings	20	523,242	502,067	482,673
Revaluation reserves	20	248,708	252,309	218,613
Other reserves	20	–	–	–
Council equity interest		771,949	754,377	701,286
Non-controlling equity interests		–	–	–
Total equity		771,949	754,377	701,286

*Refer to Note 20 for details supporting the restatement as a result of an error.

This Statement should be read in conjunction with the accompanying Notes.

Byron Shire Council

Statement of Changes in Equity
for the year ended 30 June 2017

$ '000	Notes	2017 Retained earnings	Asset revaluation reserve (Refer 20b)	Other reserves (Refer 20b)	Council interest	Non-controlling interest	Total equity	2016 Retained earnings	Asset revaluation reserve (Refer 20b)	Other reserves (Refer 20b)	Council interest	Non-controlling interest	Total equity
Opening balance (as per last year's audited accounts)		474,474	252,309	–	**726,783**	–	**726,783**	458,500	218,613	–	**677,113**	–	**677,113**
a. Correction of prior period errors	20 (c)	27,593	–	–	**27,593**	–	**27,593**	27,593	–	–	**27,593**	–	**27,593**
b. Changes in accounting policies (prior year effects)	20 (d)	–	–	–	–	–	–	–	–	–	–	–	–
Revised opening balance		**502,067**	**252,309**	–	**754,377**	–	**754,377**	**486,093**	**218,613**	–	**704,707**	–	**704,707**
c. Net operating result for the year		**21,174**	–	–	**21,174**	–	**21,174**	15,974	–	–	**15,974**	–	**15,974**
d. Other comprehensive income													
– Revaluations: IPP&E asset revaluation rsve	20b (i)	–	(4,162)	–	**(4,162)**	–	**(4,162)**	–	38,333	–	**38,333**	–	**38,333**
– Revaluations: other reserves	20b (ii)	–	–	–	–	–	–	–	–	–	–	–	–
– Transfers to Income Statement	20b (iv)	–	–	–	–	–	–	–	–	–	–	–	–
– Impairment (loss) reversal relating to I,PP&E	20b (ix)	–	–	–	–	–	–	–	–	–	–	–	–
– Joint ventures and associates	19b	–	–	–	–	–	–	–	–	–	–	–	–
– Other reserves movements	20b (ii)	–	560	–	**560**	–	**560**	–	(4,637)	–	**(4,637)**	–	**(4,637)**
Other comprehensive income		–	**(3,602)**	–	**(3,602)**	–	**(3,602)**	–	**33,696**	–	**33,696**	–	**33,696**
Total comprehensive income (c&d)		**21,174**	**(3,602)**	–	**17,572**	–	**17,572**	**15,974**	**33,696**	–	**49,670**	–	**49,670**
e. Distributions to/(contributions from) non-controlling interests		–	–	–	–	–	–	–	–	–	–	–	–
f. Transfers between equity		–	–	–	–	–	–	–	–	–	–	–	–
Equity – balance at end of the reporting period		**523,242**	**248,708**	–	**771,949**	–	**771,949**	**502,067**	**252,309**	–	**754,377**	–	**754,377**

This statement should be read in conjunction with the accompanying notes.

Byron Shire Council

Statement of Cash Flows
for the year ended 30 June 2017

Budget 2017	$ '000	Notes	Actual 2017	Actual 2016
	Cash flows from operating activities			
	Receipts:			
36,746	Rates and annual charges		37,201	35,513
25,655	User charges and fees		28,284	24,794
1,697	Investment and interest revenue received		2,217	2,482
24,546	Grants and contributions		21,272	23,321
–	Bonds, deposits and retention amounts received		241	341
1,532	Other		1,091	1,537
	Payments:			
(21,622)	Employee benefits and on-costs		(22,010)	(20,715)
(27,638)	Materials and contracts		(27,883)	(29,827)
(4,572)	Borrowing costs		(4,492)	(4,912)
(4,735)	Other		(6,836)	(5,086)
31,609	**Net cash provided (or used in) operating activities**	11b	29,085	27,448
	Cash flows from investing activities			
	Receipts:			
–	Sale of investment securities		15,500	16,500
–	Sale of real estate assets		–	3,952
1,673	Sale of infrastructure, property, plant and equipment		552	243
	Payments:			
–	Purchase of investment securities		(45,750)	(15,181)
(52,160)	Purchase of infrastructure, property, plant and equipment		(27,499)	(21,564)
–	Deferred debtors and advances made		(215)	–
(50,487)	**Net cash provided (or used in) investing activities**		(57,407)	(16,050)
	Cash flows from financing activities			
	Receipts:			
	Nil			
	Payments:			
(2,664)	Repayment of borrowings and advances		(2,592)	(3,566)
(2,664)	**Net cash flow provided (used in) financing activities**		(2,592)	(3,566)
(21,542)	**Net increase/(decrease) in cash and cash equivalents**		(30,914)	7,831
43,950	Plus: **cash and cash equivalents – beginning of year**	11a	43,950	36,119
22,408	**Cash and cash equivalents – end of the year**	11a	13,036	43,950
	Additional Information:			
	plus: **Investments on hand – end of year**	6b	65,803	35,539
	Total cash, cash equivalents and investments		78,839	79,489

Please refer to Note 11 for information on the following:
– Non-cash financing and investing activities
– Financing arrangements
– Net cash flow disclosures relating to any discontinued operations

This statement should be read in conjunction with the accompanying notes.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

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n/a – not applicable

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies

The principal accounting policies adopted in the preparation of these consolidated financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the Local Government Act 1993 (NSW) and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting. Council is a not for-profit entity for the purpose of preparing these financial statements.

(i) New and amended standards adopted by Council

AASB 124 Related Party Disclosures was adopted during the year, the impact of this standard had no impact on reporting financial position or performance, however note 28 has been added.

AASB 2014-3 Amendments to Australian Accounting Standards – Accounting for Acquisitions of Interests in Joint Operations [AASB 1 and AASB 11]. The impact of this standard had no impact on reporting financial position or performance.

(ii) Early adoption of standards

Council has not elected to apply any pronouncements before their operative date in the annual reporting period beginning 1 July 2016.

(iii) Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of property, plant and equipment and investment property.

(iv) Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

(i) Estimated useful life assessments and resulting annual depreciation expense for infrastructure, property, plant and equipment.

(ii) Estimated fair values of infrastructure, property, plant and equipment,

(iii) Estimated remediation provisions.

Significant judgements in applying the Council's accounting policies

(i) Impairment of Receivables -Council has made a significant judgement about the impairment of a number of its receivables in Note 7.

(ii) Projected Section 94 Commitments – Council has used significant judgement in determining future Section 94 income and expenditure in Note 17.

(b) Revenue recognition

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below.

Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Revenue is measured at the fair value of the consideration received or receivable. Revenue is measured on major income categories as follows:

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

(i) Rates, annual charges, grants and contributions

Rates, annual charges, grants and contributions (including developer contributions) are recognised as revenue when the Council obtains control over the assets comprising these receipts. Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Control over granted assets/contributed assets is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and is valued at their fair value at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed in Note 3(g). The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date.

(ii) User charges and fees

User charges and fees (including parking fees and fines) are recognised as revenue when the service has been provided or when the penalty has been applied, whichever first occurs.

(iii) Sale of infrastructure, property, plant and equipment

The profit or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer.

(iv) Interest

Interest income is recognised using the effective interest rate at the date that interest is earned.

(v) Rent

Rental income is accounted for on a straight-line basis over the lease term.

(vi) Dividend income

Revenue is recognised when the Council's right to receive the payment is established, which is generally when shareholders approve the dividend.

(vii) Other income

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

(c) Principles of consolidation

(i) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the Local Government Act 1993 (NSW), all money and property received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations
- Water service
- Sewerage service

(ii) The Trust Fund

In accordance with the provisions of Section 411 of the Local Government Act 1993 (NSW) (as amended), a separate and distinct Trust Fund is maintained to account for all money and property received by the Council in trust which must be applied only for the purposes of, or in accordance with the trusts relating to those monies. Trust monies and property subject to Council's control have been included in these reports.

Trust monies and property held by Council but not subject to the control of Council have been excluded

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

from these reports. A separate statement of monies held in the Trust Fund is available for inspection at the Council office by any person free of charge.

(iii) County Councils

Council is a member of the Rous County Council, a body corporate established under the Local Government Act 1993 (NSW) to provide bulk water supplies and control noxious weeds. Council is one of 6 constituent members and neither controls nor significantly influences the County Council. Accordingly, the County Council has not been consolidated in the financial statements.

(iv) Interests in other entities

Subsidiaries

Council has no interest in any subsidiaries.

(d) Leases

Leases of property, plant and equipment where Council, as lessee, has substantially all the risks and rewards of ownership are classified as finance leases.

Finance leases are capitalised at the lease's inception at the fair value of the leased property or, if lower, the present value of the minimum lease payments. The corresponding rental obligations, net of finance charges, are included in other short-term and long-term payables. Each lease payment is allocated between the liability and finance cost. The finance cost is charged to the income statement over the lease period so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period.

The property, plant and equipment acquired under finance leases is depreciated over the asset's useful life or over the shorter of the asset's useful life and the lease term if there is no reasonable certainty that Council will obtain ownership at the end of the lease term.

Leases in which a significant portion of the risks and rewards of ownership are not transferred to Council as lessee are classified as operating leases. Payments made under operating leases (net of any incentives received from the lessor) are charged to the income statement on a straight-line basis over the period of the lease.

Lease income from operating leases where Council is a lessor is recognised as income on a straight-line basis over the lease term.

(e) Impairment of assets

Intangible assets that have an indefinite useful life or are not yet available for use are not subject to amortisation and are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired.

Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

(f) Cash and cash equivalents

For Statement of Cash Flow presentation purposes, cash and cash equivalents includes cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts.

Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

(g) Inventories

(i) Raw materials and stores, work in progress and finished goods

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

Cost comprises direct materials, direct labour, and an appropriate proportion of variable and fixed overhead expenditure, the latter being allocated on the basis of normal operating capacity. Costs are assigned to individual items of inventory on basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

(ii) Inventory held for distribution

Inventory held for distribution is held at cost, adjusted where applicable for any loss of service potential.

(iii) Land held for resale/capitalisation of borrowing costs

Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed borrowing costs and other holding charges are expensed as incurred.

Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

(h) Non-current assets (or disposal groups) held for sale and discontinued operations

Non-current assets (or disposal groups) are classified as held for sale if their carrying amount will be recovered principally through a sale transaction rather than through continuing use.

They are measured at the lower of their carrying amount and fair value less costs to sell, except for assets such as deferred tax assets; assets arising from employee benefits; financial assets; and investment properties that are carried at fair value and contractual rights under insurance contracts, which are specifically exempt from this requirement.

An impairment loss is recognised for any initial or subsequent write-down of the asset (or disposal group) to fair value less costs to sell. A gain is recognised for any subsequent increases in fair value less costs to sell of an asset (or disposal group), but not in excess of any cumulative impairment loss previously recognised. A gain or loss not previously recognised by the date of the sale of the non-current asset (or disposal group) is recognised at the date of de-recognition.

Non-current assets (including those that are part of a disposal group) are not depreciated or amortised while they are classified as held for sale. Interest and other expenses attributable to the liabilities of a disposal group classified as held for sale continue to be recognised.

(i) Investments and other financial assets

Classification

Council classifies its financial assets in the following categories: financial assets at fair value through profit or loss; loans and receivables; held-to-maturity investments; and available-for-sale financial assets.

The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

(i) Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short-term. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

greater than 12 months after the reporting date which that are classified as non-current assets.

Loans and receivables are included in other receivables (note 8) and receivables (note 7) in the Statement of Financial Position.

Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that Council's management has the positive intention and ability to hold to maturity. If Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, that are classified as current assets.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the reporting date.

Investments are designated as available-for-sale if they do not have fixed maturities and fixed or determinable payments and management intends to hold them for the medium to long term.

Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date: the date on which Council commits to purchase or sell the asset.

Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement.

Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

Subsequent measurement

Loans and receivables and held-to-maturity investments are carried at amortised cost using the effective interest method.

Changes in the fair value of other monetary and non-monetary securities classified as available-for-sale are recognised in equity.

Impairment

Council assesses at the end of each reporting period whether there is objective evidence that a financial asset or group of financial assets is impaired.

A financial asset or a group of financial assets is impaired and impairment losses are incurred only if there is objective evidence of impairment as a result of one or more events that occurred after the initial recognition of the asset (a 'loss event') and that loss event (or events) has an impact on the estimated future cash flows of the financial asset or group of financial assets that can be reliably estimated.

In the case of equity investments classified as available-for-sale, a significant or prolonged decline in the fair value of the security below its cost is considered an indicator that the assets are impaired.

(i) Assets carried at amortised cost

For loans and receivables the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

have not been incurred) discounted at the financial asset's original effective interest rate.

The carrying amount of the asset is reduced and the amount of the loss is recognised in profit or loss. If a loan or held-to-maturity investment has a variable interest rate, the discount rate for measuring any impairment loss is the current effective interest rate determined under the contract. As a practical expedient, the Council may measure impairment on the basis of an instrument's fair value using an observable market price.

Collectability of receivables is reviewed on an on-going basis. Debts that are known to be uncollectible are written off by reducing the carrying amount directly. An allowance account (provision for impairment of receivables) is used when there is objective evidence that Council will not be able to collect all amounts due according to the original terms of the receivables.

Significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 30 days overdue) are considered indicators that the receivable is impaired. The amount of the impairment allowance is the difference between the asset's carrying amount and the present value of estimated future cash flows, discounted at the original effective interest rate.

The amount of the impairment loss is recognised in the income statement within other expenses. When a receivable for which an impairment allowance had been recognised becomes uncollectible in a subsequent period it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the income statement.

Investment Policy

Council has an approved investment policy complying with Section 625 of the Local Government Act 1993 (NSW) and Clause 212 of the Local Government (General) Regulation 2005 (NSW).

Investments are placed and managed in accordance with that policy and having particular regard to authorised investments prescribed under the Ministerial Local Government Investment Order. Council maintains an investment policy that complies with the Act and ensures that it, or its representatives, exercise the care, diligence and skill that a prudent person would exercise in investing Council funds.

Council amended its policy following revisions to the Ministerial Local Government Investment Order (the Order) arising from the Cole Inquiry recommendations. Certain investments the Council holds are no longer prescribed; however, they have been retained under grandfathering provisions of the Order. These will be disposed of when most financially advantageous to Council.

(j) Fair value estimation – financial instruments

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the reporting date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each reporting date. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(k) Infrastructure, property, plant and equipment (IPPE)

Council's assets have been progressively revalued to fair value in accordance with a staged implementation advised by the Office of Local Government. At reporting date, the following classes of IPPE were stated at their fair value:

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

Externally valued:

- Operational land
- Community land
- Land improvements
- Buildings – specialised/non-specialised
- Other structures
- Roads assets including roads, bridges and footpaths
- Bulk earthworks
- Stormwater drainage
- Water and sewerage networks
- Swimming pools
- Other open space/recreational assets
- Other infrastructure

Non-specialised assets with short useful lives are measured at depreciated historical cost as an approximation of fair value. Council has assessed that any difference between fair value and depreciated historical cost is unlikely to be material.

Water and sewerage network assets are indexed annually between full revaluations in accordance with the latest indices provided in the NSW Office of Water Rates Reference Manual.

For all other asset classes, Council assesses at each reporting date whether there is any indication that a revalued asset's carrying amount may differ materially from that which would be determined if the asset were revalued at the reporting date. If any such indication exists, Council determines the asset's fair value and revalue the asset to that amount. Full revaluations are undertaken for all assets on a five-year cycle.

Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss.

Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Depreciation

Land is not depreciated.

Depreciation on other assets is calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives as follows:

Plant and equipment	
- Office equipment	5 to 10 years
- Office furniture	10 to 20 years
- Computer equipment	4 years
- Vehicles	7 to 10 years
- Heavy plant/road making equipment	7 to 10 years
- Other plant and equipment	5 to 10 years
Other equipment	
- Playground equipment	5 to 20 years
- Benches, seats etc.	10 to 30 years
Buildings	
- Buildings: Envelope	32 to 160 years
- Buildings: Floors	90 to 140 years
- Buildings: Floor Coverings	17 to 34 years
- Buildings: Internal Screens	38 to 75 years
- Buildings: Roof	14 to 105 years
- Buildings: Mechanical Services	13 to 53 years
- Buildings: Fire Services	22 to 25 years
- Buildings: Electrical Services	65 to 95 years
- Buildings: Hydraulic Services	73 to 103 years
Water and sewer assets	
- Dams and reservoirs	40 to 100 years
- Bores	20 to 40 years
- Reticulation pipes: PVC	70 to 80 years
- Reticulation pipes: other	40 to 80 years
- Pumps and telemetry	10 to 60 years
Stormwater assets	
- Drains	100 to 200 years
- Culverts	100 years
- Flood control structures	100 years
Transportation assets	
- Sealed roads: surface	20 to 60 years
- Sealed roads: structure	40 to 200 years
- Unsealed roads	15 to 20 years
- Bridge: concrete	60 to 100 years
- Bridge: other	60 to 100 years
- Road pavements	50 years
- Kerb, gutter and footpaths	15 to 83 years

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

Other infrastructure assets	
- Bulk earthworks	Infinite
- Swimming pools	25 to 50 years
- Other open space/ recreational assets	5 to 50 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date.

Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the income statement.

(l) Payables

These amounts represent liabilities for goods and services provided to the Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(m) Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the income statement over the period of the borrowings using the effective interest method.

Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down. In this case, the fee is deferred until the draw down occurs. To the extent there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost.

Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

(n) Borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

(o) Provisions

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

(p) Employee benefits

(i) Short-term obligations

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled.

The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

(ii) Other long-term employee benefit obligations

The liability for long service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

(iii) Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Defined Benefit Plans

A liability or asset in respect of defined benefit superannuation plans would ordinarily be recognised in the Statement of Financial Position, and measured as the present value of the defined benefit obligation at the reporting date plus unrecognised actuarial gains (less unrecognised actuarial losses) less the fair value of the superannuation fund's assets at that date and any unrecognised past service cost.

The present value of the defined benefit obligation is based on expected future payments that arise from membership of the fund to the reporting date, calculated annually by independent actuaries using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. However, when this information is not reliably available, Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable.

Defined Contribution Plans

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

(q) Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads.

Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

(r) Crown reserves

Crown Reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated.

Improvements on Crown Reserves are also recorded as assets, while maintenance costs incurred by

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

Council and revenues relating to the reserves are recognised within Council's Income Statement.

(s) Rural fire service assets

Under section 119 of the Rural Fire Services Act 1997 (NSW), *"all fire fighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the fire fighting equipment has been purchased or constructed".*

Until such time as discussions on this matter have concluded and the legislation changed, Council will recognise rural fire service assets including land, buildings, plant and vehicles.

(t) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which that are recoverable from, or payable to the taxation authority are presented as operating cash flows.

(u) New accounting standards and interpretations issued not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for the current reporting period and which have not been applied.

As at the date of authorisation of the financial statements, the standards and interpretations listed below were in issue but not yet effective.

Effective for annual reporting periods beginning on or after 1 January 2018

AASB 9 Financial Instruments and Associated Amending Standards

Significant revisions to the classification and measurement of financial assets, reducing the number of categories and simplifying the measurement choices, including the removal of impairment testing of assets measured at fair value. The amortised cost model is available for debt assets meeting both business model and cash flow characteristics tests. All investments in equity instruments using AASB 9 are to be measured at fair value.

Amends measurement rules for financial liabilities that the entity elects to measure at fair value through profit and loss. Changes in fair value attributable to changes in the entity's own credit risk are presented in other comprehensive income.

Impairment of assets is now based on expected losses in AASB 9 which requires councils to measure:

The 12-month expected credit losses (expected credit losses that result from those default events on the financial instrument that are possible within 12 months after the reporting date) of full lifetime Expected credit losses (expected credit losses that result from all possible default events over the life of the financial instrument).

Council is yet to undertake a detailed assessment of the impact of AASB 9.

Effective for annual reporting periods beginning on or after 1 January 2019

AASB 16 Leases

AASB 16 will result in most of the operating leases of an entity being brought onto the statement of financial position. There are limited exceptions relating to short-term leases and low-value assets which may remain off the balance sheet.

The calculation of the lease liability will take into account appropriate discount rates, assumptions about the lease term, and increases in lease payments.

A corresponding right to use assets will be recognised, which will be amortised over the term of

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 1. Summary of significant accounting policies (continued)

the lease. Rent expense will no longer be shown. The profit and loss impact of the leases will be through amortisation and interest charges.

AASB 15 Revenue from Contracts with Customers, and associated amending standards.

AASB 15 introduces a five-step process for revenue recognition, with the core principle of the new standard being for entities to recognise revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration (that is, payment) to which the entity expects to be entitled in exchange for those goods or services.

Accounting policy changes will arise in the timing of revenue recognition, treatment of contracts costs, and contracts which contain a financing element.

AASB15 will also result in enhanced disclosures about revenue, provide guidance for transactions that were not previously address comprehensively (for example, service revenue and contract modifications), and improve guidance for multiple-element arrangements.

AASB 1058 Income of Not-for-Profit Entities

AASB 1058 supersedes all the income recognition requirements relating to councils, previously in AASB 1004 Contribution. The timing of income recognition depends on whether such a transactions gives rise to a liability or other performance obligation (a promise to transfer a good or service), or a contribution by owners, related to an asset (such as cash or another asset) received by an entity.

AASB 1058 applies when a council receives volunteer services or enters into other transactions in which the consideration to acquire an asset is significantly less than the fair value of the asset, and where the council's objective is principally to enable the asset to further the council's objectives. In cases where the council enters into other transactions, the council recognises and measures the asset at fair value in accordance with the applicable Australian Accounting Standard (eg AASB 116 Property, Plant and Equipment).

Upon initial recognition of the asset, this Standard requires council to consider whether any other financial statement elements (called 'related amounts') should be recognised in accordance with the applicable Accounting Standard, such as:

(a) contributions by owners
(b) revenue, or a contract liability arising from a contract with a customer
(c) a lease liability
(d) a financial instrument
(e) a provision.

If the transaction is a transfer of a financial asset to enable Council to acquire or construct a recognisable non-financial asset to be controlled by Council (ie an in-substance acquisition of a non-financial asset), the council recognises a liability for the excess of the fair value of the transfer over any related amounts recognised.

Council will recognise income as it satisfies under the transfer similarly to income recognition in relation to performance obligations under AASB 15.

If the transaction does not enable council to acquire or construct a recognisable non-financial asset to be controlled by Council, then any excess of the initial carrying amount of the recognised asset over the related amounts is recognised as income.

The full impact of these standards has yet to be ascertained or quantified but will range from additional and/or revised disclosures to changes in how certain transactions and balances are accounted for.

(v) Rounding of amounts

Unless otherwise indicated, amounts in the financial statements have been rounded off to the nearest thousand dollars.

(w) Comparative figures

To ensure comparability with the current reporting period's figures, some comparative period line items and amounts may have been reclassified or individually reported for the first time within these financial statements and/or the notes.

(x) Disclaimer

Nothing contained within these statements may be taken to be an admission of any liability to any person under any circumstance.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 2(a). Council functions/activities – financial information

$ '000	Income, expenses and assets have been directly attributed to the following functions/activities. Details of these functions/activities are provided in Note 2(b).												
Functions/activities	Income from continuing operations			Expenses from continuing operations			Operating result from continuing operations			Grants included in income from continuing operations		Total assets held (current and non-current)	
	Original budget 2017	Actual 2017	Actual 2016	Original budget 2017	Actual 2017	Actual 2016	Original budget 2017	Actual 2017	Actual 2016	Actual 2017	Actual 2016	Actual 2017	Actual 2016
Governance	10	104	13	1,426	1,471	1,093	(1,416)	(1,367)	(1,080)	–	–	–	–
Administration	572	627	593	394	867	415	178	(240)	178	2	–	99,624	85,776
Public order and safety	1,707	1,801	2,308	2,369	2,644	2,587	(662)	(843)	(279)	215	181	5,382	4,999
Health	364	471	385	1,295	990	1,090	(931)	(519)	(705)	–	10	57	50
Environment	7,329	9,770	7,859	8,482	8,569	8,298	(1,153)	1,201	(439)	421	514	64,844	59,677
Community services and education	1,872	1,924	1,785	3,049	3,854	3,050	(1,177)	(1,930)	(1,265)	1,050	1,113	13,209	11,765
Housing and community amenities	3,478	3,851	5,442	6,177	6,466	6,112	(2,699)	(2,615)	(670)	3	68	4,511	5,948
Water supplies	9,468	10,640	9,987	8,281	8,415	8,036	1,187	2,225	1,951	84	94	79,172	71,182
Sewerage services	16,658	19,261	19,265	14,033	14,592	14,543	2,625	4,669	4,722	81	80	138,565	159,078
Recreation and culture	1,648	1,694	1,471	8,158	9,302	8,085	(6,510)	(7,608)	(6,614)	127	114	165,749	166,918
Mining, manufacturing and construction	1,456	1,347	1,295	1,290	1,332	794	166	15	501	–	–	4,137	4,119
Transport and communication	18,335	17,818	11,639	11,994	14,973	15,743	6,341	2,845	(4,104)	7,169	3,773	241,143	233,112
Economic affairs	4,199	5,015	5,747	4,134	4,508	4,800	65	507	947	124	9	37,524	35,783
Total functions and activities	**67,096**	**74,322**	**67,789**	**71,082**	**77,982**	**74,646**	**(3,986)**	**(3,660)**	**(6,857)**	**9,276**	**5,956**	**853,918**	**838,408**
Share of gains/(losses) in associates and joint ventures (using the equity method)	–	–	–	–	–	–	–	–	–	–	–	–	–
General purpose income [1]	23,080	24,835	22,831	–	–	–	23,080	24,835	22,831	4,576	3,015	–	–
Operating result from continuing operations	**90,176**	**99,158**	**90,620**	**71,082**	**77,982**	**74,646**	**19,094**	**21,175**	**15,974**	**13,852**	**8,971**	**853,918**	**838,408**

1. Includes: rates and annual charges (incl. ex-gratia), untied general purpose grants and unrestricted interest and investment income.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 2(b). Council functions/activities – component descriptions

Details relating to the Council's functions/activities as reported in Note 2(a) are as follows:

GOVERNANCE
Includes costs relating to Council's role as a component of democratic government, including elections, members' fees and expenses, subscriptions to local authority associations, meetings of Council and policy-making committees, public disclosure (e.g. GIPA), and legislative compliance.

ADMINISTRATION
Includes corporate support and other support services (not otherwise attributed to the listed functions /

PUBLIC ORDER AND SAFETY
Includes Council's fire and emergency services levy, fire protection, emergency services, beach control, enforcement of local government regulations and animal control.

HEALTH
Includes inspection, immunisations, food control, health centres, other, administration.

ENVIRONMENT
Includes noxious plants and insect/vermin control, other environmental protection, solid waste management, including domestic waste, other waste management, street cleaning, drainage and stormwater management.

COMMUNITY SERVICES AND EDUCATION
Includes administration, family day care, child care, youth services, other family and children, aged and disabled, migrant services, Aboriginal services, other community services and education.

HOUSING AND COMMUNITY AMENITIES
Includes housing, town planning, street lighting, other sanitation and grabage, public cemeteries, public conveniences and other community amenities.

WATER SUPPLIES
SEWERAGE SERVICES

RECREATION AND CULTURE
Includes public libraries, museums, art galleries, community centres, public halls, other cultural services, sporting grounds and venues, swimming pools, parks, gardens (lakes) and other sport and recreation.

MINING, MANUFACTURING AND CONSTRUCTION
Includes building control, quarries and pits, other

TRANSPORT AND COMMUNICATION
Includes urban local roads, urban regional roads, sealed and unsealed roads, bridges, footpaths, parking areas, bus shelters and services, RMS works, other.

ECONOMIC AFFAIRS
Includes camping areas, caravan parks, tourism and area promotion, industrial development promotion, real estate development and other business undertakings.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 3. Income from continuing operations

$ '000	Notes	Actual 2017	Actual 2016
(a) Rates and annual charges			
Ordinary rates			
Residential		14,661	14,043
Farmland		860	987
Business		3,564	3,592
Total ordinary rates		**19,085**	**18,622**
Special rates			
Nil			
Annual charges (pursuant to s.496, s.496A, s.496B, s.501 & s.611)			
Domestic waste management services		4,720	4,335
Stormwater management services		288	283
Water supply services		2,191	2,123
Sewerage services		10,018	9,710
Waste management services (non-domestic)		666	615
Total annual charges		**17,882**	**17,066**
TOTAL RATES AND ANNUAL CHARGES		36,968	35,688

Council has used 2016 year valuations provided by the NSW Valuer General in calculating its rates.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 3. Income from continuing operations (continued)

$ '000	Notes	Actual 2017	Actual 2016
(b) User charges and fees			
Specific user charges (per s.502 – specific 'actual use' charges)			
Water supply services		6,573	5,914
Sewerage services		4,886	4,308
Total user charges		**11,458**	**10,222**
Other user charges and fees			
(i) Fees and charges – statutory and regulatory functions (per s.608)			
Building inspections		876	880
Building services		522	487
Developer fees		985	1,033
Dog registration / release		44	33
Engineering services		6	10
Freedom of information		15	13
Health inspection		471	385
Private works – section 67		168	135
Regulatory/ statutory fees		66	72
Section 149 certificates (EPA Act)		112	114
Section 603 certificates		88	81
Total fees and charges – statutory/regulatory		**3,352**	**3,243**
(ii) Fees and charges – other (incl. general user charges (per s.608))			
Administration and financial services		35	23
Aerodrome		99	71
Beach control		1	–
Caravan park		4,521	4,150
Cemeteries		214	211
Child care		894	806
Leaseback fees – Council vehicles		276	234
Parking fees		3,518	2,034
Property rentals and leases		1,159	1,122
Public halls		254	180
Sewerage charges		144	117
Swimming pools		311	320
Waste		1,630	1,668
Water connection fees		135	131
Other		458	375
Total fees and charges – other		**13,649**	**11,442**
TOTAL USER CHARGES AND FEES		28,460	24,907

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 3. Income from continuing operations (continued)

$ '000	Notes	Actual 2017	Actual 2016
(c) Interest and investment revenue (including losses)			
Interest			
– Interest on overdue rates and annual charges (incl. special purpose rates)		154	154
– Interest earned on investments (interest and coupon payment income)		2,205	2,307
Fair value adjustments			
– Fair valuation movements in investments (at fair value or held for trading)		14	–
TOTAL INTEREST AND INVESTMENT REVENUE		2,373	2,461
Interest revenue is attributable to:			
Unrestricted investments/financial assets:			
Overdue rates and annual charges (general fund)		154	86
General Council cash and investments		942	1,105
Restricted investments/funds – external:			
Development contributions			
– Section 94		535	646
– Section 64		434	556
Water fund operations		231	21
Sewerage fund operations		77	47
Total interest and investment revenue recognised		**2,373**	**2,461**
(d) Other revenues			
Fines		1,225	1,311
Legal fees recovery – other		8	6
Insurance claim recoveries		3	–
Sales – general		15	9
Waste		70	52
TOTAL OTHER REVENUE		1,320	1,378

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 3. Income from continuing operations (continued)

$ '000	2017 Operating	2016 Operating	2017 Capital	2016 Capital
(e) Grants				
General purpose (untied)				
Financial assistance – general component	2,607	1,613	–	–
Financial assistance – local roads component	1,740	1,161	–	–
Pensioners' rates subsidies – general component	229	241	–	–
Total general purpose	**4,576**	**3,015**	**–**	**–**
Specific purpose				
Pensioners' rates subsidies:				
– Water	72	89	–	–
– Sewerage	76	80	–	–
– Domestic waste management	60	67	–	–
Bushfire and emergency services	201	181	–	–
Child care	943	931	–	–
Community centres	–	–	–	20
Community services	9	72	–	–
Crown lands maintenance	192	190	–	–
Economic development	125	9	–	–
Employment and training programs	9	16	–	–
Environmental management	75	300	–	–
Foreshore maintenance	26	26	–	–
Library	37	90	–	–
Library – per capita	61	–	–	–
Recreation and culture	–	2	–	–
Street lighting	52	101	50	–
Transport (roads to recovery)	2,494	1,554	–	–
Transport (other roads and bridges funding)	407	–	3,987	1,916
Waste management	287	216	–	–
Dog registration / release	–	10	–	–
Other sport and recreation	–	–	100	86
On site sewerage management	15	–	–	–
Total specific purpose	**5,139**	**3,934**	**4,137**	**2,022**
Total grants	**9,715**	**6,949**	**4,137**	**2,022**
Grant revenue is attributable to:				
– Commonwealth funding	5,944	4,024	100	120
– State funding	3,771	2,925	4,037	1,902
	9,715	**6,949**	**4,137**	**2,022**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 3. Income from continuing operations (continued)

$ '000		2017 Operating	2016 Operating	2017 Capital	2016 Capital
(f) Contributions					
Developer contributions:					
(s93 & s94 – EP&A Act, s64 of the LGA):					
S 94 – contributions towards amenities/services		–	–	1,722	2,726
S 94A – fixed development consent levies		–	–	78	474
S 64 – water supply contributions		–	–	877	1,117
S 64 – sewerage service contributions		–	–	3,251	4,070
Total developer contributions	17	–	–	**5,927**	**8,387**
Other contributions:					
Dedications (other than by S94)		–	–	8,172	1,773
Drainage		–	–	–	55
Recreation and culture		–	–	5	4
Roads and bridges		706	4,349	348	162
RMS contributions (regional roads, block grant)		648	799	–	–
Stabilisation Works		–	–	–	304
Surf Lifesaving		113	101	–	–
Other		–	11	–	–
Other economic development		88	–	50	–
Other waste		–	–	39	–
Cemeteries		–	–	14	–
Open spaces		–	–	76	–
Total other contributions		**1,555**	**5,260**	**8,703**	**2,298**
Total contributions		1,555	5,260	14,630	10,685
TOTAL GRANTS AND CONTRIBUTIONS		11,270	12,209	18,767	12,707

$ '000	Actual 2017	Actual 2016
(g) Unspent grants and contributions		
Certain grants and contributions are obtained by Council on condition that they be spent in a specified manner:		
Unexpended at the close of the previous reporting period	43,493	41,380
Add: grants and contributions recognised in the current period but not yet spent:	7,803	10,031
Less: grants and contributions recognised in a previous reporting period now spent:	(13,736)	(7,918)
Net increase (decrease) in restricted assets during the period	**(5,933)**	**2,113**
Unexpended and held as restricted assets	37,560	43,493
Comprising:		
– Specific purpose unexpended grants	473	968
– Developer contributions	36,305	42,088
– Other contributions	782	437
	37,560	**43,493**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 4. Expenses from continuing operations

$ '000	Notes	Actual 2017	Actual 2016
(a) Employee benefits and on-costs			
Salaries and wages		16,605	15,691
Employee termination costs		87	501
Employee leave entitlements (ELE)		3,242	3,049
Superannuation		2,127	1,866
Workers' compensation insurance		614	575
Fringe benefit tax (FBT)		96	66
Payroll tax		135	126
Training costs (other than salaries and wages)		388	282
Total employee costs		**23,294**	**22,156**
Less: capitalised costs		(1,719)	(1,279)
TOTAL EMPLOYEE COSTS EXPENSED		21,575	20,877
Number of 'full-time equivalent' employees (FTE) at year end		**279**	**253**
(b) Borrowing costs			
(i) Interest bearing liability costs			
Interest on loans		4,493	4,887
Total interest bearing liability costs expensed		**4,493**	**4,887**
(ii) Other borrowing costs			
Discount adjustments relating to movements in provisions (other than ELE)			
– Remediation liabilities	26	105	22
Total other borrowing costs		**105**	**22**
TOTAL BORROWING COSTS EXPENSED		4,598	4,909

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 4. Expenses from continuing operations (continued)

$ '000	Notes	Actual 2017	Actual 2016
(c) Materials and contracts			
Raw materials and consumables		19,360	20,375
Contractor and consultancy costs			
– Caravan parks		1,370	1,244
– Cleaning		228	225
– Security		85	72
– Surf lifesaving		539	508
– Swimming pools		402	406
– Temporary employment		2,668	2,833
– Waste		3,366	3,299
Auditors remuneration	(1)	161	177
Infringement notice contract costs (SEINS)		162	173
Legal expenses:			
– Legal expenses: planning and development		9	136
– Legal expenses: other		52	117
Operating leases:			
– Operating lease rentals: minimum lease payments	(2)	974	681
TOTAL MATERIALS AND CONTRACTS		29,378	30,246

1. Auditor remuneration

a. During the year, the following fees were incurred for services provided by the Auditor-General:

(i) Audit and other assurance services		
– Audit and review of financial statements: Auditor-General	66	–
Remuneration for audit and other assurance services	**66**	**–**
Total Auditor-General remuneration	**66**	**–**

b. During the year, the following fees were incurred for services provided by the other Council's Auditors:

(i) Audit and other assurance services		
– Audit and review of financial statements: Thomas Noble & Russell	–	55
– Internal Audit Services: Grant Thornton Australia	82	72
– Other audit and assurance services	13	50
Remuneration for audit and other assurance services	**95**	**177**
Total remuneration of other Council's Auditors	**95**	**177**
Total Auditor remuneration	**161**	**177**

2. Operating lease payments are attributable to:

Computers	467	421
Parking Meters	507	260
	974	**681**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 4. Expenses from continuing operations (continued)

$ '000	Notes	Actual 2017	Actual 2016
(d) Depreciation, amortisation and impairment			
Plant and equipment		1,040	1,045
Office equipment		189	220
Furniture and fittings		19	12
Land improvements (depreciable)		160	159
Infrastructure:			
– Buildings		870	769
– Other structures		36	19
– Roads		5,023	4,927
– Bridges		293	293
– Footpaths		126	126
– Stormwater drainage		581	574
– Water supply network		1,183	1,217
– Sewerage network		3,204	3,206
– Swimming pools		56	58
– Other open space/recreational assets		395	266
Other assets			
– Other		231	249
Asset reinstatement costs	9 & 26	630	94
Total gross depreciation and amortisation costs		**14,036**	**13,234**
Less: capitalised costs		–	–
Total depreciation and amortisation costs		14,036	13,234
Impairment			
Nil			
TOTAL DEPRECIATION AND IMPAIRMENT COSTS EXPENSED		14,036	13,234

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 4. Expenses from continuing operations (continued)

$ '000	Notes	Actual 2017	Actual 2016
(e) Other expenses			
Advertising		124	117
Bad and doubtful debts		6	11
Bank charges		64	62
Computer software charges		637	493
Contributions/levies to other levels of government			
– Bushfire Fighting fund		182	120
– Emergency Services levy (includes FRNSW, SES, and RFS levies)		60	66
– Far North Coast Weeds		79	129
– NSW Fire Brigade levy		82	72
– Richmond Tweed Regional Library		1,243	1,221
– Other		155	150
Councillor expenses – mayoral fee		41	40
Councillor expenses – councillors' fees		167	165
Councillors' expenses (incl. mayor) – other (excluding fees above)		91	49
Donations, contributions and assistance to other organisations (Section 356)		75	66
Election expenses		187	–
Electricity and heating		1,241	1,179
Insurance		773	753
Postage		124	118
Printing and stationery		74	51
Street lighting		264	238
Telephone and communications		219	194
Valuation fees		88	86
TOTAL OTHER EXPENSES		5,979	5,380

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 5. Gains or losses from the disposal of assets

$ '000	Notes	Actual 2017	Actual 2016
Plant and equipment			
Proceeds from disposal – plant and equipment		302	243
Less: carrying amount of plant and equipment assets sold/written off		(396)	(211)
Net gain/(loss) on disposal		**(94)**	**32**
Infrastructure			
Proceeds from disposal – infrastructure		35	–
Less: carrying amount of infrastructure assets sold/written off		(1,778)	(1,032)
Net gain/(loss) on disposal		**(1,743)**	**(1,032)**
Real estate assets held for sale			
Proceeds from disposal – real estate assets		–	3,952
Less: carrying amount of real estate assets sold/written off		–	(1,682)
Net gain/(loss) on disposal		**–**	**2,270**
Financial assets			
Proceeds from disposal/redemptions/maturities – financial assets		15,500	16,500
Less: carrying amount of financial assets sold/redeemed/matured		(15,500)	(16,500)
Net gain/(loss) on disposal		**–**	**–**
Land			
Less: carrying amount of Land assets sold/written off		(540)	–
Net gain/(loss) on disposal		**(540)**	**–**
Building			
Proceeds from disposal – Building		215	–
Less: carrying amount of Building assets sold/written off		(255)	–
Net gain/(loss) on disposal		**(40)**	**–**
NET GAIN/(LOSS) ON DISPOSAL OF ASSETS		(2,417)	1,270

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 6a. – Cash assets and Note 6b. – investments

$ '000	Notes	2017 Actual Current	2017 Actual Non-current	2016 Actual Current	2016 Actual Non-current
Cash and cash equivalents (Note 6a)					
Cash on hand and at bank		980	–	2,727	–
Cash-equivalent assets [1]					
– Deposits at call		2,056	–	2,223	–
– Short-term deposits		10,000	–	39,000	–
Total cash and cash equivalents		**13,036**	**–**	**43,950**	**–**
Investments (Note 6b)					
– Long term deposits		63,139	–	34,019	–
– NCD's, FRN's (with maturities > 3 months)		–	1,654	–	1,000
– Other long term financial assets		–	1,011	520	–
Total investments		**63,139**	**2,665**	**34,539**	**1,000**
TOTAL CASH ASSETS, CASH EQUIVALENTS AND INVESTMENTS		76,174	2,665	78,489	1,000

[1] Those investments where time to maturity (from date of purchase) is < 3 mths.

Cash, cash equivalents and investments were classified at year end in accordance with AASB 139 as follows:

Cash and cash equivalents				
a. 'At fair value through the profit and loss'	**13,036**	**–**	**43,950**	**–**
Investments				
a. 'At fair value through the profit and loss'				
– 'Designated at fair value on initial recognition'	63,139	2,665	34,539	1,000
Investments	**63,139**	**2,665**	**34,539**	**1,000**

Refer to Note 27. Fair value measurement for information regarding the fair value of investments held.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 6c. Restricted cash, cash equivalents and investments – details

$ '000	2017 Actual Current	2017 Actual Non-current	2016 Actual Current	2016 Actual Non-current
Total cash, cash equivalents and investments	76,174	2,665	78,489	1,000
attributable to:				
External restrictions (refer below)	54,185	2,665	56,838	1,000
Internal restrictions (refer below)	20,844	–	20,506	–
Unrestricted	1,145	–	1,145	–
	76,174	**2,665**	**78,489**	**1,000**

2017 $ '000		Opening balance	Transfers to restrictions	Transfers from restrictions	Closing balance
Details of restrictions					
External restrictions – included in liabilities					
Bonds and deposits		3,722	241	–	3,963
External restrictions – included in liabilities		3,722	241	–	3,963
External restrictions – other					
Developer contributions – general	(D)	22,779	6,070	(8,820)	20,029
Developer contributions – water fund	(D)	10,549	–	(3,857)	6,692
Developer contributions – sewer fund	(D)	8,760	824	–	9,584
RMS (formerly RTA) contributions	(E)	438	558	(273)	723
Specific purpose unexpended grants	(F)	968	–	(495)	473
Water supplies	(G)	2,723	2,231	–	4,954
Sewerage services	(G)	5,981	2,220	–	8,201
Domestic waste management	(G)	982	3,974	(3,618)	1,338
Crown paid parking reserve		421	854	(874)	401
Crown reserve		514	398	(420)	492
External restrictions – other		54,116	17,129	(18,358)	52,887
Total external restrictions		**57,838**	**17,370**	**(18,358)**	**56,849**

D Development contributions which are not yet expended for the provision of services and amenities in accordance with contributions plans (refer Note 17).

E RMS contributions which are not yet expended for the provision of services and amenities in accordance with those contributions.

F Grants which are not yet expended for the purposes for which the grants were obtained. (refer Note 1 (b))

G Water, sewerage, domestic waste management (DWM) and other special rates/levies/charges are externally restricted assets and must be applied for the purposes for which they were raised.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 6c. Restricted cash, cash equivalents and investments – details (continued)

2017 $ '000	Opening balance	Transfers to restrictions	Transfers from restrictions	Closing balance
Internal restrictions				
Plant and vehicle replacement	1,342	3,880	(3,282)	1,939
Infrastructure replacement	3,894	–	(231)	3,662
Employees leave entitlement	1,071	–	(100)	971
Asset revaluation reserve	11	–	–	11
Bangalow heritage house	0	–	–	0
Bridge replacement fund	935	–	(154)	781
Brunswick Heads memorial hall	37	13	–	50
Brunswick valley community centre	–	10	–	10
Byron bay library exhibition space	11	25	–	36
Byron bay library	242	–	(15)	227
Childrens services	17	83	–	100
Community development	119	30	(20)	129
Council caravan parks	2,305	1,219	(912)	2,612
Environmental levy	115	352	(356)	111
Financial assistance grant (in advance)	–	1,479	–	1,479
Footpath dining	232	126	(246)	112
General managers office	50	6	–	56
Human resources	65	–	–	65
Information technology	345	–	(128)	217
Infrastructure services carryover	952	575	(403)	1,124
Land and natural environment	192	99	(67)	224
Legal services	692	63	(240)	515
Mullumbimby pioneer centre	3	0	–	4
On-site sewerage management reserve	410	104	–	514
Paid parking	1,262	2,735	(3,997)	0
Property development reserve	576	4	(580)	–
Property	741	20	(136)	625
Quarry	838	28	(251)	616
Revolving energy fund	64	–	(28)	37
Risk management	184	–	(4)	179
Special events response and mitigation	128	103	(70)	161
South Golden Beach hall	22	4	–	25
2006/2007 special rate carryover reserve	57	57	(0)	114
2007/2008 special rate carryover reserve	653	275	(221)	706
2008/2009 special rate carryover reserve	155	127	(34)	247
Stormwater	505	293	(638)	160
Structural change reserve	285	17	(104)	198
Suffolk park community hall	9	10	–	19
Suffolk park open space	50	–	–	50
Tennis courts	9	1	(5)	6
Unexpended loans	54	–	(54)	–
Waste management	1,852	3,708	(2,957)	2,603
Ocean Shores Community Centre	23	1	(3)	20
Council Election	–	60	–	60
Grant Management	–	68	–	68
Total internal restrictions	**20,506**	**15,573**	**(15,235)**	**20,844**
TOTAL RESTRICTIONS	78,344	32,943	(33,593)	77,694

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 7. Receivables

$ '000	Notes	2017 Current	2017 Non-current	2016 Current	2016 Non-current
Purpose					
Rates and annual charges		972	130	769	566
Interest and extra charges		175	31	88	64
User charges and fees		4,526	–	4,358	–
Accrued revenues					
– Interest on investments		484	–	396	–
– Other income accruals		6	–	96	–
Deferred debtors		10	200	–	–
Government grants and subsidies		611	–	18	–
Net GST receivable		1,051	–	782	–
Miscellaneous water and sewer		36	–	34	–
Pensioner subsidy		10	–	35	–
Roads and Maritime Services		2,120	–	2,048	–
Total		**10,002**	**361**	**8,624**	**630**
Less: provision for impairment					
User charges and fees		(55)	–	(68)	–
Total provision for impairment – receivables		**(55)**	**–**	**(68)**	**–**
TOTAL NET RECEIVABLES		9,947	361	8,556	630
Externally restricted receivables					
Water supply					
– Specific purpose grants		1	–	11	–
– Rates and availability charges		87	–	91	–
– Other		1,943	–	1,950	–
Sewerage services					
– Specific purpose grants		2	–	5	–
– Rates and availability charges		402	–	423	–
– Other		1,589	–	1,549	–
Total external restrictions		**4,024**	**–**	**4,029**	**–**
Internally restricted receivables					
Nil					
Unrestricted receivables		**5,923**	**361**	**4,527**	**630**
TOTAL NET RECEIVABLES		9,947	361	8,556	630

Notes on debtors above:

(i) Rates and annual charges outstanding are secured against the property.

(ii) Doubtful rates debtors are provided for where the value of the property is less than the debt outstanding. An allowance for other doubtful debts is made when there is objective evidence that a receivable is impaired.

(iii) Interest was charged on overdue rates and charges at 8.50% (2016 8.50%). Generally all other receivables are non-interest bearing.

(iv) Please refer to Note 15 for issues concerning credit risk and fair value disclosures.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 8. Inventories and other assets

$ '000	Notes	2017 Current	2017 Non-current	2016 Current	2016 Non-current
(a) Inventories					
(i) Inventories at cost					
Real estate for resale (refer below)		–	–	992	–
Stores and materials		407	–	365	–
Total inventories at cost		**407**	**–**	**1,357**	**–**
(ii) Inventories at net realisable value (NRV)					
Nil					
TOTAL INVENTORIES		407	–	1,357	–
(b) Other assets					
Prepayments		–	–	69	–
Other		17	–	17	–
TOTAL OTHER ASSETS		17	–	86	–

Externally restricted assets
There are no restrictions applicable to the above assets.

(i) Other disclosures

(a) Details for real estate development					
Residential		–	–	992	–
Total real estate for resale		**–**	**–**	**992**	**–**
(Valued at the lower of cost and net realisable value)					
Represented by:					
Acquisition costs		–	–	992	–
Total real estate for resale		**–**	**–**	**992**	**–**
Movements:					
Real estate assets at beginning of the year			–	1,682	–
– Transfers in from (out to) Note 9		–	–	992	–
– WDV of sales (expense)	5	–	–	(1,682)	–
Total real estate for resale		**–**	**–**	**992**	**–**

(b) Inventory write downs
There were no amounts recognised as an expense relating to the write down of inventory balances held during the year.

Refer to Note 27. Fair value measurement for information regarding the fair value of other assets held.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 9a. Infrastructure, property, plant and equipment

Asset class	as at 30/6/2016			Asset movements during the reporting period								as at 30/6/2017		
$ '000	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	TRs from/(to) 'held for sale' category	Revaluation increments to equity (ARR)	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
Capital work in progress	8,132	–	8,132	5,371	9,317	–	–	(5,562)	–	–	–	17,258	–	17,258
Plant and equipment	12,505	7,468	5,037	–	745	(396)	(1,040)	106	–	–	–	12,518	8,064	4,453
Office equipment	3,018	2,419	599	–	–	–	(189)	–	–	–	–	3,018	2,608	410
Furniture and fittings	296	178	118	–	–	–	(19)	–	–	–	–	297	197	99
Land:														
– Operational land	85,544	–	85,544	–	–	(540)	–	–	–	(1,440)	–	83,564	–	83,564
– Community land	116,425	–	116,425	–	906	–	–	–	–	–	6,081	123,413	–	123,413
– Land under roads (post 30/6/08)	6,403	–	6,403	–	932	–	–	–	–	–	–	7,335	–	7,335
Land improvements – non-depreciable	80	–	80	–	–	–	–	–	–	–	–	80	–	80
Land improvements – depreciable	4,723	2,332	2,391	679	–	–	(160)	813	–	–	–	6,215	2,492	3,723
Infrastructure:														
– Buildings	73,243	9,913	63,330	–	739	(255)	(870)	–	–	–	–	73,680	10,735	62,945
– Other structures	2,390	315	2,075	–	–	–	(36)	–	–	–	–	2,391	351	2,041
– Roads	291,332	134,135	157,197	4,418	7,797	(1,718)	(5,023)	2,862	(1,354)	–	–	302,542	138,363	164,179
– Bridges	23,909	10,787	13,122	–	–	–	(293)	–	–	–	–	23,909	11,080	12,830
– Footpaths	7,769	2,998	4,771	798	–	–	(126)	59	–	–	–	8,627	3,124	5,503
– Bulk earthworks (non-depreciable)	28,999	–	28,999	–	–	–	–	–	–	–	–	29,000	–	29,000
– Stormwater drainage	62,087	16,354	45,733	313	1,850	–	(581)	44	(39)	–	–	64,295	16,974	47,322
– Water supply network	87,651	36,959	50,692	335	243	(48)	(1,183)	95	–	–	8,456	97,440	38,850	58,590
– Sewerage network	190,869	60,460	130,409	774	1,280	(11)	(3,204)	1,224	–	–	(18,699)	175,858	64,086	111,772
– Swimming pools	2,800	553	2,247	–	–	–	(56)	–	–	–	–	2,800	609	2,191
– Other open space/recreational assets	14,144	4,274	9,870	26	579	–	(395)	1	–	–	–	14,751	4,669	10,081
Other assets:														
– Other	3,409	1,443	1,966	–	–	–	(231)	357	–	–	–	3,766	1,674	2,092
Reinstatement, rehabilitation and restoration assets (refer Note 28):														
– Tip assets	11,116	691	10,425	–	513	–	(373)	–	–	–	–	11,628	1,064	10,565
– Quarry assets	2,739	14	2,725	–	–	–	(257)	–	–	–	–	2,739	270	2,469
TOTAL INFRASTRUCTURE, PROPERTY, PLANT AND EQUIP.	1,039,583	291,293	748,290	12,714	24,901	(2,968)	(14,036)	0	(1,393)	(1,440)	(4,162)	1,067,125	305,211	761,915

Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

Refer to Note 27. Fair value measurement for information regarding the fair value of other infrastructure, property, plant and equipment.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 9b. Externally restricted infrastructure, property, plant and equipment

$ '000 Class of asset	Actual 2017			Actual 2016		
	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount
Water supply						
WIP	5,070	–	**5,070**	487	–	**487**
Plant and equipment	21	17	**4**	21	15	**6**
Office equipment	44	44	**–**	44	44	**–**
Land						
– Operational land	6,509	–	**6,509**	6,509	–	**6,509**
Buildings	1,315	243	**1,071**	1,315	219	**1,096**
Infrastructure	97,440	38,850	**58,590**	87,651	36,959	**50,692**
Total water supply	**110,399**	**39,154**	**71,244**	**96,026**	**37,236**	**58,790**
Sewerage services						
WIP	1,452	–	**1,452**	1,517	–	**1,517**
Plant and equipment	307	129	**178**	130	118	**12**
Office equipment	72	72	**–**	72	72	**–**
Land						
– Operational land	13,463	–	**13,463**	13,463	–	**13,463**
– Improvements – depreciable	10	2	**7**	10	2	**7**
Buildings	220	47	**173**	220	45	**175**
Infrastructure	175,858	64,086	**111,772**	190,869	60,460	**130,410**
Other assets	17	17	**–**	17	17	**–**
Total sewerage services	**191,398**	**64,353**	**127,045**	**206,298**	**60,714**	**145,584**
TOTAL RESTRICTED I,PP&E	**301,797**	**103,508**	**198,289**	**302,324**	**97,950**	**204,374**

Note 9c. Infrastructure, property, plant and equipment – current year impairments

Council has recognised no impairment losses during the reporting period nor reversed any prior period losses.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 10a. Payables, borrowings and provisions

$ '000	Notes	2017 Current	2017 Non-current	2016 Current	2016 Non-current
Payables					
Goods and services – operating expenditure		6,413	–	4,875	–
Accrued expenses:					
– Borrowings		246	–	246	–
– Salaries and wages		–	–	720	–
– Other expenditure accruals		527	–	893	–
Security bonds, deposits and retentions		3,963	–	3,722	–
Total payables		**11,149**	**–**	**10,456**	**–**
Income received in advance					
Payments received in advance		254	–	248	–
Total income received in advance		**254**	**–**	**248**	**–**
Borrowings					
Loans – secured [1]		2,555	57,573	2,592	60,129
Total borrowings		**2,555**	**57,573**	**2,592**	**60,129**
Provisions					
Employee benefits:					
Annual leave		1,888	–	1,723	–
Long service leave		3,339	188	3,242	157
Gratuities		152	–	160	–
Sub-total – aggregate employee benefits		**5,379**	**188**	**5,125**	**157**
Asset remediation/restoration (future works)	26	–	4,869	–	5,324
Total provisions		**5,379**	**5,058**	**5,125**	**5,481**
TOTAL PAYABLES, BORROWINGS AND PROVISIONS		19,337	62,631	18,421	65,610

(i) Liabilities relating to restricted assets

	2017 Current	2017 Non-current	2016 Current	2016 Non-current
Externally restricted assets				
Sewer	1,907	44,471	1,796	46,172
Bonds and deposits	3,963	–	3,722	–
Liabilities relating to externally restricted assets	5,870	44,471	5,518	46,172
Internally restricted assets				
Nil				
Total liabilities relating to restricted assets	5,870	44,471	5,518	46,172
Total liabilities relating to unrestricted assets	13,467	18,160	12,903	19,438
TOTAL PAYABLES, BORROWINGS AND PROVISIONS	19,337	62,631	18,421	65,610

[1] Loans are secured over the general rating income of Council
Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 15.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 10a. Payables, borrowings and provisions (continued)

$ '000	Actual 2017	Actual 2016
(ii) Current liabilities not anticipated to be settled within the next twelve months		
The following liabilities, even though classified as current, are not expected to be settled in the next 12 months.		
Provisions – employees benefits	3,846	3,572
	3,846	**3,572**

Note 10b. Description of and movements in provisions

Class of provision	2016	2017				
	Opening balance as at 1/7/16	Additional provisions	Decrease due to payments	Remeasurement effects due to discounting	Unused amounts reversed	Closing balance as at 30/6/17
Annual leave	1,723	1,492	(1,327)	–	–	**1,888**
Long service leave	3,399	589	(461)	–	–	**3,527**
Gratuities	160	2	(10)	–	–	**152**
Asset remediation	5,324	(455)	–	–	–	**4,869**
TOTAL	**10,606**	**1,629**	**(1,798)**	**–**	**–**	**10,437**

a. Employees leave entitlements and on-costs represents those benefits accrued and payable and an estimate of those that will become payable in the future as a result of past service.

b. Asset remediation, reinstatement and restoration provisions represent the present value estimate of future costs Council will incur in order to remove, restore and remediate assets and/or activities as a result of past operations.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 11. Statement of cash flows – additional information

$ '000	Notes	Actual 2017	Actual 2016
(a) Reconciliation of cash assets			
Total cash and cash equivalent assets	6a	13,036	43,950
Less bank overdraft	10	–	–
Balance as per the Statement of Cash Flows		**13,036**	**43,950**
(b) Reconciliation of net operating result to cash provided from operating activities			
Net operating result from Income Statement		**21,174**	**15,974**
Adjust for non-cash items:			
Depreciation and amortisation		14,036	13,234
Net losses/(gains) on disposal of assets		2,417	(1,270)
Non-cash capital grants and contributions		(8,172)	(1,773)
Losses/(gains) recognised on fair value re-measurements through the P&L:			
– Investments classified as 'at fair value' or 'held for trading'		(14)	–
Unwinding of discount rates on reinstatement provisions		105	22
+/- Movement in operating assets and liabilities and other cash items:			
Decrease/(increase) in receivables		(899)	85
Increase/(decrease) in provision for doubtful debts		(13)	(6)
Decrease/(increase) in inventories		(42)	204
Decrease/(increase) in other assets		70	(55)
Increase/(decrease) in payables		1,538	215
Increase/(decrease) in accrued interest payable		0	(25)
Increase/(decrease) in other accrued expenses payable		(1,086)	630
Increase/(decrease) in other liabilities		247	333
Increase/(decrease) in employee leave entitlements		285	(96)
Increase/(decrease) in other provisions		(560)	(22)
Net cash provided from/(used in) operating activities from the Statement of Cash Flows		**29,085**	**27,448**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 11. Statement of cash flows – additional information (continued)

$ '000	Notes	Actual 2017	Actual 2016
(c) Non-cash investing and financing activities			
Other dedications		8,172	1,773
Total non-cash investing and financing activities		**8,172**	**1,773**
(d) Financing arrangements			
(i) Unrestricted access was available at balance date to the following lines of credit:			
Credit cards/purchase cards		165	65
Total financing arrangements		**165**	**65**
Amounts utilised as at balance date:			
– Credit cards/purchase cards		6	–
Total financing arrangements utilised		**6**	**–**

(ii) Secured loan liabilities

Loans are secured by a mortgage over future years rate revenue only.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 12. Commitments for expenditure

$ '000	Notes	Actual 2017	Actual 2016
(a) Capital commitments (exclusive of GST)			
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:			
Property, plant and equipment			
Buildings		400	122
Plant and equipment		2,919	4,853
Roads		1,691	776
Sportsfield Development		–	937
Total commitments		**5,010**	**6,688**
These expenditures are payable as follows:			
Within the next year		5,010	6,585
Later than one year and not later than 5 years		–	103
Total payable		**5,010**	**6,688**
Sources for funding of capital commitments:			
Unrestricted general funds		–	795
Sect 64 and 94 funds/reserves		4,761	–
Internally restricted reserves		249	5,893
Total sources of funding		**5,010**	**6,688**

(b) Finance lease commitments

Nil

(c) Operating lease commitments (non-cancellable)

a. Commitments under non-cancellable operating leases at the reporting date, but not recognised as liabilities are payable:

Within the next year	1,065	1,016
Later than one year and not later than 5 years	3,079	3,218
Later than 5 years	–	–
Total non-cancellable operating lease commitments	**4,144**	**4,234**

b. Non-cancellable operating leases include the following assets:
Contingent rentals may be payable depending on the condition of items or usage during the lease term.

Conditions relating to operating leases:
– All operating lease agreements are secured only against the leased asset.
– No lease agreements impose any financial restrictions on Council regarding future debt etc.

(d) Investment property commitments

Nil

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 13a(i). Statement of performance measurement – indicators (consolidated)

$ '000	Amounts 2017	Indicator 2017	Prior periods 2016	2015	Benchmark
Local government industry indicators – consolidated					
1. Operating performance ratio					
Total continuing operating revenue [1] excluding capital grants and contributions less operating expenses	4,810	5.98%	2.61%	0.26%	>0.00%
Total continuing operating revenue [1] excluding capital grants and contributions	80,376				
2. Own source operating revenue ratio					
Total continuing operating revenue [1] excluding all grants and contributions	69,106	69.70%	72.11%	72.01%	>60.00%
Total continuing operating revenue [1]	99,143				
3. Unrestricted current ratio					
Current assets less all external restrictions [2]	30,768	3.20x	2.96x	2.91x	>1.5x
Current liabilities less specific purpose liabilities [3, 4]	9,621				
4. Debt service cover ratio					
Operating result [1] before capital excluding interest and depreciation/impairment/amortisation	23,444	3.26x	2.38x	2.17x	>2x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	7,190				
5. Rates, annual charges, interest and extra charges outstanding percentage					
Rates, annual and extra charges outstanding	1,308	3.39%	4.00%	3.81%	< 5% Metro <10% Rural
Rates, annual and extra charges collectible	38,609				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits x12	76,174	14.32 mths	14.6 mths	12.6 mths	> 3 mths
Payments from cash flow of operating and financing activities	5,318				

Notes

[1] Excludes fair value adjustments and reversal of revaluation decrements, net gain/(loss) on sale of assets and the net share of interests in joint ventures and associates.

[2] Refer Notes 6-8 inclusive. Also excludes any real estate and land for resale not expected to be sold in the next 12 months.

[3] Refer to Note 10(a).

[4] Refer to Note 10(a)(ii) – excludes all payables and provisions not expected to be paid in the next 12 months (incl. ELE).

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 13a(ii). Local government industry indicators – graphs (consolidated)



Purpose of operating performance ratio	Commentary on 2016/17 result
This ratio measures Council's achievement of containing operating expenditure within operating revenue.	**2016/17 ratio 5.98%** This ratio demonstrates Council is currently now generating sufficient operating revenue to cover operating expenditure. The trend of the ratio demonstrates Council is continuing to improve. The result for 2017 though is postively influenced by 50% advance payment of the 2017/2018 Financial Assistance Grant. New paid parking revenue is also influencing positively.

Benchmark: ——— Minimum >=0.00%
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

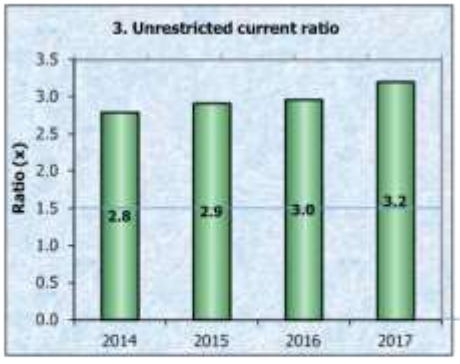
Ratio achieves benchmark
Ratio is outside benchmark



Purpose of own source operating revenue ratio	Commentary on 2016/17 result
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.	**2016/17 ratio 69.70%** The trend is indicating Council is maintaining a relatively consistent revenue base from its own sources but is looking over time to increase this ratio to be more self reliant as part of its financial sustainability

Benchmark: ——— Minimum >=60.00%
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio achieves benchmark
Ratio is outside benchmark



Purpose of unrestricted current ratio	Commentary on 2016/17 result
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.	**2016/17 ratio 3.20x** This ratio identifies that Council's short term liquidity is strong and remaining stable at twice the benchmark. It also needs to be considered in conjunction with Note 13(b) which illustrates this ratio on a funds by find basis.

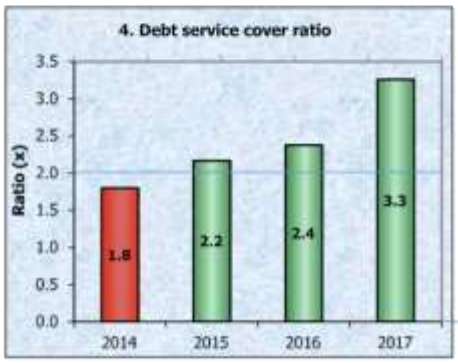
Benchmark: ——— Minimum >=1.50
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio achieves benchmark
Ratio is outside benchmark

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 13a(ii). Local government industry indicators – graphs (consolidated)



Purpose of debt service cover ratio	Commentary on 2016/17 result
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments	**2016/17 ratio 3.26x** This ratio is improving on trend indicating that Council is gaining greater capacity to take on additional debt. It is important though to realise that Council must be able to fund any additional debt repayments in consideration of all services and priorities it determines within its budget.

Benchmark: ——— Minimum >=2.00
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

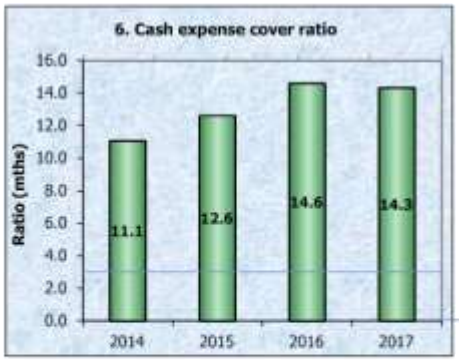
Ratio achieves benchmark
Ratio is outside benchmark



Purpose of rates and annual charges outstanding ratio	Commentary on 2016/17 result
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.	**2016/17 ratio 3.39%** Given the current economic enviornment, the percentage outstanding has improved compared to the previous year. The result is acceptable within the benchmark and reflects Council's ongoing debt recovery activity.

Benchmark: ——— Maximum <5.00%
Source for Benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio is within Benchmark
Ratio is outside Benchmark



Purpose of cash expense cover ratio	Commentary on 2016/17 result
This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.	**2016/17 ratio 14.32 mths** As another measure of short term liquidity, this ratio trend indicates that Council's short term liquidity is strong and has remained stable in relation to the previous finacial year.

Benchmark: ——— Minimum >=3.00
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio achieves benchmark
Ratio is outside benchmark

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 13b. Statement of performance measurement – indicators (by fund)

$ '000	General indicators [5] 2017	General indicators [5] 2016	Water indicators 2017	Water indicators 2016	Sewer indicators 2017	Sewer indicators 2016	Benchmark
Local government industry indicators – by fund							
1. Operating performance ratio							
Total continuing operating revenue [1] excluding capital grants and contributions less operating expenses / Total continuing operating revenue [1] excluding capital grants and contributions	**4.31%**	2.69%	**13.85%**	5.24%	**6.94%**	0.72%	>0.00%
2. Own source operating revenue ratio							
Total continuing operating revenue [1] excluding capital grants and contributions / Total continuing operating revenue [1]	**63.59%**	68.52%	**89.41%**	86.89%	**80.34%**	75.45%	>60.00%
3. Unrestricted current ratio							
Current assets less all external restrictions [2] / Current liabilities less specific purpose liabilities [3, 4]	**3.20x**	2.96x	**No liabilities**	No liabilities	**5.35x**	4.43x	>1.5x

Notes

[1] - [4] Refer to Notes at Note 13a(i) above.

[5] General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 13b. Statement of performance measurement – indicators (by fund) (continued)

$ '000	General indicators [5] 2017	General indicators [5] 2016	Water indicators 2017	Water indicators 2016	Sewer indicators 2017	Sewer indicators 2016	Benchmark
Local government industry indicators – by fund (continued)							
4. Debt service cover ratio							
Operating result [1] before capital excluding interest and depreciation/impairment/amortisation / Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	**7.21x**	4.15x	**0.00x**	0.00x	**1.25x**	1.06x	>2x
5. Rates, annual charges, interest and extra charges outstanding percentage							
Rates, annual and extra charges outstanding / Rates, annual and extra charges collectible	**3.13%**	3.87%	**3.82%**	4.14%	**3.94%**	4.28%	< 5% Metro <10% Rural
6. Cash expense cover ratio							
Current year's cash and cash equivalents plus all term deposits / Payments from cash flow of operating and financing activities x12	**12.91 months**	13.68 months	**19.44 months**	22.02 months	**16.25 months**	13.54 months	> 3 months

Notes

(1) Refer to Notes at Note 13a(i) above.

(5) General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 14. Investment properties

$ '000

Council has not classified any land or buildings as 'investment properties'.

Note 15. Financial risk management

Risk management

Council's activities expose it to a variety of financial risks including **(1)** price risk, **(2)** credit risk, **(3)** liquidity risk and **(4)** interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

	Carrying value		Fair value	
	2017	2016	2017	2016
Financial assets				
Cash and cash equivalents	13,036	43,950	13,036	43,950
Investments				
– 'Designated at fair value on initial recognition'	65,803	35,539	65,803	35,539
Receivables	10,308	9,186	10,241	8,705
Total financial assets	**89,148**	**88,675**	**89,080**	**88,194**
Financial liabilities				
Payables	11,149	10,456	11,131	9,969
Loans/advances	60,129	62,721	74,236	76,552
Total financial liabilities	**71,277**	**73,177**	**85,367**	**86,521**

Fair value is determined as follows:

– **Cash** and **cash equivalents**, **receivables**, **payables** – are estimated to be the carrying value that approximates market value.

– **Borrowings** and **held-to-maturity** investments – are based upon estimated future cash flows discounted by the current mkt interest rates applicable to assets and liabilities with similar risk profiles, unless quoted market prices are available.

– Financial assets classified (i) '**at fair value through profit and loss**' or (ii) '**available-for-sale**' – are based upon quoted market prices (in active markets for identical investments) at the reporting date or independent valuation.

Refer to Note 27. Fair value measurement for information regarding the fair value of financial assets and liabilities.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 15. Financial risk management (continued)

$ '000

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the *Local Government Act 1993* and Minister's investment order. This policy is regularly reviewed by Council and it's staff and an investment report is tabled before Council on a monthly basis setting out the portfolio breakup and its performance.

The risks associated with the investments held are:

– **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.

– **Interest rate risk** – the risk that movements in interest rates could affect returns and income.

– **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

Council also seeks advice from independent advisers before placing any funds in cash equivalents and investments.

(a) Market risk – price risk and interest rate risk

The following represents a summary of the sensitivity of Council's Income Statement and accumulated surplus (for the reporting period) due to a change in either the price of a financial asset or the interest rates applicable.

It is assumed that the change in interest rates would have been constant throughout the reporting period.

	Increase of values/rates		Decrease of values/rates	
2017	**Profit**	**Equity**	**Profit**	**Equity**
Possible impact of a 10% movement in market values	266	266	(266)	(266)
Possible impact of a 1% movement in interest rates	910	910	(910)	(910)
2016				
Possible impact of a 10% movement in market values	52	52	(52)	(52)
Possible impact of a 1% movement in interest rates	780	780	(780)	(780)

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 15. Financial risk management (continued)

$ '000

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

The major risk associated with these receivables is credit risk – the risk that debts due and payable to Council may not be repaid in full.

Council manages this risk by monitoring outstanding debt and employing stringent debt recovery procedures. It also encourages ratepayers to pay their rates by the due date through incentives.

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

The level of outstanding receivables is reported to Council monthly and benchmarks are set and monitored for acceptable collection performance.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

A profile of Council's receivables credit risk at balance date follows:

	2017 Rates and annual charges	2017 Other receivables	2016 Rates and annual charges	2016 Other receivables
(i) Ageing of receivables – %				
Current (not yet overdue)	85%	91%	58%	90%
Overdue	15%	9%	42%	10%
	100%	**100%**	**100%**	**100%**

(ii) Ageing of receivables – value		Rates and annual charges	Other receivables	Rates and annual charges	Other receivables
Rates and annual charges	**Other receivables**				
Current	Current	936	8,417	769	7,191
< 1 year overdue	0 – 30 days overdue	29	82	214	64
1 – 2 years overdue	31 – 60 days overdue	46	27	136	35
2 – 5 years overdue	61 – 90 days overdue	55	105	164	(14)
> 5 years overdue	> 91 days overdue	36	630	52	644
		1,102	**9,261**	**1,335**	**7,919**

(iii) Movement in provision for impairment of receivables	2017	2016
Balance at the beginning of the year	68	74
+ new provisions recognised during the year	1	1
– amounts already provided for and written off this year	(15)	(10)
– amounts provided for but recovered during the year	1	3
Balance at the end of the year	**55**	**68**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 15. Financial risk management (continued)

$ '000

(c) Liquidity risk

Payables and borrowings are both subject to liquidity risk – the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer.

Payment terms can (in extenuating circumstances) also be extended and overdraft facilities utilised as required.

The contractual undiscounted cash outflows (ie. principal and interest) of Council's payables and borrowings are set out in the maturity table below:

$ '000	Subject to no maturity	payable in: ≤ 1 Year	1-2 Yrs	2-3 Yrs	3-4 Yrs	4-5 Yrs	> 5 Yrs	Total cash outflows	Actual carrying values
2017									
Trade/other payables	3,963	7,168	–	–	–	–	–	11,131	**11,149**
Loans and advances	–	3,700	3,671	3,465	3,267	3,853	70,535	88,491	**60,129**
Total financial liabilities	3,963	10,868	3,671	3,465	3,267	3,853	70,535	99,622	71,277
2016									
Trade/other payables	**3,722**	**6,734**	–	–	–	–	–	**10,456**	10,456
Loans and advances	–	**4,078**	**7,349**	**6,650**	**7,500**	**3,791**	**65,217**	**94,585**	62,721
Total financial liabilities	3,722	10,812	7,349	6,650	7,500	3,791	65,217	105,041	73,177

Borrowings are also subject to interest rate risk – the risk that movements in interest rates could adversely affect funding costs and debt servicing requirements. Council manages this risk through the diversification of borrowing types, maturities and interest rate structures.

The following interest rates were applicable to Council's borrowings at balance date:	2017 Carrying value	2017 Average interest rate	2016 Carrying value	2016 Average interest rate
Trade/other payables	11,149	0.00%	10,456	0.00%
Loans and advances – fixed interest rate	60,129	7.29%	62,721	7.27%
	71,277		73,177	

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 16. Material budget variations

$ '000

Council's original financial budget for 16/17 was adopted by the Council on 29 June 2016.

While the Income Statement included in this General Purpose Financial Report must disclose the original budget adopted by Council, the *Local Government Act 1993* requires Council to review its financial budget on a quarterly basis, so that it is able to manage the various variations between actuals versus budget that invariably occur throughout the year.

This note sets out the details of **material variations** between Council's original budget and its actual results for the year as per the Income Statement – even though such variations may have been adjusted for during each quarterly budget review.

Note that for variations* of budget to actual :
Material variations represent those variances that amount to **10%** or more of the original budgeted figure.
F = Favourable budget variation, U = Unfavourable budget variation

$ '000	2017 Budget	2017 Actual	2017 Variance*		
REVENUES					
Rates and annual charges	36,746	36,968	222	1%	F
User charges and fees	25,655	28,460	2,805	11%	F
Additional Revenues were received for:- $918k Paid Parking, $601k Holiday Parks, Waste Charges $383k, Health Fees $308k, Water User Charges $145k, Public Hall Revenues $98k and Property Rentals and Leases $194k over and above revenues included for these items in the original 2017 adopted budget.					
Interest and investment revenue	1,697	2,373	676	40%	F
Interest on investment revenue exceeded the original budget estimate due to Councils overall cash position not reducing as expected, allowing additional funds to be invested and remain invested.					
Other revenues	1,532	1,320	(212)	(14%)	U
Council's revenue from infringement notices was $88k lower then originally estimated. Council also expected other revenues of $15k form Compliance Activities that did not occur. Council had budgeted $73.8k for Organics Collection System funding as Other revenues in the 2017 Budget but should have been an operating grant.					
Operating grants and contributions	5,503	11,270	5,768	105%	F
Council received 50% ($1.478 million) of the 2017/18 Financial Assistance Grant in June 2017 in advance. Council recognised $2.494 million in Roads to Recovery Grant that is treated as operating grant whereas the budget estimate was treated as capital grant given Council applies the funds to capital works. Council, also received additional Library funding of $37k, Waste Management grants of $194k, Economic Development grants of $212k and $1.113million of other road grants and contributions not budgeted in the original budget estimate.					
Capital grants and contributions	19,043	18,767	(276)	(1%)	U

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 16. Material budget variations (continued)

$ '000	2017 Budget	2017 Actual	2017 Variance*		
EXPENSES					
Employee benefits and on-costs	21,622	21,575	47	0%	F
Borrowing costs	4,572	4,598	(26)	(1%)	U
Materials and contracts	27,638	29,378	(1,740)	(6%)	U
Depreciation and amortisation	12,515	14,036	(1,521)	(12%)	U
Increased depreciation against the budget largely due to the effect of the Buildings, Other Structures and Open Space revaluation in 2016 that was not in the original 2017 adopted budget. Due to an increase against the cost of restoration liabilities in 2016 and an adjustment in useful life increased the Tip and Quarry depreciation expense by $275k and $256k respectively that was not included in the original 2017 adopted budget.					
Other expenses	4,735	5,979	(1,245)	(26%)	U
Council had budgeted for electricty costs as materials and contracts in the 2017 original budget but this expense is disclosed as other expenses in the financial statements. Council's expenditure for electricity was $1.241million.					
Net losses from disposal of assets	–	2,417	(2,417)	0%	U
Council does not budget for any expenditure resulting from the disposal of assets.					
Budget variations relating to Council's Cash Flow Statement include:					
Cash flows from operating activities	31,609	29,085	(2,524)	(8.0%)	U
Cash flows from investing activities	(50,487)	(57,407)	(6,920)	13.7%	U
Council had originally budgeted in 2017 to sell land assets for $1.673million. This did not occur. Council had budgeted $52.16million for capital works for 2017 but in cash terms completed $27.498million. The major vairance in tet terms of approx $30million (not budgeted) is the purchase of investment securities. This represents Council investing longer term into higher yielding investments in a low interest rate environment.					
Cash flows from financing activities	(2,664)	(2,592)	72	(2.7%)	F

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions

$ '000

Council recovers contributions, raises levies and enters into planning agreements on development works that are subject to a development consent issued by Council. All contributions must be spent/utilised for the specific purpose they were levied and any interest applicable to unspent funds must be attributed to remaining funds.

The following tables detail the receipt, interest and use of the above contributions and levies and the value of all remaining funds which are 'restricted' in their future use.

SUMMARY OF CONTRIBUTIONS AND LEVIES

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Urban roads	7,776	277	–	203	(644)	–	7,612	–
Rural roads	1,179	298	–	37	(122)	–	1,393	–
Cycleways	1,307	146	–	37	(100)	–	1,391	–
Carparking	2,336	41	–	39	(963)	–	1,453	–
Open space	5,716	536	–	106	(2,405)	–	3,954	–
Community facilities	1,587	246	–	43	(266)	–	1,610	–
Civic and urban improvements	1,617	20	–	40	(188)	–	1,490	–
Shire support services	227	7	–	6	–	–	240	–
Administration	309	148	–	9	(134)	–	331	–
Section 94 A levy	724	78	–	15	(260)	–	556	–
S94 contributions – under a plan	**22,779**	**1,797**	**–**	**535**	**(5,082)**	**–**	**20,030**	**–**
Total S94 revenue under plans	**22,779**	**1,797**	**–**	**535**	**(5,082)**	**–**	**20,030**	**–**
S64 contributions	19,309	4,128	–	434	(7,595)	–	16,275	
Total contributions	**42,088**	**5,925**	**–**	**969**	**(12,677)**	**–**	**36,305**	**–**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions (continued)

$ '000

S94 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN NUMBER 1 - OPEN SPACE

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Byron Bay	475	242	–	17	(90)	–	645	–
Mullumbimby	397	95	–	11	(96)	–	406	–
Bangalow	331	19	–	9	(26)	–	333	–
Suffolk Park	1,903	–	–	22	(1,087)	–	838	–
Brunswick Heads	70	20	–	2	–	–	93	–
Ocean Shores	207	28	–	6	(41)	–	199	–
Shire Wide	2,248	131	–	36	(1,065)	–	1,351	–
Rural North	38	1	–	1	–	–	40	–
Rural South	47	1	–	1	–	–	49	–
Total	**5,716**	**536**	**–**	**106**	**(2,405)**	**–**	**3,954**	**–**

CONTRIBUTION PLAN NUMBER 2 - COMMUNITY FACILITIES

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Byron Bay	472	60	–	13	(39)	–	506	–
Mullumbimby	23	4	–	–	(28)	–	(1)	–
Bangalow	147	7	–	4	–	–	159	–
Brunswick Heads	3	5	–	0	–	–	8	–
Ocean Shores	137	24	–	1	(121)	–	41	–
Shire Wide	678	145	–	21	(70)	–	774	–
Rural North	16	1	–	0	–	–	17	–
Rural South	111	1	–	3	(8)	–	107	–
Total	**1,587**	**246**	**–**	**43**	**(266)**	**–**	**1,610**	**–**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions (continued)

$ '000

S94 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN NUMBER 3 - CYCLEWAYS

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Byron Bay	582	64	–	15	(90)	–	571	–
Mullumbimby	144	45	–	5	–	–	194	–
Bangalow	233	16	–	7	(8)	–	248	–
Brunswick Heads	5	3	–	0	–	–	8	–
Ocean Shores	142	8	–	4	(2)	–	152	–
Shire Wide	104	1	–	0	–	–	105	–
Rural North	13	1	–	2	–	–	16	–
Rural South	85	9	–	3	–	–	97	–
Total	**1,307**	**146**	**–**	**37**	**(100)**	**–**	**1,391**	**–**

CONTRIBUTION PLAN NUMBER 4 - SHIRE SUPPORT SERVICES

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Byron Bay	18	0	–	0	–	–	19	–
Mullumbimby	12	–	–	0	–	–	13	–
Bangalow	3	0	–	0	–	–	4	–
Ocean Shores	5	0	–	0	–	–	6	–
Rural North	12	5	–	0	–	–	17	–
Rural South	136	2	–	4	–	–	142	–
Shire Rural	39	–	–	1	–	–	40	–
Brunswick Heads	1	–	–	0	–	–	1	–
Total	**227**	**7**	**–**	**6**	**–**	**–**	**240**	**–**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions (continued)

$ '000

S94 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN NUMBER 5 - CARPARKING

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Byron Bay	2,093	41	–	33	(913)	–	1,255	–
Mullumbimby	5	–	–	0	–	–	6	–
Bangalow	2	–	–	–	(21)	–	(20)	–
Brunswick Heads	236	–	–	6	(29)	–	212	–
Broken Head Hall	0	–	–	0	–	–	0	–
Total	**2,336**	**41**	**–**	**39**	**(963)**	**–**	**1,453**	**–**

CONTRIBUTION PLAN NUMBER 6 - URBAN ROADS

PURPOSE	Opening balance	Contributions received during the year Cash	Contributions received during the year Non-cash	Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
Byron Bay	5,379	194	–	140	(470)	–	5,242	–
Mullumbimby	502	21	–	14	(20)	–	517	–
Bangalow	1,144	41	–	32	–	–	1,217	–
Brunswick Heads	111	12	–	3	–	–	126	–
Ocean Shores	198	1	–	1	(154)	–	46	–
Batson Quarry	442	9	–	12	–	–	463	–
Total	**7,776**	**277**	**–**	**203**	**(644)**	**–**	**7,612**	**–**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions (continued)

$ '000

S94 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN NUMBER 7 - RURAL ROADS

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Shire Rural	77	26	–	3	–	–	106	–
Mudges Quarry	16	–	–	0	–	–	17	–
Leela Quarry	4	–	–	0	–	–	4	–
Myocum Quarry (Council)	16	–	–	0	–	–	17	–
Rural North	163	124	–	5	(122)	–	170	–
Rural South	903	148	–	29	–	–	1,079	–
Total	**1,179**	**298**	**–**	**37**	**(122)**	**–**	**1,393**	**–**

CONTRIBUTION PLAN NUMBER 8 - CIVIC AND URBAN IMPROVEMENTS

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Byron Bay	1,147	16	–	27	(188)	–	1,002	–
Mullumbimby	96	–	–	3	–	–	99	–
Bangalow	170	3	–	5	–	–	177	–
Brunswick Heads	13	–	–	0	–	–	13	–
Ocean Shores	122	0	–	3	–	–	126	–
Rural North	25	1	–	1	–	–	26	–
Rural South	44	1	–	1	–	–	46	–
Total	**1,617**	**20**	**–**	**40**	**(188)**	**–**	**1,490**	**–**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions (continued)

$ '000

S94 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN NUMBER 9 - ADMINISTRATION

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Shire Wide	309	148	–	9	(134)	–	331	–
Total	**309**	**148**	–	**9**	**(134)**	–	**331**	–

CONTRIBUTION PLAN NUMBER 10 - SECTION 94 A LEVY

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Shire Wide	724	78	–	15	(260)	–	556	–
Total	**724**	**78**	–	**15**	**(260)**	–	**556**	–

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 17. Statement of developer contributions (continued)

$ '000

S64 contributions

CONTRIBUTION PLAN NUMBER 10 - WATER SUPPLY SERVICES

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Byron, Bang, Burns, O/Shires	9,060	405	–	178	(4,761)	–	4,882	–
Mullumbimby	1,489	472	–	1	(152)	–	1,810	–
Total	**10,549**	**877**	**–**	**178**	**(4,912)**	**–**	**6,692**	**–**

CONTRIBUTION PLAN NUMBER 11 - SEWERAGE SERVICES

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Bangalow	1,491	180	–	43	(90)	–	1,625	–
Byron Bay	7,268	3,071	–	212	(2,593)	–	7,958	–
Total	**8,760**	**3,251**	**–**	**256**	**(2,683)**	**–**	**9,583**	**–**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 18. Contingencies and other assets/liabilities not recognised

$ '000

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, but their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED:

1. Guarantees

(i) Defined benefit superannuation contribution plans

Council participates in a defined benefits superannuation scheme called the Local Government Superannuation Scheme - Pool B (Scheme). Pooled Employers from a sub-group of the Scheme with over 170 employers supporting over 9,300 employees and ex-employees.

The Scheme is considered to be a defined benefit multi-employer plan for the following reasons:

1. Assets are not segregated within the sub-group according to the employees of each sponsoring employer.

2. The contribution rates have been the same for all sponsoring employers. That is, contribution rates have not varied for each sponsoring employer according to the experience relating ti the employees of that sponsoring employer.

3. Benefits for employees of all sponsoring employers are determined according to the same formulae and without regard to the sponsoring employer.

4. The same actuarial assumptions are currently used in respect of the employees of each sponsoring employer.

Pooled Employers are required to pay standard employer contributions and additional lump sum contributions to the Scheme.

LIABILITIES NOT RECOGNISED (continued):

1. Guarantees (continued)

(i) Defined Benefit Superannuation Contribution Plans (continued)

The estimated employer reserves financial position for the Pooled Employers at 30 June 2017 is:

Assets $1,754.4 million.

Vesting Benefits $1,775.9 million

The asset coverage of vested benefits is 98.8%

The key economic long term assumptions used to calculate the present value of accrued benefits are:

Investment return 6.5% per annum
Salary inflation plus promotional increases 3.5% p.a
Increase in CPI 2.5% per annum

The contribution requirements may vary from the current rates if the overall sub-group experience is not in line with the actuarial assumptions in determining the funding program; however, any adjustment to the funding program would be the same for all sponsoring employers in the Pooled Employers.

The implications are that additional contributions are estimated to remain in place until 30 June 2020 (ie $471,000 additional contributions remaining.

It is estimated that Council's level of participation in the Scheme compared with other participating Pooled Employers is approximately 0.32%.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 18. Contingencies and other assets/liabilities not recognised (continued)

$ '000

LIABILITIES NOT RECOGNISED (continued):

(ii) Statewide Limited

Council is a member of Statewide Mutual, a mutual pool scheme providing liability insurance to Local Government.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the Net Assets or Liabilities reflects Councils contributions to the pool and the result of insurance claims within each of the Fund Years.

The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(iii) StateCover Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW Local Government Industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the Company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of Net Assets in accordance with its Licence Requirements.

(iv) Other Guarantees

Council has provided no other Guarantees other than those listed above.

2. Other Liabilities

(i) Third Party Claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services.

Council believes that it is appropriately covered for all claims through its Insurance Coverage and does not expect any material liabilities to eventuate.

(ii) S94 Plans

Council levies Section 94/94A Contributions upon various development across the Council area through the required Contributions Plans.

As part of these Plans, Council has received funds for which it will be required to expend the monies in accordance with those Plans.

As well, these Plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making levies and receipting funds in future years or where a shortfall exists by the use of Council's General Funds.

These future expenses do not yet qualify as liabilities as of the Reporting Date, but represent Councils intention to spend funds in the manner and timing set out in those Plans.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 18. Contingencies and other assets/liabilities not recognised (continued)

$ '000

ASSETS NOT RECOGNISED:

(i) Land Under Roads

As permitted under AASB 1051, Council has elected not to bring to account Land Under Roads that it owned or controlled up to & including 30/6/08.

(ii) Infringement Notices/Fines

Fines & Penalty Income, the result of Council issuing Infringement Notices is followed up and collected by the Infringement Processing Bureau.

Councils Revenue Recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at Year End, there is a potential asset due to Council representing issued but unpaid Infringement Notices.

Due to the limited information available on the status, value and duration of outstanding Notices, Council is unable to determine the value of outstanding income.

(iii) Richmond Tweed Regional Library

Council together with other local government authorities operate a regional facility known as the Richmond-Tweed Regional Library.

Annually, Councils contribute to fund its activities based on a formula. In the event that Council wishes to withdraw from the arrangement, Council will receive its attributable share of assets and liabilities.

(iv) Natural Disaster Claims

In March 2017, the Byron Shire experienced a flood event triggered by ex-Tropical Cyclone Debbie which damaged a portion of infrastructure and other essential public assets. These assets continue to be functional with an immaterial value of assets being impaired.

Council has lodged a claim with the NSW Government for funding under the Natural Disaster Assistance Scheme for $4.46million to assist with restoring services and damaged infrastructure and other assets. Council anticipates that this funding application will be approved and repairs and remediation works will be conducted in the 2018 financial year.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 19. Interests in other entities

$ '000

Council's objectives can and in some cases are best met through the use of separate entities and operations.

These operations and entities range from 100% ownership and control through to lower levels of ownership and control via co-operative arrangements with other councils, bodies and other outside organisations.

The accounting and reporting for these various entities, operations and arrangements varies in accordance with accounting standards, depending on the level of council's (i) interest and (ii) control and the type (form) of entity/operation, as follows;

Controlled entities (subsidiaries) *Note 19(a)*
Operational arrangements where Council's control (but not necessarily interest) exceeds 50%.

Joint ventures and associates *Note 19(b)*
Joint ventures are operational arrangements where the parties that have joint control have rights to the net assets of the arrangement.
Associates are separate entities where Council has significant influence over the operations (but neither controls nor jointly controls them).

Joint operations *Note 19(c)*
Operational arrangements where the parties that have joint control have rights to specific assets and obligations for specific liabilities relating to the arrangement rather than a right to the net assets of the arrangement.

Unconsolidated structured entities *Note 19(d)*
Unconsolidated structured entities represent "special vehicles" that Council has an interest in but which are not controlled by Council and therefore not consolidated as a subsidiary, joint arrangement or associate. Attributes of structured entities include restricted activities, a narrow and well-defined objective and insufficient equity to finance its activities without financial support.

Subsidiaries, joint arrangements and associates not recognised *Note 19(e)*

(a) Controlled entities (subsidiaries) – being entities and operations controlled by Council

Council has no interest in any controlled entities (subsidiaries).

(b) Joint ventures and associates

Council has no interest in any joint ventures or associates.

(c) Joint operations

Council has no interest in any joint operations.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 19. Interests in other entities (continued)

$ '000

(d) Unconsolidated structured entities

Council has no unconsolidated structured entities

(e) Subsidiaries, joint arrangements and associates not recognised

The following subsidiaries, joint arrangements and associates have not been recognised in this financial report.

Name of entity/operation	Principal activity/type of entity	2017 Net profit	2017 Net assets
North East Weight Loads Group	To reduce road damage caused by traffic weight loads	(3)	19

Reasons for non-recognition
Council is entitled to 1/8th share of the net assets of North East Weight of Loads Group. At 30 June 2017, in accordance with AASB 1031 Materiality, Council has made the judgement its entitlement to the net assets is not material and therefore not recoginsed.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 20. Retained earnings, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors

$ '000	Notes	Actual 2017	Actual 2016
(a) Retained earnings			
Movements in retained earnings were as follows:			
Balance at beginning of year (from previous years audited accounts)		474,474	458,500
a. Correction of prior period errors	20 (c)	27,593	27,593
b. Net operating result for the year		21,174	15,974
Balance at end of the reporting period		523,242	502,067
(b) Revaluation reserves			
(i) Reserves are represented by:			
– Infrastructure, property, plant and equipment revaluation reserve		248,708	252,309
Total		**248,708**	**252,309**
(ii) Reconciliation of movements in reserves:			
Infrastructure, property, plant and equipment revaluation reserve			
– Opening balance		252,309	218,613
– Revaluations for the year	9(a)	(4,162)	38,333
– Reassessment of Provision for Rehab of Landfill and Quarry		560	(4,637)
– Balance at end of year		**248,708**	**252,309**
TOTAL VALUE OF RESERVES		**248,708**	**252,309**

(iii) Nature and purpose of reserves

Infrastructure, property, plant and equipment revaluation reserve
– The infrastructure, property, plant and equipment revaluation reserve is used to record increments/decrements of non-current asset values due to their revaluation.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 20. Retained earnings, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors (continued)

$ '000	Notes	Actual 2017	Actual 2016
(c) Correction of error/s relating to a previous reporting period			
Correction of errors disclosed in this year's financial statements:			
During the 2017 financial year, Council undertook a comprehensive revaluation of Community Land. The revaluation process identified land controlled by Council that had not been recognised in the financial report in prior years. The majority of the land not previously recognised is controlled by Council as its appointment as Trust Manager. The value of land not previously recognised is $27,593,000 and has been recognised as an adjustments to retained earnings and Community Land Assets as at 1 July 2015.		27,593	–
Correction of errors as disclosed in last year's financial statements:			
Since the last revaluation of Operational Land, Council as part of of the revaluation for this financial year identified an additional 17 parcels of land. These parcels were identified via an internal audit and also through changes of ownership to Council. This has resulted in a change to opening equity of $3,421,000 which has influenced the retained earnings opening balance.		–	3,421
In accordance with AASB 108 – Accounting Policies, Changes in Accounting Estimates and Errors, the above prior period errors have been recognised retrospectively.			
These amounted to the following equity adjustments:			
– Adjustments to opening equity – 1/7/15 (relating to adjustments for the 30/6/15 reporting year end and prior periods)		27,593	3,421
– Adjustments to closing equity – 30/6/16 (relating to adjustments for the 30/6/16 year end)		–	–
Total prior period adjustments – prior period errors		**27,593**	**3,421**

(d) Voluntary changes in accounting policies

Council made no voluntary changes in any accounting policies during the year.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 21. Financial result and financial position by fund

Income Statement by fund $ '000	Actual 2017	Actual 2017	Actual 2017
Continuing operations	**Water**	**Sewer**	**General[1]**
Income from continuing operations			
Rates and annual charges	2,257	10,159	25,244
User charges and fees	7,031	5,157	17,211
Interest and investment revenue	411	332	1,630
Other revenues	–	–	1,320
Grants and contributions provided for operating purposes	73	76	11,121
Grants and contributions provided for capital purposes	1,076	3,753	13,938
Total income from continuing operations	**10,848**	**19,477**	**70,464**
Expenses from continuing operations			
Employee benefits and on-costs	971	2,390	18,214
Borrowing costs	–	3,476	1,122
Materials and contracts	2,331	5,506	23,172
Depreciation and amortisation	1,209	3,218	9,609
Impairment	–	–	–
Other expenses	3,908	42	2,029
Net losses from the disposal of assets	48	11	2,358
Share of interests in joint ventures and associates using the equity method	–	–	–
Total expenses from continuing operations	**8,467**	**14,643**	**56,504**
Operating result from continuing operations	2,381	4,834	13,959
Discontinued operations			
Net profit/(loss) from discontinued operations	–	–	–
Net operating result for the year	2,381	4,834	13,959
Net operating result attributable to each council fund	2,381	4,834	13,959
Net operating result attributable to non-controlling interests	–	–	–
Net operating result for the year before grants and contributions provided for capital purposes	1,305	1,081	21

[1] General fund refers to all Council's activities other than Water and Sewer.
NB. All amounts disclosed above are gross – that is, they include internal charges and recoveries made between the funds.

Byron Shire Council

Notes to the Financial Statements
as at 30 June 2017

Note 21. Financial result and financial position by fund (continued)

Statement of Financial Position by fund $ '000	Actual 2017	Actual 2017	Actual 2017
ASSETS	**Water**	**Sewer**	**General**[1]
Current assets			
Cash and cash equivalents	–	–	13,036
Investments	11,646	17,784	33,708
Receivables	2,032	1,992	5,924
Inventories	–	–	407
Other	–	–	17
Total current assets	13,678	19,776	55,523
Non-current assets			
Investments	–	–	2,665
Receivables	–	–	361
Infrastructure, property, plant and equipment	71,244	127,045	563,625
Total non-current assets	71,244	127,045	566,651
TOTAL ASSETS	**84,922**	**146,821**	**622,174**
LIABILITIES			
Current liabilities			
Payables	–	207	10,942
Income received in advance	–	–	254
Borrowings	–	1,700	855
Provisions	–	–	5,379
Total current liabilities	–	1,907	17,430
Non-current liabilities			
Borrowings	–	44,471	13,102
Provisions	–	–	5,058
Total non-current liabilities	–	44,471	18,160
TOTAL LIABILITIES	–	**46,378**	**35,590**
Net assets	**84,922**	**100,443**	**586,585**
EQUITY			
Retained earnings	41,556	88,450	393,236
Revaluation reserves	43,366	11,993	193,349
Other reserves	–	–	–
Council equity interest	**84,922**	**100,443**	**586,584**
Non-controlling interests	–	–	–
Total equity	**84,922**	**100,443**	**586,584**

[1] General Fund refers to all Council's activities other than Water and Sewer.
NB. All amounts disclosed above are gross – that is, they include internal receivables and payables between the funds.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 22. 'Held for sale' non-current assets and disposal groups

$ '000	2017 Current	2017 Non-current	2016 Current	2016 Non-current
(i) Non-current assets and disposal group assets				
Non-current assets 'held for sale'				
Land	2,432	–	–	–
Total non-current assets 'held for sale'	**2,432**	**–**	**–**	**–**
Disposal group assets 'held for sale'				
None				
TOTAL NON-CURRENT ASSETS CLASSIFIED AS 'HELD FOR SALE'	2,432	–	–	–

(ii) Details of assets and disposal groups

Council has two lots of operational land that it has resolved to sell. It is expected the sale of these two lotss will occur during the 2017/2018 financial year.

(iii) Disposal group liabilities

Nil

$ '000	Assets 'held for sale' 2017	Assets 'held for sale' 2016
(iv) Reconciliation of non-current assets 'held for sale'		
Opening balance	–	–
Plus new transfers in:		
– Assets 'held for sale'	2,432	–
Closing balance of 'held for sale' non-current assets and operations	2,432	–

Refer to Note 27. Fair value measurement for fair value measurement information.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 23. Events occurring after the reporting date

$ '000

Events that occur between the end of the reporting period (30 June 2017) and the date when the financial statements are 'authorised for issue' have been taken into account in preparing these statements.

Council has adopted the date of receipt of the Auditors' Report as the applicable 'authorised for issue' date relating to these General Purpose Financial Statements.

Accordingly, the 'authorised for issue' date is 26/10/17.

Events that occur after the reporting period represent one of two types:

(i) Events that provide evidence of conditions that existed at the reporting period

These financial statements (and the figures therein) incorporate all 'adjusting events' that provided evidence of conditions that existed at 30 June 2017.

(ii) Events that provide evidence of conditions that arose after the reporting period

These financial statements (and figures therein) do not incorporate any 'non-adjusting events' that have occurred after 30 June 2017 and which are only indicative of conditions that arose after 30 June 2017.

Council is unaware of any material or significant 'non-adjusting events' that should be disclosed.

Note 24. Discontinued operations

Council has not classified any of its operations as 'discontinued'.

Note 25. Intangible assets

Intangible assets represent identifiable non-monetary assets without physical substance.

Council is unaware of any control over intangible assets that warrant recognition in the financial statements, including either internally generated and developed assets or purchased assets.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 26. Reinstatement, rehabilitation and restoration liabilities

$ '000

Council has legal/public obligations to make restore, rehabilitate and reinstate the following assets/operations:

Asset/operation	Estimated year of restoration		NPV of provision 2017	2016
Myocum tip site	2026		2,521	2,757
Myocum quarry site	2026		2,348	2,567
Balance at end of the reporting period		10(a)	4,869	5,324

Under AASB 116 – Property, Plant and Equipment, where the use of an asset results in the obligation to dismant or remove the asset and restore the site on which the asset stands, an estimate of such costs is required to be included in the cost of the asset.

An equivalent liability must be recognised under AASB 137 – Provisions, Contingent Liabilities and Contingent Assets.

The provision has been calculated by determining the present value of the future expenditures expected to be incurred. The discount rate used is the risk free borrowing rate applicable to Council.

Specific uncertainties relating to the final costs and the assumptions made in determining the amounts of provisions include:

Council has estimated the remaining life of the Myocum Tip Site to be approximately 10 years. Council is current transporting the majority of its waste to another landfill site and should this arrangement change, the remaining li of the Myocum landfill site may reduce.

Reconciliation of movement in provision for year:

Balance at beginning of year	5,324	906
Amounts capitalised to new or existing assets:		
Revised Cost Estimate	(30)	4,396
Effect of a change in discount rates used in PV calculations	(530)	–
Amortisation of discount (expensed to borrowing costs)	105	22
Total – reinstatement, rehabilitation and restoration provision	**4,869**	**5,324**

Amount of expected reimbursements

Of the above provisions for reinstatement, rehabilitation and restoration works, those applicable to garbage services and waste management are able to be funded through future charges incorporated within Council's annual domestic waste management charge.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement

$ '000

The Council measures the following asset and liability classes at fair value on a recurring basis:

– Infrastructure, property, plant and equipment - Financial assets

During the reporting period, Council has also fair value measured the following assets on a non-recurring basis:

– Non-current assets classified as 'held for sale'

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values:

2017		Fair value measurement hierarchy			Total
		Level 1	Level 2	Level 3	
Recurring fair value measurements	Date of latest valuation	Quoted prices in active mkts	Significant observable inputs	Significant unobservable inputs	
Financial assets					
Investments					
– 'Designated at fair value on initial recognition'	30/06/17	–	65,803	–	65,803
Total financial assets		–	65,803	–	65,803
Infrastructure, property, plant and equipment					
Plant and equipment	30/06/17	–	–	4,453	4,453
Office equipment	30/06/17	–	–	410	410
Furniture and fittings	30/06/17	–	–	98	98
Operational land	30/06/17	–	83,564	–	83,564
Community land	30/06/17	–	–	123,413	123,413
Land under roads (Post 30/6/08)	30/06/17	–	–	7,335	7,335
Land improvements – non-depreciable	30/06/17	–	–	80	80
Land improvements – depreciable	30/06/17	–	–	3,723	3,723
Buildings specialised	30/06/17	–	–	62,944	62,944
Other structures	30/06/17	–	–	2,040	2,040
Roads	30/06/17	–	–	164,179	164,179
Bridges	30/06/17	–	–	12,830	12,830
Footpaths	30/06/17	–	–	5,503	5,503
Bulk earthworks	30/06/17	–	–	28,999	28,999
Stormwater drainage	30/06/17	–	–	47,321	47,321
Water supply network	30/06/17	–	–	58,590	58,590
Sewerage network	30/06/17	–	–	111,772	111,772
Swimming pools	30/06/17	–	–	2,191	2,191
Other open space and recreational assets	30/06/17	–	–	10,080	10,080
Other assets	30/06/17	–	–	2,092	2,092
Tip assets	30/06/17	–	–	10,565	10,565
Quarry assets	30/06/17	–	–	2,469	2,469
Total infrastructure, property, plant and equipment		–	83,564	661,086	744,650

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values: (continued)

2017	Date of latest valuation	Fair value measurement hierarchy Level 1 Quoted prices in active mkts	Level 2 Significant observable inputs	Level 3 Significant unobservable inputs	Total
Recurring fair value measurements					
Non-current assets classified as 'held for sale'					
Land		–	–	2,432	2,432
Total NCA's classified as 'held for sale'		–	–	2,432	2,432
2016					
Recurring fair value measurements					
Financial assets					
Investments					
– 'Designated at fair value on initial recognition'	30/06/16	–	35,539	–	35,539
Total financial assets		–	35,539	–	35,539
Infrastructure, property, plant and equipment					
Plant and equipment	30/06/16	–	–	5,037	5,037
Office equipment	30/06/16	–	–	599	599
Furniture and fittings	30/06/16	–	–	117	117
Operational land	30/06/16	–	85,544	–	85,544
Community land	30/06/16	–	–	88,832	88,832
Land under roads (Post 30/6/08)	30/06/16	–	–	6,403	6,403
Land improvements – non-depreciable	30/06/16	–	–	80	80
Land improvements – depreciable	30/06/16	–	–	2,391	2,391
Buildings specialised	30/06/16	–	390	62,939	63,329
Other structures	30/06/16	–	–	2,076	2,076
Roads	30/06/16	–	–	157,198	157,198
Bridges	30/06/16	–	–	13,122	13,122
Footpaths	30/06/16	–	–	4,771	4,771
Bulk earthworks	30/06/16	–	–	28,999	28,999
Stormwater drainage	30/06/16	–	–	45,733	45,733
Water supply network	30/06/16	–	–	50,692	50,692
Sewerage network	30/06/16	–	–	130,410	130,410
Swimming pools	30/06/16	–	–	2,247	2,247
Other open space and recreational assets	30/06/16	–	–	9,870	9,870
Other assets	30/06/16	–	–	1,966	1,966
Tip assets	30/06/16	–	–	10,425	10,425
Quarry assets	30/06/16	–	–	2,725	2,725
Total infrastructure, property, plant and equipment		–	85,934	626,634	712,568

(2) Transfers between level 1 and level 2 fair value hierarchies

During the year, there were no transfers between level 1 and level 2 fair value hierarchies for recurring fair value measurements.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(3) Valuation techniques used to derive level 2 and level 3 fair values

Where Council is unable to derive fair valuations using quoted market prices of identical assets (ie. level 1 inputs), Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising level 2 and level 3 inputs are as follows:

Financial assets

Financial assets are exposed to financial risks such as price risk, credit risk, liquidity risk and interest rate risk surrounding the unpredictable nature of financial markets. The valuation technique for these assets is based on a market approach observing that the carrying value is a reasonable approximation of the fair value.

Infrastructure, property, plant and equipment

Plant and equipment, office equipment, furniture and fittings
Plant and equipment, office equipment and furniture & fittings assets are valued at cost. The carrying amount of these assets is assumed to approximate fair value.

Operational land
Operational Land has been valued by APV Valuers and Asset Management (APV), an external valuer utilised by Council at 30th June 2016. The report provided by APV stated - Except in the circumstance of any assets being held for sale (valued in accordance with AASB 5 Assets Held for Sale) or in accordance with specific accounting standards (such as Investment Properties) the balance of the portfolio is valued in accordance with AASB116 Property Plant and Equipment at Fair Value.
Depending upon the unique circumstances of each lot, land has been valued using a range of approaches. Where there is an active market the 'market approach' has been adopted. If its value is primarily dependent on its income generating capability the income approach was used. For other types of land the 'cost approach' was adopted. Details of each approach are detailed below
Level 2 valuation inputs
Market (Direct Comparison) – This has been applied to land held in freehold title and has been assessed on the basis of the estimated amount which the interest in each property being valued might reasonably be expected to realise on the date of valuation in an exchange between market participants given highest and best use or highest and best alternative use. This was determined by comparison to recent sales of land with similar characteristics. This was then adjusted to reflect condition and comparability. As this was based on observable evidence they have been classified as Level 2. Cost (Direct Comparison) - The valuation of some restricted or otherwise non-saleable land has been valued using the cost approach. This approach was used where, assuming if Byron Shire Council need to purchase the land or acquire additional land from an adjoining neighbour, the value of that land could be determined based on known zoning and town planning restrictions. This was determined by comparison to recent sales of land with similar characteristics. This was then adjusted to reflect condition and comparability. As this was based on observable evidence they have been classified as Level 2.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(3) Valuation techniques used to derive level 2 and level 3 fair values (continued)

Infrastructure, property, plant and equipment (continued)

Community land
Community Land has been valued using the Valuer Generals value of land. These rates are not considered to be observable market evidence and as such they have been classified as Level 3

Land under roads (Post 30/6/08)
Revalued at 30/6/16 through information provided by the Valuer General (VG). Information was received by the VG for each zone description and an applicable rate per square metre for rural and residential areas was applied to the land recognised under roads, post 30/6/08. These rates are not considered to be observable market evidence and as such they have been classified as Level 3.

Buildings – specialised
Buildings were valued by APV at 30th June 2016 using the cost approach. This approach estimated the replacement cost for each buidling by componentising it into significant parts with different useful lives taking into account a range of factors. Some of these factors required extensive professional judgement and as such were classified as Level 3.

Roads, bridges and footpaths
Valuations for these asset classes were undertaken by JRA using the replacement cost approach. No market based evidence (Level 2) inputs are available, therefore Level 3 valuation inputs were used for this asset class.

Water
Water Network assets were valued by AssetVal at 30th June 2017. The replacement cost approach was used to value these assets. Some of the significant inputs considered in the valuation of those assets are remaining useful life, pattern of consumption, dimensions and asset components. Some of these inputs are unobservable and as such this asset class is classified as Level 3.

Sewer
Sewer Network assets were valued by AssetVal at 30th June 2017. The replacement cost approach was used to value these assets. Some of the significant inputs considered in the valuation of those assets are remaining useful life, pattern of consumption, dimensions and asset components. Some of these inputs are unobservable and as such this asset class is classified as Level 3.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(3) Valuation techniques used to derive level 2 and level 3 fair values (continued)

Infrastructure, property, plant and equipment (continued)

Stormwater drainage
Valuations for these asset classes were undertaken by JRA using the replacement cost approach. No market based evidence (Level 2) inputs are available, therefore Level 3 valuation inputs were used for this asset class.

Swimming pools
This asset class is for the swimming pool shells only. This was valued externally by Assetic at 30th June 2016.

Other open space and recreational assets
This asset class was valued by Assetic as at 30th June 2016. All assets within the revaluation identified the assets as Level 3, valued using the cost approach.

Other assets
Other assets are valued at cost. The carrying amount of these assets is assumed to approximate fair value.

Tip assets
Tip assets are valued at cost. The carrying amount of these assets is assumed to approximate fair value based on the cost estimate to remediate the tip provided by Councils engineering staff. The cost of the asset is influenced by change in cost factors measured by the consumer price index and the discounting to present value by the applicable Government bond rate.

Quarry assets
Quarry assets are valued at cost. The carrying amount of these assets is assumed to approximate fair value based on the cost estimate to remediate the quarry provided by Councils engineering staff. The cost of the asset is influenced by change in cost factors measured by the consumer price index and the discounting to present value by the applicable Government bond rate.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(4). Fair value measurements using significant unobservable inputs (level 3)

a. The following tables present the changes in level 3 fair value asset classes.

	Plant and equipment	Office equipment	Furniture and fittings	Community land	Land under roads (post 30/6/08)	Land improv'mnt non depr.	Land improv'mnt depreciable	Total
Opening balance – 1/7/15	4,770	822	74	71,986	5,568	80	2,445	85,746
Transfers from/(to) another asset class	13	–	–	–	–	–	9	22
Purchases (GBV)	1,231	–	54	–	835	–	97	2,217
Disposals (WDV)	(205)	(2)	–	–	–	–	–	(208)
Depreciation and impairment	(1,045)	(220)	(12)	–	–	–	(159)	(1,435)
Revaluation	274	–	–	16,846	–	–	(2)	17,118
Closing balance – 30/6/16	**5,037**	**600**	**117**	**88,832**	**6,403**	**80**	**2,390**	**103,460**
Transfers from/(to) another asset class	106	–	–	–	–	–	813	920
Purchases (GBV)	745	–	–	906	932	–	679	3,261
Disposals (WDV)	(396)	–	–	–	–	–	–	(396)
Depreciation and impairment	(1,040)	(189)	(19)	–	–	–	(160)	(1,408)
Revaluation	–	–	–	6,081	–	–	–	6,081
Closing balance – 30/6/17	**4,453**	**411**	**98**	**95,819**	**7,335**	**80**	**3,722**	**111,919**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(4). Fair value measurements using significant unobservable inputs (level 3) continued

a. The following tables present the changes in level 3 fair value asset classes. (continued)

	Buildings specialised	Other structures	Roads	Bridges	Footpaths	Bulk earthworks	Stormwater drainage	Water supply network	Total
Opening balance – 1/7/15	59,832	481	156,803	13,170	4,772	29,001	45,846	47,828	357,733
Transfers from/(to) another asset class	75	44	880	–	90	–	195	597	1,881
Purchases (GBV)	1,511	1,570	5,294	245	35	177	267	2,787	11,887
Disposals (WDV)	–	–	(853)	–	–	(180)	–	–	(1,032)
Depreciation and impairment	(769)	(19)	(4,927)	(293)	(126)	–	(574)	(1,217)	(7,925)
Revaluation	2,681	–	–	–	–	–	–	–	2,681
Indexation	–	–	–	–	–	–	–	696	696
Closing balance – 30/6/16	**63,329**	**2,076**	**157,198**	**13,122**	**4,771**	**28,999**	**45,733**	**50,692**	**365,921**
Transfers from/(to) another asset class	–	–	2,862	–	59	–	44	95	3,060
Purchases (GBV)	739	–	12,215	–	798	–	2,164	578	16,494
Disposals (WDV)	(255)	–	(1,718)	–	–	–	–	(48)	(2,021)
Depreciation and impairment	(870)	(36)	(5,023)	(293)	(126)	–	(581)	(1,183)	(8,112)
Revaluation	–	–	–	–	–	–	–	8,456	8,456
Non-Cash Developer Contribution Accumulated Depreciation	–	–	(1,354)	–	–	–	(39)	–	(1,393)
Closing balance – 30/6/17	**62,944**	**2,040**	**164,179**	**12,829**	**5,502**	**28,999**	**47,321**	**58,589**	**382,404**

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(4). Fair value measurements using significant unobservable inputs (level 3) continued

a. The following tables present the changes in level 3 fair value asset classes. (continued)

	Sewerage network	Swimming pools	Other open space and recreation	Other	Tip assets	Quarry assets	Total
Opening balance – 1/7/15	130,252	2,688	5,413	2,261	6,910	311	147,834
Transfers from/(to) another asset class	249	–	12	–	319	–	580
Purchases (GBV)	1,218	4	663	93	335	–	2,313
Disposals (WDV)	–	–	(4)	–	(87)	(154)	(245)
Depreciation and impairment	(3,206)	(58)	(266)	(249)	(82)	(12)	(3,874)
Revaluation		(385)	4,051	(140)	3,030	2,580	9,136
Indexation	1,897	–	–	–	–	–	1,897
Closing balance – 30/6/16	130,410	2,248	9,869	1,966	10,425	2,725	157,643
Transfers from/(to) another asset class	1,224	–	1	357	–	–	1,582
Purchases (GBV)	2,054	–	605	–	513	–	3,171
Disposals (WDV)	(11)	–	–	–	–	–	(11)
Depreciation and impairment	(3,204)	(56)	(395)	(231)	(373)	(257)	(4,516)
Revaluation	(18,699)	–	–	–	–	–	(18,699)
Closing balance – 30/6/17	111,773	2,192	10,080	2,092	10,565	2,469	139,170

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(4). Fair value measurements using significant unobservable inputs (level 3) (continued)

b. Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value.

The following table summarises the quantitative information relating to the significant unobservable inputs used in deriving the various level 3 asset class fair values.

Class	Fair value (30/6/17) $'000	Valuation technique/s	Unobservable inputs
I,PP&E			
Plant, Equipment, Furniture, Fittings and Office Equipment		Cost used to approximate fair value	Asset Condition, remaining useful lives
Community Land		Land values obtained from the NSW Valuer General	Land Value, land area
Land Under Roads		Square metre rate calculated from Land and Property information of LG area and applied to depending on zoning of the land	Land Value, land area
Land Improvements		Cost used to approximate fair value	Asset Condition, remaining useful lives
Buildings		APV Valuers report	Condition, remaining lives, valuers individual knowledge and skills.
Other Structures		Cost used to approximate fair value	Asset Condition, remaining useful lives
Roads, Bridges & Footpaths		JRA Report	Condition, remaining lives, valuers individual knowledge and skills.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 27. Fair value measurement (continued)

$ '000

(4). Fair value measurements using significant unobservable inputs (level 3) (continued)

b. Significant unobservable valuation inputs used (for level 3 asset classes) and their relationship to fair value. (continued)

Class	Fair value (30/6/17) $'000	Valuation technique/s	Unobservable inputs
I,PP&E (continued)			
Stormwater Drainage		Independent valuation using depreciated replacement cost	Condition, remaining lives, valuers individual knowledge and skills.
Bulk Earthworks		Independent valuation using depreciated replacement cost	Condition, remaining lives, valuers individual knowledge and skills.
Water		Independent valuation using depreciated replacement cost	Condition, remaining lives, valuers individual knowledge and skills.
Sewer		Independent valuation using depreciated replacement cost	Condition, remaining lives, valuers individual knowledge and skills.
Swimming Pools		Independent valuation using depreciated replacement cost	Condition, remaining lives, valuers individual knowledge and skills.
Other Open Space & Recreation		Independent valuation using depreciated replacement cost	Condition, remaining lives, valuers individual knowledge and skills.
Other Assets		Cost used to approximate fair value	Asset Condition, remaining useful lives
Tip Assets		Cost used to approximate fair value	Asset Condition, remaining useful lives
Quarry Assets		Cost used to approximate fair value	Asset Condition, remaining useful lives

(5). Highest and best use

All of Council's non-financial assets are considered to being utilised for their highest and best use.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 28. Related party disclosures

$ '000

a. Key management personnel

Key management personnel (KMP) of the council are those persons having the authority and responsibility for planning, directing and controlling the activities of the Council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

	Actual 2017 $'000
Compensation:	
Short-term benefits	1,115
Post-employment benefits	72
Other long-term benefits	29
Total	**1,216**

b. Other transactions with KMP and their related parties

Nature of the transaction	Note	Value of transactions during year $'000	Outstanding balance (incl. loans and commitments) $'000	Terms and conditions
Fees and Charges	1	10	–	
Section 356 Local Government Act 1993 Donation	2	7	–	
Event Funding	3	58	–	
Supply of Materials	4	1	–	30 day terms on invoice

1 A community organisation has a number of leases and licences over land either owned or under the control of Council. These amounts disclosed is the total amount payable to Council during the reporting period. The General Manager of the community organisation is a KMP of Council.
2 Council during the financial year provided a donation to a community organisation in accordance with a resolution of the Council. The General Manager of the community organisation is a KMP of Council.
3 Council during the reporting period provided funding for New Years Events in Byron Bay undertaken by a community organisation. The General Manager of that community organisation is a KMP of Council.
4 During the reporting period, Council purchased materials from Byron Steel. A KMP of Council is a Director of Byron Steel. All purchases are at arms length and were in the normal course of Council operations and in accordance with Council's Procurement Policy.

Byron Shire Council

Notes to the Financial Statements
for the year ended 30 June 2017

Note 29. Council information and contact details

Principal place of business:
70 -90 Station Street
MULLUMBIMBY NSW 2482

Contact details
Mailing address:
PO Box 219
MULLUMBIMBY NSW 2482

Opening hours:
8.30 to 4.30

Telephone: 02 6626 7000
Facsimile: 02 6684 3018

Internet: http://www.byron.nsw.gov.au
Email: council@byron.nsw.gov.au

Officers
GENERAL MANAGER
Ken Gainger

RESPONSIBLE ACCOUNTING OFFICER
James Brickley

PUBLIC OFFICER
Mark Arnold

AUDITORS
Auditor General of New South Wales
Audit Office of New South Wales
15/1 Margaret Street
Sydney NSW 2000

Elected members
MAYOR
Simon Richardson

COUNCILLORS
Cr Basil Cameron
Cr Cate Coorey
Cr Michael Lyon
Cr Sarah Ndiaye
Cr Jan Hackett
Cr Jeanette Martin
Cr Paul Spooner
Cr Alan Hunter

Other information
ABN: 14 472 131 473

Byron Shire Council

SPECIAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2017

Byron Shire...a thriving and vibrant
community
where residents and visitors can live, work
and play in a sustainable environment"



SPFS 2017

Byron Shire Council

Special Purpose Financial Statements
for the year ended 30 June 2017

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Background

(i) These Special Purpose Financial Statements have been prepared for the use by both Council and the Office of Local Government in fulfilling their requirements under National Competition Policy.

(ii) The principle of competitive neutrality is based on the concept of a 'level playing field' between persons/entities competing in a market place, particularly between private and public sector competitors.

Essentially, the principle is that government businesses, whether Commonwealth, state or local, should operate without net competitive advantages over other businesses as a result of their public ownership.

(iii) For Council, the principle of competitive neutrality and public reporting applies only to declared business activities.

These include **(a)** those activities classified by the Australian Bureau of Statistics as business activities being water supply, sewerage services, abattoirs, gas production and reticulation, and **(b)** those activities with a turnover of more than $2 million that Council has formally declared as a business activity (defined as Category 1 activities).

(iv) In preparing these financial statements for Council's self-classified Category 1 businesses and ABS-defined activities, councils must **(a)** adopt a corporatisation model and **(b)** apply full cost attribution including tax-equivalent regime payments and debt guarantee fees (where the business benefits from Council's borrowing position by comparison with commercial rates).

Byron Shire Council

Special Purpose Financial Statements
for the year ended 30 June 2017

Statement by Councillors and Management
made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- the NSW Government Policy Statement 'Application of National Competition Policy to Local Government',
- the Division of Local Government Guidelines 'Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality',
- the Local Government Code of Accounting Practice and Financial Reporting,
- the NSW Office of Water Best-Practice Management of Water and Sewerage Guidelines.

To the best of our knowledge and belief, these financial statements:

- present fairly the operating result and financial position for each of Council's declared business activities for the year, and
- accord with Council's accounting and other records.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 26 October 2017.

Simon Richardson
Mayor

Basil Cameron
Councillor

Ken Gainger
General manager

James Brickley
Responsible accounting officer

SPFS 2017

Byron Shire Council

Income Statement of Council's Water Supply Business Activity
for the year ended 30 June 2017

$ '000	Actual 2017	Actual 2016
Income from continuing operations		
Access charges	2,257	2,175
User charges	6,714	6,021
Fees	317	291
Interest	411	329
Grants and contributions provided for non-capital purposes	73	94
Total income from continuing operations	**9,772**	**8,910**
Expenses from continuing operations		
Employee benefits and on-costs	971	924
Borrowing costs	–	–
Materials and contracts	2,331	2,496
Depreciation, amortisation and impairment	1,209	1,238
Water purchase charges	3,903	3,780
Loss on sale of assets	48	–
Calculated taxation equivalents	97	104
Debt guarantee fee (if applicable)	–	–
Other expenses	5	5
Total expenses from continuing operations	**8,564**	**8,547**
Surplus (deficit) from continuing operations before capital amounts	**1,208**	**363**
Grants and contributions provided for capital purposes	1,076	1,236
Surplus (deficit) from continuing operations after capital amounts	**2,284**	**1,599**
Surplus (deficit) from discontinued operations	–	–
Surplus (deficit) from all operations before tax	**2,284**	**1,599**
Less: corporate taxation equivalent (30%) [based on result before capital]	(362)	(109)
SURPLUS (DEFICIT) AFTER TAX	**1,922**	**1,490**
Plus opening retained profits	38,869	37,193
Plus/less: prior period adjustments	335	–
Plus adjustments for amounts unpaid:		
– Taxation equivalent payments	97	104
– Debt guarantee fees	–	–
– Corporate taxation equivalent	362	109
Less:		
– Tax equivalent dividend paid	(28)	(27)
– Surplus dividend paid	–	–
Closing retained profits	**41,557**	**38,869**
Return on capital %	**1.7%**	**0.6%**
Subsidy from Council	**521**	**807**
Calculation of dividend payable:		
Surplus (deficit) after tax	1,922	1,490
Less: capital grants and contributions (excluding developer contributions)	(199)	(1,119)
Surplus for dividend calculation purposes	**1,723**	**371**
Potential dividend calculated from surplus	**861**	**186**

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Byron Shire Council

Income Statement of Council's Sewerage Business Activity
for the year ended 30 June 2017

$ '000	Actual 2017	Actual 2016
Income from continuing operations		
Access charges	10,159	9,845
User charges	4,961	4,383
Liquid trade waste charges	61	31
Fees	135	139
Interest	332	295
Grants and contributions provided for non-capital purposes	76	80
Total income from continuing operations	**15,724**	**14,773**
Expenses from continuing operations		
Employee benefits and on-costs	2,390	2,603
Borrowing costs	3,476	3,792
Materials and contracts	5,506	5,011
Depreciation, amortisation and impairment	3,218	3,220
Loss on sale of assets	11	–
Calculated taxation equivalents	236	302
Debt guarantee fee (if applicable)	1,085	1,131
Other expenses	42	40
Total expenses from continuing operations	**15,964**	**16,099**
Surplus (deficit) from continuing operations before capital amounts	**(240)**	**(1,326)**
Grants and contributions provided for capital purposes	3,753	4,701
Surplus (deficit) from continuing operations after capital amounts	**3,513**	**3,375**
Surplus (deficit) from discontinued operations	–	–
Surplus (deficit) from all operations before tax	**3,513**	**3,375**
Less: corporate taxation equivalent (30%) [based on result before capital]	–	–
SURPLUS (DEFICIT) AFTER TAX	**3,513**	**3,375**
Plus opening retained profits	83,575	81,896
Plus/less: prior period adjustments	69	–
Plus/less: other adjustments	–	(3,102)
Plus adjustments for amounts unpaid:		
– Taxation equivalent payments	236	302
– Debt guarantee fees	1,085	1,131
– Corporate taxation equivalent	–	–
Less:		
– Tax equivalent dividend paid	(28)	(27)
– Surplus dividend paid	–	–
Closing retained profits	**88,450**	**83,575**
Return on capital %	**2.4%**	**1.7%**
Subsidy from Council	**2**	**431**
Calculation of dividend payable:		
Surplus (deficit) after tax	3,513	3,375
Less: capital grants and contributions (excluding developer contributions)	(502)	(631)
Surplus for dividend calculation purposes	**3,011**	**2,744**
Potential dividend calculated from surplus	**1,505**	**1,372**

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SPFS 2017

Byron Shire Council

Income Statement of Council's Other Business Activities
for the year ended 30 June 2017

	Holiday Parks Category 1	
$ '000	Actual 2017	Actual 2016
Income from continuing operations		
Access charges	–	–
User charges	–	–
Fees	4,521	4,150
Interest	–	–
Other income	–	–
Total income from continuing operations	**4,521**	**4,150**
Expenses from continuing operations		
Employee benefits and on-costs	–	–
Borrowing costs	–	2
Materials and contracts	1,666	1,599
Depreciation, amortisation and impairment	79	134
Loss on sale of assets	–	–
Calculated taxation equivalents	372	376
Debt guarantee fee (if applicable)	–	–
Share of loss from equity accounted investment	–	–
Other expenses	785	729
Total expenses from continuing operations	**2,902**	**2,840**
Surplus (deficit) from continuing operations before capital amounts	**1,619**	**1,310**
Grants and contributions provided for capital purposes	–	–
Surplus (deficit) from continuing operations after capital amounts	**1,619**	**1,310**
Surplus (deficit) from discontinued operations	–	–
Surplus (deficit) from all operations before tax	**1,619**	**1,310**
Less: corporate taxation equivalent (30%) [based on result before capital]	(486)	(393)
SURPLUS (DEFICIT) AFTER TAX	**1,133**	**917**
Plus opening retained profits	7,502	6,672
Plus/less: prior period adjustments	–	–
Plus adjustments for amounts unpaid:		
– Taxation equivalent payments	372	376
– Debt guarantee fees	–	–
– Corporate taxation equivalent	486	393
Add:		
– Subsidy paid/contribution to operations	–	–
Less:		
– TER dividend paid	(856)	(856)
– Dividend paid	–	–
Closing retained profits	**8,637**	**7,502**
Return on capital %	**6.2%**	**5.1%**
Subsidy from Council	–	–

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Byron Shire Council

Statement of Financial Position – Council's Water Supply Business Activity
as at 30 June 2017

$ '000	Actual 2017	Actual 2016
ASSETS		
Current assets		
Cash and cash equivalents	–	13,272
Investments	11,646	–
Receivables	2,032	2,052
Inventories	–	–
Other	–	–
Non-current assets classified as held for sale	–	–
Total current assets	**13,678**	**15,324**
Non-current assets		
Investments	–	–
Receivables	–	–
Inventories	–	–
Infrastructure, property, plant and equipment	71,244	58,790
Investments accounted for using equity method	–	–
Investment property	–	–
Intangible assets	–	–
Total non-current assets	**71,244**	**58,790**
TOTAL ASSETS	**84,922**	**74,114**
LIABILITIES		
Current liabilities		
Bank overdraft	–	–
Payables	–	–
Income received in advance	–	–
Borrowings	–	–
Provisions	–	–
Total current liabilities	–	–
Non-current liabilities		
Payables	–	–
Borrowings	–	–
Provisions	–	–
Total non-current liabilities	–	–
TOTAL LIABILITIES	–	–
NET ASSETS	84,922	74,114
EQUITY		
Retained earnings	41,556	38,869
Revaluation reserves	43,366	35,245
Other reserves	–	–
Council equity interest	84,922	74,114
Non-controlling equity interest	–	–
TOTAL EQUITY	84,922	74,114

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Byron Shire Council

Statement of Financial Position – Council's Sewerage Business Activity
as at 30 June 2017

$ '000	Actual 2017	Actual 2016
ASSETS		
Current assets		
Cash and cash equivalents	–	14,742
Investments	17,784	–
Receivables	1,992	1,977
Inventories	–	–
Other	–	–
Non-current assets classified as held for sale	–	–
Total current Assets	**19,776**	**16,719**
Non-current assets		
Investments	–	–
Receivables	–	–
Inventories	–	–
Infrastructure, property, plant and equipment	127,045	145,584
Investments accounted for using equity method	–	–
Investment property	–	–
Intangible assets	–	–
Total non-current assets	**127,045**	**145,584**
TOTAL ASSETS	**146,821**	**162,303**
LIABILITIES		
Current liabilities		
Bank overdraft	–	–
Payables	207	208
Income received in advance	–	–
Borrowings	1,700	1,587
Provisions	–	–
Total current liabilities	**1,907**	**1,795**
Non-current liabilities		
Payables	–	–
Borrowings	44,471	46,172
Provisions	–	–
Total non-current liabilities	**44,471**	**46,172**
TOTAL LIABILITIES	**46,378**	**47,967**
NET ASSETS	100,443	114,336
EQUITY		
Retained earnings	88,450	83,576
Revaluation reserves	11,993	30,760
Other reserves	–	–
Council equity interest	100,443	114,336
Non-controlling equity interest	–	–
TOTAL EQUITY	100,443	114,336

SPFS 2017

Byron Shire Council

Statement of Financial Position – Council's Other Business Activities
as at 30 June 2017

	Holiday Parks	
	Category 1	
$ '000	Actual 2017	Actual 2016
ASSETS		
Current assets		
Cash and cash equivalents	–	–
Investments	–	–
Receivables	–	–
Inventories	–	–
Total Current Assets	–	–
Non-current assets		
Investments	2,612	2,305
Receivables	–	–
Inventories	–	–
Infrastructure, property, plant and equipment	25,940	25,726
Investments accounted for using equity method	–	–
Investment property	–	–
Intangible assets	–	–
Total non-current assets	**28,552**	**28,031**
TOTAL ASSETS	**28,552**	**28,031**
LIABILITIES		
Current liabilities		
Bank overdraft	–	–
Payables	254	248
Income received in advance	–	–
Borrowings	–	–
Provisions	–	–
Total current liabilities	**254**	**248**
Non-current liabilities		
Payables	–	–
Borrowings	–	–
Provisions	–	–
Total non-current liabilities	–	–
TOTAL LIABILITIES	**254**	**248**
NET ASSETS	28,298	27,783
EQUITY		
Retained earnings	8,637	7,502
Revaluation reserves	19,661	20,280
Other reserves	–	–
Council equity interest	**28,298**	**27,782**
Non-controlling equity interest	–	–
TOTAL EQUITY	28,298	27,782

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Byron Shire Council

Special Purpose Financial Statements
for the year ended 30 June 2017

Contents of the notes accompanying the financial statements

Note	Details	Page
1	Summary of significant accounting policies	10
2	Water Supply Business Best-Practice Management disclosure requirements	13
3	Sewerage Business Best-Practice Management disclosure requirements	15

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 1. Significant accounting policies

A statement summarising the supplemental accounting policies adopted in the preparation of the Special Purpose Financial Statements (SPFS) for National Competition Policy (NCP) reporting purposes follows.

These financial statements are SPFS prepared for use by Council and the Office of Local Government. For the purposes of these statements, the Council is a non-reporting not-for-profit entity.

The figures presented in these Special Purpose Financial Statements have been prepared in accordance with the recognition and measurement criteria of relevant Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board (AASB) and Australian Accounting Interpretations.

The disclosures in these Special Purpose Financial Statements have been prepared in accordance with the Local Government Act 1993 (NSW), the Local Government (General) Regulation, and the Local Government Code of Accounting Practice and Financial Reporting.

The statements are prepared on an accruals basis. They are based on historic costs and do not take into account changing money values or, except where specifically stated, current values of non-current assets. Certain taxes and other costs, appropriately described, have been imputed for the purposes of the National Competition Policy.

National Competition Policy

Council has adopted the principle of 'competitive neutrality' in its business activities as part of the National Competition Policy which is being applied throughout Australia at all levels of government.

The framework for its application is set out in the June 1996 NSW government policy statement titled 'Application of National Competition Policy to Local Government'.

The Pricing and Costing for Council Businesses, A Guide to Competitive Neutrality issued by the Office of Local Government in July 1997 has also been adopted.

The pricing and costing guidelines outline the process for identifying and allocating costs to activities and provide a standard for disclosure requirements.

These disclosures are reflected in Council's pricing and/or financial reporting systems and include taxation equivalents, Council subsidies, return on investments (rate of return), and dividends paid.

Declared business activities

In accordance with *Pricing and Costing for Council Businesses – A Guide to Competitive Neutrality*, Council has declared that the following are to be considered as business activities:

Category 1

(where gross operating turnover is over $2 million)

a. Byron Shire Council Water Supplies

Water supply operations servicing the towns of Byron Bay, Mullumbimby, Bangalow, Suffolk Park, Brunswick Heads and Ocean Shores.

b. Byron Shire Council Sewerage Service

Sewerage reticulation and treatment operations servicing the towns of Byron Bay, Mullumbimby, Bangalow, Suffolk Park, Brunswick Heads and Ocean Shores.

c. Byron Shire Council Holiday Parks

Council owned Holiday Parks operated in the Shire. The holiday parks include First Sun and Suffolk Beachfront.

Category 2

(where gross operating turnover is less than $2 million)

Nil

Monetary amounts

Amounts shown in the financial statements are in Australian currency and rounded to the nearest thousand dollars, with the exception of some figures for Note 2 (Water Supply Best-Practice Management Disclosures) and Note 3 (Sewerage Best-Practice Management Disclosures).

As required by the NSW Office of Water (Department of Primary Industries) the amounts shown in Note 2 and Note 3 are disclosed in whole dollars.

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 1. Significant accounting policies (continued)

(i) Taxation-equivalent charges

Council is liable to pay various taxes and financial duties. Where this is the case, they are disclosed as a cost of operations just like all other costs.

However, where Council does not pay some taxes which are generally paid by private sector businesses, such as income tax, these equivalent tax payments have been applied to all Council-nominated business activities and are reflected in Special Purpose Financial Statements.

For the purposes of disclosing comparative information relevant to the private sector equivalent, the following taxation equivalents have been applied to all Council-nominated business activities (this does not include Council's non-business activities):

Notional rate applied (%)

Corporate income tax rate – **30%**

Land tax – the first **$549,000** of combined land values attracts **0%**. For the combined values in excess of $549,001 to $3,357,000 the rate is **1.6% + $100**. For the remaining combined land value that exceeds $3,357,000, a premium marginal rate of **2.0%** applies.

Payroll tax – **5.45%** on the value of taxable salaries and wages in excess of $750,000.

In accordance with the Department of Primary Industries Water (DPW) Best Practice Management of Water Supply and Sewerage Guidelines, a payment for the amount calculated as the annual tax equivalent charges (excluding income tax) must be paid from water supply and sewerage business activities.

The payment of taxation equivalent charges, referred to in the NSW Office of Water Guidelines to as a 'dividend for taxation equivalent', may be applied for any purpose allowed under the *Local Government Act, 1993*.

Achievement of substantial compliance to the NSW Office of Water Guidelines is not a prerequisite for the payment of the tax equivalent charges, however the payment must not exceed $3 per assessment.

Income tax

An income tax equivalent has been applied on the profits of the business activities.

Whilst income tax is not a specific cost for the purpose of pricing a good or service, it needs to be taken into account in terms of assessing the rate of return required on capital invested.

Accordingly, the return on capital invested is set at a pre-tax level - gain/(loss) from ordinary activities before capital amounts, as would be applied by a private sector competitor. That is, it should include a provision equivalent to the corporate income tax rate, currently 30%.

Income tax is only applied where a gain/ (loss) from ordinary activities before capital amounts has been achieved.

Since the taxation equivalent is notional – that is, it is payable to Council as the 'owner' of business operations - it represents an internal payment and has no effect on the operations of the Council. Accordingly, there is no need for disclosure of internal charges in the SPFS.

The rate applied of 30% is the equivalent company tax rate prevalent at reporting date. No adjustments have been made for variations that have occurred during the year.

Local government rates and charges

A calculation of the equivalent rates and charges payable on all category 1 businesses has been applied to all land assets owned or exclusively used by the business activity.

Loan and debt guarantee fees

The debt guarantee fee is designed to ensure that council business activities face 'true' commercial borrowing costs in line with private sector competitors.

In order to calculate a debt guarantee fee, Council has determined what the differential borrowing rate would have been between the commercial rate and Council's borrowing rate for its business activities.

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 1. Significant accounting policies (continued)

(ii) Subsidies

Government policy requires that subsidies provided to customers, and the funding of those subsidies, must be explicitly disclosed.

Subsidies occur when Council provides services on a less-than-cost-recovery basis. This option is exercised on a range of services in order for Council to meet its community service obligations.

Accordingly, 'subsidies disclosed' (in relation to National Competition Policy) represents the difference between revenue generated from 'rate of return' pricing and revenue generated from prices set by Council in any given financial year.

The overall effect of subsidies is contained within the Income Statement of each reported business activity.

(iii) Return on investments (rate of return)

The NCP policy statement requires that councils with Category 1 businesses 'would be expected to generate a return on capital funds employed that is comparable to rates of return for private businesses operating in a similar field'.

Such funds are subsequently available for meeting commitments or financing future investment strategies.

The actual rate of return achieved by each business activity is disclosed at the foot of each respective Income Statement.

The rate of return is calculated as follows:

$$\frac{\text{Operating result before capital income + interest expense}}{\text{Written down value of I,PP\&E as at 30 June}}$$

As a minimum, business activities should generate a return equal to the Commonwealth 10 year bond rate which is 2.38% at 30/6/17.

(iv) Dividends

Council is not required to pay dividends to either itself (as owner of a range of businesses) or to any external entities.

Local government water supply and sewerage businesses are permitted to pay an annual dividend from its water supply or sewerage business surplus.

Each dividend must be calculated and approved in accordance with the DPIW guidelines and must not exceed:

(i) 50% of this surplus in any one year, or
(ii) the number of water supply or sewerage assessments at 30 June 2017 multiplied by $30 (less the payment for tax equivalent charges, not exceeding $3 per assessment).

In accordance with the DPIW guidelines a Dividend Payment form, Statement of Compliance, Unqualified Independent Financial Audit Report and Compliance Audit Report are required to be submitted to the DPIW.

SPFS 2017

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 2. Water supply business best-practice management disclosure requirements

Dollars amounts shown below are in whole dollars (unless otherwise indicated)		2017
1. Calculation and payment of tax-equivalents [all local government local water utilities must pay this dividend for tax equivalents]		
(i)	Calculated tax equivalents	97,000
(ii)	Number of assessments multiplied by $3/assessment	36,096
(iii)	Amounts payable for tax equivalents [lesser of (i) and (ii)]	36,096
(iv)	Amounts actually paid for tax equivalents	28,300
2. Dividend from surplus		
(i)	50% of surplus before dividends [calculated in accordance with Best-Practice Management for Water Supply and Sewerage Guidelines]	861,262
(ii)	Number of assessments multiplied by $30/assessment, less tax equivalent charges/assessment	324,864
(iii)	Cumulative surplus before dividends for the 3 years to 30 June 2017, less the cumulative dividends paid for the 2 years to 30 June 2016 and 30 June 2015	2,786,303
	2017 Surplus 1,722,524 — 2016 Surplus 371,100 — 2015 Surplus 692,679 — 2016 Dividend – — 2015 Dividend –	
(iv)	Maximum dividend from surplus [least of (i), (ii) and (iii) above]	324,864
(v)	Dividend actually paid from surplus [refer below for required pre-dividend payment criteria]	–
(vi)	Are the overhead reallocation charges to the water business fair and reasonable? [a]	
3. Required outcomes for 6 criteria [to be eligible for the payment of a 'dividend from surplus', all the criteria below need a 'YES']		
(i)	Completion of strategic business plan (including financial plan)	YES
(ii)	Full cost recovery, without significant cross subsidies [refer item 2 (a) in table 1 on page 22 of the Best-Practice Guidelines]	YES
	– Complying charges [item 2 (b) in table 1]	YES
	– DSP with commercial developer charges [item 2 (e) in table 1]	YES
	– If dual water supplies, complying charges [item 2 (g) in table 1]	YES
(iii)	Sound water conservation and demand management implemented	YES
(iv)	Sound drought management implemented	YES
(v)	Complete performance reporting form [by 15 September each year]	YES
(vi)	a. Integrated water cycle management evaluation	YES
	b. Complete and implement integrated water cycle management strategy	YES

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Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 2. Water supply business best-practice management disclosure requirements (continued)

Dollars amounts shown below are in whole dollars (unless otherwise indicated)			2017
National Water Initiative (NWI) financial performance indicators			
NWI F1	Total revenue (water) Total income (w13) – grants for the acquisition of assets (w11a) – interest income (w9) – Aboriginal Communities W&S Program income (w10a)	$'000	10,458
NWI F4	Revenue from residential usage charges (water) Income from residential usage charges (w6b) x 100 divided by the sum of [income from residential usage charges (w6a) + income from residential access charges (w6b)]	%	72.36%
NWI F9	Written down replacement cost of fixed assets (water) Written down current cost of system assets (w47)	$'000	–
NWI F11	Operating cost (OMA) (water) Management expenses (w1) + operational and maintenance expenses (w2)	$'000	6,988
NWI F14	Capital expenditure (water) Acquisition of fixed assets (w16)	$'000	578
NWI F17	Economic real rate of return (water) [total income (w13) – interest income (w9) – grants for acquisition of assets (w11a) – operating costs (NWI F11) – current cost depreciation (w3)] x 100 divided by [written down current cost of system assets (w47) + plant and equipment (w33b)]	%	3.11%
NWI F26	Capital works grants (water) Grants for the acquisition of assets (w11a)	$'000	–

Notes:
1. References to w (e.g. w12) refer to item numbers within Special Schedules 3 and 4 of Council's Annual Financial Statements.
2. The NWI performance indicators are based upon the National Performance Framework Handbook for Urban Performance Reporting Indicators and Definitions.

a refer to 3.2 (2) on page 15 of the Best-Practice Management of Water Supply and Sewerage Guidelines, 2007

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 3. Sewerage business best-practice management disclosure requirements

Dollars amounts shown below are in whole dollars (unless otherwise indicated)		2017
1. Calculation and payment of tax-equivalents [all local government local water utilities must pay this dividend for tax equivalents]		
(i)	Calculated tax equivalents	1,321,000
(ii)	Number of assessments multiplied by $3/assessment	34,092
(iii)	Amounts payable for tax equivalents [lesser of (i) and (ii)]	34,092
(iv)	Amounts actually paid for tax equivalents	28,300
2. Dividend from surplus		
(i)	50% of surplus before dividends [calculated in accordance with Best-Practice Management for Water Supply and Sewerage Guidelines]	1,505,364
(ii)	Number of assessments x ($30 less tax equivalent charges per assessment)	306,828
(iii)	Cumulative surplus before dividends for the 3 years to 30 June 2017, less the cumulative dividends paid for the 2 years to 30 June 2016 and 30 June 2015	5,692,246
	2017 Surplus: 3,010,727 — 2016 Surplus: 2,744,000 — 2016 Dividend: – — 2015 Surplus: (62,481) — 2015 Dividend:	
(iv)	Maximum dividend from surplus [least of (i), (ii) and (iii) above]	306,828
(v)	Dividend actually paid from surplus [refer below for required pre-dividend payment criteria]	–
(vi)	Are the overhead reallocation charges to the sewer business fair and reasonable? [a]	
3. Required outcomes for 4 criteria [to be eligible for the payment of a 'dividend from surplus', all the criteria below need a 'YES']		
(i)	Completion of strategic business plan (including financial plan)	YES
(ii)	Pricing with full cost-recovery, without significant cross subsidies [refer item 2 (a) in table 1 on page 22 of the Best-Practice Guidelines]	YES
	Complying charges (a) Residential [item 2 (c) in table 1]	YES
	(b) Non-residential [item 2 (c) in table 1]	YES
	(c) Trade waste [item 2 (d) in table 1]	YES
	DSP with commercial developer charges [item 2 (e) in table 1]	YES
	Liquid trade waste approvals and policy [item 2 (f) in table 1]	YES
(iii)	Complete performance reporting form (by 15 September each year)	YES
(iv)	a. Integrated water cycle management evaluation	YES
	b. Complete and implement integrated water cycle management strategy	YES

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 3. Sewerage business best-practice management disclosure requirements (continued)

Dollars amounts shown below are in whole dollars (unless otherwise indicated)			2017
National Water Initiative (NWI) financial performance indicators			
NWI F2	Total revenue (sewerage) Total income (s14) – grants for acquisition of assets (s12a) – interest income (s10) – Aboriginal Communities W&S Program income (w10a)	$'000	19,192
NWI F10	Written down replacement cost of fixed assets (sewerage) Written down current cost of system assets (s48)	$'000	–
NWI F12	Operating cost (sewerage) Management expenses (s1) + operational and maintenance expenses (s2)	$'000	7,509
NWI F15	Capital expenditure (sewerage) Acquisition of fixed assets (s17)	$'000	2,054
NWI F18	Economic real rate of return (sewerage) [total income (s14) – interest income (s10) – grants for acquisition of assets (s12a) – operating cost (NWI F12) – current cost depreciation (s3)] x 100 divided by [written down current cost (i.e. WDCC) of system assets (s48) + plant and equipment (s34b)]	%	6.22%
NWI F27	Capital works grants (sewerage) Grants for the acquisition of assets (12a)	$'000	–
National Water Initiative (NWI) financial performance indicators Water and sewer (combined)			
NWI F3	Total income (water and sewerage) Total income (w13 + s14) + gain/loss on disposal of assets (w14 + s15) minus grants for acquisition of assets (w11a + s12a) – interest income (w9 + s10)	$'000	29,591
NWI F8	Revenue from community service obligations (water and sewerage) Community service obligations (NWI F25) x 100 divided by total income (NWI F3)	%	0.50%
NWI F16	Capital expenditure (water and sewerage) Acquisition of fixed assets (w16 + s17)	$'000	2,632
NWI F19	Economic real rate of return (water and sewerage) [total income (w13 + s14) – interest income (w9 + s10) – grants for acquisition of assets (w11a + s12a) – operating cost (NWI F11 + NWI F12) – current cost depreciation (w3 + s3)] x 100 divided by [written down replacement cost of fixed assets (NWI F9 + NWI F10) + plant and equipment (w33b + s34b)]	%	5.14%
NWI F20	Dividend (water and sewerage) Dividend paid from surplus (2 (v) of Note 2 + 2 (v) of Note 3)	$'000	–
NWI F21	Dividend payout ratio (water and sewerage) Dividend (NWI F20) x 100 divided by net profit after tax (NWI F24)	%	0.00%

Byron Shire Council

Notes to the Special Purpose Financial Statements
for the year ended 30 June 2017

Note 3. Sewerage business best-practice management disclosure requirements (continued)

Dollars amounts shown below are in whole dollars (unless otherwise indicated)			2017
National Water Initiative (NWI) financial performance indicators			
Water and sewer (combined)			
NWI F22	Net debt to equity (water and sewerage) Overdraft (w36 + s37) + borrowings (w38 + s39) – cash and investments (w30 + s31) x 100 divided by [total assets (w35 + s36) – total liabilities (w40 + s41)]	%	8.55%
NWI F23	Interest cover (water and sewerage) Earnings before interest and tax (EBIT) divided by net interest		4
	Earnings before interest and tax (EBIT): 10,726 Operating result (w15a + s16a) + interest expense (w4a + s4a) – interest income (w9 + s10) – gain/loss on disposal of assets (w14 + s15) + miscellaneous expenses (w4b + w4c + s4b + s4c)		
	Net interest: 2,803 Interest expense (w4a + s4a) – interest income (w9 + s10)		
NWI F24	Net profit after tax (water and sewerage) Surplus before dividends (w15a + s16a) – tax equivalents paid (Note 2-1 (iv) + Note 3-1 (iv))	$'000	7,103
NWI F25	Community service obligations (water and sewerage) Grants for pensioner rebates (w11b + s12b)	$'000	148

Notes:
1. References to w (eg. s12) refer to item numbers within Special Schedules 5 and 6 of Council's Annual Financial Statements.
2. The NWI performance indicators are based upon the National Performance Framework Handbook for Urban Performance Reporting Indicators and Definitions.

a refer to 3.2 (2) on page 15 of the Best-Practice Management of Water Supply and Sewerage Guidelines, 2007

Byron Shire Council

SPECIAL SCHEDULES
for the year ended 30 June 2017

Byron Shire...a thriving and vibrant community
where residents and visitors can live, work and play in a sustainable environment"

Byron Shire Council

Special Schedules
for the year ended 30 June 2017

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[1] Special Schedules are not audited (with the exception of Special Schedule 8).

Background

(i) These Special Schedules have been designed to meet the requirements of special purpose users such as;

- the NSW Grants Commission
- the Australian Bureau of Statistics (ABS),
- the NSW Office of Water (NOW), and
- the Office of Local Government (OLG).

(ii) The financial data is collected for various uses including;

- the allocation of Financial Assistance Grants,
- the incorporation of Local Government financial figures in national statistics,
- the monitoring of loan approvals,
- the allocation of borrowing rights, and
- the monitoring of the financial activities of specific services.

Byron Shire Council

Special Schedule 1 – Net Cost of Services
for the year ended 30 June 2017

$'000

Function or activity	Expenses from continuing operations	Income from continuing operations		Net cost of services
		Non-capital	Capital	
Governance	1,471	104	–	(1,367)
Administration	867	627	–	(240)
Public order and safety				
Fire service levy, fire protection, emergency services	833	266	–	(567)
Beach control	619	114	–	(505)
Enforcement of local government regulations	1,105	1,327	–	222
Animal control	57	44	–	(13)
Other	30	50	–	20
Total public order and safety	2,644	1,801	–	(843)
Health	990	471	–	(519)
Environment				
Noxious plants and insect/vermin control	90	–	–	(90)
Other environmental protection	439	151	–	(288)
Solid waste management	6,690	7,479	39	828
Street cleaning	254	–	–	(254)
Drainage	1,040	–	1,812	772
Stormwater management	56	288	–	232
Total environment	8,569	7,918	1,852	1,201
Community services and education				
Administration and education	402	–	–	(402)
Social protection (welfare)	613	45	–	(568)
Aged persons and disabled	48	1	–	(47)
Children's services	2,791	1,878	–	(913)
Total community services and education	3,854	1,924	–	(1,930)
Housing and community amenities				
Public cemeteries	213	214	14	15
Public conveniences	551	–	–	(551)
Street lighting	289	2	50	(237)
Town planning	5,372	1,814	1,799	(1,759)
Other community amenities	41	(42)	–	(83)
Total housing and community amenities	6,466	1,988	1,863	(2,615)
Water supplies	8,415	9,564	1,076	2,225
Sewerage services	14,592	15,508	3,753	4,669

Byron Shire Council

Special Schedule 1 – Net Cost of Services (continued)
for the year ended 30 June 2017

$'000

Function or activity	Expenses from continuing operations	Income from continuing operations		Net cost of services
		Non-capital	Capital	
Recreation and culture				
Public libraries	1,909	98	–	(1,811)
Museums	–	–	–	–
Art galleries	–	–	–	–
Community centres and halls	733	338	–	(395)
Performing arts venues	–	–	–	–
Other performing arts	–	–	–	–
Other cultural services	–	–	–	–
Sporting grounds and venues	1,850	379	–	(1,471)
Swimming pools	735	289	–	(446)
Parks and gardens (lakes)	3,540	148	314	(3,078)
Other sport and recreation	535	123	5	(407)
Total recreation and culture	9,302	1,375	319	(7,608)
Fuel and energy	–	–	–	–
Agriculture	–	–	–	–
Mining, manufacturing and construction				
Building control	943	1,347	–	404
Other mining, manufacturing and construction	389	–	–	(389)
Total mining, manufacturing and const.	1,332	1,347	–	15
Transport and communication				
Urban roads (UR) – local	6,306	–	5,443	(863)
Urban roads – regional	10	–	–	(10)
Sealed rural roads (SRR) – local	4,794	3,414	4,335	2,955
Sealed rural roads (SRR) – regional	1,107	648	–	(459)
Unsealed rural roads (URR) – local	786	–	–	(786)
Unsealed rural roads (URR) – regional	–	–	–	–
Bridges on UR – local	74	–	–	(74)
Bridges on SRR – local	273	–	–	(273)
Bridges on URR – local	–	–	–	–
Bridges on regional roads	159	–	–	(159)
Parking areas	1,180	3,518	–	2,338
Footpaths	146	126	–	(20)
Aerodromes	131	136	–	5
Other transport and communication	8	122	76	190
Total transport and communication	14,974	7,964	9,854	2,844
Economic affairs				
Camping areas and caravan parks	3,463	4,523	–	1,060
Other economic affairs	1,045	442	50	(553)
Total economic affairs	4,508	4,965	50	507
Totals – functions	77,983	55,556	18,767	(3,661)
General purpose revenues (1)		24,835		24,835
Share of interests – joint ventures and associates using the equity method	–	–		–
NET OPERATING RESULT (2)	77,983	80,391	18,767	21,174

(1) Includes: rates and annual charges (including ex gratia, excluding water and sewer), non-capital general purpose grants, interest on investments (excluding externally restricted assets) and interest on overdue rates and annual charges

(2) As reported in the Income Statement

Byron Shire Council

Special Schedule 2(a) – Statement of Long Term Debt (all purpose)

for the year ended 30 June 2017

$'000

Classification of debt	Principal outstanding at beginning of the year			New loans raised during the year	Debt redemption during the year		Transfers to sinking funds	Interest applicable for year	Principal outstanding at the end of the year		
	Current	Non-current	Total		From revenue	Sinking funds			Current	Non-current	Total
Loans (by source)											
Commonwealth Government	–	–	–							–	–
NSW Treasury Corporation	–	–	–							–	–
Other State Government	–	–	–							–	–
Public subscription	–	–	–							–	–
Financial institutions	2,592	60,128	**62,720**	–	2,592	–	–	4,493	2,555	57,573	**60,128**
Other	–	–	–							–	–
Total loans	**2,592**	**60,128**	**62,720**	–	**2,592**	–	–	**4,493**	**2,555**	**57,573**	**60,128**
Other long term debt											
Ratepayers advances	–	–	–							–	–
Government advances	–	–	–							–	–
Finance leases	–	–	–							–	–
Deferred payments	–	–	–							–	–
Total long term debt	–	–	–	–	–	–	–	–	–	–	–
Total debt	**2,592**	**60,128**	**62,720**	–	**2,592**	–	–	**4,493**	**2,555**	**57,573**	**60,128**

Notes: excludes (i) internal loans and (ii) principal inflows/outflows relating to loan re-financing.
This schedule is prepared using the **face value** of debt obligations, rather than **fair value** (which are reported in the GPFS).

Byron Shire Council

Special Schedule 3 – Water Supply Income Statement

Includes all internal transactions, i.e. prepared on a gross basis
for the year ended 30 June 2017

$'000		Actuals 2017	Actuals 2016
A	**Expenses and income**		
	Expenses		
1.	**Management expenses**		
	a. Administration	1,474	1,358
	b. Engineering and supervision	153	206
2.	**Operation and maintenance expenses**		
	– dams and weirs		
	a. Operation expenses	–	–
	b. Maintenance expenses	–	–
	– Mains		
	c. Operation expenses	322	303
	d. Maintenance expenses	425	319
	– Reservoirs		
	e. Operation expenses	144	213
	f. Maintenance expenses	–	11
	– Pumping stations		
	g. Operation expenses (excluding energy costs)	–	–
	h. Energy costs	–	–
	i. Maintenance expenses	–	–
	– Treatment		
	j. Operation expenses (excluding chemical costs)	203	173
	k. Chemical costs	61	53
	l. Maintenance expenses	21	17
	– Other		
	m. Operation expenses	282	331
	n. Maintenance expenses	–	–
	o. Purchase of water	3,903	3,780
3.	**Depreciation expenses**		
	a. System assets	1,209	1,238
	b. Plant and equipment	–	–
4.	**Miscellaneous expenses**		
	a. Interest expenses	–	–
	b. Revaluation decrements	–	–
	c. Other expenses	220	442
	d. Impairment – system assets	–	–
	e. Impairment – plant and equipment	–	–
	f. Aboriginal Communities Water and Sewerage Program	–	–
	g. Tax equivalents dividends (actually paid)	28	27
5.	**Total expenses**	8,445	8,471

Byron Shire Council

Special Schedule 3 – Water Supply Income Statement (continued)

Includes all internal transactions, i.e. prepared on a gross basis
for the year ended 30 June 2017

$'000		Actuals 2017	Actuals 2016
	Income		
6.	**Residential charges**		
	a. Access (including rates)	1,765	1,695
	b. Usage charges	4,620	4,133
7.	**Non-residential charges**		
	a. Access (including rates)	491	480
	b. Usage charges	2,094	1,887
8.	**Extra charges**	22	21
9.	**Interest income**	388	308
10.	**Other income**	317	291
10a.	**Aboriginal Communities Water and Sewerage Program**	–	–
11.	**Grants**		
	a. Grants for acquisition of assets	–	–
	b. Grants for pensioner rebates	72	89
	c. Other grants	1	5
12.	**Contributions**		
	a. Developer charges	877	1,117
	b. Developer provided assets	199	119
	c. Other contributions	–	–
13.	**Total income**	10,846	10,145
14.	**Gain (or loss) on disposal of assets**	(48)	–
15.	**Operating result**	2,353	1,674
15a.	**Operating result (less grants for acquisition of assets)**	2,353	1,674

Byron Shire Council

Special Schedule 3 – Water Supply Income Statement (continued)

Includes all internal transactions, i.e. prepared on a gross basis
for the year ended 30 June 2017

$'000		Actuals 2017	Actuals 2016
B	**Capital transactions**		
	Non-operating expenditures		
16.	**Acquisition of fixed assets**		
	a. New assets for improved standards	–	–
	b. New assets for growth	–	–
	c. Renewals	578	2,787
	d. Plant and equipment	–	–
17.	**Repayment of debt**	–	–
18.	**Totals**	578	2,787
	Non-operating funds employed		
19.	**Proceeds from disposal of assets**	–	–
20.	**Borrowing utilised**	–	–
21.	**Totals**	–	–
C	**Rates and charges**		
22.	**Number of assessments**		
	a. Residential (occupied)	10,317	10,125
	b. Residential (unoccupied, ie. vacant lot)	155	166
	c. Non-residential (occupied)	1,521	1,523
	d. Non-residential (unoccupied, ie. vacant lot)	39	35
23.	**Number of ETs for which developer charges were received**	– ET	– ET
24.	**Total amount of pensioner rebates (actual dollars)**	$ 147,203	$ 145,866

Byron Shire Council

Special Schedule 4 – Water Supply Statement of Financial Position

Includes internal transactions, i.e. prepared on a gross basis
as at 30 June 2017

$'000		Actuals Current	Actuals Non-current	Actuals Total
	ASSETS			
25.	**Cash and investments**			
	a. Developer charges	6,692	–	6,692
	b. Special purpose grants	–	–	–
	c. Accrued leave	–	–	–
	d. Unexpended loans	–	–	–
	e. Sinking fund	–	–	–
	f. Other	4,954	–	4,954
26.	**Receivables**			
	a. Specific purpose grants	2	–	2
	b. Rates and availability charges	87	–	87
	c. User charges	1,943	–	1,943
	d. Other	–	–	–
27.	**Inventories**	–	–	–
28.	**Property, plant and equipment**			
	a. System assets	–	–	–
	b. Plant and equipment	–	71,244	71,244
29.	**Other assets**	–	–	–
30.	**Total assets**	13,678	71,244	84,922
	LIABILITIES			
31.	**Bank overdraft**	–	–	–
32.	**Creditors**	–	–	–
33.	**Borrowings**	–	–	–
34.	**Provisions**			
	a. Tax equivalents	–	–	–
	b. Dividend	–	–	–
	c. Other	–	–	–
35.	**Total liabilities**	–	–	–
36.	**NET ASSETS COMMITTED**	13,678	71,244	84,922
	EQUITY			
37.	Accumulated surplus			41,556
38.	Asset revaluation reserve			43,366
39.	Other reserves			–
40.	**TOTAL EQUITY**			84,922
	Note to system assets:			
41.	**Current replacement cost** of system assets			–
42.	Accumulated **current cost** depreciation of system assets			–
43.	Written down **current cost** of system assets			–

Byron Shire Council

Special Schedule 5 – Sewerage Service Income Statement

Includes all internal transactions, i.e. prepared on a gross basis
for the year ended 30 June 2017

$'000	Actuals 2017	Actuals 2016
A Expenses and income		
Expenses		
1. Management expenses		
a. Administration	1,730	1,528
b. Engineering and supervision	160	202
2. Operation and maintenance expenses		
– mains		
a. Operation expenses	819	844
b. Maintenance expenses	471	278
– Pumping stations		
c. Operation expenses (excluding energy costs)	335	395
d. Energy costs	334	311
e. Maintenance expenses	676	570
– Treatment		
f. Operation expenses (excl. chemical, energy, effluent and biosolids management costs)	1,374	1,415
g. Chemical costs	430	423
h. Energy costs	399	388
i. Effluent management	128	133
j. Biosolids management	–	–
k. Maintenance expenses	545	565
– Other		
l. Operation expenses	108	169
m. Maintenance expenses	–	7
3. Depreciation expenses		
a. System assets	3,218	3,220
b. Plant and equipment	–	–
4. Miscellaneous expenses		
a. Interest expenses	3,476	3,792
b. Revaluation decrements	–	–
c. Other expenses	428	427
d. Impairment – system assets	–	–
e. Impairment – plant and equipment	–	–
f. Aboriginal Communities Water and Sewerage Program	–	–
g. Tax equivalents dividends (actually paid)	28	27
5. Total expenses	**14,659**	**14,694**

Byron Shire Council

Special Schedule 5 – Sewerage Service Income Statement (continued)

Includes all internal transactions, i.e. prepared on a gross basis
for the year ended 30 June 2017

$'000		Actuals 2017	Actuals 2016
	Income		
6.	**Residential charges** (including rates)	11,340	10,667
7.	**Non-residential charges**		
	a. Access (including rates)	1,947	1,919
	b. Usage charges	1,532	1,382
8.	**Trade waste charges**		
	a. Annual fees	63	61
	b. Usage charges	237	198
	c. Excess mass charges	61	31
	d. Re-inspection fees	–	–
9.	**Extra charges**	47	47
10.	**Interest income**	285	248
11.	**Other income**	135	139
11a.	**Aboriginal Communities Water and Sewerage Program**	–	–
12.	**Grants**		
	a. Grants for acquisition of assets	–	–
	b. Grants for pensioner rebates	76	80
	c. Other grants	–	–
13.	**Contributions**		
	a. Developer charges	3,251	4,070
	b. Developer provided assets	503	631
	c. Other contributions	–	–
14.	**Total income**	19,477	19,473
15.	**Gain (or loss) on disposal of assets**	(11)	–
16.	**Operating result**	4,807	4,779
16a.	**Operating result (less grants for acquisition of assets)**	4,807	4,779

Byron Shire Council

Special Schedule 5 – Sewerage Service Income Statement (continued)

Includes all internal transactions, i.e. prepared on a gross basis
for the year ended 30 June 2017

$'000		Actuals 2017	Actuals 2016
B	**Capital transactions**		
	Non-operating expenditures		
17.	**Acquisition of fixed assets**		
	a. New assets for improved standards	–	–
	b. New assets for growth	–	–
	c. Renewals	2,054	1,218
	d. Plant and equipment	–	–
18.	**Repayment of debt**	1,700	1,587
19.	**Totals**	3,754	2,805
	Non-operating funds employed		
20.	**Proceeds from disposal of assets**	–	–
21.	**Borrowing utilised**	–	–
22.	**Totals**	–	–
C	**Rates and charges**		
23.	**Number of assessments**		
	a. Residential (occupied)	9,604	9,444
	b. Residential (unoccupied, ie. vacant lot)	324	311
	c. Non-residential (occupied)	1,384	1,393
	d. Non-residential (unoccupied, ie. vacant lot)	52	48
24.	**Number of ETs for which developer charges were received**	– ET	– ET
25.	**Total amount of pensioner rebates (actual dollars)**	$ 142,244	$ 140,630

Byron Shire Council

Special Schedule 6 – Sewerage Service Statement of Financial Position

Includes internal transactions, i.e. prepared on a gross basis
as at 30 June 2017

$'000	Actuals Current	Actuals Non-current	Actuals Total
ASSETS			
26. Cash and investments			
a. Developer charges	9,584	–	9,584
b. Special purpose grants	–	–	–
c. Accrued leave	–	–	–
d. Unexpended loans	–	–	–
e. Sinking fund	–	–	–
f. Other	8,200	–	8,200
27. Receivables			
a. Specific purpose grants	2	–	2
b. Rates and availability charges	402	–	402
c. User charges	1,588	–	1,588
d. Other	–	–	–
28. Inventories	–	–	–
29. Property, plant and equipment			
a. System assets	–	–	–
b. Plant and equipment	–	127,045	127,045
30. Other assets	–	–	–
31. Total assets	19,776	127,045	146,821
LIABILITIES			
32. Bank overdraft	–	–	–
33. Creditors	207	–	207
34. Borrowings	1,700	44,471	46,171
35. Provisions			
a. Tax equivalents	–	–	–
b. Dividend	–	–	–
c. Other	–	–	–
36. Total liabilities	1,907	44,471	46,378
37. NET ASSETS COMMITTED	17,869	82,574	100,443
EQUITY			
38. Accumulated surplus			88,450
39. Asset revaluation reserve			11,993
40. Other reserves			–
41. TOTAL EQUITY			100,443
Note to system assets:			
42. Current replacement cost of system assets			–
43. Accumulated **current cost** depreciation of system assets			–
44. Written down **current cost** of system assets			–

Byron Shire Council

Notes to Special Schedules 3 and 5

for the year ended 30 June 2017

Administration [1]

(item 1a of Special Schedules 3 and 5) comprises the following:

- Administration staff:
  - Salaries and allowance
  - Travelling expenses
  - Accrual of leave entitlements
  - Employment overheads.
- Meter reading
- Bad and doubtful debts
- Other administrative/corporate support services

Engineering and supervision [1]

(item 1b of Special Schedules 3 and 5) comprises the following:

- Engineering staff:
  - Salaries and allowance
  - Travelling expenses
  - Accrual of leave entitlements
  - Employment overheads.
- Other technical and supervision staff:
  - Salaries and allowance
  - Travelling expenses
  - Accrual of leave entitlements
  - Employment overheads.

Operational expenses (item 2 of Special Schedules 3 and 5) comprise the day to day operational expenses excluding maintenance expenses.

Maintenance expenses (item 2 of Special Schedules 3 and 5) comprise the day to day repair and maintenance expenses. (Refer to Section 5 of the Local Government Asset Accounting Manual regarding capitalisation principles and the distinction between capital and maintenance expenditure).

Other expenses (item 4c of Special Schedules 3 and 5) includes all expenses not recorded elsewhere.

Revaluation decrements (item 4b of Special Schedules 3 and 5) is to be used when I,PP&E decreases in FV.

Impairment losses (item 4d and 4e of Special Schedules 3 and 5) are to be used when the carrying amount of an asset exceeds its recoverable amount (refer to page D-31).

Aboriginal Communities Water and Sewerage Program (item 4f of Special Schedules 3 and 5) is to be used when operation and maintenance work has been undertaken on behalf of the Aboriginal Communities Water and Sewerage Program. Similarly, income for item 11a of Special Schedule 3 and item 12a of Special Schedule 5 are for services provided to the Aboriginal Communities Water and Sewerage Program and is not part of Council's water supply and sewerage revenue.

Residential charges [2] (items 6a, 6b and item 6 of Special Schedules 3 and 5 respectively) include all income from residential charges. Item 6 of Schedule 3 should be separated into 6a access charges (including rates if applicable) and 6b usage charges.

Non-residential charges [2] (items 7a, 7b of Special Schedules 3 and 5) include all income from non-residential charges separated into 7a access charges (including rates if applicable) and 7b usage charges.

Trade waste charges (item 8 of Special Schedule 5) include all income from trade waste charges separated into 8a annual fees, 8b usage charges and 8c excess mass charges and 8d re-inspection fees.

Other income (items 10 and 11 of Special Schedules 3 and 5 respectively) include all income not recorded elsewhere.

Other contributions (items 12c and 13c of Special Schedules 3 and 5 respectively) including capital contributions for water supply or sewerage services received by Council under Section 565 of the *Local Government Act*.

Notes:

[1] Administration and engineering costs for the development of capital works projects should be reported as part of the capital cost of the project and not as part of the recurrent expenditure (ie. in item 16 for water supply and item 17 for sewerage, and **not** in items 1a and 1b).

[2] To enable accurate reporting of **residential revenue from usage charges**, it is essential for councils to accurately separate their residential (item 6) charges and non-residential (item 7) charges.

Byron Shire Council

Special Schedule 7 – Report on Infrastructure Assets as at 30 June 2017

$'000

Asset class	Asset category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2016/17 Required maintenance[a]	2016/17 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost 1	2	3	4	5
Buildings	Council Operations	–	–	273	241	13,201	14,931	4%	84%	10%	2%	0%
	Swimming Pool Buildings	187	187	–	–	838	931	9%	58%	32%	1%	0%
	Showground Buildings	–	–	–	–	1,531	1,937	6%	36%	45%	13%	0%
	Residential Leases	9	9	–	–	1,098	1,333	4%	22%	67%	7%	0%
	Recreation Buildings	115	115	–	–	3,912	5,755	4%	38%	53%	4%	1%
	Cavanbah Centre	–	–	23	31	5,168	5,416	100%	0%	0%	0%	0%
	Public Amenities	428	428	454	475	2,660	3,051	36%	28%	30%	5%	1%
	Emergency Services	49	49	–	–	1,130	1,262	23%	51%	22%	3%	1%
	Community Buildings	1,028	1,028	312	285	27,054	31,547	21%	43%	31%	5%	0%
	Commercial Leases	253	253	–	–	1,350	1,633	14%	52%	34%	0%	0%
	Holiday Parks	–	–	474	474	5,003	5,883	18%	62%	20%	0%	0%
	Sub-total	**2,069**	**2,069**	**1,536**	**1,506**	**62,945**	**73,679**	**21.4%**	**48.6%**	**26.2%**	**3.6%**	**0.1%**
Other structures	Other structures	378	378	10	14	1,917	2,190	31%	10%	36%	21%	2%
	Bus Shelters	–	–	4	5	124	200	19%	49%	5%	22%	5%
	Sub-total	**378**	**378**	**14**	**19**	**2,041**	**2,390**	**30.0%**	**13.3%**	**33.4%**	**21.1%**	**2.3%**

Byron Shire Council

Special Schedule 7 – Report on Infrastructure Assets as at 30 June 2017 (continued)

$'000

Asset class	Asset category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2016/17 Required maintenance[a]	2016/17 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost 1	2	3	4	5
Roads	Sealed Roads	24,037	24,037	2,597	2,555	121,837	229,941	4%	19%	56%	12%	9%
	Unsealed Roads	1,045	1,045	589	389	2,679	3,911	8%	20%	33%	31%	8%
	Bridges	6,274	6,274	300	27	12,830	23,909	27%	7%	49%	17%	0%
	Footpaths	550	550	167	11	5,503	8,627	15%	35%	40%	10%	0%
	Kerb and gutter	–	–	100	2	17,312	23,973	0%	18%	18%	55%	9%
	Other road assets	–	–	–	–	238	238					100%
	Traffic Control Devices	–	–	10	1	40,124	59,748	28%	45%	23%	3%	1%
	Carparks	–	–	10	–	2,712	3,306	0%	22%	45%	11%	22%
	Roundabouts, Islands and Speed Humps	–	–	–	–	8,277	10,424					100%
	Sub-total	**31,906**	**31,906**	**3,773**	**2,985**	**211,511**	**364,077**	**9.3%**	**22.3%**	**45.3%**	**13.5%**	**9.7%**
Water supply network	Mains	–	–	729	729	48,507	79,162	36%	28%	34%	2%	0%
	Reservoirs	–	–	167	167	6,305	12,587	0%	85%	11%	0%	4%
	Pumping Stations	–	–	27	27	313	567	20%	58%	17%	4%	1%
	Treatment	–	–	213	213	3,465	5,124	0%	100%	0%	0%	0%
	Sub-total	–	–	**1,136**	**1,136**	**58,590**	**97,440**	**29.4%**	**39.3%**	**29.1%**	**1.6%**	**0.5%**
Sewerage network	Sewerage network	–	–	695	695	48,003	87,834	31%	35%	23%	11%	0%
	Pumping Stations	–	–	1,003	1,003	9,055	18,654	19%	26%	41%	11%	3%
	Treatment	–	–	2,788	2,788	54,715	69,370	49%	46%	5%	0%	0%
	Sub-total	–	–	**4,486**	**4,486**	**111,772**	**175,858**	**36.8%**	**38.4%**	**17.8%**	**6.7%**	**0.3%**

Byron Shire Council

Special Schedule 7 – Report on Infrastructure Assets as at 30 June 2017 (continued)

$'000

Asset class	Asset category	Estimated cost to bring assets to satisfactory standard	Estimated cost to bring to the agreed level of service set by Council	2016/17 Required maintenance[a]	2016/17 Actual maintenance	Net carrying amount	Gross replacement cost (GRC)	Assets in condition as a percentage of gross replacement cost 1	2	3	4	5
Stormwater drainage	Stormwater drainage	3,025	3,025	396	127	47,322	64,294	1%	15%	62%	20%	2%
	Sub-total	**3,025**	**3,025**	**396**	**127**	**47,322**	**64,294**	**1.0%**	**15.0%**	**62.0%**	**20.0%**	**2.0%**
Open space/ recreational assets	Swimming pools	–	–	32	32	2,192	2,800	0%	100%	0%	0%	0%
	Fences	–	–	–	–	1,303	2,017	12%	36%	34%	16%	2%
	Lighting	157	157	2	2	2,313	2,977	17%	54%	23%	5%	0%
	Open Space Furniture	182	182	14	12	813	1,221	15%	31%	39%	12%	3%
	Other Structures	75	75	202	194	2,560	3,093	62%	19%	15%	4%	0%
	Park Active Areas	35	35	567	521	1,424	2,797	5%	20%	66%	4%	5%
	Park Equipment	196	196	6	5	1,040	1,745	24%	23%	40%	11%	2%
	Park Infrastructure	–	–	–	–	21	33	9%	24%	55%	6%	6%
	Park Passive Areas	–	–	–	–	204	413	8%	28%	38%	26%	0%
	Playgrounds	–	–	32	30	110	161	49%	10%	35%	4%	2%
	Other	–	–	–	–	292	292	0%	75%	25%	0%	0%
	Sub-total	**645**	**645**	**854**	**796**	**12,273**	**17,550**	**20.0%**	**42.3%**	**29.5%**	**6.7%**	**1.5%**
	TOTAL – ALL ASSETS	**38,023**	**38,023**	**12,195**	**11,055**	**506,453**	**795,288**	**18.6%**	**30.2%**	**36.4%**	**10.0%**	**4.8%**

Notes:

a Required maintenance is the amount identified in Council's asset management plans.

Infrastructure asset condition assessment 'key'

1 **Excellent** No work required (normal maintenance)
2 **Good** Only minor maintenance work required
3 **Average** Maintenance work required
4 **Poor** Renewal required
5 **Very poor** Urgent renewal/upgrading required

Byron Shire Council

Special Schedule 7 – Report on Infrastructure Assets (continued)

for the year ended 30 June 2017

$ '000	Amounts 2017	Indicator 2017	Benchmark	Prior periods 2016	2015
Infrastructure asset performance indicators * consolidated					
1. Infrastructure renewals ratio					
Asset renewals [1]	12,714	108.04%	>= 100%	136.80%	37.46%
Depreciation, amortisation and impairment	11,768				
2. Infrastructure backlog ratio					
Estimated cost to bring assets to a satisfactory standard	38,023	7.90%	< 2.00%	7.92%	6.27%
Net carrying amount of infrastructure assets	481,175				
3. Asset maintenance ratio					
Actual asset maintenance	11,055	0.91	> 1.00	1.01	0.91
Required asset maintenance	12,195				
4. Cost to bring assets to agreed service level					
Estimated cost to bring assets to an agreed service level set by Council	38,023	4.78%		4.86%	3.90%
Gross replacement cost	795,288				

Notes

* All asset performance indicators are calculated using the asset classes identified in the previous table.

[1] Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Byron Shire Council

Special Schedule 7 – Report on Infrastructure Assets (continued)

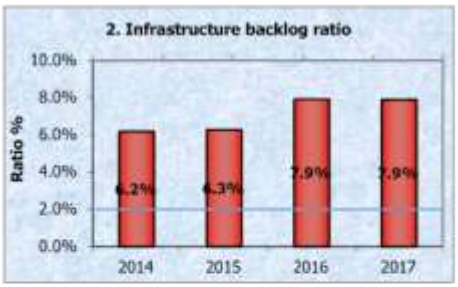
for the year ended 30 June 2017



Purpose of asset renewals ratio	Commentary on 2016/17 result
To assess the rate at which these assets are being renewed relative to the rate at which they are depreciating.	**2016/17 Ratio 108.04%** This ratio has decreased from 2015/16. Council is still above the benchmark due to a maintained higher level of capital works.

Benchmark: ——— 100.00%
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio achieves benchmark
Ratio is outside benchmark



Purpose of infrastructure backlog ratio	Commentary on 2016/17 result
This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.	**2016/17 Ratio 7.90%** The infrastructure backlog has remained relativly constant in dollar terms but has decreased in percentage terms due to an increase in the net carrying value of infrastructure assets

Benchmark: ——— 2.00%
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio achieves benchmark
Ratio is outside benchmark



Purpose of asset maintenance ratio	Commentary on 2016/17 result
Compares actual vs. required annual asset maintenance. A ratio above 1.0 indicates Council is investing enough funds to stop the infrastructure backlog growing.	**2016/17 Ratio 0.91 x** The gap between required maintenance and actual maintenance has increased mainly against the stormwater and road assets. Although actual maintenance expenditure has gone up, required maintenance expenditure has also increased signifcantly basedon assessment.

Benchmark: ——— 1.00
Source for benchmark: Code of Accounting Practice and Financial Reporting #25

Ratio achieves benchmark
Ratio is outside benchmark



Purpose of agreed service level ratio	Commentary on 2016/17 result
This ratio provides a snapshot of the proportion of outstanding renewal works compared to the total value of assets under Council's care and stewardship.	**2016/17 Ratio 4.78%** This ratio has dropped slightly from 2016. Similar to the backlog ratio, the cost to bring to an agreed level of service remained about the same, but decreased due to the Gross Replacement Cost of infrastructure assets increasing.

Byron Shire Council

Special Schedule 7 – Report on Infrastructure Assets (continued)
for the year ended 30 June 2017

$ '000	Benchmark	Water 2017	Sewer 2017	General [1] 2017
Infrastructure asset performance indicators by fund				
1. Infrastructure renewals ratio				
Asset renewals [2] / Depreciation, amortisation and impairment	>= 100%	**84.22%**	**63.63%**	**131.14%**
	prior period:	229.01%	37.99%	165.88%
2. Infrastructure backlog ratio				
Estimated cost to bring assets to a satisfactory standard / Net carrying amount of infrastructure assets	< 2.00%	**0.00%**	**0.00%**	**12.23%**
	prior period:	0.00%	0.00%	12.69%
3. Asset maintenance ratio				
Actual asset maintenance / Required asset maintenance	> 1.00	**1.00**	**1.00**	**0.83**
	prior period:	1.00	1.00	1.02
4. Cost to bring assets to agreed service level				
Estimated cost to bring assets to an agreed service level set by Council / Gross replacement cost		**0.00%**	**0.00%**	**7.28%**
	prior period:	0.00%	0.00%	7.54%

Notes

[1] General fund refers to all of Council's activities except for its water and sewer activities which are listed separately.

[2] Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

Byron Shire Council

Special Schedule 8 – Permissible Income Calculation

for the year ended 30 June 2018

$'000		Calculation 2016/17	Calculation 2017/18
Notional general income calculation [1]			
Last year notional general income yield	a	19,307	19,642
Plus or minus adjustments [2]	b	(8)	136
Notional general income	c = (a + b)	**19,299**	**19,778**
Permissible income calculation			
Special variation percentage [3]	d	0.00%	7.50%
Or rate peg percentage	e	1.80%	0.00%
Or crown land adjustment (incl. rate peg percentage)	f	0.00%	0.00%
Less expiring special variation amount	g	–	–
Plus special variation amount	h = d x (c – g)	–	1,483
Or plus rate peg amount	i = c x e	347	–
Or plus Crown land adjustment and rate peg amount	j = c x f	–	–
Sub-total	k = (c + g + h + i + j)	**19,646**	**21,261**
Plus (or minus) last year's carry forward total	l	2	3
Less valuation objections claimed in the previous year	m	(2)	–
Sub-total	n = (l + m)	–	**3**
Total permissible income	o = k + n	**19,646**	**21,264**
Less notional general income yield	p	19,642	21,265
Catch-up or (excess) result	q = o – p	**4**	**(1)**
Plus income lost due to valuation objections claimed [4]	r	–	7
Less unused catch-up [5]	s	(1)	–
Carry forward to next year	t = q + r – s	**3**	**6**

Notes

(1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.

(2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916*.

(3) The 'special variation percentage' is inclusive of the rate peg percentage and where applicable Crown land adjustment.

(4) Valuation objections are unexpected changes in land values as a result of land owners successfully objecting to the land value issued by the Valuer-General. Councils can claim the value of the income lost due to valuation objections in any single year.

(5) Unused catch-up amounts will be deducted if they are not caught up within 2 years. Usually councils will have a nominal carry forward figure. These amounts can be adjusted for in setting the rates in a future year.

(6) Carry forward amounts which are in excess (an amount that exceeds the permissible income) require ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the *Local Government Act 1993*. The OLG will extract these amounts from Council's Special Schedule 8 in the financial data return (FDR) to administer this process.

Byron Shire Council

Special Schedule 8 – Independent Auditors Report
for the year ended 30 June 2018

Report on Special Schedule 8

We have audited the accompanying special purpose financial statement comprising the reconciliation of total permissible general income (Special Schedule 8) of Byron Shire Council for the year ending 30 June 2018.

Responsibility of Council for Special Schedule 8

The Council is responsible for the preparation and fair presentation of Special Schedule 8 in accordance with the Local Government Code of Accounting Practice and Financial Reporting (Guidelines) Update No. 23. This responsibility includes the maintenance of adequate accounting records and internal controls designed to prevent and detect fraud and error; designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of Special Schedule 8 that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditors' responsibility

Our responsibility is to express an opinion on Special Schedule 8 based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether Special Schedule 8 is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in Special Schedule 8. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of Special Schedule 8, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of Special Schedule 8.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, there is an unavoidable risk that some material misstatements may not be detected, even though the audit is properly planned and performed in accordance with Australian Auditing Standards.

In making our risk assessments, we consider internal controls relevant to the entity's preparation of Special Schedule 8 in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements.

Audit opinion

In our opinion, Special Schedule 8 of Byron Shire Council for 2017/18 is properly drawn up in accordance with the requirements of the Office of Local Government and in accordance with the books and records of the Council.

Basis of accounting

Without modifying our opinion, we advise that this schedule has been prepared for distribution to the Office of Local Government for the purposes of confirming that Council's reconciliation of Council's total permissible general income is presented fairly. As a result, the schedule may not be suitable for another purpose.

FIRM NAME

Partner Name here...
Partner

Dated at Sydney this XXth day of Xxxxxxxxx, 2017

audit office
OF NEW SOUTH WALES

Mr Simon Richardson
Mayor
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Contact: Reiky Jiang
Phone no: (02) 9275 7281
Our ref:

6 October 2017

Dear Simon

Report on the Conduct of the Audit

for the year ended 30 June 2017

Byron Shire Council

I have audited the general purpose financial statements of the Byron Shire Council (the Council) for the year ended 30 June 2017 as required by s415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's general purpose financial statements.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2017 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the general purpose financial statements issued under section 417(2) of the Act.

SIGNIFICANT AUDIT ISSUES AND OBSERVATIONS

I identified the following significant audit issues and observations during my audit of the Council's financial statements. These issues and observations were addressed as part of my audit.

Prior Period Adjustment – Recognition of Community Land Assets

The Council revalued its community land in 2017. As a part of the revaluation process, the Council undertook an internal assessment to ensure that all community land controlled by the Council was recognised in the financial statements. The internal assessment identified 60 parcels of land totalling $27.6 million that had not been recognised in prior years. Majority of these land assets relate to Crown land reserves where the Council has been appointed as Trust Manager. The land recognised for the first time has been disclosed in the financial statements as a prior period error.

I reviewed the Council's process for determining control or ownership and found that the value of the land recognised is not materially misstated. However, the Council should review it systems and processes to ensure that all assets transferred to its control are recognised in its financial reporting in a timely manner.

Level 15, 1 Margaret Street, Sydney NSW 2000 | GPO Box 12, Sydney NSW 2001 | t 02 9275 7100 | f 02 9275 7200 | e mail@audit.nsw.gov.au | audit.nsw.gov.au

INCOME STATEMENT

Operating result

	2017 $'000	2016 $'000	Variance %
Rates and annual charges revenue	36,968	35,688	3.6 ↑
Grants and contributions revenue	30,037	24,916	20.6 ↑
Operating result for the year	21,174	15,974	32.6 ↑
Net operating result before capital amounts	2,407	3,267	26.3 ↓

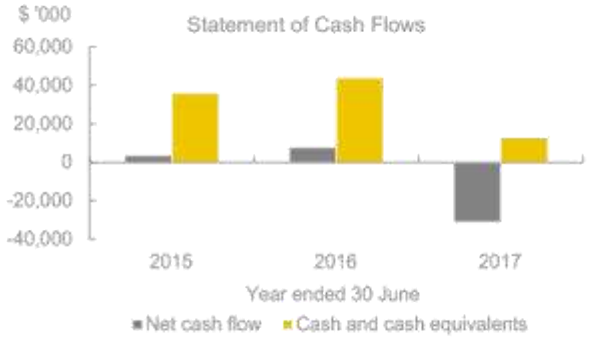
The Council's consolidated operating result for the year has increased from $16.0 million in 2016 to $21.2 million in 2017. The key drivers of the increase in the operating result are:

- the receipt of approximately $1.5 million core operating grants (financial assistance grant) from the Federal Government in advance
- the recognition of sections of the Hinterland Way (previously the Pacific Highway) on completion of the construction of the Pacific Motorway. The value of the assets vested in the Council is approximately $4.0 million and has been recognised as capital grant revenue.

STATEMENT OF CASH FLOWS

The Statement of Cash Flows illustrates the inflows and outflows of cash during the financial year. The adjacent graph illustrates that cash and cash equivalent assets has reduced when compared to prior years. The reasons for the reduction in cash assets is as follows:

- the Council spent an additional $6.0 million on infrastructure, property, plant and equipment compared to 2016; and
- the Council invested $30.5 million in term deposits which did not satisfy the definition of cash and cash equivalents as at 30 June 2017.



FINANCIAL POSITION

Cash and Investments

The Council's total cash and investments at balance date has remained relatively consistent with asset levels as at 30 June 2016.

Restricted Cash and Investments	2017	2016	Commentary
	$'000	$'000	
External restrictions	56,850	57,838	Externally restricted balances include unexpended specific loans, developer contributions and domestic waste management charges.
Internal restrictions	20,844	20,506	Balances are Internally restricted due to Council policy or decisions for forward plans including works program.
Unrestricted	1,145	1,145	Unrestricted balances provide liquidity for day-to-day operations.
Cash and investments	**78,839**	**79,489**	Cash and investments subject to external and internal restrictions remain constant over the years.

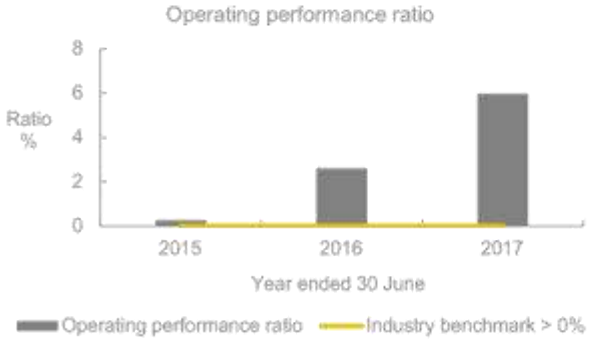
PERFORMANCE RATIOS

The definition of each ratio analysed below (except for the 'building and infrastructure renewals ratio') is included in Note 13 of the Council's audited general purpose financial statements. The 'building and infrastructure renewals ratio' is defined in Council's unaudited Special Schedule 7.

Operating performance ratio

The 'operating performances ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.

Council's operating performance ratio continues to exceed the industry benchmark. The increase in the ratio in the 2017 financial year is largely attributable to the receipt of the financial assistance grant in advance totalling $1.5 million.

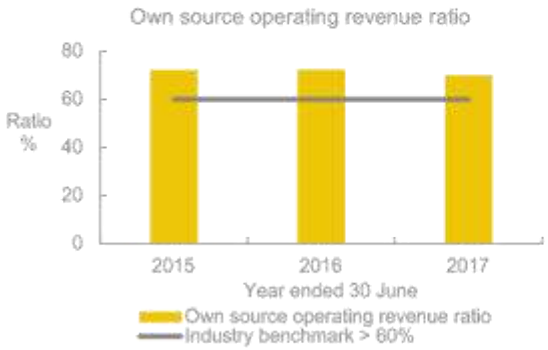


Cash flow statement

Own source operating revenue ratio

The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.

Council continues to exceed the industry benchmark which illustrates that revenue streams such as paid parking reduce the Council's reliance on government funding.



Unrestricted current ratio

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.

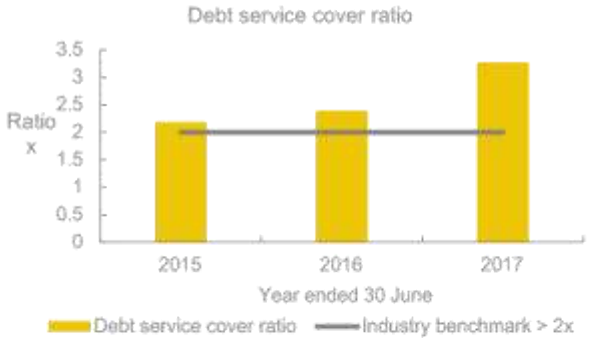
Council's unrestricted current ratio continues to be well above the industry benchmark and largely reflects the amount of internally restricted reserves set aside for future works and other expenditure programmes.



Debt service cover ratio

The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.

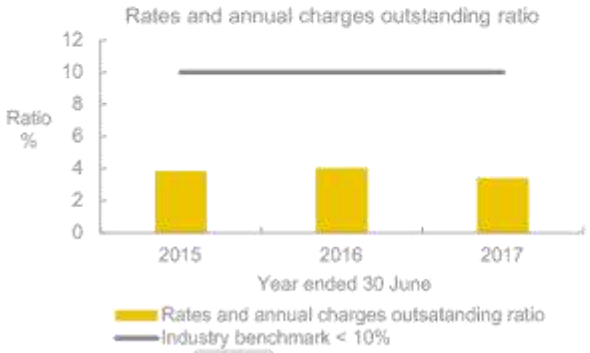
Council's debt service cover ratio continues to increase as debt levels fall.



Rates and annual charges outstanding ratio

The 'rates and annual charges outstanding ratio' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is less than 10 per cent for rural councils.

Given the current economic environment, the percentage outstanding has improved compared to the previous year. The result is better than the industry benchmark and reflects Council's ongoing debt recovery activity.



Cash expense cover ratio

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.

This ratio has remained relatively static as Council's cash and investments and expenditure levels have remained proportionate to each other.

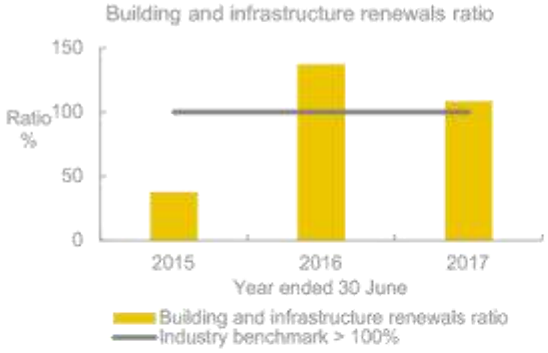


Building and infrastructure renewals ratio

The 'building and infrastructure renewals ratio assesses the rate at which these assets are being renewed against the rate at which they are depreciating. The benchmark set by OLG is greater than 100 per cent.

This ratio is sourced from Council's Special Schedule 7 which has not been audited.

The graph indicates that Council's capital works programme has been coordinated so that expenditure on renewing existing building and infrastructure assets has kept pace with their related depreciation.



OTHER MATTERS

New accounting standards implemented

AASB 124 'Related Party Disclosures'	
Effective for annual reporting periods beginning on or 1 July 2016	AASB 2015-6 extended the scope of AASB 124 to not-for-profit public sector entities. Council's financial statements disclosed the: • compensation paid to their key management personnel • nature of related party relationships • amount and nature of related party transactions, outstanding balances and commitments and outstanding balances (including commitments).

Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial reports. The Council's:

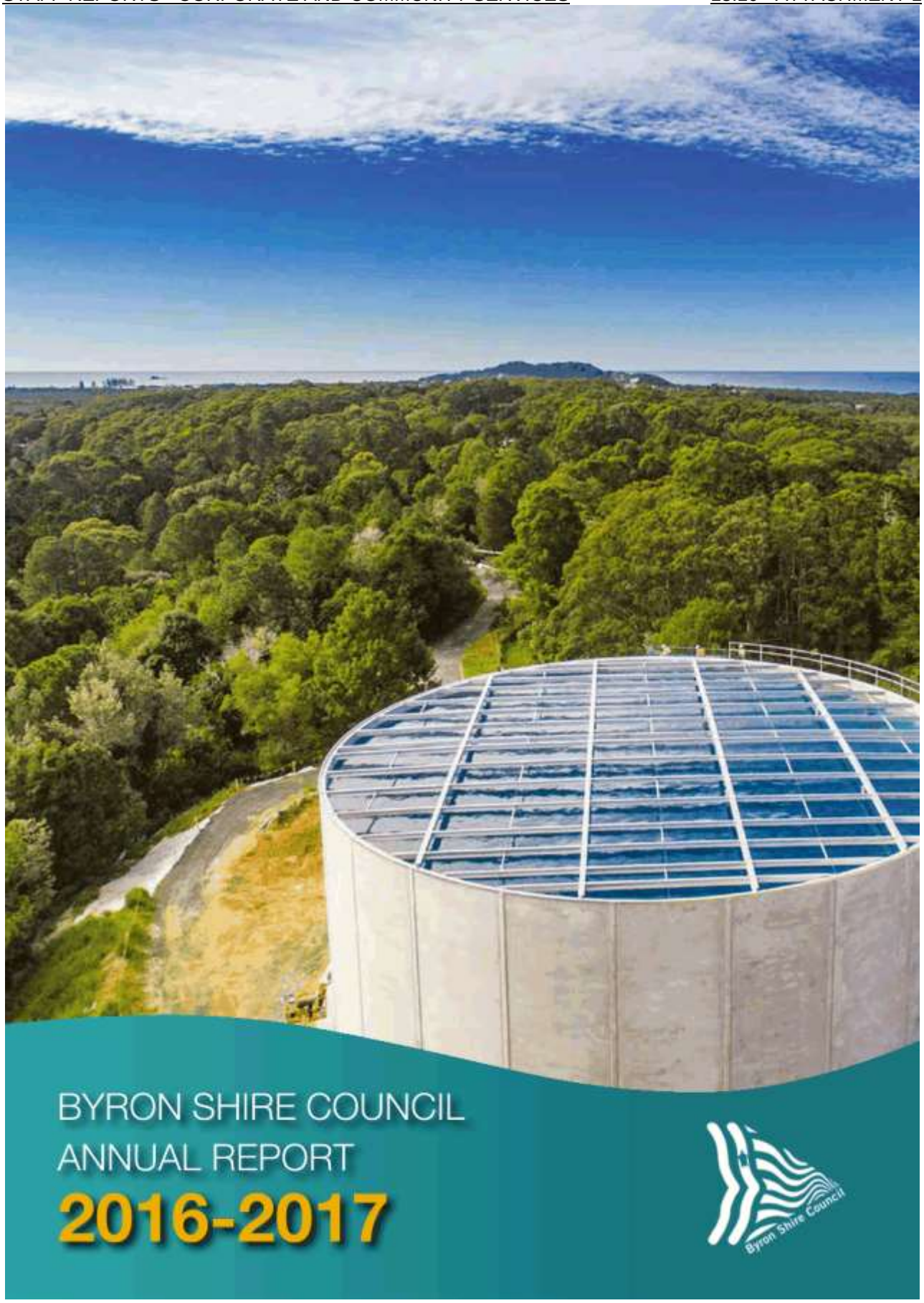
- accounting records were maintained in a manner and form to allow the general purpose financial statements to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

Reiky Jiang
Director, Financial Audit Services

6 October 2017
SYDNEY

cc: Mr Ken Gainger, General Manager
Mr Michael Georghiou, Chairperson, Internal Audit Advisory Committee
Tim Hurst, Acting Chief Executive of the Office of Local Government

DRAFT


BYRON SHIRE COUNCIL
ANNUAL REPORT
2016-2017
Byron Shire Council

In the preparation of this document Council acknowledges that the Bundjalung of Byron Bay – Arakwal People are the Traditional Custodians of the land in Byron Shire, and form part of the wider Aboriginal nation known as the Bundjalung. Council also acknowledges the Aboriginal and Torres Strait Islander people who now reside within this area.

Location of offices: Byron Shire Council
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The Division of Local Government receives a full and comprehensive Statutory Annual Report under Section 428 of the Local Government Act 1993.

Hard copies of this Statutory Report may be obtained at Council's Administration Building. It is also available on Council's website at www.byron.nsw.gov.au/annual-reports.

Images are by Byron Shire Council staff and David Hancock.



Traditional Home
of the Bundjalung

Byron Shire Council

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MESSAGE FROM THE MAYOR

It was an honour to be re-elected as Mayor of the Byron Shire in September 2016.

Representing the Byron Shire is a tremendous privilege and I would like to acknowledge the tireless work and endless enthusiasm of my fellow councillors. As a cohort we are gearing up and working together with great passion, commitment and collegiality. Many of the outcomes achieved so far would not have been possible without their dedication.

Byron Shire is well known for its approach to sustainability and the environment and these principals underpinned a lot of our decisions in 2016/17, particularly with respect to development. Some two million tourists visited our shire over the last 12 months to experience the same colour, magic and "laid back vibe" that inspires us all to live here. But this comes at a hefty price. The numbers of visitors are expected to continue to grow, putting enormous pressure on Council which has to provide the roads and infrastructure, not just for our ratepayers, but everyone else as well. The extra revenue generated from our pay parking and the unfortunately necessary rate rise will ensure we will tackle this impact head-on. This year we increased our annual roads expenditure to $17 million and with pay parking revenue of $3.5 million we are using this money to make significant and much needed improvements to our infrastructure.

Along with nation-wide exorbitant housing price rises, our tourism "success" and high demand from those wishing to join us to live here, have also contributed to a lack of affordable housing. This is a hard problem to solve but if any place in Australia can come up with innovative thinking in this space, we can, and in 2017/18 Council staff, councillors and many locals will be progressing new concepts from our recent Affordable Housing Expression of Interest process and investigating and instigating a range of options.

Balancing the needs and wellbeing of the community and the environment with the ever-increasing pressure of development is a challenge that must continue to be tackled. We released our draft Rural Land Use Strategy for comment, a document that seeks to find the balance between not only preserving, but encouraging the growth of our rural industries whilst maintaining the charm of our villages and communities in the hinterland.

This year we worked with residents of Bangalow and Mullumbimby on the Bangalow Village Plan and the Mullumbimby Masterplan. This work was in addition to the finalisation of the Byron Bay Town Masterplan. We are focused on making sure our towns and villages meet our needs, reflect our values and are vibrant places to live, work and gather.

Byron Shire Council continued to be a leader in its approach to renewable energy and Councillors have committed to ensuring the Shire is 100% renewable by 2025. In fact, we are poised to be so even sooner. We also worked closely with a number of innovative local organisations on exciting projects such as hydro-electricity generation, solar farms and a power company proposing to allow locals to buy electricity that is generated in the Byron Shire – by nature. I am confident of significant outcomes in this area next year.

We are blessed to not only live, work and raise our families in paradise, but to be part of such a highly-spirited and actively-engaged community. We are proud to be different and passionate about making a difference and I love our community for its ongoing activism. A key challenge moving forward will be our ability to respectfully accept difference and to collaborate with each other in order to get the best outcomes for our shire, after all – we are all in this together.

The future of the Byron Shire is bright because of the community the Council represents. I can't wait to see what next year brings.

Simon Richardson
Mayor


Byron Shire Council | Annual

MESSAGE FROM THE GENERAL MANAGER

There's no doubt about it – Byron Shire Council is one of the most progressive and vibrant local government areas in Australia and as I reflect on 2016/17 it's been a significant year on many levels not only for the Council, but for the community we serve.

The 2016 NSW Local Government Election saw Cr Simon Richardson returned as Mayor along with Councillors Basil Cameron, Paul Spooner and Alan Hunter. They were joined by five new faces – Councillors Cate Coorey, Jan Hackett, Jeanette Martin, Sarah Ndiaye and Michael Lyon.

While Byron Shire Council committed to a range of innovative projects this year, we also made road maintenance and infrastructure renewal a priority. This area has been chronically underfunded by successive councils, and as a result our road network is in poor shape. This is a consistent message from residents.

We have increased our spending on roads from $4million in 2012 to $17million in 2017.

Our most significant achievement in 2016/17 was the approval received from the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation of 7.5 per cent, each year for four years commencing from 2017/18.

Our staff spoke to and received feedback from several thousand people about our reasons for applying for the rate increase, highlighting Council's promise to them that all the money raised would be invested in renewing and improving our road and bridge infrastructure.

IPART was satisfied with the case that was presented and approved the special rate variation and I am looking forward to reporting back next year on the achievements and progress of our efforts to address our infrastructure backlog across the Shire. Our budget for road projects is $19.6 million in 2017/18, excluding works on the Byron Bay Bypass.

Ex-Tropical Cyclone Debbie, which hit the Northern Rivers area in late March, had a severe impact on parts of the Byron Shire. The heavy rain and flooding wreaked havoc on our road network with communities at Mullumbimby, Billinudgel, New Brighton, South Golden Beach and areas of Ocean Shores being particularly hard hit. We were successful in our applications for natural disaster funding for the repair of Council infrastructure and for Australian Government Disaster Recovery funding for affected residents and businesses.

Plans to upgrade Ewingsdale Road, the main entrance to Byron Bay saw construction start on a new roundabout at the Sunrise Boulevard intersection which coincided with structural repairs on the bridge over Belongil Creek.

The NSW Government contributed $2 million to the roundabout project as part of its Black Spot Project Grant program. A new roundabout at Bayshore Drive will also be built next year. More than 20,000 vehicles a day use Ewingsdale Road so combined, the projects will improve access to and from Sunrise and the industrial estate.

Planning work for the construction of the Byron Bay town bypass is well underway and we were successful in defending court action from a community group opposed to the project. There's no holding back the number of visitors coming to Byron Bay and our long-term plan is to make the town centre a much more pedestrian-friendly zone. The bypass will be instrumental in diverting traffic away from the middle of the town.

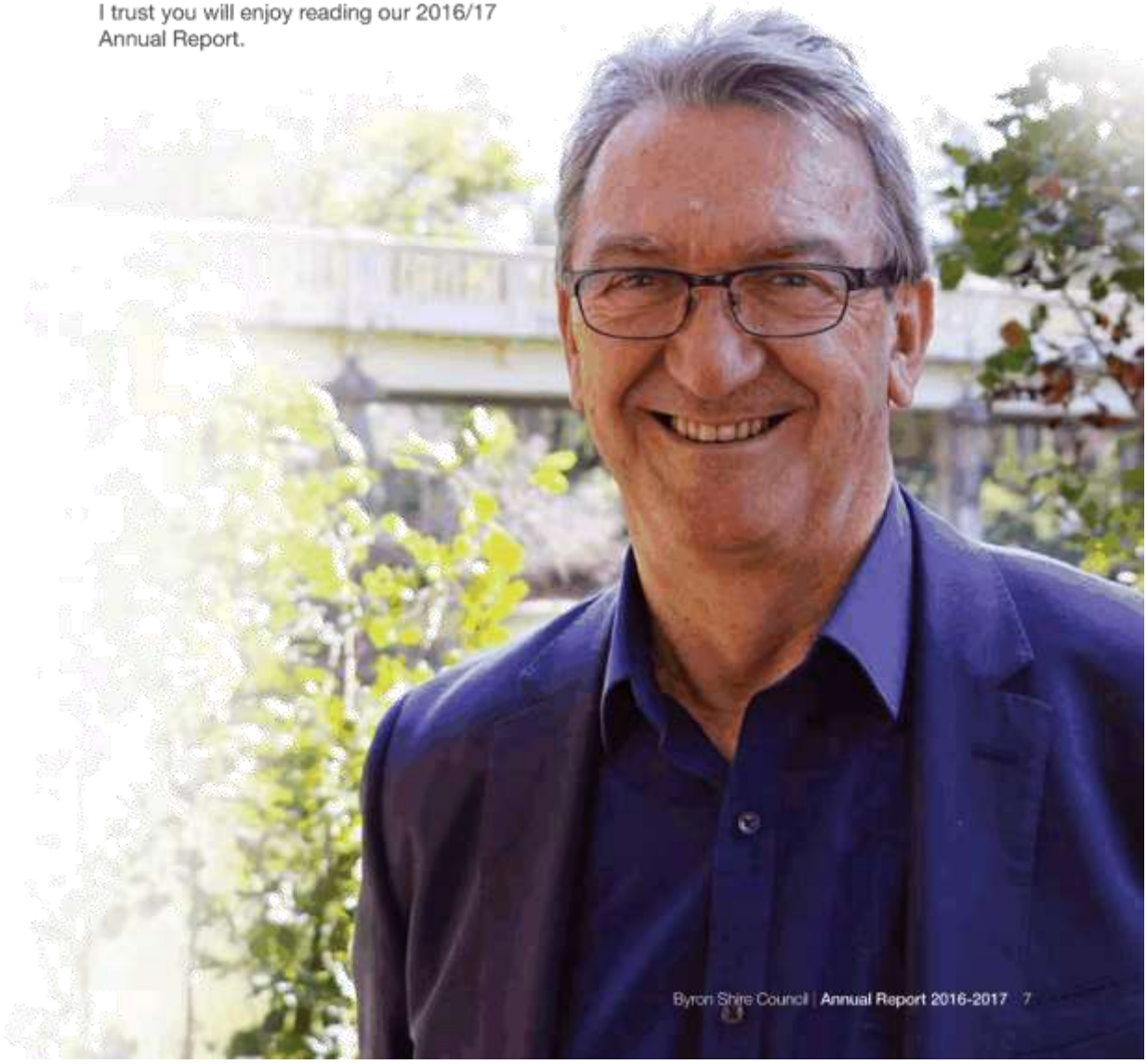
Our tourism industry is ever growing and Council, with our ratepayer base of approximately 15,500 properties, continues to battle to provide infrastructure for around two million tourists. Pay parking in Byron Bay is going some way to providing some revenue from tourists but Council continues to lobby the NSW Government for answers to this problem which is not going away.

Each year we produce a report for our community to document progress against our operational plan and outline our investment of funding and resources. This year we are taking the next step to highlight our achievements and showcase some of the great work happening in our community. I trust you will enjoy reading our 2016/17 Annual Report.

My thanks to the staff at Byron Shire Council for their efforts this year. We have terrific people on staff who not only are very skilled but work extremely hard for the community.

We look forward to continuing to work in partnership with residents, businesses, stakeholders, visitors and government partners as we deliver a better future for Byron Shire.

Ken Gainger
General Manager




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OUR COMMUNITY

The Byron Shire is the traditional home of the Arakwal people from the Bundjalung nation on the far north coast of NSW. It shares its boundaries with the Tweed, Lismore and Ballina Local Government Areas in a region known as the Northern Rivers.

Covering an area of 556 km2 the Byron Shire is famous for its beaches, hinterland and villages. The Cape Byron Lighthouse sits atop the most easterly point in Australia and is an icon for a Shire that is regarded for its creativity, sustainability and its relaxed lifestyle. Our population of 32,790 is diverse and colourful including surfers, farmers and those committed to alternative lifestyles and philosophies.

In 2016, two million people visited the Byron Shire, making it one of the country's most popular destinations for domestic and international tourists. Tourism contributed $418 million to the local economy in 2015/16, sustaining a workforce of 1,366 people. The retail trade sector however was the largest employer, generating 2,069 jobs.

The area is well known for its sustainability principles – and is a vibrant home to creative industries and innovative business ideas. A recent study identified the Northern Rivers as one of the nation's top entrepreneurial hotspots with Byron Shire being described as a leading 'lifestylepreneur' region.

Transport provides significant challenges to residents living in the Byron Shire. There is limited public transport and a high reliance on privately-owned cars which sometimes restrict people's access to services and educational facilities outside the Shire.

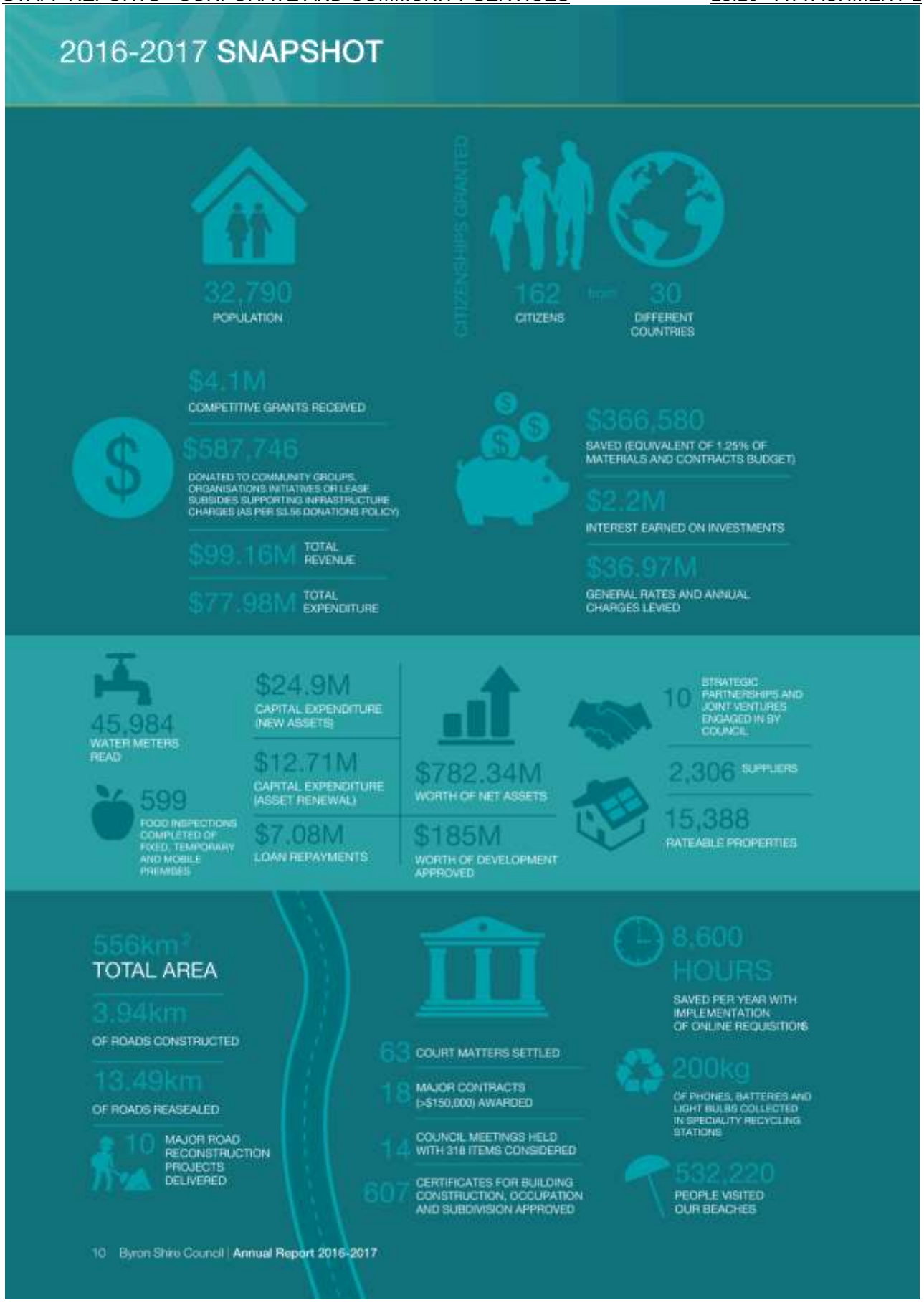
Council maintains a network of 603km of urban and rural roads and the impact of our sub-tropical climate and large visitor numbers take their toll on infrastructure.

In 2016 hospital services in the Byron Shire were consolidated with the new Byron Central Hospital replacing the Mullumbimby and Byron Bay Hospitals. Larger hospitals in Lismore and Tweed Heads and further north on the Gold Coast and Brisbane provide a wide range of specialist medical services. Private hospitals are also located in Lismore and on the Gold Coast.

Southern Cross University and North Coast TAFE offer a wide selection of courses at a variety of campuses. The Byron Shire is fortunate to be served by excellent public and private primary, and high schools and early childhood facilities which provide a diverse range of educational opportunities for our young residents.

The Byron Shire is a great place to live, work and do business. Our innovative approach to sustainability, the protection of our natural environment and working with our community are highly regarded by the NSW and Federal Governments.




2016-2017 SNAPSHOT
32,790
POPULATION
CITIZENSHIPS GRANTED
162
CITIZENS
from
30
DIFFERENT COUNTRIES
$4.1M
COMPETITIVE GRANTS RECEIVED
$587,746
DONATED TO COMMUNITY GROUPS, ORGANISATIONS, INITIATIVES OR LEASE SUBSIDIES SUPPORTING INFRASTRUCTURE CHARGES (AS PER S3.56 DONATIONS POLICY)
$99.16M TOTAL REVENUE
$77.98M TOTAL EXPENDITURE
$366,580
SAVED (EQUIVALENT OF 1.25% OF MATERIALS AND CONTRACTS BUDGET)
$2.2M
INTEREST EARNED ON INVESTMENTS
$36.97M
GENERAL RATES AND ANNUAL CHARGES LEVIED
45,984
WATER METERS READ
599
FOOD INSPECTIONS COMPLETED OF FIXED, TEMPORARY AND MOBILE PREMISES
$24.9M
CAPITAL EXPENDITURE (NEW ASSETS)
$12.71M
CAPITAL EXPENDITURE (ASSET RENEWAL)
$7.08M
LOAN REPAYMENTS
$782.34M
WORTH OF NET ASSETS
$185M
WORTH OF DEVELOPMENT APPROVED
10
STRATEGIC PARTNERSHIPS AND JOINT VENTURES ENGAGED IN BY COUNCIL
2,306
SUPPLIERS
15,388
RATEABLE PROPERTIES
556km²
TOTAL AREA
3.94km
OF ROADS CONSTRUCTED
13.49km
OF ROADS RESEALED
10
MAJOR ROAD RECONSTRUCTION PROJECTS DELIVERED
63
COURT MATTERS SETTLED
18
MAJOR CONTRACTS (>$150,000) AWARDED
14
COUNCIL MEETINGS HELD WITH 318 ITEMS CONSIDERED
607
CERTIFICATES FOR BUILDING CONSTRUCTION, OCCUPATION AND SUBDIVISION APPROVED
8,600
HOURS
SAVED PER YEAR WITH IMPLEMENTATION OF ONLINE REQUISITIONS
200kg
OF PHONES, BATTERIES AND LIGHT BULBS COLLECTED IN SPECIALITY RECYCLING STATIONS
532,220
PEOPLE VISITED OUR BEACHES
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OUR COUNCILLORS

Councillors are elected to represent the interests of the residents and ratepayers, provide leadership and guidance to the community, and facilitate communication between the community and the Council.

We have nine councillors including the popularly-elected Mayor. Councillors hold office for four years and the following were elected in the September 2016 NSW Local Government Elections.



Mayor Simon Richardson
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0427 076 834



Basil Cameron
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Jan Hackett
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Alan Hunter
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Michael Lyon
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(02) 6684 3404



Jeannette Martin
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0412 322 255



Sarah Ndiaye
sarah.ndiaye@cr.byron.nsw.gov.au
0432 389 353



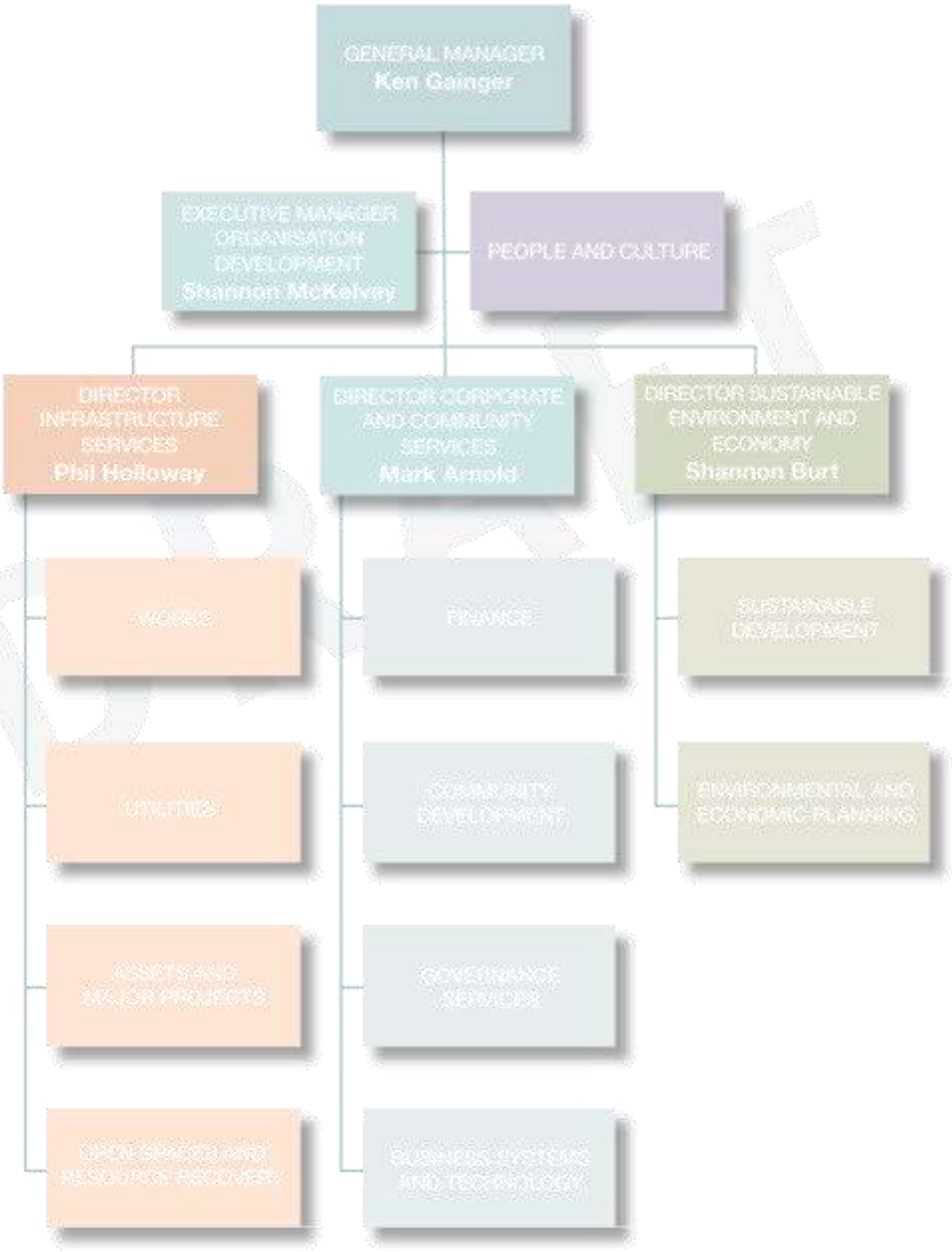
Paul Spooner
paul.spooner@cr.byron.nsw.gov.au
0434 771 510

Dianne Woods, Rose Wanchap, Sol Ibrahim, Chris Cubis and Duncan Dey were Councillors until September 2016.


GET INVOLVED
Get involved and help shape decisions for our community by:
• Attending Council meetings
• Making an appointment to speak with the Mayor or Councillors
• Making an appointment to speak with the General Manager or relevant Director
• Writing or telephoning Council about the issues important to you
• Attending a public meeting or forum to discuss specific issues
• Joining a Council committee or project reference group
More information is included at appendix 1.
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OUR TEAM

Our team includes 293 staff who are responsible for the delivery of effective and efficient services for our community. Our team is led by the General Manager Ken Gainger and Directors for Corporate and Community Services (Mark Arnold), Infrastructure Services (Phil Holloway) and Sustainable Environment and Economy (Shannon Burt).



OUR VISION

Our vision: Culturally rich,thriving communities living in harmony, responding positively to the challenges of our world, and leading by example.

This vision, together with our priorities and aspirations for the future are encompassed in the Byron Shire Community Strategic Plan and then translated into actions and activities in our four-year Delivery Program and annual Operational Plan.

Our Community Strategic Plan is built around five key themes:

Corporate Management	Effective leadership and ethical and accountable decision making.
Economy	A sustainable and diverse economy which provides innovative employment and investment opportunities in harmony with our ecological and social aims.
Society and Culture	Resilient, creative and active communities with a strong sense of local identity and place.
Environment	Our natural and built environment is improved for each generation.
Community Infrastructure	Services and infrastructure that sustains, connects and integrates our communities and environment.

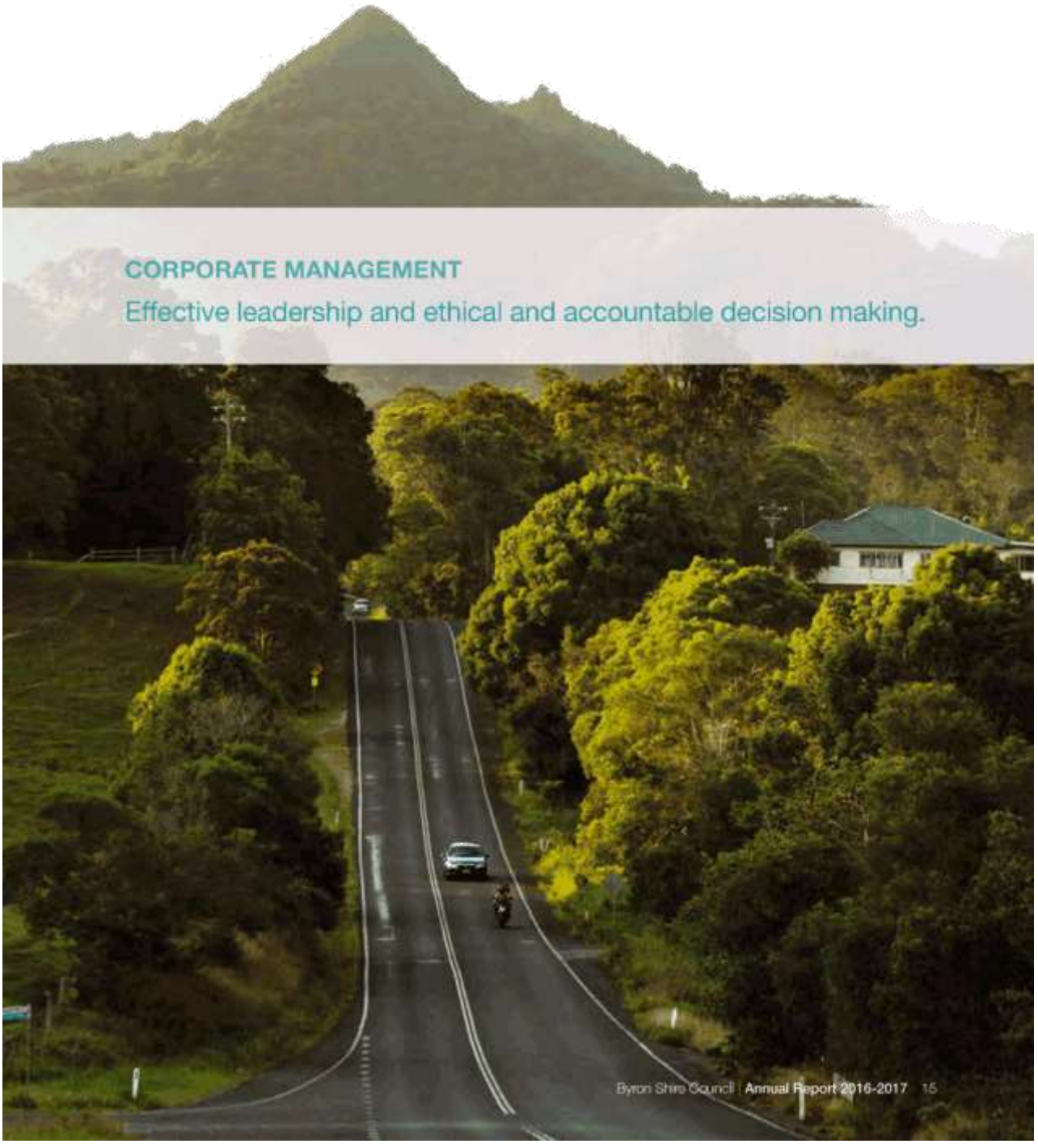
The NSW Government's Integrated Planning and Reporting framework outlines how local government's capture the community's main priorities and aspirations for the future and outlines how these will be achieved. All councils must have a:

- Community Strategic Plan
- Resourcing Strategy that includes a Long Term Financial Plan, a Workforce Plan and an Asset Management Plan
- Delivery Program
- Operational Plan, including a statement of revenue policy, and a detailed annual budget

These documents are linked through a series of cascading actions that detail how the community's long term aspirations and outcomes will be achieved.



OUR ACHIEVEMENTS



Customer service focus

Customers are able to access Council through a variety of channels making it easier for customers to get information, liaise with Council and get business done. Two new self-service kiosks have been installed at the Mullumbimby Council Administration Centre and a new online 'report it' function was launched in 2016/17.

Procurement roadmap

Council undertook a number of initiatives to improve the way it procures goods and services, including centralising contracts, developing a sustainable procurement policy, introducing a new contract management system, implementing online requisitions and trialling purchasing cards. Strategic procurement initiatives have resulted in $342,277 in savings.

Commercial activities

Byron Shire is one of the most popular tourist destinations in Australia. With public demand for our beaches and reserves increasing, we must take every care to protect them and the safety and comfort of people who use them. Council developed a commercial activities policy to help retain coastal Crown reserves as places for passive and active recreation, setting out regulations for what activities can be carried out and regulate the level of temporary business or commercial activity and the provision of criteria for determining these applications.

Mullumbimby Hospital Site acquisition

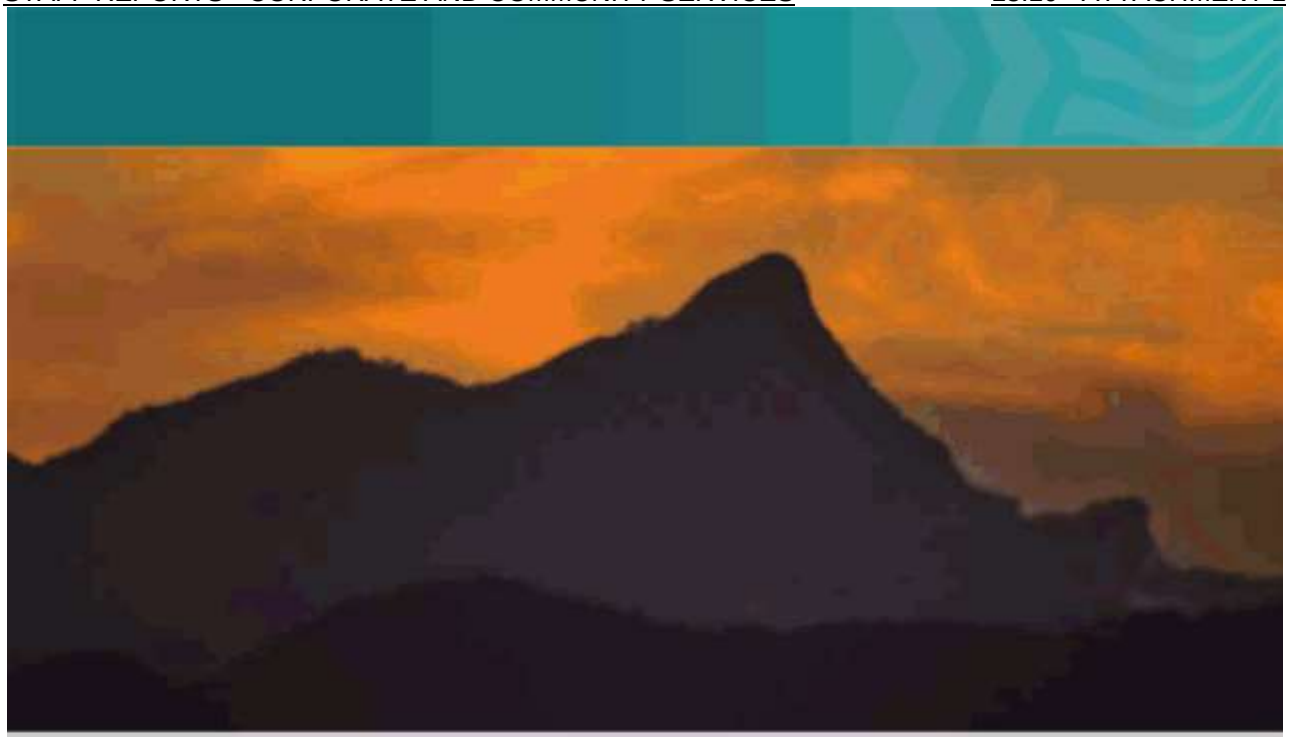
Council negotiated with the NSW Government to secure the acquisition of the Mullumbimby Hospital site following strong community support and encouragement. Council is working with the community to determine future uses for the site.

Records Management

Council staff processed 20,810 incoming emails from Council's inbox during the 16-17 financial year, completed 1522 informal access requests from external customers and generated 668 external customer appointments.

Special rate variation for infrastructure investment

Council undertook an intense community engagement program to seek approval from the Independent Pricing and Regulatory Tribunal (IPART) for a special rate variation to inject funds into infrastructure investment. IPART approved an increase of 7.5 per cent per year for four years which is anticipated to raise $11.72 million. This will be allocated to reducing Council's infrastructure backlog and improving financial sustainability. The additional funding will be spent on roads, stormwater drainage, rural drainage and culverts, buildings, public amenities and parks.



ECONOMY

A sustainable and diverse economy which provides innovative employment and investment opportunities in harmony with our ecological and social aims.





Councillors and staff at the Affordable Housing Summit

Byron Young Innovators

A key challenge for the community is to provide meaningful opportunities for young people to access programs and experiences that nurture innovation and entrepreneurship and develop skills that are relevant to a changing economy. Council endorsed the Byron Young Innovations Pilot Project to focus on inclusive and adaptive learning programs to assist in skills development and career prospects. The project will be delivered with cross-sectoral partners.

Social enterprise

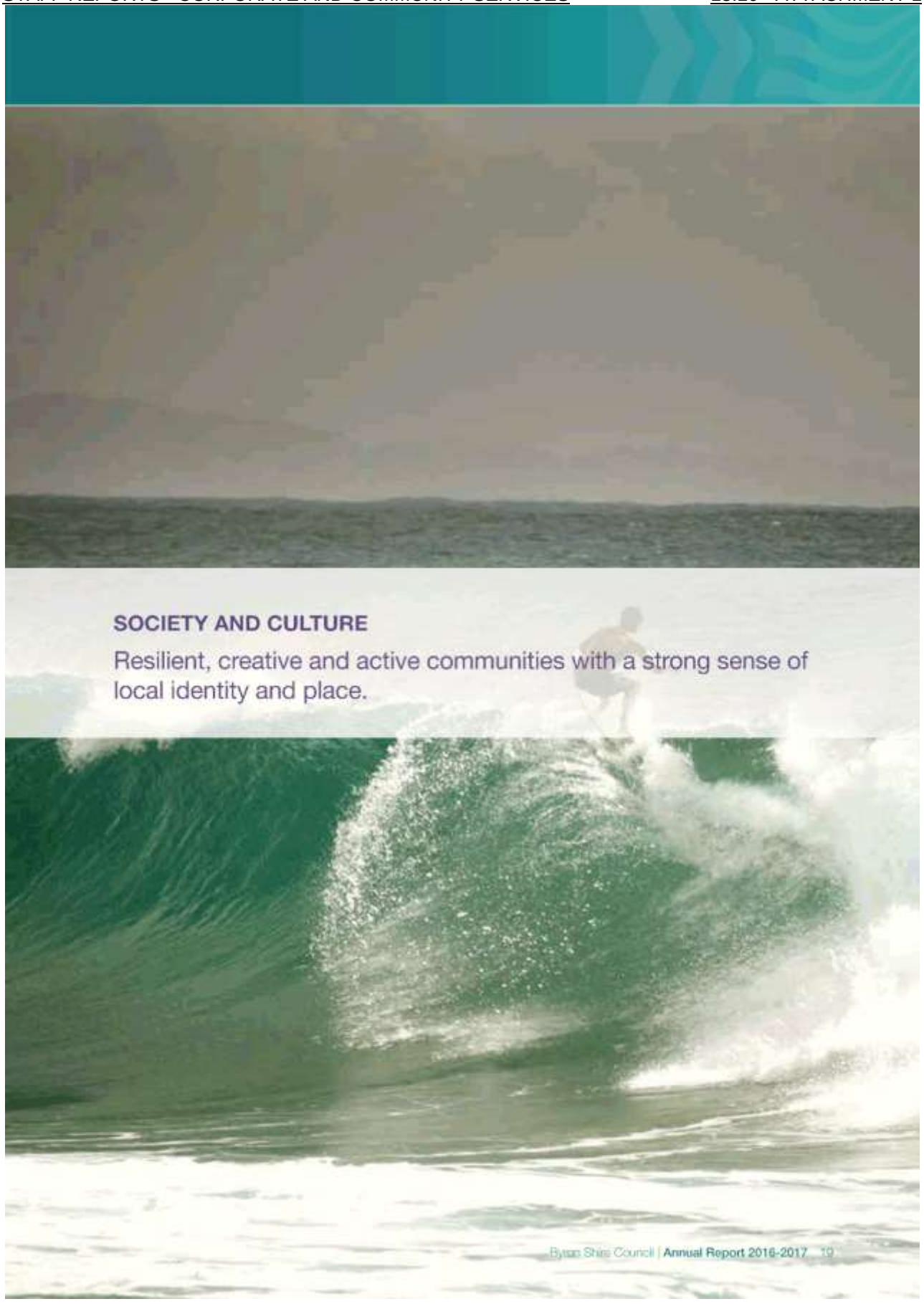
Council spent $2.3M with social enterprises during 2016/17. In November 2016 we celebrated two years of partnership with the House with No Steps which has looked after the ground maintenance of Byron Shire Council's Sewerage Treatment Plants and Wetlands since 2014. The program has created up-skilling and employment outcomes for people with a disability. Council is committed and keen to explore new social enterprise opportunities within its operations, as well as externally through local business and government.

Affordable Housing Summit

Byron Shire is a prosperous area for some people, but not for others who are at risk of homelessness or looking at a future that does not include home ownership. Council facilitated a Summit to share knowledge and benefit from practical experience, case studies and expert presentations from leading national and local organisations. The event bought stakeholders from government, housing providers, private industry and community to look at current policies, development practices and programs for housing and to look at what could be done differently to improve the availability and supply of housing.



House with No Steps representatives with General Manager Ken Gainger


SOCIETY AND CULTURE
Resilient, creative and active communities with a strong sense of local identity and place.
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Consultation in Bangalow

Arakwal Memorandum of Understanding

Byron Shire Council has a strong partnership with the indigenous owners of our land, the Arakwal people, and thorugh the Bundjalung of Byron Bay Aboriginal Corporation, Council is committed to acknowledging and assisting with their caring for country. The Arakwal Memorandum of Understanding was signed in 2013 and underpins Council's work to preserve cultural practices, traditional sites, significant places and expressions of cultural identity. Council conducts regular meetings with the Bundjalung of Byron Bay Arakwal people through the Arakwal Memorandum of Understanding Advisory Committee.

Children's services sector analysis

The purpose of this analysis is to create a picture of the existing early childhood education landscape and identify current and future childcare and education needs in our local community. With this understanding, Council can better plan, deliver and advocate for local children's services in an effective, collaborative way to support the wellbeing of our community. The sector analysis informed the development of Council's new Children's Services policy and demonstrates Council's commitment to support and partner with the community in response to identified needs for inclusive, quality children's services in the Byron Shire.

Ex-Tropical Cyclone Debbie flood recovery

In the wake of Ex-Tropical Cyclone Debbie, significant impacts to people and property were experienced in parts of Byron Shire. Council partnered with local service providers to ensure the community was well supported in relation to their health and wellbeing, including collecting data, coordinating advocacy efforts with State and Federal Governments and providing leadership in the recovery phase. Intensive advocacy on behalf of Byron Shire saw affected communities receive State and Federal grants and payments which will aid in the long journey of recovery.

Disability Access and Inclusion Plan

The NSW Disability Inclusion Act 2014 requires that all local councils undertake disability inclusion action planning. The Disability Access and Inclusion Plan (DAIP) was developed for people with a disability through a whole-of-Council and community stakeholder engagement process. The DAIP is Council's practical commitment to reduce barriers for people with disabilities to access, and to facilitate inclusion and participation across the built, economic, social and natural environments of Byron Shire. The DAIP also provides strategic direction for Council to meet the needs of its residents and visitors with disabilities.

Development Assessment assistance

In 2016/17 Council approved developments valued at $185 million. This year we implemented a number of initiatives to help customers lodge development applications. This included a preDA process, to reduce processing times by providing a preliminary review on lodgement, and providing detailed information on Council's website for subdivision development to assist applicants lodging applications and providing online building and plumbing inspection request forms to make booking inspections easier for customers and staff.

Love Byron Halls Project

Through Section 355 committees, Council manages a number of halls which are used for community activities, dances, cinema experiences, concerts and performances, public meetings, and many other purposes. The halls have a strong history in our community and for many years have been important places to meet. Where halls in many regions have been abandoned to the dust heap of history, in Byron Shire, Council is supporting the creative local community to keep finding new ways to activate these quirky places. In 2016/17 we launched the Love Byron Halls project, which aimed to fund new ways to activate the old halls and support our local creative communities.

Village and town masterplans

Plans are being prepared for Mullumbimby and Bangalow with the aim of being visionary local plans which are flexible and responsive to the needs of the community. Guidance Groups including community representatives, Council staff and Councillors have been formed to take responsibility for guiding the preparation of the plans.

Lifeguard services

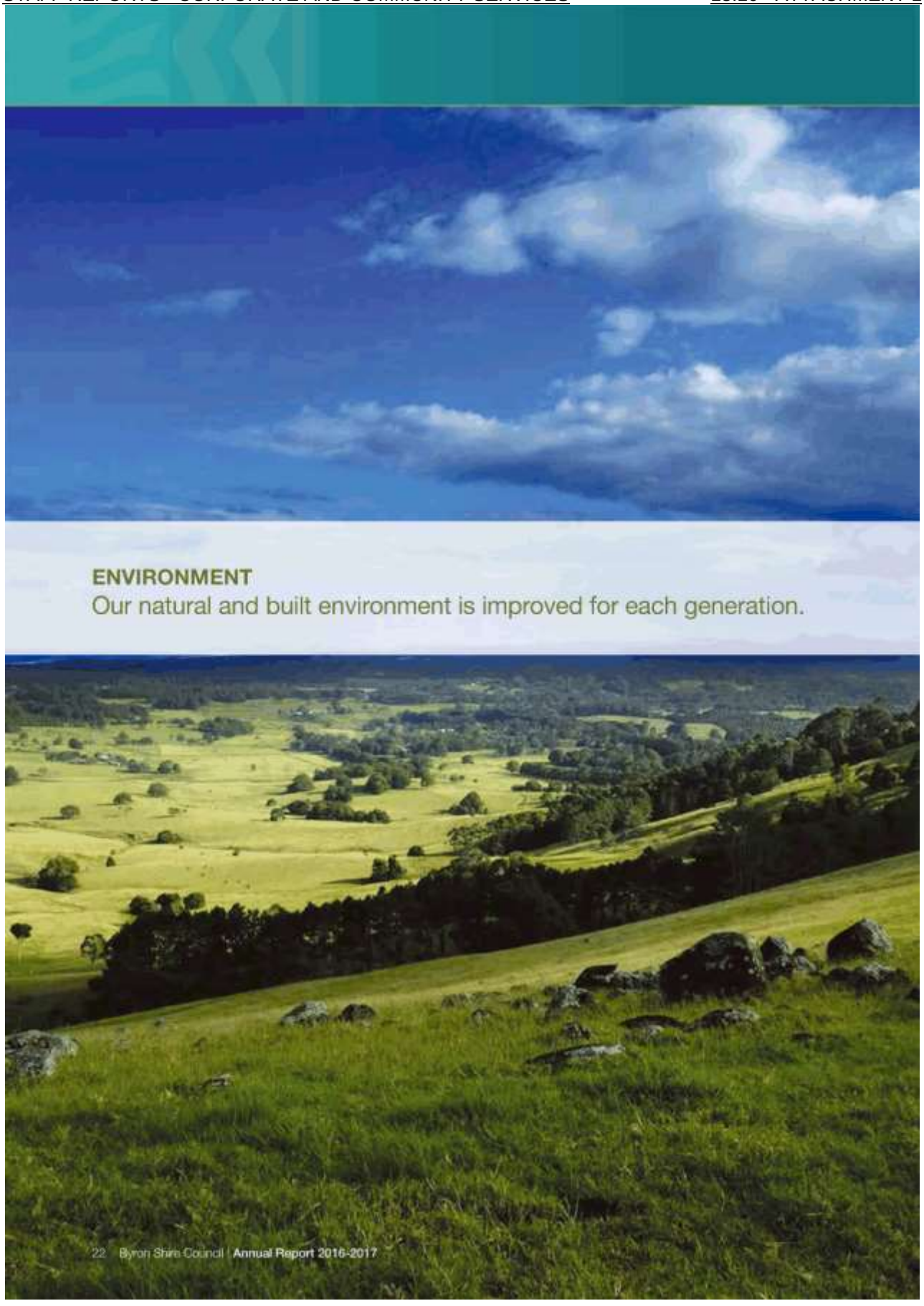
Lifeguard services continue to be a vital service for our community and visitors. More than 532,000 people visited our beaches in 2016/17 with 321,845 visiting Byron Bay Main Beach.

Key statistics include:

- 35,399 preventative actions
- 60 rescues
- 2,519 first aid treatments
- 2,550 law enforcement actions
- 50,534 cases of providing information and advice to the public.



A fashion market in Bangalow's A&I hall


ENVIRONMENT
Our natural and built environment is improved for each generation.
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Rural land use strategy

Some 95 per cent of the land in our Shire is zoned as rural land. Council released its draft Byron Shire Rural Land Use Strategy for consultation. The strategy provides a strategic framework to guide future land zoning, protection and development of our rural lands through a practical set of actions to be delivered over the next 20 years.

Electric vehicle charge station

Council charged into the future with the installation of its first zero emissions electric vehicle charging station. Located at the Byron Bay Library it is a central location where electric vehicles can recharge their batteries.



Electric vehicle charge station at Byron Bay library

Illegal dumping

Illegal dumping is a significant issue in the Byron Shire. We did a 12-month study to better understand the issue, including the hotspots and types of illegally dumped waste. There were 717 incidents reported in 2016/17 equating to an estimated 287 tonnes of illegally dumped waste.

Organics diversion from landfill

Resource Recovery programs and education campaigns have seen more than 9,000 tonnes of organic waste diverted from landfill in the last two years and turned into certified organic compost.



New organic bins

Community Recycling Centre (CRC)

Opened in July 2016, the centre takes problem household waste items like gas bottles, batteries, and light bulbs. 32 tonnes of material was diverted from landfill in 12 months. The centre was funded by an Environmental Trust grant, the Waste Levy, and the NSW State Government's Waste Less, Recycle More initiative.

Increased public place recycling in Byron Bay and Brunswick Heads

More than 70 new enclosures, including 38 recycling bins, were installed along the Byron Bay foreshore and at Wategos in December 2016. Public Place recycling was introduced in Brunswick Heads in March 2017.

Dirty Dozen Recycling Campaign launched – November 2016

This campaign explained 12 additional 'rules' for the yellow bin including the introduction of soft plastic and polystyrene recycling.

Waste Wise Schools Program

Twelve local schools participated in the Waste Wise Schools Program which involved a number of interactive and hands-on activities, including waste audits and excursions to teach students about the importance of good waste management at home and at school. The schools were asked to create a recycled sculpture and video to show what they have achieved throughout the year. The Byron Bay Community School was judged the best waste wise school.

Land for Wildlife – Restoring rainforest in a biodiversity hotspot

This year we worked with 11 separate landholders to restore 17.8 hectares of degraded rainforest by controlling noxious and environmental weeds resulting in a 92% reduction in weed abundance, allowing natural regeneration and planting of more than 500 trees. Landholders have played an important role in the success of the project through their on going commitment to restoring the land.

Vegetation Mapping

Vegetation mapping across the Shire was reviewed and updated using a combination of aerial photo interpretation, existing survey data and on-ground inspections to improve the accuracy of the mapping and reflect the changes in vegetation extent and composition over time. This mapping identifies high environmental value vegetation, and guides conservation land management programs, land use zones and bushfire prone land.

Byron Bay Graminoid Clay Heath Restoration

The clay heath is an Endangered Ecological Community threatened by a number of factors including urbanisation, weeds and changing fire regimes which have allowed canopy trees to take hold shading out the clay heath. The project restored three hectares by clearing weeds and undertaking ecological burns. Interpretative signs and field days were also held to inform the public about this endangered plant community.

Commitment made to 100% zero emissions by 2025

Council has made a commitment to achieve 100% net zero emissions by 2025 and to source 100% of its energy through renewable energy sources within 10 years. To support the achievement of this goal an Emissions Reduction Officer will be appointed to develop Council's Emissions Reduction Strategy and to liaise with the community-led Zero Emissions Byron group.

Low Carbon Strategy

All of the 35 2015/16 priority actions from the Low Carbon Strategy have been completed or are in progress. This has lead to a 179 tonne decrease in Council emissions for the 2015/16 financial year. The emission saving was coupled with energy procurement efficiencies to deliver a financial saving of $367,500 for the same period.



Restored clay heath


COMMUNITY INFRASTRUCTURE
Services and infrastructure that sustains, connects and integrates our communities and environment.
Byron Shire Council Annual Report 2016-2017



New North Ocean Shores sports field



New reservoir at Bangalow

New North Ocean Shores sports field

A new $2.3M North Ocean Shores sports field was opened on Shara Boulevard, in Ocean Shores. It features a premier grade soccer field, home and away change rooms, public toilets, canteen, referees room and first aid room. It features ecologically sustainable design principles and has great airflow, natural lighting in the change rooms and caters for all-abilities access and amenity. It's also the first New South Wales sports field to be fully lit with LED floodlights.

Byron Bay Town Centre Bypass

Planning for the Byron Bay Town Centre Bypass continued in 2016/17. Council also successfully defended an appeal in the Land and Environment Court to stop the construction of the bypass. Key to the Court's decision was the fact that the Butler Street alignment comprises the existing road network, road reserve and Council-owned land. This means that Council will be the owner and custodian of this land in perpetuity.



Council has undertaken a significant road maintenance program

Construction of new reservoirs at Coopers Shoot and Bangalow

Two new reservoirs were under construction in Bangalow (1.45ML) and Coopers Shoot (10ML) to ensure a sustainable water supply for residents and businesses within the Byron Shire.

Major infrastructure works

Road spending by Council has increased from $4.2M (2012) to $17M (2017) and in the 2016-17 financial year, road reconstructions and additional works were completed at the following:

- **Sunrise Boulevard intersection roundabout, Byron Bay**
  Stage One – guardrail, footpath, pedestrian fencing, seal, driveways, final earthworks and pavement spray seal completed.
- **Beach Avenue, South Golden Beach**
  Road reconstruction and infiltration pits from Helen Street to Gloria Street. The Helen Street footbridge was refurbished.
- **Massinger Street, Byron Bay**
  Road reconstruction and widening, stormwater reconstruction new roundabout.
- **Orana Road, Ocean Shores**
  Road reconstruction.
- **Marine Parade, Wategos**
  Road reconstruction, footpath construction from Brownel Drive to the steps to the Light House.
- **Tyagarah Road, Benloro Intersection**
  Shoulder widening, kerb and gutter, sub soil drainage and pavement reseal.

- **Seven Mile Beach Road, Broken Head**
  Road regrading and drainage works.
- **O'Meara's Bridge, Binna Burra Road**
  Emergency works to reopen O'Meara's Bridge undertaken.
- **South Arm Bridge, Brunswick Heads**
  Commenced replacement of South Arm Bridge – walkway deck and refurbished handrails.
- **Belongil Creek Bridge, Byron Bay**
  Major repairs to damaged piles, corrosion protection system and refurbished steel barrier rails commenced.

Waterlily Park, Ocean Shores

The new playground was completed in March 2017 in partnership with the Waterlily Playscape group. It was inspired by, and interacts with, the local natural environment. This active community group is now fundraising to complete stage 2 which includes a shade sail, treehouse and flying fox.



Planting day at Bangalow Weir

Bangalow Weir

The failed Bangalow Weir was remediated following a grant from the NSW Environmental Trust. In November 2016, community members got together to help put in 800 plants and beautify the area. The weir features a new rock ramp fishway to establish supportive fish habitats allowing them to travel back and forth for breeding programs. Approximately 800 tonnes of rock was donated from a local farm and 200 tonnes were donated from recent highway works.



The Cavanbah Centre celebrated five years in business

Cavanbah Centre

The Cavanbah Centre celebrated five years in business in 2017 and has provided more than 5000 hours of service since it opened.

South Golden Beach Community Hall

An upgrade of the South Golden Beach Community Hall was completed.

Timber Bridge Replacement Program

Three additional surplus ADF steel bridges were purchased for deployment as part of the timber bridge replacement program.

Belongil Bridge, Byron Bay

Funding was secured for the refurbishment of Belongil Bridge.

South Byron Sewerage Treatment Plant site

The decontamination of the former South Byron Sewage Treatment Plant is occurring in two stages. The first stage involved the demolition of above and below ground structures within the compound of the existing STP site. The second stage will involve remediating and validating all other areas of the site, including soil remediation activities and pipe removal. The first stage (demolition) was completed in 2016.

Partnership for Affordable Housing

Council entered into a partnership for affordable housing with North Coast Community Housing to progress the Station St subdivision, Mullumbimby.

Transport Infrastructure Investment Proposal

A $90 million Transport Infrastructure Investment Proposal was completed and submitted to the Premier.

Land acquisition in Suffolk Park

Council purchased surplus Department of Education land at Suffolk Park from the NSW Government.



Tom Kendall Oval Change Facility

Tom Kendall Oval Change Facility

The oval, located just north of Byron Bay at New Brighton, is used by soccer teams, as well as serving as base for a local farmers' market which often hosts a band. The new change facility was completed in July 2016 and has been welcomed with overwhelmingly positive feedback.

Better Byron Crew

A large number of garden beds throughout the Byron Township have been refurbished. This ongoing program (with over 150 individual garden beds within the township) has been delivered by the Better Byron Crew who are tasked with maintenance, renewals and upgrade activities within Byron Bay town. Maintenance of all assets within the town has been achieved herbicide free.

Major water and sewer upgrades:

Council has undertaken significant upgrades to its water and sewer network during 2016/17, including:

- Narooma Drive Ocean Shores sewer upgrade
- Railway Park toilet installation
- Second Exeloo block installed at Apex Park
- Bangalow Railway Corridor sewer crossing capacity upgrade
- Mullumbimby pipework renewals (Argyle St railway crossing watermain renewal)
- Kendall Street water main
- Mullumbimby WTP refurbishment
- SPS3001 manhole repair/renewal
- SPS4002 pump station and rising main upgrade
- SPS5002 pump upgrade and installation
- Palmer Water booster pump station
- Ocean Shores renewal of water reticulation mains in Yallakool Dr/Jarrah Cres/ Goondooloo Dr.
- 250kVA emergency generator received for use at critical pump stations
- Upsized part of Sunrise sewer rising main for SPS3024
- Acceptance of new Byron Central Hospital sewer pump station and rising main
- Acceptance of a new sewer pump station and rising main servicing Elements Resort at the end of Bayshore Drive
- Practical completion of the replacement Mullumbimby water trunk main
- Installation of Wilson Creek stream flow gauge feeding Mullumbimby water supply dam
- Renewal of the 2001RSM at Brunswick Heads across the Simpson Creek walkway/bridge
- SPS1003 Bangalow – Inlet pipe work upgrade
- Practical completion of the Argyle Street water main renewal in Mullumbimby
- New development servicing plan for water supply and sewerage
- Renewal and relocation of Corkwood Close water booster pump station
- Development of a planned maintenance regime for urban stormwater
- Completed energy efficiency audit of major/ critical sewer pump stations.

OUR PROGRESS

SECTION 1: OPERATIONAL PLAN PROGRESS

Council has made significant progress against its operational plan – the tables in this section illustrate our progress against each action.

The actions are grouped by directorate and illustrate the action, measure, target, responsibility and progress. It also provides links to our four year delivery program.

The progress is noted as either

✓ Achieved • Substantially achieved ✗ Not achieved

Appendix 2 illustrates the alignment of the Community Strategic Plan with the Delivery Program and Operational Plan.

Summary of 2016/17 actions



INFRASTRUCTURE SERVICES

✓ 20 achieved 32 substantially achieved ✗ 2 not achieved

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
1	51	Deliver the Operating Maintenance and Capital Works Programs	Complete works	90%	Assets and Major Projects	100% completed for maintenance works 84% completed for capital works Program
2	10, 24, 51	Prepare infrastructure reports for the Financial Statements and NSW Fit for Future program	Reports to Government including the Special Schedule 7 report	Completed on time	Assets and Major Projects	✓
3	24, 51, 52	Develop levels of service for infrastructure to support investment	Adopted levels of service	Mar-17	Assets and Major Projects	
4	24, 51, 52	Progress the outcomes of Asset Management Audits to improve performance	Scheduled audit outcomes completed	Jun-17	Assets and Major Projects	
5	24, 51	Improve the level and integration of asset information to better assist decision making and focus infrastructure investment	Independently audited databases and systems are assessed as satisfactory	Jun-17	Assets and Major Projects	✓
6	10, 24, 51	Revalue water and sewer assets in accordance with the Local Government Accounting Code	Valuations in progress for completion June 2017	Jun-17	Assets and Major Projects	✓
7	24, 51	Creatively develop new and revised funding strategies for better community outcomes	Development charging plans continue to reflect community priorities	Jun-17	Assets and Major Projects	✓

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
8	10, 16, 18	Actively work with government and industry leaders to improve asset management performance	Report local, state and federal asset benchmark data within legislative timeframes, 100%	On time	Assets and Major Projects	✓
9	24,51,52	Engage with the community on the challenges of asset management	Community Infrastructure Advisory Committee meetings held quarterly	Jun-17	Assets and Major Projects	✓
10	16	Develop the Myocum Quarry Transfer Station and Resource Recovery Centre in line with the waste disposal strategy	Preferred option adopted	Jun-17	Assets and Major Projects	●
11	50	Deliver the Byron Bay Bypass Project which is a two lane road from Shirley Street in the north to Browning Street in the south	Construction completed in accordance with the contract	Jun-17	Assets and Major Projects	✗ Delayed due to Land and Environment Court case
12	50	Progress the development of Stage 2 of the Byron Bay Bypass	Feasibility assessment completed	Jun-17	Assets and Major Projects	●
13	18, 47	Progress the replacement of O'Meara's Bridge	Adopted solution implemented	Jun-17	Assets and Major Projects	●
14	27	Complete the sports field and infrastructure on the northern section of Lot 5 Shara Boulevard	Construction completed	Sep-16	Assets and Major Projects	✓
15	24	Progress the future use of the South Byron Sewage Treatment Plant site and the integrated remediation	Future use determined and implementation progressed	Jun-17	Assets and Major Projects	●

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
16	24	Complete the Brunswick Heads Sewage Treatment Plant site remediation to secure the site for a potential future use	Remediation completed	Jun-17	Assets and Major Projects	
17	24	Progress the Mullumbimby Sewage Treatment Plant site remediation to secure the site for a potential future use	Detailed remediation plan completed	Jun-17	Assets and Major Projects	
18	24	Complete the remediation of Lot 12 Bayshore Drive Byron Bay and implement the adopted future use	Remediation completed, future use determined and progressed	Jun-17	Assets and Major Projects	
19	24	Complete the Station Street Mullumbimby subdivision project to provide funds for important community initiatives	Subdivision completed.	Dec-16	Assets and Major Projects	
20	24	Progress the Tyagarah subdivision to provide funds for important community initiatives	Rezoning completed	Jun-17	Assets and Major Projects	
21	24	Progress Lot 22 Mullumbimby South development to establish a future use that best serves the needs of the community	Future use adopted	Jun-17	Assets and Major Projects	
22	24	Progress Valances Road Mullumbimby development	Implement the outcome of the Rural Land Use Strategy	Jun-17	Assets and Major Projects	

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
23	24	Progress Lot 4 Mullumbimby development project	Implement the outcome of the Rural Land Use Strategy	Jun-17	Assets and Major Projects	●
24	24	Implement the Fletcher Street Byron Bay property development to provide a long term source of funds for the community	Implement the adopted future use	Jun-17	Assets and Major Projects	●
25	24	Progress the evaluation of alternative sites for the Bayshore Drive Works Depot	Assessment completed	Jun-17	Assets and Major Projects	✓
26	24	Complete Lot 16 Dingo Lane Myocum property sale with a view to repaying loans	Sale completed	Dec-16	Assets and Major Projects	●
27	39, 40	Progress the implementation of adopted Byron Bay Town Centre Master plan works	Works progressed	Jun-17	Assets and Major Projects	●
28	47	Complete the Suffolk Park Hall Upgrade	Works completed	Jun-17	Assets and Major Projects	●
29	53	Emergency Management	Plan LEMC Meetings	Complete, 30/06/2017 Attended, as scheduled.	Works	✓ ✓
30	53	Flood Risk Management Study and Plan for North Byron	Plan, adopted	30-Jun-17		✗ Delayed as grant received July 2017

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
31	51	Improve utilisation of heavy and light fleet	Utilisation report for previous financial year	Completed, 30-Oct-16	Works	✓
32	51	Improve the condition of local road and drainage assets by undertaking renewal, upgrade, enhancement and new projects	Capital Works Program	Complete, 100%	Works	●
33	17, 18, 48	Maintain access to Regional Road Block Grant funds	Annual Regional Road Return	Complete	Works	✓
34	17, 18, 48	Maintain access to Regional Road REPAIR Program grant	Grant applications	Submitted	Works	✓
35	3.21	Completion of all mandatory returns to NSW State Government departments	Submission of annual material production quantities	By due dates	Works	✓
			Submission of annual environmental testing results	By due dates		✓
36	40	Improve amenity of iconic open space	Level of Service Maintenance Plans for all parks that have LOS of 1	Developed and implemented	Open Space and Resource Recovery	●
37	40	Improve amenity of town centres	Landscape plans for all towns and village main streets	Developed and implemented	Open Space and Resource Recovery	●
			Level of Service Maintenance Plans	Developed and implemented		●

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
38	40	Promote volunteerism through beautify day events across the shire	Beautify days delivered.	4	Open Space and Resource Recovery	●
39	35	Deliver Capital Work Program	Works Program	Completed, 90%	Open Space and Resource Recovery	●
40	35	Maximise utilisation and sustainability of facility	Income sources Income	Increased Increased	Open Space and Resource Recovery	●
41	46, 56	Maintain Contract Management Plan for Waste and Resource Recovery Collection Contract 2014-0011	Contractor KPIs	KPIs achieved	Open Space and Resource Recovery	✓
42	22, 45	Maintain compliance with the Federal Government's Emissions Reduction Fund contract conditions for the Myocum Landfill Gas Carbon Farming Initiative Project	Compliance	Required allocation of ACCUs delivered	Open Space and Resource Recovery	✓
43	16, 46, 55, 56	Implement Revised Waste Disposal Strategy	Implementation	Yr 1 strategy objectives complete	Open Space and Resource Recovery	✓
44	16, 46, 55, 56	Implement Revised Resource Recovery Management Strategy	Implementation	Yr 1 strategy objectives complete	Open Space and Resource Recovery	●
45	16, 46, 55, 56	Implement Revised Resource Recovery Education Plan	Implementation	Yr 1 plan objectives complete	Open Space and Resource Recovery	●
46	16, 46, 55, 56	Continue membership and participation in North East Waste regional waste management programs and initiatives	Participation	Maintained	Open Space and Resource Recovery	✓

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
47	31	Increase accommodation facilities and upgrade amenities to ensure public satisfaction of guests and economic benefit to Byron Shire	Revenue	Increase	Open Space and Resource Recovery	●
48	31	Increase accommodation facilities and upgrade amenities to ensure public satisfaction of guests and economic benefit to Byron Shire	Revenue	Increase	Open Space and Resource Recovery	●
49	22, 34, 40	Deliver Capital Work Program	Works Program	Completed 90%	Utilities	✓
50	16, 20	Upgrade of fire main capacity Ocean Shores	Pipeline design and construction complete	Jun-17	Utilities	●
51	16, 20	Drought Management planning	Complete Regional plan and align Mullumbimby Plan	Jun-17	Utilities	●
52	29, 37	Develop agreements for community art to be incorporated into asset maintenance	Number of art on water assets increased	Jun-17	Utilities	✓
53	45, 51	Obtain Council project approval on future of the Ocean Shores Sewage Treatment Plant	Council resolution of project approval	Jun-17	Utilities	●
54	22, 44	Implement a whole of Council response in the management of the Belongil catchment	No of plan / strategy actions implemented	Jun-17	Utilities	✓

SUSTAINABLE ENVIRONMENT AND ECONOMY

✓ 12 achieved
● 9 substantially achieved

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
55	21	Provide efficient, objective and comprehensive development assessment	Development applications determined within 40 days of lodgement	At least 60%	Sustainable Development	✓
56	21	Provide efficient, objective and comprehensive development certification service	Construction certificates processed with 28 working days	At least 80%	Sustainable Development	✓
			Complying development certificates processed within 20 working days	At least 80%		✓
			Building certification inspections undertaken within 2 days of notification	At least 80%		✓
57	20, 22	Provide guidance and education in planning policies and advice to the public and stakeholders	Provide development industry forum / newsletter	At least 1 forum or newsletter provided	Sustainable Development	✓
58	22	Simplify the provision of consistent and accurate flooding information provided to the development community / public	Review the way that flood data and information is provided to the development community and public.	Commence a review of the provision of flood information.	Sustainable Development	✓
59	22	Provide a Local Heritage Advisory service	Grant conditions meet	Heritage Services provided in accordance with grants funding.	Sustainable Development	✓

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
60	19	Respond to enquiries concerning public health and safety	Customer Service Requests responded to within 25 days of lodgement	At least 85%	Environment and Compliance Services	✓
61	19	Implement effective regulatory and compliance services and programs to maximise the public health and safety of the community	Food business inspections undertaken in accordance with Food Authority category requirements	At least 90%	Environment and Compliance Services	✓
			Onsite Sewerage Management Program implemented to Plan	Plan implemented		●
			Liquor licence applications responded to in accordance with Council's Policy and the Liquor Act	At least 80%		✓
			Companion Animals Management Plan reviewed	Commence review of the plan.		●
			Suitable impounded animals rehoused	At least 70%		✓
62	42, 43	Update vegetation mapping in line with legislative requirements	Vegetation Mapping	Reported to Council	Environmental and Economic Planning	●
63	22, 25, 38	Finalise the Rural Land Use Strategy and commence implementation of priority actions	Plan	Completed	Environmental and Economic Planning	●
			Actions	Commenced		●
64	22, 25, 38	Finalise the Residential Strategy and commence implementation of priority actions	Plan	Completed	Environmental and Economic Planning	●
			Actions	Commenced		●

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
65	22, 38	Review Byron DCP 2014 to a performance outcome focused plan (Resolutions 14-315 & 15-604)	DCP Review	Commenced	Environmental and Economic Planning	●
66	22, 38	Develop an Economic and Employment Strategy for general and heavy industries. (Resolution 13-127)	Project Plan	Developed	Environmental and Economic Planning	✓
67	42, 43	Continue staged review of Biodiversity Conservation Strategy	Project Plan	Milestones,	Environmental and Economic Planning	●
68	44	Finalise the Coastal Zone Management Plan for the Byron Bay Embayment and commence implementation of priority actions	Plan Actions	Completed Commenced	Environmental and Economic Planning	✓ ●
69	22, 25, 38	Progress the Bangalow Place Activation Masterplan and commence implementation of priority actions	Plan Actions	Completed Commenced	Environmental and Economic Planning	✓ ● ✖ Actions pending finalisation of plan
70	22, 25, 38	Progress the Mullumbimby Place Activation Masterplan and commence implementation of priority actions	Plan Actions	Completed Commenced	Environmental and Economic Planning	✓ ✓
71	22, 25, 38	Progress the Byron Bay Town Centre Masterplan and commence implementation of priority actions	Plan Actions	Commenced	Environmental and Economic Planning	✓

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
72	46	Implement priority actions in the Low Carbon Strategy, and support for Zero Emissions Byron Action and Implementation Plans	Year 2 projects	Commenced	Environmental and Economic Planning	✓
73	15, 28, 30, 31	Continue implementation of Byron Shire Tourism Management Plan	Beautify Byron Fund Business Sustainability Program	Implemented Implemented	Environmental and Economic Planning	●
74	16, 18, 25, 26,	Commence implementation of Byron Shire Economic Development Strategy	Business Retention Survey	Complete and Reported to Council	Environmental and Economic Planning	●
75	16, 17, 31, 32, 39, 40	Establish and undertake the Byron Bay Town Centre Place-making Seed	Fund	Established	Environmental and Economic Planning	✓



Surfers enjoying Byron's iconic beaches and waves

GENERAL MANAGER

✓ 7 achieved ● 2 substantially achieved

No.	Delivery Program reference	Action Statement	Measures	Target	Progress
76	3, 5, 6, 14	Continue to build organisational capacity to deliver effective and focused community engagement	Key staff IAP2 accredited	At least 2	●
			Key staff having completed an introductory or a specialised IAP2 course	At least 5	✓
			Community Engagement Framework and Tool Kit Developed	Complete	●
77	13	Increase social and digital media presence and information dissemination	Number of hits on web and social media sites	Increasing	✓
			Subscribers across digital platforms	Increasing	✓
78	3,6	Continue program of building staff capacity to deliver high quality customer service	Customer Service Framework Implementation.	Commenced	●
			% administrative and technical staff having completed facilitated training	80%	●
79	3, 13	Identify and action opportunities to improve customer service	Voice of Customer Measurement Systems	Implemented	●
			Customer Satisfaction Survey Action Plan	Endorsed	●
80	24	Coordination of benchmarking and monitoring of organisational performance improvements	Business and Management Effectiveness Survey	Complete	✓
			Effectiveness Action Plan updated to include 2015 results and 2016 Actions	Endorsed and implementation commenced	●
81	24	Continue building leadership skills and capacity	Leadership Development Programs delivered to Team Leaders and Supervisors	100%	✓

No.	Delivery Program reference	Action Statement	Measures	Target	Progress
82	4, 6	Implementation of Balanced Scorecard Performance Planning	Balanced Scorecard system implementation to Manager level	1/7/2016	✓
			4 quarterly reviews by Managers and Directors	Complete	✗
			Completion Rate for Balanced Scorecard Actions	>90%	✗
83	6, 7	Effective staff engagement	Workforce Survey Action Plan	Endorsed	●
			Staff Suggestion and Recognition and Reward Schemes programs	2 each pa	✓
			Indoor staff forums	At least 4 pa	✓
			Permanent Staff Turnover	<12.5%	✓
			Average days of workforce absenteeism per Equivalent Full Time Employment	<9 pa	✓
84	8, 9	Effective injury management programs	Workers Compensation Premium (excluding impacts from State Government formula changes or wages increases)	Reduced on 2015/16	✓
			Return to work of injured workers	80% in less than 10 days	✓ (80%)
85	10, 11	Implementation of Workforce Plan	Actions from Workforce Plan implemented	>2 pa	✓

CORPORATE AND COMMUNITY SERVICES

✓ 18 achieved
● 6 substantially achieved

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
86	34	Manage Service Level Agreement with Richmond Tweed Regional Library Service	Agreed Service Level	Met	Comm Dev	✓
87	47	Improve operations of Out of Hours School Care and Vacation Care services in Mullumbimby, Byron Bay and Brunswick Heads	National Quality Framework Rating	Maintained	Comm Dev	✓
88	47	Improve service provision to provide quality accredited early childhood education	National Quality Framework Rating	Maintained	Comm Dev	✓
89	47	Implement operational changes to the provision of Out of Hours School Care and Vacation Care services in Mullumbimby, Byron Bay and Brunswick Heads	National Quality Framework Rating	Maintained	Comm Dev	✓
90	47	Improve collaboration at regional level	Regional Forums Attended	2	Comm Dev	✓
91	11	Expand disability inclusion planning into the development of Council's Delivery Program	Disability Inclusion is embedded in the Delivery Program	Completed	Comm Dev	✓
92	18	Establish regional working group including State and Federal agencies to undertake baseline service analysis	Service Map	Completed	Comm Dev	✓

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
93	37	Implement actions from the Arakwal Memorandum of Understanding	Actions implemented, 4	Completed	Comm Dev	✓
94	3, 23	Implement prioritised actions from new (2016-2019) Information	Program delivery as per project plan	Milestones met	IT	✓
95	3, 23	Finalise rollout of process mapping and documentation tools. Train and support staff	Process mapping and documentation tools	Rolled out Staff trained	IT	
			Staff surveyed to determine effectiveness of tools and training	Completed		✓
96	10	Improve strategic planning and integration of strategic planning and reporting framework processes and plans	Workshop sessions conducted	2	Gov Services	✓
			Community 2017-2027	Endorsed		✓
			Delivery Program 2017-2021 and support Resource Strategy	Endorsed		✓
			Operational Plan 2017-2018	Endorsed		✓
97	3	Provide quality investigations and response services for conduct complaints management	Conduct complaints managed within prescribed timeframes	100%	Gov Services	✓
			Public Interest Disclosures and conduct complaints reporting compliant	100%		●
			Annual training programs for Councillors and staff	Conducted		

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
98	24	Implement the strategic procurement roadmap for improved procurement outcomes	Project Milestones	Met	Gov Services	✓
			Process Improvements Implemented	2		✓
			Training programs	Conducted		✓
99	24	Improve enterprise wide risk management	Training sessions and workshops held	2	Gov Services	✗
			Business continuity plan	Implemented		●
			Toolkit	Developed		✗ Delayed due to reprioritisation of activities
100	24	Establish long-term licences for commercial activities on owned and managed open space crown reserves	Competitive process	Called	Gov Services	●
101	24	Establish long-term licences for sustainable community market policy	Competitive process	Finalised	Gov Services	✓
102	24	Improve lease and licence rental income	Notice and advice provided to asset managers >180 days of agreement expiry	100%	Gov Services	✓
			Notice and advice provided to executive team >150 days of agreement expiry	100%		✓
			Annual rent reviews conducted	100%		✓
			Invoices raised consistent with agreement	100%		✓

No.	Delivery Program reference	Action Statement	Measures	Target	Responsibility	Progress
103	24	Coordinate and provide legal services and written advice within agreed timeframes to support decision making processes	Council's critical projects, 3 working days	95%	Gov Services	●
			Internally provided, 7 working days	90%		●
			Externally provided	90%		●
104	24	Improve governance services for quality and robust framework	Implement gap analysis action plan	Complete	Gov Services	●
105	12, 24	Process Improvement initiatives	New Councillor Calendaring System	Implemented, September 2016	Gov Services	✓
			Committee Review	Completed and Implemented, September 2016		✓
			New term Councillor equipment policy	Reviewed and implemented, September 2016		✓
106	12, 24	Coordinate and facilitate new term Councillor training program	Training program	Developed and implemented	Gov Services	✓
107	24	Identify and introduce targeted improvements to financial performance reporting	Enhanced financial reporting tools	30 June 2017	Financial Services	●
108	24	Implementation of improved E Services payment facilities for Council utilising B-point contingent upon installation of Authority V6.11	Integrated payment gateway with Council's contracted bank reducing transaction costs	30 June 2017	Financial Services	✓
109	24	Addition of water and sewerage assets to the Capital Value Register (CVR) following revaluation of those assets in 2016/2017	Assets added following revaluation	30 June 2017	Financial Services	●

COMPETITIVE GRANTS

Council received the following grants during 2016/17 to help fund a number of important projects for the community.

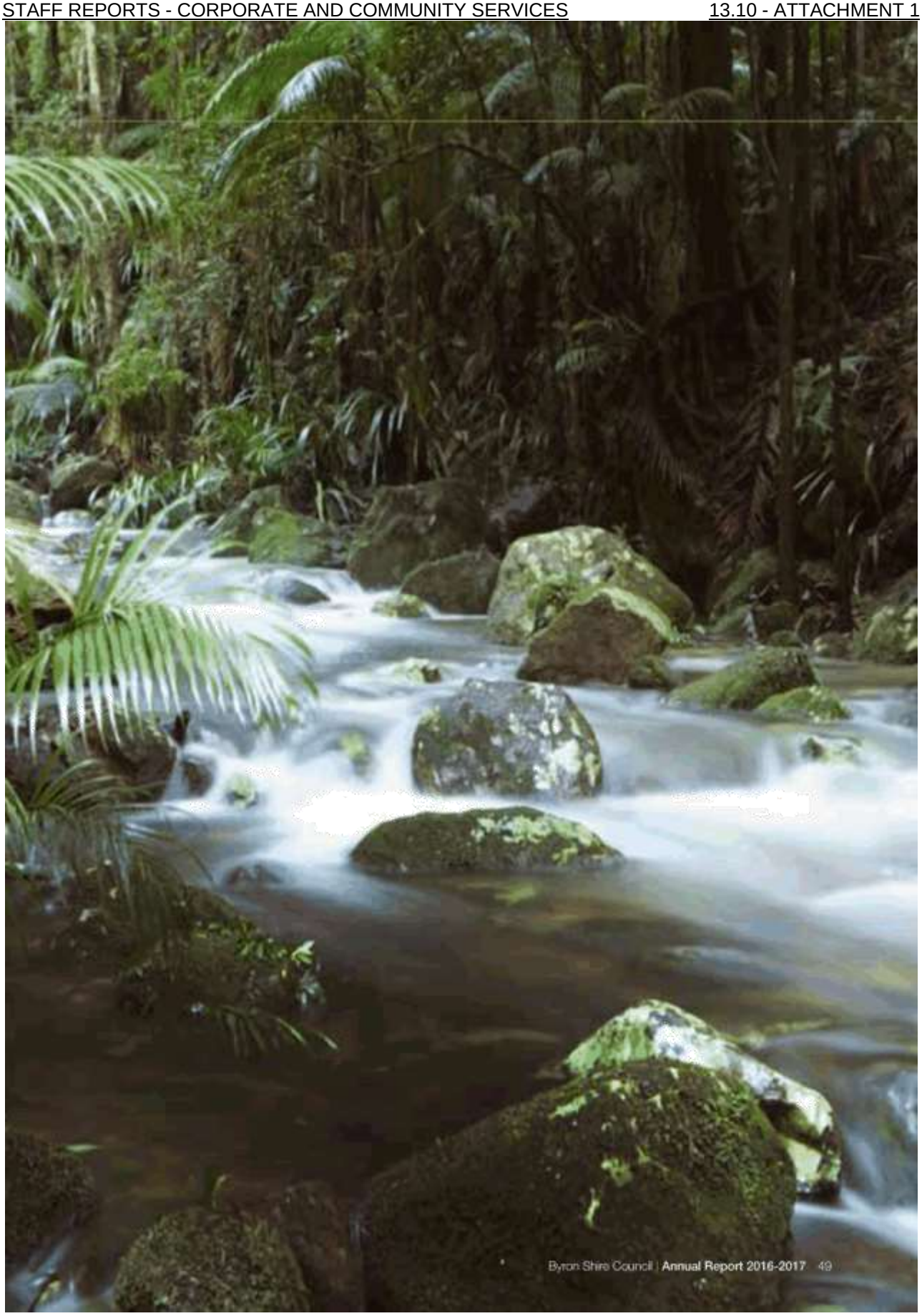
$4.1M
COMPETITIVE GRANTS RECEIVED

Grant	Description	Revenue
Conferencing Byron	The re-launch of Byron to the national and international conferencing marketplace.	$84,000
Back to Business	Breakfast during 'Back to Business' week, to celebrate small to medium business impact in the local community.	$5,000
Youth Week	The Youth Week event held on 8 April was a photographic exhibition called iSnap at the Youth Activity Centre, Byron Bay.	$1,230
Senior Citizens Week	Seniors Week Celebration Day including Mayor's brunch and positive ageing awards.	$962
Naidoc Week	Contribution to 'Our Languages Matter'	$1,818
Naidoc Week	Preparation of 'Our Cultural Days Activity Book' for children.	$5,000
Heritage Advisor	Contribution to the salary for a Heritage Advisor for Byron Shire.	$7,000
Graminoid Clay Heath Restoration Project	Restoration work of Dwarf Graminoid Clay Heath across four Council sites.	$18,482
Land for Wildlife – Restoring Rainforest	Field days focusing on rainforest restoration techniques.	$15,600
NCCARF Partnership Payment	Beach scraping at New Brighton to increase dune volume and protect coastal assets.	$12,000
OEH Flying Foxes Program	The development of Flying-fox management plan for the five flying fox camps in the Shire.	$15,000
Responsible Pet Ownership Yr 2	Council partnership with Companion Animals Welfare Inc (CAWI), local veterinary practices, and local media to address pet overpopulation.	$14,800
Crime Prevention CPTED lighting	The introduction of lighting in Byron Bay to deter crime.	$50,000
Better Waste and Recycling Fund 2013-2015	Byron Bay Foreshore anti-littering and resource recovery project; and upgrade of Byron Bay Resource Recovery drop off area.	$107,206
Organics Collection Systems Funding	Byron Shire Food and Organics collection service	$73,576
OEH Bangalow Weir	Installation of a rock ramp fishway to replace the failed weir in Bangalow Parklands.	$100,000
Natural Disaster Jan 2012 Upper Wilson Creek	Final natural disaster funding for the 2012 flood event upper Wilsons Creek land slip.	$924,945

Grant	Description	Revenue
Natural Disaster April 2015	Repairing infrastructure associated with storm event with over 200mm of rain and high winds	$144,508
Natural Disaster June 2016	High rainfall resulting from an East Coast Low which caused damage to road pavements and associated transport / road infrastructure assets.	$600,000.00
Black Spot RMS	Roundabout Ewingsdale and Sunrise roads	$1,796,820
Safer Roads RMS	Safety treatments Tyagarah Road and Benlore Lane	$141,454
Total		**$4,119,404**



Council's first permanent Placemaking Seedfunding project, ELYSIUM in Lanteen Lane


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OUR STATUTORY INFORMATION

SECTION 2: HUMAN RESOURCES

2.1 Activities to implement EEO Management Plan

Local Government (General) Regulation 2005 cl 217(1)(a9)

Byron Shire Council is committed to the principles of Equal Employment Opportunity (EEO), the prevention of discrimination and ensuring employees and the community understand the principles of EEO and their application.

Council continued to ensure compliance with EEO-based recruitment and selection, targeted training and development, merit-based transfers, non-discriminatory employment and employment separation and supporting flexibility for employees who have family and carer responsibilities.

Council adopted a new Workforce Plan which includes a number of activities that support our goal of attracting and retaining a diverse workforce (Aboriginal people from a culturally and linguistically diverse background, people with disability, women and young people). During this year, Council advanced its Disability Action and Inclusion Plan and continued with the formalised Cultural Awareness Induction program introduced in 2013/2014.

2.2 Activities to advance recognition of carers

Carers (Recognition) Act 2010 Section 8

Council has continued to raise awareness of the Carers (Recognition) Act and NSW Carers Charter by displaying materials throughout its worksites and distributing information in staff newsletters, memos and emails. Council captures data in relation to employees with caring responsibilities on commencement of employment and also in our staff surveys. Council also provides support to carers through its Employee Assistance Program and has adopted HR policies that promote and encourage flexibility and provide workplace support for employees who are also carers.



Consultation on masterplans

SECTION 3: FREEDOM OF INFORMATION AND COMPLIANCE

3.1 Compliance and effect of Planning Agreement

In the reporting period 1 July 2016 to 30 June 2017, Byron Shire Council entered into one Voluntary Planning Agreement as defined by the Environmental Planning and Assessment Act 1979 Section 93(g)(5). This planning agreement was for the payment of a contribution for the provision of public car parking for development application DA 10.2016.217.1

3.2 Compliance with the Companion Animals Act 1998

Local Government (General) Regulation 2005 – Reg 217(1)(f)

Council's Animal Enforcement and Support Officers contributed to the control and the management of companion animals over the 2016/17 financial year. Their focus included:

- Rehoming abandoned animals
- Micro chipping and lifetime registration
- Roaming and straying dogs
- Animal noise complaints
- Nuisance dogs
- Reducing incidents of dog attacks
- Community education and awareness of responsible pet ownership

These officers also provide a 24/7 on-call service to respond to incidents of dog attacks.

This service is provided to improve public safety and reduce the incidence of accidents and injury to the public and animals.

The rehoming of impounded or surrendered animals is a priority for Council. The rate of rehoming is high thanks to the continued hard work of staff liaising with animal rescue and welfare groups.

Promote and assist in the de-sexing of companion animals

Council's policy is to de-sex all companion animals rehomed from the Council Pound. This reduces unwanted litters and supports the current low rate of animal euthanasia. Staff actively encourage the community to have their cats and dogs de-sexed through brochures, media promotion and advice from staff.



Council's Animal Enforcement and Support Officers

Impounded animals

An annual report detailed the number of animals arriving at the Pound and the way they were released. It was sent to the Division of Local Government on 2 August 2017. It showed an increase in the number of animals entering the Pound. The funds spent on companion animals for the year was $36,500.

Lodgement of dog attack reports

It is mandatory for all dog attack data to be lodged with the Office of Local Government (OLG) in accordance with the Companion Animals Act. This legislation requires a dog attack incident to be reported to the OLG within 72 hours of the incident. Twenty incidents of dog attack were reported in 2016-2017. Of these, 15 involved attacks on animals and four on humans. Council declared one dog dangerous and two dogs as menacing over the course of the year.

Off leash areas

Byron Shire provides eight off leash areas as per Council's Companion Animal Exercise Areas Policy 5.31. These areas are at Main Beach/Belongil area, Brunswick Heads, New Brighton, South Golden Beach, Mullumbimby, Bangalow, Tallows Beach and Public Reserve Beech Drive Suffolk Park.

Community education programs

Council appreciates the important role companion animals play in our community and the need to minimise any potential negative impacts on the local environment, non-pet owners and the wider community in the Byron Shire.

Our objectives include:

- Encouraging and promoting responsible pet ownership through community education
- Identify and accommodate the needs of companion animals and their owners
- Reducing adverse impacts of companion animals on local residents and the environment
- Reducing the number of unwanted and abandoned companion animals.

Community education initiatives during the 2016/17 included:

- Faeces reduction campaign
- Distribution of companion animal information brochures
- Companion animal information on Council's website
- Media releases including newspaper articles
- Proactive patrols of complaint areas
- RSPCA EMU bus visits to local schools
- Launch of the Cat Bib initiative

3.3 Freedom of Information

Government Information Public Access Act 2009 Section 125

The GIPA Act provided widespread reform for the public sector in the way community members access Government information.

There are now four ways in which government information can be released:

- Open access information
- Proactive release
- Informal release of information
- Formal access application for release of information

Refer to Appendix 1 for Council's full GIPA Act Annual Report and Statistical Information Financial Year 2016/2017 as required under Section 125 of GIPA Act.

3.4 Public Interest Disclosures

Public Interest Disclosures Act 1994 Section 31

Under s31 of the Public Interest Disclosures Act 1994 Council is required to report annually on its Public Interest Disclosure (PID) obligations.

Statistical Information – clauses 4(2)(a)-(c) of the PID Regulations 2011	
Number of public officials who made Public Interest Disclosures (PIDs)	0
Number of PIDs received	1
Number of PIDs finalised (during reporting period)	1
Internal Reporting Policy – clause 4(2)(d)	
Has Council established an Internal Reporting Policy?	Yes
Staff Awareness – clause 4(2)(e) of the PID Regulations	
During the reporting period, Council undertook the following actions to meet staff awareness obligations: • Training provided to new staff during induction • Links on internet site • Messages in staff newsletters • Messages on bulletin boards/staff kitchens • Staff undertaking that they have read and understood your organisation's internal reporting policy • Training provided by a private sector organisation	

SECTION 4: BUSINESS ACTIVITIES

4.1 External bodies exercising Council functions

Local Government (General) Regulation 2005 cl 217(1)(a6)

Under the Local Government Act 1993 Section 355, Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community members to manage its facilities, or functions, through a committee or board of management.

The committees provide a mechanism by which interested people can have an active role in the provision/management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions. Memberships consist of a Councillor and community representatives.

During the reporting period 1 July 2016 to 30 June 2017, due to Local Government elections held in September, previous committees were dissolved and new committees established. From 1 December 2016, there were 11 Section 355 Committees and two Boards of Management managing Council's facilities (see list on http://www.byron.nsw.gov.au/section-355-committees).

As of 1 July 2016, Far North Coast Weeds and Richmond River County Council merged with Rous County Council. Rous County Council also performs functions delegated by Council. It is commissioned to provide bulk water supply, noxious weed eradication and flood mitigation and catchment management services on behalf of its constituent councils. The County Council Executive is comprised of eight councillors, two nominated from each of the constituent councils of Ballina, Byron, Lismore and Richmond Valley.

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Facilities run by committee or board of management


Brunswick Valley Community Centre


Durrumbul Community Centre


Ocean Shores Community Centre


Brunswick Heads Memorial Hall


Mullumbimby Civic Memorial Hall


Bangalow A & I Hall


Cook Pioneer Centre


South Golden Beach Community Centre


Suffolk Park Community Hall


Heritage House Bangalow and Tennis Court


Senior Citizens Hall Byron Bay


Lone Goat Gallery

4.2 Major Contracts Awarded

Local Government (General) Regulation 2005 cl 217(1)(a2)

The following major contracts (greater than $150,000) were awarded by Council during the reporting period 1 July 2016 to 30 June 2017:

Contractor	Nature of goods/ services supplied	Amount payable under Contract
Atlantico Proficiency Group Ingle and Associates Pacesetter Services Votar Partners AAM allaboutXpert	IT Technical Analyst Panel of Providers	Schedule of rates > $150,000
Ardill Payne and Partners	Contract inspection and management services for construction of roundabout	$293,091
Rosmech Sales and Service	Truck Mounted Road Broom Sweeper	$371,257
Ledonne Constructions	Construction of North Ocean Shores Fire Main	$1,999,483
Hazell Bros Group	Construction of Roundabout at Sunrise Boulevarde and Ewingsdale Road Byron Bay	$2,958,260
Ledonne Constructions	Construction Sewage Pump Station SPS5012 Upgrade	$1,040,620
Marine and Civil Maintenance	Belongil Creek Bridge Repairs	$408,761
Synergy Resource Management	Brunswick Heads Sewage Treatment Plant Demolition and Excavation	$400,000
Biniris Strongarm Cleaning Services Susan Yacopetti Susan Ogston Indulekha Dasi	Provision of Cleaning Services Panel of Providers	Schedule of rates > $150,000
Northernair	Air conditioning service and repair	Schedule of rates > $150,000

Contractor	Nature of goods/ services supplied	Amount payable under Contract
Skilltech Consulting Services	Water meter reading	$278,500
DJ and JA Brooker Smith Plant Andrew Johnston Haulage AJ Bulk Haulage Solo Resource Recovery Eric Childs and Sons	Plant hire for Byron Resource Recovery Centre	$1,070,000
MJ Protective Services Group	Pay Parking and Beach Locker Cash Collection	Schedule of rates > $150,000
Surf Life Saving Services	Provision of Surf Life Saving Services	$3,000,000
NORTEC	Provision of Casual Labour Hire	Schedule of rates > $150,000
Holcim Australia	Supply and delivery of pre-mixed concrete	Schedule of rates > $150,000
Boral Brunswick Valley Quarry Holcim Australia J&M Bashforth and Sons Lismore City Council (trading as Northern Rivers Quarries and Asphalt) Smith Plan	Supply of quarry products	Schedule of rates > $150,000
Civil Logic	Construction of a roundabout at the intersection of Lawson Street/ Massinger Street/ Lighthouse Road Byron Bay	$776,610

4.3 Controlling Interests in Companies

Local Government (General) Regulation 2005 cl 217(1)(a7)

Council had no controlling interest in any company during the reporting period 1 July 2016 to 30 June 2017.

4.4 Partnerships, Cooperatives and Joint Ventures

Local Government (General) Regulation 2005 cl 217(1)(a8)

Council was involved in the following partnerships and joint ventures during the reporting period 1 July 2016 to 30 June 2017:

1. Arts Northern Rivers is the peak body for Arts and Cultural sector in the region. Arts Northern Rivers is an independent not-for-profit organisation, supported by Arts NSW and the seven local governments of the region:

- Council resolved in December 2002 to provide in principle support for the establishment of a Regional Arts Board for the far north coast region.
- In November 2003 Council endorsed the MOU with Arts Northern Rivers which is a document intended to recognise the regional co-operation of all northern rivers councils in achieving the development of a much anticipated Regional Arts Board.
- Since 2003/04 Council has allocated an annual contribution to Arts Northern Rivers.

2. Local Government NSW (LGNSW) is the peak body for local government in NSW. It represents the views of councils through:
   - presenting council views to governments
   - promoting local government to the community
   - providing specialist advice and services.
3. NOROC (Northern Rivers Regional Organisation of Councils) – The objectives of the Association are to:
   - provide a forum for cooperative action on issues of regional significance and concern to local government requiring advocacy and/or political representation
   - act as an advocate for the region to the Commonwealth and New South Wales Governments to advance the interests of the region
   - seek from governments, financial assistance, legislative and/or policy changes and additional resources required by the region.
4. North East Waste Forum – Council is a member whose objective is to identify common problems and issues in waste minimisation and management for the Northern Rivers Region.
5. North East Weight of Loads Groups – the group's objective is to generally promote the aims of reducing damage to Council and classified roads by the policing of vehicle weight limits.
6. NSW Cancer Council – In 2006, Council resolved to be in a community partnership with the NSW Cancer Council which confirms Council's commitment to reduce the impact of cancer on the local community. By entering into a formal relationship, Council has easy access to the full range of Cancer Council programs and activities.
7. The Australian Coastal Councils Association Inc. (formerly The National Sea Change Taskforce) was established in 2004 as a national body to represent the interests of coastal councils and communities experiencing the effects of rapid population and tourism growth.
8. Richmond-Tweed Regional Library – A joint funding relationship through the Richmond-Tweed Regional Library (involving Lismore, Ballina, Tweed and Byron Shire Councils) to provide library services to the Shire.
9. My Road Info – A regional community information initiative developed by NOROC, now expanded to include the Mid North Coast and North West Slopes region. It provides information about local roads which is particularly helpful during emergencies.
10. Southern Cross University (SCU) – Council has an MoU with SCU which to collaborate on a range of issues including tourism, coastal management and establishing Byron-based educational facilities as well as sponsoring internships for undergraduates.

SECTION 5: LEGAL SERVICES

5.1 Legal Proceedings

Local Government (General) Regulation 2005 cl 217(1)(a3)

The following schedule provides details of legal costs associated with proceeding during the reporting period 1 July 2015 to 30 June 2016.

	Nature of Proceedings	Legal Costs Expended in reporting period ($)		Legal Costs Recovered in reporting period
A	Land & Environment Court Applications and appeals from Land and Environment Court decisions	Matters settled in reporting period	8	$8060
		Matters current as at 30/06/2017	3	Nil
		Matters settled prior to 01/07/15 for which costs incurred/recovered during reporting period	0	
B	Local Court Prosecutions and Penalty Infringement Notices matters, and appeals from Local Court decisions	Matters settled in reporting Period	63	$5,700
		Matters current as at 30/06/2017	1	Nil
		Matters settled prior to 01/07/15 for which costs incurred/recovered during reporting period	0	
Nett Legal Costs Expenditure on Court Proceedings in 2016/17*				

* Costs are predominantly recovered by SDRO

A. Land and Environment Court Applications and appeals to other Courts from Land and Environment Court decisions.

Eight matters were finalised during the reporting period. All matters were commenced against Council.

Methods of finalisation during reporting period of matters commenced against Council	
Upheld (Appeal allowed by Court) on original application	1
Upheld (Appeal allowed by Court) after application amended	0
Consent Orders on original application	0
Consent Orders after application amended	2
Dismissed (Appeal disallowed by Court)	2
Discontinued (Appeal withdrawn by Applicant)	3

Matters settled 1 July 2016 to 30 June 2017

Name	Brief description of matter	Address/Type	Court No where applicable	Expenditure 2016/17	Status as at 30 June 17
BSC v Byron Ventlink Pty Ltd	Class 1 application for deemed refusal to issue construction certificate and Roads Act approval.	19-23 Lawson Street, Byron Bay	LEC 2016/10170	$29,916.38	Finalised
BSC ats Bertram	Class 1 application for deemed refusal to issue subdivision certificate	6 Narrogal Court, Ocean Shores	LEC 2016/10446	$6,209.50	Finalised
BSC & Ors ats Hicks Enterprises Pty Ltd	Class 2 application for extension of time for a development scheme.	Strata Plan 78115, 6-8 Browning Street, Byron Bay	LEC 2016/188023	NIL	Finalised
BSC ats Butler Street Community Network	Class 1 Application objecting to Byron Bay Bypass DA 10.2016.77.1	Butler Street, Byron Bay	LEC	$469,247.84	Finalised
BSC & Wallace ats Arnott	Class 4 application- appeal against development consent for DA 10.2015.491.1	Three Storey Dwelling at 27 Marine Parade, Byron Bay	LEC	$10,360.24	Finalised
BSC & Ors ats Koho Projects P/L	Class 1 application – appeal against decision to refuse development consent 10.2016.189.1	116 Stuart Street, Mullumbimby	LEC 2016/266825	$35,979.69	Finalised

Matters settled 1 July 2016 to 30 June 2017					
Name	Brief description of matter	Address/Type	Court No where applicable	Expenditure 2016/17	Status as at 30 June 17
BSC ats Newton Denny Chapelle (1)	Class 1 application – appeal against decision to refuse temporary-use development consent 10.2016.590.1 (use existing dwelling as function centre/wedding venue- Horizons, 440 Bangalow Road, Talofa)	440 Bangalow Road, Talofa	LEC 2016/360368	$7,626.90	Finalised
BSC ats Newton Denny Chapelle (2)	Class 1 application- s97 appeal against development consent conditions 10.2016.589.1 (tourist accommodation for 12 people- Horizons, 440 Bangalow Road, Talofa)	440 Bangalow Road, Talofa	LEC 2016/376053		

List of matters settled in previous reporting period but which costs were paid in this reporting period				
Brief description of matter	Address/Type	Court No	Expenditure 2016/17	Status as at 30 June 17
NIL				

B. Local Court Prosecutions and appeals against Penalty Notices, and appeals from Local Court decisions

63 matters were finalised during the reporting period. Of these 36 were matters commenced against Council and 27 were commenced by Council.

Methods of finalisation during reporting period of matters commenced against Council	
Withdrawn by Council	10
Withdrawn on basis of undertakings given to Council/Court	1
Dismissed by Court	1
Section 10 Dismissal by Court	5
Convicted	46

Matters Settled 01/07/16 to 30/06/17				
Matter BSC v	Brief Description of Matter	Status	Next step/ milestone due date	Costs and expenses 2016/17
Ennis	Illegal Camping- Belongil Beach	Withdrawn	Finalised	Nil
Bryant	Illegal Camping- Border Street car park	Convicted	Finalised	Nil
Evans	Stop in loading zone longer than 30min in Fletcher Street Byron bay	Section 10	Finalised	Nil
Marcello-Junior	Illegal camping- Banskia Drive, Byron Bay	Convicted	Finalised	Nil
Stacey-Martin	Park continuously for longer than permitted in Johnson Street Byron Bay	Withdrawn	Finalised	Nil
Rozenfeld	Park continuously longer than permitted in Jonson Street, Byron Bay	Section 10	Finalised	Nil
Markstein	Illegal Camping at Main Beach Byron Bay	Convicted	Finalised	Nil
Miffington-Willis	Park continuously longer than permitted in Fingal Street, Brunswick Heads	Section 10	Finalised	Nil
Munro	Not angle park as on parking control sign Marine Parade, Byron bay	Convicted	Finalised	Nil
Michail	Illegal camping Tongarra Drive Ocean Shores	Convicted	Finalised	Nil
Todd	Illegal camping, Main Beach car park Byron Bay	Convicted	Finalised	Nil
Hudson	Fail to comply with dangerous dog control requirements	Convicted	Finalised	Nil
Meni	Park in No Stopping zone, Middleton Street Byron Bay	Convicted	Finalised	Nil
Carroll	Unpaid fines for development without consent (signage). SDRO issued garnishee order.	Dismissed	Finalised	Nil
Carter	Disobey No Stopping sign (in school zone) Byron Street, Bangalow	Convicted	Finalised	Nil
Feingold	Not angle park according to signage (Front to kerb), Main beach Carpark, Byron bay.	Withdrawn	Finalised	Nil
Gow	Fail to comply with terms of notice erected by Council (no camping) Jarmen Street, Suffolk Park	Withdrawn	Finalised	Nil

Matters Settled 01/07/16 to 30/06/17				
Matter BSC v	**Brief Description of Matter**	**Status**	**Next step/ milestone due date**	**Costs and expenses 2016/17**
Bell	Fail to comply with terms of notice erected by council (no camping) Jarmen Street, Suffolk Park	Withdrawn	Finalised	Nil
Keen	Development without consent (advertising restricted premises – Krystalworld adult shop), Centennial Circuit, Byron Bay	Withdrawn – Irrevocable Undertaking	Finalised	Nil
Muldoon	Disobey No Stopping sign, Station Street Bangalow	Withdrawn	Finalised	Nil
Brew	Development without Consent (illegal 'doof' party in Arakwal National Park) Tallows Beach, Byron Bay	Convicted	Finalised	Nil
Benk	Fail to comply with terms of notice erected by Council (no camping) Sommerset Street, Byron Bay	Convicted	Finalised	Nil
Huber	2 x Dog off leash 1 x fail to provide information to officer, Brunswick Heads	Convicted	Finalised	Nil
Hughes	Park Continuously for longer than permitted (Woolworths North Carpark)	Section 10	Finalised	$165
Cruikshank	Development without consent (Border Street, Byron Bay) Primitive Campsite	Withdrawn	Finalised	Nil
Bridgman	Disobey No Stopping Sign (South Beach Road)	Section 10	Finalised	$330
Muxlow	Fail to comply with Terms of Notice erected by Council (Camping) Butler Street	Convicted	Finalised	$330
Bruce	Fail to comply with Terms of Notice erected by Council (Camping) Butler Street	Convicted	Finalised	$330
King	Development without consent – Illegal 'Doof Party' (510 Goonengerry Rd Montecollum)	Convicted	Finalised	$1,200
Brookes	Disobey No Stopping sign (Seven Mile Beach Road)	Convicted	Finalised	Nil
Speirs	Fail to comply with terms of notice erected by Council (Road reserve on corner of Banksia Drive and Ewingsdale Road)	Withdrawn	Finalised	Nil

Matters Settled 01/07/16 to 30/06/17				
Matter BSC v	Brief Description of Matter	Status	Next step/ milestone due date	Costs and expenses 2016/17
Faulkner	Carry out development forbidden with or without consent (83 Walkers Lane, The Pocket)	Convicted	Finalised	$1,500
Cairns	Fail to comply with terms of notice erected by Council (Main Beach Carpark)	Convicted	Finalised	$200
Taufmann	Fail to comply with terms of notice erected by Council (Main Beach Carpark)	Convicted	Finalised	$200
Vargas	Fail to comply with terms of notice erected by Council (Main Beach Carpark)	Convicted	Finalised	$200
Layhe	Fail to comply with terms of notice erected by Council (Main Beach Carpark)	Convicted	Finalised	$200
Wrencher	Disobey No Stopping sign (Seven Mile Beach Road)	Withdrawn	Finalised	Nil
Lawrence	Aggravated Litter (Seven Mile Beach Road)	Convicted	Finalised	$100
Lawrence	Not state name/address when requested by an authorised officer (Seven Mile Beach Road)	Convicted	Finalised	$100
Frankland	Disobey No Stopping sign (Brownell Drive)	Convicted	Finalised	Nil
Porter	Disobey No Parking sign	Convicted	Finalised	Nil
Westwood	Disobey No Parking sign (Bay Street)	Convicted	29 June 2017	Nil
Westwood	Park without paying meter fee (Main Beach Car Park)	Convicted	29 June 2017	Nil
Westwood	Disobey No Parking sign (Lawson Street)	Convicted	29 June 2017	Nil
Westwood	Park continuously for longer than permitted (Main Beach Car Park)	Convicted	29 June 2017	Nil
Worts	Fail to comply with notice erected by Council (driving/parking on a reserve) (Venture Park)	Withdrawn	26 June 2017	$600
Yajia	Disobey No Stopping sign (Butler Street)	Convicted	Finalised	Nil
Toomath	Deposit Litter – Individual (South Beach Road)	Convicted	26 June 2017	Nil

Matters Settled 01/07/16 to 30/06/17				
Matter BSC v	**Brief Description of Matter**	**Status**	**Next step/ milestone due date**	**Costs and expenses 2016/17**
Toomath	Fail to comply with terms of notice erected by Council (South Beach Road)	Convicted	26 June 2017	Nil
Berkec	Stop in restricted parking area (Lawson Street)	Mention	29 June 2017	Nil
Eadie	Fail to comply with terms of notice erected by Council (Main Beach Car Park)	Mention	29 June 2017	Nil
Fong	Fail to comply with terms of notice erected by Council (Main Beach Car Park)	Mention	29 June 2017	Nil
Armstrong	Deposit litter – individual (Border Street)	Mention	6 July 2017	Nil
Stahl	Stop in restricted parking area (Lawson Street)	Mention	6 July 2017	Nil
Donnelly	Disobey no stopping sign (Tallow Beach Road)	Mention	6 July 2017	Nil
Asaadi	Disobey no stopping sign (Brownell Drive)	Mention	20 July 2017	Nil
Turnbull-Biggs	Development no development consent (16B Coomburra Crescent)	Mention	27 July 2017	Nil
Vargas	Fail to comply with terms of notice erected by Council (Border Street)	Mention	27 July 2017	Nil
Cooper	Disobey no stopping sign (Marine Parade)	Mention	Hearing 7 July 2017	Nil

SECTION 6: FINANCIAL MANAGEMENT

6.1 Councillors' Remuneration

Local Government Act 1993 Section 428

Item	Amount
Mayoral Allowance	$41,090
Councillor fees	$167,183
Total	$208,273

Local Government (General) Regulation 2005 Clause 217(1)(a1)(i)-(viii)

Item	Amount
Mayor vehicle expenses	$7,900
Telephone calls made by councillors	$20,336
Catering	$9,831
Stationery/Equipment	$4,180
Attendance of councillors at conferences and seminars	$20,118
Training of councillors and provision of skill development	$1,859
Intra and Inter State visits by councillors, including transport, accommodation and other out of pocket travelling expenses	$15,070
Overseas visits by councillors, including transport, accommodation and other out of pocket travelling expenses	0
Expenses of any spouse, partner or other person who accompanied a councillor	0
Expenses involved in the provision of care for a child or an immediate family member of a councillor	0
Legal Expenses	0
Total	$79,294

For further information refer to Appendix 2 Council's Policy Mayor and Councillors Payment of Expenses and Provision of Facilities.

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6.2 Financial Summary

Local Government Act 1993 Section 428(4)(a)

A summary of the financial reports, including the Auditor's Report for the reporting period 1 July 2016 to 30 June 2017 is attached at **Appendix 5.**

In accordance with the Local Government Act 1993, the NSW Auditor General is the appointed external auditor for all NSW Councils.

A full copy of the Financial Statements can be obtained by request and are available at public access points around the Shire and on Council's website at www.byron.nsw.gov.au/public-documents

6.3 Overseas Visits

Local Government Act 1993 Section 428(2)(r)

Local Government (General) Regulation 2005 Clause 217(1)(a)

There were no overseas trips undertaken by Councillors or Staff during the period 1 July 2016 to 30 June 2017.

6.4 Rates and Charges Written Off

Local Government (General) Regulation 2005 Clause 132

This table details the rates and charges written off, reduced or waived by Council during the reporting period 1 July 2016 to 30 June 2017.

Item	Local Government Act 1993	Amount $
Rates	Section 595	0
Interest	Section 595	0
Interest	Section 564	$808
Pensioner Abandonment	Section 582	$833,989
TOTAL		$834,797

6.5 General Manager and Senior Management and Remuneration

Local Government (General) Regulation 2005 Clause 217(1)(b)(c)

Senior staff were employed by Council during the reporting period 1 July 2016 to 30 June 2017.

Total remuneration, shown below, includes:

- Total value of salary component of package.
- Total amount of any bonus payments, performance or other payments that do not form part of salary component.
- Total employer's contribution to superannuation (salary sacrifice or employer's contribution).
- Total value of non-cash benefits.
- Total fringe benefits tax for non-cash benefits.

Senior Staff	Total Remuneration
General Manager	$258,602
Other Senior Staff	$819,812

6.6 Stormwater Management Services

Local Government (General) Regulations 2005 Clause 217(1)(e)

For the reporting period 1 July 2016 to 30 June 2017 the following information is provided regarding Stormwater Management Services Income and Projects.

Stormwater Management Services Income

Type of Charge	Annual Charge $	Number of Properties	Yield $
Stormwater Management Charge (Residential)	$25.00	7,326	$183,150
Stormwater Management Charge (Residential Strata Units)	$12.50	2,204	$27,550
Stormwater Management Charge (Business Strata Units – not within a mixed development)**	-	504	$11,705
Stormwater Management Charge (Business Strata Units)	$12.50	123	$1,538
Stormwater Management Charge (Business Properties – Not Strata Titled)**	-	565	$69,075
Totals		10,814	$293,018

** Varying Amounts – A single annual flat charge does not apply to Business Properties and Business Strata Units (not within a mixed development).The amount shown is a minimum charge.

Stormwater Management Projects 2016/2017

Project	Funded from Stormwater Management Charge $	Funded from Other Sources $*	Total $	Actual $	Variance $
Urban Drainage Maintenance	0	$299,600	$299,600	$267,945	$31,655
Rural Drainage Maintenance	0	$108,200	$108,200	$96,818	$11,382
Urban Capital Drainage Works **	$772,300	0	$772,300	$636,452	$135,848
TOTAL	$772,300	$407,800	$1,180,100	$1,001,215	$178,885

* Includes General Revenue, Grants and Reserve Funds.
** Includes funding from the Stormwater Management Charge raised in 2016/2017 plus unexpended funds held from previous years.

6.7 Works on Private Land

Local Government General Regulation 2005 cl 217(1)(a4)

During the reporting period 1 July 2016 to 30 June 2017, Council did not carry out any work on private land that was fully or partly subsidised by Council.

Further, Council did not make any resolutions during the reporting period, under Section 67(2b) of the Local Government Act 1993, to carry out works on private land at a charge less than the adopted fee.

6.8 Special Variation Expenditure

Local Government Act 1993 Section 508(2), 508A)

Council has complied with the reporting obligations of historical Special Rate Variations approved in the following financial years:

- 2002/2003
- 2003/2004
- 2005/2006
- 2006/2007
- 2007/2008
- 2008/2009

The reporting obligations have either expired due to the conditions attached to the Special Rate Variation approval or on the advice provided by the Office of Local Government in 2015 that it is no longer required to annually report after a period of ten years. It is on this basis that Council has not provided any reporting on the above historical Special Rate Variations approved in the financial years above.

Council will commence reporting on the Special Rate Variation approved by the Independent Pricing and Regulatory Tribunal (IPART) on 9 May 2017 2017, which comes into effect from 1 July 2017, in the 2017/18 Annual Report.

6.9 Coastal Protection Services Levy

Local Government (General) Regulation 2005 Section 217(1)(f)

Council did not levy an annual charge for coastal protection services during 2016-2017.

6.10 Condition of Assets

Section 428 of the Local Government Act requires Council to prepare a report on the conditions of public works (including public buildings, public roads and water, sewerage and drainage works) under the control of the Council as at the end of that year, together with:

1. an estimate (at current value) of the amount of money required to bring the works up to satisfactory standard;
2. an estimate (at current values) of the annual expense of maintaining the works at that standard; and,
3. the Council's program of maintenance for that year in respect of the works.

In assessing the condition of Public Assets, Council has had regard to the condition, function and location of each asset. Proposed or potential enhancements to the existing asset have been ignored. Assets within each Asset Category have been assessed on an overall basis, recognising that an average valuation may be assessed even though certain assets may be above or below that standard on an individual basis. Councils will adopt different intervention levels for their assets determined by the current condition and their financial capacity to maintain assets at a predetermined level.

Council recognises that the assessed condition may be different from that determined by other Councils for public works under their control.
This information is detailed at **Section 3** in Council's Financial Statements in Special Schedule No 7 – Condition of Public Works as at 30 June 2017.

In terms of asset condition rating also disclosed in the table below, the number disclosed has the following meaning:

1 = Near perfect – ranges from new or good
2 = Superficial deterioration – ranges from generally good to fair
3 = Deterioration evident – ranges from fair to marginal
4 = Requires major reconstruction – ranges from poor to critical
5 = Asset unserviceable – critical, beyond repair

6.11 s356 Contributions/Donations

Moneys distributed under Policy Assistance to Festivals and Community Organisations	Donation $
Name of Community Organisations or Individual / Purpose	
Byron Bay Community Association	$2,951
Byron Youth Service	$4,311
Federal Community Children's Centre	$500
Ocean Shores and District Garden Club	$100
Australian Indonesian Arts Alliance	$3,250
Mullumbimby Seed Inc.	$3,250
Bangalow Land and Rivercare Inc.	$926
Seaside Scavenge	$760
Carols by the Sea	$800
Liberation Larder Inc.	$4,875
SHIFT Project Byron Inc.	$1,950
Waterlily Community Playscape Inc.	$1,000
Byron Cycle Club	$1,000
Mullumbimby Community Preschool Association Inc	$500
Rainbow Club Byron Bay	$975
Animal Welfare League	$400
Main Arm Upper Primary School P&C Association	$3,250
STEER Project	$5,200
TOTAL	$35,999

Moneys distributed under Policy Section 356 Donations to Community Group – Reimbursement of Applications Fees paid	Donation $
Suffolk Park Progress Association	$370
Byron Bay Community Association	$3,674
Brunswick Valley Woodchop	$706
Byron Bay Cycle Club	$385
TOTAL	$5,135

Section 356 from the Mayor's Discretionary Funds	Donation $
Name of Community Organisations or Individual	
Byron Bay High School	$140
Mullumbimby High School	$150
Byron Rudolf Steiner School	$136
Mullumbimby Shearwater School	$140
Ocean Shores Art Expo	$250
TOTAL	$818

Section 356 Donations – As adopted in 2016/2017 Budget	Donation $
Name of Community Organisations or Individual / Purpose	
North Coast Academy of Sport	$3,800
Tweed/Byron Life Education	$3,100
Westpac Rescue Helicopter	$5,000
Brunswick Valley Rescue	$5,000
NAIDOC Week	$1,000
Brunswick Volunteer Marine Rescue	$5,000
Staff Christmas Party	$9,173
TOTAL	$32,073.25

Moneys donated under Policy Section 356 Donations – Rates, Water and Sewerage Charges		Donation $
Name of Centre/Hall	Assess. No.	
Bangalow CWA, 31 Byron Street Bangalow	735803	$2,283.35
Bangalow Heritage House, Ashton Street Bangalow	1097997	$1,151.00
Bangalow Parks Trust (Showground), Station Street Bangalow	1204411	$6,270.00
Bangalow Rsl Hall, 19 Station Street Bangalow	930800	$3,355.43
Billinudgel School Of Arts, 4 Wilfred Street Billinudgel	1038702	$1,718.00
Broken Head Hall, 536 Broken Head Road Broken Head	1164516	$1,387.22
Brunswick CWA, Park Street Brunswick Heads	782102	$4,171.17
Brunswick Heads Memorial Hall, 24 Fingal Street Brunswick Heads	374603	$3,969.81
Brunswick Heads Scout Hall, South Beach Road Brunswick Heads	928309	$998.00
Brunswick Valley Community Centre, South Beach Road Brunswick Heads	1103449	$7,310.85
Brunswick Valley Historical Society, Stuart Street Mullumbimby	1079219	$998.00
Brunswick Heads RSL Hall, 24 Fawcett Street Brunswick Heads	356006	$3,117.18
Byron Bay Community Centre, 69 Jonson Street Byron Bay	466300	$19,144.92
Byron Bay Senior Citizens, 37 Marvel Street Byron Bay	1097096	$998.00
Cook Pioneer Centre (Senior Citizens Mullumbimby), 32 Gordon Street Mullumbimby	428508	$998.00
Coorabell Hall, Coolamon Scenic Drive Coorabell	279406	$1,787.77
Durrumbul Hall/Pre School, Coolamon Scenic Drive Coorabell	590208	$44.00
Eureka Hall, 500 Eureka Road Eureka	356204	$1,117.88
Ewingsdale Hall, William Flick Lane Ewingsdale	758805	$711.32
Federal Hall, Federal Drive Federal	358903	$959.05
Island Quarry, Ewingsdale Road Byron Bay	1101963	$918.00
Kohinur Hall, 1296 Main Arm Road Upper Main Arm	587204	$1,131.70
Mullumbimby Civic Centre & Neighbourhood Centre, 55 Dalley Street Mullumbimby	1197268	$2,842.59
Mullumbimby Civic Hall, 55 Dalley Street Mullumbimby	1197276	$2,362.63
Mullumbimby CWA, 15 Tincogan Street Mullumbimby	999409	$998.00
Mullumbimby Drill Hall, 4 Jubilee Avenue Mullumbimby	476804	$2,835.69

Moneys donated under Policy Section 356 Donations – Rates, Water and Sewerage Charges		Donation $
Name of Centre/Hall	Assess. No.	
Mullumbimby Scout And Guides Hall, Burringbar Street Mullumbimby	220103	$998.00
Ocean Shores Community Centre, 1 Jarrah Crescent Ocean Shores	831800	$3,647.45
South Golden Beach Community Centre, Pacific Esplanade South Golden Beach	1128339	$6,098.41
Suffolk Park Community Centre, Alcorn Street Suffolk Park	1117605	$3,207.08
Tyagarah Hall, Pacific Highway Tyagarah	1139278	$695.00
War Widows Cottage (Byron Youth Centre), 34 Gordon Street Mullumbimby	1183771	$1,718.00
Wilsons Creek Hall, 724 Wilsons Creek Road Wilsons Creek	1181577	$876.17
Byron Bay Surf Club, Bay Street Byron Bay	95802	$9,049.00
Brunswick Heads Surf Club, South Beach Road Brunswick Heads	928705	$1,560.00
Bush Fire Brigade Mullumbimby, 34A Gordon Street Mullumbimby	1183789	$4,712.00
TOTAL		$106,140.67

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Moneys distributed under Policy Section 356 Donations to Community Group – lease subsidies	Donations $
Ocean Shores Pre-School Lease	$45,999.96
Mullumbimby Neighbourhood Centre	$15,000.00
Old Country Energy Building	$61,400.00
Bangalow Community Childrens Centre	$90,400.00
Byron Visitors Centre (Old Station Masters Cottage)	$71,100.00
Tyagarah Recreational Club Lease	$37,200.00
Lilly Pilly Community Pre-School Lease	$40,200.00
Periwinkle Pre-School Lease	$16,998.00
Mullumbimby District Cultural Centre (Drill Hall	$29,300.00
TOTAL	$407,597.96

Total moneys distributed under Section 356 of the Local Government Act 1993	Total Donations $
Moneys distributed under Policy Assistance to Festivals and Community Organisations	$35,999.85
Moneys distributed under Policy Waving of Application fees	$5,135.00
Moneys distributed from the Mayor's Discretionary fund	$818.18
Moneys distributed under lease subsidies	$407,597.96
As adopted in 2016/2017 Budget	$32,073.25
Moneys donated under Policy Section 356 Donations – Rates Water and Sewerage Charges	$106,140.67
TOTAL	$587,746


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APPENDIX 1 – GET INVOLVED

Council Meetings are held generally on a monthly basis in the Council Chambers at Station Street, Mullumbimby. All meetings are open to the public and you are encouraged to attend. Confidential items are considered in closed session, which excludes press and public. Extraordinary and Byron Shire Reserve Trust Committee meetings, wherein all Councillors are members, are held when required.

All Ordinary Meetings and Standing Committee Meetings are conducted in accordance with Council's Code of Meeting Practice.

Agendas are uploaded to Council's website nine days prior to an Ordinary Meeting. Agendas for Extraordinary and Byron Shire Reserve Trust Committee Meetings are uploaded as soon as they are available. Minutes are uploaded as soon as possible following the meetings.

A hard copy of the Agenda is also available for viewing prior to the meeting at Council's Administration Centre, Station Street, Mullumbimby. Refer to www.byron.nsw.gov.au/meetings for more information.

Public access relating to items on agendas is available between 9.00am and 10.00am on the day of the meeting. Requests for public access should be made to the General Manager no later than 12 midday on the day prior to the meeting. For information on Public Access Sessions at Council meetings, and to request access, go to www.byron.nsw.gov.au/forms/public-access-sessions-and-submissions. Only one presentation for and one presentation against may be made on an Agenda item; a maximum of five minutes is allocated to each presentation. More than one speaker for or against an item shares the allotted time of five minutes.

Submissions and questions from the Public Gallery (Ordinary Meetings only):

Anyone wishing to make a submission to Council or ask a question on an item outside the Agenda will be able to do so at the completion of Public Access. This is subject to time availability.

Make an appointment

With the Mayor and Councillors:
The Mayor's and Councillors' contact details are within this Annual Report and are available on Council's website at www.byron.nsw.gov.au/council/councillors.

With the General Manager or Directors:
Refer to the inside front cover of this document for Council's contact details.

Attend a public meeting

Public meetings are advertised in Council's block advertising published in the Byron Shire News and where required the Byron Shire Echo. Alternatively you may wish to subscribe to Byron Shire Council's community e-news and keep up-to-date on what's happening in Council. You will receive the latest information on upcoming Council agendas, key Council decisions and where Council is at work in the community.

Council meetings are also advertised on the official Byron Shire Council Facebook page.

Join a Council Committee

At the end of each term of Council, all Committees are disbanded and all positions on Regional Bodies become vacant. Since the September 2016 election, Council's committee structure is as follows.

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Special Purpose Committees

Council has special purpose committees, as follows, which meet as required.

- Planning Review – Consists of all Councillors and the General Manager or nominated delegate (any staff member to be non-voting delegate), however it only needs a quorum of three Councillors to convene.
- Byron Shire Reserve Trust – Consists of all Councillors and has delegated authority to determine matters.

The Special Purpose Committees adhere to Council's Code of Meeting Practice Policy and related legislation.

Advisory Committees

Council has developed greater strategic planning capability by focusing on areas additional to the traditional land planning issues falling within its jurisdiction.

These other areas fall under the following Advisory Committees that operated during the reporting period:

Advisory Committees
Arakwal Memorandum of Understanding
Transport and Infrastructure
Finance
Internal Audit
Byron Shire Floodplain Risk Management
Water, Waste and Sewer

Council also operated the following Panels during the reporting period:

Panels
Public Art
Coastal Estuary Catchment
Biodiversity and Sustainability
Communications
Heritage
Sustainable Economy

Vacant community positions on these committees and panels are advertised when required.

Project Reference Groups

Council has established Project Reference Groups (PRGs) to carry out specific objectives of Council. PRGs have a specific time frame to carry out their objectives, generally from three months to 12 months.

PRG membership consists of interested Councillors, invited representatives and community representatives chosen from a panel of interested community members.

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Community members may apply at any time to Council to be on a register of panel members available for membership to a PRG. Further information on PRGs and nomination forms to be on the panel register can be found on Council's website at www.byron.nsw.gov.au/committees. These are the PRGs which operated during 2016/17.

Reference Group	Timeframe to carry out objectives	Date commenced	Date disbanded
Koala Plan of Management	Complete	4 Aug 2011	4 August 2016
Mullumbimby Masterplan Scoping Project Reference Group	Ongoing	31 Mar 2016	

Section 355 Committees
Under the Local Government Act 1993 Section 355, Council is able to delegate some of its functions to a committee of Council. Council uses this delegation and appoints community people to manage its facilities or functions through a committee of management.

The committees provide a mechanism by which interested persons can have an active role in the provision/management of Council facilities or services. This provides a twofold benefit by giving protection to the committee operating under the banner of Council, and by providing Council with assistance in the carrying out of its functions. Membership consists of a Councillor and community representatives. Community members are appointed for a four year term the same as Councillors. There are presently ten Section 355 Committees and three Boards of Management. Further information on Council's Section 355 Committees can be found on Council's website at www.byron.nsw.gov.au/committees/section-355-committees and all these facilities are listed under "External Bodies Exercising Council Functions".

Other Committees

The following committees have been established in accordance with legislation or Council Resolution and membership consists of Councillor(s), Government Departments and staff representatives.

- Local Traffic Committee
- Staff WHS Committee
- Staff Consultative Committee
- Regional Committees

Council is represented on a number of community groups and industry bodies; these are known as Regional Committees. For further information on the Regional Committees and Councillor representation can be found on Council's website at www.byron.nsw.gov.au/committees/regional-committees.

APPENDIX 2 – COMMUNITY STRATEGIC PLAN OVERVIEW AND DELIVERY PROGRAM LINKAGES

Corporate Management	Effective leadership and ethical and accountable decision making	
Community Outcome	**Community Strategies**	**Delivery Program Ref**
CM1 Effective governance, business, project and financial management	CM1.1 Improve the transparency, effectiveness and accountability of Council	3, 4, 19, 23, 51, 52
	CM1.2 Ensure Council decision making supports fair allocation of resources, services and facilities	35, 52, 53
	CM1.3 Improve organisational sustainability (economic, social, environmental and governance)	1, 12, 24, 35, 39, 51
	CM1.4 Comply with NSW State government legislation for local government integrated planning and reporting	10, 11, 45, 49, 51
	CM1.5 Provide a safe, healthy and inclusive working environment	2, 5, 6, 7, 8, 9
CM2 Informed and engaged community	CM2.1 Use a range of effective communication tools to engage the community to support transparent and accountable Council decision making.	13, 51
	CM2.2 Provide education, engagement and feedback initiatives for meaningful community participation	14, 15, 51
CM3 Effective Partnerships with all levels of government	CM3.1 Implement collaborative partnerships that support efficient use of resources.	16, 18, 53
CM4 Community compliance with statutory requirements.	CM4.1 Promote community compliance with Acts, Regulations, Instruments and Council policies and standards	20, 21, 22

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Economy	A sustainable and diverse economy which provides innovative employment and investment opportunities in harmony with our ecological and social aims	
Community Outcome	Community Strategies	Delivery Program Ref
EC1 A diverse economic base and support for local businesses	EC1.1 Support the development of a range of sustainable industries in Byron Shire	25, 30, 31, 32, 39, 54
	EC1.2 Support and strengthen local businesses and local business networks	25, 31
	EC1.3 Support new avenues of research and vocational and tertiary learning	26
	EC1.4 Support sporting and cultural events in Byron Shire	27, 28, 31
	EC1.5 Advocate for greater local employment opportunities	17, 26
EC2 A sustainable tourism industry that respects and promotes our natural environment and community values	EC2.1 Build a tourism industry that delivers local and regional benefits in harmony with the community's values	25, 28, 30, 32, 39
	EC2.2 Develop Byron Shire as a leader in responsible and sustainable tourism and encourage sustainable business practices within the tourism industry	31, 32
	EC2.3 Support and promote a collaborative shire-wide approach to managing tourism	28
EC3 The development of a diverse range of arts and creative industries.	EC3.1 Support cultural and arts-based industries	25, 28, 31
	EC3.2 Develop Byron Shire as a leader in arts and creative industries	28, 30, 31, 39
	EC3.3 Strengthen regional partnerships with peak arts organisations	16

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Society and Culture	Resilient, creative and active communities with a strong sense of local identity and place	
Community Outcome	**Community Strategies**	**Delivery Program Ref**
SC1 Support communities to achieve equitable access to an appropriate range and level of whole of life services such as healthcare, education and housing.	SC1.1 Advocate and lobby State and Federal Government for the needs of all members of the Byron Shire community to have access to required services, infrastructure and facilities	11, 49
	SC1.2 Provide accessible facilities that support leisure, learning and recreation for people of all ages	11, 27, 34, 35
	SC1.3 Research, analyse, update and distribute information regarding the Byron Shire community's needs	27
	SC1.4 Coordinate communication forums between regional and local community services organisations, the community and business	11, 36, 53
SC2 Achieve active participation in local and regional community life	SC2.1 Provide a range of recreational, cultural and community opportunities	11, 14, 15, 16, 34, 36
	SC2.2 Recognise the importance of, and promote community safety	32, 33
	SC2.3 Facilitate positive family and community influences on child development	32
	SC2.4 Create vibrant liveable places and spaces within towns and villages for people of all ages and abilities	11, 29, 32
SC3 Respect and understanding of Aboriginal heritage and wider cultural diversity	SC3.1 Work in partnership with the community to facilitate access to a range of cultural places, spaces, opportunities and activities for all in the community	11, 25, 37
	SC3.2 Acknowledge, foster and celebrate Aboriginal culture	37
	SC3.3 Encourage and support residents from cultural and linguistically diverse backgrounds to participate in all aspects of the community	-

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Environment	Our natural and built environment is improved for each generation	
Community Outcome	**Community Strategies**	**Delivery Program Ref**
EN1 Protect and enhance the natural environment	EN1.1 Protect, restore and maintain the biodiversity values, ecosystems and ecological processes of the Byron Shire	14, 42, 43
	EN1.2 Sustainably manage significant urban and peri-urban bushland areas	14, 17, 46, 43
	EN1.3 Manage coastal processes, hazards and development so that the diversity, amenity and accessibility of the Shire's coastline is maintained	14, 16, 43, 44, 53
	EN1.4 Protect and enhance the health of the Shire's catchments, waterways and estuaries	14, 16, 42, 43, 44, 53
EN2 Sustainable towns, villages and rural settlements that: a. Respect our natural environment b. Create an inclusive social environment, and c. Integrate harmoniously with the character of local areas.	EN2.1 Implement innovative and sustainable urban designs to: Enhance the distinctive qualities of towns and villages. a. Reduce urban development impacts on the environment. a. Encourage developments with reduced reliance on cars. a. Provide for sustainability outcomes in the development of private lands.	41, 45, 49, 56
EN2 A low carbon community that integrates: a. Food security b. Renewable energy c. Climate change d. Non-renewable resource constraints, including peak oil and e. Economic and social prosperity and resilience	EN3.1 Implement initiatives that address climate change	45
	EN3.2 Promote water and waste minimisation – avoid, reduce and reuse waste	46, 55, 56
	EN3.3 Encourage low consumption lifestyles and environmentally aware practices	46, 47
	EN3.4 Implement initiatives to prepare Council assets for climate change and peak oil impacts	45
	EN3.5 Promote reduced energy consumption, increased energy efficiency and the local provision of renewable energy	45
	EN3.6 Support initiatives that enhance socio-economic prosperity and resilience at the local level.	20, 26, 47

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Community Infrastructure	Services and infrastructure that sustains, connects and integrates our communities and environment	
Community Outcome	Community Strategies	Delivery Program Ref
CI1 Planning for the future	CI1.1 Provide a network of accessible cycleways and walkways that link with public transport	33, 36, 47, 48, 49
	CI1.2 Encourage sustainable and accessible transport solutions between towns and villages	15, 33, 46, 47
	CI1.3 Plan for the provision of community facilities	27, 29, 36, 39
	CI1.4 Plan for future traffic demands	39, 50
	CI1.5 Provide water, sewerage and stormwater infrastructure and capacity for future generations	16
	CI1.6 Plan for the future of waste and recycling management	16, 55
	CI1.7 Infrastructure and land use planning are integrated	22, 33, 42
CI2 Provision of essential services	CI2.1 Maintain continuous water and sewerage services	16, 20
	CI2.2 Provide waste removal and recycling services	16, 46, 55, 56
	CI2.3 Provide roads and drainage infrastructure	51
	CI2.4 Have effective processes and systems to respond to natural disasters for the protection of life and the management of property and infrastructure	51, 53
	CI2.5 Pursue strategic regional resource sharing initiatives	16, 17, 42
CI3 Renew and maintain existing infrastructure	CI3.1 Maintain roads and drainage in a safe and operational condition	45
	CI3.2 Maintain water and sewerage infrastructure in accordance with operating licenses and regulatory standards	46, 55, 56
	CI3.3 Maintain waste and recycling facilities in accordance with operating licences	46, 47
	CI3.4 Ensure all public parks and open spaces are accessible, maintained and managed to meet the recreational needs of current and future residents	45
	CI3.5 Improve stormwater management through stormwater levy funding	45
	CI3.6 Maintain safe and legislative compliant community buildings and swimming pools	20, 26, 47
CI4 Develop new infrastructure	CI4.1 Determine and construct future infrastructure needs to serve the community	16, 35, 39, 52, 54
	CI4.2 Incorporate proposed new infrastructure works in the long term financial plans of Council	11, 27, 35, 52

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The four year Delivery Program, which was referenced in the last column on the previous pages, details the key activities that Council will undertake in order to work towards achieving the Community Outcomes of the Community Strategic Plan. These activities are further broken down into Actions that are listed in Council's Operational Plan, which provides information on what Council will achieve and how progress will be measured.

For the complete set of these documents see our Integrated Planning webpage.

If you require a printed copy of the following information in a larger print size, please contact Council via council@byron.nsw.gov.au.

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APPENDIX 3 – GIPA ACT 2009 ANNUAL REPORT 2016-2017

Government Information (Public Access) Act – Annual Report for Agency Byron Shire Council

Clause 7A: Details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

Reviews carried out by the agency	Information made publicly available by the agency
Yes	Yes

Byron Shire Council during this reporting period completed a formal review of the organisation's public website. It is now planned to replace the existing website; scheduled to go live in March 2018. The new website will allow the community to more easily find information, interact with council online and be more accessible. During the reporting period Council has proactively published information on the Council's website in relation to major capital works, projects, services, activities, studies and policy and planning documents. The publication of information in relation to these areas has occurred to ensure that decisions and reporting in regard to the related matters is both transparent and provides accountability to the community. The website has been a key tool in delivering information and engaging with the community in relation to town master planning currently under development for Byron Bay, Bangalow, Brunswick Heads and Mullumbimby.

Clause 7B: The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

Total number of applications received
12

Clause 7C: The total number of access applications received by the agency during the reporting year that the agency refused either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Number of Applications Refused	Wholly	Partly	Total
	1	1	2
% of Total	50%	50%	

APPENDICES

Government Information (Public Access) Act – Annual Report for Agency Byron Shire Council

Schedule 2 Statistical information about access applications to be included in annual report

Table A: Number of applications by type of applicant and outcome*

	Access Granted in Full	Access Granted in Part	Access Refused in Full	Information not Held	Information Already Available	Refuse to Deal with Application	Refuse to Confirm/Deny whether information is held	Application Withdrawn	Total	% of Total
Media	0	0	0	0	0	0	0	0	0	0%
Members of Parliament	0	0	0	0	0	0	0	0	0	0%
Private sector business	1	3	1	0	0	0	0	3	8	67%
Not for profit organisations or community groups	0	0	0	0	0	0	0	0	0	0%
Members of the public (by legal representative)	1	2	0	0	0	0	0	1	4	33%
Members of the public (other)	0	0	0	0	0	0	0	0	0	0%
Total	2	5	1	0	0	0	0	4	12	
% of Total	17%	42%	8%	0%	0%	0%	0%	33%		

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

APPENDICES

Government Information (Public Access) Act – Annual Report for Agency Byron Shire Council

Table B: Number of applications by type of application and outcome*

	Access Granted in Full	Access Granted in Part	Access Refused in Full	Information not Held	Information Already Available	Refuse to Deal with Application	Refuse to Confirm/Deny whether information is held	Application Withdrawn	Total	% of Total
Personal information applications*	0	0	0	0	0	0	0	0	0	0%
Access applications (other than personal information applications)	2	5	1	0	0	0	0	4	12	100%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0	0	0%
Total	2	5	1	0	0	0	0	4	12	
% of Total	17%	42%	8%	0%	0%	0%	0%	33%		

* A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

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APPENDICES

Government Information (Public Access) Act – Annual Report for Agency Byron Shire Council

Table C: Invalid applications

Reason for invalidity	No of applications	% of Total
Application does not comply with formal requirements (section 41 of the Act)	0	0%
Application is for excluded information of the agency (section 43 of the Act)	0	0%
Application contravenes restraint order (section 110 of the Act)	0	0%
Total number of invalid applications received	0	0%
Invalid applications that subsequently became valid applications	0	0%

Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 of Act

	Number of times consideration used*	% of Total
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive Council information	0	0%
Contempt	0	0%
Legal professional privilege	1	50%
Excluded information	0	0%
Documents affecting law enforcement and public safety	1	50%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	2	

*More than one public interest consideration may apply in relation to a particular access application and if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E

Government Information (Public Access) Act – Annual Report for Agency Byron Shire Council

Table E: Other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of times consideration used*	% of Total
Responsible and effective government	0	0%
Law enforcement and security	0	0%
Individual rights, judicial processes and natural justice	6	75%
Business interests of agencies and other persons	2	25%
Environment, culture, economy and general matters	0	0%
Secrecy provisions	0	0%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	8	

Table F: Timeliness

	Number of applications*	% of Total
Decided within the statutory timeframe (20 days plus any extensions)	8	100%
Decided after 35 days (by agreement with applicant)	0	0%
Not decided within time (deemed refusal)	0	0%
Total	8	

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Government Information (Public Access) Act – Annual Report for Agency Byron Shire Council

Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	1	1	2	100%
Review by Information Commissioner*	0	0	0	0%
Internal review following recommendation under section 93 of Act	0	0	0	0%
Review by NCAT	0	0	0	0%
Total	1	1	2	
% of Total	50%	50%		

*The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

Table H: Applications for review under Part 5 of the Act (by type of applicant)

	Number of applications for review	% of Total
Applications by access applicants	0	0%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	1	100%
Total	1	

Table I: Applications transferred to other agencies.

	Number of applications transferred	% of Total
Agency-Initiated Transfers	0	0%
Applicant - Initiated Transfers	0	0%
Total	0	

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APPENDIX 4 – MAYOR AND COUNCILLORS PAYMENT OF EXPENSES AND PROVISION OF FACILITIES – POLICY NO.14/010

INFORMATION ABOUT THIS DOCUMENT

Date Commenced	29 March 1994		
Policy Responsibility	Corporate and Community Services		
Date Adopted	29 March 1994	**Resolution No.**	
Review Timeframe	Within 5 months at the end of each year		
Last Review Date:	October 2016	**Next Review Date**	May 2017

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
	24/9/96	
	5/3/04	Res No. 04-166
#541785	27/9/05	Res No. 05-684
#606871	14/11/06	Res No. 06-730 adopted 28/6/07 07-342
#705189	27/9/07	Res No. 07-511
#754283	24/4/08	Res No. 08-252 placed on exhibition (#760664)
#779620	31/8/08	Res No. 08-525 adopted
#790811		Come into effect 13/9/08
#779666	28/8/08	Res No. 08-525
#790824		Placed on public exhibition
#805632	27/11/08	Res No 08-727
#815079	27/11/08	Res No 08-727 (adopted after exhibition)
#906057	13/8/09	Res No. 09-634 (adopted after exhibition – no submissions)
#942479		Amended in accordance with DLG Guidelines 09-36
#942479	7/10/10	Res No. 10-799 placed on exhibition (#942479)
#1057179	10/02/11	Res No. 10-1110 adopted 10/02/11 Res No. 11-14
#1069432	16/3/11	Res No. 10-1110 adopted 10/2/11 Res No. 11-14 Typo changes – ref Clauses
#1120094	25/8/11	Reported to Council for advertising 8/9/11 to 6/10/11.
#1151504	7/10/11	Adopted after close of exhibition see Res 11-648 – no submissions received
#1184365	9/1/12	Updated Page 3 and 7 of 14 - referencing Clauses
#E2012/7649	9/8/12	Adopted after close of exhibition period see Res 12-602 – no sub received
#E2013/48106	29/8/2013	Reported to Council for advertising #E2013/48057
#E2013/72869		Created with incorrect Policy No
E2013/74016	7/11/13	Adopted after close of exhibition period – no sub received Res No. 13-411
E2014/46393	7/8/2014	Reported to Council for advertising E2014/46307
E2014/53161	12/8/2014	Amended for exhibition as per Res No. 14--378
E2014/61952	17/9/2014	Adopted after close of exhibition – no submissions received
E2015/45197	27/8/2015	Draft amended reported to Council I2015/718
E2015/72233	29/10/2015	Adopted after close of exhibition – 2 submissions received Res 15-561
E2016/95684	27/10/2016	Amended as per Council Resolution 16-538

Further Document Information and Relationships

Related Legislation	Local Government Act 1993 Sections 23a 252, 253 254 Local Government (General) Regulation 2005 DLG Guidelines Circular 08/24 Misuse of council resources DLG Guidelines Circular 08/37 Council decision making prior to ordinary elections DLG Guidelines Circular No. 09/36 Release of Revised Councillor Expenses and Facilities Guidelines www.dlg.nsw.gov.au ICAC Publication "No Excuse for Misuse, preventing the misuse of council resources (Guidelines 2)" November 2002 www.icac.nsw.gov.au
Related Policies	Model Code of Conduct www.byron.nsw.gov.au Light Motor Vehicle Fleet #978485
Related Procedures/ Protocols, Statements, documents	Email Communications Procedure #664764 Procedures Light Motor Vehicles • Fees& Charges and Makes and Models #1037783 • General Terms of Use #1037780 • Size of Fleet, Type of Vehicles & Allocation of Vehicles and Permitted Uses #1037773 Councillors Allowances Claim Form E2013/42853 – Last Updated 01/07/2014

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Policy No: 14/010

POLICY TITLE MAYOR AND COUNCILLORS PAYMENT OF EXPENSES AND PROVISION OF FACILITIES

1. INTRODUCTION

Under the Local Government Act 1993 including Section 252 to 254, requires that the Council must adopt a policy concerning the payment of expenses and the provision of facilities to the Mayor and other Councillors.

Section 428(2)(f) requires a council to include in its Annual Report:

1.1. Total amount of money expended during the year on providing those facilities and paying those expenses.

1.2. Council's policy on the provision of facilities for, and the payment of expenses to Councillors.

1.3. The payment of Councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses.

Section 12 provides that the public is entitled to inspect the Council's policy concerning the payment of expenses incurred by, and the provision of facilities to Councillors, free of charge, and may obtain a copy, either free of charge or on payment of reasonable copying charges.

This policy should be read in conjunction with Council's Code of Conduct, Policy 1.8, in particular, Clause 8 – Personal Benefit, and Clause 10 – Access to Information and Council Resources, DLG Circular 08/24 – Misuse of Council resources and DLG Circular 08/37 – Council decision making prior to ordinary elections.

2. OBJECTIVES

To ensure the Mayor and Councillors and/or appointed Administrators of Byron Shire Council are:

2.1. reimbursed for reasonable and appropriate expenses incurred in the performance of their civic duties.

2.2. provided with a range of facilities to assist in the discharge of their civic duties.

3. FIXING AND PAYMENT OF ANNUAL FEES

The Councillors annual fees do not fall within the scope of this Policy. See Local Government Act 1993 Section 248 - Fixing and payment of annual fees for Councillors and Section 249 - Fixing and payment of annual fees for the Mayor.

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4. GENERAL CONDUCT

Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their function under the Local Government Act or any other Act. This is required under Section 439 of the Local Government Act and reinforced in Council's adopted Code of Conduct made under Section 440 of the Act.

5. TRAVEL EXPENSES/PROVISIONS

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

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

5.1.2. Inspections within the Council's area undertaken in compliance with a resolution of the Council if for good reason they are unable to use transport when provided by Council;

5.1.3. Attending public meetings convened by the Council;

5.1.4. Individual or personal inspections of any site within Council's area listed on the current Council Meeting Agenda, if for good reason they are unable to use transport when provided by the Council;

5.1.5. To and from the periodical conferences and seminars as stated in Clause 8.

5.1.6. To attend Council Regional Committee of Sub- Committee meetings.

5.1.7. To attend any other official Council events, functions, meeting and public information sessions.

5.2. Reimbursement will be paid at the current rate of the "mileage" allowance set by the appropriate Local Government Industrial Award from time to time.

5.3. All vehicle allowance claims to be made in accordance with the Claims Procedure at Section 12.

5.4. Costs of traffic or parking fines incurred whilst travelling in private or Council vehicles on Council business are the responsibility of the driver.

5.5. Councillors unable or unwilling to drive to any Council business, as stated in 5.1.1 to 5.1.6, and if Council is unable to provide transport to the Council business, may use public transport or taxis utilising the most direct route possible which costs will be reimbursed by Council.

6. PAYMENT OF EXPENSES (MONETARY LIMITS)

6.1. No annual, monthly or daily allowance or expense type allowance payment will be payable in any circumstance.

6.2. Monetary limits applying to this policy include:

6.2.1. **Carer's expenses** Mayor and Councillors maximum $3,000 (total for all Councillors including Mayor) per annum

6.2.2. **Fixed and Mobile charges** for: voice calls, data services, telephone/mobile line/handset rental

a) Mayor - $235 per month maximum
b) Councillor - $200 (per Councillor) per month maximum

6.2.3. **Computer hardware (including laptops, tablets and smartphones), printer, software and services**

Mayor and Councillors
a) maximum of $3,700 (per Mayor/Councillor) in the first year only for term of office, for initial purchase of equipment, software licenses, consumables, protective covers or carry case for equipment and line installation as deemed necessary for business paper distribution, to work with documents supplied by Council and for communications.
b) maximum of $2,000 (per Mayor/Councillor) in the either the second or third year of office, for purchase of equipment, software licenses, consumables and protective covers or carrycase for equipment and line equipment for the purposes stated in a) above;
c) maximum of $1,000 (per Mayor/Councillor) in the fourth year of office per annum for consumables and protective covers or carry case for equipment purchased.
d) maximum of $2,000 (total for all Councillors including Mayor) per annum for services (backup support) provided by hardware supplier/local providers.

6.2.4. **Out of Pocket Expenses** associated with attending conferences, seminars or training, maximum $100 per day

6.3. Reimbursement of expenses must be made in accordance with the Claims Procedure at Clause 12.

7. FACILITIES FOR MAYOR AND COUNCILLORS

7.1. **Mayor**

In addition to those facilities provided to the Councillors in 7.2, the Mayor is entitled to receive the benefit of:

7.1.1. The use of a Council vehicle for official and private use by the Mayor and that the Mayor be required to pay to Council an appropriate rate per kilometre for his/her private use of the vehicle.

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a) The vehicle is provided in accordance with Council's adopted Policy Light Motor Vehicle Fleet and associated procedures being:

i) Light Motor Vehicle -Fees & Charges and Makes and Models
ii) Light Motor Vehicle – General Terms of Use.
iii) Light Motor Vehicle – Size of Fleet, Type of Vehicles and Allocation of Vehicles and Permitted Uses

b) The vehicle be made available by arrangement with the Mayor for official Council business;

c) An allotted parking space at the Council's Administration building.

d) The vehicle be returned to Council after completion of his/her term of office, extended leave of absence or at the cessation of his/her civic duties.

7.1.2. A furnished office for civic duties provided in Council's Administration Building;

7.1.3. Secretarial services relating to the discharge of his or her civic functions;

7.1.4. Administrative assistance associated with civic functions, meetings and the like;

7.1.5. Office refreshments;

7.1.6. Provision of a Mastercard with Council's preferred banking institution to the value of $5,000 (see Claims Procedure at Clause 12) Note: All expenditure on the credit card must be in accordance with the provisions of the Policy and is not for private use.

7.2. **Deputy Mayor and Councillors**

The Councillors, including the Deputy Mayor are to receive the benefit of:-

7.2.1. **Access Provisions** – Appropriate provisions will be made for sight or hearing impaired councillors or those with any other disability.

7.2.2. **Business cards** - using Council's Logo;

7.2.3. **Carer Expenses** – Council will reimburse the reasonable costs of carer arrangements, including childcare expenses and care of the elderly, disabled and/or sick immediate family members of Councillors, to allow Councillors to undertake their Council business obligations.

Note:
i) Reimbursement of reasonable costs will only be available to enable the Councillor's attendance at essential Council activities and will be the subject of a separate application by the affected Councillor in each instance, for determination by the General Manager.
ii) Child/dependant care expenses are not to be reimbursed if the care is provided by a relative of the Councillor who ordinarily resides with the Councillor. A 'relative' is defined as a spouse, defacto partners, parent, son, daughter, brother, sister or grandparent.
iii) Childcare will only be provided to children of the Councillor up to an including the age of 16 years.

iv) After approval, Council will reimburse actual expenses incurred by Councillors in this regard upon submission of a claim (in line with the Claims Procedure at Clause 12) supported by receipts and details of the activity attended. The maximum entitlement for such expenses in accordance with the monetary limits set at 6.2.1.

7.2.4. **Computer** – Council will reimburse the cost of a laptop computer and other forms of electronic services as deemed necessary for business paper distribution and communications, as per Clause 6.2.3.

7.2.5. **Computer Software** – Council will reimburse the cost of appropriate software to work with documents supplied by Council, as per Clause 6.2.3.

7.2.6. **Computer/Tablet Training** - Training to be arranged through local providers.

7.2.7. **Computer/Tablet Support** – Provided by hardware supplier/local providers in accordance with monetary limits set in 6.2.3 c).

7.2.8. **Email Address** - Councillor emails are to be in the format:

firstname.lastname@cr.byron.nsw.gov.au

Council's IT department will arrange the set up of this domain.

7.2.9. **Fax/Printing Equipment**

a) Council will reimburse the purchase cost of a multi-function fax/printer/ scanner for use at place of residence or business.

b) Maintenance/servicing and consumables to be provided by external providers and the costs to be reimbursed by Council.

c) Monetary limits are in accordance with Clause 6.2.3.

d) The fax number is to be provided to the public.

7.2.10. **Filing** - Up to a four (4) drawer filing cabinet and associated equipment to be used in place of residence.

7.2.11. **Internet - fixed or mobile**
Council will meet the cost of Internet (data) charges, fixed or mobile (as required) involved in the conduct of Council business, as per Clause 6.2.2.

7.2.12. **Landline Installation Costs** - The Council shall:-

a) Meet the initial cost of installation, where necessary, of the equipment in the residence of the Councillor, including one (1) additional extension point for an existing phone line or one (1) separate point for a dedicated line.

b) Meet the cost of any maintenance/servicing of the equipment including any service call charge.

c) The land line number is to be made available to the public.

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7.2.13. **Meals:** Provide sustenance prior to or during Council's official Meetings and meetings of Councillors with Parliamentary representatives visiting dignitaries and other delegations, including vegetarian or other specific sustenance for any Councillor who notifies such preference;

7.2.14. **Mobile and Landline Monthly Charges**

a) After initial set up costs for telephone lines, internet broadband and fax, the maximum payable by Council to enable Councillors to conduct their civic duties will be as stated in Claure 6 "Payment of Expenses – Monetary Limits".

b) Council will meet the monthly cost of a mobile and/or landline plan within the limits set by Clause 6.2.2.

c) Individual Councillors are to meet the cost of accounts above the limit set in Clause 6.2.2.

c) The mobile and landline number is to be made available to the public.

7.2.15. **Postage** of hardcopy official correspondence - all hardcopy mail is to be directed through the Council's own mailing system. Reimbursement of expenses will only be made where expenses can be verified.

7.2.16. **Support Service**

a) Publishing council information, including business papers, memos and workshop presentations which is accessibly to Councillors via the web or tablet application
b) Coordination of the shared Councillors' Diary
c) Conference registration
d) Expense reimbursement
e) Catering for meetings and workshops
f) Provision of stationery as per 7.2.17

7.2.17. **Stationery** - Use of official stationery and supplies to carry out official duties;

7.2.18. **Transport** to official functions (if needed) when deputising for the Mayor;

7.2.19. **Use of Private Equipment** - Councillors may use their existing telecommunications lines. Reimbursement for use will be made in accordance with the monetary limits set in 6.2.2. No retrospective payments will be made on existing line rentals.

If this option is used, Councillors are encouraged to make their landline telephone and fax numbers available to the public. All contact numbers are to be provided to staff.

7.2.20. **Vehicles** - Access to suitable vehicle or vehicles (if available) provided by the Council for use on official duties connected with the office of a Councillor.

7.3. **Acquisition and return of facilities and equipment by Mayor and Councillors**

a) Return to Council all Council provided equipment. Councillors are to arrange for disconnection of services, subscriptions or mobile phone plans in their own name.

b) The equipment may be purchased by the Mayor or Councillors at either trade in value or the price Council would obtain for its disposal of particular items.

c) Council may require reimbursement of a portion of the monetary value of the equipment if he/she resigns in the first 12 months of service.

8. ATTENDANCE AT CONFERENCES, SEMINARS AND TRAINING

8.1. **Who may attend conferences, seminars and training**

8.1.1. Councillors may be authorised to attend conferences, seminars and similar functions by:-

a) Preferably, the Council, through resolution duly passed at a Council meeting arising from a report to Council or a notice of motion by a Councillor

b) The General Manager and Mayor jointly, provided the attendance is within the guidelines in Clause 8.4.2 of this policy

c) The Mayor, provided the Councillor is a substitute for another Councillor previously authorised to attend that conference.

8.2. **What Conferences and Seminars may be attended**

8.2.1. The conferences, seminars, workshops, courses and similar to which this policy applies shall generally be confined to:

a) Local Government NSW Annual Conference (LGA and Australian local Government Association (ALGA) Conferences;
b) Special "one-off" conferences called or sponsored by or for LGNSW on important issues;
c) Annual conferences and congresses of the major professions in local government;
d) Australian Sister Cities Conferences;
e) Regional Organisation of Councils Conferences
f) Conferences which advance the professional development of elected members in their role as Councillors.
g) Any meetings or conferences of organisations or bodies on which a Councillor of the Council may be elected, or appointed to be, a delegate or member of the Council or LGNSW.
h) Seminars which further the training and development efforts of the Council and within the budget framework.

8.3. **Training and Development**

8.3.1. Council supports and encourages an active learning process and skills development in addition to providing for attendance at seminars and conferences

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related to Council functions. It is essential that the training or educational course is directly related to the Councillor's civic functions and responsibilities and within budget parameters.

8.4. **Guidelines for Authorisation**

8.4.1. A resolution of Council is required to authorise attendance of Councillors at:
a) LGNSW Conference(s) as a voting delegate
b) National General Assembly of Local Government as a voting delegate
c) Overseas conferences
d) Any other discretionary conference, seminar or training.

8.4.2. Any discretionary conference, seminar or training (as per (d) above) not able to be authorised at a Council meeting the General Manager and Mayor jointly may authorise Councillors' attendance at:

- One conference, seminar or similar function per Councillor per financial year provided the conference is held in NSW, the ACT or South East Queensland and the Councillor has not attended a previous conference that year

If the Mayor requires approval to attend a conference/seminar not able to be authorised at a Council meeting the Deputy Mayor and General Manager jointly may authorise the Mayor's attendance.

Councillors or Mayor's attendance at conferences authorised by the General Manager and Mayor will be reported to the next quarterly review of the Management Plan.

8.4.3. The General Manager may approve the Mayor and Councillors' attendance at events/forums held in the local area up to the value of $100.

8.4.4. Procedures:

a) Staff will prepare a report to Council inviting nominations to attend the following conferences:
- Local Government NSW Annual Conference
- National General Assembly of Local Government

b) Submission of motions for consideration by Council will be done by notice of motion, which can be considered during the year.

c) Staff will remind Councillors of the opportunity to submit motions for these conferences in May in the case of the National General Assembly of Local Government and in August in the case of the LGNSW Annual Conference.

d) All other conference attendance requiring Council resolution will be submitted as a notice of motion by a Councillor wishing to attend, in accordance with Council's normal procedures for such notices of motion. Councillors other than the Councillor who submitted the notice of motion may be authorised to attend by Council.

8.5. **Reporting requirements following Councillor and Mayor's attendance at the Conference, Seminar or Training**

The Mayor and Councillors are required to report in writing a Delegate's Report to an Ordinary Meeting of Council on the aspects of the conference, seminar or training relevant to Council business and or the local community. The report must be submitted to the General Manager within one month of the Councillor's or Mayor's attendance at the Conference or Seminar.

8.6. **Registration**

The Council will pay all normal registration costs which are charged by organisers, including the costs of related official luncheons, dinners and tours which are relevant to the interests of the Council or assist Councillors to discharge the functions of their civic office.

8.7. **Travel Expenses Incurred**

Payment or reimbursement of expenses incurred when travelling to conferences and seminars of local government related organisations at which attendance has been approved.

8.7.1. the travel is undertaken with all due expedition, and by the shortest practicable route;

8.7.2. All reasonable travel costs will be met by the Council. Where appropriate, travel will be provided by air (economy class). Depending upon the circumstances, it may be more appropriate for travel to be undertaken by car or train. Where trains are used, the Council will provide first class travel, including a sleeping berth where necessary.

8.7.3. Travel by motor vehicle may be undertaken by Council vehicle (where available) or by private vehicle subject to prior approval from the General Manager. Councillors using private vehicles will be paid the "mileage" allowance at the then current rate set by the appropriate Local Government Industrial Award from time to time, but subject to any such payment not exceeding economy class air fares to and from the particular destination.

8.7.4. Cost of vehicle hire and/or taxi fares which are reasonable and incurred while attending conferences will be reimbursed by the Council.

8.8. **Accommodation**

Reasonable accommodation costs (including meals), including the night before and/or after the conference, seminar, meeting or function including entertainment but excluding expenses of a normal private nature.

The reasonable daily accommodation amount will be in accordance with the Taxation ruling for that year.

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8.9. **Out of Pocket Expenses Incurred**

So that Councillors, as delegates of the Council attending conferences which involve an overnight stay are not thereby financially disadvantaged, each Councillor attending in pursuance of a Council resolution or Mayoral authority, shall be entitled to an "out-of-pocket" allowance.

8.9.1. only reasonable amounts are claimed or accepted towards necessary out-of-pocket expenses to a maximum $100 per day;

8.9.2. out-of-pocket expenses for which amounts are claimed relate only to the verified (tax invoice) costs of meals, travel, registration fees, stationery and the like;

8.9.3. any time occupied or travel incurred in other than Council business is not included in the calculation of expenses to be paid; and

8.9.4. the claim is made not later than three (3) months after the expenses were incurred, and upon a official receipt for payments.

8.10. **Payment In Advance**

The Council will normally pay registration fees and can pay, accommodation deposits and airline tickets direct in advance. Where this is not appropriate or possible, a cash allowance or cheque equivalent thereto will be paid to the attendee in advance or following the receipt of an expense claim form attaching proof of payment where the Councillor has personally made payment. Note 8.7 and 8.8 for "reasonable amounts" to be claimed. Refer to 12.1 for the claims procedure.

An allowance for estimated "out-of-pocket" expenses (up to $100 per day) may be paid to an attendee in advance upon request, subject to a reconciliation statement, verification of expenses and the refund of any unexpended amount being submitted within seven (7) days of the close of the conference, seminar or function.

8.11. **Overseas Conferences/Seminars etc.**

Attendance by a Councillor at any conference, seminar, congress, forum, workshop, course, meeting, deputation, information or training sessions, events, etc. related to the industry of local government which are held overseas, must be authorised prior to departure by specific resolution of the council and such resolution shall specify and detail the conditions of attendance.

9. WHERE EXPENSES MAY NOT BE USED

9.1. **Political fundraising**

Councillors may not claim expenses to support attendance at political fundraising functions.

9.2. **Communication expenses**

Individual Councillors or groups of Councillors may not claim expenses to produce and disseminate personalised pamphlets, newsletters and the like without the prior approval of Council being obtained via Council resolution.

10. PAYMENT OF EXPENSES FOR SPOUSE/PARTNER OR ACCOMPANYING PERSON

10.1. **Payment of expenses for Spouse/Partner or Accompanying Person at Conferences.**

10.1.1. Where the Councillor is accompanied by his or her spouse/partner or accompanying person (ie. a person who has a close personal relationship with the councillor and/or provides carer support to the councillor), all costs for the spouse/partner or accompanying person, including travel, meals and room upgrades are to be met by the Councillor or spouse/partner of accompanying person.

10.1.2. The spouse/partner or accompanying person's registration and or program fees (if attending), are to be paid to the conference organiser and paid at time of registration. The Council is prepared to receive such registration and payments and forward them on to the conference organiser with any Councillor's registration.

10.1.3. Where Council meets, on account, any expenditure or costs on behalf of an accompanying person attending a conference, such expenditure must be repaid to the Council by the Councillor within seven (7) days of being invoiced for such expenditure following the conclusion of the conference.

10.1.4. Limited expenses of spouses, partners and accompanying persons will be met by Council in association with the Mayor or Councillors' attendance at the Local Government Association's Annual Conference. These expenses will be limited to registration costs and attendance at the conference dinner. Any additional travel and accommodation expenses and the cost of partner tours etc. will be the personal responsibility of the individual Councillor or spouse/partner or accompanying person.

10.2. **Payment of expenses for Spouse/Partner or Accompanying Person at Official Council Functions.**

10.2.1. Council will meet reasonable costs for spouses/partners or accompanying persons when accompanying Mayor or Councillors at official council functions that are of a formal and ceremonial nature within the Byron Shire. Examples include but not limited to, Australia Day award ceremonies, civic receptions and

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charitable functions or events formally supported by the Council.

10.2.2. Council will also meet reasonable costs for a spouse/partner or accompanying person of the Mayor, or a Councillor when they are representing the Mayor, at an official function of the Council, or carry out an official ceremonial duty while accompanying the Mayor (or Councillor representing the Mayor) outside the Local Government area, but within the State or South East Queensland.

10.2.3. Payment of expenses for a spouse, partner or accompanying person when attending the abovementioned appropriate functions, will be limited to the ticket, meal or the direct cost of attending the function. Additional expenses such as accommodation, transport, grooming or special clothing are not considered to be reimbursable expenses.

11. INSURANCES

11.1. Personal Accident Insurance

Whilst ever on Council business, world-wide covering bodily injury caused by accidental, violent, external and visible means up to a sub-limit for death of $500,000. Also covering permanent disablement, temporary total disability. The cover does not include medical expenses. Full details of personal accident insurance are available in Council's Insurance Manual held by the Risk Management Officer.

11.2. Professional indemnity

For matters arising out of Councillors' performance of civic duties or exercise of their functions as Councillors, provided the performance or exercise of the relevant civic duty of function is in the opinion of Council bona fide and/or proper; subject to any limitations or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover, shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.

11.3. Public Liability

For matters arising out of Councillor's performance of civic duties or exercise of their functions as Councillors; subject to any limitation or conditions set out in the policy of insurance which is, at the direction of Council, taken out. No such benefit, irrespective of insurance cover shall be provided in relation to an action by one Councillor against another Councillor or a Councillor against a member of staff.

11.4. Statutory Liability

It provides protection against fines or penalties arising out of breaches of Acts of Parliament, plus the legal costs accrued in defending Council as an entity, individual Councillors and officers so long as the act was not wilfully committed. The policy will cover costs accrued before an individual is named in proceedings. Costs are then referred to Councillors and Officers policy.

11.5. **Councillors and Officers Liability**

This policy provides the main protection against personal liability for individual councillors and officers for matter arising from employment practices, civil fines and penalties and their defence costs, pollution defence costs and inquiries/investigations.

12. CLAIMS PROCEDURE

12.1. Councillors must provide a certified claim in the form at Appendix A for all travel and out of pocket expenses incurred. All claims must be accompanied by tax invoice receipts.

12.2. All claims should be made monthly unless otherwise specified. At the end of each financial year any claims outstanding for the previous financial year must be submitted in the first week of July.

12.3. All reimbursement of expenses must be approved by the General Manager.

12.4. All expenses being reimbursed must be in accordance with the provisions of this Policy.

12.5. The Mayor's Mastercard expense claims must be accompanied by Appendix A "Allowance Claim Form". All expenditure must be accompanied by Tax invoice receipts and remitted monthly by a date determined by the Finance Department.

13. DISPUTE RESOLUTION PROCESS

Should a dispute arise about the provision of expenses and facilities, or when an expense claim is not approved by the General Manager, then the disputed decision should be reviewed by the Internal Audit Committee, with a report to the full Council meeting.

14. GIFTS AND BENEFITS

In circumstances where it is appropriate for councillors to give a gift or benefit (for example on a council business related trip or when receiving visitors), these gifts and benefits should be of token value and in accordance with Council's Code of Conduct (clause 8.1)

15. LEGAL EXPENSES AND OBLIGATIONS

15.1. Council may disburse money only if the disbursement is authorised by the Local Government Act 1993, either expressly or because it is supplemental or incidental to or consequential upon the exercise of its functions.

15.2. In the particular circumstances outlined below, Council may therefore indemnify or reimburse the reasonable legal expenses of a Councillor:

15.2.1. defending an action arising from the performance in good faith of his or her functions as a Councillor as referred to in s731 of the Local Government Act 1993; or

15.2.2. defending an action in defamation provided the statements complained of were made in good faith in the course of exercising his or her functions as a Councillor; or

APPENDICES

15.2.3. for proceedings before any investigative or review body provided the conduct being investigated arises from the performance in good faith of his or her functions as a Councillor under the Local Government Act 1993, that the matter before the investigative or review body has progressed past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor. Investigative or review bodies may include:-

(i) Local Government Pecuniary Interest and Disciplinary Tribunal
(ii) Independent Commission Against Corruption
(iii) Office of the NSW Ombudsman
(iv) Division of Local Government, Department of Premier and Cabinet
(v) NSW Police Force
(vi) Director of Public Prosecutions
(vii) Council's Conduct Review Committee/Reviewer

15.2.4. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where a matter has been referred by the General Manager to the Conduct Review Committee to make formal enquiries into the matter in accordance with the procedures in Council's Code of Conduct.

15.2.5. In the case of a pecuniary interest or misbehaviour matter legal costs will only be made available where a formal investigation has been commenced by the Division of Local Government.

15.3. Legal expenses incurred in relation to proceedings or investigations arising out of the performance by a Councillor or his or her functions as a Councillor are to be distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term of office. An example of the latter is expenses arising from an investigation as to whether a Councillor acted corruptly by using knowledge of a proposed rezoning for private gain which type of expense would not be reimbursed.

15.4. Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances.

15.5. Council will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

15.6. Council will not meet the costs in respect of any legal proceedings initiated by any Councillors, acting as individuals, in any circumstances.

15.7. The amount of expenses that may be reimbursed to a Councillor shall be reduced by the amount of any money that are recouped by the Councillor on any basis.

15.8. The approval of Council is required to be sought and gained, where possible, prior to legal expenses being incurred.

16. REFERENCE TO COUNCILLOR

A reference in this policy to a Councillor includes the Mayor, unless the contrary is expressly indicated.

APPENDICES

ANNEXURE A – ALLOWANCE CLAIM FORM
CR _____ ALLOWANCE CLAIM FORM
Section 252, Local Government Act, 1993

Date	Meetings, Authorised Council Business and Inspections	Vehicle Allowance under 2.5L = 68c KM over 2.5L = 78c KM *Rates subject to change as per Council Agreement (Award)* No of kms	68c or 78c	Total $
		@		
		@		
		@		
		@		
		@		
		@		
		@		
		@		
		@		
		@		

Date	Sundry Claims All receipts/Tax Invoices to be enclosed	Sub Total	$
		TOTAL	$

hereby certify that the above expenses have been incurred and accordingly claim eimbursement in accordance with Council Policy. All receipts for sundry items are attached o this Claim Form.

:ouncillor _____ _____ _____
Name (Please Print) Signature Date

ffice Use Only

quipment	2151.004 ___	Total $_____	Sundry	2145.006 ___	Total $_____
ravel	2145.002 ___	Total $_____	Carers Expenses	2145.011 ___	Total $_____
onference	2145.004 ___	Total $_____	Equip Support/svc	2145.012 ___	Total $_____
elephone/data	2145.005 ___	Total $_____	Consumables	2145.013 ___	Total $_____

APPENDICES

APPENDIX 5 – FINANCIAL STATEMENTS

Refer to separate item - financial statements.

DRAFT

SECTION 96 APPLICATION 10.2009.314.11

MODIFICATION OF CONDITIONS

Delete Condition 3 and replace it with (change highlighted by bold type):

3) **Development is to be in accordance with approved plans and documents**
The concept plan proposal and Stage 1 of the development to which consent is given is to be in accordance with the plans and documents listed below as amended by any conditions of consent:

Reference No.:	Description:	Prepared by:	Dated:
SJC01232-131	Statement of Environmental Effects and Staged Development Application (as amended by the "Future Stages Concept Proposals Tallowood Ridge" document, dated September 2010) and further amended by the following: • **Plan 2.1C Land Use, revised 7 April 2017**; • Plan 4.3B Rehabilitation Plan, revised Jan 2016; • Plan 6.1B, Stages Plan, revised Jan 2016; • Plan 8.1B Proposed Road and Bikeway Systems, revised Jan 2016, and • Plan 15.1B Open Space, revised Jan 2016.	SJ Connelly CPP Pty Ltd	July 2009
LM070237-RD3, Rev D	Bulk Earthworks Plan and Cut and Fill Depths	Landpartners	11 September 2010
LM070237-RD4, Rev D	Proposed Lot Layout and Roadworks Plan	Landpartners	11 September 2010
LM070237-RD17, Rev A	Stormwater Treatment Bio Retention Basin Plant 0.2m Contours	Landpartners	19 June 2009
LM070237-RD18, Rev A	Stormwater Treatment Bio Retentions Basin Typical Sections	Landpartners	19 June 2009
1232-401	"Future Stages Concept Proposals Tallowood Ridge" document	SJ Connelly CPP Pty Ltd	September 2010 (as amended Jan 2016)
Exhibit 2.4 Stage 1 Subdivision Landscape Plan Version C September 2010	Stage 1 Subdivision Landscape Plan Version C	SJ Connelly CPP Pty Ltd	12 September 2010
LM070237-SP3	Plan of Subdivision Stage One	LandPartners	11

Revision E Sheet 1 of 1		Limited	September 2010

The approved plans and related documents must be kept on site at all times while work is being undertaken.

Local Government (General) Regulation 2005

Schedule 3A Form of special disclosure of pecuniary interest

(Clause 195A)

Section 451 of the Local Government Act 1993

Form of Special Disclosure of Pecuniary Interest

1 The particulars of this form are to be written in block letters or typed.
2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests

by _____
[*full name of councillor*]

in the matter of _____
[*insert name of environmental planning instrument*]

which is to be considered at a meeting of the

_____
[*name of council or council committee (as the case requires)*]

Report No. _____ to be held on the _____ day of _____ 201

Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (*the* ***identified land***)[1]	

Relationship of identified land to councillor [*Tick or cross one box.*]	☐ Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ Associated person of councillor has interest in the land. ☐ Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest	
Nature of land that is subject to a change in zone/planning control by proposed LEP *(the **subject land**)*[2] [*Tick or cross one box*]	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [*Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land*]	
Proposed change of zone/planning control [*Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land*]	
Effect of proposed change of zone/planning control on councillor [*Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"*]	

[*If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.*]

_____
Councillor's signature

_____
Date

(This form is to be retained by the Council's general manager and included in full in the minutes of the meeting.)

1 Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative 4 or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
Section 442 of the *Local Government Act 1993* provides that a **"pecuniary interest"** is 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. 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 the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest-see section 448 (g) (ii) of the *Local Government Act 1993* .

3 **"Relative"** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

Byron Shire

Flying-fox Camp

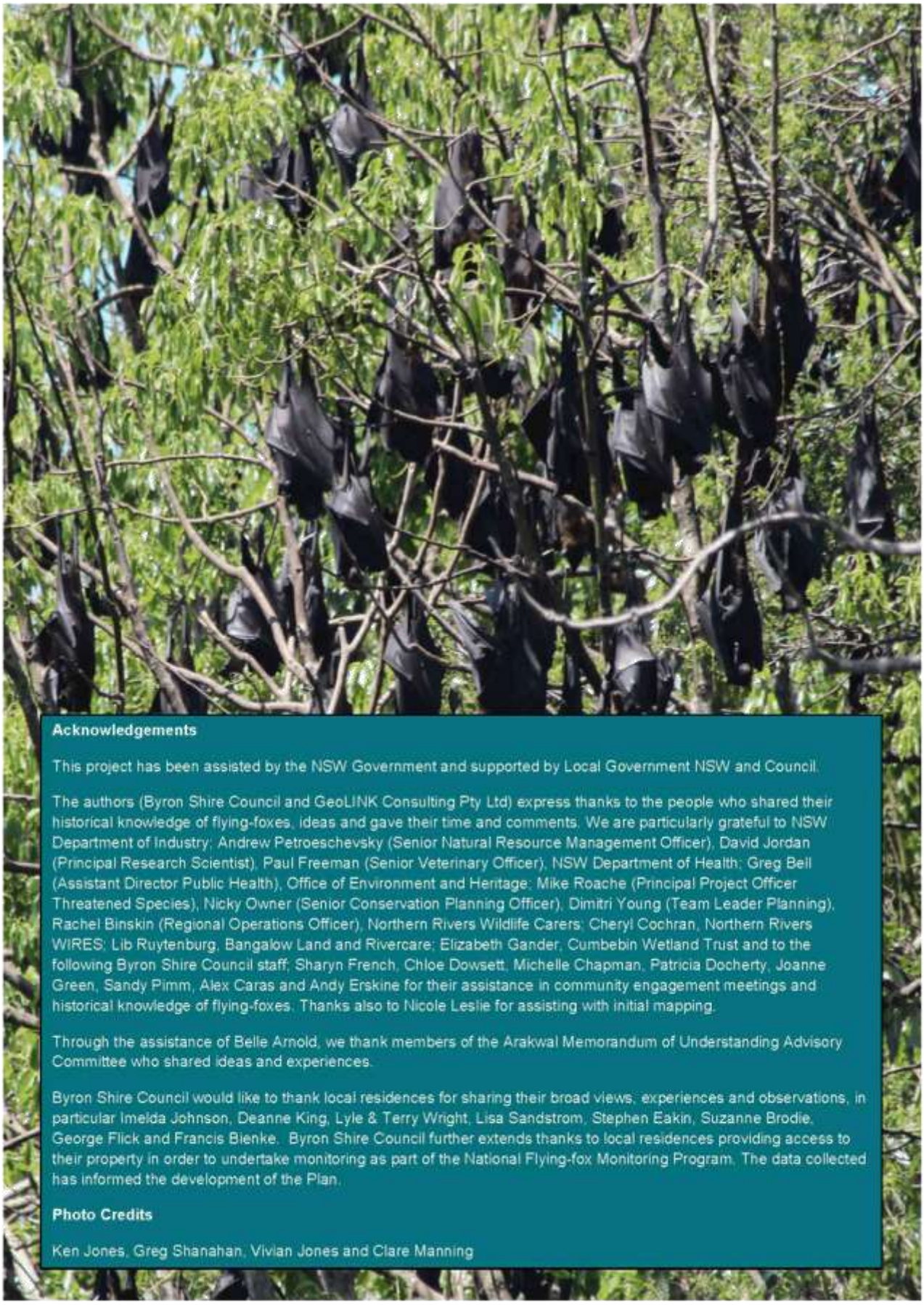
Management Plan 2018-2023



September 2017

Byron Shire Council

	Name	Signature	Date
Prepared by	Veronica Silver		24/06/2017
Reviewed by	David Andrighetto		24/06/2017
UPR	**Description**	**Date Issued**	**Issued by**
2847-1003	Version 1	24/06/2017	VJS
2847-1020	Version 2	29/06/2017	VJS
2847-1021	Version 3	21/09/2017	VJS
2847-1022	Version 4	22/09/2017	VJS
2847-1023	Version 5	27/09/2017	VJS



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Photo Credits

Ken Jones, Greg Shanahan, Vivian Jones and Clare Manning



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Acronyms and abbreviations

ABLV	Australian bat lyssavirus
BC Act	*Biodiversity Conservation Act 2016*
BFF	Black Flying-fox (*Pteropus alecto*)
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DoEE	Commonwealth Department of the Environment and Energy
DPI	Department of Primary Industries (NSW)
EEC	endangered ecological community
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
EPBC Act	*Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)
FF	Flying-foxes
GHFF	Grey-headed Flying-fox (*Pteropus poliocephalus*)
the Guideline	Referral guideline for management actions in Grey-headed and Spectacled Flying-fox camps 2015 (Commonwealth)
HEV	high environmental value
HeV	Hendra virus
LEP	Local Environmental Plan
LGA	local government area
MNES	matters of national environmental significance
NPW Act	*National Parks and Wildlife Act 1974* (NSW)
OEH	Office of Environment and Heritage (NSW)
the Plan	Camp Management Plan
PoM	Plan of Management
POEO Act	*Protection of the Environment Operations Act 1997* (NSW)
the Policy	Flying-fox Camp Management Policy 2015 (NSW)
SIS	species impact statement
TEC	threatened ecological community
VMP	Vegetation Management Plan

1. Overview

1.1 Introduction

This Flying-fox Camp Management Plan (the Plan) has been prepared for Byron Shire Council ('Council') to guide future management of five separate flying-fox camps (refer to **Illustration 1.1**) within Byron Shire Council Local Government Area (LGA). The five camps are referred to herein as:

- Beech camp
- Butler camp
- Middleton camp
- Mullumbimby camp
- Paddy's Creek camp.

The five subject flying-fox camps listed above are located within urban environments throughout Byron Shire. While there are 16 known flying-fox camps within Byron Shire, not all camps are covered by this Plan (refer to **Section 2.2**). The 11 additional known flying-fox camps within Byron Shire are also shown on **Illustration 1.1**.

This Plan is consistent with the NSW Office of Environment and Heritage (OEH) Camp Management Plan Template and Policy to facilitate licensing of camp management actions over the next five years.

1.2 Objectives

The objectives of this Plan are to:

1. minimise impacts to the community, while ensuring long-term conservation of flying-foxes and their habitat within Byron Shire
2. provide a reasonable level of amenity for the surrounding community
3. manage public health and safety risks
4. enable land managers and other stakeholders to use a range of suitable management responses to sustainably manage flying-foxes
5. improve community understanding and appreciation of flying-foxes, including their critical ecological role
6. ensure camp management does not contribute to loss of biodiversity or increase threats to threatened species/ communities
7. implement an adaptive management approach to camp management based on evidence collected.


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 14/09/2017
Source of base data: SIX Maps and Byron Shire Council
Marshalls Creek
Rajah
Mullumbimby Camp
MULLUMBIMBY
Myocum
BYRON SHIRE
Plantation
Butler Camp
Simpsons Creek
Middleton Camp
Coachwood
ROSEBANK
Eureka
Paddy's Creek Camp
Byron Creek
Beech Camp
Coopers Shoot
Parks
Booyong
LISMORE CITY
BALLINA SHIRE
LENNOX HEAD
LEGEND
Subject Flying-fox camp
Non-subject Flying-fox camp
Local Government Area
© Land and Property Information 2015
0
3 km
Known Flying-fox Camps in Byron Shire
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2847-1012
Illustration 1.1

2. Context

2.1 Cultural environment

All 16 known flying-fox camps within Byron Shire are located on Bundjalung Country of the Arakwal people and each camp is located upon land covered by the respective Local Aboriginal Land Council (LALC). Paddy's Creek camp is located upon land covered by Ngulingah LALC. Mullumbimby, Butler and Middleton camps are located upon land covered by Tweed-Byron LALC. At Middleton camp, the NSW Aboriginal Land Council holds the land under an Aboriginal Land Claim (refer to **Section 2.5.3**). Beech camp is located upon land covered by Jali LALC.

To Council's knowledge, no known archaeological surveys have been carried out at or in the immediate camp areas.

2.2 Camp locations

While there are 16 known flying-fox camps within Byron Shire, not all camps are covered by this Plan. Details of the five subject urban flying-fox camp locations and extents are provided in **Table 2.1** and **Illustrations 2.1-2.5**.

Table 2.1 Subject Flying-fox Camp Locations

	Beech	Butler	Middleton	Mullumbimby	Paddy's Creek
Town	Suffolk Park	Byron Bay	Byron Bay	Mullumbimby	Bangalow
Location description	Between Bottlebrush Crescent and Beech Drive	South of Byron Street, west of Butler Street, north of Burns Street and east of Cumbebin Swamp Nature Reserve	West of Tennyson Street, north of Marvell Street, south of Lawson Street and east of Middleton Street	South of Palm Avenue, within Rotary Rainforest Park, and on freehold land south and east of Garden Avenue	East of Palm Tree Crescent, west of Colins Street, north of Raftons Road
Associated waterway	Unnamed first and second order stream	Cumbebin Swamp, drains to Belongil	Drainage line	Chinbible Creek, Yogabera Creek, and Yalgany Gully between the ends of Riverside Drive and Garden Avenue and along the Brunswick River	Paddy's Creek; a tributary of Byron Creek
Lot DP	Lot 126 DP 815022	Lot 230 DP 755695, Lot 1 DP 758207, Lot 391 DP 728539 and Lot 392 DP 728539	Lot 457 DP 1087879	Rotary Park is Lot 451 DP 728526	Lot 74 DP 793398 and Lot 38 DP 262183
Max. recorded camp extent	0.83 ha[1]	1.5 ha[2]	0.62 ha[1]	3.5 ha[2]	1.05 ha[2]
Contiguous habitat remaining	1.01 ha	3.63 ha	1.98 ha	9.57 ha	0.8 ha

1 Source: GeoLINK (June 2017).
2 Source: BSC February 2017.
3 This figure includes 91 ha of contiguous habitat available to the west, within Cumbebin Swamp Nature Reserve.

Details of the eleven additional known camps within Byron Shire are provided in **Table 2.2**. These camps have not reported human – flying-fox conflicts and are not specifically addressed further within this Plan.

Table 2.2 Non-subject Flying-fox Camp Locations

Camp name	Town	Location description	Associated waterway	Occupancy (permanent, seasonal, temporary, unknown)
Booyong	Clunes	Booyong Flora Reserve, 18 km north-east of Lismore	Cudgerie Gully and Wilsons River	Occasional
Byron Creek	Bangalow	East of Bangalow Showground	Byron Creek	Seasonal
Coachwood	Federal	South-west of Coachwood Crescent	Stony Creek	Unknown
Coopers Shoot	Byron Bay	Between Waterhouse Drive, Piccadilly Hill Road, Broken head Road and Midgen Flat Road	Midgen Creek	Occasional
Eureka	Eureka	South east of Eureka Public School	Little Bennys Creek	Occasional
Marshalls Creek	Ocean Shores	In Marshalls Creek Nature Reserve west of Casons Lane	Marshalls Creek	Permanent
Myocum	Byron Bay	Between The Manse Road and Tyagarah Road	Tributaries to Simpsons Creek	Unknown
Parks	Clunes	Southeast of Clunes, along Booyong Road	Unnamed first and second order stream to Wilsons River	Seasonal
Plantation	Byron Bay	Between Avocado Crescent and Plantation Drive	Simpsons Creek	Occasional
Rajah	Ocean Shores	In Brunswick Head Nature Reserve south of Rajah Road	Brunswick River	Occasional
Simpsons Creek	Byron Bay	Between Tasha Close and Angus Place	Simpsons Creek	Permanent


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: YJS Date: 14/09/2017
Source of base data: SIX Maps and Byron Shire Council
Beech Drive
Bottlebrush Crescent
LEGEND
Waterway
Beech Drive Camp
Council Community Land
© Land and Property Information 2012
0
40
Beech Flying-fox Camp Location and Maximum Footprint
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2847-1010
Illustration 2.1


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 14/09/2017
Source of base data: SIX Maps and Byron Shire Council
Shirley Street
Cumbebin Swamp Nature Reserve
Butler Street
Somerset Street
Wordsworth Street
Burns Street
Gordon Street
LEGEND
Waterway
Butler Street Camp
Crown Reserve
Cadastral boundary
© Land and Property Information 2015
0
80
Butler Flying-fox Camp Location and Maximum Footprint
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2647-1007
Illustration 2.2


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 14/6/2017
Source of base data: SIX Maps and Byron Shire Council
Lawson Street
Middleton Street
Marvell Street
Tennyson Street
LEGEND
Middleton Street Camp
Crown Land
Crown Reserve
Cadastral boundary
Land and Property Information 2015
0
40
North
GeoLINK
Middleton
Flying-fox Camp Location and Maximum Footprint
Byron Shire Flying-fox Camp Management Plan
2847-1009
Illustration 2.3



Mullumbimby
Flying-fox Camp Location and Maximum Footprint

Byron Shire Flying-fox Camp Management Plan
2847-1008

Illustration 2.4


Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 15/06/2017
Source of base data: SIX Maps and Byron Shire Council
Information shown is for illustrative purposes only
Burrawan Place
Palm Tree Crescent
Cobb Street
Paddy's Creek
Kerlin Street
Rafions Road
LEGEND
Waterway
Paddy's Creek Camp
Council Land
Cadastral boundary
© Land and Property Information NSW
0
50
Paddy's Creek
Flying-fox Camp Location and Maximum Footprint
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2647-1011
Illustration 2.5

2.3 Flying-fox monitoring activities

In February 2013, Byron Shire Council commenced flying-fox monitoring at the Beech, Butler, Paddy's Creek and Mullumbimby camps, and at Middleton in early 2016 in line with the National Flying-fox Monitoring Program point count survey method (Westcott & McKeown 2013) to obtain a record on the total number of flying-foxes. The monitoring is undertaken on a quarterly basis (February, May, August and November). The data is managed by the CSIRO and publicly available from the Australian Government Department of Environment and Energy (DoEE). Prior to this, monthly monitoring was undertaken by Council.

Council acknowledges the ongoing access difficulties at many of the sites during monitoring with:

- much of the Butler camp being permanently under water (although a boardwalk within Lot 230 DP 755695 offers advantageous observation points)
- Middleton camp being frequently subject to storm water inundation
- Restricted access to the eastern bank of Paddy's Creek, particularly behind residential private properties on Colins Street
- varied levels of access to private land at Mullumbimby upon which to conduct surveys.

Council continues to seek private landholder approval to access much of the Mullumbimby camp resulting in methodological challenges and possible errors associated with the counts. Due to potential errors associated with the counts, the focus is not on absolute numbers, but rather the long-term trends in numbers and associated impacts on community.

2.4 History of the camps

A summary of camp history including maximum numbers, species present and nature of occupation is provided in **Table 2.3** for each camp. The subject camps were first documented in council records between 2008 and 2012, although earlier records of the Butler camp and Paddy's Creek camp has been reported.

The camps support both the Grey-headed Flying-fox and Black Flying-fox, with maximum recorded numbers varying between 900 and 10,359 animals. There are no known records of Little Red flying-foxes (*Pteropus scapulatus*) roosting at any of the camps. Further details regarding flying-fox numbers and fluctuations at each camp are provided at **Appendix A**.

Table 2.3 Camp history

History	Beech	Butler	Middleton	Mullumbimby	Paddy's Creek
Camp first recorded	May 2010	July 2008[1]	September 2012	September 2010[2]	January 2010[3] (20-100 FF recorded)
Occupation (permanent, seasonal, occasional)	Occasional	Occasional	Occasional but permanent since Feb 2016	Permanent	Occasional
Maternity camp (Yes/ No)[4]	No	No	No	Yes	Yes
Species present	GHFF & BFF	GHFF & BFF	GHFF & BFF	GHFF & BFF	GHFF & BFF
Max. no. of flying-fox ever recorded	900	3,000	3,429	10,359	2,275
Date max. no. of flying-fox ever recorded	June 2010	May 2016	May 2017	May 2017	February 2015
Proportion of max. no.	83% GHFF, 17% BFF	100% GHFF	56% GHFF, 44% BFF	80% GHFF, 20% BFF	81% GHFF, 19% BFF
Max. no. of GHFF (date)	750 (June 2010)	3,000 (May 2016)	1,934 (May 2017)	8,279 (May 2017)	1,911 (Feb 2017)
Max. no. of BFF (date)	220 (Feb 2011)	550 (July 2011)	1,495 (May 2017)	2,445 (May 2013)	946 BFF (Feb 2013)
Comments	Flying-foxes are generally absent in winter except for 2011 (L. Ruyenberg, pers. comm., 18 April 2017).	Flying-foxes are generally absent in winter.	Between May 2016 and November 2016 only Grey-headed Flying-foxes were observed.	Numbers decrease and move to the eastern area of the camp along the Brunswick River in winter.	Flying-foxes are generally absent in winter.

GHFF: Grey-headed Flying-fox, BFF: Black Flying-fox

1 Allegedly however, the presence of flying-foxes in the area dates back at least 20 years (L Ruytenberg, pers. comm., 18 April 2017).

2 Camp establishment reportedly coincides with a national food shortage.

3 Anecdotal evidence suggests the flying-foxes first appeared at Paddy's Creek following the 2007 drought, and consequently a food shortage for flying-foxes that affected much of northern NSW.

4 Determination of camps as maternity sites is based on observations during Council monitoring.

2.5 Land tenure

2.5.1 Beech camp

The camp is located entirely on Byron Shire Council owned land (refer to **Illustration 2.1**), and classified as community land. There are no adopted local area or regional strategic plans (such as conservation and development strategies or planning proposals) that relate to this land.

2.5.2 Butler camp

The camp is located entirely on the Department of Industry – Crown land (refer to **Illustration 2.2**), which is managed by Byron Shire Council. In 2002, a Plan of Management (PoM) for Butler Street Reserve, Byron Bay – Reserve 88993 for Public Recreation was prepared (Stratcorp Consulting, 2002). The PoM relates to several land parcels including Lot 1 DP 758207, Lot 389 DP 728537Lot 391 DP 728539 and Lot 392 DP 728539 and Lot 393 DP 728539. Only Lot 1 DP 758207, Lot 391 DP 728539 and Lot 392 DP 728539 have been occupied by the flying-fox camp. The PoM provides a framework for the management and development of public land however the document makes no reference to the management of flying-foxes despite anecdotal evidence of flying-foxes in the area dating back at least 20 years (L Ruytenberg, pers. comm., 18 April 2017).

Cumbebin Wetland Sanctuary, immediately north of Burns Street (Lot 230 DP 755695), is managed by the Byron Environment Centre on behalf of the Cumbebin Wetland Sanctuary Trust and Byron Shire Council.

2.5.3 Middleton camp

The camp is located entirely on the Department of Industry – Crown land (Lot 457 DP 1087879) including a 6 m wide public road corridor between Middleton Street and Tennyson Street but parallel to Marvel Street (refer to **Illustration 2.3**). Historically, the public road corridor was managed by adjoining residence however under Section 34A of the *Crown Lands Act 1989,* any previous agreements are null in void. Council acknowledges that the ongoing management of the public road corridor is in the interest of effective camp management.

There are no adopted local areas or regional strategic plans that relate to the land on which the camp is located, however the NSW Aboriginal Land Council holds Lot 457 DP 1087879 under an Aboriginal Land Claim. Until the claim is determined, there will be implications for which camp management options will be permissible on the subject Crown land.

The zoning of the land over the majority of the site is Deferred Matter (DM) under the Byron Local Environment Plan (LEP) 2014, and includes land zoned mixed use (B4) and public recreation (RE1). The DM areas in the Byron LEP 2014 remain subject to the Byron LEP 1988 provisions for the following zones affecting this site:

- 1(d) (Investigation)
- 2(a) (Residential)
- 7(b) (Coastal Habitat)
- 7(f2) (Urban Coastal Lands).

2.5.4 Mullumbimby camp

The camp is located on:

- Community land (Byron Shire Council managed).
- Byron Shire Council managed Crown land (Lot 451 DP 728526).
- Private freehold land (refer to **Illustration 2.4**).

The Department of Industry - Lands has undertaken a status investigation of those lands adjoining the non-tidal waterways described as Chinbible Creek and Yalgan Gully east of Pine Avenue, south of Main Arm Road and north of Garden Avenue. The investigation found land including part Crown Reserve 85663 for public recreation (Lot 451 DP 728526) has presumptive title to the middle thread of the waterway. This means, for example, that Council are responsible for weed control works along Yogabera Creek from the middle thread south to Rotary Rainforest Park (and including Rotary Rainforest Park as this is Council managed Crown land) and private land owners are responsible from the middle thread of the adjoining waterway to their properties.

The zoning of the land over the majority of the site is DM under the Byron LEP 2014, and includes land zoned low density residential (R2) and public recreation (RE1). The DM areas in the Byron LEP 2014 remain subject to the Byron LEP 1988 zoning provisions relating to 6(a) Open Space.

In 2015, Council prepared the Mullumbimby Flying-Fox Camp Management Actions that identifies actions to manage the Mullumbimby Flying-fox camp. The Mullumbimby Flying-fox Camp Actions will be incorporated into the current Plan thereby complying with the OEH policy.

2.5.5 Paddy's Creek camp

The camp is for the most part on Byron Shire Council owned land, specifically Lot 74 DP 793398 and Lot 38 DP 262183 and occasionally private freehold land between Palm Tree Crescent and Colins Street and along Paddy's Creek (refer to **Illustration 2.5**).

There are no adopted local areas or regional strategic plans (conservation and development strategies, planning proposals, etc.) that relate to the land on which the camp is located.

2.6 Reported issues related to the camps

A number of issues relating to each subject flying-fox camp have been reported to Council by the community.

Table 2.4 provides a collation of these issues compiled from community consultation undertaken in May 2017 as well as feedback and consultation directly with Council since 2015. Further discussion about community engagement efforts and outcomes can be found in **Section 3**.

Table 2.4 Reported issue relating to the camps

Issue	Beech	Butler	Middleton	Mullumbimby	Paddy's Creek
Noise[1]	✓	✓	✓	✓	✓
Faecal drop[2]	✓	✓	✓	✓	✓
Smell	✓	✓	✓	✓	✓
Disease[3]	✓		✓	✓	✓
Health and/ or wellbeing impacts[4]	✓		✓	✓	✓
Reduced general amenity[5]	✓	✓	✓	✓	✓
Flying-foxes overhanging facilities[6]			✓		✓
Impacts on businesses[7]			✓		✓
Property devaluation			✓		✓
Diminished rental return			✓		✓
Damage to vegetation				✓	✓
Increased need for bush regeneration and associated costs				✓	✓
Impacts on other fauna species[8]				✓	✓
Water pollution[9]				✓	

1 **Noise**: as flying-foxes depart or return to the camp and/ or from the camp during the day however no acoustic testing has been conducted by Council. Also at night during the breeding season when flightless young are left at the camp.

2 **Faecal drop**: on outdoor areas, cars and washing lines, although the estimated time and cost associated with cleaning areas adjacent to the camp have not been quantified.

3 **Disease**: fear of; information about actual disease risk is provided in **Appendix B**.

4 **Health and/ or wellbeing impacts**: for example, associated with lack of sleep, anxiety.

5 **Reduced general amenity**: for example, children's playground and footbridge at Paddy's Creek.

6 **Flying-foxes overhanging facilities**: for example, pathways, footbridge (at Paddy's Creek) and residential properties.

7 **Impacts on businesses:** for example, residences working from homes such as accountancy or therapists and/ or direct businesses such as accommodation.

8 **Impacts on other fauna species:** for example, reported temporary dispersal of native birds.

9 **Water pollution:** for example, faecal droppings have impacted on water quality and allegedly cause a decline in fish and mud crab stocks. However, since the early days of European settlement, people have observed that flying-foxes roost and fly along rivers and creek lines. This is a consistent behaviour developed over evolutionary time – not a response to recent environmental change. It would be hard to argue a causal relationship with alleged declines in fish and mud crab stocks.

There are also people in the surrounding area who enjoy the camp and would prefer it is managed in situ. Reported positive feedback stems from people who:

- recognise the landscape-scale benefits flying-foxes provide through seed dispersal and pollination
- acknowledge the need to conserve flying-foxes as an important native species
- enjoy watching flying-foxes at the camp and/ or flying out or in
- appreciate the intrinsic value of the camp
- see the value of the camp as a tourism opportunity/ attraction
- appreciate the natural values of the camp and habitat

- feel the camp does not negatively impact on their lifestyle
- value the opportunity the camp provides for them and their family to get close to nature
- recognise the need for people and wildlife to live together.

2.6.1 Beech camp

The majority of issues related to the camp are recorded between October and May, which coincides with the main period of flying-fox occupancy at the camp. The majority of issues recorded are related to the southern portion of the camp.

A total of 36 complaints have been received from 29 complainants between June 2010 and May 2017. This represents 10% of the total population living within 300 m of the camp. There has been no reported positive feedback from local residences near the camp.

2.6.2 Butler camp

The majority of issues related to the camp are recorded between October and May, which coincides with the main period of flying-fox occupancy at the camp.

A total of 21 complaints have been received from 12 complainants between May 2009 and May 2016. No complaints have been received by Council between June 2016 and May 2017. This represents 8% of the total population living within 300 m of the camp.

2.6.3 Middleton camp

All of the issues related to the camp coincide with the steady increase in flying-foxes and peak tourist time since February 2016. The majority of issues recorded are related to the entire area of the camp.

A total of 32 complaints have been received from 12 complainants in the past 12 months. This represents 6% of the total population within 300 m of the camp.

2.6.4 Mullumbimby camp

The majority of issues related to the camp are recorded around October to May that tends to coincide females give birth to young.

Council records show that the majority of issues recorded relate to the north and east of the camp.

Council has received 1,123 complaints from 1,036 complainants between December 2015 and May 2017. This represents 32% of the total population living in Mullumbimby, and includes complainants more than 300 m from the camp.

2.6.5 Paddy's Creek camp

The majority of issues related to the camp are recorded between October and May and coincide with the arrival and departure of flying-foxes. The majority of issues recorded are related to the mobility of the camp within each season. At times, the issues are solely related to the north east area of the camp e.g. April 2014 at other times, the issues are solely related to the south area of the camp e.g. December 2016.

A total of 84 complaints have been received from 62 complainants between January 2014 and May 2017. This represents 47% of the total population living within 300 m of the camp.

2.7 Management response to date

In July 2008 and 2010, Council staff attended the Managing Flying-fox Camps for Land Managers workshop hosted by OEH in Ballina. The workshops were aimed at increasing awareness of flying-foxes and camp management.

In September 2010, Council hosted a biodiversity seminar on flying-fox ecology and camp management presented by Dr Billie Roberts of Griffiths University. The seminar aimed to provide accurate information to the local community about flying-foxes and the complexity of managing camps.

In November 2010, Council developed internal guidelines for staff working in close proximity to flying-fox camps. The guidelines aimed to:

- minimise the impacts and disturbance to flying-foxes when working in close proximity to a camp
- ensure Council staff safety and health when working in close proximity to a camp.

In November 2016, Council developed a formal register/ protocol for tracking flying-fox enquiries and complaints.

Council staff has also continued to provide accurate information to the local community about flying-foxes in written form for each camp.

2.7.1 Beech camp

In June 2010, Council staff undertook a site inspection with NSW National Parks & Wildlife officers to confirm species and total numbers. In the months preceding, Council staff responded to local community by providing information about flying-foxes. In September 2010, Council sought advice on management options from OEH that recommended a long term strategy to manipulate vegetation, which included the establishment of a buffer between the camp and local residence.

Since 2010, every 4-6 months, Council staff remove/ spot spray woody weeds and exotic grasses and annuals along the drainage line where flying-foxes have roosted.

In April 2011, Council received a petition from 29 local resident's requesting Council to prepare a flying-fox camp management plan. In June 2011, Council tabled the petition and resolved to prepare a report outlining the management issues relating to flying-foxes in urban areas. In response, Council acknowledge the issues and concerns of local community but due to limited resources, on ground actions have been restrictive.

In November 2016, interpretive signage was installed at the footpath located on the southern junction of Beech Drive and Bottlebrush Crescent.

2.7.2 Butler camp

Council maintain, by mowing the existing buffer in the form of a shared path and open drain which is located between residents on Byron and the camp. The southern portion of the camp is managed by Cumbebin Wetland Trust who periodically undertake weed control works.

2.7.3 Middleton camp

In November 2016, interpretive signage was installed on Middleton Street.

In January 2017, Council staff met informally with several local residents and businesses to discuss their concerns.

2.7.4 Mullumbimby camp

In January 2011, Byron Shire Council advised the local community in writing about flying-fox ecology and acknowledged that while the Mullumbimby camp had only recently established, the impacts of the camp on the local community were noted. Consequently, Council sought advice from OEH regarding camp management.

In 2014 and 2015, two meetings were held with Council staff and local residents' residing on Palm Avenue to discuss the reported issues related to the camp. Residents of Palm Avenue formed the Mullumbimby Bat Colony Resident Action Group (Action Group) with the aim of bringing attention to the NSW State government and Council the camp's negative affect on the community.

In May 2015, Council acknowledged the conflicts (e.g. noise and odour) that local residents were experiencing by living in close proximity to the camp. Associated land tenure combined with Council's legislative requirement to seek approval from OEH for camp management and exhibition of the then draft Flying-fox Camp Management Policy 2015 added varying layers of complexity to determine resource requirements and progress for the development of a flying-fox camp management plan. Notwithstanding, in June 2015 Council resolved to prepare the Mullumbimby Flying-fox Camp Management Action Plan (Action Plan) (GeoLINK 2016) and further resolved to allocate an additional $13,300 to implementation of the Action Plan.

In 2015 and 2016, Council staff implemented several key activities as identified in the Action Plan including removal of many Camphor Laurel and other woody weed seedlings and saplings from within Rotary Rainforest Park (south of Palm Avenue). As flying-foxes are known to roost in Camphor Laurel, which has the ability to adapt to disturbed environments, has prolific seed production and rapid growth rate as well as a lack of serious predators or diseases, the successful removal of hundreds of seedlings and sapling has reduced future roosting habitat. Such weed control however will require ongoing maintenance. Where permissible, Council staff have created dwelling buffers and manipulated vegetation but this has had negligible success at reducing the reported noise issues relating to the camp. Much of the land for possible creation of dwelling buffers and manipulation of vegetation are on private land.

Interpretive signage was installed at Rotary Rainforest Park and the Council website was updated to provide accurate information to the local community about flying-foxes. Monitoring of the effectiveness of interpretive signage in increasing knowledge and awareness has also been undertaken.

In October 2016, Council sought feedback on the Action Plan from OEH. Council requested their advice on how to transition the Action Plan to a flying-fox camp management plan so that OEH could endorse the Action Plan. OEH reviewed the Action Plan and in summary noted, although the Action Plan partially complied with the content and structure of a flying-fox camp management plan, it was limited in some of the essential detail. These limitations relate in part to the transition from an operational document to a structured management plan. In order to accord with the OEH Flying-fox Camp Management Policy 2015, guidelines and management plan template, more information is required. It was for this reason that the Mullumbimby camp was included in the current plan.

In March 2017, Council staff undertook informal reviews of 'Trip Advisor' to gauge visitor feedback in relation to flying-foxes relating to their stay in close proximity to the camp.

2.7.5 Paddy's Creek camp

Between 2010 and 2012, Council treated all known weeds within the maximum extent of the camp primarily all ground layer and mid storey weeds but Camphor Laurel (*Cinnamomum camphora*) were considerably thinned where achievable. Some mature individual Camphor Laurel located on steep sections of the bank presented work safety challenges (Byron Shire Council 2012).

In November 2014, Council staff attended a meeting with local residents residing on Burrawan Place and Palm Tree Crescent to determine their concerns and the management of flying-foxes overhanging the play equipment and residential properties.

In September 2015 and in consultation with OEH, Council completed a review of environmental factors (REF) to create a buffer between Paddy's Creek and adjoining residence on Burrawan Place and Palm Tree Crescent during a period of camp absence. In addition, Council developed protocols for vegetation removal in and around flying-fox camps.

In total, seven Camphor Laurels were targeted and/ or several large limbs overhanging or in close proximity to the play equipment and residential properties were removed.

Due to limited available funding however, a staged approach was taken. The initial works removed Camphor Laurels overhanging the residence on Burrawan Place. Following this, Camphor Laurels overhanging the play equipment and residential properties at Palm Tree Crescent (refer to **Illustration 2.6**) were removed, at a total cost of $16,445.

In September 2016, residents adjacent to the camp on Burrawan Place and Palm Tree Crescent were individually notified one week prior to on-ground works commencing. The notification outlined the purpose of works and included information on what to do if an injured or orphaned flying-fox was observed.

In November 2016, interpretive signage was installed at the footbridge located on the eastern bank of Paddy's Creek.

In early 2017, Council staff continued to meet with several local residents to discuss their concerns and preference for Council to prepare a flying-fox camp management plan.



Camphor Laurel selected for removal / trimming at Paddy's Creek (2015-2016)

Illustration 2.6

3. Community engagement

3.1 Stakeholders

There are a range of stakeholders who are directly or indirectly affected by the flying-fox camps, or who are interested in its management. All stakeholders were attempted to be reached by Council when undertaking consultation. Stakeholders may have been involved in the Plan preparation or its eventual implementation and are listed within **Table 3.1**.

Table 3.1 Stakeholders associated with the Plan

Stakeholder	Involvement	Comment
Business owners	Consultation during Plan preparation.	Work near a camp. Businesses in the vicinity of Middleton camp and Paddy's Creek camp have reported being negatively financially impacted by the flying-fox camp (although not quantifiably investigated by Council).
Byron Shire Council	Consultation during Plan preparation. Will also be involved during approvals process and Plan implementation.	Local government has responsibilities to the community and environment of the area for which it is responsible in accordance with the *Local Government Act 1993*. Council is also responsible for administering local laws, plans and policies, and appropriately managing assets (including land) for which it is responsible.
Commonwealth Department of the Environment and Energy (DoEE) (relevant to camps with GHFF or other matters of national environmental significance)	May be involved during approvals process and Plan implementation.	DoEE is responsible for administering federal legislation relating to matters of national environmental significance, such as the Grey-headed Flying-fox and any other federally-listed values of the camp site.
Department of Industry –Lands	Consultation during Plan preparation. Will continue to be consulted during Plan implementation.	Butler and Middleton camps are both located entirely on Crown land and therefore management actions require authorisation by Department of Industry –Lands. Mullumbimby is located partially on crown land however is managed by Byron Shire Council under an Operational Plan.
Indigenous community	Invited to be involved in Plan consultation. Will continue to be consulted during Plan implementation.	All of the five subject flying-fox camps are located on Bundjalung Country of the Arakwal people. Paddy's Creek camp is located upon land covered by Ngulingah Local Aboriginal Land Council (LALC). Mullumbimby, Butler and Middleton camps are located upon land covered by Tweed-Byron LALC. Beech camp is located upon land covered by Jali LALC.
Local Government NSW	Provided funding	Local Government NSW is an industry association that represents the interests of councils in NSW.
NSW Department of Health	Consultation during Plan preparation.	Provide research and information to the public regarding human and flying-fox health issues.
OEH	Consultation during Plan preparation. Will also be involved during approvals process and Plan implementation.	OEH is responsible for administering legislation relating to (among other matters) the conservation and management of native plants and animals, including threatened species and ecological communities.

Stakeholder	Involvement	Comment
Orchardists and fruit growers	Amongst residents invited to be involved during consultation.	Fruit growers may be impacted by flying-foxes raiding orchards. This issue was raised by only one farmer at the Byron camp community consultation.
Residents	Consultation during Plan preparation and expected to be involved in Plan implementation.	Live near a camp. Are often negatively impacted by the issues raised above.
Schools	Amongst residents invited to be involved during consultation. May also be involved in Plan implementation.	The following schools are within 150 m of camps: • Byron Bay Preschool • Sandhills Early Childhood Centre • Bangalow Community Child Care Centre • Byron Public School.
Tourists and visitors to the area	May be affected by Plan implementation.	Temporary visitors to the area.
Wildlife carers and conservation organisations (such as Cumbebin Wetland Trust, Northern Rivers Wildlife Carers, Bangalow Land and Rivercare)	Consultation during Plan preparation and expected to be involved in Plan implementation.	Wildlife carers and conservation organisations have an interest in flying-fox welfare and conservation of flying-foxes and their habitat.

3.2 Engagement methods

Extensive effort has been made to engage with the community regarding the flying-fox camp to:

- understand the issues directly and indirectly affecting the community
- raise awareness within the community about flying-foxes
- correct misinformation and allay fears
- share information and invite feedback about management responses to date
- seek ideas and feedback about possible future management options
- develop management actions to address concerns.

The types of engagement that have been undertaken include:

- promotion of contact details of responsible officers (through social media, media releases, public meetings and Council's website)
- telephone conversations to record issues and complaints. Since November 2016, a record of each telephone conversation is kept and followed up until the matter is resolved
- informal face-to-face meetings, emails and telephone calls with some local residents/ business owners
- media (radio, print, social media)
- brochures and other educational material supplied by OEH & DPI regarding health and general flying-fox facts at community meetings
- website pages and links (http://www.byron.nsw.gov.au/flying-foxes) reviewed monthly and updated accordingly (if required)

- on-site signage: interpretive signage was installed in November 2016 at:
  - Beech Camp: the footpath located on the southern junction of Beech Drive and Bottlebrush Crescent
  - Middleton: on Middleton Street
  - Mullumbimby Camp: at Rotary Rainforest Park
  - Paddy's Creek Camp: the footbridge located on the east bank of Paddy's Creek.
- community meetings; 1,078 letters were mailed to all owners, occupiers, schools and parents of children attending that school within 150 m of a camp as well as any complainants >150 m of a camp to attend a public meeting. Four public meetings were presented by Byron Shire Council staff, GeoLINK ecologists, representatives from OEH, NSW Health and NSW Department of Primary Industries:
  - Paddy's Creek Camp held at Bangalow Bowling Club on 2 May 2017 attended by 52 people
  - Mullumbimby Camp held at Byron Shire Council chambers on 3 May 2017 attended by 34 people
  - Butler and Middleton Camps held at the Cavanbah Centre on 10 May 2017 attended by 12 people
  - Beech Camp held at Broken Head Hall on 11 May 2017 attended by one person.
- online survey: 'Flying-fox Engage', an on-line stakeholder engagement and decision-support tool, was used as a mechanism for stakeholders to learn about and rank their preferred camp management options. The results were then analysed which allows land managers to make informed decisions with consideration of stakeholder concerns and preferences. This online survey was open from 18 May until 5 June 2017 with the website www.flyingfoxengage.com/byron)
- attend meeting with Byron Shire Council Biodiversity & Sustainability Panel which consists of Councillors and specialist key stakeholders, with a particular interest in or expertise in the subject of the panel, which assist Council in decision making relating to a particular matter.

Methods of engaging with the community and other stakeholders during Plan implementation will be similar to those for Plan preparation and will include:

- promotion of contact details of responsible officers (through social media, media releases, public meetings and Council's website)
- telephone conversations to record issues and complaints. Since November 2016, a record of each telephone conversation is kept and followed up until the matter is resolved
- informal face-to-face meetings, emails and telephone calls with some local residents/ business owners
- media (radio, print, social media)
- website pages and links (http://www.byron.nsw.gov.au/flying-foxes) reviewed monthly and updated accordingly (if required)
- annual community meetings (if required).

3.3 Community feedback – management options

A summary of the feedback from *Flying-fox Engage* is as follows:

- A total of 128 valid submissions were received.
- Based on the cumulative preference totals of the top five re-ranked options by users, flying-fox information and awareness programs ranked highest as the most preferred management option followed by subsidising property modification to reduce flying-fox impacts.
- Culling flying-foxes while preferred by a few, was the least preferred management option with 83 respondents placing it as their last preference followed by 'do nothing'.
- Questions with the option for open answers provided extremely polarised views that reflected many people were concerned for the welfare of the flying-foxes and many people who wished that the flying-foxes were dispersed.
- The overall feedback from the community received via *Flying-fox Engage* favoured flying-fox camp management measures that:
    - provided a long-term solution
    - ensured the risk of transmission of flying-fox pathogens, viruses and disease remains low
    - reduced the impact of noise and odour on nearby residents and businesses
    - reduced the impact of flying-fox excrement.

Additional analysis was undertaken of the submissions provided by respondents identified as living within 150 m of a subject camp. The results are summarised in **Table 3.2**.

A summary of the feedback from other community engagement is as follows:

- 3,583 total visits to facebook advertising the draft Plan.
- 221 total facebook postings in response to the draft Plan.
- 12,059 informed individuals including letters to residence and email subscriptions.
- Seven written submissions received in response to the draft Plan.

Table 3.2 Flying-fox Engage Summary of Camp Results

	Beech	Butler	Middleton	Mullumbimby	Paddy's Creek
No. of respondents	5	5	13	21	25
Most preferred management option	Provision of flying-fox information and awareness programs	Subsidising property modification to reduce the impacts of flying-foxes	Provision of flying-fox information and awareness programs	Provision of flying-fox information and awareness programs	Provision of flying-fox information and awareness programs
2nd preferred management option	Removing vegetation to create a substantial buffer	Provision of flying-fox information and awareness programs	Subsidising property modification to reduce the impacts of flying-foxes	Subsidising property modification to reduce the impacts of flying-foxes	Passive dispersal of a flying-fox camp through selective vegetation removal
3rd preferred management option	Research to improve knowledge of flying-fox ecology.	Do nothing	Active dispersal of a flying-fox camp using disturbance	Culling flying-foxes	Early dispersal before a camp is established at a new location
4th preferred management option	-	-	-	Removing vegetation to create a substantial buffer	Active dispersal of a flying-fox camp using disturbance
5th preferred management option	-	-	-	Passive dispersal of a flying-fox camp through selective vegetation removal	Subsidising property modification to reduce the impacts of flying-foxes
Least preferred management option	Culling flying-foxes	Culling flying-foxes	Culling flying-foxes	Culling flying-foxes	Culling flying-foxes
2nd least preferred management option	Passive dispersal of a flying-fox camp through changing water management	Passive dispersal of a flying-fox camp through changing water management	Do nothing	Do nothing	Do nothing
3rd least preferred management option	Do nothing	Actively nudging the camp to a nearby location using disturbance	Passive dispersal of a flying-fox camp through changing water management	Passive dispersal of a flying-fox camp through changing water management	Actively nudging the camp to a nearby location using disturbance
4th least preferred management option	-	-	-	Actively nudging the camp to a nearby location using disturbance	Passive dispersal of a flying-fox camp through changing water management
5th least preferred management option	-	-	-	Subsidising services to reduce the impacts of flying-foxes	Provision of flying-fox information and awareness programs

4. Legislation and policy

It should be noted that this Plan does not constitute a licence to undertake works. Land owners seeking to undertake works on private property will need to acquire the relevant approvals via Council and/ or OEH.

4.1 Local government

Local government is required to prepare planning schemes (including Environmental Planning Instruments and Development Control Plans) consistent with provisions under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Local Environment Plans are environmental planning instruments that are legal documents and that relate to a local government area. A development control plan provides detailed planning and design guidelines to support the planning controls in a Local Environment Plan, but they are not legal documents.

Planning schemes enable a local government authority to manage growth and change in their local government area (LGA) through land use and administrative definitions, zones, overlays, infrastructure planning provisions, assessment codes and other administrative provisions. A planning scheme identifies the kind of development requiring approval, as well as zoning all areas within the LGA based on the environmental values and development requirements of that land. Planning schemes could potentially include a flying-fox habitat overlay, and may designate some habitat as flying-fox conservation areas.

Known plans held by Council or Trusts for reserves containing a flying-fox camp are listed in **Table 4.1**.

Table 4.1 Local Government Policy Documents and their Relevance to the FFCMP

Documentation	Administered by	Relevance to subject camps
Byron Local Environmental Plans 1988 & 2014	Council	Matters for consideration are camps within 'Deferred Matter' (DM) zones of Byron LEP 2014. Byron LEP 1988 currently applies to all DM areas, which are currently being assessed as part of Council's Environmental Zone review process. Refer to **Table 4.2**.
Development Control Plan	Council	Advice and guidance on planning for land use compatibility, avoiding land use conflict and the use of buffers. The emphasis is on identifying current and potential future land use conflicts at the outset and designing to avoid them during the development process where possible.
Byron Biodiversity Conservation Strategy	Council	Matters for consideration when developing planning controls. New developments or activities that occur in close proximity to ecological attributes and/ or habitats can impose negative impacts to human health, safety or comfort values (e.g. where in close proximity to flying-fox camp). The Strategy supports appropriate buffers as required. The accuracy and availability of mappable information held within Council note high environmental values, but indicates the need to continually update mapping including flying-foxes camps, as new and/ or emerging camps establish.
Byron Shire Council Operational Plan for Pine Avenue Sports Field Mullumbimby	Council	The Operational Plan provides a framework for the management and development of Crown Land under Council's control. Council has responsibility for two main types of public land; Crown Land whose control is vested in Council under the *Crown Lands Act 1989* and Council owned and managed community land dedicated under the *Local Government Act 1993*.

Documentation	Administered by	Relevance to subject camps
Crown Reserve 85663 for Public Recreation		The land included in the Operational Plan is Crown Land identified as Crown Reserve 85663, comprising Lot 451 DP 728526, which is located in Mullumbimby, west of the township and bordered by Pine Avenue, Garden Avenue and the tributaries of Chinbible Creek, being the Yalgany and Yoga-bera Creeks. The land is known locally as the Pine Avenue Sports fields, and also includes the Rotary Rainforest Park. Several objectives are relevant, including to restore former vegetation communities, to ensure that activities are managed having regard to any adverse impact on nearby residences and to install appropriate signage to encourage and control appropriate use of the reserve.
Mullumbimby Flying-fox Camp Management Actions Plan	Council	Management actions support the Mullumbimby Flying-fox Camp Management Actions Plan and comply with the flying-fox camp management policy. The flying-fox camp management policy has been considered during the preparation of the proposed management actions in this Plan and the Mullumbimby Flying-fox Camp Management Actions Plan and as such predominantly recommends level 1 then level 2 management actions.
Plan of Management for Butler Street Reserve, Byron Bay – Reserve 88993 for Public Recreation	Crown Land	Management actions support the Plan of Management for Butler Street by seeking to minimise adverse environmental impacts of the Reserve use on adjacent land uses, water bodies and areas of significant habitat. However, under the Plan of Management for Butler Street, proposals to develop a skate park, children's playground and additional 20-space car parking would need to consider the negative impacts of flying-foxes on such infrastructure e.g. smell, faecal drop and reduced general amenity.
Cumbebin Wetland Sanctuary Site Restoration and Weed Management Plan	Cumbebin Wetland Trust	Management actions support the Cumbebin Wetland Sanctuary Site Restoration and Weed Management Plan (2006) by assisting in managing the site in order to ensure that existing bushland elements are protected from excessive human induced disturbance. Focus is on bush regeneration and weed control.

Table 4.2 shows associated land use zones within each camp and where such zones interact, support or influence the outcomes of the Plan. Where potential conflict is defined as a provision under that land use zone may influence on the delivery of the Plan's actions.

Table 4.2 Associated land use zones

Camp		Mullumbimby	Middleton	Butler	Beech	Paddy's Creek
Deferred Matters		✓	✓	✓	✓	N/A
Associated Land Use Zone	1A	Supported	N/A	N/A	N/A	N/A
	2A	Potential conflict	Potential conflict	N/A	Potential conflict	N/A
	6A	Supported	N/A	Supported	Supported	N/A
	7K	N/A	N/A	N/A	N/A	N/A
	RE1	N/A	N/A	N/A	N/A	Supported

1A – General Rural Zone
2A – Residential Zone
6A – Open Space Zone
7K- Habitat Zone
RE1 – Public Recreation

4.2 State

4.2.1 Flying-fox Camp Management Policy 2015

The Flying-fox Camp Management Policy 2015 (the Policy) has been developed to empower land managers, primarily local councils, to work with their communities to manage flying-fox camps effectively. It provides the framework within which OEH will make regulatory decisions. In particular, the Policy strongly encourages local councils and other land managers to prepare Camp Management Plans for sites where the local community is affected.

4.2.2 *Biodiversity Conservation Act 2016*

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development including conserving biodiversity, maintaining the diversity and quality of ecosystems, regulating human interactions with wildlife, and supporting conservation and threat abatement action to slow the rate of biodiversity loss and conserve threatened species and ecological communities in nature.

The Grey-headed Flying-fox is listed as a threatened species under the BC Act.

Part 2 Division 3 of the BC Act provides for the issuing of Biodiversity Conservation Licences to authorise the doing of an act likely to result in one or more of the following:

a) harm or attempted harm to any animal that is of a threatened species or is part of threatened ecological community
b) harm or attempted harm, dealing in, or liberating a protected animal
c) the picking of any plant that is of a threatened species or is part of threatened ecological community
d) picking or dealing in protected plants
e) damage to declared areas of outstanding biodiversity value
f) damage to any habitat of a threatened species or threatened ecological community.

Part 7 of the BC Act provides for the biodiversity assessment and approvals required under the EP&A Act for development other than complying development, activities and state significant development and infrastructure.

An assessment of impacts is required for any threatened species or threatened ecological community, or their habitats, that are likely to be harmed by the doing of an act proposed in the Plan.

Note: that the definition of 'harm' includes kill, injure or capture the animal, but does not include harm by changing the habitat of the animal, and attempt to harm an animal includes hunting or pursuing, or using anything, for the purpose of harming the animal. The definition of 'pick' includes to gather, take, cut, remove from the ground, destroy, poison, crush or injure the plant or any part of the plant. The definition of habitat includes an area periodically or occasionally occupied by a species or ecological community and the biotic and abiotic components of an area.

4.2.3 *National Parks and Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* (NPW Act) provides for the conservation of nature, objects, places or features of cultural value and the management of land reserved under this Act. The Act protects Aboriginal objects and declared Aboriginal Places. An Aboriginal Heritage Impact Permit may be required under this Act to authorise camp management actions that may harm Aboriginal objects a declared Aboriginal Places.

4.2.4 *Prevention of Cruelty to Animals Act 1979*

It may be an offence under this Act if there is evidence of unreasonable/ unnecessary torment associated with management activities. Adhering to welfare and conservation measures provided in Section 10.3 will ensure compliance with this Act.

4.2.5 *Environmental Planning and Assessment Act 1979*

The objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) are to encourage proper management, development and conservation of resources, for the purposes of the social and economic welfare of the community and a better environment. It also aims to share responsibility for environmental planning between different levels of government and promote public participation in environmental planning and assessment.

The EP&A Act is administered by the NSW Department of Planning and Environment.

Development control plans under the EP&A Act should consider flying-fox camps so that planning, design and construction of future developments is appropriate to avoid future conflict.

Development given consent under Part 4 or activities assessed under Part 5 of the EP&A Act do not require licensing under the BC Act. Consent and determining authorities are required to consider the impacts of such proposals on threatened species, threatened ecological communities, and their habitats in accordance with Part 7 of the BC Act.

Where development consent under Part 4 or assessment under Part 5 of the EP&A Act is not required, a licence under the BC Act may be required to authorise the doing of an act that harms protected animals, threatened species, or threatened ecological community, or which damages the habitat of a threatened species or ecological community. This includes the doing of an act likely to harm any flying-fox, or damaging the habitat of Grey-headed Flying-foxes.

Where a proposal to manage a flying-fox camp involves the cutting down, destruction, lopping or removal of a substantial part of a tree or other vegetation that is not covered by a development consent or assessment under Part 5, it may still require authorisation. Depending on the land on which the vegetation occurs and the character of the vegetation, it may require an approval or a permit under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 or an approval under the *Local Land Services Act 2013*.

Where flying-fox camps occur or impact on private land, private land owners are advised to contact their local council to explore management options and the appropriate approval processes for addressing arising issues.

4.2.6 *Crown Lands Act 1989*

The principles of Crown land management include the observance of environmental protection principles and the conservation of its natural resources, including water, soil, flora, fauna and scenic quality. Any works on land that is held or reserved under the *Crown Lands Act 1989* (including vegetation management and dispersal activities) are an offence under the Act without prior authorisation obtained through the Department of Industries - Lands. Butler, Middleton and Mullumbimby camps are all located wholly or partially on Crown land.

4.2.7 *Protection of the Environment Operations Act 1997*

The main object of the *Protection of the Environment Operations Act 1997* (POEO Act) is to set out explicit protection of the environment polices and adopt more innovative approaches to reducing pollution.

The use of smoke as a dispersal mechanism may constitute 'chemical production' under Schedule 1, clause 8 of the POEO Act, so this type of dispersal activity may require a licence under Chapter 3 of the Act.

The POEO Act also regulates noise including 'offensive noise'. The Protection of the Environment Operations (Noise Control) Regulation 2008 (Part 4, Division 2) provides information on the types of noise that can be 'offensive' and for which the Environment Protection Authority (EPA) can issue fines. This may include noise generated as a part of dispersal activities.

4.2.8 *Local Government Act 1993*

The primary purpose of this Act is to provide the legal framework for an effective, efficient and environmentally responsible, open system of local government. Most relevant to flying-fox management is that it also provides encouragement for the effective participation of local communities in the affairs of local government and sets out guidance on the use and management of community land which may be applicable to land which requires management of flying-foxes. Beech camp and Mullumbimby camp both occur wholly or partially on community land.

4.2.9 *Roads Act 1993*

Under s177 of the *Roads Act 1993*, Council may request to transfer the public road corridor (6 m wide) on the southern boundary of the Middleton camp, which is currently Crown land to Council for the purpose of flying-fox camp management activities on the subject road.

Under s138 of the *Roads Act 1993* consent to maintain the public road corridor for the purpose of flying-fox camp management activities on the subject road must to be obtained by Council.

4.2.10 *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

This policy aims to protect the biodiversity, and amenity values of trees, and other vegetation in non-rural areas of the State. A person must not cut down, fell, up root, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation to which this Policy applies without a permit granted by council, or in the case of vegetation clearing exceeding the biodiversity offset thresholds (as stated in Part 7 of the *Biodiversity Conservation Regulations 2017*), approval by the Native Vegetation Panel.

Proponents will need to consider whether the State Environmental Planning Policy (Vegetation in Non-Rural Areas) applies to their proposal, and if any approvals are required under the BC Act.

4.3 Commonwealth

4.3.1 *Environment Protection and Biodiversity Conservation Act 1999*

The Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection for the environment, specifically matters of national environmental significance (MNES). A referral to the Commonwealth DoEE is required under the EPBC Act for any action that is likely to significantly impact on an MNES.

MNES under the EPBC Act that relate to flying-foxes include:

- world heritage sites (where those sites contain flying-fox camps or foraging habitat)
- wetlands of international importance (where those wetlands contain flying-fox camps or foraging habitat)
- nationally threatened species and ecological communities.

The Grey-headed Flying-fox (*Pteropus poliocephalus*) is listed as a vulnerable species under the EPBC Act, meaning it is an MNES. It is also considered to have a single national population. DoE has developed the Referral guideline for management actions in GHFF and SFF[1] camps (DoE 2015) (the Guideline) to guide whether referral is required for actions pertaining to the Grey-headed Flying-fox.

The Guideline defines a nationally important Grey-headed Flying-fox camp as one that has either:

- contained ≥10,000 Grey-headed Flying-fox in more than one year in the last 10 years, or
- been occupied by more than Grey-headed Flying-fox permanently or seasonally every year for the last 10 years.

Provided that management at nationally important camps follows the mitigation standards below, DoE has determined that a significant impact to the population is unlikely, and referral is not likely to be required.

Referral will be required if a significant impact to any other MNES is considered likely as a result of management actions outlined in the Plan. Self-assessable criteria are available in the Significant Impact Guidelines 1.1 (DoE 2013) to assist in determining whether a significant impact is likely; otherwise consultation with DoE will be required.

Mitigation standards

- The action must not occur if the camp contains females that are in the late stages of pregnancy or have dependent young that cannot fly on their own.
- The action must not occur during or immediately after climatic extremes (heat stress event[2], cyclone event[3]), or during a period of significant food stress[4].
- Disturbance must be carried out using non-lethal means, such as acoustic, visual and/or physical disturbance or use of smoke.
- Disturbance activities must be limited to a maximum of 2.5 hours in any 12 hour period, preferably at or before sunrise or at sunset.
- Trees are not felled, lopped or have large branches removed when flying-foxes are in or near to a tree and likely to be harmed.
- The action must be supervised by a person with knowledge and experience relevant to the management of flying-foxes and their habitat, who can identify dependent young and is aware of climatic extremes and food stress events. This person must make an assessment of the relevant conditions and advise the proponent whether the activity can go ahead consistent with these standards.
- The action must not involve the clearing of all vegetation supporting a nationally-important flying-fox camp. Sufficient vegetation must be retained to support the maximum number of flying-foxes ever recorded in the camp of interest.

These standards have been incorporated into mitigation measures detailed in Section 10.3. If actions cannot comply with these mitigation measures, referral for activities at nationally important camps is likely to be required.

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[1] spectacled flying-fox (*P. conspicillatus*)

[2] A 'heat stress event' is defined for the purposes of the Australian Government's Referral guideline for management actions in GHFF and SFF camps as a day on which the maximum temperature does (or is predicted to) meet or exceed 38°C.

[3] A 'cyclone event' is defined as a cyclone that is identified by the Australian Bureau of Meteorology (www.bom.gov.au/cyclone/index.shtml).

[4] Food stress events may be apparent if large numbers of low body weight animals are being reported by wildlife carers in the region.

4.3.2 DoEE Draft Recovery Plan for the Grey-headed Flying-fox

The Commonwealth government DoEE released the *Draft Recovery Plan for the Grey-headed Flying-fox Pteropus poliocephalus for* public comment in early 2017. The plan identifies nine recovery objectives and 31 actions, with the overall aim '*to improve the national population trend; identify, manage and secure key foraging and roosting habitat; improve the community's capacity to coexist with flying-foxes; and increase awareness about flying-foxes, the threats they face and the important ecosystem services they provide as seed dispersers and pollinators*'. Actions specifically relevant to flying-fox camp management include:

- *Action 2.1: Continue to maintain a database of Grey-headed Flying-fox camps.*
- *Action 2.2: Undertake work on the database to include tenure and zoning of the land and land adjoining all camps.*
- *Action 2.3: Protect and enhance roosting habitat for Grey-headed Flying-foxes.*
- *Action 2.4: Develop and implement plans of management for all problematic Grey-headed Flying-fox camps.*
- *Action 4.1: Undertake community surveys to elicit community values and attitudes towards wildlife, specifically flying-foxes, and also to assess the effectiveness of public awareness-raising.*
- *Action 4.2: Develop and publish information for the community to build their capacity to coexist with Grey-headed Flying-foxes.*
- *Action 4.3: Publish case studies demonstrating how effective in situ management of flying-foxes can mitigate impacts on the local community, as well as the difficulties and costs associated with attempting dispersals.*
- *Action 4.4: Work with local governments and private landholders to identify existing flying-fox roosting habitat, implement mitigation measures in areas of conflict and investigate opportunities for creating or rehabilitating habitat away from people, and areas unsuitable for development due to potential conflict.*
- *Action 6.1: Ensure the public is aware of the referral guideline and that it is widely available for proponents who are proposing to manage a problematic flying-fox camp.*

5. Other ecological values of the site

A desktop assessment of ecological values of each flying-fox camp including threatened species, ecological communities, critical habitat, SEPP 14 Coastal Wetlands and SEPP 26 Littoral Rainforest is provided within **Appendix C**. Additional information regarding flying-fox ecology and behaviour is provided in **Appendix D**.

Areas of High Environmental Value (HEV) are based on the following criteria:

a) Areas protected for conservation
b) Native vegetation of high conservation value
c) Key habitat for threatened species and, populations
d) Wetlands, rivers, estuaries and coastal features of high value
e) Areas of geological significance

Searches were carried out of the OEH BioNet Atlas of NSW Wildlife database on 15 June 2017 for the area encompassing all of the five subject flying-fox camps. Forty-four threatened flora and 65 threatened fauna species have been recorded within the search area (refer to **Appendix C**).

5.1 Beech camp

The land is mapped by Council as HEV vegetation. The vegetation is mapped by Council as Coastal Swamp Forest. The camp was ground-truthed during site assessment and is consistent with Council vegetation mapping.

This camp is made up of low dense mixed forest of eucalypts and paperbarks with minimal shrub cover and dense graminoid groundcover. The vegetation was observed to be in good condition with minimal weeds throughout the core of the site. The boggy ground is heavily clothed in leaf litter, interspersed with patches of sedges and ferns, temporary pools of water and bare ground. Canopy cover is dominated by Broad-Leaved Paperbark (*Melaleuca quinquenervia*) and Swamp Oak (*Casuarina glauca*).

The vegetation does not comprise an Endangered Ecological Community (EEC) listed under the *Biodiversity Conservation Act 2016* as it is located on a coastal sandplain. Vegetation surveys undertaken by BSC in 2016 specifically map the soil landscape as 'disturbed terrain'. Council's vegetation mapping has been reviewed using a combination of aerial photographic interpretation, existing survey data and on-ground inspections. No Threatened Ecological Communities (TEC) listed under the EPBC Act occurs at the site.

5.2 Butler camp

The land is mapped by Council as HEV vegetation. The vegetation on both land parcels mostly consists of Coastal Swamp Forest made up of low dense mixed forest of eucalypts and paperbarks with minimal shrub cover and dense graminoid groundcover. The boggy ground is heavily clothed in leaf litter, interspersed with patches of sedges and ferns, temporary pools of water and bare ground. Canopy cover includes Swamp Mahogany (*Eucalyptus robusta*), Broad-leaved Paperbark (*Melaleuca quinquenervia*) and Swamp Oak (*Casuarina glauca*). Edges comprise of planted rainforest species and an uneven canopy with a weedy component of Camphor Laurel and Coral Tree (*Erythrina x sykesii)*.

The vegetation does not comprise an EEC listed under the BC Act as it is located on a coastal sandplain. Vegetation surveys undertaken by BSC in 2016 specifically map the soil landscape as 'aeolian/ estuarine, coastal sandplains, unconsolidated sediment (aeolian)'. Council's vegetation mapping has been reviewed using a combination of aerial photographic

interpretation, existing survey data and on-ground inspections. No TEC under the EPBC Act occur at the site.

5.3 Middleton camp

The land is mapped by Council as HEV vegetation. The vegetation mostly consists of Coastal Swamp Forest made up of low dense mixed forest of Swamp Oak (*Casuarina glauca*) and Broad-leaved Paperbark. Exotic species such as Coral Tree, Camphor Laurel and Cocos Palm (*Syagrus romanzoffiana*) are present within canopy gaps and provide habitat for Australian White Ibis. Common Reed (*Phragmites australis*) dominates the understorey.

The vegetation does not comprise an EEC listed under the BC Act as it is located on a coastal sandplain. Vegetation surveys undertaken by BSC in 2016 specifically map the soil landscape as 'aeolian/ estuarine, coastal sandplains, unconsolidated sediment (aeolian)'. Council's vegetation mapping has been reviewed using a combination of aerial photographic interpretation, existing survey data and on-ground inspections. No TEC under the EPBC Act occur at the site.

5.4 Mullumbimby camp

The land is mapped by Byron Shire Council as HEV vegetation. The vegetation mostly consists of Casuarina and Camphor Laurel however, threatened flora such as Coolamon (*Syzygium moorei*) and Marblewood (*Acacia bakeri*) are also present (GeoLINK 2016). In addition, the riparian vegetation along Chinbible Creek constitutes Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions EEC, listed under the BC Act. No other EEC or TEC under the BC Act or EPBC Act occur at the site.

5.5 Paddy's Creek camp

The land is mapped by Byron Shire Council as HEV vegetation. The canopy is dominated by Camphor Laurel and rainforest trees such as Bangalow Palm, Bleeding Heart (*Homalanthus populifolius)* and Black Bean (*Castanospermum australe)*. One threatened flora species, Coolamon (*Syzygium moorei*) was observed north of the Bangalow Community Child Care Centre. The core area of this community constitutes Lowland Rainforest in NSW North Coast and Sydney Basin Bioregions EEC, listed under the BC Act. No other EEC or TEC under the BC Act or EPBC Act occur at the site.

In 1989, local resident Edie Franks planted both banks Paddy's Creek with rainforest species. Originally, rainforest species were planted along the western bank within the riparian zone for approximately 300 m north of the footbridge and south to the Bangalow Community Child Care Centre. On the eastern bank, rainforest species were planted south of the footbridge for approximately 300 m. In 2012, a large proportion and diversity of weeds were recorded by Council including Small-leaved Privet, (*Ligustrum sinense*), Green Cestrum (*Cestrum parqui*), Mickey Mouse Plant (*Ochna serrulata)*, Giant Devil's Fig (*Solanum chrysotrichum*) and Cat's Claw (*Doxanthus unguis-cati*) (Bryon Shire Council 2012). Bangalow Land and Rivercare has undertaken additional vegetation maintenance around Paddy's Creek in recent years.

6. Human and animal health

Flying-foxes, like all animals, carry pathogens that may pose human health risks. Many of these are viruses which cause only asymptomatic infections in flying-foxes themselves but may cause significant disease in other animals that are exposed. In Australia, the most well-defined of these include Australian bat lyssavirus (ABLV), Hendra virus (HeV) and Menangle virus. Specific information on these viruses is provided in **Appendix B**.

Outside of an occupational cohort, including wildlife carers and vets, human exposure to these viruses is extremely rare and similarly transmission rates and incidence of human infection are very low. In addition, HeV infection in humans apparently requires transfer from an infected intermediate equine host and direct transmission from bats to humans has not been reported. Thus despite the fact that human infection with these agents can be fatal, the probability of infection is extremely low and the overall public health risk is judged to be low (Qld Health 2016).

6.1 Disease and flying-fox management

A recent study at several camps before, during and after disturbance (Edson *et al.* 2015) showed no statistical association between HeV prevalence and flying-fox disturbance. However the consequences of chronic or ongoing disturbance and harassment and its effect on HeV infection were not within the scope of the study and are therefore unknown.

The effects of stress are linked to increased susceptibility and expression of disease in both humans (AIHW 2012) and animals (Henry & Stephens-Larson 1985; Aich *et al.* 2009), including reduced immunity to disease.

Therefore it can be assumed that management actions which may cause stress (e.g. dispersal), particularly over a prolonged period or at times where other stressors are increased (e.g. food shortages, habitat fragmentation, etc.), are likely to increase the susceptibility and prevalence of disease within the flying-fox population, and consequently the risk of transfer to humans.

Furthermore, management actions or natural environmental changes may increase disease risk by:

- forcing flying-foxes into closer proximity to one another, increasing the probability of disease transfer between individuals and within the population
- resulting in abortions and/or dropped young if inappropriate methods are used during critical periods of the breeding cycle. This will increase the likelihood of direct interaction between flying-foxes and the public, and potential for disease exposure
- adoption of inhumane methods with potential to cause injury which would increase the likelihood of the community coming into contact with injured/dying flying-foxes.

The potential to increase disease risk should be carefully considered as part of a full risk assessment when determining the appropriate level of management and the associated mitigation measures required.

7. Site-specific analysis of camp management options

The full range of options available for management of the five subject flying-fox camps were identified and reviewed throughout community consultation and Plan preparation. This suite of management options includes level 1, 2 and 3 (refer to **Table 7.1**) actions requiring short, medium and long term input. They attempt to address issues raised by community concerns and are used to inform Byron Shire Council's approach to the proposed management actions for each camp (refer to **Section 8**).

7.1 Unlawful activities

Culling is addressed here as it is often raised by community members as a preferred management method; however, culling is contrary to the objects of the BC Act and will not be permitted as a method to manage flying-fox camps.

Table 7.1 Analysis of management options

Management option	Relevant impacts	Cost	Advantages	Disadvantages
Level 1 actions				
Information and awareness programs	Perceived health risks Noise Smell Faecal drop	$	Low cost, promotes conservation of FFs, contributes to attitude change which may reduce general need for camp intervention, increasing awareness and providing options for landholders to reduce impacts can be an effective long-term solution, can be undertaken quickly, will not impact on ecological or amenity value of the site.	Information and advice itself will not mitigate all issues, and may be seen as not doing enough.
Property modification	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	$–$$	Property modification is one of the most effective ways to reduce amenity impacts of a camp without dispersal (and associated risks), relatively low cost, promotes conservation of FFs, can be undertaken quickly, will not impact on the site, may add value to the property.	May be cost-prohibitive for private landholders, unlikely to fully mitigate amenity issues in outdoor areas.
Fully-fund/ subsidise property modification	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	$–$$	Potential advantages as per property modification, but also overcomes issue of cost for private landholders.	Costs to the land manager will vary depending on the criteria set for the subsidy including proximity to site, term of subsidy, and level of subsidy. Potential for community conflict when developing the criteria, and may lead to expectations for similar subsidies for other issues.
Service subsidies including rate rebates	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	$–$$	May encourage tolerance of living near a camp, promotes conservation of FFs, can be undertaken quickly, will not impact on the site, and would reduce the need for property modification.	May be costly across multiple properties and would incur ongoing costs, may set unrealistic community expectations for other community issues, effort required to determine who would receive subsidies.

Byron Shire Flying-fox Camp Management Plan

Management option	Relevant impacts	Cost	Advantages	Disadvantages
Routine camp management	Health/ wellbeing	$	Will allow property maintenance, likely to improve habitat, could improve public perception of the site, will ensure safety risks of a public site can be managed. Weed removal has the potential to reduce roost availability and reduce numbers of roosting FFs. To avoid this, weed removal should be staged and alternative roost habitat planted, otherwise activities may constitute a Level 3 action.	Will not generally mitigate amenity impacts for nearby landholders.
Alternative habitat creation	All	$$–$$$	If successful in attracting FFs away from high conflict areas, dedicated habitat in low conflict areas will mitigate all impacts, promotes FF conservation. Rehabilitation of degraded habitat that is likely to be suitable for FF use could be a more practical and faster approach than habitat creation.	Generally costly, long-term approach so cannot be undertaken quickly, previous attempts to attract FFs to a new site have not been known to succeed.
Provision of artificial roosting habitat	All	$–$$	If successful in attracting FFs away from high conflict areas, artificial roosting habitat in low conflict areas will assist in mitigating all impacts, generally low cost, can be undertaken quickly, and promotes FF conservation.	Would need to be combined with other measures (e.g. buffers/alternative habitat creation) to mitigate impacts, previous attempts have had limited success.
Protocols to manage incidents	Health/ wellbeing	$	Low cost, will reduce actual risk of negative human/pet–FF interactions, promotes conservation of FFs, can be undertaken quickly, will not impact the site.	Will not generally mitigate amenity impacts.
Research	All	$	Supporting research to improve understanding may contribute to more effectively mitigating all impacts, promotes FF conservation.	Generally cannot be undertaken quickly, management trials may require further cost input.
Appropriate land-use planning	All	$	Likely to reduce future conflict, promotes FF conservation. Identification of degraded sites that may be suitable for long-term rehabilitation for FFs could facilitate offset strategies should clearing be required under Level 2 actions.	Will not generally mitigate current impacts, land-use restrictions may impact the landholder.
Property acquisition	All for specific property owners Nil for broader community	$$$	Will reduce future conflict with the owners of acquired property.	Owners may not want to move, only improves amenity for those who fit criteria for acquisition, very expensive.
Do nothing	Nil	Nil	No resource expenditure.	Will not mitigate impacts and unlikely to be considered acceptable by the community.

Byron Shire Flying-fox Camp Management Plan

Management option	Relevant impacts	Cost	Advantages	Disadvantages
Level 2 actions				
Buffers through vegetation removal	Noise Smell Health/wellbeing Property devaluation Lost rental return	$–$$	Will reduce impacts, promotes FF conservation, can be undertaken quickly, and limited maintenance costs.	Will impact the site, will not generally eliminate impacts, vegetation removal may not be favoured by the community.
Buffers without vegetation removal	Noise Smell Health/wellbeing Damage to vegetation Property devaluation Lost rental return	$$	Successful creation of a buffer will reduce impacts, promotes FF conservation, can be undertaken quickly, options without vegetation removal may be preferred by the community.	May impact the site, buffers will not generally eliminate impacts, maintenance costs may be significant, often logistically difficult, limited trials so likely effectiveness unknown.
Noise attenuation fencing	Noise Smell Health/wellbeing Property devaluation Lost rental return	$$	Will eliminate/significantly reduce noise impacts, will reduce other impacts, limited maintenance costs.	Costly, likely to impact visual amenity of the site, will not eliminate all impacts, may impact other wildlife at the site.
Level 3 actions				
Nudging	All	$$–$$$	If nudging is successful this may mitigate all impacts.	Costly, FFs will continue attempting to recolonise the area unless combined with habitat modification/ deterrents.
Passive dispersal through vegetation management	All at that site but not generally appropriate for amenity impacts only	$$–$$$	If successful can mitigate all impacts at that site, compared with active dispersal: less stress on FFs, less ongoing cost, less restrictive in timing with ability for evening vegetation removal.	Costly, will impact site, risk of removing habitat before outcome known, potential to splinter the camp creating problems at other locations (although less than active dispersal), potential welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see **Section 6.1**), potential to impact on aircraft safety. Parson et al (2008) concluded the majority of flying-foes fly at elevations of approximately 15m, with a few records of flights of up to 1,500m
Passive dispersal through water management	All at that site but not generally appropriate for amenity impacts only	$$–$$$	Potential advantages as per with passive dispersal through vegetation removal, however likelihood of success unknown.	Potential disadvantages as per passive dispersal through vegetation removal, however likelihood of success unknown.

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Management option	Relevant impacts	Cost	Advantages	Disadvantages
Active dispersal	All at that site but not generally appropriate for amenity impacts only (see **Section 8**)	$$$	If successful can mitigate all impacts at that site, often stated as the preferred method for impacted community members.	May be very costly, often unsuccessful, ongoing dispersal generally required unless combined with habitat modification, potential to splinter the camp creating problems in other locations, potential for significant animal welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see **Section 7.1**), potential to impact on aircraft safety (Parson *et al* 2008 & Sapir *et al* 2014).
Early dispersal before a camp is established at a new location	All at that site	$$–$$$	Potential advantages as per other dispersal methods, but more likely to be successful than dispersal of a historic camp.	Potential disadvantages as per other dispersal methods, but possibly less costly and slightly lower risk than dispersing a historic camp. Potential to increase pressure on FFs that may have relocated from another dispersed camp, which may exacerbate impacts on these individuals.

8. Planned management approach

OEH identifies three levels of action that may be undertaken to manage a flying-fox camp (refer to http://www.byron.nsw.gov.au/flying-foxes). Level 1 actions should be attempted and the effectiveness reviewed before deciding if higher level actions are necessary.

When deciding on appropriate management actions the following factors were considered:

- Which suite of actions is most likely to be efficient, effective and legally defensible with respect to balancing community concerns and neighbourhood amenity with environmental outcomes.
- A regional and long-term approach, including potential impacts on nearby land managers.
- Current risks associated with the camps with consideration of flying-fox use of each site, current and future land use, proximity to residents, schools, child care centres, hospitals, aged care centres, businesses, equine facilities and public use areas.
- Risk associated with management with consideration of potential impacts to each site, animal welfare, conservation of threatened species, likely resource requirements, effects on disease, potential to exacerbate impacts at the site or at other locations.
- Estimated costs and who would contribute funding.

8.1 Consideration of active dispersal

Byron Shire Council's approach for this Plan takes into account scientific understanding of flying-fox behaviour and habitat requirements, practical experience with flying-fox camp management plans in NSW and the review of management options available. **If, after five years of implementation of the actions outlined within this Plan, improvements in the human flying-fox conflict have not been achieved, it is at this stage that level 3 actions such as active dispersal may be investigated further.** Improvements in the human-flying-fox conflict may be measured by a reduction in complaints to Council or a general satisfaction when the community is re-surveyed or at future community meetings. This measure of improvement may be determined by the future flying-fox working group.

Roberts and Eby (2013) summarised 17 known flying-fox dispersals between 1990 and 2013, and made the following conclusions:

- In all cases, dispersed animals did not abandon the local area[5].
- In 16 of the 17 cases, dispersals did not reduce the number of flying-foxes in the local area.
- Dispersed animals did not move far (in approximately 63% of cases the animals only moved <600 m from the original site, contingent on the distribution of available vegetation). In 85% of cases, new camps were established nearby.
- In all cases, it was not possible to predict where replacement camps would form.
- Conflict was often not resolved. In 71% of cases conflict was still being reported either at the original site or within the local area years after the initial dispersal actions.
- Repeat dispersal actions were generally required (all cases except where extensive vegetation removal occurred).

[5] Local area is defined as the area within a 20 km radius of the original site = typical feeding area of a flying-fox.

- The financial costs of all dispersal attempts were high, ranging from tens of thousands of dollars for vegetation removal to hundreds of thousands for active dispersals (e.g. using noise, smoke, etc.).

Ecosure, in collaboration with a Griffith University Industry Affiliates Program student, researched outcomes of management in Queensland between November 2013 and November 2014 (the first year since the current Queensland state flying-fox management framework was adopted on 29 November 2013). An overview of findings[6] is summarised below.

- There were attempts to disperse 25 separate roosts in Queensland (compared with nine roosts between 1990 and June 2013 analysed in Roberts and Eby (2013)). Compared with the historical average (less than 0.4 roosts/ year) the number of roosts dispersed in the year since the Code was introduced has increased by 6250%.
- The most common dispersal methods were extensive vegetation modification alone and extensive vegetation modification combined with other methods.
- In nine of the 24 roosts dispersed, dispersal actions did not reduce the number of flying-foxes in the LGA.
- In all cases it was not possible to predict where new roosts would form.
- When flying-foxes were dispersed, they did not move further than 6 km away.
- As at November 2014 repeat actions had already been required in 18 cases.
- Conflict for the council and community was resolved in 60% of cases, but with many councils stating that they feel this resolution is only temporary.
- The financial costs of all dispersal attempts, regardless of methods used were considerable, ranging from $7,500 to more than $400,000 (with costs ongoing).

A major risk with dispersal as a management action is the risk of moving the camp to other similar (potentially less desirable/ more sensitive) locations, which in turn only transfers the human/ flying-fox conflict. Such an outcome is not in line with the objectives of the Plan, which aims to reduce human/ flying-fox conflicts.

8.2 Proposed management actions for each flying-fox camp

Byron Shire Council is responsible for the actions outlined in the Plan. General actions that are applicable at all camps are provided in **Table 8.1**. Specific actions proposed for each camp are identified in **Table 8.2** to **Table 8.6**. Target objective refers to the objective numbers in **Section 1.2** of the Plan.

[6] This was based on responses to questionnaires sent to councils; some did not respond and some omitted responses to some questions.

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Table 8.1 Proposed management for all Byron Shire flying-fox camps

Action ID	Management action	Target issue	Target objective	Priority	Timing	Management action details	Performance indicators	Cost
Level 1 actions								
1.1	Appoint a Flying-fox Officer	All	1, 4, 5, 6, 7	High	Year 1	• Council appoint a part time Flying-fox Officer, to organise and facilitate at least the initial stages of the Plan implementation where a high level community engagement will be required, as well as establishing a working group to seek ongoing external funds and prioritise on ground works.	• Flying-fox Officer appointed. • Flying-fox Officer facilitates management actions. • Community confidence in Council's ability to management flying-fox camps increased	Annual: $55K, Life of Plan: $287K
1.2	Information and awareness program	All	9	High	Commence: Year1 Continue: Years 1-5 Benefit: Long term	Provide information to the community regarding disease risk and management, how to minimise flying-fox impacts at your home, flying-fox management actions being undertaken by Council, flying-fox ecology and legislative status. This includes: • Utilising existing flying-fox community information and awareness information published by Australasian Bat Society, OEH and DoEE. • In partnership with other organisations e.g. National Parks and Wildlife Service – Discovery Ranger Program, investigate opportunities to facilitate talks in schools to staff and students regarding flying-foxes and health. • Updating Council website with up-to-date program of works being undertaken at each camp. • Regular media releases regarding works at each camp and trends of flying-foxes in the Shire. • Education to be delivered via public information sessions, targeted workshops, information on Council's website, information leaflets/ fact sheets etc. • Providing on-going education to Council staff and decision-makers. • Documenting the management actions as they are completed in a video format to be published on Council's website. • Provide information on products and modifications that residents can undertake to reduce flying-fox impacts (e.g. first flush water tank diverters, removing washing before dusk, relocating clothes-lines from below food trees, netting fruit trees).	• Community has greater understanding of the long-term strategy for managing flying-foxes. • Complaints to Council regarding flying-foxes are reduced.	Use budget from Flying-fox Officer (see below)
1.3	Alternative habitat creation	All	1, 4, 6	Medium	Commence: Year 2 Benefit: Long term	• Identify areas within Byron Shire that comprise preferred camp habitat characteristics and would therefore be suitable to plant out; providing alternate flying-fox roosting habitat away from conflict areas.	• Suitable areas are mapped. • Suitable areas are ground-truthed. • Suitable areas are planted with flying-fox roosting vegetation.	Planning: $10K Onground Works: $30K for 1 ha
1.4	Routine camp management	All	1, 4, 5	High	Implement: Years 1-5	Develop protocols and training for Council staff and contractors when working near/ at flying-fox camps to minimise flying-fox disturbance and associated impacts (e.g. noise) for surrounding residents and businesses. Protocols may include: • Undertake an acclimatisation program prior to operational works allowing time for flying-foxes to become accustom to machinery and staff. For example operate truck/ chipper for two hours at a safe distance from the camp and move the heavy machinery slowly toward the camp until no agitation is evident. • If flying-foxes are present and heavy machinery such as chainsaws, whipper snippers and lawn mowers are required, monitor flying-fox behaviour during use. • Operational works within or adjacent to flying-fox habitat are timed outside the species reproductive time or times when flying-fox numbers are low.	• Protocol developed and adopted. • Training provided to relevant Council staff.	Existing resources
1.5	Protocols and procedures to manage incidents	Noise Flying-fox conservation	1, 3	Medium	Implement: Years 1-5	In consultation with relevant organisations Council to identify roles and responsibilities in developing an response procedure for: • New and/ or emerging camps with an influx of flying-foxes. • Adverse weather events e.g. bushfire threat, flood or storm, extreme heat events leading to flying-foxes changing their behaviour and/ or dying). Council are familiar with and use http://www.animalecologylab.org/ff-heat-stress-forecaster.html. • Scheduled and/or unanticipated response to infrastructure maintenance associated near to or within a flying-fox camp. The procedure would outline possible issues, and how Council would address them e.g. out of hours, who to contact internally and externally to help respond.	• Complaints to Council regarding flying-foxes are reduced. • Council are prepared for heat stress and emergency events. • Reduced numbers of flying-fox deaths reported during heat stress events. • Heat stress events are reported to http://www.animalecologylab.org/heat-stress-data-form.html	Existing resources
1.6	Appropriate land-use planning	All	1, 2, 3	High	Years 1-5 Benefit: Long term	• Ensure adequate distances are maintained between future residential developments and existing or historical flying-fox camps. • Investigate the preparation of a DCP to guide future development near flying-fox camps within the shire. DCP to include structural requirements or guidelines on new buildings within proximity to camp to minimise the risk of future conflicts from flying-fox noise, odours and droppings. • Investigate the possibility of including flying-fox camps on Section 149 certificates. • Investigate if minor residential additions aimed at providing protection from potential nuisance from faecal drop/ noise etc from flying-foxes (e.g. car ports, sound proofing, covered outdoor areas etc) can be processed under the Exempt and Complying Provisions of Council's DCP.	• Conflicts are minimised through appropriate use of the site and awareness of new owners/ occupiers that a flying-fox camp is present nearby. • Appropriate developments are located near future flying-fox camps.	Existing resources

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Action ID	Management action	Target issue	Target objective	Priority	Timing	Management action details	Performance indicators	Cost
1.7	Service subsidies for property cleaning equipment	Faecal drop	1, 2	Low	Year 3	• Council to investigate the purchase and management off a high-pressure cleaner to be provided/ rented to affected residents to clean driveways/ verandas etc affected by faecal drop. • Investigate opportunities to exempt residents affected by flying-fox faecal drop from water restrictions to allow cleaning of essential pathways and structures.	• Complaints to Council regarding flying-foxes are reduced. • Pressure cleaner available by Year 3.	Life of Plan: $500
1.8	Improved access for flying-fox surveys	Improved knowledge	4	Medium	Years 1-5	• Seek written approvals from private landholders to access their property for the purpose of flying-fox surveys.	• Approval from landholders obtained.	Nil
1.9	Update mapping	Improved knowledge	4	Medium	Year 2	• Update Council's internal *Geocortex* mapping to reflect maximum extent of known flying-fox camps. • Council to map potential versus available flying-fox habitat across the shire.	• Council's mapping is up to date.	Existing resources
1.10	Integrated Vegetation Management Plan (VMP)	All	1, 2	High	Year 1	• A Council approved integrated VMP is required at all subject camps to complement the Plan. The VMP would encompass site specific bush regeneration or habitat creation actions, as well as the management of vegetation removal sites with the objective of minimising adverse vegetative or habitat impacts. For example, where riparian Camphor Laurel removal is required at Mullumbimby and Paddy's Creek camps, the VMP would include weed management and planting with appropriate low growing (<3 m tall) species to minimise degradation of other values of the site such as bank stability and water quality. • All Council approved VMPs must consider community group or Trust plans e.g. Landcare, State government plans (if applicable).	• Complaints to Council regarding flying-foxes are reduced. • Weed incursion is reduced. • Other ecological values of sites are maintained.	Life of Plan: $5K covering all camps
1.11	Establish a working group	All	1, 4, 6, 7	Medium	Year 1	• Establishment of a flying-fox working group comprised of Council staff, community, Aboriginal land council, wildlife carers, and relevant government agencies such as Department of Lands to seek funds, prioritises actions, determine new and emerging issues and response and increase awareness about living with flying-foxes.	• Working group formed and meets regularly.	Existing resources
1.12	Develop compliance process	All	1, 4, 6, 7	Medium	Year 1	• In consultation with OEH, Council to develop a process for responding to unlawful activities and the triggers for reporting matters to OEH, and make such a process publically available via Council's website.	• Process adopted by Council. • Process available on Council's website.	Existing resources
1.15	Plan review	All	7	Medium	Year 5	• Council will develop a procedure (a series of actions or steps taken) in order to review the Plan's actions, consultation requirements and level of approval requirements.	• Procedure for review adopted by Council.	Existing resources

* The most appropriate time to conduct works within or around an occupied flying-fox colony to reduce impacts on the reproductive output of Grey-headed and Black Flying-foxes would be between May and July. It would be preferred to avoid disturbing flying-foxes between August – April as these months include the last trimester of pregnancy (when food resources are limited and additional stresses can cause flying-foxes to abort young), times when the young are not independent (young can be dropped by mothers as a result of the disturbances) and months when flying-foxes are weaning young (March - April).

NOTE: Costs presented within Tables 8.1-8.6 include CPI calculated at 2.1%.
High level camp occupancy is determined by current knowledge.

8.2.1 Beech camp

Residential development directly bounds the Beech flying-fox camp to the south, west and north. These proposed management actions attempt to address impacts from flying-foxes experienced by these sensitive receivers. The camp management actions listed in **Table 8.2** apply specifically to Beech flying-fox camp and are in addition to those listed in **Table 8.1**. In addition to the community consultation findings, other key considerations when identifying site specific management actions at this site include:

- The camp supports relatively low numbers of flying-foxes and occupation is not consistent.
- The vegetation at the site is mapped as high environmental value.
- There are limited opportunities to 'nudge' the camp away from receivers due to the camp being surrounded by residential development.
- Residential housing is the main sensitive receiver surrounding the site.

The following tasks also apply to all proposed management actions:

- Actions need to adhere to relevant licence requirements.
- When an approval/ licence is required, conditions of the approval/ licence must be met prior to commencement of works.
- Consultation must be undertaken with Jali LALC prior to commencement.

Table 8.2 Proposed management for Beech flying-fox camp

Action ID	Management action	Target issue	Target objective	Priority	Timing	Management action details	Performance indicators	Cost
Level 1 actions								
1.1	Modify access	Noise Faecal drop	1, 3	High	As required	• Investigate opportunities for temporary closure of the footpath from Beech Drive along the rear of houses on the southern side of Bottlebrush Drive when flying-foxes are roosting in close proximity to the southern side of the camp in numbers >500, so as to minimise disturbance to flying-foxes and subsequent impacts on surrounding residents (e.g. noise).	• Complaints to Council regarding flying-foxes are reduced.	Existing resources and Flying-fox Officer
1.2	Bush regeneration	All	2	Low	Implement: Quarterly Benefit: Long term	• Monitor and control weed infestations at the site. The site currently has low levels of weeds, and maintaining or further removing weeds would help conserve the amenity of the site.	• Complaints to Council regarding flying-foxes are reduced. • Weed incursion is reduced.	Annual: $3K Life of Plan: $15K
Level 2 actions								
2.1	Buffers through vegetation removal	Noise Smell Health/ well being	1, 2	High	Implement: Year 1 Benefit: Immediate Maintenance: Long term	• Trim vegetation from Council land that over hangs private properties to the south of the camp in close consultation with residents (refer to **Plate 8.1** and **Plate 8.2**). This will create approximately 10 m of separation between dwellings and vegetation at the camp. • *Note: while this option does not directly impact on the recorded camp footprint, it will help mitigate impacts should shifts in the roost footprint occur.*	• Vegetation is trimmed. • Complaints to Council regarding flying-foxes are reduced.	$20K initial work (year 1), $4K maintenance per year (years 2-5), Life of Plan: $36,511
2.2	Buffers through vegetation removal	Noise Smell Health/ well being	1, 2	Medium	Implement: Year 2/3 Benefit: Immediate Maintenance: Long term	• Trim vegetation from Council land that over hangs private properties to the west/ north of the camp in close consultation with residents (refer to **Illustration 8.1**). This will create approximately 5-10 m of separation between dwellings and vegetation at the camp. • *Note: while this option does not directly impact on the recorded camp footprint, it will help mitigate impacts should shifts in the roost footprint occur.*	• Vegetation is trimmed. • Complaints to Council regarding flying-foxes are reduced.	$20K initial work (year 1), $4K maintenance per year (years 2-5), Life of Plan: $36,511
2.3	Buffers without vegetation removal	Noise Smell Health/ well being	1, 2, 6	Low	Year 4/5 if required	• Should conflicts with sensitive receivers continue after implementing the above actions, investigations into installation of targeted flying-fox deterrent devices (i.e. sprinklers in vegetation canopy) at targeted sensitive residents would be undertaken with the aim of maintaining a minimum 15 m buffer between housing and roosting flying-foxes, without pushing the camp into close proximity with other sensitive receivers. • Sprinklers can be placed on automatic timers to activate periodically.	• Flying-foxes move towards vegetation core away from residents. • Complaints to Council regarding flying-foxes are reduced.	$10K installation plus operational costs to be borne by the subject resident.



Plate 8.1 View north along footpath at rear of Bottlebrush Crescent showing vegetation overhanging residential properties



Plate 8.2 View south along foot path at rear of Bottlebrush Crescent showing vegetation overhanging residential properties

8.2.2 Butler camp

Residential development is located in close proximity to the Butler flying-fox camp to the south, east and north along with localised commercial businesses. These proposed management actions attempt to address impacts from flying-foxes experienced by these sensitive receivers. The camp management actions listed in **Table 8.3** apply specifically to Butler flying-fox camp and are in addition to those listed in **Table 8.1**. In addition to the community consultation outcomes, other key considerations when identifying site specific management actions at this site include:

- The vegetation at the site is mapped as high environmental value.
- Existing buffers and separation between the camp footprint and sensitive receivers is in place.

The following tasks also apply to all proposed management actions:

- Actions need to adhere to relevant licence requirements.
- When an approval/ licence is required, conditions of the approval/ licence must be met prior to commencement of works.
- Consultation must be undertaken with Tweed-Byron LALC and Reserve Trust prior to commencement.

Table 8.3 Proposed management for Butler flying-fox camp

Action ID	Management action	Target issue	Target objective	Priority	Timing	Management action details	Performance indicators	Cost
Level 1 actions								
1.1	Modify access	Noise Faecal drop	1, 3	High	As required	• In consultation with the Cumbebin Wetland Trust, investigate opportunities for temporary closure of the boardwalk to the general public by erection of a 'board walk closed sign' through the Cumbebin Wetland Sanctuary when flying-foxes are roosting within 10 m of the boardwalk so as to minimise disturbance to flying-foxes which causes subsequent impacts on surrounding residents (e.g. noise).	• Complaints to Council regarding flying-foxes are reduced.	Nil
1.2	Appropriate land-use planning	All	1, 2, 3	Medium	Implement: Year 1/2 Benefits: Long term	• Consideration in future developments. • If Council, seek to develop north of Somerset Street/ west of Butler Street then buffer zones should be accounted for.	• Conflicts are minimised through appropriate use of the site and awareness of new owners/ occupiers that a flying-fox camp is present nearby.	Existing resources
1.3	Bush regeneration	All	2	Low	Bi-annually	• Control weeds at the site. • Provide technical advice on flying-fox management to Byron Environment Centre, who manage Cumbebin Wetland Sanctuary.	• Complaints to Council regarding flying-foxes are reduced. • Weed incursion is reduced. • Flying-foxes move towards core away from periphery.	Annual: $3K Life of Plan: $15,643
Level 2 actions								
2.1	Maintain existing buffers	Noise Smell Health/ well being	1, 2	High	As required	• Maintain existing buffers along the northern side of the camp from the drainage line and cycle path to private property. • Maintain existing buffers along the southern side of the camp along the paper road/ utilities easement to private property (refer to **Illustration 8.2**). • Improve and maintain existing buffers along the eastern side of the camp along Wordsworth Street. • This will maintain approximately 5-15 m of separation between dwellings and vegetation at the camp to the south; 15 to 25 m separation between dwellings and vegetation at the camp to the north; and 20 m separation between dwellings and vegetation at the camp to the east. • *Note: while this option does not directly impact on the recorded camp footprint, it will help mitigate impacts should shifts in the roost footprint occur.*	• Reduced conflicts at adjacent residential dwellings. • Complaints to Council regarding flying-foxes are reduced.	Existing budget



Plate 8.3 View east along northern boundary of camp showing existing buffer to be maintained



Plate 8.4 Existing habitat within core of camp to be maintained by bush regeneration

8.2.3 Middleton camp

Commercial development is located in close proximity to the Middleton flying-fox camp to the south, west and north. Residential housing occurs to the south and east. These proposed management actions attempt to address impacts from flying-foxes experienced by these sensitive receivers. The camp management actions listed in **Table 8.4** apply specifically to Middleton flying-fox camp and are in addition to those listed in **Table 8.1**. In addition to the community consultation outcomes, other key considerations when identifying site specific management actions at this site include:

- The risk of exacerbating impacts to other regional camps from dispersal and other similar actions (particularly the Butler camp and Beech camp).
- Existing buffers and separation between the camp footprint and sensitive receivers are in place.
- Commercial businesses are the key sensitive receivers.

The following tasks also apply to all proposed management actions:

- Actions need to adhere to relevant licence requirements.
- When an approval/ licence is required, conditions of the approval/ licence must be met prior to commencement of works.
- Consultation must be undertaken with Tweed-Byron LALC and Reserve Trust prior to commencement.

Table 8.4 Proposed management for Middleton flying-fox camp

Action ID	Management action	Target issue	Target objective	Priority	Timing	Management action details	Performance indicators	Cost
Level 1 actions								
1.1	Habitat enhancement	All	4, 6	High	Implement: Years 1-2 Benefit: long term	• Plant suitable roosting trees in canopy gaps to increase roosting carrying capacity away for sensitive receivers (refer to **Illustration 8.3**).	• Complaints to Council regarding flying-foxes are reduced. • Flying-foxes move towards core away from periphery. • Weed incursion is reduced.	Initial: $5K + support from community groups
1.2	Bush regeneration	All	2, 6	Medium	Quarterly	• Control of woody weeds such as Coral Tree, Camphor Laurel and Tobacco Bush to increase roosting carrying capacity of core and encourage flying-foxes away from fringes.	• Complaints to Council regarding flying-foxes are reduced. • Weed incursion is reduced. • Flying-foxes move towards core away from periphery.	Annual: $5,400 Life of Plan: $28,158
1.3	Partially/ fully subsidised property modification	Noise Smell Faecal drop Health/ wellbeing Property devaluation Lost rental return Impacts on businesses	1, 2, 4	Low	Implement: Years 2/3 Benefit: Immediate	• Council to investigate partially or fully subsidising property modifications and a criterion for application. • The amount of the subsidy is to be determined by Council on a case by case basis. • Where noise and smell is an issue options include: - Double-glazed windows on facades facing flying-fox camp - Insulation and air-conditioners. • Where faecal droppings are an issue options include: - Cover vehicles parking areas - Move or cover outdoor areas (e.g. BBQs and tables, walkways e.g. on Middleton Street, etc) within close proximity to a camp.	• Modifications installed. • Complaints to Council regarding flying-foxes are reduced.	Low to high depending on the number of properties, extent of subsidy and type of work to be done (e.g. $5K to >$100K).
1.4	Modify access	Noise Faecal drop Impacts on businesses	1, 4, 6	Medium	Year 2	• Restrict informal pedestrian access through the camp by using bollards, large landscaping rocks or planting out informal tracks. • Install signage and physical deterrent at the southern edge of the courthouse off Middleton Street and the eastern edge of the courthouse (near the skate park) to direct pedestrians to the formal footpath to the north (refer to **Illustration 8.3**).	• Informal pedestrian access reduced.	Life of Plan: $10K
1.5	Manage public road corridor	Noise Impacts on businesses	1, 4	Medium	Year 2	• Investigate transfer of the 6 m public road corridor on the southern boundary under s177 of the *Roads Act 1993* to Council. • Investigate consent for Council to maintain the public road corridor for the purpose of flying-fox camp management under s138 of the *Roads Act 1993*.	• Public road corridor transferred to be under Council management. • Formal agreement to manage the buffer to the south is obtained.	Existing resources and Flying-fox Officer
Level 2 actions								
2.1	Buffers through vegetation removal	Noise, faecal drop,	1, 2	High	Implement: Year 1 Benefit: Immediate	• Seek approval from NSW Aboriginal Land Council to trim vegetation overhanging: - Courthouse carpark and southern side of courthouse building - Footpath along Middleton Street.	• Vegetation is trimmed. • Complaints to Council regarding flying-foxes are reduced.	$10K initial work (year 1), $2K maintenance per year (years 2-5). Life of Plan: $18,255

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Action ID	Management action	Target issue	Target objective	Priority	Timing	Management action details	Performance indicators	Cost
2.1	Maintain existing buffers	Noise Smell Health/ well being	1, 2	High	As required	• Investigate options for ongoing maintenance of existing buffer along the - Northern side of the camp to the courthouse - Southern side of the camp including the public road corridor to private property (refer to **Illustration 8.3**) - Eastern side of the camp to rear of dwellings on Tennyson Street. • This will maintain a minimum 5 m separation between the courthouse to the north; and 20 m separation to the south and east between dwellings/ businesses and vegetation at the camp. • *Note: while this option does not directly impact on the recorded camp footprint, it will help mitigate impacts should shifts in the roost footprint occur.*	• Reduced conflicts at adjacent businesses and residents. • Complaints to Council regarding flying-foxes are reduced.	Annual: $1K Life of Plan: $5,214
2.2	Buffers without vegetation removal	All	1, 2	Medium	Year 3/4 (if required)	• Seek approval from NSW Aboriginal Land Council. • Should flying-foxes roost in the trees within 10 m of Middleton Street, on the western side of the camp, and conflicts with sensitive receivers continue, investigations into installation of targeted flying-fox deterrent devices (e.g. sprinklers in vegetation canopy) would be undertaken with the aim of maintaining flying-foxes a minimum 10 m buffer from the western side of the camp, without pushing the camp in close proximity of other sensitive receivers. • Systems such as sprinklers can be placed on automatic timers to activate periodically. • Consideration on water restrictions would also need to be considered	• Flying-foxes move towards core away from Middleton Street. • Complaints to Council regarding flying-foxes are reduced.	Facilitation: Support from Council resources (i.e. Flying-fox Officer) Implementation: Contributions sort from business groups (e.g. Chamber of Commerce)



Plate 8.5 View east between the courthouse and the northern side of the flying-fox camp



Plate 8.6 Informal access through the weedy understorey at Middleton camp



Plate 8.7 View south-west along Middleton Street showing proximity of camp habitat to parked cars



Plate 8.8 View north-west through a patchy section of camp habitat that is dominated by weeds and requires enhancement through planting and weed control



Plate 8.9 View west along the existing public road corridor showing the existing buffer to the southern side of the flying-fox camp

8.2.4 Mullumbimby camp

Residential development is located in close proximity to the Mullumbimby flying-fox camp. These proposed management actions attempt to address impacts from flying-foxes experienced by these sensitive receivers. The camp management actions listed in **Table 8.5** apply specifically to the Mullumbimby flying-fox camp and are in addition to those listed in **Table 8.1**. In addition to the community consultation findings, other key considerations when identifying site specific management actions at this site include:

- Land tenure (i.e. most of the camp in proximity to sensitive receivers is located outside of Council land)
- Management actions need to be sensitive to the riparian environment at the site, which includes threatened species habitat and EECs.
- Due to the urban context of the camp, there is a risk of shifting the flying-fox/human conflict towards other sensitive receivers (particularly in the short-term) if works are not implemented appropriately. This includes highly sensitive sites such as schools.
- Residential housing is the main sensitive receiver surrounding the site.

The following tasks also apply to all proposed management actions:

- Actions need to adhere to relevant licence requirements.
- When an approval/ licence is required, conditions of the approval/ licence must be met prior to commencement of works.
- Consultation must be undertaken with Tweed-Byron LALC and Reserve Trust prior to commencement.

Table 8.5 Proposed management for Mullumbimby flying-fox camp

Action ID	Management action	Target issue	Target Objective	Priority	Timing	Management action details	Performance indicators	Cost
Level 1 actions								
1.1	Habitat enhancement	All	4, 6	High	Implement: Years 1/2 Benefit: Long term	• Council supported by Landcare or Rotary to plant suitable roosting trees in canopy gaps to increase roosting carrying capacity away from sensitive receivers (refer to **Illustration 8.4**).	• Complaints to Council regarding flying-foxes are reduced. • Flying-foxes move towards core away from periphery. • Weed incursion is reduced.	$5K + support from community groups
1.2	Bush regeneration	All	2	Medium	Quarterly	• Control of woody weeds such as Coral Tree, Camphor Laurel and Tobacco Bush along the riparian corridor to increase carrying capacity of core and encourage flying-foxes away from fringes. • Formalise agreement with Rotary regarding management of Rainforest Park.	• Complaints to Council regarding flying-foxes are reduced. • Weed incursion is reduced. • Flying-foxes move towards core away from periphery.	Annual: $8K Life of Plan: $41,715
1.3	Partially/ fully subsidised property modification	Noise Smell Faecal drop Health/ wellbeing Property devaluation Lost rental return Impacts on businesses	1, 2, 4	Low	Implement: Years 2/3 Benefit: Immediate	• Council to investigate partially or fully subsidising property modifications and a criterion for application. • The amount of the subsidy is to be determined by Council on a case by case basis. • Where noise and smell is an issue options include: - Double-glazed windows on facades facing flying-fox camp - Insulation and air-conditioners. • Where faecal droppings are an issue options include: - Cover vehicles parking areas - Move or cover outdoor areas (e.g. BBQs and tables, walkways e.g. on Middleton Street, etc) within close proximity to a camp.	• Modifications installed. • Complaints to Council regarding flying-foxes are reduced.	Low to high depending on the number of properties, extent of subsidy and type of work to be done (e.g. $5K to >$100K).
Level 2 actions								
2.1	Buffers through vegetation removal	Noise, faecal drop,	1, 2	High	Implement: Year 1 Benefit: Immediate	• Council to provide technical advice to support residents with applications for undertaking vegetation trimming/ removal around dwellings on private land where residents are directly (within 10 m) of the camp. Vegetation removal may include: - Remove all vegetation >3 m tall (excluding threatened plants) within 5 m of dwellings - Remove/ manage weed species >3 m tall or that have potential to become future roost trees (e.g. Camphor Laurel) within 5-10 m of dwellings (refer to example buffers in **Illustration 8.4**). • The exact extent of vegetation clearing would be determined in consultation with affected residents and give due consideration of the environmental constraints at the site (e.g. waterways, slope, species etc). • Council would also facilitate conversations/ negotiations between residents on properties where residents are not interested or unable to pay for the vegetation trimming; however adjoining neighbours that will benefit from the buffer are willing to contribute costs.	• Flying-foxes roost away from residents. • Complaints to Council regarding flying-foxes are reduced.	To be determined on a case by case basis between target private dwelling landowner, Council and neighbouring private land.

Byron Shire Flying-fox Camp Management Plan

Action ID	Management action	Target issue	Target Objective	Priority	Timing	Management action details	Performance indicators	Cost
2.2	Buffers without vegetation removal	All	1, 2	Medium	Year 2/3 (if required)	• Council to provide technical advice to support residents with applications for installing localised flying-fox deterrents (i.e. canopy mounted sprinkler) where flying-foxes roost within 10 m of residences e.g. in locations where: - Vegetation buffers are not appropriate due to environmental constraints - Residence preferences are for buffers without vegetation removal. • The objective is to create minimum 10 m buffers between housing and roosting flying-foxes, without pushing the camp towards other sensitive receivers. Camp wide co-ordination would be facilitated by Council to prevent adverse impacts towards residents or flying-foxes. • Council would also facilitate conversations/ negotiations between residents on properties where residents are not interested or unable to pay for the deterrent devices; however adjoining neighbours that will benefit from the buffer are willing to contribute costs. Consideration on water restrictions would also need to be considered	• Flying-foxes move towards core away from Middleton Street. • Complaints to Council regarding flying-foxes are reduced.	Installation costs to be determined on a case by case basis between target private dwelling landowner, Council and neighbouring private land. Operational and maintenance costs to be worn by resident.



Plate 8.10 Rotary Rainforest Park provides flying-fox habitat and requires ongoing weed control



Plate 8.11 Riparian vegetation along Brunswick River

8.2.5 Paddy's Creek camp

Residential development is located in close proximity to the Paddy's Creek flying-fox camp to the east and west. These proposed management actions attempt to address impacts from flying-foxes experienced by these sensitive receivers. The camp management actions listed in **Table 8.6** apply specifically to Paddy's Creek flying-fox camp and are in addition to those listed in **Table 8.1**. In addition to the community consultation findings, other key considerations when identifying site specific management actions at this site include:

- Steep riparian corridor.
- Management actions need to be sensitive to the riparian environment at the site, which includes threatened species habitat and EECs.
- Due to the urban context of the camp, there is a risk of shifting the flying-fox/human conflict towards other sensitive receivers (particularly in the short-term) if works are not implemented appropriately. This includes highly sensitive receivers such as the Bangalow Community Child Care Centre.
- Residential housing is the main sensitive receiver surrounding the site.

The following tasks also apply to all proposed management actions:

- Actions need to adhere to relevant licence requirements.
- When an approval/ licence is required, conditions of the approval/ licence must be met prior to commencement of works.
- Consultation must be undertaken with Ngulingah LALC prior to commencement.

Table 8.6 Proposed management for Paddy's Creek flying-fox camp

Action ID	Management action	Target issue	Target Objective	Priority	Timing	Management action details	Performance indicators	Cost
Level 1 actions								
1.1	Bush regeneration	All	2	High	Quarterly	• Weed control works are required within Council land north from Raftons Road. • Liaise with and provide support and guidance to the existing landcare group.	• Complaints to Council regarding flying-foxes are reduced. • Weed incursion is reduced. • Flying-foxes move towards core away from periphery.	Annual: $8K Life of Plan: $41,715
1.2	Habitat enhancement	All	4, 6	High	Implement: Years 1-2 Benefit: long term	• Plant out the western side of Paddy's Creek leaving a 20 m wide buffer to residential properties (refer to **Illustration 8.6**). • Manage effects of legal and illegal poisoning of Camphor Laurel through replacement with low shrubby vegetation. • Liaise with private property owner located upstream along Paddy's Creek to the north of Council owned land regarding flying-fox habitat creation by planting flying-fox roosting habitat.	• Complaints to Council regarding flying-foxes are reduced. • Flying-foxes move towards core away from periphery. • Weed incursion is reduced.	$10K + support from community groups
1.3	Partially/ fully subsidised property modification	Noise Smell Faecal drop Health/ wellbeing Property devaluation Lost rental return Impacts on businesses	1, 2, 4	Low	Implement: Years 2/3 Benefit: Immediate	• Council to investigate partially or fully subsidising property modifications and a criterion for application. • The amount of the subsidy is to be determined by Council on a case by case basis. • Where noise and smell is an issue options include: - Double-glazed windows on facades facing flying-fox camp - Insulation and air-conditioners. • Where faecal droppings are an issue options include: - Cover vehicles parking areas. - Move or cover outdoor areas (e.g. BBQs and tables, walkways e.g. on Middleton Street, etc) within close proximity to a camp.	• Modifications installed. • Complaints to Council regarding flying-foxes are reduced.	Low to high depending on the number of properties, extent of subsidy and type of work to be done (e.g. $5K to >$100).
Level 2 actions								
2.1	Buffers through vegetation removal	Noise Smell Health/ well being	1, 2	High	Implement: Year 1 Benefit: Immediate	• Undertake vegetation trimming/ removal on Council land in close consultation with all affected land holders, including: - Trimming overhanging vegetation at the northern and eastern edge of the Bangalow Community Child Care Centre back to tree trunks (i.e. top of creek bank). Trimming must avoid threatened flora such as Coolamon (*Syzygium moorei*) present along the drainage line north of Bangalow Community Child Care Centre - Trim native vegetation on Council land that overhangs private property - Remove weeds (Camphor Laurel) on top of the creek bank within 10 m of property boundaries (refer to **Illustration 8.5**) - Plant native vegetation to compensate for loss of habitat removed during creation of buffers.	• Flying-foxes roost away from residents. • Complaints to Council regarding flying-foxes are reduced.	$35K initial work (year 1), $4K maintenance per year (years 2-5), Life of Plan: $51,511

Byron Shire Flying-fox Camp Management Plan

Action ID	Management action	Target issue	Target Objective	Priority	Timing	Management action details	Performance indicators	Cost
2.2	Buffers through vegetation removal	Noise Smell Health/ well being	1, 2	High	Year 1	• Bangalow Community Child Care Centre grounds contain trees that provide food resources for flying-foxes as well as roost trees. In consultation with the facility, Council may provide technical advice for applications to remove this vegetation from their land.	• Potential for flying-fox encounters at the centre is further reduced. • Complaints to Council regarding flying-foxes are reduced.	Planning: Support from Council resources (i.e. Flying-fox Officer). Implementation: Bangalow Community Child Care Centre.
2.3	Buffers without vegetation removal	All	1, 2	Medium	Year 2/3 (if required)	• Council to provide technical advice to support residents with applications for installing localised flying-fox deterrents (i.e. canopy mounted sprinkler) where flying-foxes roost within 10 m of residences e.g. in locations where: - Vegetation buffers are not appropriate due to environmental constraints - Residence preferences are for buffers without vegetation removal. • The objective is to create minimum 10 m buffers between housing and roosting flying-foxes, without pushing the camp towards other sensitive receivers. Camp wide co-ordination would be facilitated by Council to prevent adverse impacts towards residents or flying-foxes. • Council would also facilitate conversations/ negotiations between residents on properties where residents are not interested or unable to pay for the deterrent devices; however adjoining neighbours that will benefit from the buffer are willing to contribute costs. Consideration on water restrictions would also need to be considered.	• Flying-foxes move towards core away from Middleton Street. • Complaints to Council regarding flying-foxes are reduced.	Installation costs to be determined on a case by case basis between target private dwelling landowner, Council and neighbouring private land. Operational and maintenance costs to be worn by resident.



Plate 8.12 View south showing vegetation over hanging carpark of Bangalow Community Child Care Centre



Plate 8.13 View north along rear property boundary of Colins Street showing overhanging vegetation



Beech Flying-fox Camp Proposed Management Actions

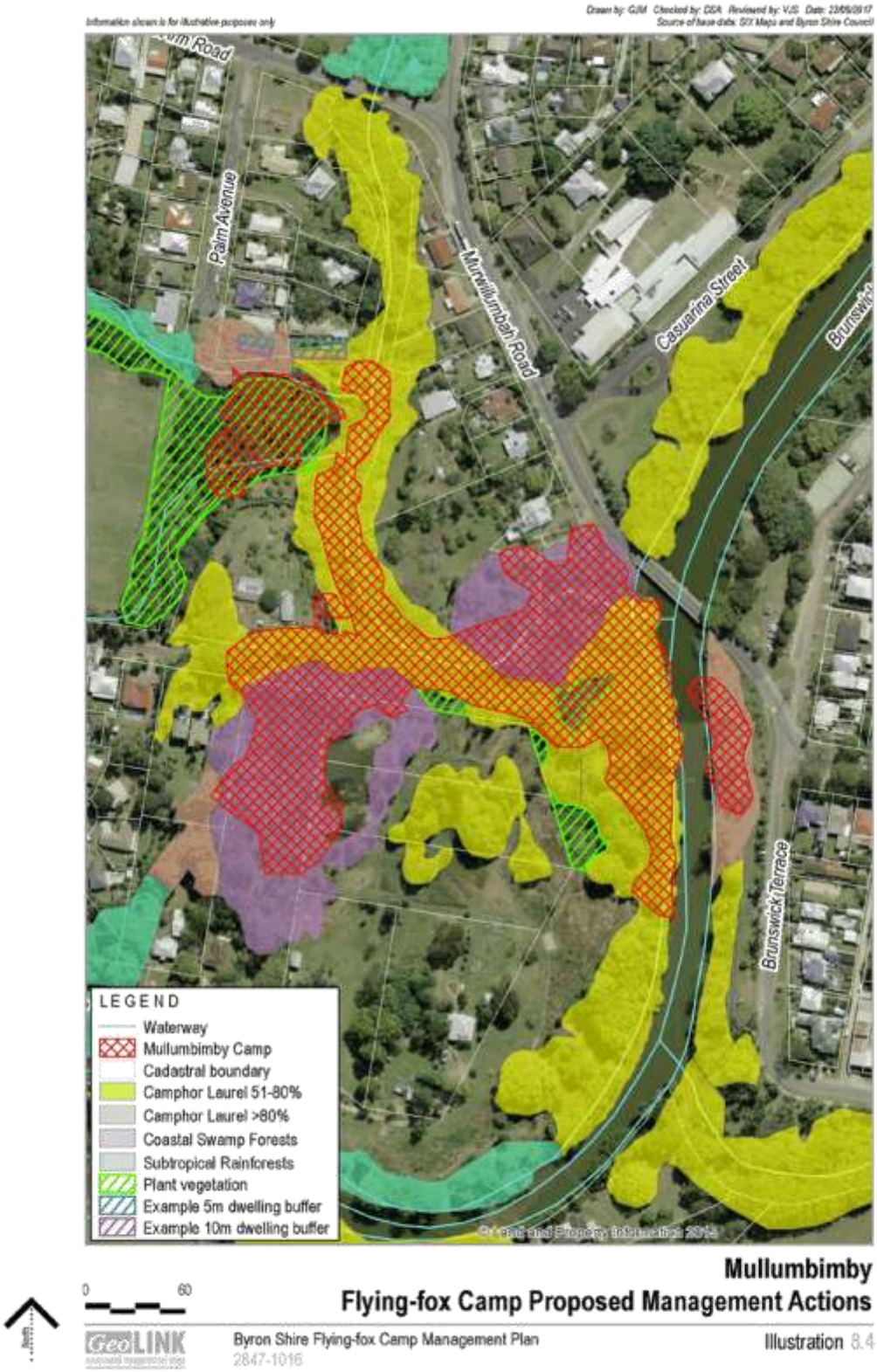
GeoLINK

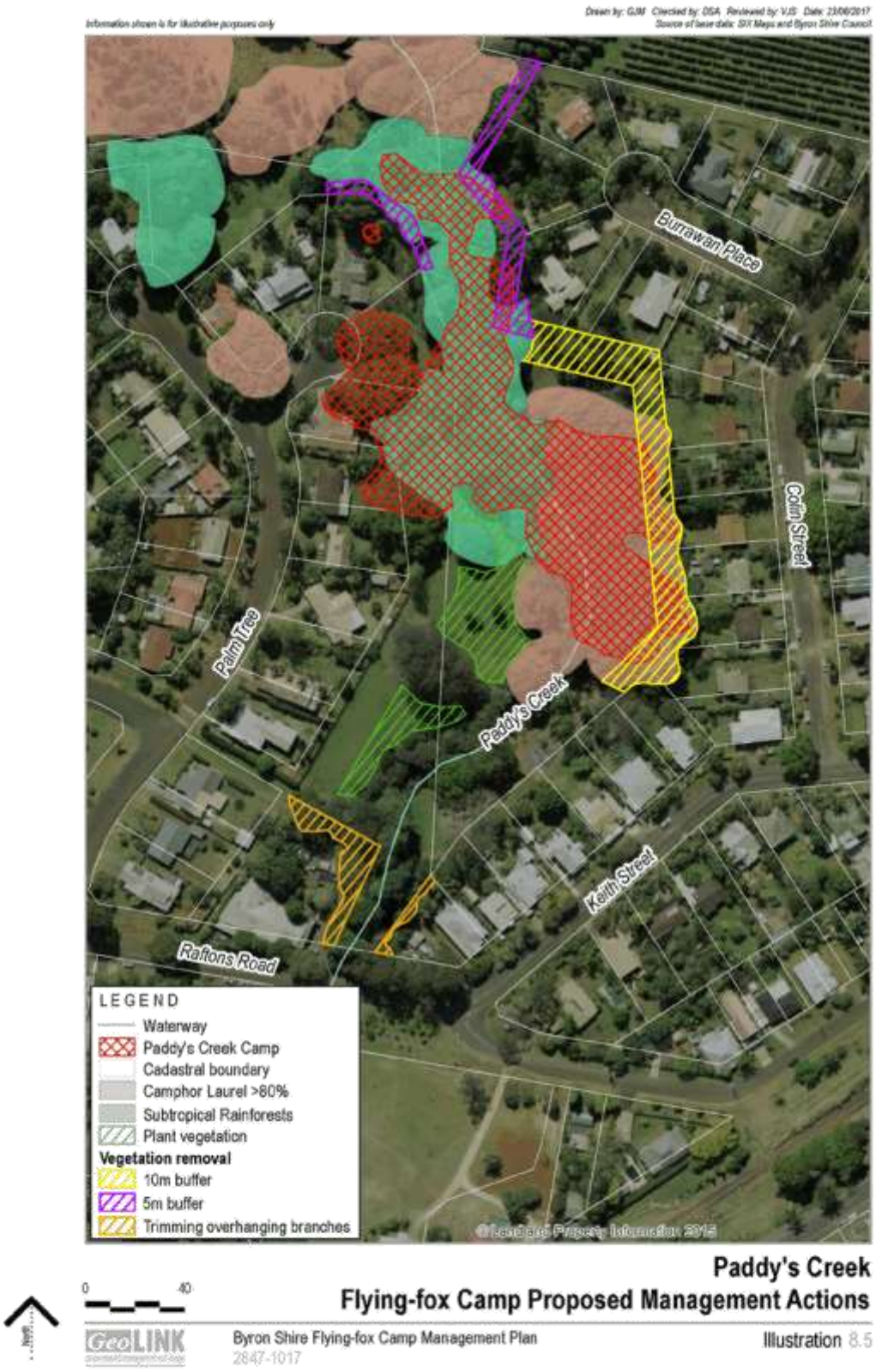
Byron Shire Flying-fox Camp Management Plan
2847-1013

Illustration 8.1


Information shown is for illustrative purposes only.
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 26/09/2017
Source of base data: SIX Maps and Byron Shire Council
Shirley Street
Butler Street
Somerset Street
Wordsworth Street
Burns Street
Gordon Street
LEGEND
Butler Street Camp
Cadastral boundary
Camphor Laurel 51-80%
Coastal Dune Dry Sclerophyll Forests
Coastal Swamp Forests
Littoral Rainforests
Subtropical Rainforests
Maintain existing buffer
0
60
Butler Flying-fox Camp Proposed Management Actions
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2847-1014
Illustration 8.2


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 14/6/2017
Source of base data: SIX Maps and Byron Shire Council
Lawson Street
Middleton Street
Public Road Corridor
Tennyson Street
LEGEND
Access deterrent
Footpath
Middleton Street Camp
Cadastral boundary
Coastal Swamp Forests
Subtropical Rainforests
Maintain existing buffer
Plant vegetation and weed control
Trim vegetation
Priority 1
Cadastral and Property Information 2015
0
30
Middleton Flying-fox Camp Proposed Management Actions
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2847-1015
Illustration 8.3


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 23/05/2017
Source of base data: SIX Maps and Byron Shire Council
Palm Avenue
Murwillumbah Road
Casuarina Street
Brunswick Terrace
LEGEND
Waterway
Mullumbimby Camp
Cadastral boundary
Camphor Laurel 51-80%
Camphor Laurel >80%
Coastal Swamp Forests
Subtropical Rainforests
Plant vegetation
Example 5m dwelling buffer
Example 10m dwelling buffer
0
60
Mullumbimby
Flying-fox Camp Proposed Management Actions
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2847-1016
Illustration 8.4


Information shown is for illustrative purposes only
Drawn by: GJM Checked by: DSA Reviewed by: VJS Date: 23/08/2017
Source of base data: SIX Maps and Byron Shire Council
Burrawan Place
Colin Street
Palm Tree
Paddy's Creek
Keith Street
Raffons Road
LEGEND
Waterway
Paddy's Creek Camp
Cadastral boundary
Camphor Laurel >80%
Subtropical Rainforests
Plant vegetation
Vegetation removal
10m buffer
5m buffer
Trimming overhanging branches
0
40
Paddy's Creek
Flying-fox Camp Proposed Management Actions
GeoLINK
Byron Shire Flying-fox Camp Management Plan
2847-1017
Illustration 8.5

8.3 Decision making process

A flow chart demonstrating the planned process for decision making including 'stop work triggers' is shown in **Figure 8.1**. As indicated in the flow chart, following approval of the Plan by OEH, implementation of management actions commences from the lowest level of management actions first.

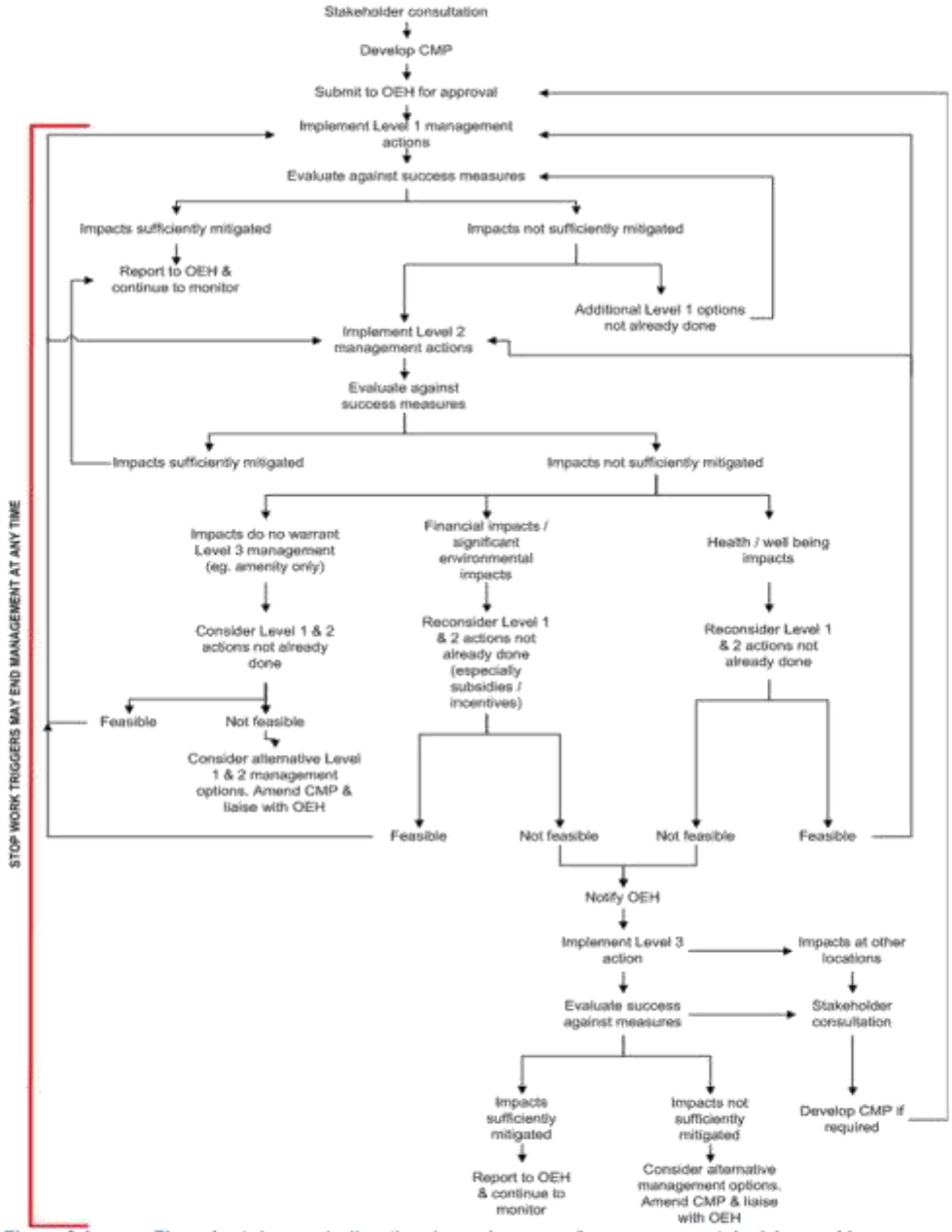


Figure 8.1 Flow chart demonstrating the planned process for management decision-making

8.4 Stop work triggers

The proposed management actions will cease and will not recommence or progress to subsequent levels without consulting OEH if:

- any of the animal welfare triggers occur on more than two days during the program, such as unacceptable levels of stress (refer to **Table 8.7**)
- there is a flying-fox injury or death
- a new camp/ camps appear to be establishing
- impacts are created or exacerbated at other locations
- there appears to be potential for conservation impacts (e.g. reduction in breeding success identified through independent monitoring)
- standard measures to avoid impacts (detailed in **Section 9.1**) cannot be met.

Management may also be terminated at any time if:

- unintended impacts are created for the community around a camp
- allocated resources are exhausted.

Table 8.7 Planned action for potential impacts during management

Welfare trigger	Signs	Action
Unacceptable levels of stress	If any individual is observed: • panting • saliva spreading • located on or within 2 m of the ground.	Works to cease for the day.
Adverse weather	• >35°C or within two days of >35°C is recorded • Winds of >40 km/ hr (as per Beaufort Scale) • Sustained heavy rains.	Works to cease for the day.
Fatigue	In-situ management: • more than 30% of the camp takes flight • individuals are in flight for more than 5 minutes • flying-foxes appear to be leaving the camp.	In-situ management. Works to cease and recommence only when flying-foxes have settled*/ move to alternative locations at least 50 m from roosting animals.
Injury/ death	• a flying-fox appears to have been injured/ killed on site (including aborted foetuses) • any flying-fox death is reported within 1 km of the dispersal site that appears to be related to the dispersal • females in final trimester • dependent/ crèching young present • loss of condition evident	Works to cease immediately and OEH notified AND rescheduled OR adapted sufficiently so that significant impacts (e.g. death/ injury) are highly unlikely to occur, as confirmed by an independent expert# OR stopped indefinitely and alternative management options investigated.

* maximum of two unsuccessful attempts to recommence work before ceasing for the day.
\# A person with experience in flying-fox behaviour will monitor for welfare triggers and direct works.

9. Assessment of impacts to flying-foxes

Implementation of the management actions detailed in **Section 8** of the Plan would have the following impacts on flying-foxes or their habitat:

- Short-term habitat impacts:
  - Removal of known/ potential flying-fox roosting habitat on the edges of the camps at Beech, Middleton, Mullumbimby and Paddy's Creek camps. Estimated quantities of vegetation to potentially be removed are provided in **Table 9.1** and **Table 9.2**.
  - Loss of available roosting opportunities through roost deterrent at Middleton, Mullumbimby and Paddy's Creek camps. Estimated areas are provided in **Table 9.1**.
  - Disturbance during on ground works (mitigated through implementation of safeguards of the Plan).
- Long-term impacts:
  - Reduced short-term habitat loss impacts through habitat restoration and weed control.
  - Increased available roosting habitat in the region through creation of habitat away from sensitive areas.

The proposed management actions at any of the subject flying-fox camps are considered unlikely to have a significant impact on the Grey-headed Flying-fox as:

- potential roosting habitat larger than the maximum combined recorded camp extent (refer to **Table 9.1**) would remain available at all camps
- the Plan would not result in the loss of significant areas of available foraging resources in the region
- the Plan would be undertaken in accordance with the standard measures provided in **Section 9.1**
- the Plan includes actions to compensate for loss of available roosting habitat at existing camps.

Table 9.1 Habitat Loss at Each Camp

	Beech	Butler	Middleton	Mullumbimby	Paddy's Creek
Max. recorded camp extent	0.83 ha[1]	1.5 ha[2]	0.62 ha[1]	3.5 ha[2]	1.05 ha[2]
Approx. contiguous habitat remaining	1.01 ha	3.63 ha	1.98 ha	9.57 ha	0.8 ha
Approx. area of vegetation removal through buffer establishment (estimated at 15 m)	0.157 ha	0	0.027 ha	0.221 ha[3]	0.441 ha
Approx. % of known habitat loss removal through buffer establishment (estimated at 15 m)	18.9 %	0	4.4 %	6.3 %	42 %
Estimated loss of available roosting opportunities through roost deterrent	0*	0	0.1 ha	0.1 ha	0.1 ha
Approx. % of known habitat loss through roost deterrent	0*	0	16 %	2.9 %	9.5 %
Remaining available roosting habitat	1.68 ha	5.13 ha	2.47 ha	12.75 ha	1.31 ha
Habitat enhancement area	0	0	0.108 ha	1.194 ha (contains 1.015 ha of existing moderate density treed vegetation and 0.178 ha of light density treed land)	0.194 ha (contains light existing vegetation)

1 Source: GeoLINK June 2017.

2 Source: BSC February 2017.

3 Mullumbimby vegetation clearing calculations are estimates only based on establishing a 10 m buffer around residents directly impacted by the camp.

* Roost deterrent is not included in Table 9.1 as it is only recommended in year 4/5 if required.

Table 9.2 Vegetation Types

Vegetation type[1]	EEC	Site	Area (m^2)
Camphor >80%	N/A	Paddy's Creek Mullumbimby	1,950
Camphor (51-80%)	N/A	Mullumbimby	1,410
Paperbark-Rainforest	N/A	Mullumbimby	100
Paperbark	N/A	Beech	1,570
Swamp Oak[2]	Swamp Oak Floodplain Forest	Mullumbimby	250
Rainforest[2]	Lowland Subtropical Rainforest	Paddy's Creek	475
Riparian Vegetation (non-mapped)	Unknown	Paddy's Creek	255
Paperbark – Rainforest-Swamp Oak	N/A	Middleton	200
TOTAL NATIVE VEGETATION			**2,850**
TOTAL CAMPHOR LAUREL FORESTS			**3,360**
TOTAL			**6,210**

1 Vegetation types are based on Council's GIS mapping (2016).

2 Non-vegetation removal buffers methods are preferred at EEC locations, rather than tree removal, acknowledging some trimming of overhanging branches may be required.

9.1 Standard measures to avoid impacts

The following mitigation measures will be complied with at all times during Plan implementation. The objective is to minimise impacts to flying-foxes and associated impacts to residents from flying-fox disturbance.

9.1.1 All management activities

The following list of measures is recommended to avoid impacts to flying-foxes during the proposed management activities:

- All personnel will be appropriately experienced, trained and inducted. Induction will include each person's responsibilities under this Plan.
- All personnel will be briefed prior to the action commencing each day, and debriefed at the end of the day.
- Works will cease and OEH consulted in accordance with the 'stop work triggers' section of the Plan.
- Large crews will be avoided where possible.
- The use of loud machinery and equipment that produces sudden impacts/ noise will be limited. Where loud equipment (e.g. chainsaws) is required, they will be started away from the camp and allowed to run for a short time to allow flying-foxes to adjust.

- Activities that may disturb flying-foxes at any time during the year will begin as far from the camp as possible, working towards the camp gradually to allow flying-foxes to habituate.
- Any activity likely to disturb flying-foxes so that they take flight will be avoided during the day during the sensitive Grey-headed Flying-fox/ Black Flying-fox birthing period (i.e. when females are in final trimester or the majority are carrying pups, generally August – December) and avoided altogether during crèching (generally November/ December to February). Where works cannot be done at night after fly-out during these periods, it is preferable they are undertaken in the late afternoon close to or at fly-out. If this is also not possible, a person experienced in flying-fox behaviour will monitor the camp for at least the first two scheduled actions (or as otherwise deemed to be required by that person) to ensure impacts are not excessive and advise on the most appropriate methods (e.g. required buffer distances, approach, etc.).
- Non-critical maintenance activities will ideally be scheduled when the camp is naturally empty. Where this is not possible (e.g. at permanently occupied camps) they will be scheduled for the best period for that camp (e.g. when the camp is seasonally lower in numbers and breeding will not be interrupted, or during the non-breeding season, generally May to July).
- Works will not take place in periods of adverse weather including strong winds, sustained heavy rains, in very cold temperatures or during periods of likely population stress (e.g. food shortages). Wildlife carers will be consulted to determine whether the population appears to be under stress.
- Works will be postponed on days predicted to exceed 35°C (or ideally 30°C), and for one day following a day that reached ≥35°C. If an actual heat stress event has been recorded at the camp or at nearby camps, a rest period of several weeks will be scheduled to allow affected flying-foxes to fully recover. See the OEH fact sheet on responding to heat stress in flying-fox camps.
- Evening works may commence after fly-out. Noise generated by the works should create a first stage disturbance, with any remaining flying-foxes taking flight. Works should be paused at this stage to monitor for any remaining flying-foxes (including crèching young, although December – February should be avoided for this reason) and ensure they will not be impacted. All Level 1 and 2 works (including pack up) will cease by 0100 to ensure flying-foxes returning early in the morning are not inadvertently dispersed. Works associated with Level 3 actions may continue provided flying-foxes are not at risk of being harmed.
- If impacts at other sites are considered, in OEH's opinion, to be a result of management actions under this Plan, assistance will be provided by the proponent to the relevant land manager to ameliorate impacts. Details of this assistance are to be developed in consultation with OEH.
- Any proposed variations to works detailed in the Plan will be approved, in writing, by OEH before any new works occur.
- OEH may require changes to methods or cessation of management activities at any time.
- Ensure management actions and results are recorded to inform future planning. See the OEH fact sheet on Monitoring, evaluating and reporting.

Human safety

- All personnel to wear protective clothing including long sleeves and pants; additional items such as eye protection and a hat are also recommended. People working under the camp should wash their clothes daily. Appropriate hygiene practices will be adopted such as washing hands with soap and water before eating/ smoking.

- All personnel who may come into contact with flying-foxes will be vaccinated against Australian bat lyssavirus with current titre.
- A wash station will be available on site during works along with an anti-viral antiseptic (e.g. Betadine) should someone be bitten or scratched.
- Details of the nearest hospital or doctor who can provide post-exposure prophylaxis will be kept on site.

Post-works

- Reports for Level 1 actions will be provided to OEH annually. Reports for Level 2 and 3 actions will be submitted to OEH one month after commencement of works and then quarterly for the life of the Plan (up to five years) (for all Level 3 actions and in periods where works have occurred for Level 2 actions). Each report is to include:
    - results of pre- and post-work population monitoring
    - any information on new camps that have formed in the area
    - impacts at other locations that may have resulted from management, and suggested amelioration measures
    - an assessment of how the flying-foxes reacted to the works, with particular detail on the most extreme response and average response, outlining any recommendations for what aspects of the works went well and what aspects did not work well
    - further management actions planned including a schedule of works
    - an assessment[7] of how the community responded to the works, including details on the number and nature of complaints before and after the works
    - detail on any compensatory plantings undertaken or required
    - expenditure (financial and in-kind costs)
    - Plan evaluation and review (see **Section 10.2**).

9.1.2 All Level 2 and 3 actions

Prior to works

- Residents adjacent to the camp will be individually notified one week prior to on-ground works commencing. This will include information on what to do if an injured or orphaned flying-fox is observed, a reminder not to participate in or interfere with the program, and details on how to report unusual flying-fox behaviour/daytime sightings. Relevant contact details will be provided (e.g. Program Coordinator). Resident requests for retention of vegetation and other concerns relating to the program will be taken into consideration.
- Where the Plan is being implemented by Council, information will be placed on Council's website along with contact information.
- OEH will be notified at least 48 hours before works commence.
- A protocol, in accordance with the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012), for flying-fox rescue will be developed including contact details of rescue and rehabilitation organisations. This protocol will be made available to all relevant staff, residents and volunteers prior to the action commencing. See **Appendix E** for protocol.
- A licensed wildlife carer will be notified prior to beginning works in the event that rescue/ care is required.

[7] A similar approach should be taken to pre-management engagement (see Section 3) to allow direct comparison, and responses should be assessed against success measures (Section 9) to evaluate success.

Monitoring

- A flying-fox expert will undertake an on-site population assessment prior to, during works and after works have been completed, including:
  - number of each species
  - ratio of females in final trimester
  - approximate age of any pups present including whether they are attached or likely to be crèched
  - visual health assessment
  - mortalities.
- Counts will be done at least:
  - once immediately prior to works
  - daily during works
  - immediately following completion
  - one month following completion
  - 12 months following completion.

During works

- A flying-fox expert will attend the site as often as OEH considers necessary to monitor flying-fox behaviour and ensure compliance with the Plan and the Policy. They must also be able to identify pregnant females, flightless young, individuals in poor health and be aware of climatic extremes and food stress events. This person will make an assessment of the relevant conditions and advise the supervisor/proponent whether the activity can go ahead.
- Deterrents in buffer areas will be assessed by a flying-fox expert so those that may cause inadvertent dispersal (e.g. canopy-mounted sprinklers) are not used during fly-in.
- At least one flying-fox rest day with no active management will be scheduled fortnightly, preferably weekly. Static deterrents (e.g. canopy-mounted sprinklers) may still be used on rest days.

9.1.3 Vegetation trimming/ removal

- Dead wood and hollows will be retained on site where possible as habitat.
- Vegetation chipping is to be undertaken as far away from roosting flying-foxes as possible (at least 100 m).

9.1.4 Canopy vegetation trimming/ removal

Prior to works

- Trees to be removed or lopped will be clearly marked (e.g. with flagging tape) prior to works commencing, to avoid unintentionally impacting trees to be retained.
- Threatened flora and EECs for retention within vegetation removal buffers would be clearly marked and communicated to the clearing contractor prior to commencing works.

During works

- Any tree lopping, trimming or removal is undertaken under the supervision of a suitably qualified arborist (minimum qualification of Certificate III in Horticulture (Arboriculture) who is a member of an appropriate professional body such as the National Arborists Association).

- Trimming will be in accordance with relevant Australian Standards (e.g. AS4373 Pruning of Amenity Trees), and best practice techniques used to remove vegetation in a way that avoids impacting other fauna and remaining habitat.
- No tree in which a flying-fox is roosting will be trimmed or removed. Works may continue in trees adjacent to roost trees only where a person experienced in flying-fox behaviour assesses that no flying-foxes are at risk of being harmed. A person experienced in flying-fox behaviour is to remain on site to monitor, when canopy trimming/removal is required within 50 m of roosting flying-foxes.
- While most females are likely to be carrying young (generally September – January) vegetation removal within 50 m of the camp will only be done in the evening after fly-out, unless otherwise advised by a flying-fox expert.
- Tree removal as part of management will be offset at a ratio of at least 2:1. Where threatened vegetation removal is required, the land manager will prepare an Offset Strategy to outline a program of restoration works in other locations (in addition to existing programs). The strategy will be submitted to OEH for approval at least two months prior to commencing works.
- Vegetation would be directionally felled into cleared areas to prevent damage to adjacent retained vegetation.

9.1.5 Bush regeneration

- All works will be carried out by suitably qualified and experienced bush regenerators, with at least one supervisor knowledgeable about flying-fox habitat requirements (and how to retain them for Level 1 and 2 actions) and trained in working under a camp.
- Vegetation modification, including weed removal, will not alter the conditions of the site such that it becomes unsuitable flying-fox habitat for Level 1 and 2 actions.
- Weed removal should follow a mosaic pattern, maintaining refuges in the mid- and lower storeys at all times.
- Weed control in the core habitat area will be undertaken using hand tools only (or in the evening after fly-out while crèching young are not present).
- Species selected for revegetation will be consistent with the habitat on site, and in buffer areas or conflict areas should be restricted to small shrubs/understorey species to reduce the need for further roost tree management in the future.
- All restoration activities must remain consistent with a Council approved VMP, **Table 8.7** and **Section 9.1** of the FFCMP.

9.2 Assessment of impacts to other threatened species or communities

The known or potential occurrence of other threatened species and EECs at each subject camp is discussed in **Section 5** and **Appendix C**. EECs and threatened flora are located at Mullumbimby and Paddy's Creek camps, while all camps support potential habitat for a range of threatened fauna species (refer to **Appendix C**).

The main potential impacts of the proposal on other threatened species and communities include:

- Habitat loss/ modification at all camps (except Bulter camp). This includes removal of approximately 0.621 ha of available habitat (refer to **Table 9.1**).

- Potential loss/ modification of EECs, including:
  - Approximately 250 m^2 of Swamp Oak Floodplain Forest EEC; and
  - Approximately 475 m^2 of Lowland Subtropical Rainforest EEC.
- Potential direct or indirect impacts to threatened flora (e.g. trimming or removal – safeguards have been provided to minimise the risk of such impacts).
- Indirect impacts through increased edge effects and onground work activities (noise, human presence, etc). Safeguards have been provided to minimise the risk and magnitude of such impacts.

The Plan includes bush regeneration and habitat enhancement actions, as well as standard safeguards for onground works to reduce the impacts to threatened species and EECs. It is not expected that the proposed management actions at any of the subject flying-fox camps would affect other threatened species, populations or EECs such that a viable population would be placed at risk of extinction.

9.3 Offsets

Offsets to compensate for loss of habitat due to proposed buffers are required in accordance with Chapter B2 of Council's DCP. Specific offsetting requirements, mitigation measures and the proposed location would be outlined within the VMP prepared for each camp. It is acknowledged that offsetting insitu (i.e. at the subject flying-fox camp) is preferred. Conditions are likely to be placed on the development consent in regards to compensatory planting and survival rates where trees are proposed to be removed. Where approval for tree removal is given, the following compensatory planting rates are likely to be applied:

1:10 for trees of high ecological value

For example, local indigenous trees in high conservation value vegetation and habitat, local indigenous rainforest trees, trees within a wildlife corridor, trees with habitat value for local wildlife, trees with a diameter at breast height >50 cm.

1:5 for trees of medium ecological value

For example, local indigenous trees not located in high conservation value vegetation and habitat, a wildlife corridor or which do not have habitat value for local wildlife.

1:1 for trees of low ecological value

For example, other trees not located in high conservation value vegetation and habitat, a wildlife corridor or which do not have habitat value for local wildlife.

Survival rates

These ratios apply to survival rates after two years, therefore it is recommended to plant additional trees (10-20% more) to accommodate for a survival rate of less than 100% of the planted trees.

10. Plan administration

10.1 Funding and approvals

The following key steps would be undertaken to instigate implementation of the Plan:

- Obtain Biodiversity and Sustainability Panel endorsement.
- Obtain Byron Shire Council endorsement.
- Obtain OEH endorsement.
- Obtain funding through available grants.
- Review council biodiversity budgets and funding allocation options.

10.2 Evaluation and review

The Plan will have a scheduled annual review by the flying-fox working group, which will include evaluation of management actions against measures shown in **Section 8**.

The following will trigger a reactive review of the Plan:

- completion of a management activity
- progression to a higher level of management
- changes to relevant policy/ legislation
- new management techniques becoming available
- outcomes of research that may influence the Plan
- incidents associated with the camp such as flying-fox deaths or illegal actions.

Results of each review will be included in reports to OEH.

If the Plan is to remain current, a full review including stakeholder consultation and expert input will be undertaken in the final year (year 5) of the Plan's life prior to being re-submitted to OEH.

10.3 Monitoring of the camp

At a minimum, monitoring of each of the five subject flying-fox camps will continue to be undertaken by Council on a quarterly basis in line with the National Flying-fox Monitoring Program. Monitoring will continue for the life of the Plan and will include:

- area and size of the flying-fox camp
- detailed flying-fox counts including species and number present, presence of pregnant females or females with young
- maintaining detailed records of the management activities and their outcomes
- recording details of timing, costs and staff resources utilised
- surveying affected neighbours and the local community after implementation of proposed management actions.

A flying-fox monitoring data sheet template is available from
http://www.environment.nsw.gov.au/animals/flying-fox-monitor.htm

10.4 Reporting

Progress reports will be required periodically throughout the life of the Plan, and submitted through Council's relevant committees and panels, prior to Councillors.

Any reporting obligations related to licences or certificates associated with proposed works will be adhered to as per the licence conditions.

10.5 Management structure and responsibilities

Implementation of the proposed management actions requires a dedicated team. All relevant contact details, their roles and responsibilities to implement the Plan are provided within **Table 10.1**.

Table 10.1 Roles and responsibilities

Role	Name*	Required experience/ approvals	Responsibilities/ authority	Communication lines
Program Coordinator	Council staff	Project management Human resource management Community engagement Reporting	Inform and consult with stakeholders and interested parties Community engagement Evaluate program Submit reports to OEH Ensure all landowners have provided consent prior to works	Reports to: Council & OEH Direct reports: Project Manager
Project Manager	Council staff and/ or Contractor	Project management Team leadership and coordination Data management	Coordinate field teams and ensure all personnel are appropriately experienced and trained for their roles Induct all personnel to the program Collect and collate data Liaise with OEH Liaise with wildlife carers/veterinarians (for orphaned/ injured wildlife only)	Reports to: Program Coordinator Direct reports: Supervisor, Contractor
Supervisor	Council staff and/ or Contractor	Knowledgeable in flying-fox biology, behaviour and camp management ABLV-vaccinated Team training, leadership and supervision	Pre- and post-management monitoring Surrounding camp monitoring Coordinate daily site briefings Coordinate daily activities Monitor flying-fox behaviour Determine daily works end point Participate in management activities	Reports to: Project Manager Direct reports: Team members, Observers/ support
Team member	Council staff and/ or Contractor	Recommended ABLV-vaccinated (employer to assess risk) Ideally all team knowledgeable in flying-fox biology, behaviour and camp management however not required	Attend daily site briefings Participate in relevant management activities	Reports to: Supervisor Direct reports: Nil
Contractor e.g. arborist, bush regenerator	Council staff and/ or Contractor	Relevant licences and experience in field	Conduct specified activities (e.g. tree trimming) Adhere to all directions given by Supervisor	Reports to: Project Manager Direct reports: Nil

Role	Name*	Required experience/ approvals	Responsibilities/ authority	Communication lines
Observer/ support	Council staff and/ or Contractor, wildlife carers or community individuals	Approval to access site	Provide care of injured/orphaned wildlife (under licence) if required Monitor flying-foxes as part of National Flying-fox Monitoring Program	Reports to: Supervisor Direct reports: Nil
Flying-fox expert		• Knowledge of flying-fox habitat requirements and behaviour. • Ability to differentiate between breeding and non-breeding females. • Ability to identify females in final trimester. • Ability to estimate age of juveniles. • Experienced in flying-fox population monitoring.	On-site population assessment, monitor flying-fox behaviour and ensure compliance with the Plan.	Reports to: Supervisor Direct reports: Nil

* It is preferable that the Council staff or Contractor appointed is a dedicated Flying-fox Officer appointed by Council (refer to management action 1.1).

10.6 Adaptive management

Adaptive management is a procedure for implementing management while learning about which management actions are most effective at achieving the specified objectives. Council is committed to using adaptive management to improve on-ground management decisions for ecological, social and/ or economic outcomes. An adaptive management procedure includes all of the four elements shown in **Figure 10.1**.

	Element	Description
1	**Objectives**	Set clear objectives and measurable performance indicators for management.
2	**Process model**	Describe the threats and processes that influence the objectives. Describe how management actions are expected to achieve objectives.
3	**Plan**	Plan which management actions will be trialled. Plan how management actions will be implemented in the field. Plan monitoring of management effectiveness.
4	**Implement and feedback**	Carry out the implementation and monitoring plans. Analyse and evaluate monitoring data. Update the process model and use the information in management decisions.

Figure 10.1 Adaptive management procedure

Adaptive management emphasises the importance of involving stakeholders (those that control or enable management) in all four elements, encouraging active partnerships between Council, other land management authorities, scientists and local community and other stakeholders.

10.7 Funding commitment

Costs have been included within the specific management action tables within **Section 8**. Cost sharing between stakeholders will be investigated during the pre-management consultation and consent period. Council will be seeking a commitment by landholders to maintain private property.

Council will seek to take advantage of the Flying-fox Grants Program that has been established to assist councils to manage flying-fox camps in their area, consistent with the Flying-Fox Camp Management Policy 2015.

This $1 million program is funded through the OEH and is administered by Local Government NSW to address identified flying-fox management issues facing NSW councils. A combination of competitive and non-competitive funding is available. Council will be required to commit matching funds or in-kind contributions for any proposal on a 1:1 basis.

Councillors are aware that funding commitment is required long term beyond the five year life of this Plan.

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Appendix A Camp history

A1 Beech camp

Flying-fox numbers at the Beech camp since May 2010, including the breakdown of Grey-headed or Black Flying-foxes is provided in **Figure A.1.**

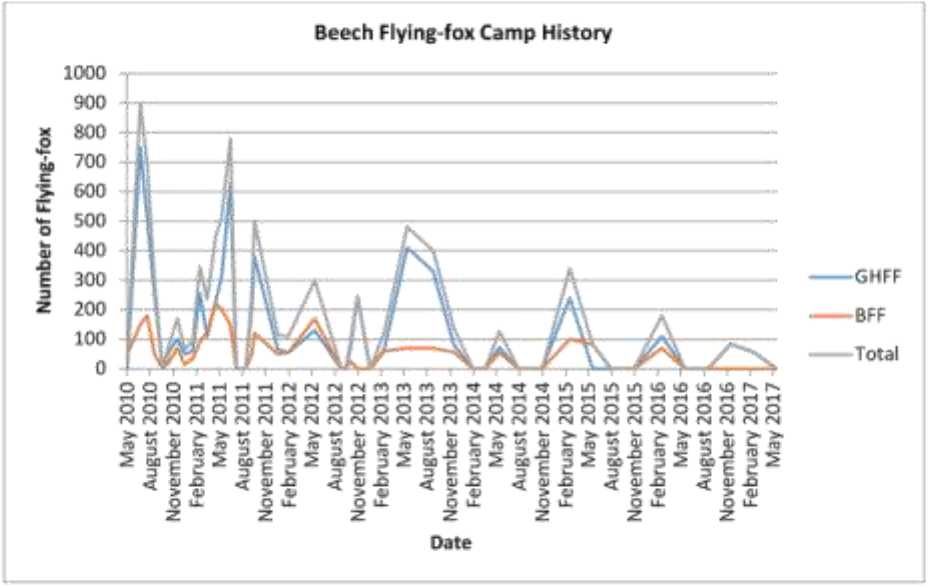


Figure A.1 Beech Flying-fox Camp History

A2 Butler camp

Flying-fox numbers at the Butler camp since July 2008 including the breakdown of Grey-headed or Black Flying-foxes is provided in **Figure A.2.**

Flying-foxes at the Butler camp tend to occupy either one or two parcels of land immediately north of Gordon Street (Lot 230 DP 755695) and/ or on land immediately south of Byron Street (Lot 1 DP 758207, Lot 389 DP 728537, Lot 391 DP 728539 and Lot 392 DP 728539). When the flying-foxes occupy land immediately north of Gordon Street, they tend to occupy the central area of the land, on both sides of the Cumbebin Wetland Sanctuary boardwalk. When the flying-foxes occupy land immediately south of Byron Street they tend to occupy most of the land identified as Lot 389 DP 728537, Lot 391 DP 728539 and Lot 392 DP 728539.

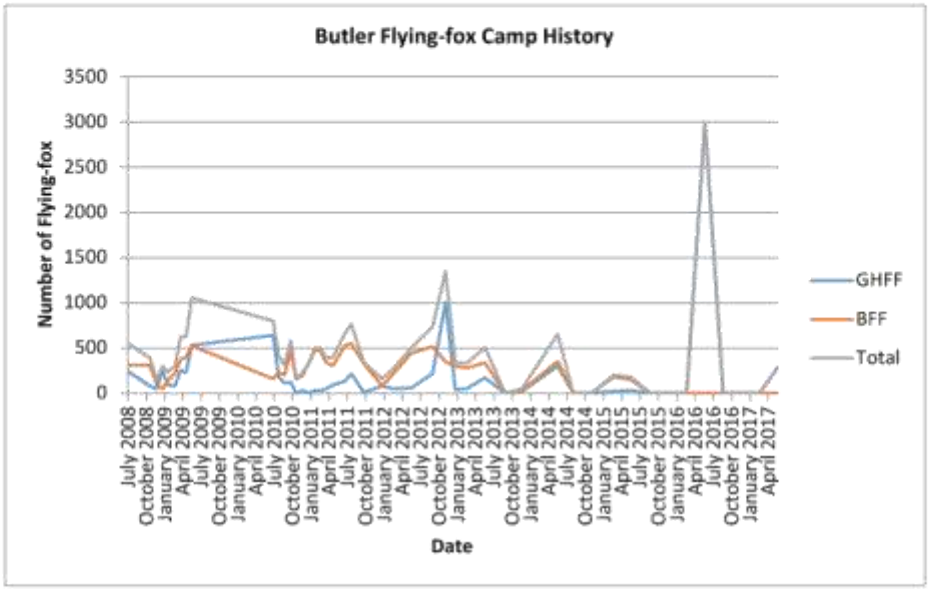


Figure A.2 Butler Flying-fox Camp History

A3 Middleton camp

Flying-fox numbers at the Middleton camp since September 2012, including the breakdown of Grey-headed or Black Flying-foxes is provided in **Figure A.3**.

Note: between 2014 and 2015, no formal monitoring was conducted but an opportunistic observation was made in March 2014 when the total number of flying-foxes recorded was 350 Grey-headed Flying-foxes. No Black Flying-foxes were observed at that time.

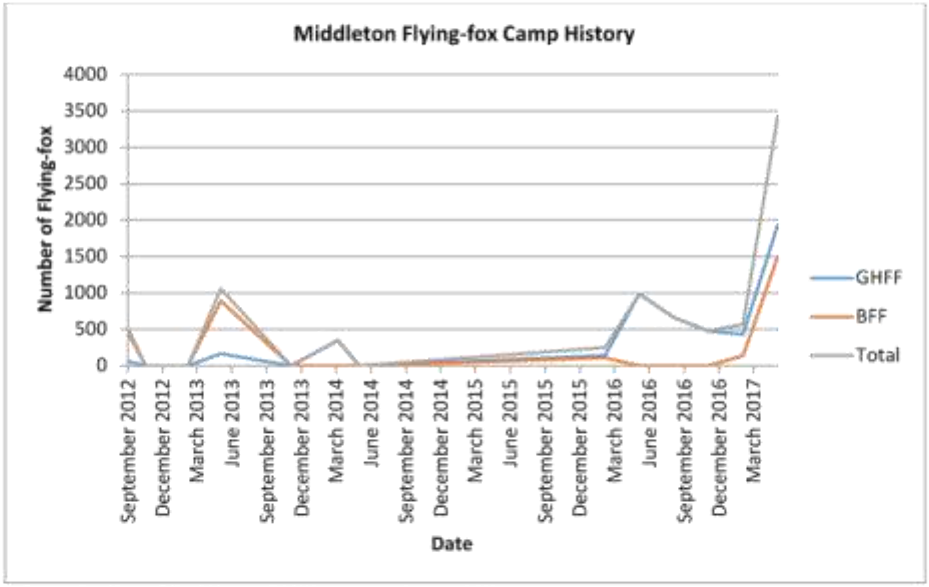


Figure A.3 Middleton Flying-fox Camp History

A4 Mullumbimby camp

Flying-fox numbers at the Mullumbimby camp since September 2010, including the breakdown of Grey-headed or Black Flying-foxes is provided in **Figure A.4**. Recordings of maternity activities (determined through observations of female flying-foxes with dependant young) have been recorded by Council at this site.

Byron Shire Council carried out formal monthly monitoring of the camp for the initial twelve months of the camps occupancy (i.e. September 2010-2011). Count variations between Council staff however are likely to be the result of a combination of counting errors and access to the camp area. From late 2011 to 2013, no formal monitoring was conducted, but opportunistic observations confirm the presence of the camp including the migration to the east of the site towards Federation Bridge during winter months.

An increase in the total numbers of flying-foxes in February 2015 included the northern movement of the camp along Chinbible Creek towards Palm Avenue.

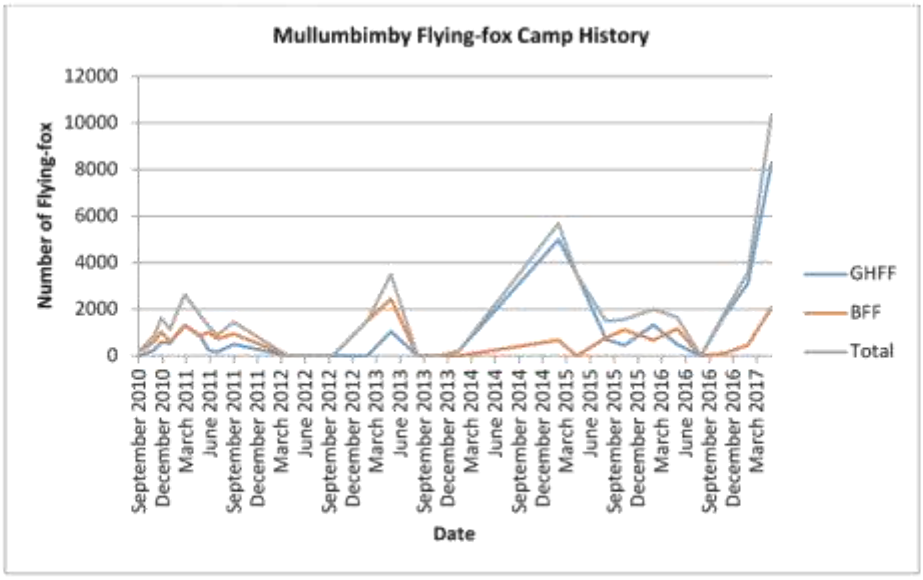


Figure A.4 Mullumbimby Flying-fox Camp History

A5 Paddy's Creek camp

Flying-fox numbers at the Paddy's Creek camp since February 2012, including the breakdown of Grey-headed or Black Flying-foxes is provided in **Figure A.5.** Recordings of maternity activities (determined through observations of female flying-foxes with dependant young) have been recorded by Council at this site.

The flying-foxes tend to occupy both banks of Paddy's Creek between Palm Tree Crescent and Colins Street and south along the creek for approximately 150 m. The extent of the camp however fluctuates considerably between and within seasons.

With the arrival of flying-foxes in late 2016, the extent of the camp stretched south along the creek for an additional 50 m, and with the increase of flying-foxes between November 2016 and February 2017 the camp continued to extend south to approximately 175 m north of Bangalow Community Children's Centre.

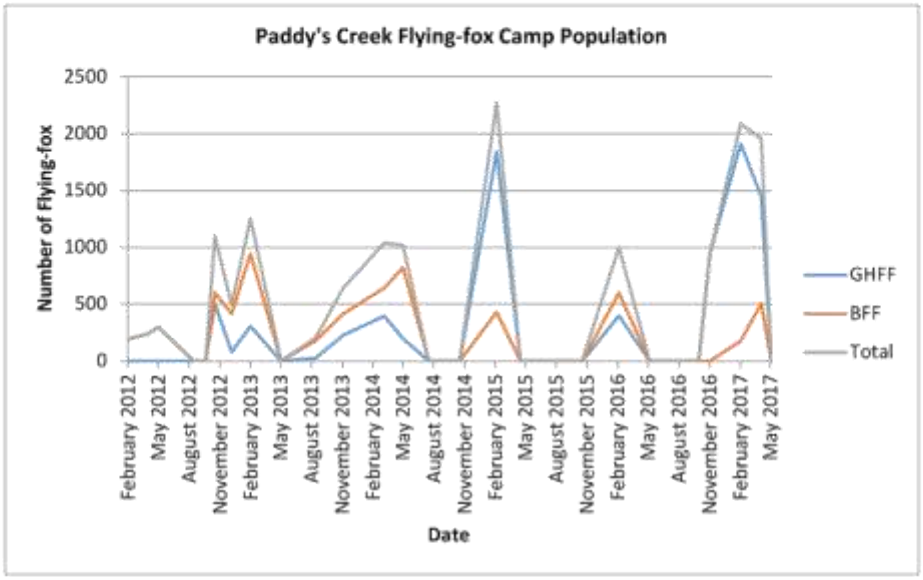


Figure A.5 Paddy's Creek Flying-fox Camp History

Appendix B Additional human and animal health information

B1 Australian bat lyssavirus

ABLV is a rabies-like virus that may be found in all flying-fox species on mainland Australia. It has also been found in an insectivorous microbat and it is assumed it may be carried by any bat species. The probability of human infection with ABLV is very low with less than 1% of the flying-fox population being affected (DPI 2013) and transmission requiring direct contact with an infected animal that is secreting the virus. In Australia three people have died from ABLV infection since the virus was identified in 1996 (NSW Health 2013).

Domestic animals are also at risk if exposed to ABLV. In 2013, ABLV infections were identified in two horses (Shinwari *et al.* 2014). There have been no confirmed cases of ABLV in dogs in Australia; however, transmission is possible (McCall *et al.* 2005) and consultation with a veterinarian should be sought if exposure is suspected.

Transmission of the virus from bats to humans is through a bite or scratch, but may have potential to be transferred if bat saliva directly contacts the eyes, nose, mouth or broken skin. ABLV is unlikely to survive in the environment for more than a few hours, especially in dry environments that are exposed to sunlight (NSW Health 2013).

Transmission of closely related viruses suggests that contact or exposure to bat faeces, urine or blood does not pose a risk of exposure to ABLV, nor does living, playing or walking near bat roosting areas (NSW Health 2013).

The incubation period in humans is assumed similar to rabies and variable between two weeks and several years. Similarly, the disease in humans presents essentially the same clinical picture as classical rabies. Once clinical signs have developed the infection is invariably fatal. However, infection can easily be prevented by avoiding direct contact with bats (i.e. handling). Pre-exposure vaccination provides reliable protection from the disease for people who are likely to have direct contact with bats, and it is generally a mandatory workplace health and safety requirement that all persons working with bats receive pre-vaccination and have their level of protection regularly assessed. Like classical rabies, ABLV infection in humans also appears to be effectively treated using post-exposure vaccination and so any person who suspects they have been exposed should seek immediate medical treatment. Post-exposure vaccination is usually ineffective once clinical manifestations of the disease have commenced.

If a person is bitten or scratched by a bat they should:

- wash the wound with soap and water for at least five minutes (**do not scrub**)
- contact their doctor immediately to arrange for post-exposure vaccinations.

If bat saliva contacts the eyes, nose, mouth or an open wound, flush thoroughly with water and seek immediate medical advice.

B2 Hendra virus

Flying-foxes are the natural host for Hendra virus (HeV), which can be transmitted from flying-foxes to horses. Infected horses sometimes amplify the virus and can then transmit it to other horses, humans and on two occasions, dogs (DPI 2014). There is no evidence that the virus can be passed directly from flying-foxes to humans or to dogs (AVA 2015). Clinical studies have shown cats, pigs, ferrets and guinea pigs can carry the infection (DPI 2015a).

Although the virus is periodically present in flying-fox populations across Australia, the likelihood of horses becoming infected is low and consequently human infection is extremely

rare. Horses are thought to contract the disease after ingesting forage or water contaminated primarily with flying-fox urine (CDC 2014).

Humans may contract the disease after close contact with an infected horse. HeV infection in humans presents as a serious and often fatal respiratory and/or neurological disease and there is currently no effective post-exposure treatment or vaccine available for people. The mortality rate in horses is greater than 70% (DPI 2014). Since 1994, 81 horses have died and four of the seven people infected with HeV have lost their lives (DPI 2014).

Previous studies have shown that HeV spillover events have been associated with foraging flying-foxes rather than camp locations. Therefore risk is considered similar at any location within the range of flying-fox species and all horse owners should be vigilant. Vaccination of horses can protect horses and subsequently humans from infection (DPI 2014), as can appropriate horse husbandry (e.g. covering food and water troughs, fencing flying-fox foraging trees in paddocks, etc.).

Although all human cases of HeV to date have been contracted from infected horses and direct transmission from bats to humans has not yet been reported, particular care should be taken by select occupational groups that could be uniquely exposed. For example, persons who may be exposed to high levels of HeV via aerosol of heavily contaminated substrate should consider additional PPE (e.g. respiratory filters), and potentially dampening down dry dusty substrate.

B3 Menangle virus

Menangle virus (also known as bat paramyxovirus no. 2) was first isolated from stillborn piglets from a NSW piggery in 1997. Little is known about the epidemiology of this virus, except that it has been recorded in flying-foxes, pigs and humans (AVA 2015). The virus caused reproductive failure in pigs and severe febrile (flu-like) illness in two piggery workers employed at the same Menangle piggery where the virus was recorded (AVA 2015). The virus is thought to have been transmitted to the pigs from flying-foxes via an oral–faecal matter route (AVA 2015). Flying-foxes had been recorded flying over the pig yards prior to the occurrence of disease symptoms. The two infected piggery workers made a full recovery and this has been the only case of Menangle virus recorded in Australia.

B4 General health considerations

Flying-foxes, like all animals, carry bacteria and other microorganisms in their guts, some of which are potentially pathogenic to other species. Direct contact with faecal material should be avoided and general hygiene measures taken to reduce the low risk of gastrointestinal and other disease.

Contamination of water supplies by any animal excreta (birds, amphibians and mammals such as flying-foxes) poses a health risk to humans. Household tanks should be designed to minimise potential contamination, such as using first flush diverters to divert contaminants before they enter water tanks. Trimming vegetation overhanging the catchment area (e.g. the roof of a house) will also reduce wildlife activity and associated potential contamination. Tanks should also be appropriately maintained and flushed, and catchment areas regularly cleaned to remove potential contaminants.

Public water supplies are regularly monitored for harmful microorganisms, and are filtered and disinfected before being distributed. Management plans for community supplies should consider whether any large congregation of animals, including flying-foxes, occurs near the supply or catchment area. Where they do occur, increased frequency of monitoring should be considered to ensure early detection and management of contaminants.

Appendix C Desktop ecological assessment

Table C.1 Results of ecological desktop assessment

Source	Links	Results
Protected Matters Search Tool (PMST)	www.environment.gov.au/epbc/protected-matters-search-tool	Searches were carried out of the EPBC Act PMST on 22 June 2017 for the area encompassing all of the five subject flying-fox camps. The protected matters search tool (PMST) identified 91 threatened species and two TECs listed under the EPBC Act as 'likely to occur' or 'may occur' within the search area, or have 'habitat that is likely to or may occur' within the search area.
NSW BioNet	www.bionet.nsw.gov.au/	Searches were carried out of the OEH BioNet Atlas of NSW Wildlife database on 15 June 2017 for the area encompassing all of the five subject flying-fox camps. Forty-four threatened flora and 65 threatened fauna species have been recorded within the search area. A potential occurrence assessment of these species is provided in **Table C.2**.
Critical Habitat Register – Office of Environment and Heritage	www.environment.nsw.gov.au/criticalhabitat/criticalhabitatprotectionbydoctype.htm	There are no areas of critical habitat within Byron Shire.
Vegetation Information System: Maps	www.environment.nsw.gov.au/research/PlantCommunityIDsoftware.htm	VIS was checked; however Byron Shire Council vegetation mapping is more relevant for this project.
Threatened Species Profile Database	www.environment.nsw.gov.au/threatenedspecies/	Threatened species profiles for those threatened species identified within the BioNet search and with potential to occur were checked.
State Environmental Planning Policy (SEPP) 14 & 26	data.nsw.gov.au/data/dataset/nsw-oeh-spatial-data-portal	None of the five subject flying-fox camps are located within SEPP 14 or SEPP 26 mapped areas. The closest SEPP 14 Coastal Wetland is 248 m from the Beech flying-fox camp. The closest SEPP 26 Littoral Rainforest is 1,245 m from the Middleton flying-fox camp.

A list of threatened species known to occur within 10 km of the site is provided in **Table C.2**, including the likelihood of each occurring on site.

Table C.2 Threatened species and ecological communities that may occur at each site

E	Endangered	CA	CAMBA
V	Vulnerable	J	JAMBA
Ex	Extinct	K	ROKAMBA
CE	Critically Endangered		

Species name	Common name	Status		Potential habitat present				
		BC Act	EPBC Act	Beech	Butler	Middleton	Mullum	Paddy's Creek
Fauna								
Crinia tinnula	Wallum Froglet	V	-	N	N	N	N	N
Litoria aurea	Green and Golden Bell Frog	E	V	N	N	N	N	N
Litoria olongburensis	Olongburra Frog	V	V	N	N	N	N	N
Mixophyes iteratus	Giant Barred Frog	E	E	N	N	N	N	Y
Amaurornis moluccana	Pale-vented Bush-hen	V	-	N	N	N	N	N
Artamus cyanopterus cyanopterus	Dusky Woodswallow	V	-	N	N	N	N	N
Botaurus poiciloptilus	Australasian Bittern	E	E	N	N	N	N	N
Burhinus grallarius	Bush Stone-curlew	E	-	N	N	N	N	N
Calidris ferruginea	Curlew Sandpiper	E	CE,CA, J,K	N	N	N	N	N
Calidris tenuirostris	Great Knot	V	CE, CA, J, K	N	N	N	N	N
Calyptorhynchus lathami	Glossy Black-Cockatoo	V	-	N	N	N	N	N
Carterornis leucotis	White-eared Monarch	V	-	Y	Y	Y	Y	Y
Circus assimilis	Spotted Harrier	V	-	N	N	N	N	N
Cyclopsitta diophthalma coxeni	Coxen's Fig-Parrot	CE	E	N	N	N	N	N
Ephippiorhynchus asiaticus	Black-necked Stork	E	-	N	N	N	N	N
Esacus magnirostris	Beach Stone-curlew	CE	-	N	N	N	N	N
Falco subniger	Black Falcon	V	-	N	N	N	N	N
Gavicalis fasciogularis	Mangrove Honeyeater	V	-	N	N	N	N	N
Glossopsitta pusilla	Little Lorikeet	V	-	N	N	N	N	N
Grus rubicunda	Brolga	V	-	N	N	N	N	N
Haematopus fuliginosus	Sooty Oystercatcher	V	-	N	N	N	N	N
Haematopus longirostris	Pied Oystercatcher	E	-	N	N	N	N	N
Haliaeetus leucogaster	White-bellied Sea-Eagle	V	C	N	N	N	N	N
Hieraaetus morphnoides	Little Eagle	V	-	N	N	N	N	N
Irediparra gallinacea	Comb-crested Jacana	V	-	N	N	N	N	N
Ixobrychus	Black Bittern	V	-	N	N	N	Y	N

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Species name	Common name	Status		Potential habitat present				
		BC Act	EPBC Act	Beech	Butler	Middleton	Mullum	Paddy's Creek
flavicollis								
Lophoictinia isura	Square-tailed Kite	V	-	N	N	N	N	N
Macronectes giganteus	Southern Giant Petrel	E	E	N	N	N	N	N
Macronectes halli	Northern Giant-Petrel	V	V	N	N	N	N	N
Ninox connivens	Barking Owl	V	-	N	N	N	N	N
Pandion cristatus	Eastern Osprey	V	-	N	N	N	N	N
Petroica boodang	Scarlet Robin	V	-	N	N	N	N	N
Podargus ocellatus	Marbled Frogmouth	V	-	N	N	N	Y	Y
Procelsterna cerulea	Grey Ternlet	V	-	N	N	N	N	N
Pterodroma leucoptera leucoptera	Gould's Petrel	V	E	N	N	N	N	N
Pterodroma neglecta neglecta	Kermadec Petrel (west Pacific subspecies)	V	V	N	N	N	N	N
Pterodroma nigripennis	Black-winged Petrel	V	-	N	N	N	N	N
Ptilinopus magnificus	Wompoo Fruit-Dove	V	-	N	N	N	Y	Y
Ptilinopus regina	Rose-crowned Fruit-Dove	V	-	N	N	N	Y	Y
Ptilinopus superbus	Superb Fruit-Dove	V	-	N	N	N	Y	Y
Stagonopleura guttata	Diamond Firetail	V	-	N	N	N	N	N
Sternula albifrons	Little Tern	E	CA,J,K	N	N	N	N	N
Stictonetta naevosa	Freckled Duck	V	-	N	N	N	N	N
Todiramphus chloris	Collared Kingfisher	V	-	N	N	N	Y	N
Tyto longimembris	Eastern Grass Owl	V	-	N	N	N	N	N
Tyto novaehollandiae	Masked Owl	V	-	N	N	N	N	N
Tyto tenebricosa	Sooty Owl	V	-	N	N	N	Y	Y
Thersites mitchellae	Mitchell's Rainforest Snail	E	CE	Y	Y	N	N	N
Phyllodes imperialis southern subspecies	Southern Pink Underwing Moth	E	E	N	N	N	N	N
Dasyurus maculatus	Spotted-tailed Quoll	V	E	N	N	N	N	N
Megaptera novaeangliae	Humpback Whale	V	V	N	N	N	N	N
Miniopterus australis	Little Bentwing-bat	V	-	Y	Y	Y	Y	Y
Miniopterus schreibersii oceanensis	Eastern Bentwing-bat	V	-	Y	Y	Y	Y	Y
Myotis macropus	Southern Myotis	V	-	N	N	N	Y	Y
Nyctimene robinsoni	Eastern Tube-nosed Bat	V	-	N	N	N	Y	Y
Nyctophilus bifax	Eastern Long-eared Bat	V	-	N	N	N	Y	Y
Phascolarctos cinereus	Koala	V	V	N	N	N	N	N

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Species name	Common name	Status		Potential habitat present				
		BC Act	EPBC Act	Beech	Butler	Middleton	Mullum	Paddy's Creek
Planigale maculata	Common Planigale	V	-	N	Y	N	N	N
Potorous tridactylus	Long-nosed Potoroo	V	V	N	N	N	N	N
Pseudomys gracilicaudatus	Eastern Chestnut Mouse	V	-	N	N	N	N	N
Pteropus poliocephalus	Grey-headed Flying-fox	V	V	Y	Y	Y	Y	Y
Saccolaimus flaviventris	Yellow-bellied Sheathtail-bat	V	-	Y	Y	Y	Y	Y
Scoteanax rueppellii	Greater Broad-nosed Bat	V	-	Y	Y	Y	Y	Y
Syconycteris australis	Common Blossom-bat	V	-	Y	Y	Y	N	N
Chelonia mydas	Green Turtle	V	V	N	N	N	N	N
Flora								
Acacia bakeri	Marblewood	V	-	N	N	N	Y	N
Acalypha eremorum	Acalypha	E	-	N	N	N	N	N
Acronychia littoralis	Scented Acronychia	E	E	N	N	N	N	N
Allocasuarina defungens	Dwarf Heath Casuarina	E	E	N	N	N	N	N
Archidendron hendersonii	White Lace Flower	V	-	N	N	N	N	N
Arthraxon hispidus	Hairy Jointgrass	V	V	N	N	N	N	N
Chamaesyce psammogeton	Sand Spurge	E	-	N	N	N	N	N
Corokia whiteana	Corokia	V	V	N	N	N	N	N
Cryptocarya foetida	Stinking Cryptocarya		V	N	N	N	N	N
Davidsonia jerseyana	Davidson's Plum	E	E	N	N	N	N	N
Desmodium acanthocladum	Thorny Pea	V	V	N	N	N	N	N
Diospyros mabacea	Red-fruited Ebony	E	E	N	N	N	N	N
Diploglottis campbellii	Small-leaved Tamarind	E	E	N	N	N	N	N
Drynaria rigidula	Basket Fern	E	-	N	N	N	N	N
Endiandra floydii	Crystal Creek Walnut	E	E	N	N	N	N	N
Endiandra hayesii	Rusty Rose Walnut	V	V	N	N	N	N	N
Endiandra muelleri subsp. bracteata	Green-leaved Rose Walnut	E	-	N	N	N	N	N
Floydia praealta	Ball Nut	V	V	N	N	N	N	N
Fontainea australis	Southern Fontainea	V	V	N	N	N	N	N
Geodorum densiflorum	Pink Nodding Orchid	E	-	N	N	N	N	N
Gossia fragrantissima	Sweet Myrtle	E	E	N	N	N	N	N
Grevillea hilliana	White Yiel Yiel	E	-	N	N	N	N	N
Hamiltonia hygrophiloides		E	-	N	N	N	N	N
Hicksbeachia pinnatifolia	Red Boppel Nut	V	V	N	N	N	N	N
Knoxia sumatrensis		Ex	-	N	N	N	N	N
Lindsaea brachypoda	Short-footed Screw Fern	E	-	N	N	N	N	N
Macadamia	Rough-shelled	V	V	N	N	N	N	N

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Species name	Common name	Status		Potential habitat present				
		BC Act	EPBC Act	Beech	Butler	Middleton	Mullum	Paddy's Creek
tetraphylla	Bush Nut							
Marsdenia longiloba	Slender Marsdenia	E	V	N	N	N	N	N
Melicope vitiflora	Coast Euodia	E	-	N	N	N	N	N
Niemeyera whitei	Rusty Plum, Plum Boxwood	V	-	N	N	N	N	N
Oberonia complanata	Yellow-flowered King of the Fairies	E	-	N	N	N	N	N
Ochrosia moorei	Southern Ochrosia	E	E	N	N	N	N	N
Owenia cepiodora	Onion Cedar	V	V	N	N	N	N	N
Phaius australis	Southern Swamp Orchid	E	E	N	N	N	N	N
Phyllanthus microcladus	Brush Sauropus	E	-	N	N	N	N	N
Pterostylis nigricans	Dark Greenhood	V	-	N	N	N	N	N
Randia moorei	Spiny Gardenia	E	E	N	N	N	N	N
Senna acclinis	Rainforest Cassia	E	-	N	N	N	N	N
Syzygium hodgkinsoniae	Red Lilly Pilly	V	V	N	N	N	N	N
Syzygium moorei	Durobby	V	V	N	N	N	Y	Y
Tinospora tinosporoides	Arrow-head Vine	V	-	N	N	N	N	N
Tylophora woollsii	Cryptic Forest Twiner	E	E	N	N	N	N	N
Uromyrtus australis	Peach Myrtle	E	E	N	N	N	N	N
Xylosma terrae-reginae	Queensland Xylosma	E	-	N	N	N	N	N

E	Endangered	CA	CAMBA
V	Vulnerable	J	JAMBA
Ex	Extinct	K	ROKAMBA
CE	Critically Endangered		

Appendix D Flying-fox ecology and behaviour

D1 Ecological role

Flying-foxes, along with some birds, make a unique contribution to ecosystem health through their ability to move seeds and pollen over long distances (Southerton *et al.* 2004). This contributes directly to the reproduction, regeneration and viability of forest ecosystems (DoE 2016).

It is estimated that a single flying-fox can disperse up to 60,000 seeds in one night (ELW&P 2015). Some plants, particularly *Corymbia* spp., have adaptations suggesting they rely more heavily on nocturnal visitors such as bats for pollination than daytime pollinators (Southerton *et al*. 2004).

Grey-headed Flying-foxes may travel 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey *et al.* 2012), and have been recorded travelling over 500 km in two days between camps (Roberts *et al.* 2012). In comparison bees, another important pollinator, move much shorter foraging distances of generally less than 1 km (Zurbuchen *et al.* 2010).

Long-distance seed dispersal and pollination makes flying-foxes critical to the long-term persistence of many plant communities (Westcott *et al.* 2008; McConkey *et al.* 2012), including eucalypt forests, rainforests, woodlands and wetlands (Roberts *et al*. 2006). Seeds that are able to germinate away from their parent plant have a greater chance of growing into a mature plant (EHP 2012). Long-distance dispersal also allows genetic material to be spread between forest patches that would normally be geographically isolated (Parry-Jones & Augee 1992; Eby 1991; Roberts 2006). This genetic diversity allows species to adapt to environmental change and respond to disease pathogens. Transfer of genetic material between forest patches is particularly important in the context of contemporary fragmented landscapes.

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. These ecological services ultimately protect the long-term health and biodiversity of Australia's bushland and wetlands. In turn, native forests act as carbon sinks, provide habitat for other fauna and flora, stabilise river systems and catchments, add value to production of hardwood timber, honey and fruit (e.g. bananas and mangoes; Fujita 1991), and provide recreational and tourism opportunities worth millions of dollars each year (EHP 2012; ELW&P 2015).

D2 Flying-foxes in urban areas

Flying-foxes appear to be roosting and foraging in urban areas more frequently. There are many possible drivers for this, as summarised by Tait *et al.* (2014):

- loss of native habitat and urban expansion
- opportunities presented by year-round food availability from native and exotic species found in expanding urban areas
- disturbance events such as drought, fires, cyclones
- human disturbance or culling at non-urban roosts or orchards
- urban effects on local climate
- refuge from predation
- movement advantages, e.g. ease of manoeuvring in flight due to the open nature of the habitat or ease of navigation due to landmarks and lighting.

D3 Under threat

Flying-foxes roosting and foraging in urban areas more frequently can give the impression that their populations are increasing; however, the grey-headed flying-fox is in decline across its range and in 2001 was listed as vulnerable by the NSW Government through the TSC Act (repealed, now listed under the BC Act).

At the time of listing, the species was considered eligible for listing as vulnerable as counts of flying-foxes over the previous decade suggested that the national population may have declined by up to 30%. It was also estimated that the population would continue to decrease by at least 20% in the next three generations given the continuation of the current rate of habitat loss and culling.

The main threat to Grey-headed Flying-foxes in NSW is clearing or modification of native vegetation. This threatening process removes appropriate roosting and breeding sites and limits the availability of natural food resources, particularly winter–spring feeding habitat in north-eastern NSW. The urbanisation of the coastal plains of south-eastern Queensland and northern NSW has seen the removal of annually-reliable winter feeding sites, and this threatening process continues.

There is a wide range of ongoing threats to the survival of the Grey-headed Flying-fox, including:

- habitat loss and degradation
- conflict with humans (including culling at orchards)
- infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.)
- predation by native and introduced animals
- exposure to extreme natural events such as cyclones, drought and heat waves.

Flying-foxes have limited capacity to respond to these threats and recover from large population losses due to their slow sexual maturation, small litter size, long gestation and extended maternal dependence (McIlwee & Martin 2002).

Food shortages also threaten and influence the distribution of flying-fox camps and are primarily due to the ongoing loss of winter–spring food caused by vegetation clearing, particularly on the coastal plains of south-eastern Queensland and northern New South Wales. During food shortages, flying-foxes may alter roosting and feeding behaviours and may increase their use of garden plantings and establish new camps in areas beyond their usual range boundary while searching for food thus break into small roosting groups, close to feeding sites. In the past, temporary camps formed during food shortages have been abandoned once conditions improved. In recent years however, portions of these 'temporary' camps have persisted. This has led to an increase in the number of camps in urban areas and a more persistent presence in inland areas, particularly in rural cities and towns e.g. Mullumbimby camp. The loss of foraging habitat, particularly winter forage, is reported to be the primary threat to Grey-headed Flying-foxes (Australian Government 2017).

D4 Camp characteristics

All flying-foxes are nocturnal, roosting during the day in communal camps. These camps may range in number from a few to hundreds of thousands, with individual animals frequently moving between camps within their range. Typically, the abundance of resources within a 20–50 km radius of a camp site will be a key determinant of the size of a camp (SEQ Catchments 2012). Therefore, flying-fox camps are generally temporary and seasonal, tightly tied to the flowering of their preferred food trees. However, understanding the availability of feeding resources is difficult because flowering and fruiting are not reliable every year, and can vary between localities (SEQ Catchments 2012). These are important aspects of camp

preference and movement between camps, and have implications for long-term management strategies.

Little is known about flying-fox camp preferences; however, research indicates that apart from being in close proximity to food sources, flying-foxes choose to roost in vegetation with at least some of the following general characteristics (SEQ Catchments 2012):

- closed canopy >5 m high
- dense vegetation with complex structure (upper, mid- and understorey layers)
- within 500 m of permanent water source
- within 50 km of the coastline or at an elevation <65 m above sea level
- level topography (<5° incline)
- greater than one hectare to accommodate and sustain large numbers of flying-foxes.

Optimal vegetation available for flying-foxes must allow movement between preferred areas of the camp. Specifically, it is recommended that the size of a patch be approximately three times the area occupied by flying-foxes at any one time (SEQ Catchments 2012).

D5 Species profiles

D5.1 Black Flying-fox (*Pteropus alecto*)

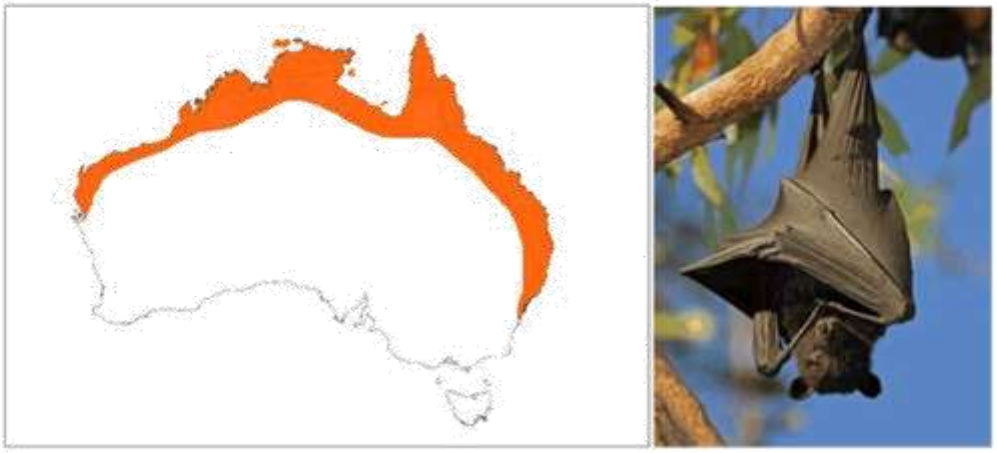


Figure D.1 Black Flying-fox indicative species distribution, adapted from OEH 2015a

The Black Flying-fox (refer to **Figure D.1**) has traditionally occurred throughout coastal areas from Shark Bay in Western Australia, across northern Australia, down through Queensland and into NSW (Churchill 2008; OEH 2015a). Since it was first described there has been a substantial southerly shift by the Black Flying-fox (Webb & Tidemann 1995). This shift has consequently led to an increase in indirect competition with the threatened Grey-headed Flying-fox, which appears to be favouring the Black Flying-fox (DoE 2016).

They forage on the fruit and blossoms of native and introduced plants (Churchill 2008; OEH 2015a), including orchard species at times.

Black Flying-fox are largely nomadic animals with movement and local distribution influenced by climatic variability and the flowering and fruiting patterns of their preferred food plants. Feeding commonly occurs within 20 km of the camp site (Markus & Hall 2004).

Black Flying-fox usually roost beside a creek or river in a wide range of warm and moist habitats, including lowland rainforest gullies, coastal stringybark forests and mangroves. During the breeding season camp sizes can change significantly in response to the availability of food and the arrival of animals from other areas.

D5.2 Grey-headed Flying-fox (*Pteropus poliocephalus*)



Figure D.2 Grey-headed Flying-fox indicative species distribution (adapted from OEH 2015a)

The Grey-headed Flying-fox (refer to **Figure D.2**) is found throughout eastern Australia, generally within 200 km of the coast, from Finch Hatton in Queensland to Melbourne, Victoria (OEH 2015d). This species now ranges into South Australia and has been observed in Tasmania (DoE 2016). It requires foraging resources and camp sites within rainforests, open forests, closed and open woodlands (including melaleuca swamps and banksia woodlands). This species is also found throughout urban and agricultural areas where food trees exist and will raid orchards at times, especially when other food is scarce (OEH 2015a).

All the Grey-headed Flying-fox in Australia are regarded as one population that moves around freely within its entire national range (Webb & Tidemann 1996; DoE 2015). Grey-headed Flying-fox may travel up to 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey *et al.* 2012). They have been recorded travelling over 500 km over 48 hours when moving from one camp to another (Roberts *et al.* 2012). Grey-headed Flying-fox generally show a high level of fidelity to camp sites, returning year after year to the same site, and have been recorded returning to the same branch of a particular tree (SEQ Catchments 2012). This may be one of the reasons flying-foxes continue to return to small urban bushland blocks that may be remnants of historically-used larger tracts of vegetation.

The Grey-headed Flying-fox population has a generally annual southerly movement in spring and summer, with their return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts *et al.* 2012). This results in large fluctuations in the number of Grey-headed Flying-fox in NSW, ranging from as few as 20% of the total population in winter up to around 75% of the total population in summer (Eby 2000). They are widespread throughout their range during summer, but in spring and winter are uncommon in the south. In autumn they occupy primarily coastal lowland camps and are uncommon inland and on the south coast of NSW (DECCW 2009).

There is evidence the Grey-headed Flying-fox population declined by up to 30% between 1989 and 2000 (Birt 2000; Richards 2000 cited in OEH 2011). There is a wide range of ongoing threats to the survival of the Grey-headed Flying-fox, including habitat loss and degradation, deliberate destruction associated with the commercial horticulture industry, conflict with humans, infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.) and competition and hybridisation with the BFF (DECCW 2009). For these reasons it is listed as vulnerable to extinction under NSW and federal legislation (see **Section 4**).

D6 Reproduction

D6.1 Black and Grey-headed Flying-foxes



Males initiate contact with females in January with peak conception occurring around March to April/May; this mating season represents the period of peak camp occupancy (Markus 2002). Young (usually a single pup) are born six months later from September to November (Churchill 2008). The birth season becomes progressively earlier, albeit by a few weeks, in more northerly populations (McGuckin & Blackshaw 1991), however out of season breeding is common with births occurring later in the year.

Young are highly dependent on their mother for food and thermoregulation. Young are suckled and carried by the mother until approximately four weeks of age (Markus & Blackshaw 2002). At this time they are left at the camp during the night in a crèche until they begin foraging with their mother in January and February (Churchill 2008) and are usually weaned by six months of age around March. Sexual maturity is reached at two years of age with a life expectancy up to 20 years in the wild (Pierson & Rainey 1992).

As such, the critical reproductive period for Grey-headed Flying-fox and Black Flying-fox is generally from August (when females are in final trimester) to the end of peak conception around April. Dependent pups are usually present from September to March (refer to **Figure**).

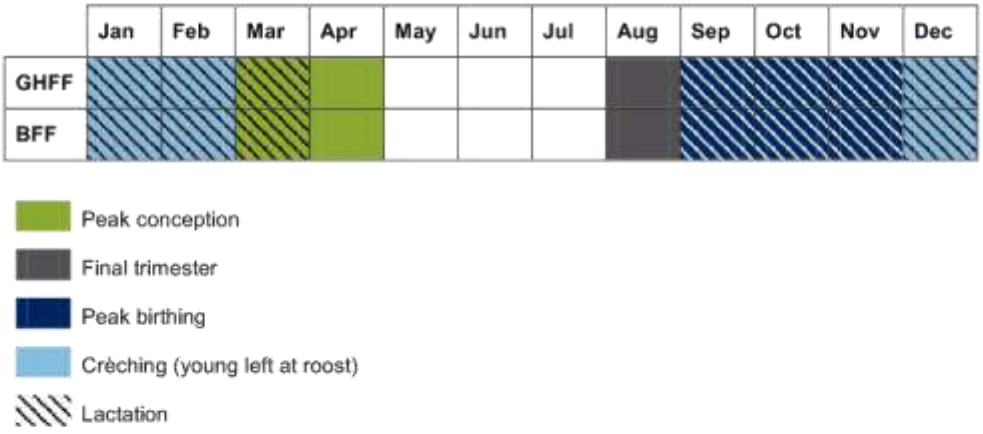


Figure D.3 Indicative flying-fox reproductive cycle

The breeding season of all species is variable between years and location, and expert assessment is required to accurately determine phases in the breeding cycle and inform appropriate management timing.

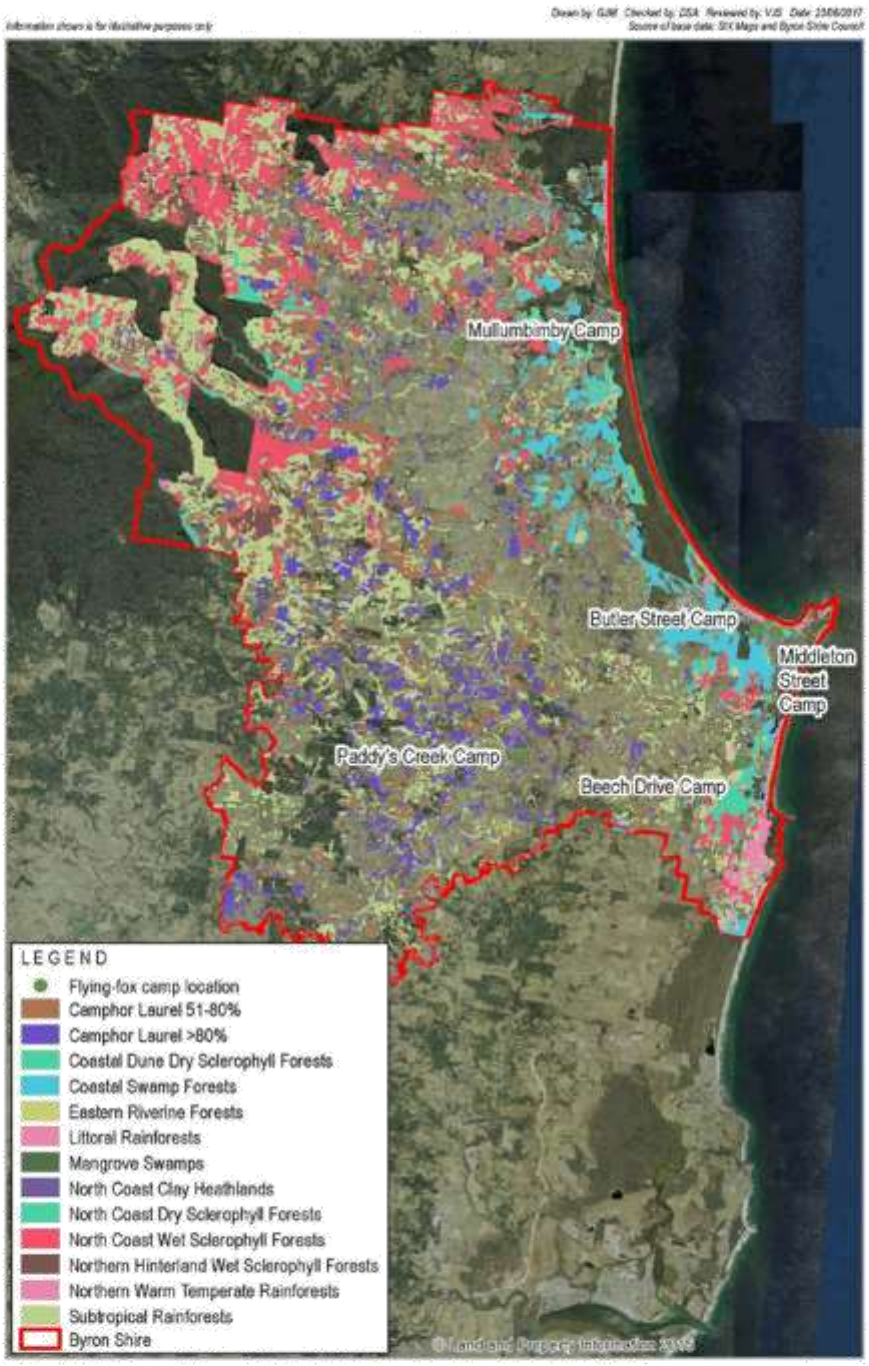
D7 Foraging

At night, flying-foxes navigate principally by sight (rather than echolocation as is the case with microbats), their sense of smell and spatial memory assisting them to locate food. Grey-headed Flying-foxes forage up to 50 km from camps, although >75% of foraging activity is within a 20 km radius (Eby 1991, Tidemann 1999). Black Flying-foxes also typically forage within 20 km from their roost (Markus and Hall 2004).

D8 Diet

Grey-headed and Black Flying-foxes are canopy feeding frugivores and nectivores; feeding primarily on blossom and fruit in canopy vegetation and occasionally supplement this with leaves (Ratcliffe 1931, Parry-Jones and Augee 1991, Eby 1995, Tidemann *et al* 1999, Hall and Richards 2000 in DECCW 2009). The majority of animals feed on nectar and pollen from Eucalyptus, Corymbias, Angophoras, Melaleucas and Banksias. They also feed on introduced tree species in urban areas and commercial fruit crops. The available foraging habitat for flying-foxes within Byron Shire is shown in **Illustration D.1**.

Byron Shire Flying-fox Camp Management Plan



0 4,000

Byron Shire Flying-fox Foraging Habitat

GeoLINK

Byron Shire Flying-fox Camp Management Plan
2847-1018

Illustration D.1

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Appendix E Flying-fox rescue protocol

Reference documents

OEH 2012, NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes, Office of Environment and Heritage, Sydney.

OEH 2011b, NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna, Office of Environment and Heritage, Sydney.

Purpose

These work instructions are intended for Australian bat lyssavirus (ABLV)-vaccinated fauna spotter catchers (FSCs) or wildlife rescue personnel on site during dispersal activities to monitor, capture or provide first aid treatment for sick or injured flying-foxes that may require human intervention for their survival. Flying-fox rescue must only be attempted by personnel trained and experienced in flying-fox rescue and handling.

This work instruction provides rescuers with information regarding capture and first aid until a flying-fox is in the specialist care of a veterinarian or person qualified in wildlife rehabilitation.

Requirements

FSC and wildlife rescue personnel involved in flying-fox rescue must:

- be trained and experienced in rescue and handling
- be vaccinated against ABLV (titre levels checked at least once every two years)
- be aware of the hazards and risks of coming into contact with all bats
- utilise appropriate PPE and equipment for capture, transport and treatment of flying-foxes
- undertake a risk assessment before carrying out a rescue – do not endanger yourself or others during a rescue
- have the contact details for a local veterinarian or bat carer who will accept the sick or injured flying-fox.

Human first aid

All bats in Australia should be viewed as potentially infected with ABLV. If bitten or scratched by a bat, immediately wash the wound with soap and water (do not scrub) and continue for at least five minutes, followed by application of an antiseptic with anti-viral action (e.g. Betadine), and immediate medical attention (post-exposure vaccinations may be required). Similarly medical attention should be immediately sought if exposed to an animal's saliva or excreta through the eyes, nose or mouth.

Equipment

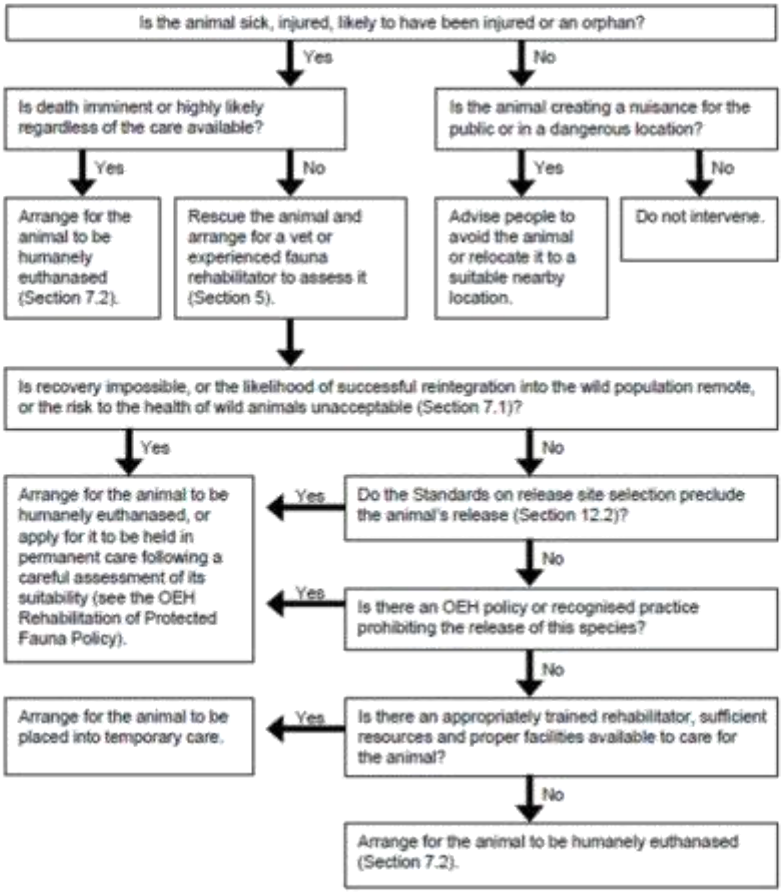
- lidded plastic carry basket or 'pet-pack' with bedding (juveniles) / transport container with hanging perch, tall enough for bat to hang without hitting its head (in accordance with Section 5.1 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012))
- warm water bottle/ cold brick
- wraps/ towels
- teats for small bottle
- extension pole or broom

- bat first aid kit – juice drink/glucose powder, syringes, cloths for wounds, Betadine/saline, dummy for baby bats. FFs only to be offered liquids under advice from a licensed wildlife carer.

Work instructions

Case assessment

Observe, assess and then determine if/what intervention is required using the decision tree in the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna (OEH 2011), included below.



Personnel should approach stressed flying-foxes cautiously. If flying-foxes panic or fly this will waste energy; retreat and continue to monitor behaviour.

- Dehydration: Eyes dull or depressed in skull, change to skin elasticity, skin stays pinched, animal cold, wing membranes dry, mouth dry.
- Heat stress: wing fanning, shade seeking, clustering/clumping, salivating, panting, roosting at the base of trees, on the ground, falling from tree.
- Obvious injury: bleeding, broken bones.

Rescue instructions

As per Section 4 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012):

> The objective is to rescue a flying-fox while minimising further stress and injury to the animal.
>
> Before a rescue attempt, rescuers must assess the risks to the flying-fox from environmental hazards and from capture.
>
> Rescuers must employ the correct rescue equipment for the condition and location of the flying-fox, and be trained in its use.

Example scenarios

- Bat low in tree:
  - quickly place towel around bat before it can move away
  - grab hold of feet, toes may curl over rescuers fingers
  - place in carry basket / transport container.
- Bat high in tree:
  - place pole wrapped in towel in front of bat
  - coax bat onto towel
  - once on towel, quickly move away from branches and lower to ground
  - once on ground, cover with towel and place into carry basket / transport container.
- A bat caught on barbed wire fence:
  - two people only – one to restrain with towel, while the other untangles
  - put towels on the wire strands under or around to avoid further entanglement
  - if the membrane has dried onto wire, syringe or spray water onto wing
  - use pliers or wire cutter if necessary.

Animal first aid

Physical assessment: Keep animal wrapped and head covered, only expose one part at a time. Examine head. Unwrap one wing and extend. Wrap and extend other wing. Check legs. Examine front and back of body.

Dehydration: Offer water/juice (low acid juice only, e.g. apple/ mango) orally with syringe (under supervision/ advice from licensed wildlife carer ONLY).

Heat stress: Reduce temperature in heat exhausted bats by spraying wings with tepid water.

Hypothermia: May be seen in pups separated from mother – keep head covered and warm core body temperature slowly by placing near (not on) warm water bottle covered by towel.

Bleeding: Clean wounds with room temperature saline or diluted Betadine.

Transport to veterinarian/ wildlife carer

See Section 5 of the NSW Code of Practice for Injured, Sick and Orphaned Flying-foxes (OEH 2012) summarised below.

Objective

To transport a flying-fox so as to minimise further stress and injury to the animal.

Standards

- The transport container must be tall enough for the flying-fox to hang by its feet without hitting its head on the floor.
- The container must be designed, set up and secured to prevent injuries to the flying-fox. The sides of the container must prevent the flying-fox from poking its head or wings out.

- The container must be designed to prevent the flying-fox from escaping.
- The flying-fox must be allowed to hang by its feet from the top of the container or if it is unable to hang, wrapped in material (e.g. sheet or flannel) and placed in a sling so its feet are higher than its head.
- The container must be kept at a temperature which is appropriate for the age and condition of the flying-fox. A range of 25–27°C is appropriate for an adult. A temperature of 28°C is appropriate for an orphan. A cool or warm water bottle may be required.
- The container must be ventilated so air can circulate around the flying-fox.
- The container must minimise light, noise and vibrations and prevent contact with young children and pets.
- During transport, a container holding a flying-fox must have a clearly visible warning label that says 'Warning – live bat'.
- A flying-fox must not be transported in the back of an uncovered utility vehicle or a car boot that is separate from the main cabin.

Guidelines

- Flying-fox transport should be the sole purpose of the trip and undertaken in the shortest possible time.
- The fauna rehabilitation group's contact details should be written on the transport container in case of an emergency.

Appendix F Plan authors

Table F.1 Qualifications and experience of authors of the Byron Shire Flying-fox Camp Management Plan

Personnel	Qualifications	Experience
Clare Manning	Masters in Applied Marine Science Bachelor of Science (Hons) Geography with Education Diploma in Travel and Tourism	Clare is an environmentalist with 14 years environmental management and community engagement experience including research. Clare is experienced in human-wildlife conflict management including flying-foxes, fire management, ecological survey and monitoring, ecological assessment, management and approvals, and Project management. Clare is competent in assessing impacts on ecological values, developing management plans and monitoring strategies for threatened species, ecological communities, weeds and pest animals and rehabilitation. Clare was a finalist in the 2011 SA Leadership in Conservation Award for her work in the Coorong, and Lakes Alexandrina and Albert wetland Ramsar site and 2016 NSW Exceptional Performance in OEH Chief Executive Award for her work in fire management.
Veronica Silver	Bachelor of Environmental Science (Environmental Management) Graduate Diploma of Urban and Regional Planning Graduate Diploma in Bushfire Protection, University of Western Sydney	Veronica is an ecologist with 15 years consulting experience in flora/ fauna field surveys; ecological monitoring; bushfire assessment; environmental impact assessment and management plans as well as three years as a bush regenerator. Veronica has been involved in the preparation of management strategies and plans for urban and non-urban flying-fox camps across NSW. These projects have been undertaken for Local Government, State and Federal Government levels. Veronica was project manager and primary author of the Maclean Flying-fox Management Strategy and has reviewed and had input into all of GeoLINK's Flying-fox Management Plans. Veronica has also been involved in several large scale microbat projects and written many microbat management plans. In addition to possessing thorough knowledge of the Grey-headed Flying-fox (GHFF) and its ecology, Veronica has direct experience with resolving issues related to management of urban flying-fox camps and proven ability to analyse and assess information on a local, regional and landscape level.
David Andrighetto	Bachelor of Applied Science (Environmental Resource Management)	David is an ecologist with 12 years' experience working for clients in both the private and public sector focusing on flora and fauna field surveys, environmental impact assessments, development and implementation of ecological monitoring programs and management plans, and clearing surveys as part of large scale construction projects. David has authored several flying-fox camp management plans; two of which included detailed Vegetation Management Plans that identified floristic values and provided guidance on the maintenance works required to improve the ecological value of a GHFF camp whilst supporting roosting bat activity. David has also been involved in monitoring of flying-fox camps for the Pacific Highway upgrade projects over the last three years and has delivered presentations on flying-fox management to state and local government agencies at flying-fox management conferences.

Draft Policy No:

Commercial Use of Road Reserves

2017

INFORMATION ABOUT THIS DOCUMENT

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Document History

Doc No.	Date Amended	Details/Comments eg Resolution No.

Further Document Information and Relationships

List here the related strategies, procedures, references, policy or other documents that have a bearing on this Policy and that may be useful reference material for users of this Policy.

Related Legislation*	Byron Local Environmental Plan 2014 Environmental Planning and Assessment Act 1979 Factories, Shops and Industries Act 1962 Food Act 2003 Local Government Act 1993 Local Government (General) Regulation 2005 Protection of the Environment Operations Act 1997 Road Transport Act 2013 Roads Act 1993
Related Policies	Itinerant Food Vendors Policy 5.4 Footpath Dining Policy 5.54
Related Procedures/ Protocols, Statements, documents	NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

Note: Any reference to Legislation will be updated in the Policy as required. See website http://www.legislation.nsw.gov.au/ for current Acts, Regulations and Environmental Planning Instruments.

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1. OBJECTIVES

1.1 The objective of this Policy is to facilitate the commercial use of road reserves within the Byron Shire. This includes the commercial use of footpaths as well as mobile food vendor industries which take advantage of the economic, cultural and social benefits within the Byron Shire in order to service the local community and tourist population. These objectives are balanced against the protection of the Byron Shire's current retail sector and the maintenance of public health.

2. SCOPE

2.1 This Policy is to serve as a guideline to commercial users of footpaths (footpath dining and goods and chattels), mobile food vendors, the local business sector, Council Authorised Officers and the public as to the type of commercial uses of road reserves that are permitted within the Byron Shire. All approvals/licences are issued in accordance with the Roads Act 1993, Food Act 2003 and the Local Government Act 1993. The conditions herein shall apply to all commercial users of footpaths and mobile food vendors operating or intending to operate within the Byron Shire.

3. DEFINITIONS

Commercial use	Means use connected with or engaged with commerce.
Mobile food vendor	Means a person/s who has a vehicle, cart, stall, etc used for the sale of food/drink and which travels from place to place.
Council	Means the Byron Shire Council.
Food and drinks premises	Means a restaurant, café, take-away food and drink premises, a pub and a small bar as per the Byron Local Environmental Plan 2014.
Trading period	Means the time/s a mobile food vendor is open to sell goods or services to customers.
Operator	Means an entity that has obtained a licence under this Policy.
Permitted zone	Means the area an operator is licensed by Council to operate on/in.
Applicant	Means an entity applying for a licence under this Policy.
Vehicle	Means any form of instrument used for conveyance and includes a motor-vehicle, cart, stall, etc.
Set-up stand	Means to set the vehicle, cart, stall, etc in one place and have customers come to the vehicle, cart, stall, etc.

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Health Officer	Means a suitably qualified person appointed by the General Manager of Council to undertake health duties within the Byron Shire.
Authorised Officer	Means a person appointed as such by the General Manager of Council.
Trading area	Means the location that the mobile food vendor is present on/in whilst being open to sell goods or services to customers.
Traffic	Means any form of transportation and shall include horses.

4. STATEMENT

4.1 Road reserves that are controlled by Council are a public amenity that must be managed effectively.

4.2 In assessing applications for approval of the commercial use of road reserves Council must ensure the proposed use is consistent with the amenity of the area; the safe movement of pedestrians; the convenience to surrounding residents and businesses; the safe and equitable access for persons with access disabilities and that the appropriate approval process is formulated that protects the interests of Council and the community.

4.3 Council believes that footpath dining areas, goods and chattels areas and mobile food vendors provide a significant contribution to the quality of public spaces and community life by providing an active street frontage that is alive and ever changing.

5. LEGISLATIVE AND STRATEGIC CONTEXT

5.1 Activities outlined in this Policy require Council approval under section 68 of the Local Government Act 1993 and sections 125, 126, 127, 138, 139 and 139A of the Roads Act 1993 (where applicable). Unless a relevant approval under the Roads Act has been granted, a commercial user of a road reserve has no lawful right to so occupy the road reserve.

5.2 Section 125 of the Roads Act 1993 permits a road authority to approve the use of a footway for dining purposes. The concurrence of the Roads and Traffic Authority is required if the dining area is located on a classified road. Within the scope of this Policy those are the Pacific Highway Main Road No.65 (Bangalow/Lismore Road), Main Road No.545 (Ewingsdale / Jonson / Broken Head Road) and Main Road No.306 (Mullumbimby Road / Argyle Street / Burringbar / Dalley Street).

5.3 Use of part of a footpath for dining purposes may only be considered where that use is adjacent to an approved 'food and drinks premises'. Any approvals granted will be subject to any requirements of the Retail Leases Act 1994 and no occupation or use of the area of the approval will be permitted until those requirements, if any, are satisfied.

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5.4 A mobile food vendor's operation, including their vehicle, cart, stall, etc, must be in accordance with the requirements of the Food Act 2003, the Local Government Act 2003, the Road Transport Act 2013, the Roads Act, the Protection of the Environment Operations Act 1997, the Factories Shops and Industries Act 1962 (if required) and regulations thereunder.

5.5 All commercial users of road reserves must comply with the requirements of the following legislation (where applicable):

- Building Code of Australia
- Byron Local Environmental Plan 2014
- Byron Shire Development Control Plan 2014
- Environmental Planning and Assessment Act 1979
- Factories, Shops and Industries Act 1962
- Food Act 2003
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations Act 1997
- Retail Leases Act 1994
- Road Transport Act 2013
- Roads Act 1993
- Work Health and Safety Act 2011
- NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

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6. LICENSING

6.1 Licensing assessment conditions:

- 6.1.1 Mandatory requirements as outlined in this Policy;
- 6.1.2 Requirements specific to categories of licences as outlined in this Policy;
- 6.1.3 Development of competitive local business and industry;
- 6.1.4 Environmental protection and sustainability; and
- 6.1.5 Quality cuisine / products to service the local community and tourist population.

6.2 All applicants must be approved and licenced by Council before operating on road reserves within the Shire.

6.3 All application fees (as specified in Council's fees and charges) must be paid by applicants prior to Council processing their application.

6.4 Applicants intending to utilise a road reserve to provide footpath dining must apply for a footpath dining licence.

6.5 Applications intending to utilise a road reserve to display/sell goods and chattels must apply for a goods and chattels licence.

6.6 Applicants intending to utilise a road reserve as a mobile food vendor must apply for a relevant mobile food vendor licence.

6.7 All approval fees (as specified in Council's fees and charges) must be paid by applicants prior to Council issuing a licence.

6.8 Council licences are not transferable.

6.9 The approval period for all commercial activities on road reserve licences shall be for a maximum period of two (2) years).

6.10 Licence fees are to be paid quarterly, or annually, in advance.

6.11 Applicant's mobile food vendor details must match ABN, licensee and licenced vehicle, cart, stall etc details.

6.12 Employees of applicant mobile food vendors must be nominated on the licence application form. A separate mobile food vendor licence must be obtained for each vehicle, cart, stall etc.

6.13 Two (2) categories of mobile food vendor licences shall exist pursuant to this Policy:

- Class 1 licence: selling food/drinks (that do not require a kitchen) with a maximum stopping time to trade of 15min on/in road reserves within the Byron Shire. i.e. a Mr Whippy Van.
- Class 2 licence: selling food/drink (that may/may not require a kitchen) with allowance to trade during a permitted trading period within a specified permitted zone. i.e. a taco van.

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6.14 All mobile food vendor licences will be issued via an Expression of Interest process.

6.15 Class 2 mobile food vendor licences shall each exclusively operate at only one (1) of the sites displayed in the maps related to this policy (see link at: TBA).

6.16 A class 2 mobile food vendor applicant must indicate their preferred site in their Expression of Interest.

7. OPERATING REQUIREMENTS – GENERAL

7.1 All relevant insurances and licences must be in place at the time of issuing a licence. The holder of an licence is to indemnify Council, in writing, against any action taken against it by persons injured or suffering loss by the use of the road reserve. Council will not accept liability for damage to or loss of property from a road reserve.

7.2 All licence holders must obtain and maintain for the period of their licence a Certificate of Currency for Broadform Public Liability insurance, with a minimum of $20,000,000, noting 'Byron Shire Council' as an interested party.

7.3 Operators must comply with the Protection of the Environment Operations Act 1997 which contains provisions relating to pollution, including prevention of offensive noise, smoke and odour and controls of illegal waste water discharges.

7.4 Amenity of any area must not be adversely impacted by the commercial activities of an operator.

8. OPERATING REQUIREMENTS – FOOTPATH DINING

8.1 Layout, Circulation, Safety and Convenience

8.1.1 The ground surface must be sufficiently level to support an orderly layout and safe use of the required furniture. The diagrams included in this policy show different opportunities for locating and aligning footpath dining areas in typical urban situations. As per the attached diagrams there must be a maximum of one chair per square metre.

8.1.2 Approval will only be issued if pedestrians can clearly and easily negotiate the footway when table and chairs are in place. In all locations, a clear distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation, subject to clause 8.1.3 below.

8.1.3 For town centres, excluding precincts one and two in Byron Bay (as attached), the minimum distance specified in clause 8.1.2, may be reduced at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the operator can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the tables and chairs are in place. Precincts one and two in Byron Bay have been excluded due to high traffic pedestrian volumes.

8.1.4 The pedestrian corridor must be continuous with the frontage of the property and / or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street / lane. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.

8.1.5 The visually impaired normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the operator's cost. The tiles should be placed on the property boundary / frontage and also on the edge of the dining areas. Pavement hazard markings should be provided at the ends of dining areas to provide delineation to the dining areas for the visually impaired and to assist in defining the leased area.

8.1.6 The available depth of a footpath dining area depends on the width of the footpath. The minimum practical depth for a footpath dining area is 1 metre, which will allow for two chairs per table. Where the proposed footway restaurant area extends outside the confines of the associated refreshment room, concurrence of the adjoining shop owner is required, and details are to be supplied indicating that normal trading of the adjoining premises will not be adversely affected, ie, advertising, display areas and public access.

8.1.7 At street intersections, a setback of at least 10.0 metres from the kerb in the opposing street applies. The dining area will only be approved where the defined seating area is more than 10 metres from the approach side and more than 5 metres from the exit side of a pedestrian crossing.

8.1.8 Safety for kerbside diners from vehicle impacts must be provided by the use of bollards set into the footpath pavement or other methods to achieve the same level of safety. Bollard spacing is not to exceed 1200mm, and they must be located 600mm clear of the kerb and gutter (900 mm where there is angle parking) to allow sufficient space for people to alight from parked vehicles.

8.1.9 Diners should be clear of the bollards such that deflections in the bollards, as a result of vehicle collisions, would not impact on the people seated adjacent. A minimum clearance of 200mm should be provided between diners and bollards (essentially equating to 800mm or 1100mm setback from the kerb for actual diners.)

8.1.10 Where a dining area is located adjacent to the kerb a walk through area must be provided for motorists that may park adjacent to this area and wish to



access the footpath. Walk through areas should be provided at minimum spacings of 6.0 metres (average vehicle length 5-6m), such that on average a person alighting from a vehicle only needs to travel a distance of 3.0metres before an accessway through the seating area is available.

8.1.11 Where existing street furniture, planter boxes, utility poles etc restricts pedestrian traffic adjacent to the building the pedestrian corridor is to be located away from the building / property alignment.

8.1.12 The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

8.2 Style, Materials and Colours

8.2.1 The style, layout, and orientation of furniture should be chosen according to the extent and shape of the available space so as not to tempt patrons to move furniture beyond the boundaries of the licensed area.

8.2.2 Footpath furniture should make a positive contribution to the street environment. A furniture style that is practical and elegant and integrates well with the surroundings is encouraged. The use of domestic moulded plastic / resin furniture is not permitted. All furniture items will be subject to Council's approval. A furniture style guide is attached to this policy.

8.2.3 If safety rails, bollards or similar permanent elements are required, their location, selection and design will be subject to Council's approval.

8.2.4 Operators are encouraged to select furniture that is compatible with the design and quality of the style range included in this document. Favourable consideration may also be given to well designed, creative and individual alternatives, provided that they are consistent with the contents of this policy.

8.2.5 Tables, chairs, and umbrellas may be powder coated, or polished aluminum, brushed, or stainless steel, natural or painted timber, or canvas. Suitable colours include natural, camel, terra cotta, brunswick green, blue or black. Surfaces such as tabletops must minimise reflective glare.

8.2.6 Planters are recommended in terra cotta, concrete, or reconstituted stone in natural, sandstone or terra cotta colour, or powdercoated, brushed, or stainless steel or timber in natural earth colours.

8.3 Existing Streetscape Elements

8.3.1 Whenever possible, a footpath dining area should visually relate to and be physically aligned with existing features and permanent elements of the

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streetscape and landscape such as, trees, bollards, etc. as shown in the diagrams included in this document.

8.4 Enclosure

8.4.1 Footpath dining areas should enrich the pedestrian experience and public life. It is important that they present an open inviting image and are easily accessible.

8.4.2 Subject to Council's approval, planters may be used to physically define the perimeters of a footpath dining area to prevent pedestrian conflict and ensure the patrons' safety. Enclosure should be kept to a minimum.

8.4.3 Retractable awnings will be considered subject to a minimum clearance distance of 2.6 metres from the pavement.

8.4.4 Drop blinds are not permitted.

8.4.5 Umbrellas are permitted to provide for shade and shelter in exposed locations. Umbrellas and other shade structures must be adequately secured against the effects of wind. Umbrellas must not project beyond the table and seated area if less than 2.6 metres above the footpath.

8.5 Furniture structure

8.5.1 The furniture should be strong, durable, waterproof and weather resistant, designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement. Public safety and comfort must be considered. Particular care should be taken with any sharp edges, and hinges or other moving parts to ensure that they do not present a potential hazard to their users. Any umbrellas must have mechanisms to ensure that they are at all times securely fixed to withstand wind and they must be removed or closed in extremely windy conditions.

8.6 Management – Furniture and Plantings

8.6.1 The operator is responsible for the provision of all required furniture to Council's satisfaction.

8.6.2 All furniture and plantings of an footpath dining area must at all times be maintained in a physically sound and aesthetically acceptable condition to Council's satisfaction, and all of the licensed area must present a clean, well maintained image as specified in the conditions of the licence and approval.

8.6.3 All outdoor furniture not permanently fastened to the footpath is to be removed from the licenced area upon the completion of each day of trading. It should be noted that no outdoor furniture, barrier or structure is to be permanently fastened to the footpath without the prior approval of Council.



Any holes made in the pavement, as approved by Council, must be stoppered when not in use.

8.6.4 Unless the operator's licence is renewed the operator must restore the licenced area to its condition immediately before the grant of the licence and not later than one month after the expiration of the licence.

8.7 Health Considerations, Table Service and Alcohol

8.7.1 All food must be stored and prepared within the approved food preparation area of the approved food and drinks premises.

8.7.2 All outdoor furniture, other facilities and the pavement shall be kept clean at all times. The operator is to steam clean the footpath at his/her expense when deemed necessary by Council.

8.7.3 Table service is mandatory.

8.7.4 Where a footpath dining area is approved in association with licensed premises, liquor may not be supplied or consumed in the open air without approval from the licensing Court and Council. Where it is intended to serve alcohol and the area requiring approval forms part of an Alcohol Free Zone, an adjustment to the Alcohol Free Zone is required through a formal procedure including public advertising and an additional fee for service will be charged.

8.8 Toilet Facilities

8.8.1 It is a requirement that toilet facilities be made available to patrons in accordance with the Building Code of Australia.

8.9 Advertising and Signs

8.9.1 Only the name or logo of the footpath dining area may be placed on any item of furniture. It must appear only once on each item and be a minor element of the furniture design, to Council's satisfaction. No other advertising on any outdoor furniture or the licensed area is permitted without specific approval by Council.

8.10 Delineation of Dining Areas

8.10.1 The boundaries of the footpath dining area as approved, are to be marked. In most cases corner markers will suffice. In complex locations, it may be necessary to use additional markers along the boundary alignment.

8.10.2. In paved areas, pavement markers, e.g. self adhesive tactile tiles, metal studs or stone inserts installed flush with the paved surface can be used. Where it is necessary to consider people with visual impairment the delineation of boundaries must be by the use of self adhesive tactile tiles.

8.10.3 In areas with a grass, gravel or similar surface, pavement markers are not feasible, and existing or new landscape elements such as trees, light poles, bollards, etc. can be used instead.

8.10.4 The markers must remain in place throughout the duration of the license, and all furniture, including umbrellas, planters and plants must be kept strictly within the boundaries of the licensed area.

8.10.5 Subject to Council's approval, planters may be used to physically define the perimeter of a footpath dining area to prevent pedestrian conflict and ensure the patron's safety. The planter boxes must be removed from the area outside the hours of operation, unless it can be demonstrated that they will not interfere with the flow of pedestrian traffic.

8.10.6 The area may be delineated by the use of approved temporary screen barriers. Barriers are to be no more than 1m high, extend to a minimum clearance of 100mm above ground level, not be of a solid structure and include a fabric infill. They must be removed from the area outside the hours of operation. All in-ground structures will require an engineer's certificate.

8.11 Lighting

8.11.1 Any footpath dining area licensed to operate outside daylight hours must provide adequate lighting, to Council's satisfaction, to ensure the safety and amenity of patrons and the general public.

8.12 Purpose Built Dining Areas

8.12.1 In some cases the operator may wish to undertake streetscape works to accommodate a footpath dining area. Such works may include footpath widening, paving, street tree planting, pedestrian lighting, etc. Any such works require a specific development approval by Council. Any carparking spaces lost must be compensated for by the payment of Section 94 contributions.

8.13 Exclusions Outside Town Centres

8.13.1 Council may approve picnic style tables, and or benches, located outside general stores not within a town centre, where Council is of the opinion that the facility will provide a genuine community benefit. No licence agreement or fee will be payable, however this approval is at the absolute discretion of Council and subject to the proprietor of the general store providing written agreement to maintain the furniture. Any such approval is not an approval within the meaning of Section 125 of the Roads Act 1993 and does not give



the proprietor of the general store any rights to exclusive use of such furniture as it is located on a public road.

8.14 Fee Structure

8.14.1 Fees are determined on an annual basis in conjunction with Council's Management Plan and budget. The fees set by Council are based on a number of factors, including:

- Market rental assessments;
- Pedestrian traffic;
- Affordability; and
- Social impact.

9. OPERATING REQUIREMENTS – GOODS & CHATTELS

9.1 Layout, Circulation, Safety and Convenience

9.1.1 The ground surface must be sufficiently level to support an orderly layout and safe use of the goods and chattels displayed.

9.1.2 Approval will only be issued if pedestrians can clearly and easily negotiate the footway when goods and chattels are in place. In all locations, a clear distance of at least 2.0 metres must be maintained adjacent to the licensed area for pedestrian circulation, subject to clause 9.1.3 below.

9.1.3 For town centres, excluding precincts one and two in Byron Bay (as attached), the minimum distance specified in clause 9.1.2, may be reduced at Council's absolute discretion, to a minimum of 1.8 metres. This can only occur where the operator can demonstrate to the satisfaction of Council that there will be no increased impact on pedestrian access when the goods and chattels are in place. Precincts one and two in Byron Bay have been excluded due to high traffic pedestrian volumes.

9.1.4 The pedestrian corridor must be continuous with the frontage of the property and / or contiguous with the adjoining properties, within a reasonably distinctive section, or portion, of the street / lane. The prime consideration of Council is to maintain a constant pedestrian corridor along the footpath.

9.1.5 The visually impaired normally use the continuous line of the shop frontages for direction with their guidance sticks. Where the building frontage is not continuous, tactile directional tiles for the visually impaired must be provided, at the operator's cost. The tiles should be placed on the property boundary / frontage and also on the edge of the display areas. Pavement hazard markings should be provided at the ends of display areas to provide delineation

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to the display areas for the visually impaired and to assist in defining the leased area.

9.1.6 The available depth of a goods and chattels display area depends on the width of the footpath.

9.1.7 The use of the footpath is not to inhibit access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like.

9.2 Advertising and Signs

9.2.1 Only the name or logo of the operator's business may be placed on any item on the road reserve. It must appear only once on each item and be to Council's satisfaction. No other advertising on any item on the road reserve or the licensed area is permitted without specific approval by Council.

9.3 Fee Structure

9.3.1 Fees are determined on an annual basis in conjunction with Council's Management Plan and budget. The fees set by Council are based on a number of factors, including:

- Market rental assessments;
- Pedestrian traffic;
- Affordability; and
- Social impact.

10. OPERATING REQUIREMENTS – MOBILE FOOD VENDORS

10.1 Mobile food vendors' vehicles, carts, stalls, etc must have received a health clearance certificate.

10.2 A mobile food vendor's vehicles, carts, stalls, etc., must be made available for inspection by a Council Health Officer for a health clearance certificate which is required to obtain approval. A fee for the inspection (as specified in Council's fees and charges) will apply.

10.3 Mobile food vendors' vehicles, carts, stall, etc (and towing vehicles, if applicable) must be registered as per the requirements of the Road Transport Act 2013.

10.4 Mobile food vendors' vehicles, carts, stalls, etc must be kept clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.

10.5 Mobile food vendors shall not operate outside of the permitted trading period outlined on their licence.



10.5.1 Class 1 licence:

- Class 1 mobile food vendors shall not operate outside of the permitted zones outlined on their licence or in/or parks, reserves and beaches within the Shire.
- Class 1 mobile food vendors shall not operate within 200m of a food outlet selling a similar food product if that outlet is open (this distance is measured in a straight line from the closest point of the mobile food vendor vehicle, cart, stall, etc to the main entrance of the food outlet).
- Class 1 mobile food vendors are not permitted to "set-up stand".
- Class 1 mobile food vendor licences shall display a red Council sticker in a prominent place on their vehicles, carts, stalls etc at all times.

10.5.2 Class 2 licence:

- Class 2 mobile food vendors shall only operate within their specified permitted zone.
- Class 2 mobile food vendor licences shall display a green Council sticker in a prominent place on their vehicles, carts, stalls, etc at all times.

10.6 A class 2 mobile food vendor's vehicle, cart, stall, etc must have an adequate supply of potable water stored in food grade water storage containers and suitably protected against contamination for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes. Details of the supply of potable water and the cleaning process used for the storage tanks must be included in the application.

10.7 A mobile food vendor's vehicle, cart, stall, etc must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

10.8 No animal is to be used as part of the vehicle, cart, stall, etc.

10.9 No additional flashing or rotating lights, except that required under the Road Transport Act 2013, are permitted.

10.10 No alcohol is to be served or sold by mobile food vendors.

11. INSPECTIONS AND PENALITIES

11.1 Regular inspections will be carried out by Council's Authorised Officers to ensure compliance. A fee will be charged if the operator does not comply with the relevant terms of this Policy and/or their licence.

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11.2 The penalties for failure to obtain an approval or failure to comply with a relevant licence are set out in the Local Government Act 1993 and regulations thereunder. Council reserves the right to decide legal remedy for breaches of this Policy.

11.3 Authorised Officers may take enforcement action for non-compliance with this Policy, the operator's licence conditions and related legislation.

12. GARBAGE AND LITTER

12.1 All garbage and trade wastes must be disposed of in a manner acceptable to Council's Health Officers.

12.2 Operators are responsible for all waste materials generated. Garbage generated within the road reserve is not to be disposed of at public garbage bins but is to be collected and contained until disposal at a nominated location can occur. Waste materials (including food packaging) must be collected in bins or suitable receptacles, bagged or contained, stored within a vehicle, cart, stall, etc and disposed of at the costs of the approval/licence holder.

12.3 Suitable garbage receptacles with close fitting lids are to be provided in all vehicles, carts, stalls, etc.

12.4 Road reserve areas must be left in a clean and tidy condition at the end of each trading period.

12.5 Under no circumstances is liquid waste to be discharged to the ground or in the stormwater drain by an operator.

12.6 Operators are encouraged to recycle.

12.7 Any person littering or polluting is liable for penalties under the Protection of the Environment Operations Act 1997.

13. GENERAL REQUIREMENTS

13.1 An operator's licence may be cancelled by Council at its discretion due to non-compliance with any of the requirements outlined in this Policy, in an operator's licence or if a reasonable complaint is received by Council.

13.2 An operator's licence may be cancelled by Council at its discretion if an operator ceases trading, or does not trade for a period longer than six (6) months.

13.3 A business or a vehicle, cart, stall, etc or the type of food/product sold on the road reserve cannot be altered without consulting Council's Authorised Officers for approval.

13.4 Illegal, dangerous or offensive goods are not to be sold by operators.

13.5 No third-party advertising, direct soliciting or collecting of donations will be permitted by operators.

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13.6 Amplification equipment is not to be used by operators without Council's permission.

13.7 Operators shall not obstruct traffic, pedestrians, entrance ways to shops or laneways.

13.8 Banners, signs, bunting and the like are not permitted to be erected without approval.

13.9 Operators must not unduly disrupt normal business activities nor unduly disturb the ambience of both residents and passers-by.

13.10 Operators shall comply with the requirements of this Policy and conditions of licences. Licences must be available to be shown on demand by an Authorised Officer.

14. SUSTAINABILITY

14.1 Social

14.1.1 Supports commercial activities on road reserves, taking advantage of the cultural and social benefits within the Byron Shire, to service the local community and tourist population.

14.2. Economic

14.2.1 Provides a methodology for Council to approve and collect revenue for the use of Council's road reserves for commercial benefit.

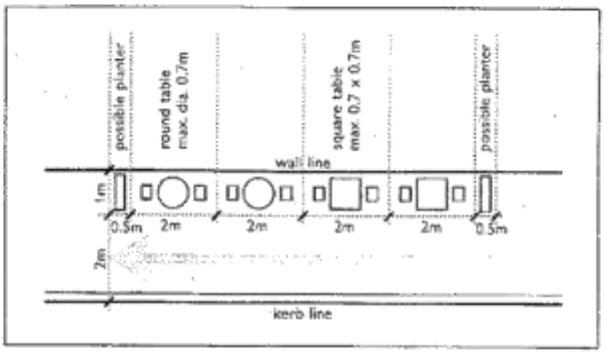
14.3. Governance

14.4 Provides guidelines for the approval and use of activities deriving a commercial benefit from the use of road reserves and the opportunity to review insurance, safety and maintenance requirements.

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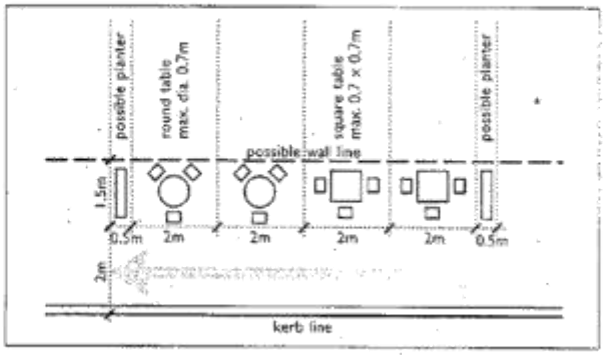
Footpath design

Diagram 1



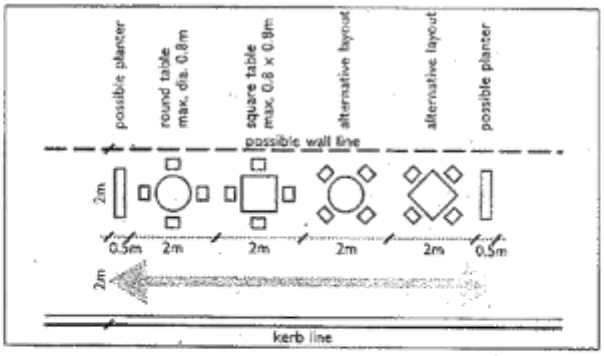
Footpath cafe adjacent to the respective indoor premises
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

Diagram 2



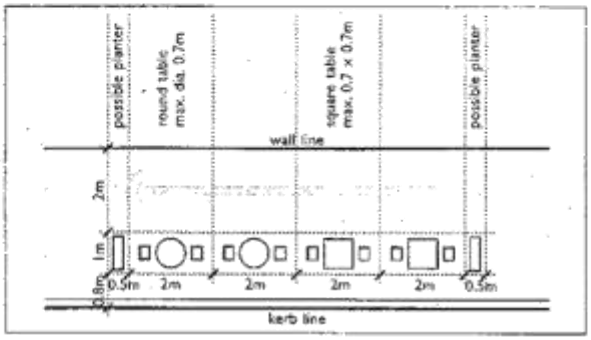
Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

Diagram 3



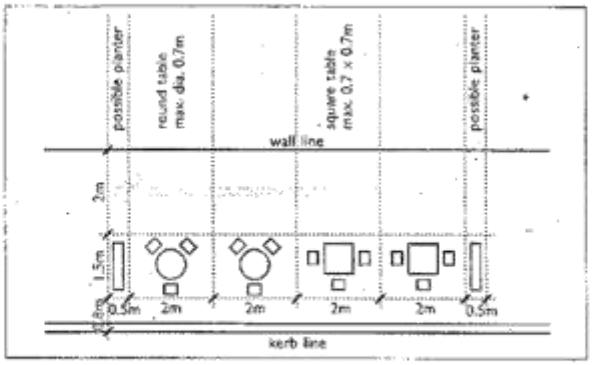
Footpath cafe adjacent to the respective indoor premises or freestanding
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 4 chairs per table

Diagram 4



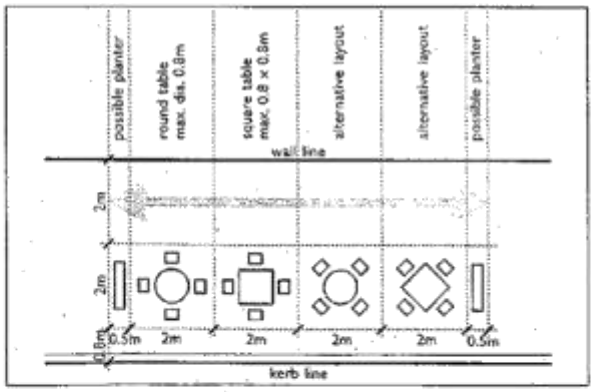
Footpath cafe adjacent to the respective indoor premises
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 2 chairs per table

Diagram 5



Footpath cafe adjacent to the respective indoor premises (square table only) or freestanding (square or round table)
- alignment and minimum clearance for pedestrian traffic
- nominal dimensions for furniture layout with 3 chairs per table

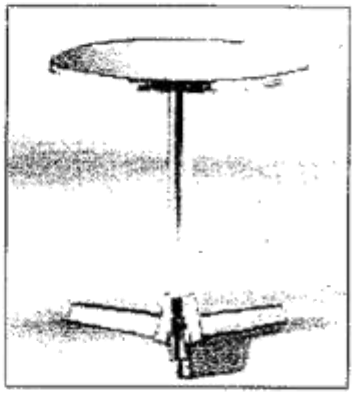
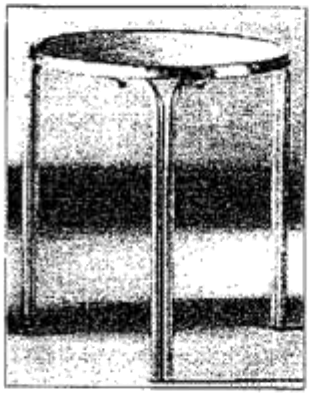
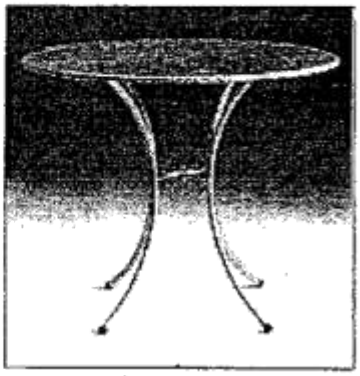
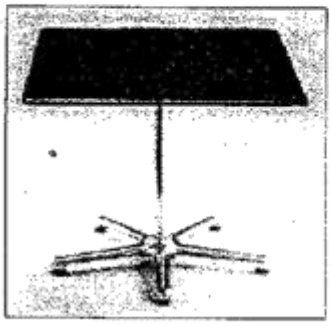
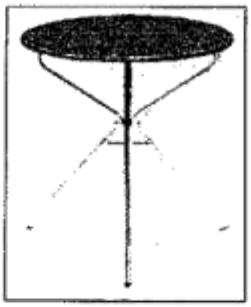
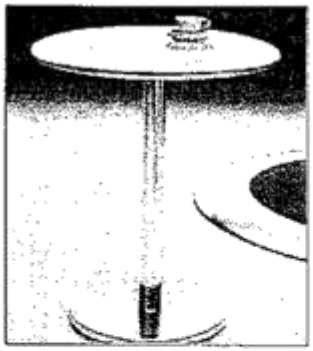
Diagram 6



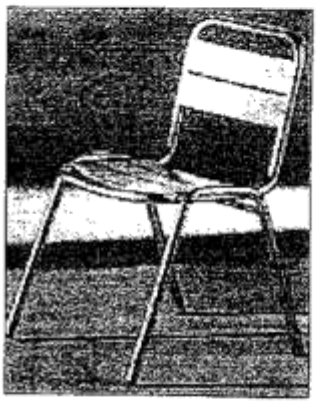
Footpath cafe adjacent to the respective indoor premises or freestanding
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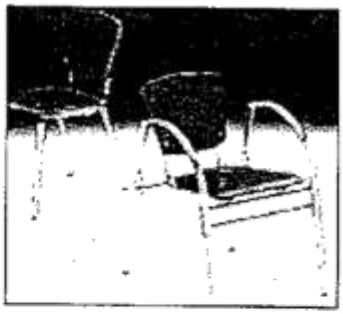
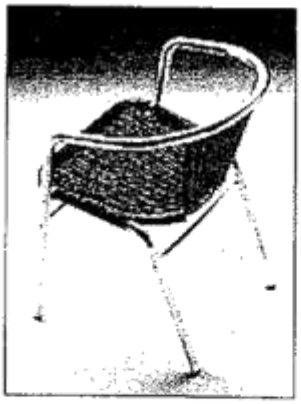
Furniture Style Guide

Tables (illustrative only)

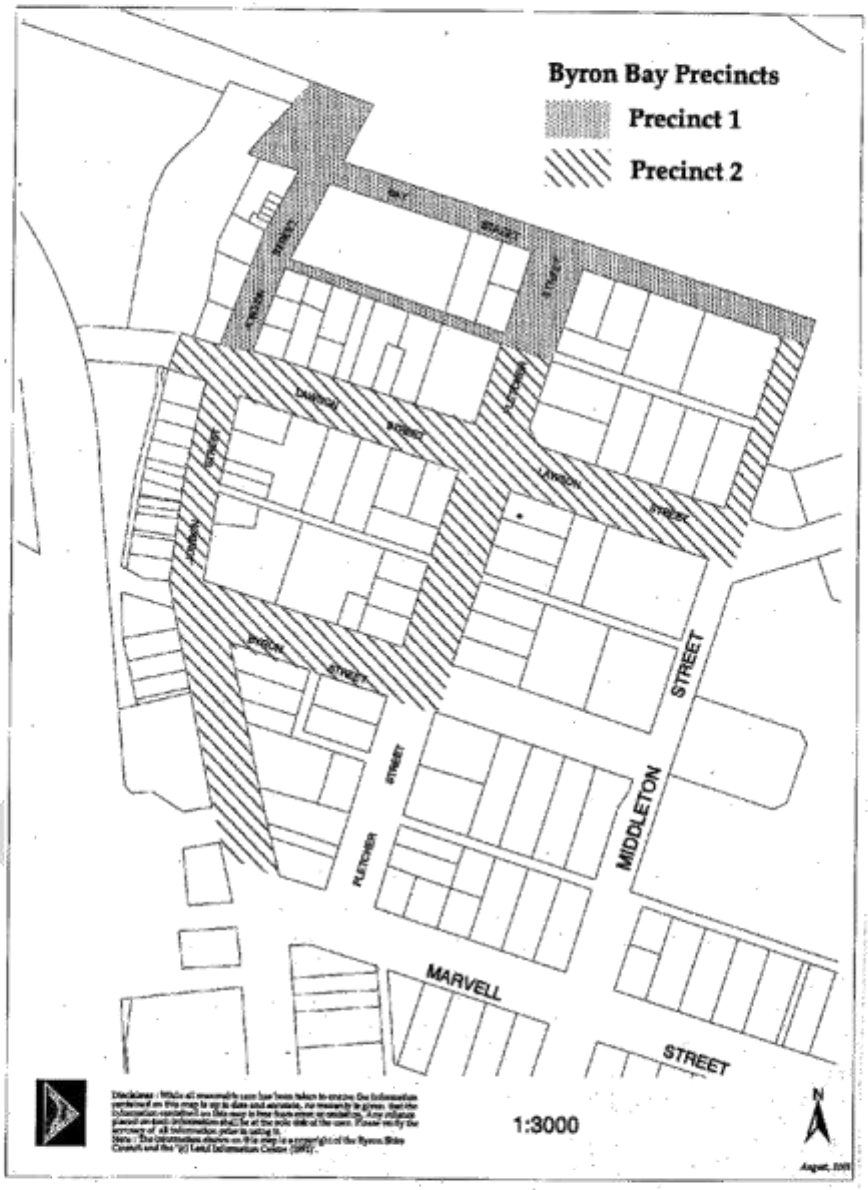







Chairs (illustrative only)

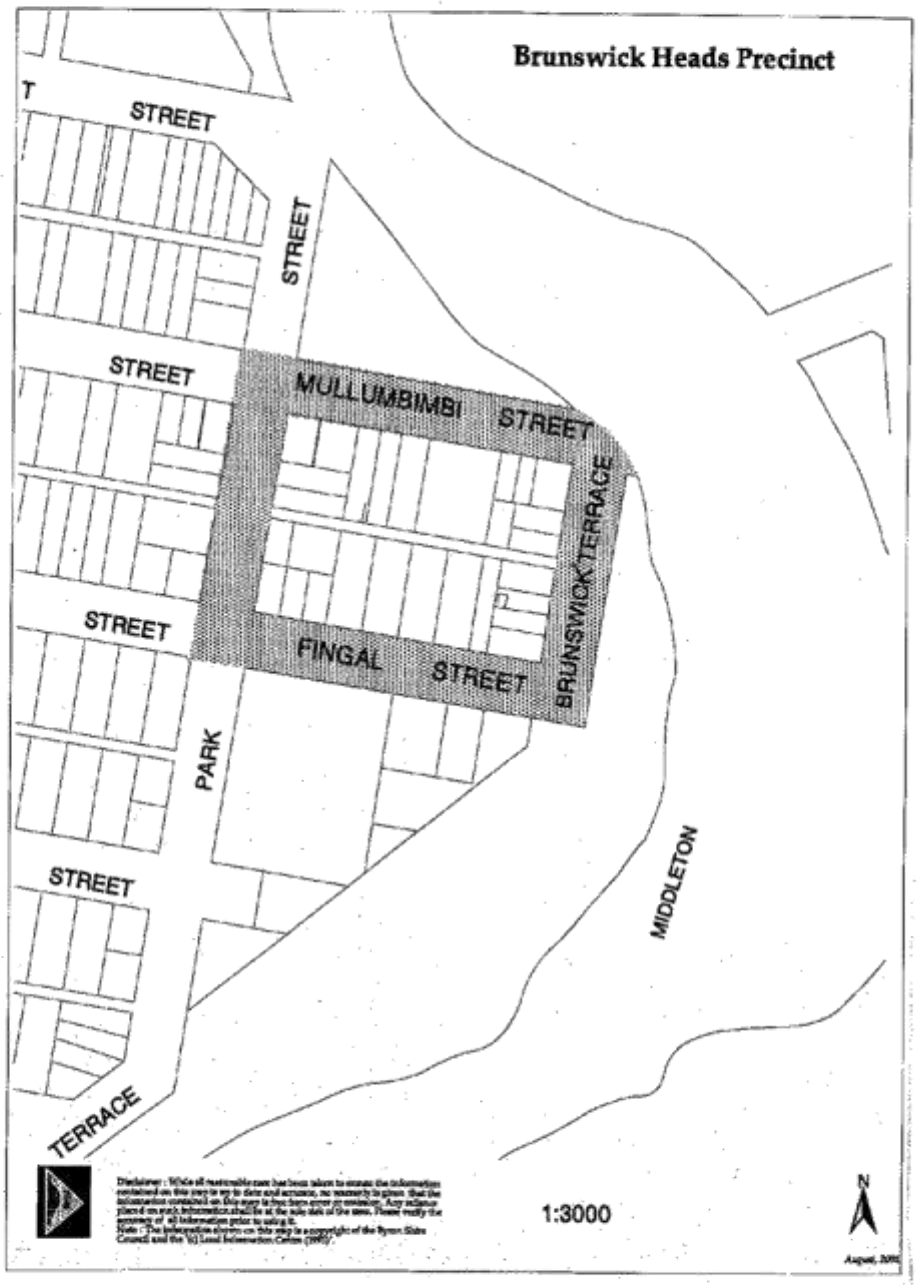



Byron Bay Precincts



Brunswick Heads Precincts



ATTACHMENT 1 TO COUNCIL REPORT 26 OCTOBER 2017

DRAFT RURAL LAND USE STRATEGY (APRIL 2017 VERSION)

- **SUBMISSIONS SUMMARY REPORT**

ATTACHMENT 1

Composite of recommended changes to Rural Land Use Strategy and supporting documents:

No.	Recommendation	Page No.
1.	That the Rural Land Use Strategy include an additional appendix titled 'Consistency with State Policy Framework' (as contained in Attachment 5 of 26/10/17 Council Report)	4
2.	That the following RLUS sections be updated to improve clarity: (a) Section 3.3.3 criteria for rural lifestyle living opportunities: include in a Table for ease of reference; (b) Section 4.2 Process for implementing Land Release Program enabling future rural lifestyle living opportunities: illustrate using a flowchart.	4
3.	Amend RLUS Action 13 and Table 2 (Rural economy actions) by: (a) adding the words 'and strengthen' to the end of the first sentence; (b) combining bullet points 5 and 8 to read: • *'Low scale rural tourism opportunities, particularly those directly associated with primary production and/or improved conservation outcomes'*	5
4.	Remove the green dashed circles shown on RLUS Maps 4, 4a and 4b, to avoid confusion about spatial extent of priority areas.	6
5.	Amend RLUS Action 14 and Table 2 (Rural economy actions) to include a new dot point under 'Review guidelines for agricultural and non agricultural uses to better manage potential impacts relating to:' • *'rural amenity and visual impacts'*	11
6.	Amend RLUS Action 16 and Table 2 (Rural economy actions) to delete the words "(a type of function centre)" and replace with "*other types of function centres*".	11
7.	Amend second dot point in RLUS Action 10' and Table 1 (Rural environment actions: 'Planning Improvements') by replacing the word "allowing" with "*providing scope for*".	12
8.	Insert the following new action in Table 3 (Rural community actions): • *"review capacity of existing village plans to manage change, accommodate growth, encourage housing choice and diversity (including seniors housing) and better protect valued environments at a local level"*	14
9.	Amend second sentence in RLUS Section 4.3 (Process for enabling re-subdivision within existing Large Lot Residential estates) to read: *" …. Council will consult with affected residents within the relevant estates and surrounding landowners to determine…"*	14
10.	For Site 3 in RLUS Maps 4 and 4b (Coopers Shoot Road, Coopers Shoot), reduce the extent of 'Potential R5 Large Lot Residential' expansion area to reflect the approved lot yield and clustered subdivision layout (DA 10.2009.94.1).	16

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This report summarises government agency and community responses received during exhibition of the revised Rural Land Use Strategy (RLUS) from 7 June to 24 July 2017. As the final stage in the preparation of the Rural Land Use Strategy, the exhibition was designed to complement the earlier 2016 exhibition and encouraged discussion around how best to implement the actions of the strategy. These actions identify how Council can act, inform, guide and lead over the strategy life to build upon the strength of existing communities and ensure a balance between the rural environment, economy, living arrangements and infrastructure services.

Exhibition Period

Council resolved at its **20 April 2017 Meeting** (***Res 17-126)*** to:

1. *Exhibit for further community feedback and discussion the draft Rural Land Use Strategy, supporting 'Policy Directions Paper', 'Site Suitability Criteria and Mapping Methodology' and the draft 'Rural Land Use Strategy Implementation Plan' for 28 days.*
2. *As part of the exhibition process encourage guidance from the community on priorities for the 'Rural, Land Use Strategy Implementation Plan'.*
3. *That Council commence actioning priorities confirmed following the exhibition process prior to the winter recess.*
4. *That a public communication and engagement strategy be created in consultation with the Communications Panel to guide the exhibition process.*

In response to community requests a decision was made to extend the exhibition period for a further 2 weeks from 10 July to 24 July.

Report Format

This report is organised into two parts: 'Part 1 – Government Agency Response' and 'Part 2 – Community Response'. Both parts provide a summary of the consultation undertaken and key matters raised, along with a corresponding planning response to such matters. For ease of referencing RLUS actions a copy of the Action Plan (showing Action numbering) is contained at the end of this Report (Appendix 1A).

Part 1. Government Agency Response

1.1 Consultation

Consultation during the exhibition period consisted of formal notification and follow up discussions (as necessary) with the following government agencies:

- NSW Department of Planning and Environment (DPE)
- Adjoining Councils of Tweed, Lismore City and Ballina

1.2 Key Matters Raised by Government Agencies

Submissions were received from DPE and the Department of Primary Industries (DPI). Table 1 Key Matters Raised by Government Agencies summarised the matters raised and staff response.

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Table 1: Key Matters Raised by Government Agencies

Government Agency	Matters Raised	Response
NSW Department of Planning and Environment (Annexure 2 in Council Report)	**Issue 1:** When finalising the Strategy, it is recommended that Council consider ensuring that a clear alignment with the State planning framework is articulated in regard to: • relevant S117 Directions, • State Environmental Planning Policies • North Coast Regional Plan 2036 (NCRP) • Settlement Planning Guidelines: Mid and Far North Coast 2007 • Northern Councils E Zone Review Final Recommendations	Attachment 5 in Council Report clarifies state planning framework alignment. This information is necessary to enable state endorsement of the strategy. **RECOMMENDATION** **1. That the Rural Land Use Strategy include an additional appendix titled 'Consistency with State Policy Framework' (as contained in Attachment 5 of 26/10/17 Council Report)**
	Issue 2: Council to consider graphic aides, diagrams, flowcharts and other opportunities to ensure a highly user-friendly document that can be successfully implemented	Agree as per recommendation below: **RECOMMENDATION** **2. That the following RLUS sections be updated to improve clarity:** **(a) Section 3.3.3 criteria for rural lifestyle living opportunities: include in a Table;** **(b) Section 4.2 'Process for implementing Land Release Program enabling future rural lifestyle living opportunities': illustrate using a flowchart**
NSW Department of Primary Industries (Annexure 3 in Council Report)	**Issue 1:** Land Use Conflict (LUC) management should be a key principle in the strategy	This comment aligns with community response that LUC warrants specific provisions. Action 14 – *"Review guidelines for agricultural and non agricultural land uses to better manage potential impacts …"* specifically targets this matter. **No change**
	Issue 2 The section on the Rural Economy is skewed towards rural tourism – (Item 1 of DPI letter)	The RLUS 'rural economy' actions are complemented by other council strategies that have been recently developed such as Enterprising Byron

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Government Agency	Matters Raised	Response
NSW Department of Primary Industries continued		2025, which focuses on building a resilient and diverse economy in a sustainable manner. Addressing rural tourism in the RLUS is consistent with the NCRP Direction 8 to promote tourism outside of prime tourist locations, in particular NCRP Action 8.3 encouraging tourism development *in natural areas that support conservation outcomes* and Action 11.4 to encourage niche tourism activities *that complement and promote a stronger agricultural sector and builds the sector's capacity to adapt to changing circumstances'.* The DPI comments on rural tourism generally accord with issues raised by the community on the need to clarify what is appropriate 'rural tourism development' in Byron Shire. Given the mixed views around what is considered 'appropriate rural tourism', amend the wording in RLUS Action 13 as follows: **RECOMMENDATION:** **3. Amend RLUS Action 13 and Table 2 (Rural economy actions) by:** **a) adding the words '*and strengthen*' to the end of the first sentence;** **b) combining bullet points 5 and 8 to read:** • **'*Low scale rural tourism opportunities, particularly those directly associated with primary production and/or improved conservation outcomes*'**
	Issue 3: Conflict management between rural lifestyle - non agricultural uses and agricultural uses needs more attention – (Items 3 – 6 of DPI Letter)	RLUS Action 14 *Review of guidelines for agricultural and non agricultural use to manage potential impact* – is intended to address this issue, with the RLUS 'Appendix 1 Supporting Information' currently providing details around the matters to be considered. It is not

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Government Agency	Matters Raised	Response
NSW Department of Primary Industries … (continued)		considered necessary to repeat this action elsewhere as one of the Rural Community policy directions states that "Future rural lifestyle living opportunities will only be considered where consistent with the Policy Directions for Our Rural Environment and Our Rural Economy". **No change to RLUS**
	Issue 4: Rural Infrastructure (Item 7 of DPI Letter)	Whilst supportive of this suggestion, this action more appropriately relates to Enterprising Byron 2025 and is encompassed under the Actions of this Strategy. **No change to RLUS**
	Issue 5: Maps (Item 8 of DPI Letter)	This is an interpretation matter that can be addressed by the removal of the green dash circles on Map 4. **RECOMMENDATION:** **4. Remove the green dashed circles shown on RLUS Maps 4, 4a and 4b, to avoid confusion about spatial extent of priority areas.**
	Issue 6: Emergency management and buffer design for rural residential development (Item 9 of DPI Letter)	This is considered unnecessary as Action 14 ('*Guidelines review*') relates to both agricultural and non agricultural land use, and hence already encompasses rural residential development. **No change to RLUS**
Department of Planning and Environment Resources & Geoscience - GSNSW (Annexure 4 in Council Report)	GSNSW acknowledges the changes made to the RLUS to accord with earlier GSNSW requests.	Noted **No change to RLUS**

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Part 2 – Community Response

Feedback from the community has enabled Council to gain a better understanding of priority actions for implementation, as well as the community's desire to partner with Council in the implementation process.

Community responses generally supported the actions proposed and offered insights and ideas for Council to consider in their implementation. The responses also signalled that any related engagement should extend beyond our rural landowners and residents to include all of the community, as what happens in the rural areas has implications for all of our Shire community.

2.1 Consultation

An overview of the community engagement undertaken is presented below:

Action	Responses
• Use of public media, Council's website, Facebook page and an e-newsletter to advertise engagement opportunities • Notification letters to stakeholders/submitters identified in the 2016 exhibition • Information stalls at Mullumbimby Farmers Market • Community briefing in Durrumbul, Federal and Bangalow • On line survey seeking input on particular actions as prioritized by Council	• Some 20 telephone conversations • Around 15 one on one meetings with staff • Some 30 people engaged in conversations with Council officers at Mullumbimby farmers market • A total of 62 electronic survey responses • 118 submissions • Some 50 people attending the community briefing sessions and providing input

2.2 Review process

The aim of the review process was to:

- consider all responses in an objective, equitable and fair manner;
- provide guidance and advice to Councillors to inform any refinements to complete draft Rural Land Use Strategy prior to consideration for adoption by Council; and
- collate 'Action' implementation ideas and concepts.

The information presented below is a collation of responses from community briefing meetings, farmers markets, submissions and the on line survey.

For ease of understanding, community responses have been summarised according to the following categories:

- *Priority actions identified*
- *Key matters around specific actions*
- *Property-/ Area-specific responses and other matters*

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2.2.1 Priority Actions identified

The engagement program asked respondents to identify their priorities in regard to implementation of certain actions. The following five actions received the strongest interest overall:

Action 13 *Identify opportunities in our local planning framework to support agribusiness, rural enterprise and innovation.*

Action 14 *Reviewing guidelines for agricultural and non agricultural uses to better manage potential impacts.*

Action 16 *Investigate the potential for allowing 'wedding venues' (a type of function centre) in rural zones and, where appropriate, planning provisions to ensure their location, scale and operation are compatible with the rural setting.*

Action 22 *Investigate capacity for re- subdivision within existing Large Lot Residential estates.*

Action 18 *Develop a policy framework for unauthorised rural dwellings.*

The interest in these actions was generally based on a view that finalising the Draft Rural Land Use Strategy may be premature in the absence of further analysis/resolution of specific issues (such as those above). On the other hand, there was general support for the Strategy's approach of identifying an 'action' that would be followed with an implementation measure involving focused discussion papers, further consultation and recommended outcomes.

2.2.2 Key Matters around specific actions (by 'theme')

The Rural Use Strategy Discussion Paper *'A Fresh Approach'* and the Draft Rural Land Use Strategy have been structured around four themes:

- Rural Environment
- Rural Economy
- Rural Community
- Rural Infrastructure

Respondents generally provided comment under these themes. For each theme the following provides a short summation of responses together with any recommended change to the RLUS and implementation considerations.

'Rural Economy' Actions

Rural Economy actions attracted the highest number of responses. The key matters raised were:

- Strengthen actions that support the right to farm and businesses connected to agriculture, agricultural produce and services required in farming
- Greater priority for reducing existing and emerging land use conflicts and managing the interface between agricultural and non agricultural uses

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- Greater clarity on what role tourism will play in the rural areas for Byron Shire - the majority of responses supported small scale tourism
- Mixed opinions about the appropriateness of rural wedding venues in rural areas.
- Greater attention to protecting the rural amenity and landscape – '*this is a strong reason people come to live and work and visit the Shire'*
- Support for implementation approach that entails: discussion paper/s; an engagement strategy to inform and dissect the discussion paper; followed up with a recommendation report to Council on appropriate outcomes.

Table 2 below summarises responses received on implementing the following Rural Economy Actions (as identified in Tables 2 & 11 of the RLUS):

Action 13: *Identify opportunities in our local planning framework to support agribusiness, rural enterprise and innovation.*

Action 14: *Reviewing guidelines for agricultural and non agricultural uses to better manage potential impacts.*

Actions 15/27: *Resolve mapping inconsistencies between property and zone boundaries*

Action 16: *Investigate the potential for allowing 'wedding venues' (a type of function centre) in rural zones and, where appropriate, planning provisions to ensure their location, scale and operation are compatible with the rural setting.*

Action 32: *Site suitability criteria for rural tourism*

Action 47: *Advocate for changes to the Standard LEP template to better reflect the agricultural, food production and rural tourism development in Byron Shire and the Northern Rivers Region.*

Actions 13, 14 and 16 attracted the highest level of responses. A range of views (both for and against) were expressed around the issue of permitting wedding venues in rural zones.

Table 2: Rural Economy Action Considerations

How should we implement?	• Agribusiness Discussion Paper/s • Rural Tourism Discussion Paper possibly encompassing the investigation on the potential for rural wedding venues • appoint a 'Council agricultural officer' to help facilitate this process • ensure an effective engagement strategy is in place
What should an agribusiness discussion paper consider?	• the diversity and scales in farming and different land, lot sizes, production, output, infrastructure and marketing technique requirements • land uses connected with maintenance of agricultural equipment and processing • buffer and land use conflict management to address the 'right to farm', siting, design, function, responsibilities of parties in the provision of buffers, minimising potential future restrictions to agricultural uses and rural amenity to encompass visual impacts • greater access to farmland: suggestions included review of minimum lot sizes, use of Ru 4 Zone- Primary Production Small Lots, farming

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	cooperatives, Council rating credits and protection for non-contiguous regionally significant farmland • improving data on rural enterprises, type, extent and changes in farming activities and how to make this data, where appropriate, available for business to use as part of their business planning and development • meeting future rural water needs
What should a rural tourism discussion paper consider?	• diversity, scales, and different needs and requirements in land, lot sizes, commercial operation and land use mix, infrastructure, frequency of the tourism activity and number of people on-site at any one time • land uses connected with maintenance of rural tourism • need for a levy on tourism activities • potential changes to the Council owned land at Tyagarah Airstrip such as intensification and expansion for rural tourism, industries and creative industries (mixed views were held) • impacts on the Byron Shire landscapes - the rural, coastal, hills and mountains and villages • impacts on village infrastructure and resident housing availability
What should a rural wedding venue discussion paper consider?	• whether weddings and other types of 'events' /parties venues are appropriate in a rural area, including socio-economic impacts • the diversity and scales in potential venues and different needs and requirements around land suitability, lot sizes, means of access both guests and support businesses, infrastructure, capacity and frequency of the event • level of priority to be given to community halls • practicality of land use conflict management (on site management, contact number for all neighbours, Council weekend staff to monitor and manage such events) • Liquor licensing requirements • guidelines for helipad impacts • impacts on rural village infrastructure • consistency with recent court rulings
Who should we include in our consultation?	<u>Agribusiness</u> • support for a 'Farmers and Producers panel' to be created by Council • include the NSW Farmers Federation and DPI representatives on this panel (Officer Note: The state government is currently undertaking pilot research into farm sizes and access. The findings of this research will help inform future the decisions of Council) <u>Rural Tourism and Wedding Venues</u> • wedding and tourism industry sectors • neighbours of past and currently operating tourism and wedding venues in rural zones • rural hall committees • village residents and businesses

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In response to submissions on the 'rural economy' actions the following RLUS changes are recommended :

RECOMMENDED CHANGES:

5. **Amend RLUS Action 14 and Table 2 (Rural economy actions) to include a new dot point under 'Review guidelines for agricultural and non agricultural uses to better manage potential impacts relating to:'**
    - ***rural amenity and visual impacts***

6. **Amend RLUS Action 16 and Table 2 (Rural economy actions) to delete the words "(a type of function centre)" and replace with "*other types of function centres*".**

'Rural Environment' Actions

Rural Environment actions attracted responses generally relating to four key matters:

- E Zones and agricultural land use
- Net zero emission and agricultural land use
- Finding an approach to facilitating environmental restoration that is 'durable'
- Include consideration for native fauna.

The responses signalled support for resolution of E Zones "Deferred Matters", with some submitters suggesting that E Zonings should be resolved before the Rural Land use Strategy is completed. A number of submissions raised matters regarding HEV mapping accuracy in the Site Suitability Criteria and Mapping Methodology Map 2, this mapping will be updated as part of the HEV verification and E Zoning process.

Table 3 below summarises responses received on implementing the following Rural Environment Actions (as contained in Tables 1 & 11 of the RLUS):

Action 8 *As part of Council's commitment to achieving a 100% net Zero Emissions Target by 2025 (Council Resolution 17-086), investigate pathways for reducing rural land use emissions and provide a corresponding modelling report for the options identified.*

Action 9 *Update Byron LEP 2014 to reflect High Environmental Value vegetation mapping and implement Environmental Zones in accordance with State Government requirements.*

Action 10 *Identify opportunities in our local planning framework to:*

- *establish priority enhancement corridors*
- *recognise the value of past environmental enhancement works as part of the development assessment process (e.g. by allowing sympathetic development to coincide with these works)*
- *protect High Environmental Value vegetation and other environmental assets through appropriate buffers.*

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- *support non-market and market-based incentives for environmental enhancement work*
- *improve the capacity for future rural lifestyle living and rural tourism development opportunities to deliver environmental enhancement outcomes*
- *improve the quality of biodiversity assessment and reporting.*

Action 12: *Identify opportunities in our local planning framework to improve the water capture and use and energy efficiency performance of new development and facilitate the use of sustainable transport.*

Table 3: Rural Environment Action Considerations

How should we implement	Whilst there was support for Actions 8 and 10 there were mixed views as to implementation and support that should be offered to landowners. The general consensus appears to be one that environmental outcomes should be integrated as part of the discussion on all rural land uses.

What should we consider	• encouragement by both financial & logistical support for rural landowners who:
	  ○ have areas of high conservation value
	  ○ have undertaken restoration to link/extend/maintain such areas
	  ○ improve the vegetation quality and monitor this improvement
	  ○ plant out or dedicate to protect endemic rainforest species
	  ○ participate in biodiversity land use
	  ○ undertake work to support native fauna
	• clarifying what 'sympathetic development' means, as not defined in this strategy or the regional development plan and is open to interpretation
	• the word 'net' associated with the zero emissions is important in the rural sector as the approach is for carbon neutrality by balancing a measured amount of carbon released with an equivalent amount sequestered or offset, or buying enough carbon credits to make up the difference

Who could we include in our consultation	• consultation with landowners/farmers and must take into account their need to generate an income from their properties when considering:
	  ○ areas of high biodiversity and environmental values
	  ○ 100% net zero emissions targets

In response to the community messages on the 'rural environment' actions the following changes are recommended to the RLUS:

RECOMMENDED CHANGES:

7. **Amend second dot point in RLUS Action 10' and Table 1 (Rural environment actions: 'Planning Improvements') by replacing the word "allowing" with "*providing scope for*".**

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'Rural Community' Actions

Rural Community actions also attracted a high number of responses, namely the following:

- ***Action 18:*** *develop a policy framework for unauthorised rural dwellings.* Table 4 below summarises responses received on implementing of this action
- Support for the ongoing conservation and protection of culturally significant lands (***Actions 24 and 40***)
- ***Action 17***: *Locate future rural lifestyle living opportunities to support and strengthen our existing towns/villages (socially and economically)* and ***Action 19:*** *Monitor and review village zoned land to ensure there is an adequate amount to accommodate future growth during the life of this Strategy*. To build on these, some responses suggested including a new action to review capacity of village plans to manage change, accommodate growth, encourage housing choice and diversity (including seniors housing) and better protect valued environments at a local level. Communities that expressed an interest in such plans included Federal and Ewingsdale
- ***Action 21:*** *Where appropriate, design housing to minimise the impact of development and construction, encourage communal living (where applicable), maximise the opportunities for the use of the remainder of the land for agriculture, reforestation, or recreation and consolidate access and services*
- ***Action 22*** - *Investigate capacity for re-subdivision within existing Large Lot Residential Estates* (this action received the strongest interest). Suggest consideration of land uses, infrastructure demands, potential environmental impacts and landscape amenity and views of surrounding landowners when implementing this action.

Table 4: Action 18 Considerations - *Develop a policy framework for unauthorised rural dwellings*

How should we implement?	Focus on providing affordable and sustainable rural housing, with an amnesty period so landowners can apply to have unauthorised rural dwellings approved with fines to apply after this period.
What should we consider?	• detached secondary dwellings and dual occupancy dwellings as permissible with consent in Environmental zones (E2, E3 and E4), subject to development demonstrating it will not negatively impact on the environmental aspects of the land • allowing an additional 15% more dwellings on Multiple Occupancies and Community Title rural land sharing communities as part of an affordable housing bonus when dedicated to affordable housing
Who could we include in our consultation?	• consultation should also involve the community affected by the unauthorized rural dwellings

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Table 5 summarises responses received on implementing ***Actions 17, 20 and 21***.

Table 5: Actions 17, 20 and 21 Land Release Considerations

How should we implement?	Priority sites for rural lifestyle living (Sites 1 and 2) : – appropriate subdivision framework [1.] – Development Control Plan subdivision and house design provisions ie. similar to the current Chapter E [1.] [1.] Would be addressed during the planning proposal process in line with Action 21.
What should we consider?	• retaining support for and encouraging community title in rural lifestyle and village locations • the feasibility of current undeveloped village zoned land to be developed for housing • potential impact of the exclusion of the 2 KM service catchments to the villages • affordable, sustainable and capacity for aging in place housing in villages • landscape character/amenity including protecting ridgelines • sequencing of new release rural lifestyle living areas of McAuleys Lane and Alidenes Road to occur after the undeveloped potential in existing large lot residential areas have been has been expended
Who could we include in our consultation?	• village communities in preparing village plans • landowners of the new release rural lifestyle living areas

In response to the community messages on the 'rural community' actions the following changes are recommended to the RLUS:

RECOMMENDED CHANGES:

8. **Insert the following new action in RLUS Table 3 (Rural community actions):**

   - ***"review capacity of existing village plans to manage change, accommodate growth, encourage housing choice and diversity (including seniors housing) and better protect valued environments at a local level."***

9. **Amend second sentence in Section 4.3 (Process for enabling re-subdivision within existing Large Lot Residential estates) to read: *" .... Council will consult with affected residents within the relevant estates and surrounding landowners to determine ..."***

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'Rural Infrastructure' Actions

Responses to Rural Infrastructure actions generally targeted the deteriorating condition of Shire roads, water security and being more "water wise" (usage, harvesting and disposal/reuse of waste water). Other key matters raised include:

- Council liaising with the Department of Education regarding school growth and decline and considering strategies around schools in rural areas
- Managing impacts of tourists on village infrastructure

In response to the community messages on the 'rural infrastructure' actions no changes are recommended to the RLUS.

2.2.3 Property/Locality-specific responses and other matters

A number of respondents did not support the revised provisions relating to specific properties/localities. These submissions are grouped into four categories and summarised in Table 6 below:

- Priority sites for rural lifestyle living as identified in the RLUS Maps 4a and 4b
- Additional Rural Lifestyle Living Opportunity (RLLO) Sites - West of the Highway
- Additional Rural Lifestyle Living Opportunity Sites - East of the Highway
  (Note: These sites are not suitable due to State government policy; the NCRP Direction 24 states that "*no new rural residential development will be permitted in the coastal area* (ie. east of the Pacific Highway) *other than development already zoned, or in an approved current or future local growth management strategy*"
- Sites identified in the Preliminary Draft Residential Strategy (PRDS) or seeking an urban residential designation

Table 6: Site specific considerations

Site	*Submitter key request*	*Staff comment*
Priority sites for rural lifestyle living as identified in the RLUS Maps 4a and 4b		
RLUS Site 1 McAuleys Lane / Billin Road, Myocum	Exclude from designation as a RLLO site due to 'Wollongbar' soil type which equates to important farmland.	This submission is from a community member (who is not the landowner). The site is not mapped as regionally significant farmland, a process which considered soil types. **No change to RLUS**
RLUS Site 3 Coopers Shoot Road, Coopers Shoot	Exclude from RLLO as Regionally Significant Farmland and outside the 5km service catchment	This submission is from a community member (who is not the landowner). An earlier submission to the draft LEP 2012 (LEP 2014) by the current landowner had similarly raised the importance of '*protecting our land and our soil for the*

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Site	*Submitter key request*	*Staff comment*
		production of food', namely grazing and orchards. The site is identified as regionally significant farmland and situated east of the Pacific Highway and therefore does not comply with the RLUS criteria. However the site is zoned RU2, within a 5 km of a major town service centre containing a high school and has existing approval for a 5 lot community title (CT) subdivision (DA 10.2009.94.1). The subdivision has not been registered however dwellings are already constructed on more than 50% of the approved lots. The CT approval required housing to be clustered at the eastern end of the site with the balance of land ('neighbourhood property') to be retained for farming purposes. Therefore the decision to identify in Map 4 (for Torrens Title) is conditional on maintaining the approved lot yield and clustered subdivision layout. The extent of potential R5 zone has been reduced in size accordingly to support this outcome. **RECOMMENDATION:** **10. For Site 3 in RLUS Maps 4 and 4b (Coopers Shoot Road, Coopers Shoot), reduce the extent of 'Potential R5 Large Lot Residential' expansion area to reflect the approved lot yield and clustered subdivision layout (DA 10.2009.94.1).**
Additional Rural Lifestyle Living Opportunity (RLLO) Sites - West of the Highway		
Part Lot 27 DP 1016168 Coolamon Scenic Drive & Mountain View Road E2017/70676	Seeking designation as priority RLLO site to extend an existing R5 zone on unconstrained/assessable land portion of the lot.	This site was previously reviewed and reported to Council on 17 March 2016 (Report No 13.10 – Site Specific Property Investigations. The respondent continues to request additional R5 expansion. This site is primarily affected by slope constraints greater than 25% and as a result did not contain the required minimum unconstrained land area (10ha). Noting that the site already contains an area of R5 zoned land within, opportunities for further subdivision can be considered as part of the R5 minimum lot size review (Action 22). **No change to RLUS**

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Site	*Submitter key request*	*Staff comment*
Lot 1 DP 569916 122 Dingo Lane Myocum E2017/68254	Seeking inclusion in R5 Zone; currently has community title and adjoins an existing R5 area	The subject land has potential for Community Title subdivision under LEP 2014 for 4 lots. However the site is identified as regionally significant farmland and zoned RU1 (previously zoned 1(b1) Agricultural Protection in LEP 1988). In addition, access to the site is via an unsealed road (Dingo Lane) which is not of an acceptable standard to support R5 expansion. Therefore the site should not be included in Map 4 of the RLUS. **No change to RLUS**
Walker Farm Myocum Rd and Myocum Ridge Road Myocum E2017/70222	Proposal for a small farm holding co-operative requiring review minimum lot sizes in the RU 1 & RU2 zones to facilitate	This will be a matter for consideration during the implementation of Action 13 (*Identify opportunities in our local planning framework to support agribusiness, rural enterprise and innovation)*. **No change to RLUS**
74 Charltons Road, Federal E2017/66276	Seeking designation as priority RLLO site	A planning proposal for the subject land was lodged in December 2014, following a council resolution (***13-388***) to include in the draft LEP 2014 'Multiple Occupancy and Community Title' map. This site was subsequently removed by the Department of Planning & Environment when the Byron LEP 2014 was finalised, mainly because it had not been exhibited in the draft LEP 2012 and hence was not subject to any community consultation (ie. a statutory requirement of the LEP process). Inclusion of this land in the draft RLUS cannot be supported in the context of (i) the criteria identified for future rural lifestyle living opportunities and (ii) the State/regional planning framework (namely the North Coast Regional Plan and s117 Ministerial Direction 5.3). **No change to RLUS** **[Further discussion of this planning proposal is provided in the 26/10/17 council report.]**
Request for additional Rural Lifestyle Living Opportunity (RLLO) Sites - East of the Highway		
Lot 1 DP 812278 Coopers Shoot E2017/62781	Seeking E Zones and zone/lot boundary rationalisation to existing R5 zone	Environmental zones will be addressed as part of the E Zone Implementation Program (commencing shortly). Further subdivision consideration can be given as part of the minimum lot size review for the R5 zone (Action 22).

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Site	*Submitter key request*	*Staff comment*
		No change to RLUS
Lot 5, D.P 258562 248 Broken Head Road, Suffolk Park E2017/66436	Seeking inspection for E Zone and designation as priority site for rural lifestyle living opportunity - community title	The site consists of undeveloped land east that does not meet the criteria for RLLOs. Environmental zones will be addressed as part of the E Zone Implementation Program (commencing shortly). **No change to RLUS**
Lot 1 & 2 DP 1126204 NS Lot 7 DP 573269 Grays Land Tyagarah E2017/70580	Seeking designation as priority RLLO site	This site was previously reviewed and reported to Council on 17 March 2016 (Report No 13.10 – Site Specific Property Investigations). A planning proposal for the site was subsequently refused by DPE in late 2016. The respondent continues to request inclusion in Map 4 of the RLUS for an R5 zoning. Based on RLUS changes recommended to address key requirements of the DPE submission and the North Coast Regional Plan, the status to exclude remains unchanged. **No change to RLUS**
Lot 1 DP1154192 Bangalow E2017/70220	Seeking designation as priority RLLO site	The land is regionally significant farmland and abuts commercial farmland – macadamia growing. **No change to RLUS**
Sites identified in the PRDS or seeking an urban residential designation		
PRDS Area 17 Saddle Road locality	Exclude Saddle Road from any consideration in the Residential Strategy	Indicated as a Possible area of residential Area of Interest in the PRDS. The next stage of the Residential Strategy will investigate these matters in greater detail for The Saddle Road area, including consultation with effected community. **No change to RLUS (ie excluded)**
PRDS Area 9 404 Left Bank Road, Mullumbimby Creek Lot 2 in DP1189042 E2017/74761	Consideration for urban residential supply	Outside the scope of RLUS. Northern part identified as 'Not suitable – highly constrained' Area of Interest in the PRDS. Balance of site contains regionally significant farmland. **No change to RLUS**
PRDS Area 3 Lot 6 DP 1091067 2219 Coolamon Scenic Drive, Mullumbimby E2017/74772	Consideration for Multiple Occupancy	South eastern part indicated as a Future Investigation – low suitability Area of Interest in the PRDS. Balance of site regionally significant farmland and slope constraints. Has been determined should be deferred from consideration for urban growth area

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Site	*Submitter key request*	*Staff comment*
		until there is adequate infrastructure servicing available. **No change to RLUS**
PRDS Area 4 Lot 10 DP 1132925, No.1982 Coolamon Scenic Drive E2017/70677	Seeking designation as priority RLLO site - rural community title	The eastern portion site affected by the primary constraint 'sewerage treatment plant buffer'. The western portion was identified as a Future Investigation – low suitability Area of Interest in the PRDS. Draft RS has determined that the site has urban potential in the long term, subject to adequate infrastructure servicing available. As such it is not suitable for inclusion on Map 4 and 4a in the RLUS. **No change to RLUS (excluded)**
Part of PRDS Area 19 Quarry lane Ewingsdale E2017/70676	Seeking designation as priority RLLO site	This site previously reviewed and reported to Council on 17 March 2016 Report No 13.10 – Site Specific Property Investigations continued to raise a request for a rural lifestyle living opportunity In accordance with key requirements of the DPE submission and the North Coast Regional Plan, their status to exclude remains unchanged for RLLO. **No change to RLUS**
PRDS Area 34: Lismore Rd Bangalow	Seeking exclusion from residential strategy as prime agricultural land	This submission is from a community member (who is not the landowner). Outside the scope of RLUS. Current development application under assessment **No change to RLUS**
PRDS Area 28: Lot 7 and 8 DP 8385,103 Yagers Lane, Skinners Shoot E2017/70672	Starseed gardens- proposal for botanic gardens, community cultural facilities, local economic hub and environmentally integrated ecological restoration	This is a mixed use development proposal that falls outside the scope of the RLUS. The exhibited PDRS indicated 'Possible residential' subject to further assessment . The next stage of Residential Strategy investigations for the Skinners Shoot precinct will consider key issues around: – existing commercial farmland and other surrounding land uses/buffers – vegetation constraints – future access requirements **No change to RLUS**
Unconstrained parts of 113 Left Bank Rd E2017/74756	Requests consideration as an area for affordable housing	Outside the scope of RLUS. The majority of the site is affected by slope, Regionally Significant Farmland and high hazard flood risk. Therefore unsuitable. **No change to RLUS**

ATTACHMENT 1

Appendix 1A Extract from Draft Rural Land Use Strategy – '6.1 Action Plan' (as exhibited April 2017)

6.1 Action Plan

Table 11: Summary Action Plan

Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co - Community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader'	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
Research						
1.	Improve Council's database on: • high environmental value vegetation, by conducting field inspections • key habitats, existing environmental enhancement work and available programs such as 'Koala Connections' • priority enhancement corridors • bushfire prone land mapping • water supply, protection and management • carbon offset and renewable energy activities	En	Leader	Landholders Landcare Other community groups Rous Water * (water catchment management) Office of Environment & Heritage Rural Fire Service NSW Department of Planning and Environment	Mapping updated Publically accessible databases established and	ST - MT
					Participation by the rural community and businesses in the use of carbon offset and renewable energy activities and practices	LT
2.	Improve Council's database on: • commercial and sub-commercial farmland activities, farm linkages and key transport routes • farms that incorporate value adding and/or diversification activities • farms that are part of formal lease or share agreements.	Ec	Leader	Landholders Farmers Department of Planning and Environment	Farmland rating application form updated Publically accessible databases established and maintained	ST
3.	Improve Council's database on rural tourism activities.	Ec	Leader Promoter	Destination NSW Tourist operators	Publically accessible databases established and	MT
4.	Improve Council's database on spatial accuracy of property and zone boundaries.	Ec	Leader Regulator	NSW Land and Property Information Landholders Department of Planning and	Spatial accuracy of property and zone boundaries resolved	ST

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Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co - Community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
5.	Involve the community in providing data through: • the commercial 'farmland' rating application process • the Byron Biodiversity Conservation Strategy review process (currently underway).	En Ec	Leader	Whole Community	Community supported updated farmland rating application form Community engaged	ST
6.	Improve Council's database on rural subdivision and dwelling approvals for planning purposes (to better quantify future supply and demand).	Co	Leader Regulator	Home builders Consultants Developers	Databases updated and maintained	ST
7.	Further develop Council's asset management information system on road conditions, standards and hazards to enable improved service delivery and financial sustainability.	In	Leader Provider	State Emergency Service	Database updated and maintained	ST
8.	As part of Council's commitment to achieving a 100% net Zero Emissions Target by 2025 (Council Resolution 17-086), investigate pathways for reducing rural land use emissions and provide a corresponding modelling report for the options identified.	En Ec In	Supporter	Zero Emissions Byron Ltd's (ZEB) * Land usess	Modelled pathways for reducing carbon emissions on rural land	ST

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Action ID No.	Action Recommended	Theme En - Environment Ec - Economy Co - Community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
Planning Improvements						
9.	Update Byron LEP 2014 to reflect High Environmental Value vegetation mapping and implement Environmental Zones in accordance with State Government requirements.	En	Leader Regulator	Landholders Department Planning and Environment	Environmental Zones implemented	ST
10.	Identify opportunities in our local planning framework to: • establish priority enhancement corridors • recognise the value of past environmental enhancement works as part of the development assessment process (e.g by allowing sympathetic development to coincide with these works) • support non-market and market-based incentives for environmental enhancement work. • improve the capacity for future rural lifestyle living and rural tourism development opportunities to deliver environmental enhancement outcomes • improve the quality of biodiversity assessment and reporting • protect High Environmental Value vegetation and other environmental assets through appropriate buffers.	En	Leader Regulator	Landcare Landholders Tourism operators Developers Consultants	Local Planning framework updated	ST
					Number of landholders using incentive programs for environmental enhancement work	MT
					Increase in number of restored priority enhancement corridors	LT
11.	Identify opportunities in our local planning framework to support ecosystem, low carbon and renewable resource providers and users.	En Ec	Leader Regulator Supporter	Providers Community	Local Planning framework updated	ST
					Increase in number of environmental initiatives	MT

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Action ID No.	Action Recommended	Theme En - Environment Ec - Economy Co - Community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
12.	Identify opportunities in our local planning framework to improve the water capture and use and energy efficiency performance of new development and facilitate the use of sustainable transport.	En	Leader Regulator	* Rous Water (water catchment management)	Local Planning framework updated	ST
					Increase in number of sustainable developments and use of sustainable transport	LT
13.	Identify opportunities in our local planning framework to support: • existing agricultural activities • diversified farm production • farm linkages • greater access to land for farming • low scale rural tourism development opportunities • small and home-based business activities that bring community benefit, complement rural productivity and align with the rural amenity • public spaces in our villages to be used for cultural activities • rural tourism opportunities that are directly associated with primary production.	Ec	Leader	Farmers Tourism operators Other rural businesses Rural and tourism business training services	Local Planning framework updated	ST
					Increase in community strengthening social and cultural events in our rural villages	MT
					Increase in number of rural business based activities and rural employment opportunities	LT

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14.	Review guidelines for agricultural and non agricultural uses to better manage potential impacts relating to: • natural resources including biodiversity, fertile land and water • farm production and economic viability • use of key haulage and stock droving routes, equipment between farms and traffic flow increases • farm linkages • divergent land owner expectations • needs of emergency management and disaster preparedness • the siting, design and function of buffers .	En Ec	Leader Regulator	Department of Primary Industries Landholders Farmers	Productive land considered in decision making Local Planning framework updated Decrease in land use conflicts	ST
Action ID No.	Action Recommended	**Theme** En - Environment Ec – Economy Co - Community In - Infrastructure	**Council Role**	**Potential Partners** **(* May take a 'leader' role)**	**Measure**	**Priority / Timeframe** **(ST 1-4 yrs** **MT 4-8 yrs** **LT 8+ yrs)**
15.	Resolve mapping inconsistencies between property and zone boundaries	Ec	Leader	Landowners Farmers	Improved spatial accuracy for propertyand zone boundaries	ST
16.	Investigate the potential for allowing 'wedding venues' (a type of function centre) in rural zones and, where appropriate, planning provisions to ensure their location, scale and operation are compatible with the rural setting.	Ec	Leader Regulator	Wedding venue operators Rural community	Local Planning framework updated Decrease in land use conflicts	ST

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Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co - community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
17.	Locate future rural lifestyle living opportunities to support and strengthen our existing towns/villages (socially and economically).	Co	Leader Regulator	Landholders	Local Planning framework updated	ST
					Rural villages included in relevant council activity and publications for social service and economic marketing material	MT
18.	Develop a policy framework for unauthorised rural dwellings (refer 3.3.1 for key principles of any policy framework).	Co	Leader Regulator	Social service providers Landholders Tenants	Local Planning framework updated	ST
					Decrease in number of unauthorised rural dwellings	MT
19.	Monitor and review village zoned land to ensure there is an adequate amount to accommodate future growth during the life of this Strategy.	Co	Leader		Local Planning framework updated	MT

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Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co – community in - infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
20.	Enable new Large Lot Residential, Multiple Occupancy and Community Title development opportunities only in areas: • containing a relatively high amount of unconstrained land, having strong potential to build on and strengthen existing communities and reasonable access to major town services, as identified on Map (refer to Section 4 'Land Release Program'); • not identified in a draft or adopted strategy for future urban or potential village / urban development in this strategy (as identified in Appendix 2; and • where an acceptable standard of road infrastructure can be provided at no cost to the wider community.	Co	Regulator	Landholders	Local Planning framework updated Land suitable for future urban and village zone secured	ST - MT
21.	Where appropriate, design housing to minimise the impact of development and construction, encourage communal living (where applicable), maximise the opportunities for the use of the remainder of the land for agriculture, reforestation, or recreation and consolidate	Co	Leader Regulator	Developers	Local Planning framework updated	ST
					Increase in land available for farming	LT
					Increase in environmental enhancements	LT

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	access and services.				Increase in number of residents identifying with a cohesive local community	MT
22.	Investigate capacity for re-subdivision within existing Large Lot Residential estates.	Co	Leader Regulator	Landholders (within the relevant R5 zoned estates)	Support by affected residents within R5 zoned estates)	ST

Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co – community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timefram (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs
23.	Investigate a strategic framework for resolving dwelling entitlement issues.	Co	Leader Regulator	Landholders	Investigation outcomes reported to Council	S T
24	Identify opportunities in our local planning framework to achieve ongoing conservation and protection of culturally significant lands	Co	Leader	Traditional owners	Local planning framework updated	S T
25.	Provide minimum specification for road condition and intersection 'capacity and functionality' assessment.	In	Leader		Guidelines developed	S T
26.	Ensure an integrated approach to land use and infrastructure planning that: • implements the policy directions • builds on existing community and service catchments • aligns with Council's infrastructure investment strategies and plans • minimises Council's costs • improves Council's capacity for providing infrastructure and services (e.g. voluntary planning agreements).	In	Leader	Department of Planning and Environment	Local Planning framework updated	S T
					More efficient delivery of infrastructure for rural residents and businesses	M T
					Decrease in Council expenditure on road upgrades connected with new rural lifestyle living developments	M T

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27.	Resolve mapping inconsistencies between property and zone boundaries.	Ec	Leader	Land owners Farmers	·	S T
On-ground improvements						
28.	Ensure opportunities for priority enhancement corridors are aligned with internal farm activities.	En	Leader Partner	Farmers	Productive lands considered in the decision making process for priority enhancement corridor placement	ST
29.	Encourage co-location of uses that are able to integrate their inputs and outputs to reduce waste materials, energy and water consumption.	En	Partners	Farmers Business community	Local Planning framework updated	ST
					Increase in number of rural land uses integrating to achieve improvements in environmental quality	MT
30.	Continue to improve weed management practices on Council lands.	En Ec	Leader Provider		Better management	ST
					Reduction in the area of Council land affected by significant weed infestations	LT
31.	Continue to improve capacity for rural roads to be used in connection with farming operations such as stock droving.	Ec	Leader Provider	Farmers	Roads operational	ST
32.	Consider Site Suitability Criteria & Mapping Methodology when determining the suitability of a site for rural tourism development.	Ec	Leader Regulator	Destination Byron Tourism operators	Local Planning framework updated	ST
					Decrease in land use conflict	MT
					Increase in level of visitor satisfaction from rural tourism experience	MT

ATTACHMENT 1

					Increase in overall tourism expenditure in the rural hinterland	LT
33.	Ensure better integration of future rural land uses and infrastructure servicing.	Co	Leader	Farmers Developers Destination Byron	Improvement in the timely delivery of infrastructure for rural residents and businesses	MT
					Improved road signage including farm and tourism signs	MT
34.	Rural road reconstructions delivered in accordance with Council's 10-year capital works program.	In	Leader Provider		Works delivered	MT
Partnership Building						
35.	Provide information and advice on how to: • undertake cost-effective environmental enhancement works • make use of non market and market based incentives for environmental enhancement works. • manage weeds and pests	En	Leader Partner	Landcare Office of Environment and Heritage	Information and advisory services are established and accessible to enable informed decision making by land owners and community groups	MT
36.	Support community awards programs that acknowledge people's efforts to restore the natural environmental and environmental quality.	En	Supporter	* Community groups	Acknowledge-ment occuring	ongoing
37.	Support community groups undertaking environmental enhancement works.	En	Supporter	* Community groups	Council media releases promoting community work Council support in community grant applications Council staff involved in community projects, field days and working bees	ongoing

Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co – Community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
38.	Provide information and advice on how to: • manage weeds, disease and pests • capture and use water sustainably • sustainably farm.	En Ec	Partner	* North Coast Weeds Advisory Committee (weed management) * Rous Water (water catchment management) * Departme nt of Primary	Information and advisory services are accessible to enable informed decision making by land	ST
					Reduction in the number of reported outbreaks	LT
39	Investigate opportunities for Council to partner with the community to ensure a long term future of agriculture in the Shire	Ec	Partners	Farmers Landcare groups	Investigation outcomes reported to Council	ST
40	Work with traditional owners to identify ways to improve the ongoing protection of culturally significant lands.	Co	Partner	Aboriginal Land Councils Traditiona l owners	Investigation outcomes reported to Council	MT
41.	Advocate for greater biodiversity funding, tax concessions and/ or subsidies from the State and Commonwealth Governments to assist land owners to conserve	En	Leader	Communit y groups	Council and/ or community submissions to the State and Commonwealth Governments	MT
42.	Work with land owners of vacant or underused farm land that want to connect with potential producers.	Ec	Supporter	* Community groups Land owners	Increase in number of farms Increase in the land area in use for farming	LT

Action ID No.	Action Recommended	Theme En - Environment Ec – Economy Co - Community In - Infrastructure	Council Role	Potential Partners (* May take a 'leader' role)	Measure	Priority / Timeframe (ST 1-4 yrs MT 4-8 yrs LT 8+ yrs)
43.	Provide information and interpretation services to ensure visitors and operators are aware of the available tourism experiences, appropriate behaviour and safety considerations in a rural environment.	Ec	Promoter	* Destination Byron Destination NSW Northern Rivers Regional Development Australia Tourism operators	Information and interpretation services are accessible to enable informed decision making by	ST
					Decrease in number of complaints and land use conflict	MT
44.	Support community award programs and promotions that encourage sustainable rural land use and management.	E n E c	Supporter	* Community groups	Acknowledge-ment occuring	ongoing
45.	Consult with NSW Family and Community Services and other housing support service organisations during development of any policy for unauthorised rural dwellings	Co	Leader	Social service providers	Reduced number of residents living in unauthorised rural dwellings	MT
46.	Provide information that enables better understanding of the challenges of infrastructure management in Byron Shire.	In	Leader Provider		Production of information material	ST
47.	Advocate for changes to the Standard LEP template to better reflect the agriculture, food production and rural tourism development in Byron Shire and the Northern Rivers region.	Ec	Partner	* Northern Rivers Regional Councils	Improvements implemented in the standard LEP template	ST
48.	Consult with relevant State government agencies throughout the development and implementation of this Strategy to enable better planning outcomes through better data-sharing and management.	E n E c C o	Partner	State government agencies	Consultation and departmental feedback	ST
49.	Promote Byron Shire as a place where small scale food production is a viable lifestyle and business opportunity.	Ec	Promoter		Promotional material produced by Council reflects this message	ST

NSW GOVERNMENT Planning & Environment

BYRON SHIRE COUNCIL
DOC NO:
RECD: 31 AUG 2017
FILE NO: F2879
ASSIGNEE: A Caras

Mr Ken Gainger
General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

23 August 2017

Attention: Alex Caras

Dear Mr Gainger

Draft Byron Shire Rural Land Use Strategy

Thank you for the opportunity to meet and discuss the draft Byron Rural Land Use Strategy (the Strategy) on 16 August 2017. As discussed, the Department acknowledges the amendments made to the Strategy in response to our previous comments and appreciates the opportunity to collaborate further with you.

When finalising the Strategy, it is recommended that Council consider ensuring that a clear alignment with the State planning framework is articulated in regard to relevant s117 Directions, State Environmental Planning Policies and the North Coast Regional Plan 2036. Specific consideration should also be detailed in regard to the Settlement Planning Guidelines: Mid and Far North Coast 2007 and the Northern Councils E Zone Review Final Recommendations.

Council may also wish to consider graphic aides, diagrams, flowcharts and other opportunities to ensure a highly user-friendly document that can be successfully implemented.

If you require any further information regarding this matter, please do not hesitate in contacting Mr Josh Townsend of the Department's Northern Region Office. Mr Townsend can be contacted on (02) 6641 6603.

Yours sincerely

Jeremy Gray
Regional Director, Northern
Planning Services

Northern Region | 49 Victoria Street Grafton NSW 2460 | Locked Bag 9022 Grafton NSW 2460 | planning.nsw.gov.au

NSW GOVERNMENT | Department of Primary Industries

OUT17/31300

2 August 2017

Mr Alex Caras
Byron Shire Council
Land Use Planning
PO Box 219
Mullumbimby NSW 2482
alex.caras@byron.nsw.gov.au

Dear Mr Caras

Draft Byron Rural Land Use Strategy

Thank you for the opportunity to provide comment for the Draft Byron Shire Rural Land Use Strategy. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend.

In relation to the DPI Agriculture comments sent in May 2016 (attached in appendix 1), we have reviewed the submissions summary report from Council and further encourage Council to revisit and adopt our initial comments. Of particular importance is the need to consider land use conflict (LUC) as a key principle within the strategy and reduction of LUC as a desired outcome within the planning framework and action plan. The *NSW Right to Farm Policy* provides a suite of actions that aims to reduce the potential for land use conflict risk in relation to agricultural production including strengthening land use planning. It is recommended that Council considers this policy in relation to decreasing land use conflicts involving agriculture under the strategy. Further information is available at www.dpi.nsw.gov/content/agriculture/resources/lup/legislation/right-to-farm-policy.

DPI Agriculture comments in relation to the 2017 exhibited strategic plan are listed below:

1. The "rural economy" planning policy is strongly skewed towards rural tourism. Objectives that focus on how Council can foster and support rural industries to add to the regional economy need to be added, for instance,
    a. How to promote a supportive culture for local agricultural producers
    b. Understanding the economic importance of agriculture in the local community
    c. Understanding skill, business & marketing needs for the sector and identifying partnerships to encourage these

    Future rural tourism developments should be solely focussed on education or promotion of rural industries. For example wedding venues would not satisfy this purpose particularly in the long term.
2. Add on P 19 Table 2: *Rural Economy Action* under planning improvements
    a. Add "protection of" to first dot point (protection of existing agricultural activities)

NSW Department of Primary Industries - Agriculture
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Tel: 02 6391 3391 | Email: landuse.ag@dpi.nsw.gov.au | www.dpi.nsw.gov.au | ABN: 72 189 919 072

   b. Add farm "and market" linkages to the 3rd dot point
   c. Change 4th dot point to "greater access to utilities, resources and markets for farming" instead of greater access to land as not all industries are solely dependent on 'land'
   d. Remove the 5th dot point about rural tourism as this is covered by the last dot point and duplicates the action.
3. P 22-24 Land use conflict is a significant component of the "rural community" policy and it fails to be mentioned or considered. Statements need to be filtered into this section that explains the risks of land use conflict being reduced or avoided to create a balanced rural community.
4. P 24, add to Table 3 *Rural Community Actions* an action to "prepare information for lifestyle owners living in rural areas" to educate new owners about right to farm practices.
5. P 25 Section 3.3.1 needs to also highlight the risks of undertaking detached dual occupancies and secondary dwellings in relation to fragmenting rural land, negatively impacting on waterways and reducing emergency management preparedness. A NSW DPI guideline will be published soon that covers these issues.
6. P 32 Table 7 *Multiple Occupancy & Community title Actions* add a point "in areas where land use conflict risk or the impact to rural producers is not increased as a result of the proposal."
7. P 36 Table 8 *Rural Infrastructure Actions* add under 'partnerships', link with rural industries to identify their infrastructure needs and identify options to facilitate positive outcomes for community & industry.
8. P 39 Map 4 *Priority Localities for Rural Lifestyle Living Opportunities*
   a. The expansion of Wilson Creek (site 2) to the south is identified and protected as regionally significant farmland.
   b. The entire site 3, Coopers Shoot is also identified and protected as contiguous regionally significant farmland. The rezoning of these two sites would be inconsistent with the North Coast Regional Plan and NSW DPI planning principles and should be either modified or removed given this constraint.
9. P 50 action 14 within the *Summary Action Plan* last 2 dot points relating to emergency management and buffer design that had been raised by our Department in previous correspondence, need to also be included under the actions for rural residential development. They could be added to actions 17 or 20.

We would welcome the opportunity to discuss these comments should you require clarification on any of the information contained in this response, please contact Resource Management Officer Melissa Kahler on (02) 6650 3125.

Yours sincerely

E Rogers

Liz Rogers
Manager Agricultural Land Use Planning

Appendix 1:
NSW DPI comments on Draft Byron Rural Land Use Strategy May 2016

DPI Agriculture

DPI Agriculture supports the development of a Rural Land Use Strategy for the Byron Shire and recognises the significant body of work that has been undertaken in developing the draft and supporting documents.

While DPI Agriculture supports a constraints approach to identifying potential areas for further rural residential development, there is a concern that the framework does not sufficiently protect agricultural resources into the future and ensure potential for land use conflict is minimised. DPI Agriculture provides the following specific comments:

- In relation to environmental zoning, the NSW Department of Planning and Environment recently released a new approach to environmental zoning on the Far North Coast to support farming and protect the environment. The *Northern Councils E Zone Review Final Recommendations Report* can be viewed at http://www.planning.nsw.gov.au/Policy-and-Legislation/Environment-and-Heritage/Environmental-Zones
- The Byron Rural Land Strategy focuses on potential development in rural areas but does not identify the demand for rural residential development or other rural housing (including multiple occupancy and community title). The Strategy appears to undervalue opportunities for agricultural development in the shire, and would benefit from the inclusion of further information and additional statistics on primary production and secondary industry values for the shire and opportunities for agricultural industry growth.

- Multiple occupancy and community title developments can result in the fragmentation of productive farming land and increase the risk of conflict with the productive management of adjoining farmlands due to the facilitation of residential development in rural locations. It is recommended that Council considers the potential issues associated with this type of rural development and the ways to prevent and manage these issues by using a strategic approach. Further information is available at www.dpi.nsw.gov.au/__data/assets/pdf_file/0019/359101/issues-for-community-titlein-agricultural-areas.pdf

- The development of site suitability and mapping criteria is important in identifying areas that may be suitable for development. However, this process is negated if the planning policy allows for consideration of this development across the whole shire rather than reducing available area based on demand and restricting to only those areas considered to be suitable based on a strategic approach. DPI Agriculture considers the draft policies in their current form would have significant consequences for agriculture and recommends strategically identifying potential rural residential areas rather than permitting the application of the assessment criteria across the shire.

- DPI Agriculture acknowledges statements within the strategy that recognise that rural areas will play a minor role in meeting the overall housing demands for the shire however, permitting the consideration of rural residential areas across the whole of the local government area, albeit they must meet certain criteria, does not reflect this statement.

- p.14 point 5 - should include '*minimise environmental and agricultural impacts*'.

- p.18 point 6 - should include '*avoid adverse ...and land use conflict*'.

- p.20 - further clarification is recommended in relation to what changes to the standard LEP are required.

- The strategy focuses on significant farmland. It also needs to consider other productive agricultural land that has not been mapped.

- A Land Use Conflict Risk Assessment (LUCRA) should be included as part of any planning proposal for rural development. For further information visit: http://www.dpi.nsw.gov.au/content/agriculture/resources/lup/developmentassessment/lucra.

- p.34 it is recommended that Council include the requirement for a LUCRA as a further step following the consideration of road infrastructure as this will allow Council to identify those proposals with the greatest risk for land use conflict with adjoining agricultural production.

- p.37 link with Emergency Management Authorities and agricultural industries to consider disaster preparedness needs. Could also consider what infrastructure is needed to support agricultural growth.

- The current priority localities for the Land Release Program in Chapter 4 rely heavily on road infrastructure availability. Additional issues such as land use conflict potential should also be considered.

- Should consider non-contiguous significant farmland, Biophysical Strategic Agricultural Land (BSAL) and Class 1, 2 & 3 land in constraints table (table 1) of the *Site Suitability and Mapping Methodology*.

- DPI Agriculture would also like opportunity to consider any proposed rural residential areas in more detail.

Planning & Environment
Resources & Geoscience

18th July 2017

Shannon Burt
Director – Sustainable Environment and Economy
Byron Shire Council
PO Box 219
Mullumbimby NSW 2482

Your Reference: E2017/60697
Our Reference: OUT17/27866

Emailed: council@byron.nsw.gov.au

Dear Ms Burt

Re: Exhibition of the 'Revised' Draft Byron Shire Rural Lands Strategy

Thank you for the opportunity to provide advice on the Revised Byron Shire Rural Lands Strategy ('the revised Strategy'). This is a response from the NSW Department of Planning & Environment – Division of Resources & Geoscience, Geological Survey of New South Wales (GSNSW).

GSNSW acknowledges that both the original version of the Strategy and the revised Strategy has highlighted mineral resource lands affected by *Section 117(2) Direction 1.3 - Mineral, Petroleum Production and Extractive Industries* as "constrained land" and that future rural development will not be supported on these sites or areas within these sites (ref: Section 3.1 Page 15 of the revised Strategy and Constrained Land Map 4 'Mineral Resources') unless it can be demonstrated that the direction is outdated and gains approval from the relevant NSW Government Authority (GSNSW).

GSNSW notes that since the original Strategy was exhibited, the 'Koreelah Quarry' site and part of its associated transition (buffer) area (at Skinners Shoot) have been removed from the Section 117 mapping and Byron Shire Council subsequently notified (our ref: OUT16/34012).

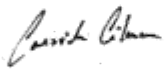
GSNSW has reviewed the revised Strategy and notes the changes to sections of the document which relate to sites that have been identified as priority localities for future rural lifestyle living opportunities (including changes to Maps 4, 4a and 4b) and notes the changes to the document relating to potential localities for future village and urban development (including the removal of Maps 5, 5a and 5b).

As a result of these amendments, GSNSW notes that 'Area No. 4' highlighted in the original Strategy as having potential for rural lifestyle living opportunities and noted in our previous correspondence (ref: OUT16/20456) as being located in the vicinity of the 'Palmwoods Quarry/Archibolds Proposal' resource areas, has been removed from the Strategy.

NSW Department of Planning & Environment
DIVISION of RESOURCES & GEOSCIENCE
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: 02 4931 6666 Fax: 02 4931 6726
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Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@industry.nsw.gov.au.

Yours sincerely



Cressida Gilmore
Manager - Land Use

ATTACHMENT 5

ATTACHMENT 5 TO COUNCIL REPORT 26 OCTOBER 2017

DRAFT RURAL LAND USE STRATEGY (APRIL 2017 VERSION)

- CONSISTENCY WITH STATE/REGIONAL POLICY FRAMEWORK

ATTACHMENT 5

Consistency with State/Regional Policy Framework

The Rural Land Use Strategy has been reviewed for consistency with the state/regional policy framework, as follows:

- State Environmental Planning Policies - consistent
- S117 Directions – consistent as detailed in Table 1 Directions Policy Checklist
- North Coast Regional Plan 2036 – consistent as detailed in Table 2 North Coast Regional Plan Checklist
- North Coast E Zones Review – Priority site 1,3 and 4 for future rural lifestyle living opportunities contain land currently designated as 'Deferred Matters', E Zones will only be applied where consistent with Direction 2.1 in Table 1 below
- Settlement Planning Guidelines Mid and Far North Coast – consistent as detailed in Table 3 Settlement Planning Guidelines Checklist

Recommendation:
It is recommended that this Attachment 'A' be included as an Appendix to the Rural Land Use Strategy.

✓ In reading the following tables a 'tick' indicates a consistency with policy.

Table 1: S117 Directions Policy (Checklist)

Relevant S117 Direction		MAP 4 - Priority Localities For Rural Lifestyle Living Opportunities			
		Site 1	Site 2	Site 3 [1.]	Site 4 [2.]
1	Employment and Resources	✓	✓	✓	✓
2	Environment and Heritage				
2.1	Environment Protection Zones	Contains deferred matter See comment in 2.5 below	No deferred matters	Contains deferred matter See comment in 2.5 below	Contains deferred matter See comment in 2.5 below
2.5	Application E Zones	Comment: Not applicable until E Zones are determined for the Shire in accordance with Direction 2.1 above for effected areas.			
2.2	Coastal Protection	✓	✓	✓	Capacity to address the coastal hazards
2.3	Heritage Conservation	Comment: Unable to fully determine without a site specific appraisal. Council is currently undertaking a Cultural Heritage Study should this study indicate any of the areas as potentially containing or being in vicinity a cultural site then the strategy and any subsequent planning proposal processes would require consultation with the relevant Aboriginal community.			

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Relevant S117 Direction		MAP 4 - Priority Localities For Rural Lifestyle Living Opportunities			
		Site 1	Site 2	Site 3 [1]	Site 4 [2]
3	Housing, Infrastructure and Urban Development				
3.1	Residential Zones (b) does the location make efficient use of existing infrastructure and services	Well connected – adjacent to R5 & within 5km of a town with a high school	Well connected- within 5km of a town with a high school	Well connected – adjacent to R5 & within 5km of a town with a high school	Outside 5km catchment of a town with a high school
4	Hazard and Risk				
4.1	Acid Sulfate Soils	✓	✓	✓	ASS 2,3 & 4 (See hazard comments below)
4.2	Mine Subsidence and Unstable Land	✓	✓	✓	✓
4.3	Flood Prone Land (using LEP 2014 100yr flood controls)	✓	Partially affected (See hazard comments below)	✓	✓
4.4	Planning for Bushfire Protection	Partially affected by buffer	Partially affected by buffer vegetation category 1,2,3	Partially affected by buffer	Affected by buffer vegetation category 1,2,3 (See hazard comments below)
Hazard comments		Site 4 Acid sulphate soils & Bushfire Planning: has capacity to address areas containing the acid sulphate soil categories that are Risk Classes 1 and 2 and address areas containing planning for bushfire protection Site 1 Flood Prone Land: Further analysis at the planning proposal stage provides capacity to exclude areas where there is a predicted extreme flood hazard risk or development of such land could contribute to increased potential food impacts off the subject land.			
5	Regional Planning				
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Excludes regionally significant farmland	✓	Regionally significant farmland – see comment below	
Assessment against the Important Farmland Interim Variation Criteria in NCRP		Area 3 designation of this site is on the basis of providing torrens title to existing approved community title with no capacity for additional development and is unlikely to increase conflict with current or future agricultural activities.			

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Relevant S117 Direction		MAP 4 - Priority Localities For Rural Lifestyle Living Opportunities			
		Site 1	Site 2	Site 3 [1]	Site 4 [2]
5.10	Implementation of Regional Plans	See Table 2			

Notes:
1. The designation of this site is on the basis of providing torrens title to existing approved community title with no capacity for additional development.
2. The designation of this site is on the basis of providing individual title to existing approved accommodation units with no capacity for additional development.

Table 2: North Coast Regional Plan 2036 (Checklist)

Regional Plan Reference		Priority sites for rural lifestyle living opportunities				Document in general
Goal	Direction	1	2	3	4	
1	1	✓	✓	✓	✓	✓
	2	✓	✓	✓	✓	✓
	3	✓	✓	✓	✓	✓
	4	n/a	n/a	n/a	n/a	✓ Comment- Includes actions addressing renewable energy and net zero emissions outcomes
2	9	✓	✓	✓	✓	✓
	5,6,7,10,12	Not directly applicable				
	8	Consistent: includes actions to promote of appropriate rural tourism				
	11	See S117 Direction 5.3 in Table 1				
	13	See S117 Direction 4.2 in Table 1				
3	14	Consistent: includes action to enable preparation of precinct plans as required for villages or rural lifestyle living areas				
	15	Not directly applicable				
	16 & 18	Consistent: includes actions to work with traditional owners improve Aboriginal cultural outcomes				
	17,19, 20	Not directly applicable				
	21 (infrastructure)	✓	✓	✓	✓	✓
4	22	Not directly applicable				
	23	Actions included to investigate measures to increase housing diversity and choice in villages and to address unauthorised dwellings				

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Regional Plan Reference		Priority sites for rural lifestyle living opportunities				Document in general
Goal	Direction	1	2	3	4	
	24	✓	✓	In coastal strip - existing development	In coastal strip - existing development	✓
4	25	Not directly applicable				

ATTACHMENT 5

Table 3: Settlement planning guidelines: mid and north coast regional strategies (checklist)

Planning Principles		Consistent Y/N	Comment
Location			
1	Future urban settlement should be located predominantly within the agreed growth areas.	Y	Potential future urban settlement areas excluded from consideration for rural lifestyle living opportunities (RLLO).
2	Future settlement, where permitted by the regional strategies and outside the agreed growth areas, must be located to minimize environmental impacts and be sustainable. Such settlement must satisfy the sustainability criteria contained in Appendix 1 of the Regional Strategies.	N/A	
Land suitability (environment, natural resources, hazard)			
3	Future development should be located on land that is suitable for the development and capable of supporting the proposed uses.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.
4	Planning for future development on land already zoned for settlement but not yet developed should identify the constraints and opportunities of the land. Development should achieve a carefully planned community, respecting environmental, resource and hazard issues.	Y	RLUS includes an action to prepare neighbourhood/village plans, where appropriate.
5	Future development should avoid areas of environmental significance, significant natural and/or economic resource, potential hazard, high landscape or cultural heritage value, or potential increased risk associated with impacts of climate change.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.
6	Future development adjoining land with the above values should incorporate buffers as necessary to help protect those values and to avoid future land use conflict.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document. RLUS includes an action to review buffer and land use conflict management provisions.

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Planning Principles		Consistent Y/N	Comment
7	Future development should be strategically planned by providing a timely release of adequate and appropriately located land to address the specific dwelling targets and housing mix identified in the regional strategies. Future rural residential development should be planned for as part of council's total dwelling targets.	Y	Early draft of the RLUS identified potential future urban settlement areas and excluded such land from consideration for rural lifestyle living opportunities (RLLO). In the preparation of the Residential Strategy housing supply met by RLLO, village and secondary dwellings in rural areas will be factor into meeting housing needs for the Shire.
8	Future development, particularly in the major centres, should be planned to effect a shift in the new dwelling mix to achieve 60% single dwellings and 40% multi-unit housing across the region to meet the future demographic needs of smaller households and an ageing population.	Y	Recent amendments to LEP 2014 enable secondary dwellings on Rural and R5 zoned land contributing to choice in smaller household needs in rural areas. RLUS includes an action to prepare village plans which will consider measures for improving housing choice and diversity in villages .
Settlement form and hierarchy			
9	Future development should: a) strengthen the hierarchy of settlement identified in the regional strategies, support and maintain strong multi-functional business centres, minimize urban sprawl,	Y	a), b) & d) – service catchment and infrastructure standards have been applied as criteria for determining priority RLLO sites.

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Planning Principles		Consistent Y/N	Comment
	and maximize infrastructure and service efficiencies; b) be planned to create communities within the hierarchy of settlement. Consideration should be given to the ultimate geographical extent and population target for each community that is to be formed or built upon, and the staging/timing by which it is proposed to reach that position; c) provide for a mix of houses, jobs and open space; d) be appropriately located in relation to its scale, nature or type of development; the ability to provide the necessary infrastructure and services; the need for access and to ensure effective traffic management; e) in the case of residential development, provide for a variety of dwelling types and a choice in location, form and affordability; and f) enable mixed uses and home-based employment in residential or village zonings where appropriate.	Y	c), e) & f) – RLUS includes an action to prepare village plans where appropriate, which will consider measures for improving housing choice and diversity in villages and employment opportunities.
10	Future rural residential development should be planned so any new opportunities strengthen the settlement hierarchy identified in the regional strategies. It should be located close to existing centres and away from areas that may in the future have values for urban expansion.	Y	Service catchment and infrastructure standards have been applied as criteria for determining priority RLLO sites. Potential future urban settlement areas are excluded from consideration for rural lifestyle living opportunities (RLLO).
11	Future rural residential development should be clustered to encourage a sense of community and for the efficient provision of services. Fragmented development over the landscape will not be permitted.	Y	The RLUS includes an action to review minimum lot sizes in existing R5 zoned areas with a potential to strengthen communities, reduce rural residential sprawl and to achieve greater efficiency in infrastructure and services delivery.

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Planning Principles		Consistent Y/N	Comment
12	Future development, particularly at the residential/agricultural and residential/industrial interfaces, should be planned for and managed so any potential conflict is minimized in relation to adjacent land uses.	Y	Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document. RLUS includes an action to review buffer and land use conflict management provisions.
Urban design and heritage			
13	Future development should recognize, protect and be compatible with any unique topographic, natural or built cultural features essential to the visual setting, character, identity, or heritage significance of the area or settlement that it is to be located in.	Y	Details contained in the site suitability criteria and mapping methodology document.
14	Future development should reflect high quality design that is compatible with the local and regional attributes which make up the region's character, such as climate, landscape, history, topography, and existing built environment.	N/A	
15	Future development should be designed to ensure there is public access to an adequate supply of appropriately located public open space and recreation areas, to provide for a range of recreational uses and visual amenity.	N/A	
16	Future development should contribute to an open space network across the local government area that is designed to: a) encourage and maintain pedestrian movement and public access to community resources or public places (such as watercourses, beaches etc); and b) to reflect each site's natural features and requirements for drainage and water quality maintenance, and nature conservation and biodiversity protection.	Y	a) Not directly applicable b) Details contained in the supporting 'Site Suitability Criteria and Mapping Methodology' document.

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Planning Principles		Consistent Y/N	Comment
17	Future development should encourage walkability and allow for easy access to public places, local shops, services and transport and lead residents to the service centre.	N/A	
18	Aboriginal cultural and community values should be considered in the planning for future development.	Y	
Infrastructure provision			
19	Future development should only be permitted where it can be provided with adequate, cost effective physical and social infrastructure to match the expected population for each settlement. In rural areas this may require the development being able to provide stand alone services.	Y	Service catchment and infrastructure standards have been applied as criteria for determining priority RLLO sites.
20	Future development should strengthen the efficient use of infrastructure, services and transport networks and not overburden existing services elsewhere.	Y	
21	Future development should be designed and located to minimize the need to travel; to maximize opportunity for efficient public transport and pedestrian access options; and to encourage energy and resource efficiency.	Y	
22	Future development should be designed and located to have well connected and accessible urban areas increasing the opportunity for public transport, cycling and walking for residents and visitors.	Y	
23	Future development should be designed and located to avoid placing further local traffic demand on the Pacific Highway.	Y	
24	Future development should not contribute to ribbon/strip development nor impact on the safety and efficiency of major or arterial roads.	Y	

ATTACHMENT 5

Planning Principles		Consistent Y/N	Comment
25	Future development should provide sufficient buffering distances and/or technological solutions between proposed development and existing or proposed major infrastructure, including rail corridors and airports.	Y	
26	Future development should be designed and located to maximize total water cycle management and minimize impacts on the environment.	N/A	
Employment lands			
27	Industrial land should be made available in a variety of locations to encourage new opportunities as they arise in all major regional centres, major towns and towns. However, location and availability should recognize the linkages between employment land and: settlement areas; markets, transport and access; environmental constraints; and cost effective provision of necessary services and infrastructure.	N/A	
28	In the case of the six local government areas in the Far North Coast region, consideration should also be given to the demands and impacts of South East Queensland on the regional economy's employment needs, market opportunities and transport requirements.	N/A	
29	Commercial land, should be located so that it can be conveniently serviced, is accessible to, and is consistent in scale with the settlement it serves or is planned to serve. If commercial land expansion is not adjacent to, or adjoining, an existing centre then any new development should not undermine the existing centre(s) and should be at a scale and location only to serve the target neighbourhood.	N/A	

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Planning Principles		Consistent Y/N	Comment
Tourism opportunities			
30	Future tourism development should not negatively impact on the natural, economic or social fabric of the area it is to be located in.	Y	RLUS contains an action to identify opportunities in our local planning framework to support low scale rural tourism in Byron Shire.
31	Future tourism development should provide for a wide range of experience opportunities from the low cost family type tourism developments, such as in caravan parks and camping grounds, to large single destination development.	Y	RLUS contains an action to identify opportunities in our local planning framework to support low scale rural tourism in Byron Shire.
32	Future investment in and growth of tourism products and services should not occur at the expense of local environmental and social values.	Y	RLUS contains an action to identify opportunities in our local planning framework to support low scale rural tourism in Byron Shire.
33	Consistent with the Regional Strategy, future large scale tourism development is only to be located in prime tourism development areas unless another proposed location is consistent with an approved local growth management strategy.	N/A	
34	Future large scale tourism development that is located adjoining natural features such a beach, estuary, national park or reserve, etc, should maintain public access to those features.	N/A	

Local Government (General) Regulation 2005

Schedule 3A Form of special disclosure of pecuniary interest

(Clause 195A)

Section 451 of the Local Government Act 1993

Form of Special Disclosure of Pecuniary Interest

1 The particulars of this form are to be written in block letters or typed.
2 If any space is insufficient in this form for all the particulars required to complete it, an appendix is to be attached for that purpose which is properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443 of the Act) in that person's principal place of residence. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests

by _____
[*full name of councillor*]

in the matter of _____
[*insert name of environmental planning instrument*]

which is to be considered at a meeting of the

_____
[*name of council or council committee (as the case requires)*]

Report No. _____ to be held on the _____ day of _____ 201

Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (*the* ***identified land***)[1]	

Relationship of identified land to councillor [*Tick or cross one box.*]	☐ Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ Associated person of councillor has interest in the land. ☐ Associated company or body of councillor has interest in the land.
Matter giving rise to pecuniary interest	
Nature of land that is subject to a change in zone/planning control by proposed LEP *(the **subject land**)*[2] [*Tick or cross one box*]	☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [*Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land*]	
Proposed change of zone/planning control [*Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land*]	
Effect of proposed change of zone/planning control on councillor [*Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"*]	

[*If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.*]

_____
Councillor's signature

_____
Date

(This form is to be retained by the Council's general manager and included in full in the minutes of the meeting.)

1 Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative 4 or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
Section 442 of the *Local Government Act 1993* provides that a **"pecuniary interest"** is 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. 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 the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

2 A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest-see section 448 (g) (ii) of the *Local Government Act 1993* .

3 **"Relative"** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

APPENDIX B

Economic Impact Assessment
RPS Australia East Pty Ltd

PLANNERS NORTH
1486.1951

RPS

The Farm

Economic Assessment

Prepared by:

RPS AUSTRALIA EAST PTY LTD

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Report Number: PR128820
Version / Date: 16 August 2017

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THE FARM

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In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

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In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.

Document Status

Version	Purpose of Document	Orig	Review	Review Date
1.0	Client Exposure - Draft	WO	WO	31 July 2017
2.0	Updated information - Draft	WO	WO	2 August 2017
3.0	Version 3.0	WO	WO	16 August 2017

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Summary

The Farm is located 11 Ewingsdale Road, Ewingsdale and consists of The Farm and several tenancies:

- Three Blue Ducks – a restaurant that includes a coffee outlet and produce store.
- The Bread Social.
- Flowers at The Farm.

The Farm is a working operation that provides interaction, education and passive recreation opportunities for visitors to the site. The tenancies are based in the main building and they operate is a seamless manner that is not evident to the casual observer.

Key Indicators

- Visitors to The Farm have an annual direct expenditure of $11.9m. In turn, $7.74m is directed to Byron Shire based business and individuals (mainly in the form of wages) by the operations located at The Farm. This local retention of 65% is unusually high and reflects the 'buy local' policy of The Farm and all on-site operations.
- On average, business at The Farm employ 102 people on a full time, part time or casual basis. This can vary by 20% in response to the demands of the peak and low seasons. When considered on a full-time equivalent basis (FTE) this equates to 87.2 FTE annually. 81% of all employees live in Byron Shire with the remaining 19% residing elsewhere in the Northern Rivers. The total annual cost of wages and salaries is $4.42m with $3.58 m directed to residents of Byron Shire.
- The Farm is patronised by residents of Byron Shire (31%), residents of other parts of the Northern Rivers (10%), tourists staying in the region (37%) and day trippers (22%). This balance between locals (41%) and visitors (59%) indicates The Farm is well regarded by both groups. A large proportion of local visitors will provide the site with a 'genuine' feel and atmosphere. This atmosphere, in turn, is attractive to visitors and tourists.
- For most people (54%) The Farm was the primary destination of the trip with a majority of people also coming from home/accommodation (59%) or going to home/accommodation (60%). These figures indicate the importance of The Farm as a destination for both locals and tourists. Given the scale of visitation (an estimated 500,000 people per annum), The Farm is considered to be a major cultural/recreation/destination landmark.
- The Farm and on-site operations were responsible for a Gross Value Added (GVA) of $14.1m. Of this $8.9m is directed to Byron Shire and $3.6m to other parts of the Northern Rivers. This GVA indicates The Farm is responsible for an estimated 0.37% of the Byron Shire's Gross Regional Product (GRP).
- Taking into account direct employment, supply chain and household consumption, The Farm generates 181.9 FTE with an associated value of wages and salaries of $7.9m. The majority is directed towards the residents of Byron Shire with 115.1 local FTE and $5.0m in local wages and salaries.

Conclusion

The Farm and on-site operations are considered to be a major employer and are a series of locally exporting businesses. The scale of the exports is directly linked to the proportion of tourists that visit the site. Consequently, 59% of the total employment benefit directed to Byron Shire, or 68 FTE jobs, (59% of 115.1 FTE) are attributed to the tourists that visit the site.

The 115.1 total FTE located in Byron Shire represents 0.7% of the total LGA workforce of 16,298[1]. To place this employment in perspective, the current unemployment rate in Byron Shire of 5.9% (916 people)[2] would be reduced to 0% if 8 more businesses the scale of The Farm were to become established.

[1] http://economy.id.com.au/byron/unemployment (as at 31 July 2017)
[2] IBID

1.0 Introduction

The Farm is located 11 Ewingsdale Road, Ewingsdale and consists of The Farm and several tenancies:

- Three Blue Ducks – a restaurant that includes a coffee outlet and produce store.
- The Bread Social.
- Flowers at The Farm.

The Farm is a working operation that provides interaction, education and passive recreation opportunities for visitors to the site. The tenancies are based in the main building and they operate in a seamless manner that is not evident to the casual observer.

This report has been commissioned to assess the economic impact and benefits that can be attributed to the Farm. This assessment will be conducted at a local level (Byron Shire), regional level (Northern Rivers) and the total impacts. These total impacts will include NSW and Queensland due to the sites proximity to South East Queensland.

Information was gathered from published sources, the customer survey and interviews with The Farm and individual tenancies.

1.1 Modelling

This report utilises the RPS model prepared specifically for the Byron Shire area.

2.0 Economic Outputs

The businesses located at The Farm were interviewed and provided financial information including employment, wages, turnover and payments to suppliers.

This information is utilised in the economic modelling and has been aggregated in order to retain confidentiality.

2.1 Direct Business Expenditure

The Farm generates a annual direct expenditure of $11.9m. The businesses at The Farm utilise this turnover in payments to suppliers, staff and other expenses. Key features of this subsequent expenditure include:

- $7.74m is directed to Byron Shire based business and individuals. 65% is unusually high and reflects the 'buy local' policy of The Farm and all on-site operations.
- $3.0m is directed to businesses and individuals in other parts of the Northern Rivers (25%).
- $1.2m is directed to other areas (mainly SEQ and other parts of NSW). This 10% of expenditure is almost entirely for goods and services that are not available in either the Byron Shire or the Northern Rivers.

2.2 Employment

On average, business at The Farm employ 102 people on a full time, part time or casual basis. This can vary by 20% in response to the demands of the peak and low seasons. When considered on a full-time equivalent basis (FTE) this equates to 87.2 FTE annually.

81% of all employees live in Byron Shire with the remaining 19% residing elsewhere in the Northern Rivers.

The total annual cost of wages and salaries is $4.42m with $3.58 m directed to residents of Byron Shire.

3.0 Customer Assessment

The results of the customer survey are detailed in Appendix 4. Key information includes:

- The Farm is patronised by residents of Byron Shire (31%), residents of other parts of the Northern Rivers (10%), tourists staying in the region (37%) and day trippers (22%). This balance between locals (41%) and visitors (59%) indicates The Farm is well regarded by both groups. A large proportion of local visitors will provide the site with a 'genuine' feel and atmosphere. This atmosphere, in turn, is attractive to visitors and tourists.
- For most people (54%) The Farm was the primary destination of the trip with a majority of people also coming from home/accommodation (59%) or going to home/accommodation (60%). These figures indicate the importance of The Farm as a destination for both locals and tourists. Given the scale of visitation (an estimated 500,000 people per annum), The Farm is considered to be a major cultural/recreation/destination landmark.
- People visit The Farm for a diverse range of reasons. Meals (40%), coffee (20%) and bread (10%) are the main reasons given with looking around and other farm based activities accounting for most of the remaining 30%.
- Only 16% of visitors became aware of The Farm from specific marketing and information sources (eg web, print media). The remaining 84% became aware of The Farm by word of mouth, driving by or they live in proximity.
- An estimated 21% of visitors are aged under 15. This compares to 16.8% of the Byron Shire population in the same age group[3]. This indicates the Farm is an important destination for local families, many of whom undertake recreation and other farm based activities.

The Farm is a popular destination for tourists and locals, and this information will be utilized in assessing the overall economic impact of the operation.

[3] Source: Australian Bureau of Statistics 2016 Census

4.0 Economic Impact Assessment

This section provides an assessment and summary of the analysis and demand modelling including both qualitative and quantitative impacts and benefits related to The Farm. The tables containing the output are provided in Appendix 1.

4.1 Economic Output

The total economic output is measured at $28m with 62.4% ($17.5m) of the total derived from business and service providers located in the Byron Shire. An additional $7.1m is derived from businesses elsewhere in the Northern Rivers.

4.2 Gross Value Added[4]

The Farm and on-site operations were responsible for a Gross Value Added (GVA) of $14.1m. Of this $8.9m is directed to Byron Shire and $3.6m to other parts of the Northern Rivers.

This GVA indicates The Farm is responsible for an estimated 0.37% of the Byron Shire's Gross Regional Product (GRP).

4.3 Income (Wages and Salaries)

The total direct and indirect type 1 wages and salaries attributed to The Farm is summarised as follows:

- Byron Shire – $3.5m
- Other Northern Rivers – $1.4m
- Total (inc Northern Rivers, Byron Shire and other) – $5.4m

The total wages and salaries taking into account direct employment, supply chain and household consumption is:

- Byron Shire – $5.0m
- Other Northern Rivers – $2.0m
- Total (inc Northern Rivers, Byron Shire and other) – $7.9m

These figures take into account total employment including on-site staff and the employment generated by the expenditure of the businesses.

4.4 Employment

The total direct and indirect type 1 employment attributed to The Farm is summarised as follows:

- Byron Shire – 79 FTE
- Other Northern Rivers – 31.2 FTE
- Total (inc Northern Rivers, Byron Shire and other) – 123.6 FTE

The total employment (including direct employment, supply chain and household consumption) attributed to The Farm is summarised as follows:

- Byron Shire – 115.1 FTE
- Other Northern Rivers – 46 FTE
- Total (inc Northern Rivers, Byron Shire and other) – 181.9 FTE

[4] Value added: value of output after deducting costs of goods and services used in the production process. Value added is the preferred measure for assessing economic impacts

The 79 direct and type 1 FTE located in Byron Shire represents 0.48% of the total LGA workforce of 16,298[5]. To place this employment in perspective, the current unemployment rate in Byron Shire of 5.9% (916 people)[6] would be reduced to 0% if 11.5 more businesses the scale of The Farm were to become established.

4.5 Conclusion

The Farm and on-site operations are considered to be a major employer and are a series of locally exporting businesses. The scale of the exports are directly linked to the proportion of tourists that visit the site. Consequently, 59% of the total employment benefit directed to Byron Shire, or 68 FTE jobs, (59% of 115.1 FTE) are attributed to the tourists that visit the site.

The 115.1 total FTE located in Byron Shire represents 0.7% of the total LGA workforce of 16,298[7]. To place this employment in perspective, the current unemployment rate in Byron Shire of 5.9% (916 people)[8] would be reduced to 0% if 8 more businesses the scale of The Farm were to become established.

These figures are considered to be conservative as they do not account for any off-site expenditure that is undertaken by visitors to The Farm. It would be reasonable to include expenditure on accommodation, food and other items for those visitors who would not have otherwise undertaken a trip to the region.

[5] http://economy.id.com.au/byron/unemployment (as at 31 July 2017)
[6] iBID
[7] http://economy.id.com.au/byron/unemployment (as at 31 July 2017)
[8] iBID

Appendix I – Economic Impact Tables

The following table[9] have been derived based on the information described in the previous sections. The input/output model prepared by RPS has been regionalised to reflect the individual nature of the local and regional economies.

Total	Output ($M)	GVA ($M)	Income ($M)	Employment (FTE)
Direct Impact	$12.0	$6.0	$4.1	97.7
Indirect Impact (Type I)	$6.1	$2.6	$1.3	25.9
Sub-Total	*$18.1*	*$8.6*	*$5.4*	*123.6*
Indirect Impact (Type II)	$9.9	$5.5	$2.5	58.3
Total Impact	**$28.0**	**$14.1**	**$7.9**	**181.9**

Byron LGA only	Output ($M)	GVA ($M)	Income ($M)	Employment (FTE)
Direct Impact	$7.7	$3.9	$2.6	63.2
Indirect Impact (Type I)	$3.7	$1.6	$0.8	15.8
Sub-Total	*$11.4*	*$5.4*	*$3.5*	*79.0*
Indirect Impact (Type II)	$6.1	$3.4	$1.5	36.1
Total Impact	**$17.5**	**$8.9**	**$5.0**	**115.1**

Northern Rivers (not inc Byron LGA)	Output ($M)	GVA ($M)	Income ($M)	Employment (FTE)
Direct Impact	$3.0	$1.5	$1.0	24.7
Indirect Impact (Type I)	$1.5	$0.6	$0.3	6.5
Sub-Total	*$4.6*	*$2.2*	*$1.4*	*31.2*
Indirect Impact (Type II)	$2.5	$1.4	$0.6	14.7
Total Impact	**$7.1**	**$3.6**	**$2.0**	**46.0**

All Other	Output ($M)	GVA ($M)	Income ($M)	Employment (FTE)
Direct Impact	$1.2	$0.6	$0.4	10.0
Indirect Impact (Type I)	$0.6	$0.3	$0.1	2.6
Sub-Total	*$1.8*	*$0.9*	*$0.6*	*12.6*
Indirect Impact (Type II)	$1.0	$0.6	$0.3	6.1
Total Impact	**$2.8**	**$1.5**	**$0.8**	**18.7**

[9] Assumptions
Constant returns to scale and no substitution between inputs
Production within an industry is homogenous across firms in that industry (i.e., same proportion of inputs are used by every firm in a given industry)
Each industry has only one primary output
The effect of carrying out a given level of production by one firm or many is the same
The economy examined is in equilibrium at given prices and
There are no capacity constraints so that the supply of each good is perfectly elastic. Each industry can supply whatever quantity is demanded of it and there are no capital restrictions.

Appendix 2 - Glossary and Reference

Types of Impacts Assessed

An input-output framework has been used to identify the direct and flow-on impacts, these direct and flow-on impacts to the economy have been estimated based on four key measures:

- **Output:** The total gross value of goods and services produced, measured in the price paid to the producer. Output includes any associated taxes or subsidies on its final production. Output values typically overstate the impacts as it counts all goods and services used in one stage of production as a input into later stages of production resulting in double counting.
- **Gross Value Add:** the additional value of a good or services over the cost of goods used in producing the good or service.
- **Incomes:** the level of wages and salaries paid to employees in each industry as a result of the development.
- **Employment:** the number of additional jobs created as a result of the additional expenditure, estimated as the number of jobs, expressed in terms of full-time equivalent (FTE) positions.

To measure these four indicators of the economic impact, three types of multipliers are used, these are:

- **Direct:** The construction or operational expenditure from the project under investigation. These involve the activities directly attributable to the development including operating expenditures and additional revenues. Direct impacts should only include the impacts which would not have occurred should the project not have gone ahead.
- **Indirect Type 1 Impacts (Supply Chain):** Represents the impacts arising from changes in activity for suppliers as a result of the direct stimulus. Type 1 impacts involve the impact on what the upstream supply chains do to fulfil the new increased level of spending.
- **Indirect Type 2 Impacts (household consumption induced):** Represents the household consumption induced activity arising from additional household expenditure as a result of the additional incomes received from the direct and type 1 industry impacts.

Criticisms of Economic Impact Assessments

Economic Impact Assessments based on IO-tables and Economic Multipliers have been criticised by Government and academia. RPS recognises Economic Multipliers are based on limited assumptions that can result in multipliers being a biased estimator of the benefits or costs of a project.

Shortcomings and limitations of Multipliers for economic impact analysis include:

- **Lack of supply–side constraints**: The most significant limitation of economic impact analysis using multipliers is the implicit assumption that the economy has no supply–side constraints. That is, it is assumed that extra output can be produced in one area without taking resources away from other activities, thus overstating economic impacts. The actual impact is likely to be dependent on the extent to which the economy is operating at or near capacity.
- **Fixed prices**: Constraints on the availability of inputs, such as skilled labour, require prices to act as a rationing device. In assessments using multipliers, where factors of production are assumed to be limitless, this rationing response is assumed not to occur. Prices are assumed to be unaffected by policy and any crowding out effects are not captured.
- **Fixed ratios for intermediate inputs and production**: Economic impact analysis using multipliers implicitly assumes that there is a fixed input structure in each industry and fixed ratios for production. As such, impact analysis using multipliers can be seen to describe average effects, not marginal effects. For

example, increased demand for a product is assumed to imply an equal increase in production for that product. In reality, however, it may be more efficient to increase imports or divert some exports to local consumption rather than increasing local production by the full amount;

- **No allowance for purchasers' marginal responses to change**: Economic impact analysis using multipliers assumes that households consume goods and services in exact proportions to their initial budget shares. For example, the household budget share of some goods might increase as household income increases. This equally applies to industrial consumption of intermediate inputs and factors of production.
- **Absence of budget constraints**: Assessments of economic impacts using multipliers that consider consumption induced effects (type two multipliers) implicitly assume that household and government consumption is not subject to budget constraints.
- **Not applicable for small regions**: Multipliers that have been calculated from the national I–O table are not appropriate for use in economic impact analysis of projects in small regions. For small regions multipliers tend to be smaller than national multipliers since their inter–industry linkages are normally relatively shallow. Inter–industry linkages tend to be shallow in small regions since they usually don't have the capacity to produce the wide range of goods used for inputs and consumption, instead importing a large proportion of these goods from other regions[10].

Despite this, IO tables and Economic Multipliers remain popular due to their ease of use and communication of results. RPS has undertaken a number of steps and made appropriate adjustments to the EIA methodology to address and mitigate these concerns.

Firstly, this Assessment does not rely solely on the use of Economic Multipliers to inform the recommendations for the project. The study includes analysis of the characteristics of the local economy and tourism market and demonstrates economic benefits of the project. The EIA represents one of a number of assessments, allowing the results to be appropriately contextualised.

Secondly, RPS has provided results for direct, supply chain and household consumption induced benefits. This allows for the individual rounds of benefits to the economy of the project to be identified and separated.

Thirdly, the catchment Northern NSW is a large area with a critical mass of population and business activity and a diverse economy. Adjustments have also been made to national Economic Multipliers to calculate the impacts on the Northern NSW and State economies individually, through the development of regional transaction tables.

Fourthly, RPS regards the use of Economic Multipliers as part of the EIA for the development as appropriate and measured and the results of the assessment as conservative, defensible and suitable for informing decision making.

[10] ABS (2013) Australian National Accounts: Input-Output Tables, 2009-10, Cat No 5209.0.55.001, Australian Bureau of Statistics, Canberra

Appendix 3 – Customer Survey

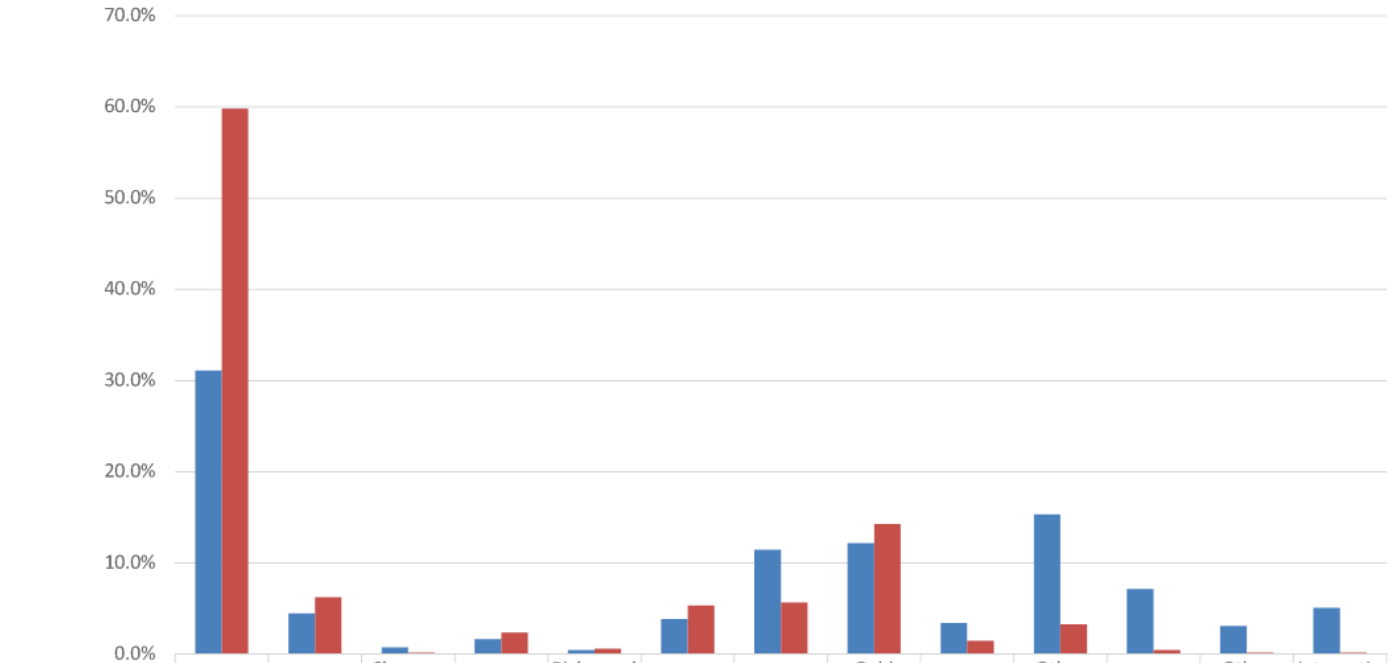

RPS
The Farm – initial analysis
Date – 3 July 2017
Local Knowledge
INTERNATIONAL EXPERTISE

RPS

Overview

An intercept survey was conducted at The Farm from Sunday the 4th of June, 2017 to Saturday the 10th of June, 2017.
The surveys were collected between the hours of 7am and 7pm.
A total of 672 surveys were completed.

RPS Q1/2 – Where so you live/did you stay



	Byron	Ballina	Clarence Valley	Lismore	Richmond Valley	Tweed	Brisbane	Gold Coast	Other Qld	Other NSW	Victoria	Other Australia	International
Live	31.1%	4.5%	0.7%	1.6%	0.4%	3.9%	11.5%	12.2%	3.4%	15.3%	7.1%	3.1%	5.1%
Stayed last night	59.8%	6.3%	0.1%	2.4%	0.6%	5.4%	5.7%	14.3%	1.5%	3.3%	0.4%	0.1%	0.1%

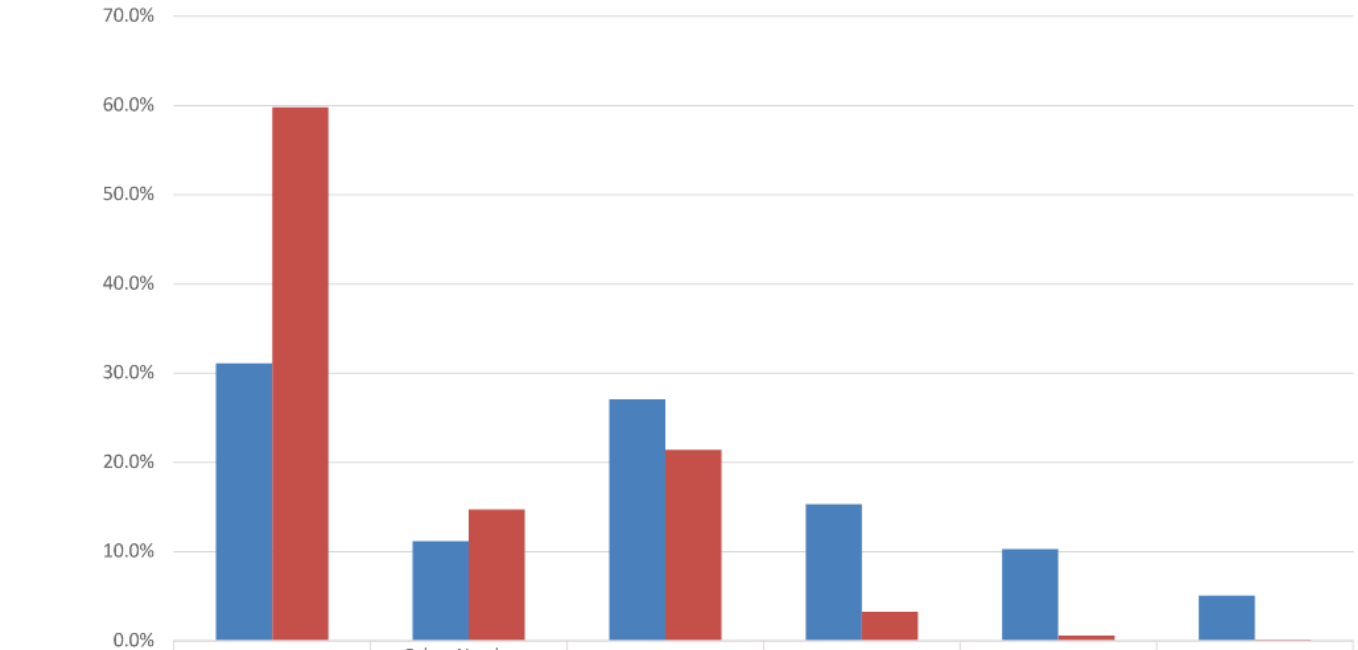
n = 672

3

RPS

Q1/2 – Summary

31% live in Byron and 11% in other Northern Rivers
60% stayed in Byron and 15% in other Northern Rivers



	Byron	Other Northern Rivers	Qld	Other NSW	Other Aust	International
Live	31.1%	11.2%	27.1%	15.3%	10.3%	5.1%
Stayed last night	59.8%	14.7%	21.4%	3.3%	0.6%	0.1%

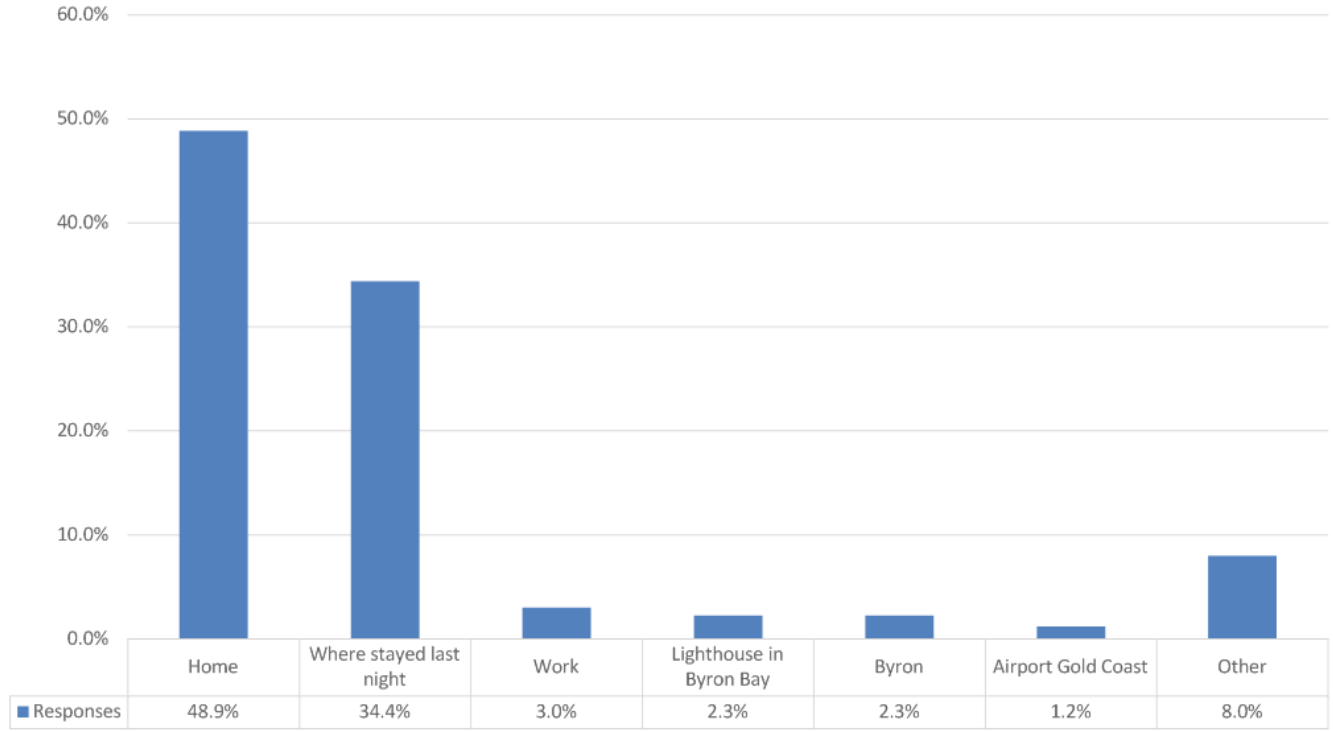
n = 672

4

RPS

Q3 – Where did you come from

83% from where they were last night.
Other incudes a variety of (mainly Northern Rivers) origins.



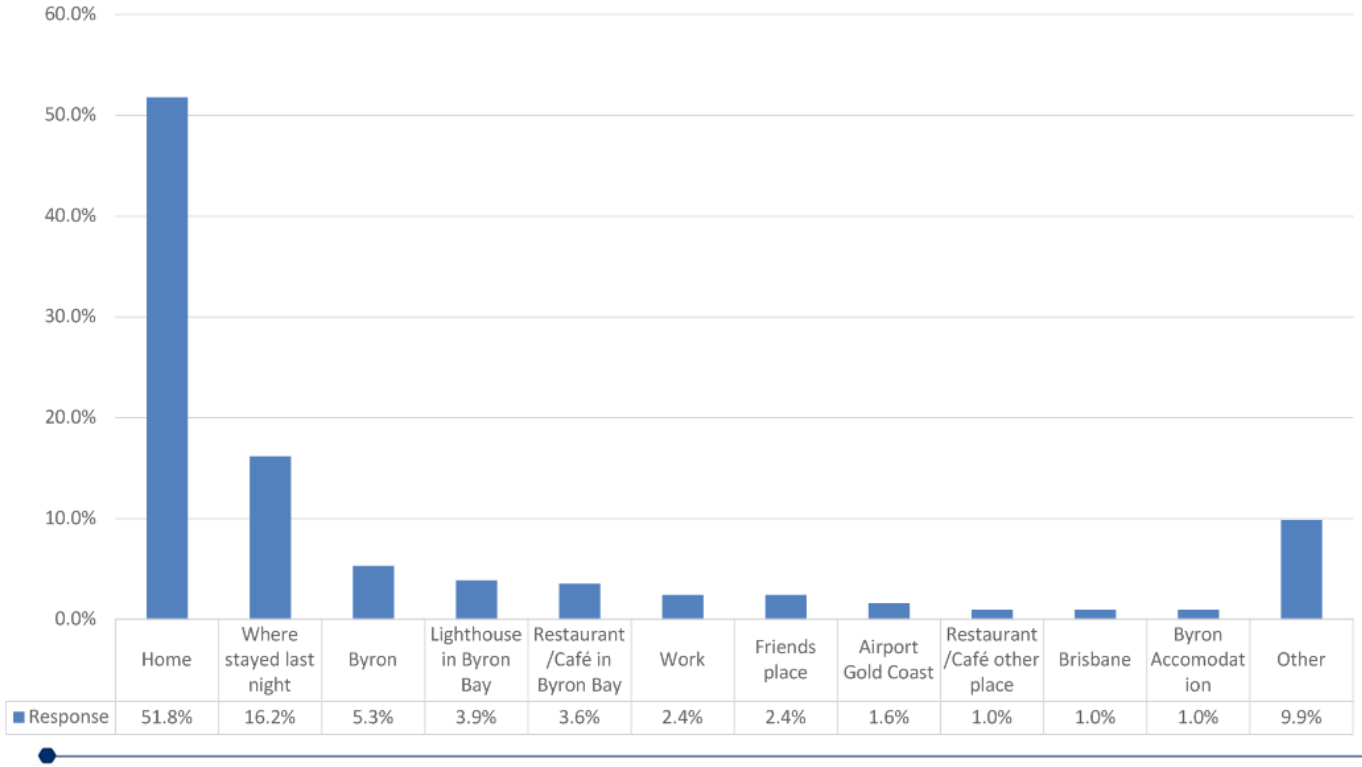
n = 663

5

RPS

Q4 – Where are you going to

68% from where they were last night.
48% went from home/accom to The Farm and back to home/accom.
Other incudes a variety of (mainly Northern Rivers) destinations.



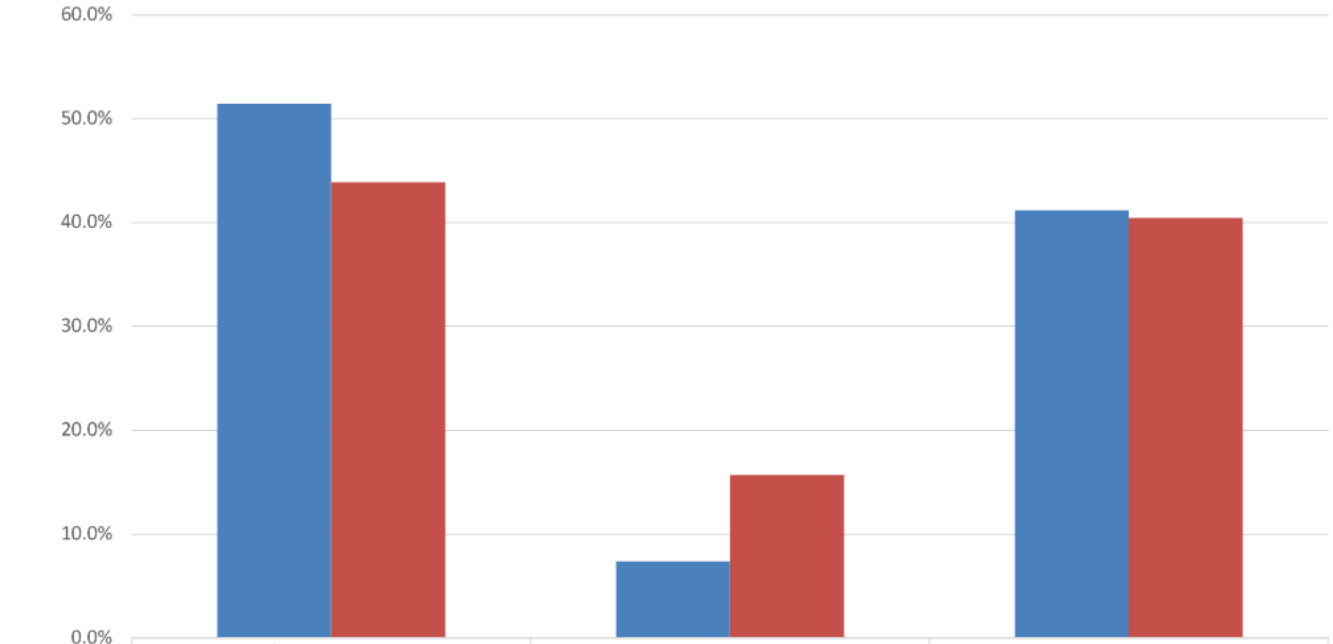
	Home	Where stayed last night	Byron	Lighthouse in Byron Bay	Restaurant /Café in Byron Bay	Work	Friends place	Airport Gold Coast	Restaurant /Café other place	Brisbane	Byron Accomodation	Other
Response	51.8%	16.2%	5.3%	3.9%	3.6%	2.4%	2.4%	1.6%	1.0%	1.0%	1.0%	9.9%

n = 618

6

Byron LGA , origin and destination

58.8% of trips to The Farm originated from within Byron Shire.
59.5% of visitors to The Farm stated their next destination was within Byron LGA.



	Home / Accom in Byron LGA	Other Byron LGA	Other areas
Come from	51.4%	7.4%	41.2%
Go to	43.9%	15.7%	40.5%

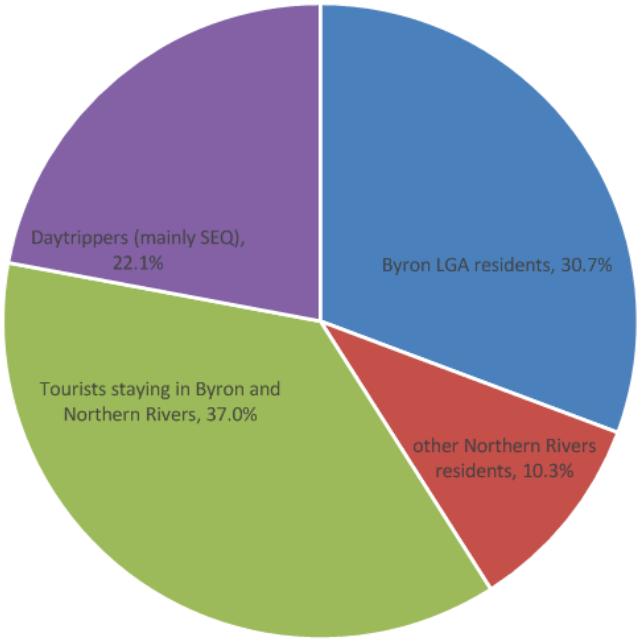
n = Come from – 663, Go to - 618

7

RPS

Visitor Classification

78% of trips to The Farm were undertaken by people living or staying in the Northern Rivers.
22% of visitors to The Farm were undertaken by day-trippers (mainly from SEQ).

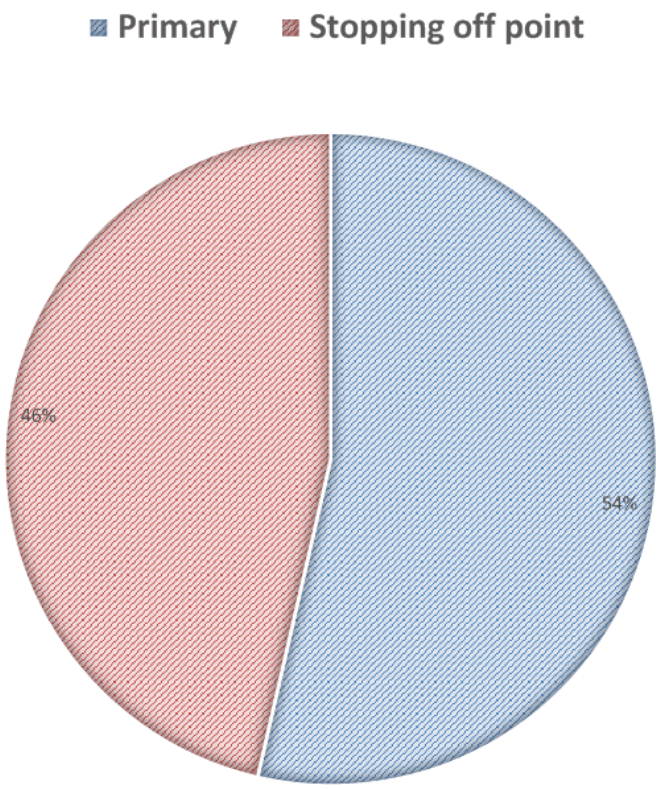


n = 671

8

RPS

Q5 – Primary destination



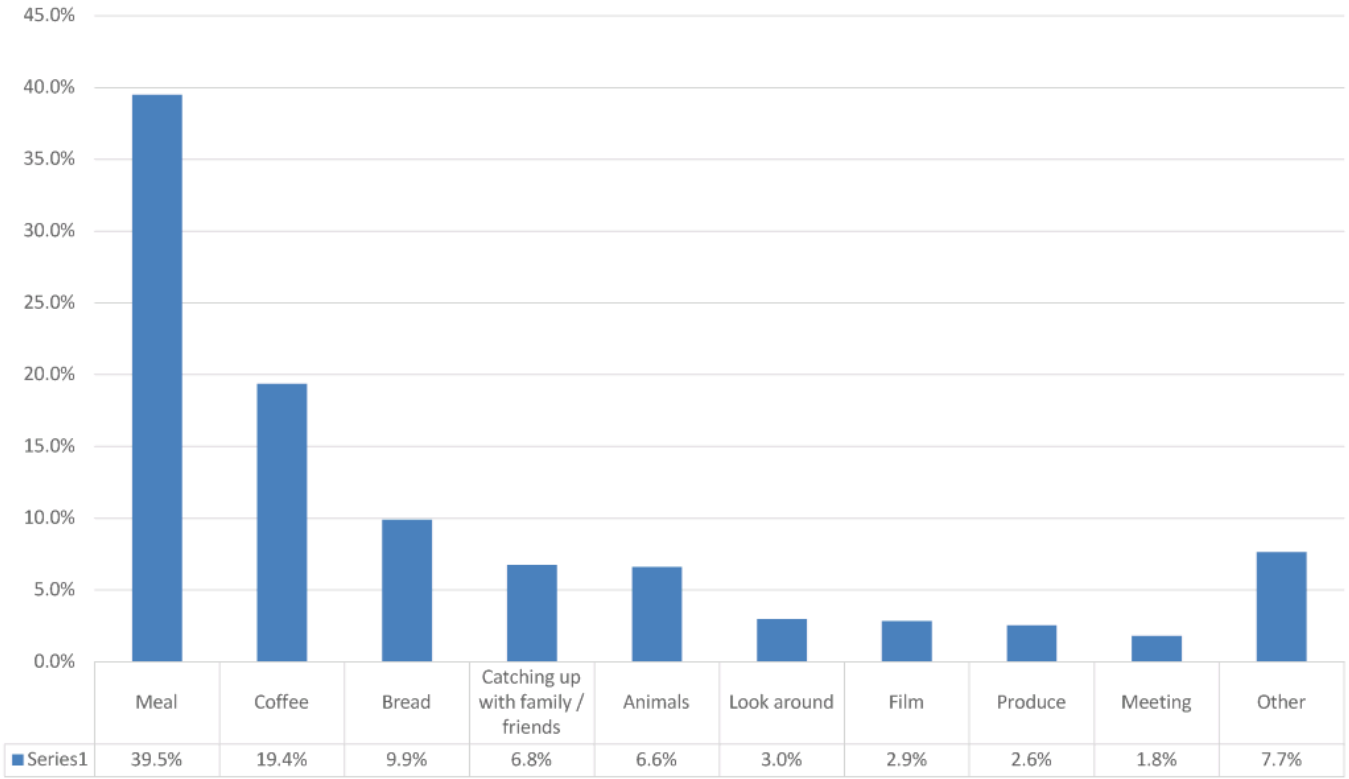
n = 666, Primary – 357, Stopping off - 309

9

RPS

Q6 – Main reason for visit

Other mainly consists of some form of 'looking around'.

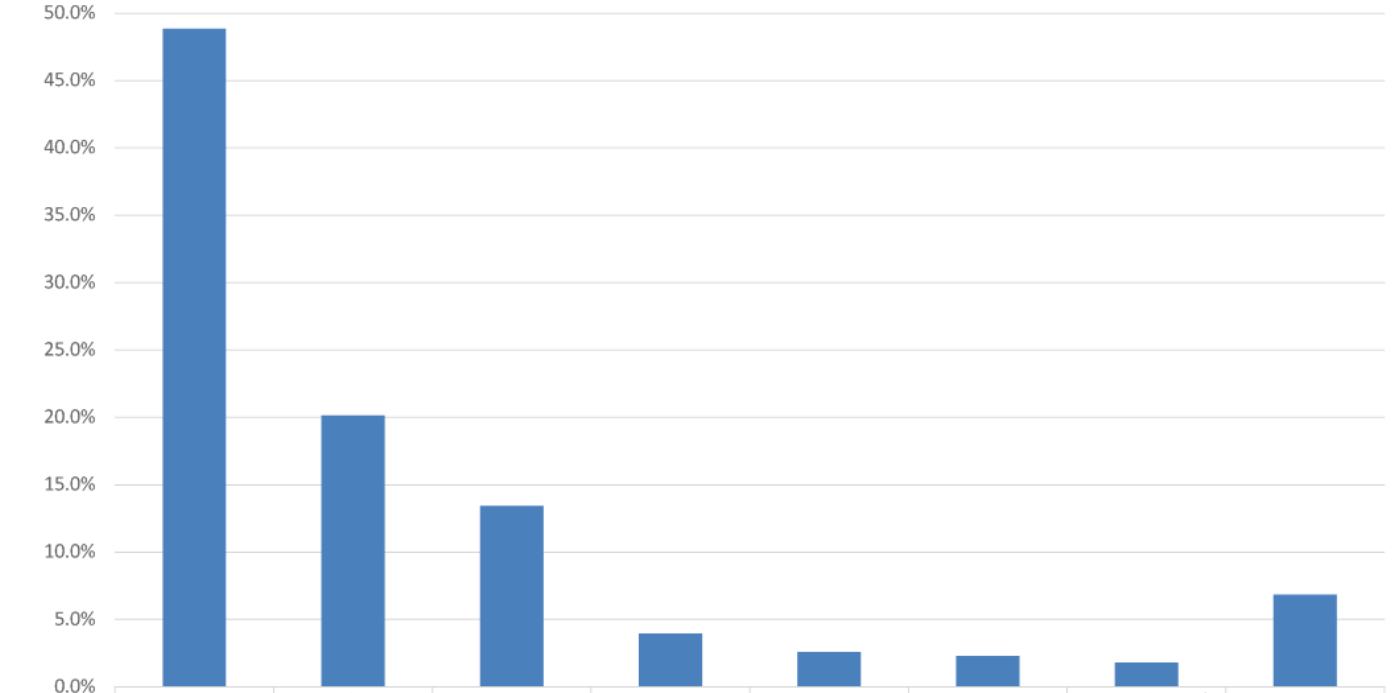


n = 666

10

RPS Q7 – How did you hear about The Farm

Other mainly consists of some form of 'live nearby'.



	Word of mouth	Passing by – saw The Farm while driving	Web	Local	Print media	Been before	Do not know / cannot remember	Other
Response	48.9%	20.2%	13.4%	4.0%	2.6%	2.3%	1.8%	6.9%

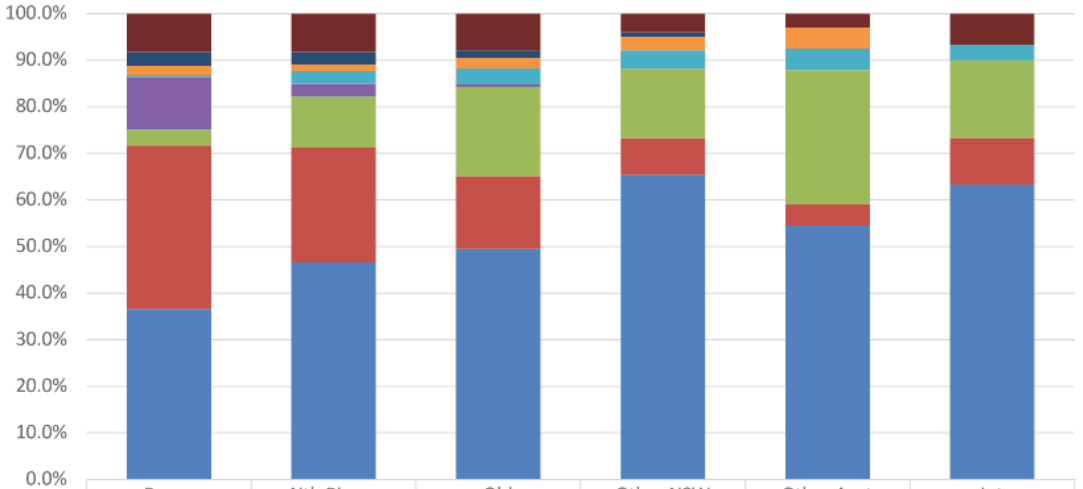
n = 656

11

RPS

Q7 and Q1

How did you hear about The Farm by Where do you live (expressed as % of responses by area of residence).



	Byron	Nth Rivers	Qld	Other NSW	Other Aust	Int
Other	8.3%	8.2%	7.9%	4.0%	3.0%	6.7%
Do not know / cannot remember	2.9%	2.7%	1.7%	1.0%	0.0%	0.0%
Been before	2.0%	1.4%	2.2%	3.0%	4.5%	0.0%
Print media	0.5%	2.7%	3.4%	4.0%	4.5%	3.3%
Local	11.2%	2.7%	0.6%	0.0%	0.0%	0.0%
Web	3.4%	11.0%	19.1%	14.9%	28.8%	16.7%
Passing by – saw The Farm while driving	35.1%	24.7%	15.7%	7.9%	4.5%	10.0%
Word of mouth	36.6%	46.6%	49.4%	65.3%	54.5%	63.3%

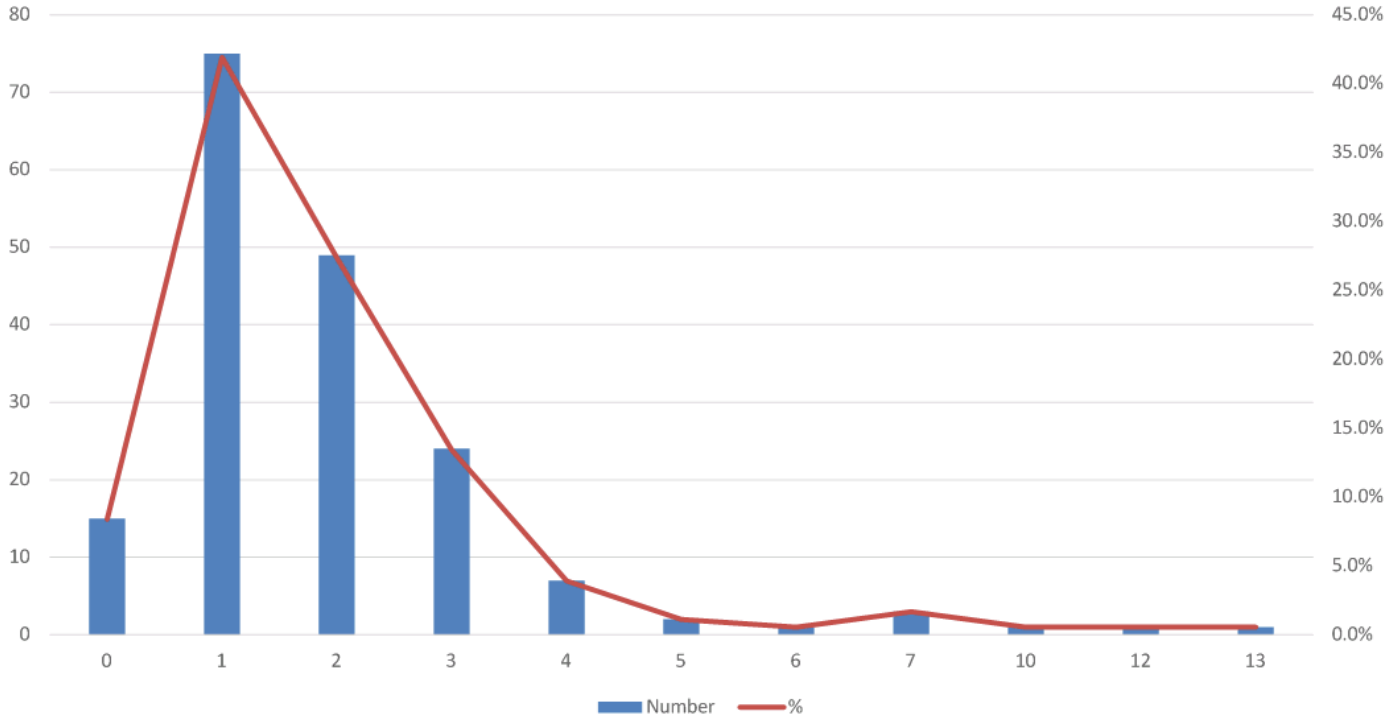
n = 656

12

RPS

Q8 – People under 15 in your group

24% of respondents had people under 15 in the group.
Estimated that people under 15 account for 21% of total visitors



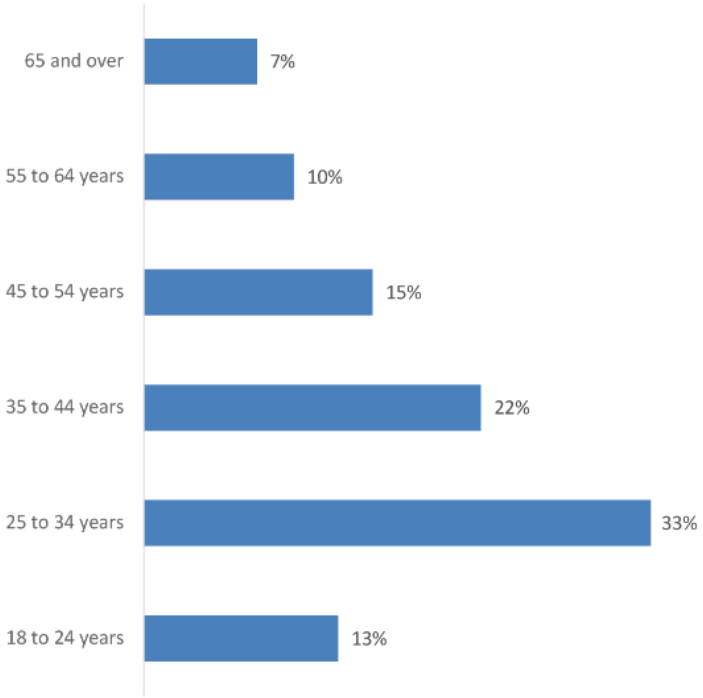
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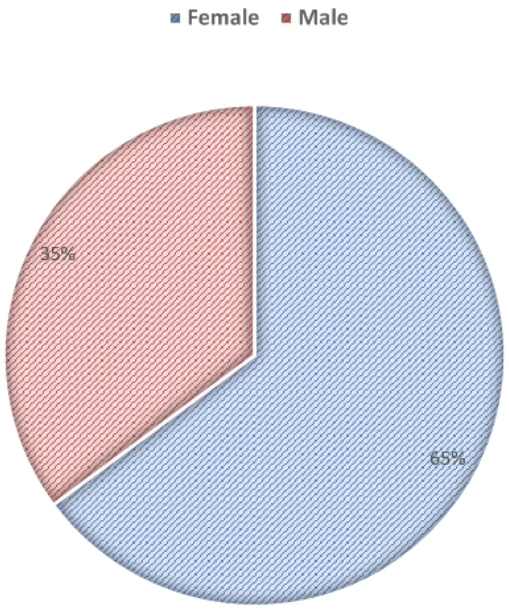
13

RPS

D1/2 – Age and Sex of Respondent

Use caution when using this data. Ages were estimates provided by interviewers.





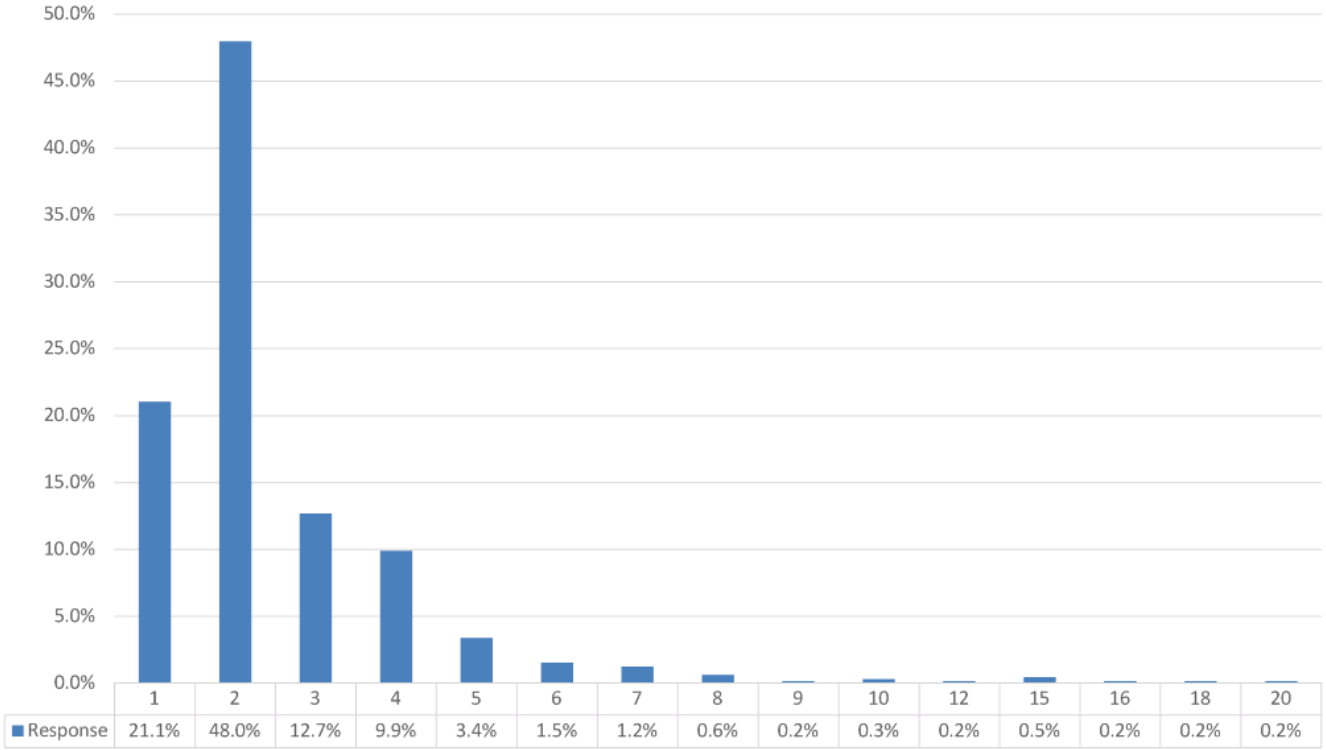
n = 622

14

RPS

D3 – Group Size

Use caution when using this data. Group sizes were estimates provided by interviewers.



	1	2	3	4	5	6	7	8	9	10	12	15	16	18	20
Response	21.1%	48.0%	12.7%	9.9%	3.4%	1.5%	1.2%	0.6%	0.2%	0.3%	0.2%	0.5%	0.2%	0.2%	0.2%

n = 646

15

APPENDIX A

Social Impact Assessment
TS Consultants

PLANNERS NORTH
1486.1951

Social Impact Assessment to accompany the Planning Proposal for 'The Farm' 11 Ewingsdale Road, Byron Bay Lot 5 DP848222 Woodford Lane and Lot 1DP 780234 Ewingsdale Road

Prepared for:

The Farm
and Planners North
3/69 Centennial Circuit
Byron Bay NSW 2481

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Date: July 2017

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Disclaimer
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1.0 Introduction

TS Consultants have been engaged by The Farm to prepare a Social Impact Assessment (SIA) to accompany an amended Planning Proposal by The Farm's planning consultants, PLANNERS NORTH, for The Farm in regard to land described as Lot 1 DP 780234 Woodford Lane and Lot 5 DP 848222 Ewingsdale Road, Ewingsdale.

There is a recent history of development applications and S96 amendment applications for the site.

The Planning Proposal for which a Social Impact Assessment is required is for the use of Lot 1 DP780234 and Lot 5 DP 848222, Woodford Lane, and 11 Ewingsdale Road, Ewingsdale to permit certain additional land uses on the site. A site-specific amendment to the Byron Local Environmental Plan 2014 (BLEP14) is proposed to Schedule 1 to permit the following additional land uses on the subject land:

- retail premises-shop/ food and drink premises; and
- information and education facility.

This report examines the likely social impacts of the proposal.

2.0 Overview of the Application and Site

2.1 Background History

There has been 'farming' activity on The Farm site since the early 1900s. In the autobiography written by Doris Mildred Everitt, the youngest daughter of William Flick, she provides some basic history of the land now known as The Farm and the subject of this planning proposal. The land was originally covered by the Big Scrub rainforest. This was cleared in the late 1800s along with the clearing of rainforest in the Northern Rivers. The Flick family moved to Ewingsdale when the cedar began to run out around Lismore. William Flick, who was a cedar-getter, bought up the land after it was cleared. In the early 1900s sugarcane was planted all over the land. By 1909 the cane was mostly replaced by grass for grazing dairy cattle. Dairying and butter was the big industry in the region for many years. William Flick had left several virgin patches of 'big scrub' on The Farm, but this was later felled by new owners. The Flick family children recall gathering from the land and the orchard both native and introduced fruits such as: Lilly Pillys, raspberry and wild strawberry, finger limes, bush lemons, passionfruit, gooseberries, small tomatoes, cherry guava, pears, peaches, figs, persimmons, oranges, loquats, mulberries, limes, banana, grapes, mushrooms and macadamias. The children helped harvest beans before school often making them late. Surplus fruit was gathered by the children and sold at the 'Mart', which was their only pocket money. The family kept pigs. Piggeries were common everywhere. The small calves they had no use for were boiled for pig food. The children would steal the succulent meat. The house was called Carabene after the Carbeen trees (Moreton Bay Ash) that grew in the area. There was a huge flower garden with blue hydrangeas at the entrance to the home and old fashioned English flowers and shrubs throughout.

The family received deliveries four times a week on the backload of wagons delivering cream, milk and butter into Byron. During the plague the farmers of Ewingsdale supplied the sick with eggs, vegetables, cans full of milk and anything else they had. The women of the Flick family made jam, chilli wine, preserves, soap, and clothes. They baked bread, reared chickens, sold eggs to the grocer, made tea towels, underclothes and pillowslips from flour sacks all to save money. The children gathered eggs from wild turkey and quail nests and climbed the fig trees. The men would go turkey shooting in the rainforest. For entertainment the family held horse races at the farm. Neighbouring farms would bring their horses and race them on a track never meant for racing. One of the daughters of William Flick married a share farmer who worked the land of The Farm. William Flick had established several share farmers at their farm as he grew older, before he passed the farm over to his sons. Doris Everitt, the youngest daughter of William Flick, who was born in 1906, married Ted Everitt. Ted was the son of the first baker for the railroad in Byron Bay. Ted's parents opened and ran a bakery and store in Byron Bay before they moved to a 240 acre farm near Mullumbimby, where Uncle Tom's is now.

The three mile trip to Byron from Ewingsdale was all tea tree swamp. That was until Thomas Ewing, (after whom Ewingsdale is named), who was elected to Parliament, obtained the road across the Belongil Swamps. This was called "Ewing's Mistake" because it was thought impossible. (http://ewingsdale.org.au/history/). But, it was not impossible as this is the Ewingsdale Road of today. Anecdotally it is said that the foundations of the road were made from laying down the tea tree logs that were cut from the swamp and that they are mostly likely still there, which may explain the poor state of the road.

Over the years The Farm land has been used for a variety of agricultural uses, the latest one before its current use was as a small crops and gladioli flower farm, which

closed in 1995. This location, then, has always been the gateway to Byron Bay and a stop off place to buy cut flowers and vegetables, being on the corner of the Pacific Highway and the Ewingsdale Road. Tom and Emma Lane purchased the disused farm land in 2013. They viewed this as an opportunity to transform the site back to a fully functioning farm, albeit with a difference and one in keeping with the changing farming model in Australia. Its instant popularity surprised all, including the owners, staff and the local community.

2.2 The Site and Locality

2.2.1 The Site

The subject site is located on the main road into Byron Bay, the Ewingsdale Road and what was the old Pacific Highway, now re-named Woodford Lane. The site is located within the Statutory Zone under the provisions of the Byron Shire Local Environmental Plan (BLEP) 2014 being mainly RU1 Primary Production. The site comprises 86 acres located six kilometres (approximately eight minutes drive) west of Byron Bay.

2.2.2 Site Characteristics and Constraints

The site, Lot 1 DP780234, Lot 5 DP 848222, Woodford Lane, and 11 Ewingsdale Road, Ewingsdale is currently the site of the existing development known as The Farm. It is for the most part, gentle, undulating farmland/open space, including a macadamia orchard and various farm buildings. Simpson's Creek is located near the eastern part of the site. The existing Farm development takes its access from Woodford Lane.

2.2.3 Existing and Surrounding Landuse

The current land uses are clustered in an area adjacent to the intersection of Woodford Lane and Ewingsdale Road. The locality of the site is a mixed-use precinct with an existing concrete batching plant to the immediate south of the subject site. To the southwest of the site is Ewingsdale Public Hall. To the east of the batching plant is the newly built Byron Central Hospital. Adjacent to the hospital is the Ambulance Station fronting Ewingsdale Road. To the North is cattle grazing and macadamia orchards. The rural residential area of Ewingsdale is southeast of The Farm. The Farm is an active farm used for a range of agricultural pursuits.

2.3 Development Proposal

2.3.1 History of development proposals

The original development approval granted for the site on May 22, 2014 allowed for a cheese making facility and farm café. A number of concurrent Development Applications have been lodged with Byron Shire Council for various other activities on the identified land as well as further S96 amendment applications to the original Development Application with some being successful. A history of the development applications and S96 amendment applications for The Farm is as below:

- DA 10.2013.626.1, Cheese making facility and farm café – approved 22 May 2014;
- Section 96 10.2013.626.2 Modify road works & access – approved 13 November 2014;
- Section 96 10.2013.626.3 Remove requirement for Bitumen Sealing and Change to Gravel Surface – refused 22 April 2016;
- Section 96 10.2013.626.4 Remove requirement to Bitumen Seal the Car Park – refused 9 September 2016;

- DA 10.2015.151.1, agricultural training facility, plant nursery and farm produce kitchen – approved 12 November 2015;
- Section 96 10.2015.151.2 Remove requirement for Bitumen Sealing and Change to Gravel Surface – refused 22 April 2016;
- DA 10.2016.26.1 Construction of 6 car parking spaces with electric charging facilities – approved 26 April 2016;
- Section 96 10.2015.151.3 Remove requirement to Bitumen Seal the Car Park – refused 9 September 2016;
- DA 10.2015.634.1, Change of use of cheese factory to kitchen, administrative facilities, expansion of restaurant areas and car parking, new dwelling house - refused 25 August 2016. In resolving to refuse DA 2015.634.1, Council also resolved as follows: "That Council invites the Farm to lodge a joint Planning Proposal, Masterplan and Development Application within 60 days of the date of this resolution, to regularise unauthorised activities and uses on the land." This was submitted to Council in accordance with the resolution.
- DA 10.2016.698.1, Change of use – cheese making facility to agricultural produce industry and industrial retail outlet (bakers) and Change in use of the existing approved dwelling house for use as ancillary offices for the existing approved restaurant and farm – withdrawn in response to request form Council officers.

2.3.2 Summary of the current proposal

This Social Impact Assessment report is to accompany a Planning Proposal for the site.

The Planning Proposal prepared by PLANNERS NORTH seeks a site-specific amendment to Byron Local Environmental Plan 2014 (BLEP14) to update Schedule 1 to permit certain additional land uses on the subject land, including:

- retail premises-shop/ food and drink premises; and
- information and education facility.

The buildings associated with uses identified above will be restricted to a central part of the land parcel only and will not impact on the current extensive agricultural and horticultural uses being undertaken on the land. The Planning Proposal is a product of many factors. Those factors include:

- policies of all levels of government to promote the orderly development and use of land; and
- the site planning opportunities presented by The Farm, particularly opportunities to support and enhance the agricultural and horticultural use of the site and sustainable agri-tourism in the region.

2.3.3 Existing Uses

The Farm is a unique collection of businesses and activities at the entry way to Byron Bay. It opened in April 2015. The Farm, is on 86 acres at Ewingsdale. Of this 86 acres; four acres is under cultivation, a further seven acres is transitioning into cultivation, commercial development is approximately four to five acres. The rest of the land is given over the livestock, which means that the Farm is producing food off of 80 acres. The 94% of farming wouldn't happen without the 6% of commercial activity. As well as doing their own horticultural growing there are macadamia orchards, beef and pigs, and egg production. The Farm is the umbrella for seven independently owned and operated, local micro businesses that work collaboratively and support each other.

- Three Blue Ducks café/restaurant
- The Bread Social Bakery

- Flowers on the Farm
- The Growers' Collective including: Evan's Edible Ecology, The Plot, Greens from The Farm, and Jess

The Farm was created as a green space for people to gather and experience a working farm – a place where families could visit, free of charge to reconnect to the land and learn about food provenance, small scale agriculture and wellness from the ground up. Parts of the operation function as a social enterprise. The Farm provides the much-needed parkland/playground for the community of Ewingsdale. There are group Farm Tours that begin at 10:00am each day for 45 minutes that do cost. There are self-guided farm tours anytime between 7am-4pm, which are free. Free maps are available at The Farm entry point.

The Farm's guiding principles are to 'Grow, Feed, Educate'. The first goal was to restore the neglected farmland and plant food. A market garden based on organic farming principles was established, while beef cattle and chickens were put to pasture. The Farm is spray and chemical free. While not yet organically certified, this is one of The Farm's goals. Rainwater is one of the primary sources of water in use throughout The Farm. All organic waste is composted. While one of the aims is to have the restaurant on site supplied by the growing on The Farm, the intention is not to have it fully supplied as there is a desire to support other farmers within the region, who have the same ethos.

In addition to The Farm's philosophy and guiding principles, the team work to 'give back' to the local community. The goal was to establish authentic community collaborations and relationships based around 'giving back' that would benefit the wider community. This is the philanthropic arm of The Farm (see **Appendix C**).

Three Blue Ducks

The Three Blue Ducks was founded and is owned by: Sam Reid, Chris Sorrell, Darren Robertson, Mark LaBrooy, and Jeff Bennett.

The Three Blue Ducks was originally founded in Sydney by Sam and Chris, who grew up together. While overseas together they met Mark, also from Sydney, who had worked in top class kitchens since he was 17 years old, in Australia and overseas. At one of these, Tetsuya's, he met Darren, and they became friends.

In 2010 Chris, Mark and Sam all happened to be in in Sydney and they threw around the idea of their own café/restaurant. The café opened in September 2010. Their first day was busier than they anticipated and that afternoon they hired their first staff member. Darren joined in after about six months when he and Mark decided to do a pop up dinner in the space. Next door to the café Jeff had done the same thing, taking a run-down, old takeaway food outlet and opening up a pizza shop. Jeff became good friends with the three Ducks and he suggested a merger in 2011. He became the fourth Duck as they combined businesses as the dinner business was growing and in need of more space. Mark approached Darren for advice as they needed more chefs and Darren became the fifth Duck. Darren and Mark began writing their own menus showcasing their type of food. They brought this solid friendship group behind the restaurant to The Farm where they have created a Byron Bay version of the Three Blue Ducks. They employ between 70-80 people.

Their philosophy "is about having good fun with honest food that's sourced sustainably." (http://www.threeblueducks.com). They use local produce and fresh ingredients grown on-site or from regional producers. They aim for organic, chemical-free, grass-fed and grass-finished meats. For the Byron restaurant their aim was "We'll be doing the Alice Waters thing," says Darren Robertson. "We'll be following the old-

fashioned notion where you let the farmer determine what goes on the table, rather than saying we require radishes the size of 50c pieces! It won't be fancy but it will be really tasty." (Donnelly. March 2015). Thirty percent of what is grown on The Farm is used in the restaurant. They are working towards getting this to 60%. A local egg grower, who, three years ago before The Farm, used to take 80% of his eggs to Brisbane; now he is the preferred supplier to the Ducks and those supplies go to the Ducks. The Farm tops up any other eggs that are required.

In line with their philosophy towards food they also share a philanthropic interest and support numerous local causes. (See **Appendix C** for full list). Given their short trading hours of three nights/week they are not able to give as much as they would like. One of the things they would like to do is to cook a dinner every two weeks for people sleeping rough in Byron Shire.

The Bread Social

The Bread Social was founded and is owned by three young, local men (two of whom have teacher partners in local schools): Sam Saulwick, Tom Scott and Paul Giddings. Sammy Saulwick, was raised in Byron Bay and has been involved in the food industry here since his parents managed the Beach Café in the early 1980s. He left the area for Sydney where he worked in bakeries and brought this knowledge and skill (along with his family) back to Byron Bay.

Their philosophy at the Bread Social is simple; use organic, local and Australian produce to create Artisan sourdough, breads and baked goods. First and foremost, they utilise any ingredients grown on The Farm to promote sustainability and support local businesses. In time, they hope to develop an educational facet to offer the community. The name *Bread Social* was chosen specifically as it represents a small, community based bakery that brings people together. As the three co-owners had worked in large city bakeries where you can lose touch with your customer they wanted to create a product they could sell with conviction and honesty as being organic, no artificial anything, with rainwater. If they put as much as 10% additives, such as an artificial starter, they could halve the time to make the bread and halve their wages. Over 70% of their products contain ingredients grown on The Farm. All of their ingredients are from Australia. While it would be far cheaper to purchase organic flour from China they don't because it wouldn't contribute to the local community. Their flour comes from Woods Organic Flour in Inverell. The butter used is made locally. They don't retail at The Farm, they wholesale their products to the Three Blue Ducks. The Bread Social is part of The Farm collective that share an ethos and dream of growing food organically and sustainably; paddock to plate. The Bread Social is the only bakery locally that does this. The Bread Social operates in 110 square meters of space, significantly smaller than the 280 square metres that the approved cheese factory was allocated.

The Bread Social employs 33 staff with a number coming from entry-level TAFE centres, disadvantaged youth programs and Byron Shire employment agencies. The team thrives on helping local youth develop a strong work ethic through a positive work place with influential role models. The team also adds significant value to the Liberation Larder by donating any left over product to feed those in need in the community. Currently they supply approximately 100 loaves of bread/week. (See **Appendix C** for full list).

Flowers at The Farm

This micro-business is a mother/daughter owned business; Ros and Elle. Ros has lived in the area for over 30 years, establishing her first floristry business in Byron Bay in 2006. Elle joined her and together they set up Flowers at the Farm in 2015. They employ

eight females casually and one full-time assistant manager, all people from the local area. There are 10-15 local growers of plants and flowers from the Byron Shire who are supplying Flowers at the Farm. Every plant in Flowers at the Farm is grown within a 100km radius. They sell herbs grown at the Byron Bay Herb Nursery, a social enterprise in itself, set up over 20 years ago to employ people with an intellectual disability. Where possible they stock flowers grown in The Farm's market garden, such as the giant sunflowers that greet people on their drive into Byron Bay along the Ewingsdale Road.

The Grower's Collective

The Grower's Collective includes: Evan's Edible Ecology, The Plot at The Farm and Greens from The Farm and most recently, Jess. Collectively they supply the Three Blue Ducks restaurant and Produce Store with fresh produce and Flowers at The Farm with blooms. The Farm supplies The Bread Social bakers with pasture raised eggs and Three Blue Ducks with beef and pork. It's a unique interdependent business relationship.

Evan's Edible Ecology

Evan has hands-on experience in local, small-scale farming, having established three other market gardens in the Byron Shire during the past four years. These experiences have highlighted for him the difficulties associated with setting up a sustainable market garden from scratch, particularly for young people. Evan was given a half-acre of land rent-free for the first year, as well as access to Farm machinery and equipment free of charge. This model is "allowing a space for farmers to grow organic food and be financially viable." (Echo, May 10, 2017, p.4 in **Appendix D**). In another collaboration between Byron Shire businesses, Evan prepares his plot of land with compost from another young, local business, Coastal Feeds, that's made with waste from Stone and Wood Brewery.

Grant- The Plot at The Farm

Grant has worked a half acre plot of land at The Farm for more than a year. He supplies the Three Blue Ducks restaurant and produce store. Together with the other growers at The Farm they have developed a 12 month planting and harvesting schedule for the market garden. This plan enables the Three Blue Ducks' chefs to plan their menus based around their 'farm to table' crops.

Greens from The Farm

Josh and Lynette Dooley are in their third year at The Farm growing organic produce on a 1.25 acre plot. Josh is a fifth generation Byron Bay local.. Their entire harvest of seasonal produce is sold to the Three Blue Ducks restaurant and produce store and to the Bread Social bakery. They supply the sunflowers to the Flowers at the Farm. Their organic vegetable seedlings are supplied by local Tintenbar business, Seedlings Organic. They plant between three to five thousand seedlings a fortnight. "I love meeting the families who visit The Farm as they walk through the market garden while we're working. It's great to see them spending time together. It's beautiful that there is a place in Byron where families can come and connect with each other to the land. It's rewarding to know we're feeding thousands of people organic food that we grew in the ground right here." (Echo, May 10 2017, p.4).

Other small businesses

Farm Kids

Farm Kids employs 4-5 casual employees. They run school tours that inspire and educate school children, teaching them about where food comes from, paddock

rotation, pollination, organic farming, crops, healthy soil, free range egg production composting and other ethical farming practices. Children can get up close and meet heritage black pigs, free range chickens and see egg production. Twenty four schools from NSW and Qld and over 1000 individual students have attended school tours at The Farm to date. In addition to school tours they hold workshops all year round. These are a three hour in-depth exploration of farming through adventure activities. Farm Kids has seen a 20% increase in local participation in the past six months. Approximately 900 children have participated in Farm Kids workshops thus far.

Workshops

A variety of workshops are offered on a weekly basis teaching skills for down-to-earth living. Their mission is to help people cultivate communities that are active, knowledgeable and motivated to create the futures they need. The range of workshops includes: ethical farming, bee keeping, permaculture design, organic growing, natural building.

3.0 Assessment Process

The Social Impact Assessment (SIA) process involved:

- Scoping the project
- Site visit
- Desktop analysis of demographics, community profile
- Review of documents provided by Byron Shire Council and others including relevant strategies and planning documents
- Research into tourism/agri-tourism impacts generally in Australia and overseas
- Research into Byron tourism/agri-tourism, food tourism through studies, anecdotal information and media reports
- Consideration of relevant issues raised through consultative processes such as attendance at meetings and surveys undertaken
- Review of issues raised in submissions/exhibitions for various Development Applications and applications for amendments to approved Development Applications for the site and from the existing uses
- Examination of potential impacts
- Considering whether the social benefits associated with The Farm are consistent with the zone objectives

4.0 Community/Demographic Profile

Demographic information on the immediate neighbourhood, being McGettigan's Lane, Quarry Lane, Parkway Drive, Plantation Drive, and the other various smaller roads that radiate off of these roads is provided from an observational and researched perspective. Australian Bureau of Statistics (ABS) Census data is provided on three levels:

- The overall demographics of the Byron Local Government Area (LGA). This information is drawn from the Australian Bureau of Statistics (ABS) Census of Population and Housing 2011 and 2016 where available.
- Ewingsdale suburb data. In order to make a more detailed analysis of the local site impacts ABS 2011 and 2016 Census of Population & Housing was used.
- Comparison of Ewingsdale and Byron LGA data to that of NSW and in some instances, Australia, where relevant and available. As will be seen in the analysis below, there are considerable differences between the Byron LGA in which this proposal is located and NSW generally.

4.1 History, Community Character, Identity and Amenity

4.1.1 Ewingsdale History

The history of the Ewingsdale locality has always been one of being at the gateway to Byron Bay and one of farming. The locality was named after Thomas Thomson Ewing, who provided the land on which the school was established. In 1909 the Department of Public Instruction acquired the freehold land from Ewing. Also closely associated with Ewingsdale is the name Flick. William Flick and his wife Sarah came in the late 1880s to the area that later became known as Ewingsdale, settling on land owned by Thomas Ewing. The Ewingsdale Hall was built in 1908 and the Church in 1915. Both of these buildings still exist today. In the 1930s the row of Moreton Bay Fig trees was planted along the road in front of the Hall and Church on what was the Pacific Highway until the new highway opened in 2004.

In 1984 the Ewingsdale Protection Association was formed, changing the name in 1986 to the Ewingsdale Progress Association. They merged with the Ewingsdale Hall Committee in 1987 and in 2009 became the Ewingsdale Community Association. The Community Association is active and meets once/month. The Hall is used for a variety of community events, including weddings.

The Fig Tree restaurant on Sunrise Lane was established in 1981 by Heather and Charly Devlin and has traded continuously since then through successive generations of the Devlin family. Their dream was "To convert an original farmhouse into a restaurant and serve food grown and prepared by themselves. In the beginning, the restaurant was the Devlin family home and diners were welcomed to share a table." (http://figtreerestaurant.com.au/about/). Son, Che, took over the operations in 2005, growing the restaurant to include a wedding and accommodation venue. "Still, we remain true to our beginnings: food is grown in our own fig tree garden and lovingly prepared in our family kitchen."

The Cape Byron Steiner school was built in 1990, adding the high school in 1995, and expanding to year 12 in 2000. A maximum enrolment of 370 students was set in 2015 and the school has been full since then with a growing waiting list.

In the Byron Local Environment Plan 1988 the land on McGettigans Lane was re-zoned as 1(c)1 small lot holdings. This opened the way for small lot residential subdivision and changed the Ewingsdale community from essentially a farming

community to a rural-residential community. The ABS 2016 Census says that there are 369 dwellings in Ewingsdale with a population of 825 persons. The average persons per household is 2.5. This is likely to have increased since the recent development of two new residential estates over the past few years: Fig Tree Fields with 41 rural residential allotments developed by John Cornell and Capeview Estate with 35 rural residential allotments being developed by Graham Pearson. Both of these developments have not been fully developed yet and much of the housing was under construction when the 2016 ABS census was undertaken.

In 2017 Ewingsdale is a small, but growing, mixed community located six kilometres west of Byron Bay and adjacent to the Pacific Highway motorway. The new Byron Central Hospital is located here, (opening in 2016), along with the Ambulance Station. Some small and large farms grazing cattle still exist in Ewingsdale.

For its population size Ewingsdale is what could be considered a village. Defining a 'village' is difficult. A Discussion Paper released in 2001 by GeoLink for the Northern Rivers Regional Strategy suggests, "DUAP (1995) defines a village as a settlement that provides services and a focus for several rural precincts or a district sub-catchment, ranging in size from 30-500 households. The Northern Rivers Framework for a Sustainable Future (NRRS Secretariat, 1997) suggests that small villages may range in size from about 100 persons up to 1,000 persons." (Geolink, 2001, p.12). DUAP was the NSW Department of Urban Affairs and Planning, the forerunner to today's NSW Department of Planning. At the time of the Discussion Paper the 'village' of Bangalow had approximately 820 persons, the same as Ewingsdale is now.

However, the definition of a village is not limited to population size but considers a range of elements including but not limited to: community identity, walkability, easy access to local services and facilities, multi-functionality, supply of a range of basic needs (eg school, shop, doctor, employment or work-based opportunities, local participation in decision-making, public open space areas in the form of parks, fields, reserves and squares for specific or flexible uses... (Geolink, 2001, p.10). So, while Ewingsdale has the population size it has few, if any, of the other elements for it to be considered a village. "The level of service available tends to reflect factors such as population size and composition, as well as proximity to other centres, which is why the range of services and facilities will differ from village to village." (Geolink, 2001, p.14).

Ewingsdale's proximity to Byron Bay has meant that its residents have always used the town for its needs. Rather, than a village in its own right, it has been a suburb to Byron Bay. As the traffic has increased over the years this has become more difficult. The Farm is providing a meeting place and recreation centre for the Ewingsdale community; or at the very least a corner store where residents can pick up produce and have children play in a playground. The Farm site has long been associated with being a place to buy produce and flowers.

4.1.2 Tourism and Byron Bay

While the subject site is Ewingsdale, its proximity to Byron Bay and its place in Byron Shire requires this report to consider the tourism activity that takes place there. Situated on the North Coast of NSW Byron Bay has been known as a holiday destination since the late 1800s when there was a jetty and a railway line that connected the town. (Ryan, 1984, p.64).

In the mid 1800's there was an extensive shipping business in NSW taking rural products and passengers to Sydney from every major river and harbour of the north coast. Once the ships were fitted with refrigeration, the rich north coast dairy products could be on an overseas ship in a day.

Tourism became the growth industry of the NSW North Coast after WWII and because of greater mobility based on the car, it increased substantially in the 1950's and 1960's making use of low cost accommodation. It was in the late 1960's and 1970's that large numbers of surfers discovered the Byron area because of its now famous, natural surf breaks. It was also discovered by alternative settlers after the Australian Union of Students held their Aquarius Festival in the nearby town of Nimbin drawing thousands of people to the North Coast. Many of these visitors chose to stay and it was during this time that many old dairy farms were converted into communal type living in the Byron Bay hinterland. However, there was still little permanent residential growth in the Shire and as late as 1983 Byron Bay still only had a resident population of 3,000 people.

Since the late 1980's, until the early 2000's, the Byron LGA was one of the most rapidly growing Shires in NSW. It evolved from having a small, local economy based on agriculture to one dependent on national and international tourism with associated retail businesses and a burgeoning festival/event industry. Along with this came strong growth in housing, commercial and industrial development. Byron Bay, the largest town in the shire bore the pressure of this development. Annual visitor numbers to the shire increased dramatically, said to be as high as 1.7 million around 2004.

4.1.3 Farming/Agriculture in Byron Shire

Agriculture has always been an important element of the Byron Shire and played a valuable role in its economy. At the turn of the 20th century the Northern Rivers was covered in rainforests, which were quickly cleared for farming, both beef and dairy, along with coastal banana plantations. Byron Bay was home to Norco the largest butter factory in the southern hemisphere in the early 1900's, exporting butter overseas. When being logged, large ships berthed in Byron Bay to take the logs back to Sydney. Hence, local names with the word 'shoot' in them as the logs were sent down the shoots to the sea at Byron: Skinners Shoot, Coopers Shoot, Possum Shoot, McLeods Shoot. The economic bottom fell out of dairying in the 1960's due to de-regulation of the industry. The 1973 Aquarius Festival, that saw the new settlers come into the area, first of all rented, and then bought up these disused dairy farms. They came to live a new way of life, which included living on the land and growing their own food. While not being large scale farming, it sowed the seed of the current boom of organic growing of a variety of horticultural products and selling their products at monthly markets.

4.2 Byron Shire LGA Population Growth

"In describing baseline conditions upon which change will take place care has to be taken to avoid assumptions that a community is a static entity. Any descriptive categories reflect, in fact, parts of a dynamic social system." (Taylor, 2004, p.109). The ABS 2011 and 2016 Census of Population & Housing have been used for the baseline data. Demographic data includes a range of characteristics about the people who live in the Ewingsdale area and the wider Byron Shire. The ABS undertakes a census every five years, the latest being in August 2016. However, the first limited release of the census was on June 27th, 2017 so not all data was available when preparing this report. Where possible the latest Census data is used. The Byron Shire estimated resident population for 2016 is 31,556. (ABS Quikstats 2016).

4.2.1 Historical Growth/Trends Projection

The Byron Bay and Suffolk Park Settlement Strategy 2002 summarised a period of historical population growth. "Prior to 1970 Byron Shire had experienced a trend

towards a decline in population in the rural areas and a relative increase in the urban areas. This changed in the last 20 years as rural population has grown and stabilised. Such growth can be attributed to a growing interest in rural lifestyles rather than to an upturn in traditional economies. After 1971 the population showed a positive and permanent increase after several decades of fluctuation. (BB&SP Settlement Strategy, 2002, p.16).

Up until 1994 the Byron Council area was "one of the most rapidly growing local government areas in New South Wales. The region had undergone the highest proportional growth, in terms of population, out of any area within New South Wales between 1981 and 1989, excluding the Sydney Metropolitan Area." (BSC, Community Profile, Aug 1994). Byron Shire Council's Community Profile 1994, shows the growth rate for Byron Bay between 1986 and 1991 was a steady 8% per annum, reaching a total residential population of 5,001. " Being the major tourist destination in the local government area, there is a large transient population in addition to the resident population."(p. 32). "Between 1996 and 2001 Byron Shire experienced a slower rate of growth at 1.9% per annum (1.1% for NSW) compared to 3.3% per annum for the period 1991-1996." (BSC Community Profile, 2001, p.8). This large population growth slowed significantly between 2006 and 2011with just 0.3% p.a. but has risen again between 2011 and 2016 to 1.55%.

The annual average population growth rate over the ten years to 1997 was 6.2% for Byron Bay and 12.2% for Suffolk Park. These relatively high rates lead to some resistance in the community to growth. Growth rates declined from 1997 due to restrictions on development imposed by limited sewerage treatment capacity. (BB&SP Settlement Strategy, 2002, p.7). A trend developed in Byron Bay that saw the resident population decline between 2001 (5241) and 2006 (4981) and again between 2006 (4981) and 2011 (4959). At the same time the Shire grew from 28,175 to 28,766 residents. However, in the 2016 census the usual residents in Byron Bay has risen to 5521 persons. There is no hard data on why Byron Bay was losing population while the overall shire was increasing. Anecdotally, it is said that short-stay visitor numbers have increased, which, in part, can be attributed to overseas students studying at Southern Cross University, and the various English Language schools, along with longer stay travellers living in group houses, and housing turned over to holiday letting, pushing up housing costs and forcing out residents. It appears that the residential population growth rate for Byron Bay has slowed considerably, but the total population of the Shire is steadily increasing.

Table 1 - Byron Shire Local Government Area Usual Resident population 2001 to 2016

Year	Population	% Growth Per annum	Additional Persons per annum
2001	28916		
2006	28766	-0.1	-150
2011	29209	+0.3	+443
2016	31556	+1.55	+2347

Source: ABS Census of Population & Housing Census 2001, 2006, 2011 and 2016 Census Quikstats

The low population projections by the NSW Dept. of Planning shows an increase of 5,850 persons over the period 2011-2036, which is 19.0% overall and 0.7% per annum.

Table 2 - Past and Projected total population of Byron LGA, 2011-2036

Year	Total Population (a)
2011	30700
2016	32250
2021	33500
2026	34650
2031	35700
2036	36550

Source: NSW LGAPopulation Projections 2006-2036. Low series NSW Dept. of Planning 2016.
a) population numbers are for 30th June of the year shown

4.3 Summary Social Demographics Ewingsdale

Key Demographic Characteristics – Ewingsdale 2016 Residential Population compared with 2011 and 2006 where available:

- The population was 825 persons in 2016 an increase from 713 persons in 2011 and from 677 persons in 2006
- The median age has risen in 2016 to 44 years up from 43 years in both 2011 and 2006. The 2016 NSW and Australian median age was 38
- In 2016 there were 191 families an increase from 185 in 2011 and 188 in 2006
- Average people per household has decreased to 2.5 in 2016 from 2.8 in 2011 and 2.7 in 2006
- There were 10 Aboriginal and Torres Strait Islander people resident in Ewingsdale in 2016, compared with 7 in 2011 and 13 in 2006
- In Ewingsdale the median weekly household income in 2016 was $1,592 an increase from 2011 when it was $1,153 and in 2006 $1,068 and compared with NSW at 2016 at $1,486 and Australia at $1,438. In Byron Shire in 2016 it was $1,149
- Median weekly rent in 2016 has decreased to $395 from 2011when it was $525 and was $250 in 2006. In 2016 median weekly rent was $380 in NSW and $335 in Australia
- In 2016 12.9% of households in Ewingsdale had rent payments greater than 30% of household income, which was the same for NSW and was 11.5% for Australia. In 2011 it was 18.1% In Ewingsdale, 11.6% for NSW and 10.4% for Australia
- In 2016 11.4% of households had mortgage repayments greater than 30% of household income compared with 7.4% in NSW and 7.2% in Australia.
- The age cohort in Ewingsdale with the greatest proportion of people in 2016 was 50-54 year olds with 10.1%. (compared with 6.5% in both NSW and Australia); in 2011 it was 55-59 years with10.1%
- The proportion of persons born overseas has increased substantially in 2016 with 283 persons (34.2%) compared with 2011 when there were 179 persons (24.9%) born overseas. The largest proportion was from England (4.6%), New Zealand (2.2%) and Germany (1.8%). These were the same countries as in 2006. In Byron Shire the proportion of persons born overseas is 31.6% and with the same most popular countries of origin
- At 2016 in Ewingsdale 9.1% of persons were university or tertiary educated, which has decreased from 2011 when it was 11.5%. However, in 2016 It is a higher rate than in Byron Shire (8.0%) but lower than NSW with16.2% and 16.1% in Australia
- In 2011 38.0% of occupied private dwellings were owned outright in Ewingsdale compared with 33.2% in NSW and 32.1% in Australia and an increase from 2006 when it was 35.5%
- In 2016 there were 257 (83.2%) occupied private dwellings and 52 (16.8%) unoccupied private dwellings. This compares with NSW having 9.9% unoccupied private dwellings and Australia with 11.2%. In 2011 there were 47 unoccupied private dwellings (16.4%) compared with 9.7% for NSW and 10.7% for Australia

- The proportion of occupied private dwellings at 2016 Ewingsdale is substantially different with 92.2% being separate houses, compared with NSW with 66.4% and Australia with 72.9%
- In 2016 just 1.1% of dwellings in Ewingsdale had no vehicle compared with 9.2% in NSW and 7.5% in Australia, while 29.7% had 3 or more vehicles compared with 16.7% in NSW and 18.1% in Australia
- In 2011 45.1% of households had 2 motor vehicles per household compared with 34.0% in NSW and 36.1% in Australia. 28.3% of households had 3 or more vehicles compared with 14.6% for NSW and 16.5% for Australia
- The highest employing industry in Ewingsdale in 2011 was: Cafes, restaurants and Takeaway food services (6.2%), pharmaceutical and other store-based retailing (5.2%) and Accommodation (5.2%). In 2006 it was: accommodation (6.7%), followed by Allied Health Services (4.2%) and Building installation services (3.6%)
- The main occupations in Ewingsdale in 2011 were: Professionals (22.9%), Managers (18.3%) and Technicians and Trades Workers (15.5%). Main occupations of residents in 2006 were Managers (22.7%), followed by Professionals (20.0%) and then Technicians and Trades Workers (11.8%)
- In Ewingsdale in 2011 there were 29 persons unemployed (8.2%) compared with 5.9% in NSW and 5.6% in Australia. There were 169 persons working FT (47.9%) compared with NSW (60.2%) and Australia (59.7%) and 127 persons working PT (36.0%) compared with NSW (28.2%) and Australia (28.7%). At 2006 there were 19 persons unemployed (5.4%), 158 persons worked FT and 145 persons worked PT

Table 3 – Age Ewingsdale, Byron LGA, NSW, Australia 2016

Age	Ewingsdale No.	Ewingsdale %	Byron LGA %	NSW %	Australia %
0-4 years	28	3.3	4.9	6.2	6.3
5-9 years	60	7.1	5.9	6.4	6.4
10-14 years	62	7.4	6.0	6.0	6.1
15-19 years	39	4.6	5.1	6.0	6.1
20-24 years	36	4.3	3.8	6.5	6.7
25-29 years	56	6.7	5.2	7.0	7.3
30-34 years	38	4.5	5.5	7.2	7.3
35-39 years	38	4.5	6.3	6.7	6.7
40-44 years	70	8.3	7.6	6.7	6.8
45-49 years	75	8.9	7.6	6.6	6.8
50-54 years	85	10.1	7.9	6.5	6.5
55-59 years	64	7.6	8.7	6.3	6.2
60-64 years	68	8.1	8.7	5.6	5.6
65-69 years	52	6.2	6.7	5.1	5.1
70-74 years	33	3.9	4.0	3.9	3.8
75-79 years	17	2.0	2.4	2.9	2.8
80-84 years	15	1.8	1.6	2.1	2.0
85 years & over	6	0.7	2.2	2.2	2.1
Total	825		31556		

Source: ABS 2016 Census Quikstats

As at 2016 Ewingsdale has a significantly larger proportion of couple families without children than that of Byron Shire, NSW and Australia as well as for Group households. In 2011 there were 40.5% of couple families without children in Ewingsdale, an increase of 5.3%. Family type households in Ewingsdale have decreased since 2011 when they were 73.9%, compared with 69.8% in 2016.

Table 4 –Household structure Ewingsdale, Byron LGA, NSW, Australia 2016 and 2011

Family Structure	Ewingsdale No.& % 2016	Ewingsdale No. & % 2011	Byron LGA %	NSW %	Australia %
Couple Family without Children	87 45.8%	75 40.5%	39.8	36.6	37.8
Couple Family with Children	74 38.9%	83 44.9%	38.1	45.7	44.7
One Parent Family	29 15.3%	24 13.0%	20.8	16.0	15.8
Other Family	0 0.0%	3 1.6%	1.3	1.7	1.7
Household Structure					
Family	183 69.8%	176 73.9%	64.6	72.0	71.3
Lone Person	55 21.0%	41 17.2%	27.6	23.8	24.4
Group	24 9.2%	21 8.8%	7.9	4.2	4.2

Source: ABS 2016 and 2011Census Quikstats

4.3.1 Economic Base

Byron Shire, and particularly Byron Bay, has had a history of economic boom and bust, based mainly around primary industries. As noted earlier dairying suffered a major decline in the 1960s. Whaling in Byron Bay finished in the 1960's also. Sand mining closed in the 1970s. Walker's Meatworks was the major employer in Byron Bay until it closed suddenly in 1983. From that time on tourism and residential development became the dominant industries. There were active efforts by the Council to develop a tourism industry with the appointment of Council's first Tourism Officer in approximately 1986. The Byron town/shire has encouraged, promoted and relied on tourism as its main economic base ever since. Commercial fishing licences were bought back when the Cape Byron Marine Park was established in 2002

Tourism includes retail, accommodation and event-based businesses. With the advent of the computer age there has been a significant growth in home-based businesses. Since the 2000s there has been an encouragement of the development of farm/food businesses as evidenced by the formation of the Byron Farmers' Market in 2002, followed by the Bangalow Farmers' Market in 2004, New Brighton in 2007 and the Mullumbimby Farmers' Markets in 2010. The markets are "an experience where farmers build relationships with customers, and customers come to appreciate where their food comes from, and learn more about local agriculture and food production." (http://www.byronfarmersmarket.com.au/info/about).

The industry body, Northern Rivers Food (NRF) commenced around the same time as the group Sustain Northern Rivers. The NRF is run by the people who are developing and marketing food businesses from Grafton to Tweed. A group of growers, food artisans, manufacturers, restaurateurs, retailers and distributors are working as a group to facilitate the development, growth and sustainability of the food businesses in the Northern Rivers. To be a member of NRF the business must conduct a food business primarily located in the Region, and the goods and/or services produced by the member must be primarily created with the Region using produce of the Region where available; and the member has a commitment to using labour from the Region for its operations. They currently have approximately 100 members and it is continually growing.

Sustain Northern Rivers undertook the Food Links project that finished in 2011 as well as the Sustain Food Roadmap 2013-2015. The Roadmap was about creating food security within the region. To do this their objectives were to: increase the sustainability, resilience and diversity of local food production, increase the availability of local food through improved distribution and increase affordable and nutritional local food consumption. Outcomes were to: better linkages between farmers and consumers, more community gardens and farms producing more food, food producers respected and supported in their communities, agriculture and food production is an attractive and desirable career, amongst others.

Currently, the main economic base of Byron Shire is tourism with an associated accommodation, hospitality and retail industry. "Byron Shire's economy is now dominated by tourism with Byron Bay accounting for more than 55% of the Shire's $1.37 billion gross business revenue. There are approximately 3,700 businesses in the shire of which 60% are sole traders. Of the remaining balance of businesses, 60% employ less than 5 people and 31% employ between 5 and 19 people. About 45% of these businesses are located in the Byron Bay precinct with the balance evenly distributed throughout the shire. Income generated by businesses in the Byron Bay precinct represents 55% of the total. "Retail and Trade" accounts for the highest proportion of sector income (25%) as well as employing the highest number of persons in the Shire (1490), Furthermore, "Accommodation, cafes and restaurants" accounts for 12% of sector income and has 1438 employees"(BSC, 2009, p.51).

According to idprofile's economic profile of Byron Shire, in 2015/16, the total tourism and hospitality sales in Byron Shire was $304.1m; the total value added was $220.2m.

According to idprofile's economic profile of Byron Shire:

- In 2010/11 the total value of agricultural output in Byron Shire was $29m, which decreased from $40m in 2005/06. The largest commodity produced was Nurseries and cut flowers, which accounted for 32.1% of Byron Shire's total agricultural output in value terms. Nuts accounted for 16.7%, milk for 11.6%, Vegetables for 3.2%, broad acre crops, 2.6%, other fruit, 8.1% and citrus fruit 0.1%.
- Agriculture, Forestry and Fishing employed 555 workers (3.9%) compared with NSW with 2.3%, Accommodation and Food Services employed 14.3% (2,011 people) compared with NSW with 7.0%.

Agricultural statistics for Australia include: (ABS Cat. Number 712.0-Agricultural Commodities, Australia 2014-2015):

- As at June 30 2015 there were 384.6 million hectares of agricultural land owned or operated by 123,000 agricultural businesses in Australia. These estimates represent a 21.7 million hectare, or 5.3%, reduction in land area and a 5,400 or 4.2% reduction in the number of agricultural businesses when compared to the 2013-14 estimates. Of the 384.6 million hectares of land 82% was used for grazing. The area of land used for crops decreased by 910,000, or 2.8%, to 31.4 million hectares in 2014-15
- Almost half of Australia's total land area was used for agriculture. Of all the states and territories NSW had the second highest proportion of agricultural land with 72%.
- In terms of the key attributes of Australian farm management, the number of male respondents greatly outweighed the number of female respondents with 77% of respondents being male
- The average number of years respondents were involved in farming was 34. In NSW it was 33 years.
- The average age of farmers in NSW was 58 years. This is higher than the Australian average at 57 years.

- The majority of business income for agricultural producers in 2014-2015 was from agricultural production (74%), up from 70% in 2013-14.

The average pay for a Farmer in Australia in 2015 was $56,841 per annum. An entry level Farmer with less than five years experience can expect to earn an average total pay of $50,000. This compares with an Investment Banker whose average salary is $98,471/year. (http://www.payscale.com/research/AU/Job=Farmer/Salary). As at 2012 there were approximately 134,000 farm businesses in Australia, 99 percent of which were family owned and operated. (This number includes those for whom farming is not their primary business. There were 120,112 farms solely dedicated to agricultural production). Australian farmers produce almost 93 percent of Australia's daily domestic food supply. In NSW there are 36,554 farms, which is 32.1% of the Australian total. As at 2010-11 there were 307,000 people employed in Australian agriculture, down from 325,000 in 2009-10. As of May 2011, 236,000 people were directly employed on-farm, full-time, in the Australian farm sector. In NSW the number was 63,400 persons. The complete agricultural supply chain, including the affiliated food and fibre industries, provide over 1.6 million jobs to the Australian economy. In 2006 the median age of farmers was 52 years, much higher than the median age of 40 years in all other occupations. The largest proportion of farmers were in the age group 65 years and over followed by 55-59 years. The size of Australian farms has been in a steady decline since 2001. (http://www.nff.org.au/farm-facts.html)

In Australia in 2001, households that contained at least one person whose main income came from agriculture had a mean income of about 90% of those households where no person was employed in agriculture. In view of the economic situation of people related to agriculture, traditional family farms may be forced to combine income from several sources. The income comes from non-agricultural work, e.g. from running small service, trade or craft enterprises, or it has a non-profit character and comes from other transfers into agriculture, such as pensions and annuities. Rural people are usually poorer than parts of the city population. Therefore, redistribution of financial resources from cities to the country and increasing the possibility of rural people generating income are important goals of social policy. Redistributional activity by the state is often initiated to enhance social cohesion. (Lockie, 2015).

4.3.2 Employment

Byron Shire falls into the Richmond-Tweed and Clarence Valley Priority Employment Area. According to a report/presentation (Dept. of Education, Employment & Workplace Relations, 2012. Slide 10), as at June 2012 the proportion of working age population (WAP) living in the Richmond-Tweed and Clarence Valley priority employment area who received a Centrelink payment was 31%, compared with 18% in NSW and 17% in Australia. Byron Shire had 33% overall and was equal with Kyogle LGA for the highest WAP on unemployment benefits (both 11%) more than double that of NSW and Australia.

This compares with the same type of report three years earlier (Dept. of Education, Employment & Workplace Relations, 2009, p. 8), "As of the September 2009 quarter, the number of people living in the Richmond-Tweed and Clarence Valley priority employment area who received a Centrelink payment was just over 57,568 people, or approximately 29% of the working age population (compared with Australia – 18%)." This had been an increase of 6% from the year before. "Another indicator of labour market vulnerability is a high concentration of employment in industries that are sensitive to economic downturns, such as the Retail Trade, Accommodation and Food Services and Construction industries." The Byron Shire is an area heavily reliant on these industries, as they have been the highest employing industries in the Shire

and Byron Bay since 1996. Employment for this area was concentrated across four key industries:

- Retail Trade 15% of total employment
- Health Care & Social Services 14% of total employment
- Accommodation & Food Services 10% of total employment
- Construction 9% of total employment

"Over the year to August 2009, Accommodation and Food Services and Health Care and Social Assistance have grown. By contrast, employment in Construction and Retail Trade has decreased." (p. 10). From the 2012 report (slide 6), Byron Shire had the highest unemployment rate of 8.0% (along with Tenterfield LGA) at March 2012 of all the LGAs in the Richmond-Tweed and Clarence Valley Priority Employment Areas (PEA), compared with the whole of the Richmond-Tweed and Clarence Valley PEA with 6.4%, NSW with 5.2% and Australia with 5.1%. The Richmond-Tweed and Mid-North Coast Statistical Region has the second lowest participation rate in Australia at June 2012 with 53.9% compared with 63.5% for NSW and 65.4% for Australia. (DEWAR PEA. 2012. slide 7), even having decreased from June 2011 when it was 54.7%. Long term unemployment for this region was 29% at June 2012 compared with NSW (22%) and Australia (19%). (DEWR PEA 2012. Slide 9).

In Byron Shire in 2011 Health Care and Social assistance was the highest employing industry with 1,613 persons (12.78%) followed by Accommodation and food services (12.59%) and then Retail Trade (11.87%). In 2006 Retail Trade was the highest employing industry with 1,598 persons employed (14.76%), but this had decreased from 2001. This was followed by Accommodation, cafe and restaurant with 1,484 persons (13.70%) and Health Care & Social assistance with 1,081 persons (9.98%).

In 2015/16 in tourism sector analysis, direct employment in Byron Shire was 11.2% of the total industry compared with 4.8% for NSW; indirect was 9.5% compared with 1.6%. There were 1,150 Full Time Equivalent (FTE) or 10.6% compared with 4.7% for NSW. Indirect accounted for 10.4% compared with 2.4% for NSW. In 2011 there were 1,366 people who made up the tourism and hospitality workforce in Byron Shire; of this 41.5% worked full-time and 52.6% worked part-time. The tourism and hospitality industries are defined by the ABS not as regular industries but as a set of occupation categories working across a number of industries. (idprofile economic profile Byron Shire).

As at 2011 Ewingsdale has a significantly higher proportion of Managers than that of Byron Shire, NSW and Australia. and a similar proportion of Professionals with 22.9% as that of NSW (22.7%) and Australia (21.3%).

Table 5– Occupation Ewingsdale, Byron LGA, NSW, Australia 2011

Occupation (employed persons aged 15 years & over)	Ewingsdale No.	Ewingsdale %	Byron LGA %	Northern Rivers %	NSW %	Australia %
Technicians & Trades Workers	50	15.5	14.0	14.6	13.2	14.2
Labourers	33	10.2	10.4	12.7	8.7	9.4
Managers	59	18.3	14.8	13.0	13.3	12.9
Professionals	74	22.9	23.4	14.8	22.7	21.3
Community & Personal Service Workers	33	10.2	10.7	11.4	9.5	9.7

Sales Workers	24	7.4	10.2	11.3	9.3	9.4
Clerical & Administrative Workers	33	10.2	10.1	12.3	15.1	14.7
Machinery Operators/Drivers	11	3.4	3.7	3.8	6.4	6.6

Source: ABS 2011 Census of Population & Housing, ABS Quikstats, Draft Social Profile RDA – Northern Rivers April 2013

In terms of employment, there is a substantially higher proportion of people in part-time employment in the Byron Shire, 42.8%, compared with 28.2% in NSW and 28.7% Australia-wide. This is typical of employment in the tourism and retail industry as they seasonally fluctuate.

Table 6- Labour Force Ewingsdale, Byron LGA, NSW, Australia 2011

Labour Force Population aged 15 years & over	Ewingsdale No.	Ewingsdale %	Byron LGA	NSW %	Australia %
Total Labour Force (incl employed & unemployed persons)	353	-	13790		
worked Full-time	169	47.9	5828 42.3%	60.2	59.7
worked part-time	127	36.0	5906 42.8%	28.2	28.7
away from work	28	7.9	887 6.4%	5.7	5.9
Employed hours not stated	n/a	n/a	336 2.6%	n/a	n/a
Unemployed	29	8.2	1169 8.5%	8.5	5.6
Not in the labour force	n/a	n/a	n/a	n/a	n/a-

Source: ABS 2011 Census of Population & Housing, ABS Quikstats

4.3.3 Income

As at 2016 Ewingsdale has higher median personal incomes as well as median household incomes than that of the LGA, NSW and Australia. It has higher median family incomes than Byron Shire but they are lower than that of NSW and Australia.

Table 7- Income (population 15 years&over) 2016 & 2011 Ewingsdale, Byron LGA NSW, Australia

Income (population aged 15 years & Over)	Ewingsdale 2016 $	Ewingsdale 2011 $	Byron LGA 2016 $	Byron LGA 2011 $	NSW 2016	Australia 2016
Median personal income ($ weekly)	699	520	596	477	664	662
Median household Income ($/weekly)	1592	1153	1149	855	1486	1438
Median family	1708	1294	1389	1053	1780	1734

Income

Source: ABS 2016 Census of Population & Housing Quikstats, ABS 2011 Census of Population & Housing ABS Table B02

Ewingsdale has higher gross individual incomes of $1,250-$1,499 and $1,500-$1,999 than that of Byron Shire, NSW and Australia.

Table 8- Gross Individual Income (weekly) 2011 Ewingsdale, Byron LGA, NSW, Australia

Income Level	Ewingsdale No	Ewingsdale %	Byron LGA No	Byron LGA %	Northern Rivers %	NSW %	Australia %
Negative/Nil Income	46	7.82	1586	6.66	8.8	8.63	8.16
$1-$199	51	8.67	1699	7.13	7.9	7.25	7.40
$200-$299	78	13.27	2962	12.43	11.6	10.64	10.35
$300-$399	53	9.01	3207	13.46	11.1	10.20	9.88
$400-$599	73	12.41	3889	16.33	12.5	11.47	11.55
$600-$799	64	10.88	2773	11.64	11.1	10.11	10.36
$800-$999	41	6.97	1799	7.55	8.7	7.92	8.27
$1,000-$1,249	38	6.46	1393	5.85	8.2	7.46	7.90
$1,250-$1,499	33	5.61	808	3.39	5.8	5.26	5.53
$1,500-$1,999	39	6.63	962	4.04	7.1	5.26	6.46
$2,000 or more	34	5.78	839	3.52	7.2	6.49	6.23
Individual income not stated	38	6.46	1904	7.99	n/a-	7.95	7.91
Total	588	100%	23821	100	n/a	100	100

Source: ABS 2011 Census of Population & Housing, ABS, Basic Community Profile Ewingsdale and Byron LGA, NSW, Australia Table BCP 17b
RDA Draft Profile April 2013

SEIFA scores indicate the collective socio-economic status of an area's residents. The socio-economic conditions of individual residents in any one area will vary. A lower SEIFA score indicates that an area is relatively disadvantaged compared to an area with a higher score. The Northern Rivers is lower than the NSW average on most measures of socio-economic status and is in the most disadvantaged 30% in Australia. (DEWR, 2009). The Byron LGA SEIFA is skewed due to some individuals/families with substantially high incomes, which make it appear a wealthier LGA than it is.

The SEIFA index reflects disadvantages such as low income, low educational attainment, high unemployment and jobs in relatively unskilled occupations. In 2011 Byron Shire scored 976.6 on the SEIFA Index of Disadvantage. This compares with 995.8 for NSW and 1,002.0 for Australia. A higher score on the index means a lower level of disadvantage. A lower score on the index means a higher level of disadvantage. In 2011 Ewingsdale had the lowest level of disadvantage in Byron Shire with a SEIFA index score of 1,023.4. (idprofile Byron Shire). Bangalow was second least disadvantaged, while Byron Bay had the highest disadvantage with 976.4, lower than the Shire, NSW and Australia.

Table 9 - SEIFA Index of Disadvantage 2011

SEIFA Index of Disadvantage LGA (ranked from greatest to least disadvantaged)	2011 SEIF Index of disadvantage	Ranking within NSW (of 140 LGAs)	Ranking within Australia
Ewingsdale	**1023.4**		
Northern Rivers	950.4		
Ballina	988.7	101	338
Byron	**976.6**	**88**	**279**
Tweed (A)	958.5	68	218
Lismore	952.7	57	194
Clarence Valley (A)	919.4	18	90
Kyogle	907.1	11	75
Richmond Valley	899.5	8	62
NSW	995.8	-	-

Source: ABS, SEIFA, 2011, idprofile social atlas 2011

4.3.4 Health

The Byron Central Hospital is located across the Ewingsdale Road from The Farm. This opened in June 2016. The small, local Byron Bay Hospital on Shirley St. closed as did the Mullumbimby and District War Memorial hospital when the new hospital opened. The new hospital is designed to provide integrated services for hospital patients and community health clients. Services offered include: 24 hour emergency attention, 43 overnight inpatient beds, low-risk maternity services, new 20 bed, non-acute mental health unit, enhanced x-ray and medical imaging, dental service, satellite chemotherapy, and ambulatory care. "Because Byron Bay is a tourist hub, the Hospital's Accident and Emergency department is a very busy unit which is open seven days a week, twenty four hours a day." (NCAHS website, Byron District Hospital). The Community Health Service offers access to workers in the following fields: palliative care, mental health, social work, child and family health, drug and alcohol, sexual assault, domestic violence, as well as others. Health issues specifically and consistently raised in Byron Shire over the past decade include: mental health, drug and alcohol, and "accessing professional workers caused by high levels of transience." (Footprint Directions, 2002, p.26). Staff, visitors and patients are accessing The Farm for a range of uses from food to taking their lunch and eating it in the park-like atmosphere.

4.3.5 Transportation

Transportation within Byron Shire is notably difficult with very little public transportation outside the towns and villages. What is available, eg. taxis, is often too expensive for residents on low incomes. Uber, a car sharing ride system came to Byron in 2016, providing a new option for transportation within the shire. Within the various townships of Byron Shire there are limited public transportation options: taxis, mini buses, buses and bicycles. There is a footpath and cycle network from the Ewingsdale Road near The Farm through to Byron Bay, the main beach and on through to Suffolk Park. The most used mode of transport is the private car.

Traffic into Byron Bay has been identified as a problem area over the past 25 years. Numerous traffic studies have been undertaken in an attempt to resolve the ever-increasing traffic queues on the way into Byron Bay along the Ewingsdale Road/Shirley St. One of these studies by Veitch Lister in 1997 identified "On an average night visitors increase the population by nearly one quarter and during the

peak holiday times they increase the population by nearly one half. The traffic generated by visitors to Byron Bay has a significant impact on the road network in Byron Bay. About 80% of visitor trips are made by private vehicles." (Veitch Lister Consulting as in BSC, 2004, p.74).

The Farm is located immediately adjacent to the Pacific Highway at the turn-off to Byron Bay. This provides easy access to and from The Farm for people from the Shire's hinterland and adjoining Shires as well as people passing by who simply stop in.

The Farm survey taken in June 2017 shows that of 46% of persons visiting The Farm, it was their primary destination and for 54% it was a stopping off point. In the week of the survey 31% of people lived in Byron Shire, along with 11% in the Northern Rivers and 15.3% lived in another part of NSW. Just 11.5% live in Brisbane and 12.2% live in the Gold Coast. (Farm Survey, June 2017).

4.3.6 Housing

The cost of housing, either to buy or rent in Byron Shire and particularly, Byron Bay, is an identified social issue. The reasons for this are many, and complex. One of the pressures on housing for residents in Byron Bay has increased due to the common practice of people holiday letting their houses within residential zones in Byron Bay. "It provides income for home owners and a diversity of accommodation choice for visitors to the Shire, but it can adversely affect the amenity of residential areas particularly through additional traffic, parking and noise." (BSC, 2004, p.74). Pressure has also come from the number of short-stay visitors who are willing to group share houses.

Ewingsdale is comprised of predominantly separate housing, a large proportion of which (16.8%) are unoccupied, compared to NSW (9.9%) and NSW (11.2%). Interestingly, there is far higher proportion of people in 'other dwellings 'in Ewingsdale than in the shire, state or Australia.

The locality has a history of small, boutique tourist accommodation located in private, existing housing such as Taylor's Guesthouse, which was the first, and began operating in the 1980s, but not any longer. Victoria's Guesthouse on Balraith Lane opened in 1995. The family owners of La Vista on Cape Vista Drive bought land in Ewingsdale in 1984 and bought the land where La Vista is built in the early 1990s. They began construction in 2004, opening a B&B in 2008 along with a number of other accommodation places since then.

Table 10- Dwelling Characteristics Ewingsdale, Byron LGA, NSW, Australia 2016 & 2011

Dwelling Characteristics	Ewingsdale 2016 No. & %	Ewingsdale 2011 no & %	% of total occupied private dwellings in Byron LGA 2016	% of total occupied private dwellings NSW 2016	% of total occupied private dwellings in Australia 2016
Total private dwellings	309	286	13431		-
Unoccupied private dwellings	52 16.8%	47 16.4%	2057 15.3%	9.9%	11.2%
Occupied private dwellings:	257 83.2%	239 83.6%	11,374 84.7%	90.1	88.8
Separate house	237 92.2%	234 97.5%	82.1	66.4	72.9

The Farm SIA July 2017 TS Consultants

Semi-detached, row or terrace house, townhouse, etc	3 1.2%	0	9.1	12.2	12.7
Flat, unit or apartment	0	3 1.2%	5.4	19.9	13.1
Other dwellings	13 5.1%	0	3.1	0.9	0.8

Source: ABS 2016 Census of Population & Housing. ABS Quikstats, ABS 2011 Census of Population & Housing. ABS Quikstats

At 2016 there were a higher proportion of households in Ewingsdale who are purchasing their home (33.3%) than in the Shire (28.5%) or in NSW (32.3%). Combined with owning with a mortgage this is 71.9% of dwellings indicating that Ewingsdale is an owner-occupied community, giving it a stability that is not usually present in a high rental community.

Table 11- Tenure Type – Occupied Private Dwellings Ewingsdale, Byron LGA, NSW, Australia 2016 & 2011

Dwelling Characteristics	Ewingsdale 2016 No. & %	Ewingsdale 2011 No. & %	% of total occupied private dwellings in Byron LGA 2016	% of total occupied private dwellings in Byron LGA 2011	% of total occupied private dwellings NSW 2016	% of total occupied private dwellings in Australia 2016
Owned outright	102 38.6%	90 38.0%	36.5	35.0	32.2	31.0
Owned with a mortgage	88 33.3%	83 35.0%	28.5	28.8	32.3	34.5
Rented (inc rent-free)	67 25.4	59 24.9%	30.8	32.3	31.8	30.9
Other tenure type	3 1.1%	0	0.9	0.9	0.9	1.0
Tenure type not stated	0	5 2.1%	3.3	3.0	2.8	2.7

Source: ABS 2011 Census of Population & Housing. ABS Quikstats

While residents in Byron Shire have notably lower incomes than that of Australia people are paying city rents. Byron Shire and Byron Bay's rental market cost is significantly higher than the rest of Australia with the median rent in Ewingsdale at $395 per week, and $400 in Byron Shire compared with $380 in NSW and $285 per week in the rest of Australia. This can be attributable to the large holiday rental market for visitors. Interestingly, median weekly rent has decreased in Ewingsdale from $525. The median housing loan repayment in Ewingdale is higher than that of Byron Shire, NSW and Australia.

Table 12 - Payment medians – Occupied Private Dwellings Ewingsdale, Byron LGA, NSW, Australia 2016 & 2011

Dwelling Characteristics	Ewingsdale 2016 $	Ewingsdale 2011 $	Byron LGA 2016 $	Byron LGA 2011 $	NSW 2016	NSW 2011	Australia 2016
Median rent ($/weekly)	395	525	400	350	380	300	285

Median housing loan repayment ($/monthly)	2000	1850	1733	1684	1986	1993	1800
Households where rent payments are 30% or greater, of household income	12.9%	18.1%	17.2%	19.1%	12.9%	11.6%	10.4%
Households where mortgage payments are 30%, or greater, of household income	11.4%	12.3%	8.5%	11.9%	7.4%	10.5%	9.9%

Source: ABS 2016 Census of Population & Housing, Quikstats ABS 2011 Census of Population & Housing, Quikstats

4.3.7 Tourism

"Byron Shire has a history of over 100 years as a tourism destination. Daytrip visitors were first attracted to the area from the early 1900s and camping and caravanning holidays became popular from the 1930s. From the 1960s, surfers were attracted to the area for the excellent surfing conditions. From the 1980s to mid 1990s tourism and development activity within the Shire, in particular Byron Bay increased rapidly. This followed the decline of other industries that had supported the local economy including timber, dairying, agriculture, whaling and meat processing. It was also during this time that international backpackers discovered Byron Bay. (BSC, 2009, p.2).

Byron Shire, with the main community of Byron Bay, has been characterised since the early 1980's as a unique place and a desirable place for people of all ages to visit. Since the turn of the 20th century the train would bring people from inland Casino and Lismore to the coast to holiday. It was called the 'surf train'. Wategos Beach was originally comprised of holiday houses. Residential use only became prevalent in the mid 1970's. All early tourism plans identify Byron Bay as the prime destination, both within the Shire and the North Coast. Byron Shire's most recent tourism planning identifies "The Northern Rivers region is a significant major domestic and international tourism destination region as it receives more tourists than the Northern Territory or Tasmania and the second highest number of visits from international tourists to New South Wales, after Sydney." (BSC, 2008, p.7).

Of the 14 regions in NSW at 2014 the North Coast came in 3rd to Sydney in terms of direct tourism contribution GRP ($m): Sydney 7,674, Regional NSW 6,259 and North Coast 1,605. In terms of employment ('000) it was the same: Sydney 74.3, Regional NSW 84.6 and North Coast 22.0. In terms of total tourism contribution GRP ($m) Sydney was the highest with 15,384, followed by Regional NSW with 12,135 and the North Coast with 3,101. (www.tra.gov.au)

Tourism impacts all sectors in the economy, particularly retail, accommodation, cafes, restaurants and construction. There is also a flow-on effect to other industries – from hairdressers to lawyers, from gyms to mechanics. Economists have estimated that one job lost in tourism accounts for 7.5 jobs lost elsewhere. Given the significance of tourism to the Shire's economy and the volatility of domestic tourism in Australia, it is imperative that tourism is maintained and enhanced as an economic driver for the local economy, but planned and managed in a sustainable way to enhance and

conserve the natural environment, protect the well-being of the Shire's residents and attract visitors with shared values. (BSC, 2009, p.2).

Tourism numbers have been increasing since 1983, following the closure of the Walkers Meatworks in Byron Bay and there was a concerted effort by the, then, Council, to actively promote tourism. "The number of tourism visitors to the area almost doubled from 1982/83 numbers, estimated to be 504,800 to 1991/92 visitor nights totalling 966,000. Visitors to the Byron Tourist Information Centre totalled 115,213 in 1993, up 17.4% on 1992 figures." (Byron Council Community Profile, 1994, p. 9).

Analysis of the lifecycle groups of visitors to Byron Shire indicates a decrease in the proportion of 'young singles living at home' visiting the Shire during the period 2002-2007 compared to previous years. Visitation by parents with children under 15 years of age has remained steady at 24% for 2004-2007, an increase on the previous 5 year average of 16%. (BSC, 2009, p.54). However, tourism numbers fell an estimated 20% in the period from 2002 to 2007. In the immediate time after the global financial crisis in 2008 both domestic and international tourism decreased in numbers to Byron Shire. However, in the last few years it has increased once again. In 2013, 680,000 day-trippers are estimated to have visited the Shire. The number of visitor nights in Byron Shire in 2013 was estimated to be 3,076,000. (BSC website. Tourism Research & Resources).

Byron Shire Council's Social Plan 2004-2009 notes that, "The impacts of tourism on the infrastructure, especially, of Byron Bay are not directly recouped from the users." (p.74). The draft Byron Shire Tourism Management Plan, An Options Paper for consideration prepared by Rob Tonge and Associates, December 2002 noted that of the key issues of concerns of the community around tourism many "relate to the pressures on the residents. Not only is there pressure facing the resident community but many community service providers report that their service is funded to meet the needs of the resident population but is increasingly needing to cater for visitors." (BSC, Social Plan, p.75). Consultation with service providers in the developing of the Social Plan "also noted the need to achieve balance between competing interests – local community vs. tourism. The need to support/maintain/promote social cohesion for the local community and noted the strain/contrast between needs and supports of local on-going issues and attraction of tourism related opportunities." (p.75).

Council has estimated the cost of tourism on its infrastructure in its Draft Community Strategic Plan 2011/12 and come up with a figure of 28.17%.

Table 13 - Estimate of Tourism on Infrastructure

Type		Equivalent stays per year
Non-resident	International (day)(1)	347,000
	International (overnight)(1)	185,367
	National (day)(1)	771,000
	National (overnight)(1)	428,000
	Total – visitor Nights per Year	2,982,000
Resident	Resident population (Shire)(2) 28,766	10,499,590
	Total-Equivalent "nights" per year	10,499,590
	Estimated % impact Shire Wide	1 (28.17%)

Source: Byron Shire Council Draft Community Strategic Plan 2011/12-2020/2 p.10

4.3.7.1 Statistical Summary Tourism Visitation

In the most recent statistics Byron Shire Council (www.bsc.nsw.gov.au/tourism/quick facts) has published that:

- Tourism expenditure is estimated to have been $382 million in 2011 increasing to $426 million in 2014.
- Employment arising from that expenditure is estimated to be around 2,500 FTE jobs.
- In 2011, the estimated 484,000 domestic overnight visitors stayed an average of 4.7 nights while the 151,000 international overnight visitors stayed an average of 6.3 nights. In 2013 the estimated 526,000 domestic overnight visitors stayed an average of 3.5 nights while the 160,000 international overnight visitors stayed an average of 7.6 nights.
- In 2011, 887,000 day-trippers are estimated to have visited the Shire. The increase in domestic day visitors from 2006 to 2011 was 36%, with an increase in total spend by these visitors of 63% between 2006 and 2011. In 2013 it is estimated that 680,000 day-trippers visited the Shire.
- The number of visitor nights in Byron Shire in 2011 was estimated to be 2,886,000 increasing to 3,076,000 in 2013.
- 81% of domestic overnight visitors arrive in the region by road with approximately 18% arriving by air. The majority of domestic overnight visitors are from Queensland (44%) and then from Sydney (18%). (BSC website. Tourism Research & Resources)

While the data in Council's current Tourism Plan may be dated the key findings on visitation during the year January to December 2007 as found in Byron Shire Council's Tourism Management Plan – Situational Analysis & Tourism Product Audit Draft Report 15 May 2008 paint a picture of tourism at that time in the absence of an updated tourism plan (p.1-12):

- European countries are the most common region of origin for international visitors to the Byron Shire (68%)
- Tourism increases the overnight population in the Shire by 22% each night.
- Within the region, Byron Bay is acknowledged as playing an important role in bringing domestic and international visitors to the Northern Rivers region.
- There was a significant increase in the 65+ age group in 2006 and 2007. The proportion of 25-44 year olds decreased during 2006 and 2007 (39.2 and 34% respectively) to below the previous seven year mean average of 42.4%. Visitation by the 15-24 year age group decreased in the period 2002-2006 (mean average 24.2%), but recovered in 2007 to 32.2%.

The main domestic tourism generating regions for overnight visitors to Byron Shire are Brisbane and Sydney. The proportion of visitors from Brisbane increased considerably in 2007, which was attributable to the completion of the Pacific Highway upgrade in 2004. Since then there has been an upward trend in the proportion of visitation from Queensland and a concurrent downward trend in visitation from NSW since 1999: 50% of all domestic visitors in 2007 originated from Qld compared to 34% in 1999 and 36% originated from NSW in 2007, compared to 54% in 1999.

In the year ending March 2015 North Coast NSW (Byron) hosted 3.3% of all backpacker visitor nights compared with Sydney with the highest, 24.2%, followed by Melbourne, 15.4%, Brisbane, 9.9% and Tropical North Qld (Cairns), 6.4%. (http://www.thebyte.com.au/latest-backpacker-stats-from-tra/). However, anecdotally, the age profile appears to be changing as new tourism opportunities have opened up in Byron Shire such as the increase of food tourism, food events, classical music concerts, writers festivals and others. New, updated data is required to confirm this.

Table 14 - Age Profile: Overnight International Tourists to Byron Shire 2000 to 2007 (visitors)

Age Group	2000 %	2001 %	2002 %	2003 %	2004 %	2005 %	2006 %	2007 %
15-24 years	45	38	48	52	51	52	46	47
25-34 years	38	43	37	34	35	30	35	32
35-44 years	8	7	6	4	6	6	8	11
45-64 years	7	11	7	9	8	11	10	8
65 years	2	1	2	1	2	1	2	2

Source: Original for this study, Table 11 Data sourced from TRA (2007), NVS Time Series data 2000 to 2007 as in Byron Shire Tourism Management Plan Situational Analysis and Tourism Product Audit Draft Report. 15 May 2008. P. 12

4.3.7.2 Tourism Visitation Type

Since the early 1980's Byron Shire grew a unique type of tourism being festivals/music. One of the first of these was the Blues and Roots Music Festival that began at the Arts Factory/Piggery located on Skinners Shoot Road, Byron Bay. Since then there have been numerous festivals/events of all kinds in Byron Shire. Environmental and social impacts are linked to the scale of tourism and the capacity of communities to support festivals with appropriate infrastructure. Festivals have been a means through which Byron Bay's identity as a cultural mecca and 'alternative' tourist destination in Australia has been created, yet it has paradoxically brought intense commercial pressures to bear on the town [Derrett, 2003].... The establishment of key live venues, and new festivals throughout the 1980s, solidified Byron Bay's reputation as a place to experience music, particularly as part of a tourist experience. (Gibson & Connell, 2005, p.243). "Advancing technologies and changing weather patterns (i.e. increase in droughts and floods/storms) have brought about the need for diversification of industry in areas previously reliant on traditional industries such as farming, or narrowly focused tourism industries." (Irshad, 2011, p.2).

An emerging trend began in the 2000s with the rise of food tourism or agri-tourism. There are now numerous food festivals in Byron Shire including Sample, which began in 2011 in Bangalow and in 2016 drew 17,000 thousand people to its one day event. The latest food event was the Byron Bay Fine Food and Beverage Festival held at Elements in Byron Bay in June 2017, bringing chefs from around the country. Northern Rivers Food holds an annual food festival in May. This festival includes farm tours, eg Zentvelds coffee farm at Newrybar, Brookies Gin, St. Helena and many others. Over the past decade people started coming to Byron Shire and the Northern Rivers region for the food; not just at restaurants but for the growers' markets and small, individual restaurants throughout the shire, eg Doma Japanese at Federal. A range of cookbooks have been developed from this industry: Byron Bay Cookbook is into its third edition.

The growing farm/food tourism is a response to this need for diversification in tourism. There has been a backlash to the shire's domination by large music festivals. A changing demographic is just beginning to emerge with the release of the 2016 ABS census data. An early look at the data for Byron Shire seems to be pointing towards a significant increase in the number of babies being born indicating a family structure at the expense of the ageing population. This population type has differing needs to that previously and seem to be embracing the food growing industries in the Shire. In line with people's desire for locally grown food there has been a growth of Farmers Markets in Byron Shire with one on almost each day of the week:

Tuesday - New Brighton

Thursday – Byron Bay

Friday – Mullumbimby

Saturday – Bangalow

Fresh grown farm food is available at the regular Sunday markets; the first Sunday of the month in Byron Bay and the 4th Sunday of the month in Bangalow.

Agri-tourism is a growing form of tourism in Australia and around the world. It is defined broadly as involving any agriculturally based operation or activity that brings visitors to a farm or ranch. It is also defined as tourism in which tourists take part in farm or village activities. Or, as it is defined in Kline, et al (2007) "Rural farms are becoming attractive tourist destinations also because more visitors are nostalgic for a "simpler" time. They want to escape the hustle of city life and connect with natural and cultural heritage and enjoy a richer and authentic leisure experience. They want to learn, connect with meaning, and meet genuine people engaged in a rural/agricultural lifestyle."

In parallel with Agri-business, food tourism is becoming an increasingly important sector of the Australian economy, providing direct and indirect benefits to Australian agribusinesses and regional economies. Food and wine experiences are being increasingly sought after as consumers desire to better understand where their food comes from, learn how it is produced and experience the ultimate in low food miles by enjoying produce where it is produced." Between 2010-11 and 2015-16 the number of agritourists visiting farms or wineries in Australia has grown significantly. According to data collected by Tourism Research Australia, "The number of domestic tourists who visited a farm on their trip increased by 9% per annum on average, while the comparable number of international tourists increased by 11% per annum.... As agritourism spans a variety of sectors (agriculture, wholesale trade, retail trade, accommodation and food services and recreation) it is difficult to get a precise number of its contribution to the Australian economy."

In looking at the top regions in Australia for agritourists it is the capital cities and surrounding areas that attract many agritourism visitors due to these regions being the easiest to access. Across the five categories: visitors to farms, visitors to farm gates, visitors to food markets, visitors to breweries and distilleries, and visitors to wineries in 2015-2016 the region that attracts the most agritourists annually is the Margaret River Region. However, other "notable results include NSW North Coast being the region with the most farm and farm gate visits." "The increasing interest of consumers to know the provenance of their food is leading to a strong growth in agritourism in regional areas. Recent growth indicates that it has the potential to contribute significantly to sustained regional economic growth for some areas outside of Australia's major cities, and outside of traditional tourist destinations.... Food tourism also provides a draw card from which other regional tourism businesses and experiences can benefit" (https://www2.deloitte.com/au/en/pages/consumer-industrial-products/articles/agritourism.html).

5.0 Policy Context

5.1 Planning

5.1.1 North Coast Regional Plan 2036

The North Coast Regional Plan sets out broad ideas for the North Coast of NSW from Port Macquarie to the Tweed border. Under Direction 8: Promote the growth of tourism, "the NSW Government recognises that tourism can both benefit and increase pressure on the environment and smaller communities. Tweed Heads, Ballina, Byron Bay, Coffs Harbour and Port Macquarie are prime tourism development areas, with conference and function centres, access to public transport and large-scale accommodation venues.... Event, dining and accommodation options in rural areas should only be considered where they complement and are consistent with prime agricultural pursuits." "Roadside stalls selling fresh produce, paddock-to-plate cafes and a mix of rural experiences add to the appeal of travelling across the North Coast."

Under Direction 11: Protect and enhance productive agricultural lands, "Encouraging greater diversity in the agricultural sector – for example, through agritourism and the processing and packaging of produce and associated retail services – can make the sector more sustainable. Boutique commercial, tourist and recreation activities that do not conflict with primary production offer similar opportunities."

The Farm planning proposal sits under this Plan with its activities.

5.1.2 Byron Shire Local Environment Plan 2014

According to the Byron LEP 2014 the subject site is located within the Statutory Zone under the provisions of the Byron Shire Local Environmental Plan (BLEP) 2014 being mainly RU1 Primary Production.

5.1.3 Byron Shire Council Development Control Plans (DCP) 2014

The relevant DCPS are Part B: Chapter B12 Social Impact Assessment and Part B: Chapter B6 Buffers and Minimising Land Use Conflict.

5.1.4 Byron Shire draft Community Strategic Plan 2011/12-2020/21 and Community Strategic Plan 2022

In the draft discussion paper it was noted "Managing the impact on tourism on infrastructure and amenity is a major issue for Byron Shire. The relatively small rate base of approximately 14,425 rateable assessments must provide and maintain infrastructure used by residents and more than 1.2 million visitors annually. It is estimated that non-residents account for approximately 28% of the impact on infrastructure annually." (p.20). The Draft Plan considers the long-term aims and goals and four-yearly strategies under five Council themes, one of which is economy.

Under Economy the relevant community concerns and priorities are: "Effective tourism management; No blanket approach for Shire, Encourage sustainable tourism, niche market in environmental and educational tourism, and respect for residents.

The Farm fits this description as they provide sustainable environmental and educational tourism, bringing residents along with them. The 2022 Plan commented that "Sustainable agriculture is also a prominent industry with a range of value-adding produce." (p.21) and further, "The community values the strong arts and

cultural sector and local produce/food producing potential/variety of available food." (p.23).

5.1.5 Byron Bay and Suffolk Park Settlement Strategy 2002

The Strategy notes that Byron Shire is connected to southeast Queensland both economically and socially. This can be looked at in terms of:

Opportunities:

- Employment
- Economics
- Services
- Entertainment
- Flow on improvements to local amenities such as supply and diversity in entertainment and restaurants

Problems:

- Uncontrolled tourism
- Strains and additional costs on infrastructure (roads, sewer)
- Environmental impact
- Diminished amenity through overcrowding
- Social displacement due to increased rent returns during holiday season

"Tourism, especially day-tripper tourism by car, is growing. The motorway connecting the Shire with south-east Queensland will significantly increase the accessibility of Byron Bay and it is assumed that increased traffic and parking demands will follow. (BSC,2002,p.30). This prescient remark has come to fruition. This tourism demand for Byron Bay has been in existence long before The Farm was even considered.

The Strategy notes that Byron Shire is a major tourist destination, featuring in State and Federal government tourism campaigns and corporate advertising. Regional tourism, especially by car, is expected to be the focus of future tourism campaigns and advertising. It was said that it is likely that the wider North Coast region will reap some flow-on economic benefits from Byron Bay being a major attraction. The impacts and costs of tourism on the infrastructure, especially, of Byron Bay are not directly recouped from the users. The survey that was undertaken at The Farm in June 2017 to identify visitation there showed that 45% of visitation was from Byron/Northern Rivers residents and just 25% were day trippers, mainly from Southeast Queensland (SEQ).

5.1.6 Draft Rural Land Discussion Paper June 2017

Byron Council's draft Rural Land Use Strategy (RLUS) was on exhibition during April and May 2016. Prior to this, workshops were held in November 2015. The revised draft RLUS is currently on exhibition until July 2017.

A Discussion Paper was designed and delivered in May 2015 to better understand what the community values about rural land and what issues they thought were important under four themes: Our natural environment, our rural economy, our communities, supporting infrastructure. Council asked respondents to rank their priorities from 1 to 5 with 1 being the highest from the themes being discussed. "Our farmlands" was ranked in the top four priorities.

Under the heading Our Natural Environment one of the strengths identified was:

- Farmer and land managers are undertaking a variety of actions such as riparian reinstatement to help address biodiversity decline and are using methods that

also increase economic sustainability of agricultural pursuits such as water conservation.

Under the heading Our Rural Economy Council heard,

- "Embrace sustainable agriculture; protect our farming land and market place advantage as a leader in local food production, security and consumption."
- "Enable our farmers to adapt and refresh their businesses quickly to meet demand or changing circumstances."
- "Provide a diversity of quality tourist and visitor opportunities that are consistent and compatible with our farms, rural communities and natural environment and provide an alternative to what is available in other coastal towns."

Relevant Strengths identified include:

- Farmers that embrace sustainable land management practices and agriculture rely on an intrinsic relationship with the natural environment.
- Farmers that seek to adapt and diversity their use of land and type of produce; using smaller land parcels, farm-share, horticulture, organic, free range animal husbandry, exotic livestock for example alpaca and buffalo, and bush foods like honey and finger limes.
- Farmers that endeavor to increase their share of the profit by:
    - Value adding with on farm processing
    - Linking with local food outlets – paddock to plate
    - Linking with rural tourism (agri-tourism) such as farm working holidays, farm visits, farm stays, farm gate sales as well as demonstration and education facilities about growing, processing and supplying produce
- Using natural attractions and the landscape as key drivers for ecotourism, sightseeing and outdoor recreation including bush walking, kayaking, cycling, swimming holes and camping.

Relevant Issues raised by the community:

- High farmland prices are contributing to a loss of farms with some farmers cashing in and new farming entrants finding it difficult to be economically sustainable, resulting in farmers looking at different tenure and access approaches including farm share and farm collectives.
- Agricultural based industries range from grazing to broad-acre orchard down to niche horticulture; all have different needs and requirements, including land versatility, lot sizes, production and output techniques. All require diverse planning provisions relating to zoning, land use definitions and buffers.
- Mixed opinions on fragmentation of agricultural land – should the subdivision minimum size be increased or decreased to improve the viability of commercial agriculture and maintain farm valuations?

Under the heading Our Rural Communities, Issues raised by the community:

- The uncertainty as to the future character of Ewingsdale: Will it remain a rural village with a hall, church and farms or develop into a more urban environment?

Council is currently re-exhibiting the draft RLUS for a number of reasons one of which is relevant here: Council wants to hear the community's thoughts on their proposed Action Plan and what the rural land use priorities should be. Some of the important actions relate to matters such as: agriculture and agribusiness, aiming to promote rural enterprise and innovation. The Policy Direction Paper for the draft RLUS reiterates what Council has heard with regard to the theme, Our Rural Economy:

- Embrace sustainable agriculture; protect our farming land and market place advantage as a leader in local food production, security and consumption
- Provide a diversity of quality tourist and visitor opportunities that are consistent and compatible with our farms, rural communities and natural environment and provide an alternative to what is available in other coastal towns.

The paper's background says that "Local agricultural production is important for community self reliance and security. Beyond the food, fibre and other products it directly provides, many of our commercial farming activities generate jobs and income for farmers and the wider community. This can include value-adding activities such as food processing, farm stays, country markets and food festivals. Our agricultural industries also contribute to the special character of the Shire while creating opportunities to deliver improved biodiversity and catchment health. Indeed agriculture with related value added products makes a substantial contribution to the Shire's economic, social and environmental wellbeing…. If the community wants to maintain the benefits of local farming for our growing population, it is necessary to protect our high quality agriculture land and related industries. …. It can also include encouraging ecologically sustainable farming practices and allowing our farmers to diversity by integrating agriculture with other industries in the Shire such as tourism, knowledge (eg university research) and value adding activities. This will in turn help create an environment that allows agricultural production and associated activities to be pursued with greater security and less potential for conflict with non-agricultural land uses."

Under 3.4 Policy Directions:

- 5) The planning framework will provide flexibility for our farmers to diversity their income sources where ancillary to farming operations.
- 6) Future rural tourist development will build on and complement our agricultural industry, reinforcing the predominant use of the rural area for agricultural production while maintaining the rural character and take into consideration increased road traffic impacts
- 7) Future rural tourist development will be located and designed to avoid adverse visual or noise impacts
- 8) The planning framework will encourage rural based tourism that is committed to the use of ecologically sustainable management practices

5.2 Tourism Studies/Plans

5.2.1 Byron Shire

Since the early 1980s, when Byron Shire embraced tourism as its economic necessity, there have been a range of tourism studies and plans. In the beginning, it was about encouraging people to come visit. Latterly, It has been about encouraging the right kind of visitor through the appropriate tourism product, all the while trying to keep Byron's difference.

5.2.1.1 Keeping Byron Unique 1985

The first study into tourism in the Shire was Keeping Byron Unique, A Tourism Strategy. The study was conducted "in the framework of Council's existing policy of encouraging tourism development which is "natural, low rise, family oriented, low key and in harmony with the natural environment. As the basic objective of tourism is to benefit the local economy, the strategy, which has been developed, seeks to maintain and enhance the quality of the tourism product offered to visitors. The competitiveness of the industry is such that it is imperative that the product offered be unique and of a high quality," Even in these early days this report says that Council

was represented on various tourist promotion committees both local and regional. The report recommended the establishment of a Tourism Initiatives Committee as a sub-committee of Council and said, "If tourism is to be efficiently developed as an industry in the Shire, then investment in the industry through the employment of a Tourism Projects Officer would be the most cost-effective way of doing that." (p.40). There was a recommendation to "employ a Tourism Projects Officer to promote and develop tourism in the Shire and to service the Tourist Initiatives Committee." This was done with Michael Molloy becoming Council's first Tourism Officer in the late '80s.

5.2.1.2 Byron Shire Tourism Plan Ludweig Reider & Associates 1998

The first Shire Tourism Plan was developed in 1988. At that time the main visitor groups included: "the family vacation market, the youth market from within Australia and overseas, younger couples without children and the 55+ age group. Over 65% of visitors came from South East Queensland and the Upper North Coast. Visitors came to the area in their own car, used mostly free or cheap accommodation and tended to be concentrated into the school vacation periods of the year. In summary it said, "The implementation of the proposed tourism plan for the Shire would:

- Boost tourism spending substantially, particularly in the more labour intensive areas of the industry on a year round basis
- Significantly boost small business activity and employment opportunities in the Shire provide the basis for controlling tourism development to ensure that it does not destroy the unique qualities of Byron Shire.

The Plan, for five years, says that it appears it will "generate net benefits for the Shire and the State." (p.34).

5.2.1.3 Byron Shire Council, Southern Cross University & Australian Regional Tourism Research Centre, Tourism Management Plan 2008 to 2018

The Byron Shire Tourism Management Plan (BSTMP) was developed to guide tourism in the Shire over the ten years. From 2008 to 2018. It was developed in consultation with a Byron Shire Council Steering Committee, a Regional Tourism Expert Panel, a range of stakeholder organisations representing governments, business and community interests across local, regional and state levels, and a Citizen Jury that was established to gain input and feedback from representatives of communities within the Shire. Refer to Section 4.3.7 Tourism.

5.2.2 NSW Tourism Plans

5.2.2.1 North Coast Tourism Development Strategy, 1988

At the State level the North Coast Tourism Development Strategy, 1988 identified four Prime Tourism Development Areas, one of which was Ballina-Byron Bay-Lismore. The others were Tweed, Coffs and Port Macquarie. The reason for these was that they shared the same characteristics: were already established as major holiday destination areas, have a well developed road and service infrastructure to support an increased tourist population, proximity to major airports and have a base population capable of supporting hospitality services of a high standard. The plan notes "Byron Bay is an extremely popular holiday destination area that has received wide recognition for being the easterly most point of mainland Australia, for its superb surfing beaches and for its distinctive character and lifestyle." "The plan suggests a range of considerations In further developing tourism in the town and surrounding area ..." (Exec. Summary,p.III)

5.2.2.2 Northern Rivers Tourism (NRT) Inc. Strategic Plan 2009-2011

Vision & direction for Tourism

Northern Rivers Tourism (NRT), until recently, was the regional tourism organisation and peak body for the tourism sector in the Northern Rivers region of NSW. The NRT covered seven local governments and Shires: Ballina, Byron, Tweed, Clarence Valley, Richmond Valley, Lismore and Kyogle. The NRT vision statement was "Tourism is integral to the culture, economy and community of the Northern Rivers." (p.13). The NRT mission statement is "the guiding principle that sustainable economic development improves or maintains the prosperity of the region without prejudicing the capacity for future generations to enjoy the environment. (Framework for a Sustainable Future for the Northern Rivers Region, 1999, as quoted in RIEP Nov 2005;as in NRT Strategic Plan, p.13).

Within the NRT Strategic Plan the NRT wishes to "Competitively differentiate the Northern Rivers based on its strengths" and then "Incorporate these strengths into an integrated plan of marketing." (p.3). In terms of the industry, destination and professional development, the NRT aims to "facilitate sustainable tourism infrastructure and experiences for the region." (p.3). "Tourism employs approximately 7,200 people in the region, or 6.8% of the region's workforce and generates approximately $1.2 billion in revenue for the regional economy." (p.6).

6.0 Impact Assessment and Mitigation Plan

The Social Impact Assessment of the proposal provides a process for identifying and assessing future potential impacts and benefits associated with the development and operation of the proposal as outlined in Section 2. Given that The Farm has already been in existence in its current form for two years the impacts, both positive and negative, are identifiable. Although, some impacts are difficult to separate from the wider growth of Byron Bay in these two years. The baseline from which to undertake an evaluation of the impacts, either positive or negative is pre-The Farm. This can either be from pre-1995 when it operated as a small crop and flower farm with some grazing until it's closing then, or as a as a vacant, unused piece of land from 1995 until 2013 when the Lanes purchased it. While operating as the 'flower farm' anyone passing by was able to call in and purchase vegetables and flowers. While it was on a smaller scale than what is currently occurring, the precedent is there. The assessment has relied on research, best practice guidelines, and discussion with relevant stakeholders. Details of the consultation process are provided in **Appendix A, B** and **D**.

"Impact, on the other hand, is a dynamic concept, which pre-supposes a relationship of cause and effect. Impact can be measured through the evaluation of the outcomes of particular actions. Impacts... can be judged along a continuum from totally negative to totally positive - from net social cost to net social benefits. (Maughan & Bianchini. 2004. 117).

6.1 Scoping

Scoping involves identifying the issues and variables to be described or measured. It delineates the study boundaries and likely areas of impact, involving affected individuals, groups or communities in the assessment process.

The study boundary is the immediate neighbourhood, being the Ewingsdale locality, the wider community being Byron Bay and Byron Shire. The immediate neighbourhood being the Ewingsdale community includes: one immediate adjoining neighbour to the north, which is grazing land, residents of McGettigans Lane, Parkway Drive, Avocado Place, Plantation Drive, (along with the numerous roads leading off from these main roads) and Quarry Lane. The neighbour to the south is a concrete batching plant and the Byron Central Hospital. The Church and Hall are to the southwest. There is one dwelling house opposite Woodford Lane that also fronts the Pacific Motorway. The Ewingsdale Community Association is an interested group, as they represent the residents of the locality.

More widely, as The Farm is on the gateway to Byron Bay it is included as is that of the wider Shire. Given that The Farm has submitted a number of development applications and S96 amendment applications the community, both in the immediate locality and the wider community have had opportunity to raise issues.

6.1.1 Data collection methods and measurement techniques

Primary qualitative and quantitative data was collected from meetings, submissions to development applications and S96 amendment applications, a letterbox drop of 274 mailboxes in Ewingsdale, an on-site survey and attendance at Ewingsdale Progress Association meetings. Information about The Farm has been provided through bi-weekly full-page insertions in The Echo weekly newspaper and monthly newsletters. There has been feedback to The Farm from Byron Council and the community through the various development applications and S96 amendments

submitted to Council over the past three years. The social issues associated with the proposal have been identified through these processes.

Secondary quantitative data was collected from: the Australian Bureau of Statistics (ABS), Council documents, government departments, a range of academic literature from Australia and overseas, other similar type businesses and various media. The primary and secondary data used is listed in section 8.0 Reference List. As a form of information/consultation a survey was developed and distributed over one week in June 2017. The survey is attached as **Appendix B**.

6.2 Consultation

Following Council's resolution to invite the applicant to submit a Planning Proposal, regular and ongoing consultation has been undertaken with Council staff.

The site has been used for farm uses for many years, and as The Farm for the past two years. As The Farm it has been the subject of a number of development applications (including a successful one to enable The Farm to operate on-site) and S96 amendment applications. Given this, identification of potential positive and negative issues relating to the proposal can be made. These have come through submissions made by adjoining residentsand the wider Shire/regional community, government agencies and community organisations to the original DA, subsequent development applications and attendance at Ewingsdale Community Association meetings. The opportunity has been available to make comments/raise concerns regarding impacts. No specific consultation took place with adjoining residents for the purposes of this SIA. The Farm representatives have been in regular attendance at the EwingsdaleCommunity Association meetings. The Farm letterboxed 274 households in Ewingsdale in February 2017 asking them what they think of The Farm and provided a free voucher to come and take a Farm tour. There were just two responses to the letterbox drop: one person liked The Farm, the other said they'd had a bad meal at the restaurant.

It needs to be noted that at the time of liaising with the adjoining community there was no specific proposal as there is now as per this Planning Proposal. A number of the concerns raised at the time have now been rectified.

6.2.1 Survey

A survey was undertaken at The Farm during the week of June 4 -10 2017 from 7am until 4pm. On the evenings that the Three Blue Ducks restaurant was open the survey shifts ended at 7pm. A total of 676 surveys were completed in that week. The survey was undertaken so as to identify a range of data with relation to who is visiting The Farm. The survey is included in **Appendix B**. The results of the survey showed that of those visiting The Farm that week:

- Locals 45% (Byron residents 32% other Northern Rivers 13%)
- Tourists staying in Byron and Northern Rivers – 30%
- Daytrippers (mainly SEQ) – 25%

Further results are provided in the RPS economic assessment report appended in the overall planning proposal report.

6.2.2 Identification and measurement of likely impacts

Generally, issues/impacts of concern that arose for people in the immediate neighbourhood in the course of various development proposals for this site included:

Immediate Neighbourhood:

- Negative impact on adjoining farming
- Night-time sound from the restaurant or events
- Daytime sound from visitors on fence lines adjoining farms
- Traffic management and parking
- Aggravation of Ewingsdale Interchange
- Size of restaurant
- Number of patrons on site
- Scale of business/number of people
- Site contamination
- Effluent management
- Loss of privacy
- Amenity
- Precedent setting
- Hours of operation
- Possibility of events held on site
- Sale of products not produced on The Farm

Since these concerns were raised, most of them have been dealt with: sewerage capability, sound, bitumen sealing of the car park, size of the car park, traffic management and parking. Just eleven submissions were received to the most recent development application. These were from the immediate adjoining neighbours and the Ewingsdale Community Association.

Impacts of concern raised from other relevant applications for the site that are not from adjoining residents:

- NSW Roads and Maritime Services (RMS) regarding future road widening of Ewingsdale Road
- RMS regarding widening of the roundabout located at the Byron Central Hospital entrance

Concurrently positive comments/ impacts of concern raised at this time included:

- The idea of teaching children to grow food is important
- Organic food growing, paddock to plate is what Byron Shire wants to encourage
- It is a beautiful entryway to Byron Bay, a contrast to what is opposite

Generally, positive impacts of farm/food tourism are that it can contribute to economic diversification and profitability by increasing employment, retaining farmland in farm use, educating the general public about farm activities, increasing economic equity between urban and rural populations. Farm tourism activities can help people be more aware of their environment, where food comes from and to perceive new job and business opportunities, and improve quality of life. Possible positive social impacts of farm tourism can be:

- Increased awareness of farm activities
- Increased awareness of where food comes from
- Creation of employment
- Increased expenditures
- Increased health through better food consumption
- Creation of new type of offering for locals and visitor
- Increased awareness of the value of farm/food tourism
- Strengthening of local and regional values and traditions
- Increased diversity of employment

- Development of skills among workers
- Maintain land in rural amenity
- Eases pressure on land for subdivision

The Farm has had to live with a number of perceptions/fears about its operations. Many of the negative perceptions of The Farm are as a result of its rapid growth. These include:

- The Farm is one big business owned by Tom and Emma Lane
- That The Farm is piecemeal development without an overall plan
- It is what is not being said to the community as opposed to what is being said – that there are two stories of The Farm
- That the bakery is retailing their products
- That it's too corporate
- They say one thing and do another
- Is pretentious calling itself The Farm when there have always been farms in Byron Shire
- Lacks authenticity – is a tourist attraction and not a working farm
- Is using the Byron Bay name
- Is directed at people that are not from here but from the city
- Is inaccessible to locals, not fitting into local culture, too expensive
- The land is poisoned from its previous use as a flower farm

Existing Farm Activities

The ethos of The Farm is to *Grow, Feed, Educate, Give Back*. The Farm team is dedicated to creating an environment that nourishes the community, being the Byron Shire community. It began with a small team of people concerned about the future of food security, sustainability and organic farming practices. The team included growers, bakers, restaurateurs and florists. They collectively share the same values as the landowners and support their vision to build a working farm accessible to the community.

The Farm Philosophy

- Grow your food, your people and your community
- Feed and nourish your physical self, your soul and the land on which you live
- Educate yourself, your family and your community so that we can all actively participate as sustainable food growers, producers and consumers

The intention of The Farm was to build a farm for 'the people'. They invite people to wander around, take in their surroundings and reflect on the concept of wellness – wellness of the land, the body, the mind and the community. They encourage people to explore the property and its various food and flower pots, meet the animals, talk to the farmers and get inspired by watching a working farm in progress. This is occurring as people in the community visit The Farm for this reason as do workers at the adjacent hospital.

The Farm's mission is to play a crucial role in improving health and wellness from the ground up. This encompasses the condition of their land, what they grow in it, the foods people consume from it and ultimately people then become from achieving their goals. In the process they hope to create a ripple effect, which can then transform the wellness of individuals and the greater community.

Some Farm Facts as of April 2017

- 4,500 native trees have been planted to regenerate the Simpsons Creek waterway with the assistance of Brunswick Valley Landcare, North Coast Local

Land Services, the Green Army, Mullumbimby Creek Native and Burringbar Rainforest Nurseries

- 72 tonnes of kitchen scraps from Three Blue Ducks restaurant has been composted onsite annually
- 1,000 students have attended 'School Tours' at The Farm and more than 900 children have participated in Farm Kids workshops
- All of the animals are pasture raised.
- The Farm is 100% chemical free. The Growers' Collective follows organic farming principles.
- Collectively, The Farm and the small businesses it is home to, have created more than 120 local jobs.
- The Farm has provided the space, equipment and seedlings for four small local Market Garden businesses
- The Farm has donated a half acre of land for Liberation Larder to grow fresh produce to feed those in need in the local community.
- Grow is about growing food for the community and increasing awareness about sustainability and wellbeing. 100% of the produce grown in the Market Garden by the Growers' Collective goes into Three Blue Ducks kitchen and Produce Store and to The Bread Social.
- Visitors can see the paddock to plate philosophy in action
- Feed is about feeding the animals, the Market Garden crops and the land in order to nourish people. Organic farming principles are paramount and a particular focus is on regenerating depleted sections of farmland with native plantings.
- Educate is about providing an accessible environment for the community of all ages to come together and learn new skills and share knowledge. A fundamental part of this is inviting industry leaders onsite to build partnerships whilst promoting sustainable, ethical and organic farming practices. Children are also a focus through the Farm Kids program.

6.3 Mitigation Measures

From the comments received in relation to previous applications, it appears that it is the size, number and type of activities to be held on site that is of most concern.

6.3.1 Identification and measurement of likely impacts

Impact Assessment and Mitigation Measures

The following series of tables provides an analysis of the potential/experienced and perceived impacts of the proposal on the surrounding community. It uses the framework set out in Council's Development Control Plan (DCP) 21 Social Impact Assessment (even though this is not a requirement here). Against each issue the potential impacts for existing residents within the immediate neighbourhood (Ewingsdale), local (Byron Bay) and Byron Shire will be considered and strategies or mitigating measures proposed if appropriate, to address any impacts identified. There are going to be impacts associated with the land operating as The Farm rather than as a vacant piece of land or farming only. However, it is highly unlikely, as well as unrealistic to think that the land would remain unused. It needs to be noted that many of the recommended mitigation measures here have already been implemented for the existing Farm uses that operate on site.

Specific Impacts to be examined & addressed		
1. Local Amenity Change		
Background Information Issues relating to the cohesion of the proposed development and its surrounds are to be considered to determine the impacts and benefits of the proposed development. These include: • Consistency with surrounding development in terms of land use, scale and built form; • Suitability of the site for the proposed development and; • Suitability of the proposal in terms of the character of the surrounding locality. The surrounding area is a mix of rural residential, commercial, community use, farming, and coastal wetlands. The proposal is located immediately adjacent to the Pacific Highway and the new Byron Central Hospital. The impact on the two adjoining farming families is in terms of privacy, amenity, traffic generation, sound, and increased numbers of people/pedestrians in the general vicinity. The education component of The Farm takes people on a tour of the property to show people how farming is done. Capacity and operating hours are a potential point of difference and can affect the overall impact of the proposal on the locality. It comes down to management. Ewingsdale Road is not a quiet road and has not been for a long time. With the hospital located there as of April 2016 there are bright lights, vehicle movements and ambulance noise day and night. In their 1992 book, Barr and Cary insightfully described Australian agriculture as a 200 year search for sustainable land use. In other works, confronting the realities of land and water degradation caused by agriculture has, at times, been a powerful stimulant to change. (Lockie. 2015. P. 5). As many as 75 per cent of Australian farm businesses do not generate sufficient returns to meet both personal needs and business growth. In considering the future of agriculture, this raises at least two questions. First, will social and economic stressors undermine the human capital base of Australian agriculture and, ultimately, its productivity and viability? Second, will these stressors undermine the social license of agriculture or the legitimacy of agricultural policy? The agricultural and rural sectors face a number of inter-related social and economic stressors including depopulation of rural areas, declining participation in agricultural education, low levels of entry into farming as an occupation (particularly by young women), low incomes and poor rates of return for the majority of farm businesses, and comparatively poor health outcomes for farmers and other rural residents including mental health and suicide. The Farm fits within the various policies and plans that relate to this proposal: • Far North Coast Regional Strategy 2014 • North Coast Regional Plan 2036 • BLEP 14 • Byron Shire Council Community Strategic Plan 2011/12-2020/21 • Byron Shire Council Agricultural Strategy 2004		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
1.1 Location of proposal Is it suitable? – in terms of type and Intensity of use, character of area	The location of the site is considered to meet the needs in terms of proximity to surrounding activities and infrastructure that are relevant to this use. It is not out of character as Ewingsdale has undergone significant change in the past decade with the increase in housing, the building of the Byron Central Hospital and increased traffic. Byron Bay – having a facility such as this situated outside of Byron Bay is positive as it alleviates the pressure on the town in terms of traffic. It disperses traffic from that point with patrons using it as stopping off point from the Pacific Highway. Byron Shire – having organic farming situated at this location is	Traffic/Parking Management Plan. Design and location of permanent buildings on site not to interfere with visual impacts on adjoining residential properties and the Ewingsdale area generally. Regular, proactive communication between management and immediate neighbourhood.

Specific impact	Impact Description	Proposed Mitigation/Enhancements
	positive as it is at the gateway to the major town in the Shire and showcases why the shire is different to other places.	
1.2 Impacts on surrounding residents, businesses & community use Perceived negative impact on quality of life of some adjoining residents on Woodford Lane and Quarry Lane	Increased numbers of people on site. Both real and perceived feeling of immediate adjoining neighbours of not having privacy. Loss of privacy & impact of visitors walking along the adjoining fence line has affected adjoining landowners' quality of life- they say they live in a quiet, rural environment. The Old Pacific Highway was directly adjacent to The Farm and adjoining property on Woodford Lane until the main highway upgrade in 2004. Amenity and access has improved with the new highway due to proximity of highway noise and traffic.	Code of respectful conduct set out clearly for management & users of the site- to include a set of protocols to respond to complaints by immediate neighbourhood. Written protocol of complaint making between site management & adjoining properties, eg Management staff made available to adjoining properties. This includes phone numbers to call. Regular liaison with residents of Woodford Lane, Quarry Lane immediate neighbours and Ewingsdale residents generally. Design and location of permanent buildings and parking facilities on site so as not to interfere with visual amenity of immediate and general neighbourhood. Continued maintenance of environmental restoration, eg Simpson's Creek as well as planting of fence lines for privacy with adjoining owners.
1.3 Impact on adjoining farmland	In written submissions the two adjoining owners, who are intergenerational farmers wrote that there was a negative impact on their farming, which is cattle grazing and macadamia orchards. It is not specifically stated what that impact is besides privacy.	As The Farm does not use any chemicals and the adjoining farms do use chemicals it is in the interests of all landowners to keep the lines of communication open so as to enable each to farm in their respective styles.
1.4 Sale of products not produced on site	The sale of products introduces a retail element to The Farm. The impact of this is difficult to separate from the allowable use of the restaurant and the produce store both of which have development approval as well as historical use.	Products available in the produce store to be locally grown and/or made.
1.5 Farm Noise	In written submissions the two adjoining owners made mention of on-farm sound, eg from the restaurant at night or events, daytime sound from visitors on fence lines adjoining farms. This is not really an issue since the hospital opened up next to the concrete batching plant in conjunction with the Ewingsdale Road traffic noise. The land is zoned rural with farming allowable as well as the restaurant use.	Management of any restaurant noise during evening opening hours needs to be monitored. Code of respectful conduct set out clearly for management & users of the site- to include a set of protocols to respond to complaints by immediate neighbours.
1.6 There is a perception that The Farm is a tourist attraction and not a working farm. It lacks authenticity	It is thought by some that The Farm is not a 'real' farm or that it is 'farmworld' and a front for the restaurant side of it. There is distrust from the neighbours.	Regular liaison with residents of Woodford Lane, Quarry Lane immediate neighbours and Ewingsdale residents and the wider community generally through newsletters, media and attendance at Ewingsdale Community Association meetings. Having an open invitation for residents to see for themselves

Specific Impact	Impact Description	Proposed Mitigation/Enhancements
		what The Farm does.
2.0 Traffic/Parking		
Background Information The bitumen sealing of the car park became an issue due to dust from the unsealed car park. The car park was bitumen sealed in 2016, alleviating this issue. Byron Shire Council's concerns regarding traffic generation are in the context of anticipated future road infrastructure upgrades, not the current uses on site at The Farm. It is not just The Farm that is generating traffic into Byron, as Council itself acknowledges. The opening of the Byron Central Hospital is generating substantial traffic in that vicinity since opening in 2016. There is acknowledgment that the roundabout built at the hospital entrance is not adequate, therefore creating traffic congestion. Cars parking on the Ewingsdale Road, rather than on site became an issue. The June 2017 survey showed that over half of people visiting The Farm were stopping off on their way to somewhere else. They came from north and south as well as the hinterland and did not drive into Byron Bay. The traffic peak of The Farm is during midday – so it doesn't coincide with the weekday AM and PM traffic peaks on the main road. This was shown in the survey. There are good and bad times for locals to come: 7:30 to 9:30 is a good time. Council staff have had discussions with NSW Roads & Maritime Services' (RMS) representatives regarding significant traffic issues associated with the roundabout to the east of the Pacific Motorway. It is acknowledged that traffic from The Farm is not the key cause of existing traffic queuing issues at this roundabout, but is a contributor. RMS staff are investigating the issues associated with traffic queuing at this roundabout, but it will be some time before there is any resolution regarding future remedial actions.		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
2.1 Traffic Generation in the context of anticipated road infrastructure upgrades	Ewingsdale - Increased traffic congestion Byron Bay – increased traffic into the town	The Farm continue to negotiate with Byron Council regarding any future Ewingsdale Road upgrades to mitigate the negative impacts on The Farm.
2.2 More activity and visitor numbers increases cars, which leads to more traffic and car parking congestion	Ewingsdale - Increased traffic congestion Byron Bay – increased traffic into the town	On site management of car parking to alleviate any congestion. "No Stopping" signs installed on Ewingsalde Road appear to have addressed parking issues.
2.3 Residents accessing home, work and leisure	Ewingsdale- Adjoining residents accessing home, work and leisure get caught up in traffic congestion	Management practices to ensure adjoining residents are not disadvantaged accessing in and out of the site.
2.4 Aggravation of Ewingsdale interchange	There is confusion where to go when people turn off the Pacific Highway at the Byron Bay turnoff	The Farm to continue to work with Byron Shire Council and the RMS regarding the Ewingsdale interchange
3.0 Effluent/Waste Water Management		
Background Information There have been issues with the operation of the wastewater treatment system.		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
3.1 On-site effluent system was inadequate	Submissions suggested that the site is not capable of managing its on-site effluent and that there were effluent leakages to adjoining properties	The problems have been alleviated through on-site system adjustments for the uses currently on-site. Continuing monitoring and management of on-site effluent system. Continuing liaison with Rous County Council.
4.0 Concern at loss of agriculture		
Background Information Concerns were raised that there would be a negative impact on farming on the site. This has not eventuated. There is more farming on site now than in the past. This farming is shared amongst young people wanting to be farming through allocation of land for them, with the first twelve months free rent. As the June 2017 survey indicated many families visit The Farm specifically because it is a farm and children love seeing the animals and plants. It is free to visit. Given that Byron Shire Council has a significant low-income population and high unemployment level this offers the opportunity for people to come and grow food to take		

home, be amongst agriculture, play equipment and enjoy a park –like environment for free. It is enhancing farm awareness and the growing of food. It is farming to support eating local; all of the produce grown on-site goes to the restaurant, has no food kilometres, is hand delivered. There is: • Increased awareness of the value of farming • Increased awareness of farm activities • Increased awareness of where food comes from		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
4.1 Concern that opening RU1 land to retail could pave the way for large retail companies to exist on this land in the future.	The precedent exists for the selling of farm produce and flowers as the farm that operated until 1995 retailed produce and flowers to anyone passing by, but it was on a different scale to The Farm.	The commercial activity will be restricted to a very small part of the site in accordance with the Planning Proposal.
4.2 There is a perception that the bakery is retailing their products.	There are many local products for sale at The Farm through the Three Blue Ducks restaurant, not the bakery.	Only local products are sold at The Farm through the existing produce store.
4.3 Clause 6.8 BLEP 2014 Rural Tourism Development sets out the scale of tourism in rural zones.	This clause came into effect after the approval for the restaurant, etc. The Planning Proposal seeks to address the issue of 'scale'. The location of The Farm and its context distinguishes it from other locations.	Ensure that farming of the land always takes precedence in decision-making and is the primary function of the land. Continue to liaise with both the local and wider community through newsletters and other media regarding the benefits of organic farming and building awareness of where food comes from.
5.0 Site contamination		
Background Information Prior to The Farm operating the site has previously been a working farm using conventional farm methodologies, which involved the use of chemicals for plants and animals. There was a dip site for cattle. Concerns were raised that the contamination of specific areas was still there as well as generally on the property.		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
5.1 Chemical storage where old dairy bails are, dip site under children's playground	Submissions expressed concern that these areas are poisoned. The areas have been tested and cleared of contamination.	The Farm to regularly test the relevant areas for any contamination or poison residue .
5.2 There is a perceived impact that the land is poisoned from its previous use as a flower farm	As the site had been used for conventional agriculture, specifically the growing of small crops and flowers, heavy chemicals were used. The Farm does not use any chemicals and are using best practice organic methodologies.	The Farm continues to use best practice organic growing with no chemicals. The Farm to regularly test the relevant areas for any contamination or poison residue.
6.0 Size of Restaurant		
Background Information The Three Blue Ducks restaurant began operation on the site in 2015. Of the people visiting The Farm one third are restaurant patrons. The restaurant has approval for 90 persons and 60 car parks. When they first opened there were some Farm events, eg weddings that concerned local residents. Their hours of operation are: Breakfast: Monday to Friday from 7am for coffee/pastries, full menu 8am-11:45am Saturday/Sunday, from 7am coffee/pastries, full menu from 7:30am-11:45 am for full breakfast. Lunch: Seven days/week 12-3pm for lunch. Dinner: three evenings/week Friday to Sunday from 5pm-10pm		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
6.1 Scale of restaurant	That the restaurant is too big in terms of the number of	The floor area of the restaurant is capable of

	patrons on site and plans to get bigger. Night time hours impact on adjoining owners due to noise/light. There is an expressed fear by some local residents of the possibility of events held on site and some events did impact on adjoining owners when The Farm first opened.	accommodating more than 90 patrons. The restriction on patron numbers is related to the wastewater system. The Farm will continue to minimise any negative impacts regarding noise and additional traffic generation.
6.2 Waste Management not adequate for the size of the restaurant	Best practice waste management is used including composting and re-use so that as little as possible ends up as waste from the restaurant and is taken care of on-site.	Continual monitoring of waste management. Continual exploration of best practice waste management. Continual working with local businesses to manage waste.
7.0 Economic/Employment		
Background Information Issues include employment, short and long term, permanent, casual, Full Time Equivalent (FTE), Part Time Equivalent (PTE). Over the past two decades tourism has become the biggest employer in Byron Bay. "Byron Shire's economy is now dominated by tourism with Byron Bay accounting for more than 55% of the Shire's $1.37 billion gross business revenue. There are approximately 3,700 businesses in the shire of which 60% are sole traders... About 45% of these businesses are located in the Byron Bay precinct with the balance evenly distributed throughout the shire. Income generated by businesses in the Byron Bay precinct represents 55% of the total. (BSC.2009.p.51). Statistics show that Byron Bay has a significantly higher proportion of part-time workers (42%) compared with NSW (22.2%) and Australia (28%). This is typical of employment in the tourism industry. New types of employment, eg food/farm tourism, will add to the economy and boost confidence in the sector. Extreme weather events over the summers between 2010/2011, 2011/2012 and 2012/2013 impacted on tourism visitation numbers although this has not been quantified. "Advancing technologies and changing weather patterns (i.e. increase in droughts and floods/storms) have brought about the need for diversification of industry in areas previously reliant on traditional industries such as farming, or narrowly focused tourism industries." (Irshad.2011,p.2). There is a perception that The Farm is one big, corporate business owned by the Lanes. While not a planning issue if the community expresses their concerns then it is required to be explored. The Farm is actually the overall name but there are seven, separately, independently owned, micro-businesses that operate under the umbrella of the name. The Farm has a social enterprise model built into it through its employment practices and business development.		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
7.1 Local & Regional Areas -Potential positive impact on the local economy by stimulating additional demand for goods and services	Increased expenditure within the local community. Creation of employment provides people with more income that is then circulated within the local economy. Creation of new, small food-related businesses.	Maintain a policy of buying local goods first and foremost. Maintain a policy of employing local people first and foremost in permanent employment. Continue to foster the growth of local small, food growing and value adding businesses.
7.2 Impacts on employment – short, long term	The businesses employ a range and number of employees in mainly permanent work that includes FTE and PTE. Development of skills among workers. Businesses within the umbrella of The Farm eg such as The Bread Social employ people from disadvantaged situations, and mentor them in their employment. Creation of employment in the agricultural sector.	Ensure that permanent full-time and part-time employment is maintained rather than a casualised workforce. Encouragement of micro-businesses using assisted employment programs for their employees.
7.3 Catalyst for other development- eg new growers, new value-added businesses	Increased diversity of employment & business development. Employment in farm activity and farm related activity.	Continue the practice of offering free rent for the first twelve months for new growers and community organisations.
7.4 Potential for volunteer work that	Opportunity for volunteers, eg SHIFT program engages	Continue to encourage and embrace volunteers for all

can lead to employment	with The Farm assisting unemployed and disadvantaged women to gain skills that can lead to employment.	facets of the overall Farm and each of the businesses within it.
8.0 Public Realm		
Background information Will the development significantly affect or add to the cultural identify of Byron Bay? Does the proposal further embellish the view that Byron Bay/Shire is a tourism town or a Shire of agricultural production? The Farm is providing a much-desired activity as evidenced by its immediate success. This shows that there was a need for a place that combined Byron Shire's love of growing and eating food with a venue to demonstrate this. Byron Shire has always had an agricultural economy. Byron Bay has a history of primary industry activity that only ceased in 1983. The Farm is providing a much-needed park/centre, meeting place for the Ewingsdale community, as well as the wider community. The Farm continues the tradition of Byron Bay being a town of giving. "The early townsfolk of Byron Bay were quite civic-minded and they believed in a policy of self-help." (Time and Tide, 2001.p.48.)		
Specific Impact	**Impact Description**	**Proposed Mitigation/Enhancements**
8.1 Impacts on Cultural Identity for Byron Bay.	The Farm has increased a certain type of visitation to Byron Shire. People are drawn to The Farm because it is a 'farm', albeit with a difference.	Ensure The Farm does not become a tourist attraction over being a legitimate farming enterprise.
8.2 Farming generally is a visible, accessible activity.	Increased awareness of farm activities by residents and visitors of all ages.	Continue to encourage farm visitation by schools, and local residents to see how farming is done and to participate in it.
8.3 Food growing is a visible, accessible activity.	Increased awareness of where food comes from Increased health through better food consumption.	Continue to encourage farm visitation by schools, and local residents to see how farming is done and to participate in it.
8.4 Is using the Byron Bay name is directed at people that are not from here but from the city. Is inaccessible to locals, not fitting into local culture, too expensive.	Is pretentious calling itself The Farm when there have always been farms in Byron Shire. Strengthening of regional values and traditions.	The Farm to acknowledge Byron's rich history of farming. Continue to encourage farm visitation by schools, and local residents to see how farming is done and to participate in it. Provide locals' benefits at The Farm.
8.5 Philanthropic activity assists local community organisations	Philanthropy is a positive social impact which will be increased if the proposal is allowed to continue as is currently operating.	Maintain the current model of philanthropy that sees The Farm donating 17% of its net profit. Continue philanthropy of each operating micro-businesses.

Prediction of impacts involves the use of the baseline data to determine the likely impacts of the proposal. It asks the following:

Who will potentially be affected?

- Adjoining landowners
- Ewingsdale residents
- Byron Bay residents
- Byron LGA residents generally
- Visitors to Byron Shire/Bay

In what way will they be affected?

Adjoining landowners will experience:

- Activities other than farming will take place on the land
- Potential change to local amenity
- No chemical spray activity on site

Ewingsdale residents will experience:

- Access to a 'corner store' type facility
- Potential change to local amenity
- Gain a local community meeting place within walking distance
- Gain a 'town centre'
- No chemical spray activity on site
- Don't have to drive into Byron Bay for food, produce, coffee

Byron Bay residents generally will experience:

- Potentially less people driving into Byron Bay
- Accessibility of locally grown organic produce outside of market days
- Increased employment opportunities
- Access to a 'farm' experience for families
- Potentially more visitors

Byron LGA residents generally will experience:

- Access to a café/corner store without driving into Byron Bay
- Increased employment opportunities
- Accessibility of locally grown organic produce outside of market days
- School children having access to a working farm
- Potentially less/more people driving into Byron Bay

Visitors to Byron Shire/Bay generally will experience:

- Not having to drive into Byron Bay
- Access to locally grown organic produce
- Awareness of locally Byron made food and other products
- School children having access to a working farm
- Free, easily accessible parking
- Having a stopping off point on the Pacific Highway that is different to most others

What level of social change will occur?

Adjoining Owners:

- is a recognition that farming on The Farm is not the only use

Ewingsdale residents:

- there is a recognition of need and provision of a town centre for their growing community & The Farm fulfils this role
- there is the gain of a community venue/meeting place
- they don't have to drive into Byron Bay, the industrial estate or Bangalow for foodstuff
- The Farm corner is not just a working farm

Byron Bay residents:

- there is a recognition that the Ewingsdale Road and entrance to Byron Bay is not just open farms on both sides anymore.
- there are increased job opportunities
- there is recognition that Byron Shire has a viable agricultural component to its economy

Byron LGA residents:

- there is a recognition that the Ewingsdale Road and entrance to Byron Bay is not just open farms on both sides anymore.
- there is the slowing down of the Ewingsdale Road
- there are increased job opportunities
- there is recognition that Byron Shire has a viable agricultural component to its economy

Visitors to Byron Shire/Bay:

- there is the slowing down of the Ewingsdale Road
- there is recognition that Byron Shire has a viable agricultural component to its economy
- they have an alternative to driving into Byron Bay

6.3.2 Summary of Mitigation Measures

Some impacts will be measured against facts and others against perception.

Summary of proposed mitigation measures to mitigate against real and perceived negative impacts of the proposed development:

Local Amenity Change

1. Plan of Management for the overall Farm
2. Regular communication between The Farm and immediate neighbourhood
3. Overall plan for permanent buildings on site
4. Continue to grow the farming side of the business

Traffic/Parking

1. Traffic management
2. Adequate parking provided on site

Effluent/Waste Water Management

1. Regular monitoring of on-site system
2. Continuing liaison with Rous County Council

Concern at loss of agriculture

1. Ensure farming is primary function of the land
2. Restrict commercial activity to the precinct identified in the Planning Proposal

Site Contamination

1. Use best practice organic growing with no chemicals

Size of Restaurant

1. Any increase subject to new application or S96 amendment
2. Monitor restaurant waste management

Economic/Employment

1. Policy of using locally/regionally sourced goods and services
2. Ensure, where possible, full-time permanent employment and/ or part-time permanent employment
3. Activities on site are in keeping with the values of the Byron Shire community
4. Encourage locals' to access The Farm through local's pricing of farm produce

Public Realm/Perception of The Farm

1. That The Farm continues to liaise with the immediate neighbourhood and the wider local community to be transparent on Farm activities.
2. Encourage local people's participation at The Farm whenever possible
3. Continue The Farm information campaign to inform the resident community of their farming activities on site
4. Develop strategies to foster cohesion and acceptance
5. Continue and grow the philanthropy on The Farm

The Farm is a one of a kind in Byron Shire and the Northern Rivers. It is the type of activity/business that the community and governments have said they wanted through consultation and various strategies. It has a social enterprise model built into it, as does Stone & Wood boutique brewery, albeit a different model.

6.3.3 Alternatives to not carrying out the development

The alternatives to not carrying out the proposed development, as applied for, are discussed. These are:

Option 1 Keep the site as approved in 2013 and 2015 or No Go

Option 2 Return the land to general farming purposes

Option 3 Develop the site as proposed

Bearing the above potential impacts and mitigating measures in mind, considerations for Council are:

Option 1

Keep the site as approved in 2013 and 2015 or the No Go option

To keep the site as approved or the No Go option are one and the same. There is a current approval (2013) for a cheese making facility and farm. In 2015 approval was given for: an agricultural training facility, plant nursery and farm produce kitchen as well as car parking. The Three Blue Ducks restaurant is open seven days/week for breakfast and lunch and three nights/week- Friday through Sunday – for dinner.

This option would impact on the ability of people to "come and have a look" at the Farm. The information and education component of the Planning Proposal is key to the concept of educating people about farming and produce.

The existing café/restaurant relies on The Bread Social Bakery 100% for its baked goods to be used within the café. This is in line with current best practice of low food miles, paddock to plate, and sustainable agriculture. There would be less need of the cheese for the Three Blue Ducks than the baked goods. People, quite often young mothers with babies and young children, come to The Farm for coffee and pastry. In the survey undertaken it showed that 24% of respondents had people under the age of 15 years in their group visiting The Farm. It is estimated that 21% of total visitors to The Farm were aged under 15 years of age. The survey responses showed that mothers come with their children (and meet other moms) because there is open space, play equipment and easy, free parking, all of which makes it attractive. They can have a coffee and pastry while children play and they socialise.

From an economic perspective there would be a large social and economic loss to the existing Bread Social as it supplies approximately forty local/regional cafes with their baked goods as well as supplying Liberation Larder and many other community organisations with free bread on a weekly basis. The loss of this would be keenly felt. In an area of high unemployment and limited employment opportunities the Bread Social provides 33 skilled jobs, mainly permanent. They train young people and offer jobs to young people from the Byron Youth Service, acting as mentors, not just employers.

Dating back as far as the early 1900s the history of the land upon which The Farm is located is one of farming, but also selling the produce produced on the land. More recently in the 1990s the land was a flower and produce farm where locals stopped by to purchase both of these from the shed located on the farm, where the current restaurant building is located now. The selling of produce is part of the overall ethos of The Farm. To not enable the bakery to operate rather than the cheese making facility or to sell produce would substantially alter the model of operation for the restaurant business and The Farm generally.

Option 2

Return the land to general farming purposes

The Farm has operated in its present form on the current site for two years. If The Farm as it is known were to cease to operate as is and return the site to general farming only there may be more intense use of farm machinery and infrastructure. This could lead to greater noise and loss of amenity within the vicinity than what currently happens on site. Previous farm use included the use of pesticides, given that it was monoculture. There would be no regeneration of Simpson's Creek. As is well known farming is a fickle industry that is notoriously difficult to make a living from. The

commercial part of The Farm is intrinsic to the farming activity itself. It has been well documented in Byron Shire that there has been enormous pressure over the past thirty years on farmland to be subdivided as farmers have struggled to make a living. Prior to the Byron Local Environmental Plan 1988 being adopted farmers were allowed concessional allotments that allowed them to hive off small parcels of land so as to contribute financially. This was not a planned process and was discontinued when the Byron LEP was adopted in 1988. Council's Building Sustainable Agriculture in Byron Shire Strategy 2004 identified one of the biggest pressures on agricultural land was subdivision along with adjoining neighbours complaining of agricultural noises and smells. It is highly unlikely that using the land exclusively for farming would ever generate the income or employment opportunities as provided by The Farm in its current operation. At a time when farms are struggling to stay open and Tourism Australia and NSW are encouraging value-adding to farms through farm tourism and farm/food setups it seems a retrograde step to suggest that The Farm could revert to farming only. In the Australian Bureau of Agricultural and Resource Economics and Sciences Australian farm survey results 2008-09 to 2010-11 at the national level "average farm cash income for broadacre farms is projected to increase from $58,900 a farm in 2009-10 to $82,000 a farm in 2010-11." (p.1). There is little comparison with the amount of income derived from farming, as well as employment, with the site being used for value added farm industries where income is substantially higher. It is suggested that the only way that farmers in Byron Shire made any real money was in subdividing land or in owning large tracts of land that have been able to be sold.

Option 3

Develop the site as proposed

The proposal is to enable the use of the site for additional purposes namely limited retail and education. What occurs on site is for the most part what has development approval. The current operation shows that there has not been a negative social impact in having the bakery onsite rather than a cheese making facility. There are no complaints about the bakery activity. The bakery uses less space (110 square metres) than the proposed bakery (280 square meters) to operate. They generate no new car parking spaces than the cheese making facility. The survey showed that next to eating, most people came to The Farm to have coffee/pastry, catch up with family and friends and look at the animals.

Farming is a much talked about profession in Australia as it provides food for the nation while struggling with environmental vagaries, low incomes for farmers leading to declining farming activity. "For the survival of this new generation of farmers, the future lies in taking the old farm and the old operating procedures and implementing new technology and innovations to make farms more profitable. Without profitability, young people won't stay and others will not be enticed to come to the land. (Paul Doneley, sheep producer at Barcaldine ABC rural news July 2015). The Farm is undertaking old practices with new innovations. According to an ABC radio report in October 2015, Australia ranks number one with the most organically farmed land in the world. (http://www.abc.net.au/news/rural/2015-10-28/australias-organic-farming-future/6891384)

While there is much more farming occurring on-site than when The Farm opened, the Farm operates as a pseudo town centre for the community of Ewingsdale. There are 80 different local products representing 20 to 30 local businesses on offer at The Farm through the farm store. These range from freshly grown produce to value added products such as jars of sauces, spices, nuts, etc.

The introduction to Byron Council's Sustainable Agriculture Strategy 2004 quotes Tim Flannery, "There are signs that things are changing for the better. Australians are undergoing a radical reassessment of their relationship with the land, particularly

when it comes to basics like food, water and fibre. Revolutionary changes are taking place in the countryside as farmers and graziers strive to make primary production sustainable in Australia's unique conditions....They are throwing out old, inappropriate European-based practices and inventing their own, distinctively Australian futures in a bid to create sustainability in this land. I have no doubt that today many farmers are ahead of the majority of Australians in most aspects of environmental thinking."(Tim Flannery in *Blueprint for a Living Continent. A Way Forward* from the Wentworth Group of Concerned Scientists Nov 2000). The Farm is taking this new challenge of farming seriously. It is what Byron residents wish to see, "Focus group participants were asked to accept the following broad assumptions as the starting point for their discussions: "That we all want to see: Economically viable and environmentally sustainable agriculture as a core element of the local economy and an important aspect of the Shire's social and cultural make-up; (BSC.2004.p.3). The Strategy goes on to say, "Byron Shire has developed a reputation for food excellence and is seen as a community that celebrates food and the environment. We have award winning chefs and food production businesses and local farmers' markets. I believe there are great opportunities for us to support these businesses and provide economic and employment benefits for the shire. The shire has an international reputation as being clean and green..(p.4).

From the Focus group outcomes in the development of the Council's Agricultural strategy it was identified that "preservation of agricultural land is critical so that agricultural production can continue to be a significant part of the Shire's income as well as its landscape. "We want to maintain a rural feel for the Shire and agriculture is the basis of it." It was also identified at that time that Council "Need a strategy for development of infrastructure – co-ordination, pack houses, transport, value adding facilities, etc. "(p.67). It was said, "farm incomes are falling. The average farmer was surviving on less than $10,000 per year. Prices for produce were set by Coles and Woolworths and do (did) not reflect the costs of production. Returns on agriculture had been falling for decades."(p.70). While that has changed since the Strategy was adopted, the Shire still has to look at the "need to link production with local consumption and promotion of 'local, fresh and clean food'; Need to consider the idea of community assisted agriculture.; From a tourism point of view for the Shire – good to have rural views; People (tourists, etc) like the look of animals – visual amenity."(p.71). This is exactly what is happening at The Farm. There couldn't be a greater contrast at the entrance to Byron Bay than on one side a farm with food, flowers and animals and on the other side a concrete batching plant and a hospital.

In a recent study by Dr. Stuart Lockie, "As many as 75 per cent of Australian farm businesses do not generate sufficient returns to meet both personal needs and business growth. (Lockie.2015.p.5). The retail side of The Farm business provides this return, which then allows for the education side, the philanthropic side, the employment side to grow and flourish. The Farm is doing what appears to be what is desired by both community and council as voiced through various planning and policy documents. To deny the current operations on site has the effect of stifling any positive, allowable business development given that there is no assurety for the business owners operating to invest in their business given the precariousness of their situation.

6.4 Monitoring

Council's SIA Policy Part C Cumulative Impact Review part 9.1 says (p. 9) "Council will collect information over time from development applications, rezoning and Council proposals which have incorporated SIA into their proposals. Proponents will be able to

use this information collected by Council over time and factor the cumulative impact (where data is available) of a type of development on a community." Part 9.3 says, "Council will over time analyse whether the measures put in place were appropriate and effective and incorporate this information into the decision making for future strategic plans and assessment of development applications. "

Opportunities to review and monitor the cumulative social impacts of the proposal occur in the development and reporting on in the following Byron Shire Council plans:

- Community Strategic Plan
- Community Profile
- Management Plan
- Tourism Management Plan
- Cultural Policy
- Building Sustainable Agriculture in Byron Shire
- Byron Shire Rural Land Use Strategy

The public also play an important role in monitoring impacts of developments and are encouraged to provide feedback to Council. Through monitoring of their own activities through the various submissions received to development and S96 amendment applications, as well as attendance at the local Ewingsdale Community Association The Farm have identified mitigation measures that have been put in place in an attempt to alleviate any real or perceived negative social impacts. It is recommended that The Farm and Council continue to monitor the measures imposed to determine whether they are effective over time through ways such as follow ups surveys, development of communications protocol with neighboursand regular meetings with the local Ewingsdale Community Association. On a broader shire wide scale Indicators against which impacts can be evaluated include:

- Economic regeneration goals: jobs and wealth created through The Farm's direct, indirect and induced impacts, changes in perceptions of the locality by economic decision-makers, monitored through ongoing analysis.
- Social regeneration goals: Development of new enterprise, communication and other life skills through participation in The Farm activities by individuals or groups, emergence of community partnerships for the benefit of an area, enhancement of local sense of belonging and pride, measured through meetings/focus groups with the local community and attitudinal surveys.

7.0 Summary of Findings and Recommendations

This SIA has been undertaken to accompany a planning proposal for the land known as The Farm. In attempting to predict the social impacts it is often useful to make comparisons with a similar situation elsewhere, either here in Australia or overseas. No analogy can be perfect; communities are too complex and multi-faceted for precise comparisons. Each community's situation is unique and Byron Bay is no exception. Additionally, there is difficulty in isolating the social impacts of agri-tourism/food tourism related developments from the wider impact of urban development.

Relying on something other than the attitudes of local residents, which are said by some to be subjective and without substance, is really dismissing a whole component of social impact assessment (eg. how residents feel about privacy invasion, about loss of community values, about the image of their own town, etc.). In more than 100 years of study and analysis of human behaviour and communities the disciplines of psychology, sociology and anthropology have continuously maintained that to understand how people think and feel you must ask them. It is the citizen's own account of the world, their fears and their attitudes, which "count" when considering

the impacts of future events and proposed developments. The very language of many social impacts is about perceived impacts and the attitudes of individuals. "While there is a substantial amount of literature documenting a range of methods available for the measure of social impacts, which has its advocates, Burdge (1999), "argues that it is more important to be sensitive to social impacts than it is to precisely identify them." (Fredline et al. 2006, p.2-3). As the Farm has been in existence for some two years, the real and perceived positive and negative social impacts are already known.

There is a perception of some people in the locality of the potential to intensify commercial activity on the site at the expense of agriculture. The intent of the Planning Proposal is to provide for a limited area of commercial activity adjacent to Ewingsdale Road and other non-agricultural land uses. This limited commercial activity will enable the continuation and enhancement of the agricultural activity on the land. With a balance of farming, restaurant and food production/retail on site, activity can be managed with minimal social impacts to the community.

Byron Shire is increasingly known for it's growing of food and organic food, as is the entire Northern Rivers. The Farm is providing a much-desired activity as evidenced by its immediate popularity. From day one it was full and continues to be so. This indicates that there was a need for a place that combined Byron Shire's love of growing and eating locally produced, organic food with the venue.

The key findings of this report are:

- The Farm provides a much-needed 'corner store' for Ewingsdale residents
- The Farm is used by a wide range of Byron Bay and Byron Shire residents
- The proposed use of The Farm is, and will, increase the awareness of people (both local and visitors) regarding the growing of organic, healthy food
- The full impacts of The Farm, and its operation on the existing population will be primarily guided by how the facility is managed and operated. Therefore, it is important that a range of community development strategies are developed to enable strong linkages with the existing, surrounding community
- The Farm supports the local economy by providing much needed employment in an area of high unemployment and precarious casual employment.
- Evidence from studies and developments have shown that there are savings in the economy by having people employed in permanent work. Savings include a range of publicly funded services that unemployed people use such as Centrelink, social services, etc.
- There are social benefits in the model of overall operation with each part of the business assisting the other and the community more widely through philanthropic means
- The Farm is providing the type of activity and visitation that is identified in numerous Council plans and strategies

Overall, the benefits associated with the use of the land for farming, food production, restaurant, education, retail and a bakery appear to far outweigh issues or concerns associated with this subject to addressing the mitigating measures.

The majority of impacts identified appear to have been adequately mitigated against, particularly through the existing development consents and monitoring, and the newly created relationships with the surrounding community and wider Byron Shire community. On-site management arrangements will be the greatest mitigating measure that can be utilised to ameliorate perceived and real impacts. The site will contribute positively to having a sustainable working farm that is accessible to the community on the outskirts of Byron Bay as a showcase of sustainable farming practices.

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Appendix A

Letter to Ewingsdale Residents

the farm
BYRON BAY

Hi,
My name is Lanie, and I live in Mullumbimby. I've worked with the community in the Byron Shire for the past 15 years. I'm passionate about developing sustainable tourism strategies.

Currently I'm working with The Farm, in the role of Community Advocate with a view to building a high level of communication and consultation, between The Farm and the local community.
After a month of getting to know The Farm, its people and projects I am excited to begin to work with the Ewingsdale community.

I'm interested in learning more about what it's like being neighbours with The Farm and the businesses it is home to, and would also like to share news on what is happening here.
In order to achieve this, The Farm is inviting you and your family to take a FREE Farm Tour, which lasts approximately 45minutes. (Please see below). You can then see The Farm firsthand and learn more about the operation. Also please read the back of this letter to see what's been happening at the Farm over the past 18 months.

Both the General Manager of the Farm, Johnson Hunter, and I, are available to meet with individuals in our community, attend Ewingsdale Community Association meetings, and address any specific concerns, or requests for information that you have.

I hope to have the opportunity to meet many of you in person at your free tour of The Farm. In the meantime please don't hesitate to contact me. I can be reached by emailing community@thefarmbyronbay.com.au
Kind Regards,

Lanie Loughlin
Community Advocate, The Farm

FREE FARM TOUR OFFER:

- Farm tours operate every day at 10am
- Arrive 5 minutes early and meet at the signposts in front of the dairy bails.
- Offer valid till 30th June 2017
- Please present the enclosed ticket to your guide.
- Wear covered shoes, sunscreen and hat.

The Farm at Byron Bay Pty Ltd, 11 Ewingsdale Road, Ewingsdale, NSW 2481
ACN: 165 596 789

Did you know?

The Farm here in Ewingsdale opened its doors in 2015. Its rapid popularity surprised owners, staff & the local community alike. There was little time for reflection & some misconceptions were born. Many local people don't know that entry to The Farm is free, or that The Farm is home to 7 local independent micro businesses, that are not owned by The Farm. People at The Farm, like many locals, passionately want to preserve Ewingsdale farm land for farming. The current footprint of development at The Farm is less than 5 acres of The Farms total 86 acres. The Farm want to build a high level of communication & consultation with local people.

There are some really great things happening here, such as...

Environmentally

- In May 2016, Brunswick Valley Landcare, North Coast Local Land Services & The Farm collaborated to plant 2,500 Native plants along Simpsons Creek
- All were supplied locally by Mullum Creek Native & Burringbar Rainforest Nurseries.
- In June 2016, The Green Army joined & planted an additional 2000 native plants, maintaining over 4500 plants across the Simpsons Creek & Northern Wetlands areas of The Farm.
- The Farm is spray & chemical free. Both market gardens and regenerated areas are maintained without using chemicals.
- The Farms community of 'Growers' are committed to growing organically, while we are not yet organically 'certified', this is one of our goals.
- The Farms ethos 'Grow, Feed, Educate', will have far reaching, long term health & community benefits for Ewingsdale.
- Our livestock stocking densities are far less than the industry standards, up to 7 times more space per animal to roam.
- All our animals are raised on pasture and are regularly rotated.
- Rainwater is the primary source of water in use throughout The Farm. And ALL organic waste is composted.
- The Farm are proud 2016 Regional winners of NSW Chamber of Commerce 'Excellence in Business Ethics' business award, and Regional Finalists in the 'Excellence in Sustainability' category.

Socially

- In June 2016, The Farm became home to the Northern Rivers Community Foundation 'Wishing Well', 100% of proceeds go to NRCF to support local social, environmental, cultural & education needs. To start the fund The Farm donated $5,000.
- In September 2016 we partnered with Liberation Larder who supply approximately 550 meals per week across Brunswick Heads, Mullumbimby & Byron Bay. The Farm donated quarter of an acre of land for Liberation Larder to grow produce. Following this, The S.H.I.F.T. Project Byron, a residential transition program for homeless women, came on board, enabling women to gain commercial & horticultural skills. Byron Bay Herb Nursery donated seedlings & offered help with the harvest. The result is that four local organisations are creating a sustainable working model & giving back to the community.
- This year The Farm is running a series of free farm safety workshops, accessible to the whole community.
- In November 2016, Erin Knutt & Misa Alexandra launched their book "Fergus & Delilah' at The Farm. We are proud to support a book which aims to change the way children view those with disabilities, and to break through misconceptions, prejudices & stereotypes.
- The Farm is looking for schools to donate farm land to: 300 metres each, for 6 months each, including seed, equipment use & mentorship. We hope to provide local schools with an income stream and an educational opportunity.
- 'School Tours 'of The Farm inspire & educate school children, teaching them about where food comes from, paddock rotation, pollination, organic farming, crops, healthy soil, free range egg production, composting and other ethical farming practices. Children can get up close and meet heritage black pigs, free range chickens and see egg production.
- In addition to school tours, 'Farm Kids', holds workshops all year round. These are a 3 hour in-depth exploration of farming through adventure activities. Farm Kids has seen a 20% increase in local participation in the past 6 months & are excited to be welcoming local home school families to the programs too. Farm Kids hopes to work with Uncle Project in the future.
- 24 schools from NSW and Queensland, and over 1000 individual students have attended 'School Tours' at The Farm to date, while approximately 900 children have participated in Farm Kids workshops.

Economically

- Collectively, The Farm and the small businesses it is home to have created over 120 local jobs. Some of these employees have come through Lismore TAFE & Byron Youth Services.
- The Farm and the small businesses it is home to, support local suppliers. We proudly shop local, meaning the multiplier effect is wide spread, creating strong positive economic outcomes for local business people & their families.
- The Farm has provided the space, equipment and seedlings for 3 small local growing businesses to establish.
- Offering land to growers free for 12 months, providing marketing support, and an instant line of repeat business to the restaurant, ensures food sovereignty, zero food miles & optimum quality produce, which in turn benefits growers, consumers and the environment.

Appendix B

Survey Document

Appendix B Survey Document

the farm
BYRON BAY

QUESTIONNAIRE
The Farm (INTERCEPT)

Q. NO | | | |

ie Farm is confidential under the national Privacy Principles, the Market and Social Research Privacy Principles and the Code of Professional Behaviour of the Market Research Society of Australia. No information about this project, questionnaire or respondents should be disclosed to any third party.

STANDARD INTRO
Good morning/afternoon/evening. My name is (Interviewer's Name) We are conducting some research for The Farm and would like your participation.
If you choose to participate the information and opinions you provide will be used only for research purposes. The survey will take around 3 minutes of your time.

TIME START | | | **TIME FINISH** | | |

Day of interview

Monday	**1**	Tuesday	2	**Wednesday**	**3**	Thursday	4	**Friday**	**5**	Saturday	6	**Sunday**	**7**

ASK ALL QUESTIONS- *(DO NOT READ ANSWERS OUT. CIRCLE OR ENTER SINGLE RESPONSE)*

Q1 - Where do you live? For example, what Shire AND Town?
Q2 – What area did you stay in last night? For example, at home, in Byron Bay etc?

Locality	**Q1**	**Q2**
Byron	**1**	**1**
Ballina	**2**	**2**
Clarence Valley	**3**	**3**
Kyogle	**4**	**4**
Lismore	**5**	**5**
Richmond Valley	**6**	**6**
Tweed	**7**	**7**
AND what town or city?		
Brisbane	8	8
Gold Coast	9	9
Other Qld	10	10
Other NSW	11	11
Victoria	12	12
Other Australia	13	13
International	14	14
Other – please specify		

Q3 – Where did you come from today
Q4 – After being at The Farm where are you going to *(E.g. Hotel at Kingscliff would be 'Other' then Kingscliff)*

Locality	**Q3**	**Q3 Location**	**Q4**	**Q4 Location**
Home	1	N/A	1	N/A
Where stayed last night	2	N/A	2	N/A
Work	3		3	
Friends place	4		4	
Meet with family/friends	5		5	
Restaurant/Café in Byron Bay	6	N/A	6	N/A
Restaurant/Café other place	7		7	
Lighthouse in Byron Bay	8	N/A	8	N/A
Airport Ballina				
Airport Gold Coast	9		9	
Other – please specify				

Q5. Is the Farm your primary destination or is a stopping off point on your way to somewhere else -

Answer	
Primary	1
Stopping off point	2

Q6 - What is your main reason for visiting The Farm today

Answer	
Coffee	1
Meal	2
Animals	3
Produce	4
Bread	5
Meeting	6
Catching up with family / friends	7
Other – please specify	

Q7 - How did you hear about The Farm

Answer	
Word of mouth	1
Web	2
Print media	3
Passing by – saw The Farm while driving	4
Do not know / cannot remember	5
Other – please specify	

Q8 – How many people under 15 are in your group

Record number	

The survey is completely anonymous unless you choose to provide your email address, in which case you will go into a draw for two prizes:

1. First Prize has a choice between a dinner at Three Blue Ducks valued at $150 or a Hamper of Farm Goods to the value of $150.
2. Either of the above not selected by first.

- All email addresses and completed surveys will be kept securely.
- The prizes are to be used within 12 months and are transferable.

To enter you in the prize draw would you like to provide your email address?

INTERVIEWER TO COMPLETE – DO NOT ASK RESPONDENT

D1 – estimate age of respondent

18 to 24 years	1
25 to 34 years	2
35 to 44 years	3
45 to 54 years	4
55 to 64 years	5
65 and over	6
Do not know / cannot remember	7

D2 – Sex of respondent

Female	1	Male	2

D3 – Estimate Number of people in the group - - INTERVIEWER TO CODE

Record total number	

Appendix C

Philanthropy at The Farm

Appendix C
Philanthropy of The Farm and Micro Businesses

The Farm
The Farm as the overarching entity undertakes a range of philanthropic activities. Overall, they have donated $45,00 worth of landcare, donations, sponsorships, free plot rental and other items which equates to over 17% of the total profit since opening until March 24, 2017. This includes:

Children
Primary Schools: Free half-day farm experience. 24 different schools have visited between Grafton and Brisbane. There have been approximately 1,000 school children visit The Farm between December 2015 and December 2016.

Group Farm Tours
Self-Guided Farm Tours
Farm Kids Workshops

Kids Passports
The Farm issues a 'passport' to young people who visit. It's a learning tool and it's to keep track of what happens during their visit as they fill it out. Each page asks a question; Why do we have resting paddocks? What type of insects do our flowers attract? How many species of bees do we have here in Australia? How many meals does the Liberation Larder give to those in need a week? So, it not only teaches them about farm activity, environmental growing, knowledge of farm animals, but it teaches them about Liberation Larder, the community organisation that provides meals for those in need in the community through the Byron Bay Community Centre.

Environmental
Regeneration of Simpsons Creek
This has been a partnership with the Brunswick Valley Landcare group, beginning in May 2016. Together they have planted more than 2100 native rainforest grasses, shrubs and trees along the Eastern headwaters of Simpsons Creek. The goal has been to improve water quality of the creek, to increase the biodiversity of the area and to restore the natural environment, while creating a healthy habitat for wildlife.

In line with The Farm philosophy to Grow, Feed, Educate, and Give Back, The Farm has planted native bush tucker throughout the rainforest. The idea is that visitors to The Farm can explore and forage the wide range of native plants this area produces. The chefs at Three Blue Ducks will also get to use the native plants on their menu.

Landcare are also working at regenerating Simpsons Creek beyond The Farm. It's about reconnecting the old with the new and re-building the natural environment that was lost many years ago. The Farm has a small, protected segment of the original rainforest. This is being replicated in the regeneration area.

Community Projects
Northern Rivers Community Foundation (NRCF)
There is a NRCF Wishing Well located at The Farm. 100% of the proceeds are donated to the NRCF. NRCF is an independent philanthropic foundation dedicated to improving the lives of those in the Northern Rivers' communities who are in most need of support. The Farm hopes to raise a substantial amount for a number of charities throughout our community each year. To kick off the launch of the wishing well the owners of The Farm presented NRCF with a $5,000 donation.

Liberation Larder
In September 2016 The Farm partnered with Liberation Larder. Liberation Larder is a Byron Bay based organisation that began in 2009 with a motto of "Rescuing Food Fighting Hunger". What they do is rescue good food that would otherwise end up in landfill and make sure this food reaches people who need it, either as meals or fresh food parcels. They provide a practical solution to the problems of food waste and food insecurity in the Byron community

They supply approximately 550 meals/week – breakfast, lunch and takeaway containers. These meals are spread throughout the local community across Brunswick Heads, Mullumbimby and

Byron Bay areas. The Farm donated Liberation Larder a quarter of an acre vegetable plot (part of the Market Garden) to use to grow vegetables. Since then, the project has turned into a social enterprise with a number of local organisations getting involved. The Sustainable Holistic Integrative Focused Transition (SHIFT) Project Inc. now work the plot and the Byron Bay Herb Nursery donate the seedlings and help with harvesting. Lib Larder buys some plants also.

The relationship initially began with the Three Blue Ducks restaurant who were very supportive of the Larder from when they first began operation at The Farm. When the current Farm Manager, came on board he was looking at different school groups to come onsite to grow vegetables. No school took up the offer. So Hannah and Mark from the Ducks put the Liberation Larder name up. The Farm Manager and Helen Hamilton who runs Lib Larder met and both agreed it would be valuable for both. Lib Larder had been growing vegetables on the verge gardens on Fletcher Street along with some growing on private land. But, they had been wanting to do a community garden. The Farm brought it all together for the Larder from what they'd been doing for a couple of years. In October 2016 they started with three rows 57 metres long. They have a group of volunteers to tend to this. Some of the people who worked on the Fletcher St. verge are now growing at The Farm.

Lib Larder has school groups helping them grow at The Farm. The disability group, New Horizons, also helps. Particularly, they have people with disabilities, and mental health issues who help. Byron Herb nursery also brings some of their people to work.; people with disability and mental health issues.

As of June 2017 there is now a half acre under Lib Larder production at The Farm. There are 19 rows of growing. This is because of the support of The Farm and steady volunteers. Commercial growers at The Farm also give the Larder advice. If they have extra produce they give it to Lib Larder. The Farm also makes available the equipment and supplies on the farm as well as staff labour. There is no rent or water charged.

Because of the help of The Farm Lib Larder doesn't have to buy produce to produce their weekly meals, except on the odd occasion. When Lib Larder started they had no money so they always relied on donations. Now, they are more self-reliant even growing a commercial plot of Rosellas and selling them to the Ducks kitchen for use in the restaurant.

Lib Larder is run entirely with volunteers. None of their volunteers were a commercial grower. Four volunteers started at The Farm. People can tell the difference eating healthy, homegrown food. Lib Larder also educates as they have students and kids come to their plots to learn how to grow food.

When people come to visit The Farm they do walk around and see what Lib Larder is doing. The Farm tours show Lib Larder and what they do and for who. There are Lib Larder signs that people can see independently if walking through The Farm. Feedback from people who visit the Larder at The Farm say they lived on farms and now they want their kids to experience a farm life. Some just want to get out of the city, and the family enjoys being on a farm. Each Saturday morning from 8am-12 noon anyone in the community is welcome to come to help. People who help are able to take home produce that they help grow.

SHIFT Project Inc.
The Sustainable Holistic Integrative Focused Transition (SHIFT) is a local not-for-profit organization which provides short-term educational transition programs for women who are homeless or at risk of homelessness. Women come together to work, care, share and regroup into a positive future. They are working with Liberation Larder at The Farm. One day a week, Tuesday morning, the women (up to five women) from SHIFT come out to help; weeding, seeding, preparation, harvesting in the community plot of land. The women are able to take home the food they help grow.

The Green Army
In June 2016 The Farm joined with The Green Army. The Green Army is a government run practical environmental action programme that supports local unemployed youth by giving them hands on experience in conservation and farming. The programme aims to give youth the skills to better their chances at future employment. The Farm staff and horticulturalist provided onsite training and mentorship to The Green Army. Over a three-month period they

planted and maintained over 4500 trees and bushes, conducted bird surveys and learnt about water quality testing and more.

Fergus & Delilah
The Farm assisted with the launch of the children's picture book, Fergus & Delilah in November 2016. The book is about changing the way children view disabilities. Having the book launch at The Farm encompasses The Farm's focus on inclusion and being a place for the younger generation to come together, learn and enjoy the natural surroundings.

Businesses
The Bread Social (TBS)
The Bread Social provides a wide range of philanthropic donations throughout the community.

- Liberation Larder: Approximately 100 loaves of bread are left over each week and these are donated to Liberation Larder, along with any other bakery items. This assists Lib Larder significantly.
- **Bread is also provided to ???? (Fasha Steen group)**
- Breaking Bread at the Byron Bay Community Centre is a community feast to promote peace and unity in the Shire. TBS donated product and staff to the event
- Jasper Corner: (Federal Hall) is a community facility at the heart of the village of Federal and surrounding areas. As a local facility, they are often the venue used by community groups to host their fundraising events. TBS have supported fundraisers such as "federal loves refugees" through donation on numerous occasions
- Bundjalung Nation Youth Fund raiser: An event to raise funds for local Bundjalung youth to pursue job opportunities in music at SAE Byron Bay. TBS also donated
- Flying Rascals (Jamie Green): A local organisation developing a youth program with the Byron Shire Council that aims to assists disconnected young people find value, self-worth and enter sustainable employment or start their own micro-enterprise. TBS offered support through donation and as a business used to assist youth entering the work force
- Byron Youth Services: BYS is a not-for-profit incorporated community association committed to providing services for young people between the ages of 12 -24 years and their families. TBS established a relationship with them early on in their journey so they may source local youth for job positions as they become available.
- North Coast TAFE: Offers TBS hospitality students as they complete their courses. TBS also conduct work experience for them. Currently they have employed their newest full time apprentice through Lismore TAFE
- Steiner Schools Byron Bay and Mullumbimby: Work with TBS to provide on the job work experience for students from both schools
- Goonengerry Public School: have supported for numerous Fundraising Events to help raise money for classroom equipment not covered by Government.
- People come in to get bread starter for their own bread making

Three Blue Ducks (TBD)
The Three Blue Ducks provide a wide range of philanthropic donations throughout the community.

- Liberation Larder: provided six free cooking/training classes for volunteer staff to upskill them
- Sustainable Holistic Integrative Focused Transition (SHIFT): provided six free cooking/training classes for women in the SHIFT program. The TBD organised for women in SHIFT to work at The Farm in the kitchen to help develop their employable skills
- Byron Community Centre Hub: Food donation for picnic
- Ewingsdale's Biggest Morning Tea: Donation of vouchers and cook books to help raise money
- Mullumbimby & District Neighbourhood Centre: Ran a charity dinner at the restaurant and raised $4,418.26 for flood victims
- Friends of the Circus: Raffle Prize donation
- Buttery: Prize donations for fundraising events
- Bluesfest Busking Comp 2016: main sponsor, gave our space and fed the organisers and judges
- Bundjalung Nation: Donation to fundraising event

- Bangalow Billy Cart Derby: Major sponsor 2016 & 2017
- Boomerang Indigenous Arts Festival: Major Sponsor 2016 & 2017
- Bay FM: Station Sponsor
- Federal Loves Refugees: Sponsor of fundraising event
- Popped Creative Event Byron Bay: Major sponsor 2017
- Stars of Byron Shire Dance for Cancer: Donation to fundraising event 2017
- Bangalow Community Centre Annual Fundraiser: Donations 2015/2016
- Ocean Shores Public School Festival: Sponsor 2016 and 2017
- Cunning Stunts: regular sponsor of their fundraising events -March 2017
- Team Rubber Ducky in the 2017 Shitbox Rally (Cancer Council) February 2017
- Catering for the Breaking Bread Community Picnic at the Community Cabin June 23 2017
- Northern Bulls Basketball team: Major sponsor
- Suffolk Park FC: Sponsor 2016
- The Board Meeting Surf Charity Event: Major sponsor 2016
- Byron Bay Mal Club Surf Charity Event: Major Sponsor 2016
- Friends of the Library Byron Bay February 2017
- Educate the Future Byron Bay September 2016
- Tweed Ballina Byron Bay Community Transport April 2016
- Byron Bay Longboard 2016
- Byron Respite Services February 2016
- Fundraiser in conjunction with Stone and Wood for NRCF December 2016
- Byron Pre-school July 2015
- Catered for Byron Bay Community Centre's community Christmas dinner December 2015

Appendix D

Newsletters/Advertisements

THE FARM
COMMUNITY

GROWERS COLLECTIVE



GREENS FROM THE FARM

It's brassica time! The team at Greens from The Farm has beautiful heads of broccoli ready for the visitors at Three Blue Ducks and a variety of cabbages as well. It was just last month that the team wrote about the cabbage leaves folding over to form the heart of this amazing vegetable. This month the harvest has started and they are being sent directly to the kitchen. This produce will be used by the chefs at Three Blue Ducks, by the bakers at The Bread Social and it will also be available to purchase directly from the Produce Store.

Last month the team spoke about preparing the ground for the new season garlic. The garlic has since sprouted and is already 5cm tall! Lynette and Josh contribute its prolific strike rate of 100% to the rich compost made here on site at The Farm, resourcefully using all the kitchen scraps to ensure nothing is wasted.

Items currently being harvested at Greens from The Farm: Broccoli, cabbage, kohlrabi, bok choy, kale, spinach, ginger. Herbs include coriander, parsley, dill, shallots.

Eight varieties of bitter greens and edible flowers that make up their much loved garnish mix and 3 varieties of large leaf lettuce for their standard mix. And the ever popular baby cos heads.

With the recent cabbage harvest, Lynette has offered readers her favourite sauerkraut recipe. Enjoy!

www.stupidsexygarden.com/2014/06/23/beet-ginger-sauerkraut/



FREE SELF-GUIDED FARM TOURS

7 DAYS A WEEK

BETWEEN 9AM - 4 PM

Collect one of our maps from below the wooden welcome signs or in the restaurant and follow the trail outlined.



OUR NEW FARM PASSPORT

Looking for a fun activity to do with the kids?

Collect one of our new kids passports from below the wooden welcome signs. This passport will take you to all our favourite locations around The Farm.



EVAN'S EDIBLE ECOLOGY

The subjects of plant genetics, species, subspecies and sub-varieties are some of Evan's greatest interests. In a world where the climate and weather patterns are moving ever further from their normal range, the observation of the parameters within which a species succeeds is of great importance.

There are two general categories of genetics with which farmers' work. Many people have heard of heirloom/open pollinated varieties, and hybrid varieties; the major difference between these two is that you cannot save the seed of hybrids and keep the genetics true.

Heirloom/open-pollinated varieties have been slowly selected, year-to-year, within the gene-pool for bigger, stronger, healthier plants, or specific characteristics. When allowed to go to seed, they will stay true to type (that is: if you plant the seed collected from the plant, it will grow the same plant, expressing the same characteristics).

Note: this is assuming you don't inadvertently hybridise your own crops; say by growing two corn varieties, or two pumpkin varieties close together.

Hybrid varieties are crosses of two related plants with the aim to achieve either vigour and disease resistance, and/or harvestable qualities (for example: a bigger, or longer lasting tomato or lettuce). It isn't much different than your friends' Labradoodle. The crux with these guys is that, if you were to grow out the seed, collect the seed and plant it, you would not get the same productive qualities (shape/size/colour) and/or disease-resistance as the parent, but rather a whole smorgasbord of different plants.

Right now at the patch, we've got a Japanese variety of snow pea (Yukamo giant) which has grown 6-foot-tall before just recently flowering its gorgeous purple flowers. Right down from it is a variety of sugarsnap pea which started flowering when it was 1-foot-tall, and is already laden with fruit. The sugar bon is quick, but doesn't accumulate much energy before flowering, and will finish its lesser production in a shorter time frame. The Yukamo giant will have a delayed time till production, but will produce much more, and for longer. Both are heirloom varieties.

FARM KIDS CELEBRATES NADIOC WEEK

4 JULY - NADIOC WEEK SPECIAL WORKSHOP

This school holidays there will a unique new workshop running on the 4th of July dedicated to NADIOC week. This is a very unique workshop and will feature special guest Delta Kay, Arakwal Aboriginal Educator plus a rare visit to the 'Big Scrub' rain forest remnant that The Farm is home to. During this workshop and tour of The Farm, kids will learn about traditional and introduced foods, plants and wildlife. They will examine a native bee hive and collect macadamia nuts to make macca butter. They will then cook up a yummy lunch using some native local ingredients and produce picked from the market garden.

FOR MORE INFO VISIT: www.thefarmbyronbay.com.au/whats-on

THE FARM
COMMUNITY

THE BREAD SOCIAL



THE BREAD SOCIAL

The creative bakers at The Bread Social have been kneading up a few new tasty creations as winter kicks in. Their Chocolate and Orange Sourdough is proving to be popular with both children and adults. First they slow roast the orange so it is semi-dry – these oranges are sourced locally from up the road at the Newrybar Fruit Farm. The oranges then get mixed in with the dark chocolate starter and then baked. This is a delicious take on The Bread Social's much loved sourdough and is delicious toasted and served with butter.

If you're after something more savoury, the new Beetroot Loaf is a must try. The loaf is made of roasted beetroots, dill, walnuts and seeds. This is great if you feel like mixing up your standard sourdough order and makes for an extra tasty sandwich.

three blue ducks.



THE SUNDAY ROAST IS BACK

Three Blue Ducks has exciting news about bookings! The café and restaurant now take breakfast and lunch bookings Monday to Friday. Breakfast bookings can be made from 7.30am and lunch bookings from 12.15pm. There is still room for walk ins, so please feel free to continue to do this.

For breakfast and lunch on the weekends just turn up and the team will make sure you get seated as quickly as possible. Dinner bookings from Friday to Sunday continue and you can book a table from as early as 5.00pm.

With Winter well and truly upon us, the team has crafted a new lunch menu with Winter warming dishes based on vegetables from The Farm. The team plans to have a soup of the day and Sunday Roasts are back on!

flowers at the farm



WINTER FLORAL WORKSHOPS

Ros and Elle from Flowers at The Farm are pleased to announce that they will be holding their very popular Winter Floral Workshops again this year.

The workshop will cover floral care, floral design and styling, picking and foraging and lots of exciting tips and tricks.

The classes will run through June and July with dates being announced on their Instagram next week. These classes are perfect for beginners and great weekend activity to do with a friend. Come and discover your creative side this Winter.

For all enquiries and bookings please call Flowers at The Farm on (02) 6684 8092

farm kids



SCHOOL HOLIDAY WORKSHOPS

The June/July school holidays are rapidly approaching, so Mums and Dads be prepared. The Farm Kids workshops are now live on our website so check out the What's On section to make your bookings early and avoid missing out.

This school holidays there will be the regular 3 hour workshops taking place over 12 days and on 3 days - 3rd, 5th and 7th of July, there will be the full day Mini Farmers Program. Every day has a different focus and for those regulars, we have added 3 new workshop topics to our list. Kids can now learn about seeds and flowers and the 3rd new workshop will be dedicated to NADIOC week.

All details are on these workshops can be found on The Farm website.

So kids...come get your hands dirty and learn some awesome things about farm life. Mums and Dads you too are welcome to join us or you can take a well-earned break and enjoy The Farm.

THE FARM

GROW • FEED • EDUCATE • GIVE BACK

FARM NEWS

JUNE - JULY 2017

THE FARM
NUTRITION



SNOW PEAS & SUGAR SNAP PEAS

Snow Peas and Sugar Snap Peas are both climbing plants, they are both members of the legume family, they look very similar and they are both sweet and crisp. However, they have some subtle differences.

Snow Peas are flat pods with very small peas inside. They are harvested before the peas mature. You can eat the whole pod, although the tough 'strings' along the edges can be removed before eating. They are mildly flavoured and can be eaten raw or cooked.

Sugar Snap Peas, sometimes just called Snap Peas, are a cross between Snow Peas and Garden Peas. Sugar Snap Pea pods are thicker than Snow Pea pods and they 'snap' like a green bean, hence the name. Unlike the Snow Pea, the Sugar Snap Pea is picked at a more mature stage when the pods are fully rounded rather than flat. You can eat the whole pod raw or cooked, but it is recommended that you remove the stringy edge. Their flavour is sweeter and their texture crunchier than a Snow Pea.

Keep an eye out for Evan's snow Peas and Sugar Snap Peas on the menu at Three Blue Ducks.

Growing

Both Snow Peas and Sugar Snap Peas grow on vines. They need well drained soil and the support of a trellis system to manage their vigorous growth and to make harvesting easier. They are best grown in the cool seasons like right now!

Cooking and Eating

Snow Peas are delicious raw and in salads, steamed or used in a stir fry. The shoots may also be used in Asian cooking and in salads. Snow Peas are often referred to as Chinese Pea Pods and sautéed Snow Pea Shoots are popular in Chinese cuisine. Stir fry some pods in oil with rice wine and sliced Chinese sausage.

Sugar Snap Peas have similar uses but make sure you top and tail them and remove the stringy edge. You can blanch Sugar Snap Peas and add them to a salad or simply stir fry them with garlic and salt and pepper.

Nutrition

Snow Peas and Sugar Snap Peas are low in calories and are a good source of fibre, vitamin C, iron, potassium and magnesium.

100G SERVING OF RAW EGGPLANT PROVIDES:				
42 cal	2.8g protein	0.2g fat	7.55g carbohydrate	2.6g fibre

Source: https://ndb.nal.usda.gov

THIS MONTH
ON THE FARM



PASTURED PIG FARMING WORKSHOP

SAT 17 & SUN 18 JUNE

9:00 AM - 5:00 PM



FARM KIDS SCHOOL HOLIDAY WORKSHOPS

JUNE & JULY

VISIT OUR WEBSITE FOR MORE INFO



GUIDED FARM TOURS
(SELF-GUIDED TOURS ALSO AVAILABLE)

EVERY DAY

10:00 AM - 10:45 PM

WORKSHOP BOOKINGS ESSENTIAL

For more information, on any of our other fun and educational workshops, please visit: www.thefarmbyronbay.com.au/whats-on

the farm

(02) 6684 7888 | info@thefarmbyronbay.com.au | thefarmbyronbay.com.au

WELCOME

It's officially winter, one of our favourite seasons here at The Farm. We love that the cool nights justify the lighting of our cosy fire pit. There's nothing better than having a drink with colleagues on a Friday afternoon huddled in front of the warming flames at the end of the work week.

We are also super excited about the return of Three Blue Ducks Sunday roasts. We love getting our family and friends together to enjoy the finely cooked farm produce in the warmth of Three Blue Ducks on a Sunday afternoon. Equally exciting is the introduction of a daily soup that The Ducks have created. The team incorporate farm fresh produce grown with love by our loyal collection of growers into a nutritional bowl of goodness for all that visit the restaurant.

We have winter school holidays fast approaching and a full schedule of workshops especially for the kids. Our little tribe can't wait to take part in the new Mini Farmers Program which will be an exciting educational full day workshop created by the beautiful Trudi from Farm Kids. Read on for more details.

Animal husbandry is up there on our list of priorities and passions and we thought you may be interested to read an interview with our legendary pig educator Lee McCosker below.

Enjoy the open fires, hearty meals and all the beautiful comforts of winter.

Tom, Emma and the farm family

PASTURED PIG FARMING

Just like we pasture raise our chickens here at The Farm, we also pasture raise our pigs. That means that our pigs live in paddocks, free from the confines of feedlots or stalls used in other pig farming methods. It is without doubt the most ethical way to breed pigs, with plenty of room to roam and fresh pastures to forage.

Here at The Farm we have been running Pastured Pig Farming workshops for people wanting to enter the pig farming business or to gain a better understanding of the industry. The workshops are led by industry expert Lee McCosker from the organisation PROOF (Pasture Raised On Open Fields). Lee has helped our workshop participants learn all there is to know about running an ethical, sustainable and profitable pastured pig farming business. We sat down with Lee to chat about the pig farming industry. Here is what she had to say...



In the pig farming world, what does free range mean?

Free range has no legal definition in the pig industry. There are the same consumer expectations as for layer hens, that is, that the pigs should spend their days free to roam and forage on open pastures. The reality is that supermarket free range pork is produced in feedlots with very little opportunity for the pigs to roam and with no real access to pasture.

Do you think this is an ethical way to farm pigs?

The intensive version of free range is a good step forward from pigs grown out on concrete floors never seeing sunlight but, these systems can still employ the use of sow stalls and farrowing crates. The consumer is sometimes misled because they do not understand industry terminology and that the pork that they eat comes from very young animals. Their mothers however may be treated very differently.

What is the difference between free range pigs and pasture raised pigs?

The term free range is just as confusing in the pig industry as it is for eggs. Some genuine producers still use the term free range, unfortunately many take advantage of the demand and keep their pig's feedlot style on dirt. Pastured pigs must have access to open fields and be able to graze and forage.

In comparison to other meats like beef, is pork on par with these farming methods?

It is difficult to compare pigs to cattle and other grazing ruminants that are designed to ferment pastures to meet all their nutritional requirements. Pigs are different because they are single stomached animals, just like us, and need a much more varied diet to keep them healthy and productive. The pigs' ancestors were forest dwellers and scavengers just like the chicken, so we have to provide feed inputs to make sure their nutrition is adequate. Pigs do eat a lot of grass but it is not the only feed they require to stay healthy and feed their abundant litters of piglets.

Why don't we see pasture raised pork products in the supermarkets?

Pasture raised pork is much more labour intensive and requires a lot more land than intensive piggeries. Pastured production also requires a commitment from the farmer to manage the environment that they are farming while maintaining the welfare of the pigs. This means that pastured pork is not produced at a price or in the quantities demanded by supermarkets. You do see pastured pork occasionally in the independent supermarket chains that support local farmers.

Where can we shop if we want to buy pasture raised pork?

Farmers markets, boutique butchers, independent grocers (IGA for example), box systems direct from the producer, wholefood outlets etcetera. Approach your local butcher and tell them you want pastured pork. These guys are often looking for ways to compete with the supermarkets.

What is your background in pig farming?

I have been involved in pastured pig farming for 17 years. Many of those years were spent operating a 175 sow free range operation. I have written two books on pig farming and have been involved in promoting pastured production through PROOF for many years. For the past five years I have hosted on farm training courses for pastured pig production and I also teach Pork Production at NSW TAFE. My qualifications include Diploma Ag. (Pork Production) Diploma Ag. (Applied Animal Nutrition), Diploma Sustainability. I am also a qualified trainer and assessor and Food Safety Auditor.

Lee will be hosting a one day and a two-day Pastured Pig Farming Workshop at The Farm this month on 17th and 18th June. For more information on this workshop or future workshops please visit the What's On page of our website.



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THE FARM

THE FARM began with a small team of like-minded people passionate about the future of food security, sustainability and organic farming practices.

This team included growers, bakers, restaurateurs and florists. They collectively shared the same values and supported the vision of owners Tom and Emma Lane to build a working farm accessible to the community.

With the motto 'Grow Feed Educate' as their guiding philosophy they gently revived the 86 acre site of disused farmland in Ewingsdale, creating a space for anyone and everyone to visit and learn about food provenance.

'The Farm' is now the umbrella for several independently owned local businesses that work collaboratively and support each other. The Growers' Collective supplies Three Blue Ducks restaurant and Produce Store with fresh produce and Flowers at The Farm with blooms. The Farm supplies The Bread Social bakers with pasture raised eggs and Three Blue Ducks with beef and pork. The Farm also provides a venue for Farm Kids educational workshops where children learn about the origins of their food. It's a unique interdependent business relationship.



Emma and Tom chat to Farmer Evan about winter harvest plans.

Some Farm Facts:

- 4,500 native trees have been planted to regenerate the Simpsons Creek waterway with the assistance of Brunswick Valley Landcare, North Coast Local Land Services, the Green Army, Mullumbimby Creek Native and Burringbar Rainforest Nurseries,
- 72 tonnes of kitchen scraps from Three Blue Ducks restaurant has been composted onsite annually,
- 1,000 students have attended 'School Tours' at The Farm and more than 900 children have participated in Farm Kids workshops,
- All our animals are pasture raised. Our hens have up to 7 times more space per animal to roam than industry standards,
- The Farm is 100% chemical free. Our Growers' Collective follows organic farming principles,
- Collectively, The Farm and the small businesses it is home to, have created more than 120 local jobs,
- The Farm has provided the space, equipment and seedlings for three small local Market Garden businesses
- The Farm has donated one quarter of an acre of land for Liberation Larder to grow fresh produce to feed those in need in our local community.



GROW

GROW is about growing food for the community and increasing awareness about sustainability and wellbeing. 100% of the produce grown in the Market Garden by The Growers' Collective goes into Three Blue Ducks kitchen and Produce Store and to The Bread Social 100 metres away. Visitors can take a stroll around and see the paddock to plate philosophy in action.



FEED

FEED is about feeding the animals, the Market Garden crops and the land in order to nourish people. The Farm ethically pasture raises all animals, rotating them regularly to ensure fresh paddocks to forage. Organic farming principles are paramount and a particular focus is on regenerating depleted sections of farmland with native plantings.



EDUCATE

EDUCATE is about providing an accessible environment for the community of all ages to come together and learn new skills and share knowledge. A fundamental part of this is inviting industry leaders onsite to build partnerships whilst promoting sustainable, ethical and organic farming practices. Children are also a focus through the Farm Kids program which is in full swing these holidays.

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THE FARMERS

*Meet the farmers, three independent local businesses that form the **Growers Collective** at The Farm.*

JOSH & LYNETTE - GREENS FROM THE FARM

When I ask fifth generation Byron Bay local Josh Dooley what The Farm means to him he goes unusually quiet and lowers his head. He takes a big breath and looks deep into his dirt stained hands, searching for the right words, while his wife Lynette looks on.

"It means everything," he says finally.

"I love meeting the families who visit The Farm as they walk through the market garden while we're working. It's great to see them spending time together. It's beautiful that there is a place in Byron where families can come and connect with each other and to the land.

"It's rewarding to know we're feeding thousands of people organic food that we grew in the ground right here.

"All the hard work in setting up our plot from scratch and running our business at The Farm has been so worth it."

Lynette nods her head in agreement. "It's definitely one of my happy places," she says. "Even at 5.30am in the middle of winter." They look at each other and laugh.

Josh and Lynette are part of the Growers Collective at The Farm, an initiative that provides land rent free for 12 months to assist small scale growers get their businesses off the ground. Josh and Lynette are now in their third year at The Farm and say this leg up was invaluable to them in getting started.

Their produce business Greens from The Farm occupies a 1.25 acre plot at The Farm and their entire harvest of seasonal produce is sold to the Three Blue Ducks restaurant and Produce Store and to The Bread Social bakery next door. They also supply sunflowers to Flowers at the Farm for sale during the warmer months of the year.

Making a livelihood growing organic produce wasn't always on the radar for Josh and Lynette. Josh worked at the Retravision store in Byron Bay for 10 years while Lynette was a chef from Sydney with time in the kitchen at Icebergs and Bills. She made the move to Byron Bay where she met Josh and became head chef at Fishheads before setting up her own business 'Dine at Home'.

It was through Lynette's business that she crossed paths with Tom and Emma Lane, the founders of The Farm. Josh and Lynette's interest in growing and cooking fresh produce increased and it wasn't long before they were maintaining the Lane's half acre vegetable patch in Federal. In hindsight, this was their trial ground for what was around the corner.

When Tom invited Josh and Lynette to take on their own market garden plot at The Farm they took a leap. They also tied the knot!



But there was no time for a honeymoon. One week after their wedding, Josh and Lynette took their first delivery of seedlings and began planting out The Farm. That was almost three years ago. They now have two daughters – Lilian and Amelia who are regular helpers in the market garden.

During peak times, Josh and Lynette plant between three and five thousand seedlings a fortnight. Their organic seedlings are supplied by local business Seedlings Organic at Tintenbar. To ensure their business is profitable and sustainable, Josh and Lynette work with the chefs from Three Blue Ducks and the bakers from The Bread Social to decide what to grow. Their garnish mix is a regular order for the restaurant and includes 15 ingredients such as salad leaves, herbs and edible flowers. They supply the bakery with a variety of produce including herbs, spinach and Warrigal greens.

Josh and Lynette also grow garlic, kale, spinach and Rainbow chard and this year they are harvesting their first season of Brassicas. They also have a trial ginger plot underway with friend and colleague Farmer Travis from The Farm. Josh says the early results look great!



EVAN - EVAN'S EDIBLE ECOLOGY

Evan from Evan's Edible Ecology is the newest independent grower to join The Farm. He has hands-on experience in local small scale farming, having established three other market gardens in the Byron Shire during the past four years. These experiences have highlighted for him the difficulties associated with setting up a sustainable market garden from scratch, particularly for young people.

To help get him started, The Farm gave Evan a half acre plot rent free for the first 12 months.

"This opportunity at The Farm has given me a sense of security," says Evan.

"The investment and vision for the place is allowing a space for farmers to grow organic food and be financially viable. It's a model I have been dreaming about."

The Farm's General Manager, Johno Hunter, is very aware of the costs in setting up a market garden.

"It's not just the seedlings to think about, there's weed mat, compost and organic fertilisers plus your tools and machinery," says Johno.

"If we can help young farmers like Evan make a go of it by providing some farmland rent free and offering them access to our farm machinery and equipment free of charge then, why wouldn't we?"

Evan has spent recent weeks preparing his plot with compost and nutrient enrichment in readiness for his Autumn plantings. He is using compost from another young, local business 'Coastal Feeds' that's made with waste from the Stone and Wood brewery.

Evan is currently growing a wide range of vegetables for the Three Blue Ducks restaurant and Produce Store in his plot including many trellis varieties such as his childhood favourite sugar snap peas, cherry tomatoes, soil grown sunflower sprouts, Japanese turnips, collard greens and kang kong.



GRANT - THE PLOT AT THE FARM

I search for Grant in the market garden but there's no sign of him or his faithful four-legged companion Jeta. It's unusual, given it's a beautiful Autumn day on The Farm, with clear skies and sun shining. Then I spy the normally playful Kelpie cross pup lying in a gloom across the farm shed entry. It's a sure sign that Grant is nearby. Moments later he appears. He tells me that Jeta has been sin-binned for her overzealous puppy behaviour out in the market garden. She jumps into his arms for forgiveness and suddenly all is good in the world again.

Those who have met Grant on duty at The Farm in the market garden or on one of his guided Farm Tours know that he is as passionate about his canine bestie as he is about his half acre market garden space at The Farm.

"For me The Farm is an important beacon providing people with an example of how we can move forward to a more responsible way of providing food," says Grant.

"It's great that The Farm provides an opportunity for people like me to take on a passion and benefit the community at the same time."

Grant has been working on the plot for more than a year. His background is in furniture design and hospitality but one of his great passions is permaculture design. So after 10 years serving food and running his own café in Canberra, his heart wasn't in hospitality anymore, so he packed his things and headed north for a new direction.

Landing in the Northern Rivers, Grant formed friendships with many of the young farmers in this area. These networks quickly led him to The Farm where he learned the ropes of small scale farming hands-on. He is now working hard to build his produce business, supplying the Three Blue Ducks' restaurant and Produce Store, and he is about to take on another local farming enthusiast from Mullumbimby to help him manage things.

Grant is currently growing bush beans, carrots, beetroot, radish, swedes, parsnip, fennel purple broccoli and green cabbage. Together with the other Growers at The Farm they have developed a 12-month planting and harvesting schedule for the market garden. This plan enables the Three Blue Ducks' chefs to plan their menus based around their 'farm to table' crops.

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PRODUCE. **PEOPLE.** PASSION.



THE BREAD SOCIAL

The Bread Social is much more than a collective of passionate artisan bakers who founded a successful business at The Farm handcrafting sourdough breads and Instagram worthy pastries. They are also bakers with a social conscience – hence the name 'The Bread Social' - who are passionate about food provenance, who support the 'farm to table' philosophy and who advocate for social causes in the local community.

The Bread Social was established at The Farm two years ago by the three likeminded bakers - Sammy Saulwick, Tom Scott and Paul Giddings. At the core of their business plan was a commitment to using produce grown at The Farm, supporting local suppliers and giving back to causes they were passionate about.

The three bakers, who originally met and worked together at the Bourke Street Bakery in Sydney, were set on establishing a small, artisan bakery business with an organic focus. Three Blue Ducks introduced the ambitious threesome to Tom Lane who shared their appetite to create an ethical and sustainable food business in keeping with community values. They were the perfect fit for the "Grow. Feed. Educate." model.

For Sam, the new venture meant a return to his hometown, where his restaurateur parents once owned The Beach Café and Orient restaurant. Paul had been working at Harvest bakery in Newrybar and Tom soon made the move north to complete the picture. It was the starter for The Bread Social.

Sticking by their 'farm to table' commitment, the bakery uses fresh produce grown by the independent growers in The Farm's Market Garden every day. In fact, 70% of the bakery's products include fresh produce from The Farm, including pasture raised eggs, seasonal herbs, tomato varieties and eggplants. The bakers are always keen to try any new produce that the independent growers can supply. Last year The Bread Social even planted, harvested and milled their own trial wheat crop with good success. Stay tuned for more trial crops in 2017. All other ingredients used at The Bread Social come from local growers, producers and suppliers, except for the organic flour which comes from a small, family owned business in Inverell.

The passionate bakers are also living their word to support social causes in the local community. In particular, they employ local youth. With the aid of Byron Youth Services and TAFE they have given opportunities to many disenfranchised youth who might otherwise be overlooked.

Today, The Bread Social employs 35 staff across two sites. The Farm was their launchpad and in late 2016 they opened their second bakery at Tweed Heads. It seems that their starter is on the rise.





THREE BLUE DUCKS

Three Blue Ducks at The Farm are passionate about honest, ethical and sustainable food. In the kitchen, they use fresh produce grown in The Farm's Market Garden next door. They also sell any excess produce from the independent growers through their Produce Store. That's called zero food miles!

The Chefs from Three Blue Ducks are a 'hands on' team. Don't be surprised to spot them out in the paddocks at The Farm in their kitchen aprons inspecting the cattle herd or drift of pigs destined for the restaurant.

The Farm aims to supply the restaurant kitchen with two ethically pasture raised pigs a week!

Three Blue Ducks Chefs also work collaboratively with The Farm's Growers' Collective and regularly hold meetings in the Market Garden to discuss the upcoming harvest, restaurant menu and future plantings. Where the indepdent growers can't supply an ingredient to the kitchen, Three Blue Ducks supports other local growers and producers.

During busy times at The Farm, it's all hands-on deck, with staff from across the businesses willing to lend a helping hand. When a new flock of layer chickens arrived last year, the Chefs and Staff from Three Blue Ducks downed pans to help the farmers unload them swiftly and comfortably.

FLOWERS AT THE FARM

It's a family affair at Flowers at The Farm with long-time local resident Ros Macdonald and her daughter Elle the passionate creatives behind the blooming business.

Ros established her first floristry business in Byron Bay back in 2006. Elle joined her in business more recently and together they set up Flowers at the Farm in their rustic nursery and flower shed at The Farm in March 2015.

Flowers at The Farm works with local businesses to stock locally grown plants, herbs and seasonal blooms and they are excited to be expanding their nursery range. They sell a wide variety of herbs grown at the Byron Bay Herb Nursery, an enterprise that provides employment and training opportunities in the Byron Shire for people with an intellectual disability.

They stock nursery plants from the nearby Bangalow Wholesale Nursery, a small production business specialising in premium trees and shrubs. They also stock sub-tropical plant varieties from Prestige Plants in Alstonville.

Where possible, Flowers at The Farm also stocks flowers grown in The Farm's Market Garden, such as the famous giant sunflowers you see during Summer and Autumn that line the approach to The Farm along Ewingsdale Road.

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GIVING BACK



The Farm was created as a green space for people to gather and experience a working farm - a place where families could visit, free of charge to reconnect to the land and learn about food provenance, small scale agriculture and wellness from the ground up.

In addition to The Farm's philosophy and guiding principles to 'Grow. Feed. Educate' the team work hard to find ways to 'give back' to the local community. The first goal was to restore the neglected farmland and plant food. A market garden based on organic farming principles was established, while beef cattle and chickens were put to pasture. The next goal was to establish authentic community collaborations and relationships based around 'giving back' that would benefit the wider community.







SIMPSONS CREEK REGENERATION PROJECT

The Simpsons Creek Regeneration Project is a long-term community collaboration designed to improve the water quality of the creek that runs through The Farm. The main aim is to increase biodiversity of the area and to restore the natural environment, while creating a healthy habitat for wildlife.

Simpsons Creek runs through The Farm, flowing north towards Brunswick Heads, where it joins the pristine Brunswick River before flowing into the Pacific Ocean.

In May, 2016, Brunswick Valley Landcare, North Coast Local Land Services and The Farm collaborated onsite to plant 2,500 native grasses, shrubs and trees along the eastern headwaters of Simpsons Creek. The grasses planted help bind the ground to prevent wash outs during heavy weather, while the shrubs and trees create a shaded area for fish to breed and to prevent weed growth. All plants were supplied locally by Mullumbimby Creek Native Nursery and Burringbar Rainforest Nursery.

In June 2016, The Green Army joined the project and planted an additional 2,000 native plants. Some native foods were also planted including Davidson Plum, Lily Pilly, Native Ginger, Lemon Scented Tea Tree and native tamarind which will provide opportunities for foraging and education.

The Farm has a full time dedicated member of staff, Jodie, who spends most of her day on the regeneration project. Being a 100% chemical free farm, much of Jodie's time is spent hand weeding and maintaining the regeneration areas, which in turn ensures that the local waterways remain clean and helps protect the delicate ecosystems along the length of the creek.

The Farm is planning Volunteer Days for the Simpsons Creek Regeneration Project in the near future, so sign up to their Newsletter and Social Media for details about these days if you would like to participate in 'giving back'.

LIBERATION LARDER PROJECT

In September 2016, The Farm donated land in their organic market garden to local charity Liberation Larder for growing fresh, nutritious produce to feed those most in need.

Liberation Larder's motto is 'Rescuing Food. Fighting Hunger'. To fight hunger in the local community the charity supplies approximately 550 meals a week through there distribution outlets in Brunswick Heads, Mullumbimby and Byron Bay. The volunteers also supply food parcels containing rescued food from local supermarkets, shops and manufacturers that could otherwise have ended up in landfill.

As a community collaboration, The Farm and Liberation Larder realised they could grow a consistent supply of fresh produce for cooking these prepared meals and for adding to the food parcels. The Farm prepared the market garden plot and a team of independent growers and staff shared their gardening skills and tools to help the Liberation Larder volunteers plant and harvest their first crops.

Since then, the project has turned into a social enterprise, with several local organisations jumping on board. The S.H.I.F.T Project Inc., a local not-for-profit organisation which provides short-term educational transition programmes for women who are homeless or at risk of homelessness, helps maintain the plot along with staff from the Byron Bay Herb Nursery who donate the seedlings.

Liberation Larder is expanding their market garden plot and is keen to expand the team of like-minded volunteers. If you can spare a few hours on Saturday mornings from 8am – 10am, come along to The Farm and the market garden where they will gratefully accept your assistance. Make sure you wear sturdy shoes, sunscreen, and a hat.

NORTHER RIVERS COMMUNITY FOUNDATION

In June 2016, The Farm became home to the Northern Rivers Community Foundation (NRCF) 'Wishing Well'.

NRCF is an independent philanthropic foundation dedicated to improving the lives of people across the Northern Rivers. The community collaboration sees 100% of donations to the 'Wishing Well' support local social, environmental, cultural and education causes.

To start the fund Tom and Emma Lane, the Co-Founders of The Farm, donated $5,000 towards the foundation.

The 'Wishing Well' is a great way to collect donations from visitors to the region to support charities in our local community.

For more information on how you can contribute to The Farm's 'give back' projects keep an eye on The Farm's social media pages, website and newsletter.

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Appendix E

List of Similar Tourism facilities in Byron Shire and neighbouring Shires

Appendix E
Other 'similar' type farmland businesses in the Region

Tropical Fruit World Tweed
This has been operating for over 30 years. The land (76 hectares) was purchased in 1972. It was a run-down small crop farm. It became Avocadoland in 1983 opening its gates as a tourist attraction for the first time. Avocadoland evolved in Tropical Fruit World in September 1995.

It showcases sub-tropical fruit trees. However, it has wildlife boat cruise, a fauna park, a miniature train, café restaurant, and recreation equipment: putt-putt golf, volleyball, flying fox and games equipment.

There is a safari by tractor train and farm tour. The Plantation Café open from 10-4 every day except Christmas day. The Plantation House restaurant is also available for breakfast, lunch or dinner functions or an event can be catered for. The café and restaurant are fully licensed. They can customise the setting: courtyard dining in Plantation House restaurant; informal eats in Plantation Café; al fresco in the Orchards; or picnic party in bush land setting on The Island.
Tropical Fruit World says they are a "tourist attraction and commercial farming operation distributing quality tropical fruit produce to interstate markets across the country". Three generations of the Brinsmead family are involved. The business is described as agri-tourism. Their website says that the family "continues to focus on best practice environmentally sustainable farming methods – practices promoted by the Founder of Tropical Fruit World for more than 30 years. They carefully select water management and soil conservation techniques together with growing, harvesting and packing methods to prevent any adverse impacts on the environment or harm to consumers." The fruit is sold to the wholesale markets in most Australian capital cities, in addition to selling it at the Fruit Market onsite. They have a year round core staff of 35 employees.
There is free entry to the Plantation Pavilion, which is open from 10am-4pm all year round. The Pavilion houses a fruit market, café, gift market, ice cream bar and juice bar. The activities on site are paid entry only. The cost of the park tour is $47/adult, $25 child (4-16 years), a family (2A=2C) is $115, a family (2A=3C) is $130, Concession is $38. There is a half price local's price for Tweed, Gold Coast or Byron Shire residents. You have to sign up.
The website advertises that they are located between Surfers Paradise and Byron Bay, said to be a 35 minute drive (including a photograph of the Byron Lighthouse). Additionally, it advertises Crystal Castle being a 45 minute drive. They have welcomed over 2 million visitors since beginning.

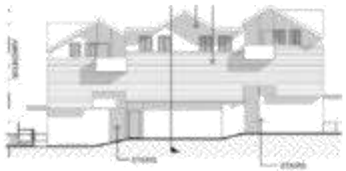
Macadamia Castle, Knockrow
This attraction has been open for over 40 years, opening in 1975. The owners call it an important community asset. They have had their struggle to exist. "... the daily challenges I face at the Castle are nothing new and that ever since we opened, the bureaucracy has struggled to accept our place as an important Northern Rivers icon. I guess that is understandable, after all there is probably no rulebook that tells the various officials how to deal with an English-style castle based around the theme of the macadamia nut but operating as a café retail store and animal park." It is open 8am to 5pm daily. There is an animal park, café, nut bar, 18 hole mini-golf course, train ride, playground, fine food section and retail store. It is considered to be entertainment and education. They operate holiday programs, special events, host birthdays, Facilities include: indoor conference room seating 60 persons or cocktails for 120, outdoor covered BBQ or event area for 100 or 150 standing, pond stage seats 80, fully equipped kitchen and chefs on premises or outside catering permitted, parking for over 100 cars. They employ over 50 staff including various trainees, long-

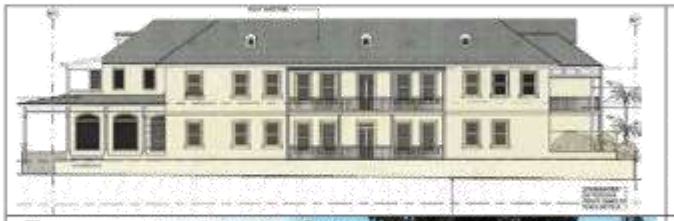
term unemployed, students and a core staff. They have over 300,000 visitors per year from all over Australia and the world.

There is paid entry to the animal part of the attraction. A 12 month park pass is $60 for an adult and $50 for a child. There are group passes for not for profit and care organisations.

Crystal Castle, Montecollum
The 'castle' itself was built in 1980, designed by "eccentric architect" Edwin Kingsbury. The building concept was of "harmonious architecture", a round central building with 4 radiating wings, no 90 degree angles, with reflecting ponds and had it built where the ley lines, or earth's energy lines, intersect. The owner, Mal Cooper, used the very best materials around the region and went broke building it. The current owner, Naren King, found the castle in 1986, which was on 25 hectares of land near Mullumbimby. He was knocked back by five banks but persisted and found backing from a Harley-Davidson-riding bank manager who loved the adventurous nature of the business. And so began Australia's first direct importer, named Crystalight, of quality, natural crystals from around the world supplying wholesale crystals around Australia. Dhira King began years of massive re-planting of the decimated land, which had been cleared for grazing and banana growing. Eventually it became known as the Crystal Castle and was open for limited trading to the public. It evolved as people loved being there so a café was built. The vision has been to create a place of magic and wonder, beauty and energy. There are Shambhala Gardens, world's biggest crystals, daily workshops, the only Kalachakra peace stupa in the southern hemisphere, a café, gift shop.

The entire facility is paid entry only. An adult day pass is $28, a family day pass is $68 (2A +2C), concession day pass is $25, child (4-14 yrs) day pass is $22, multiple entry pass valid for one month is $50, an annual pass is $60, an annual family pass is $120. There have been over 400,000 visitors since 2011.

10.2013.570.1 (Refused)	10.2017.198.1 (Current Proposal)	
		Western Elevation (Front) – Station Street
		Eastern Elevation (Rear) – Station Lane
		North Elevation – (Showground)



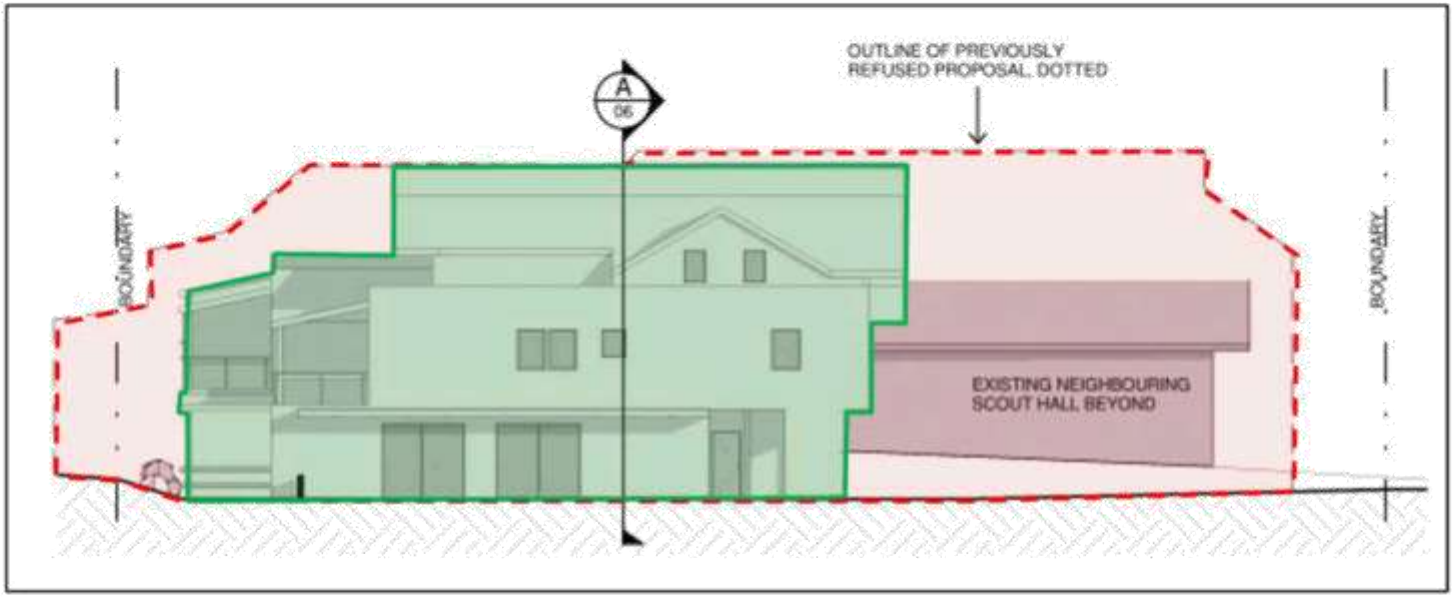


Southern Elevation



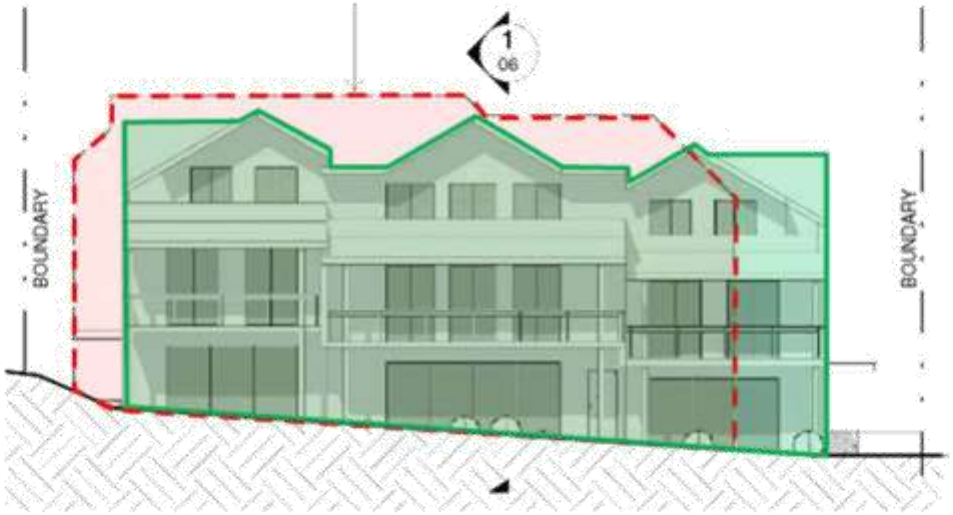


Perspective

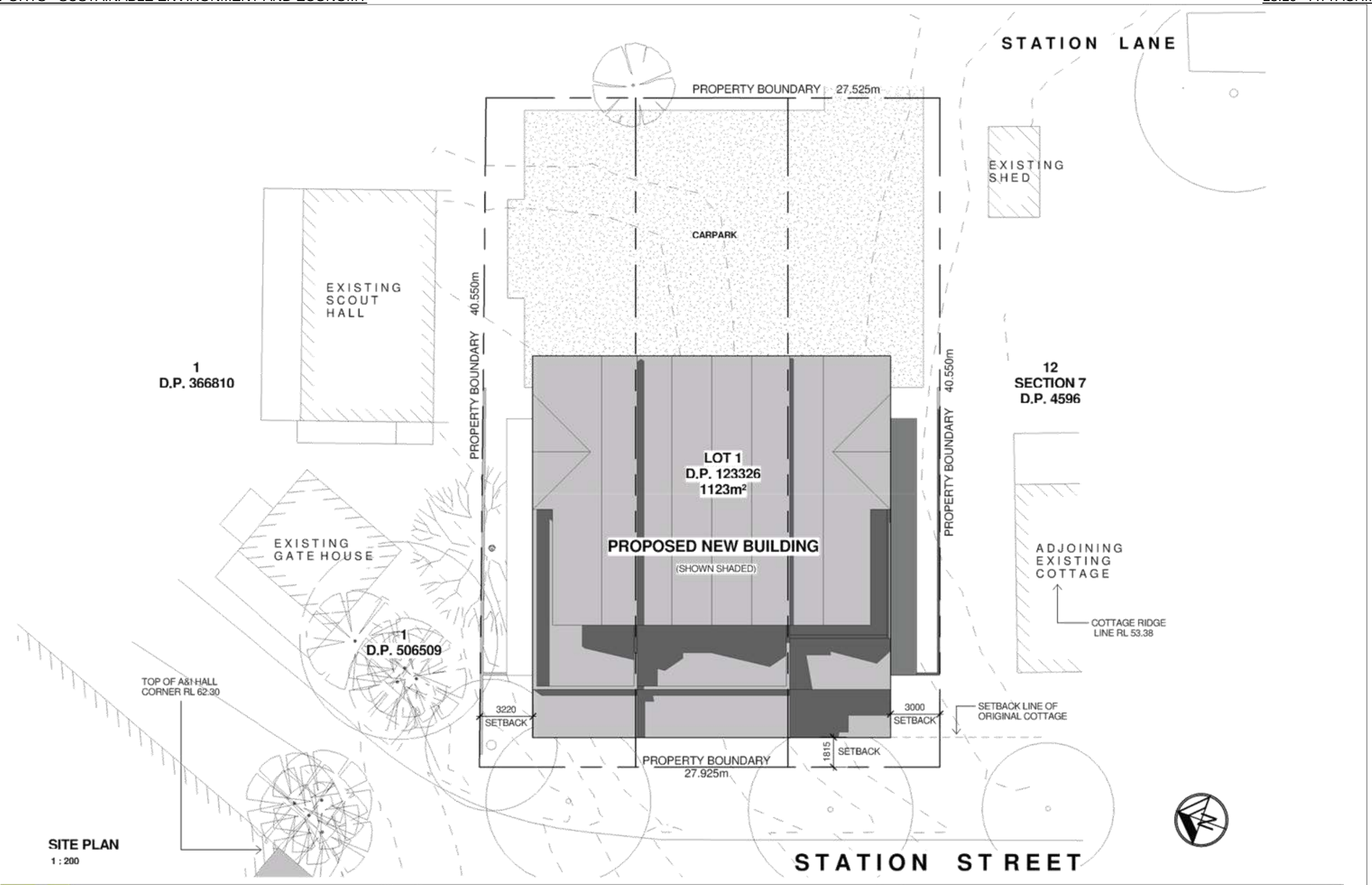


Plan demonstrating the reduction in bulk and scale of the current proposal in relation to the previously refused proposal (Source: Archimages, July 2016

Station Street elevation







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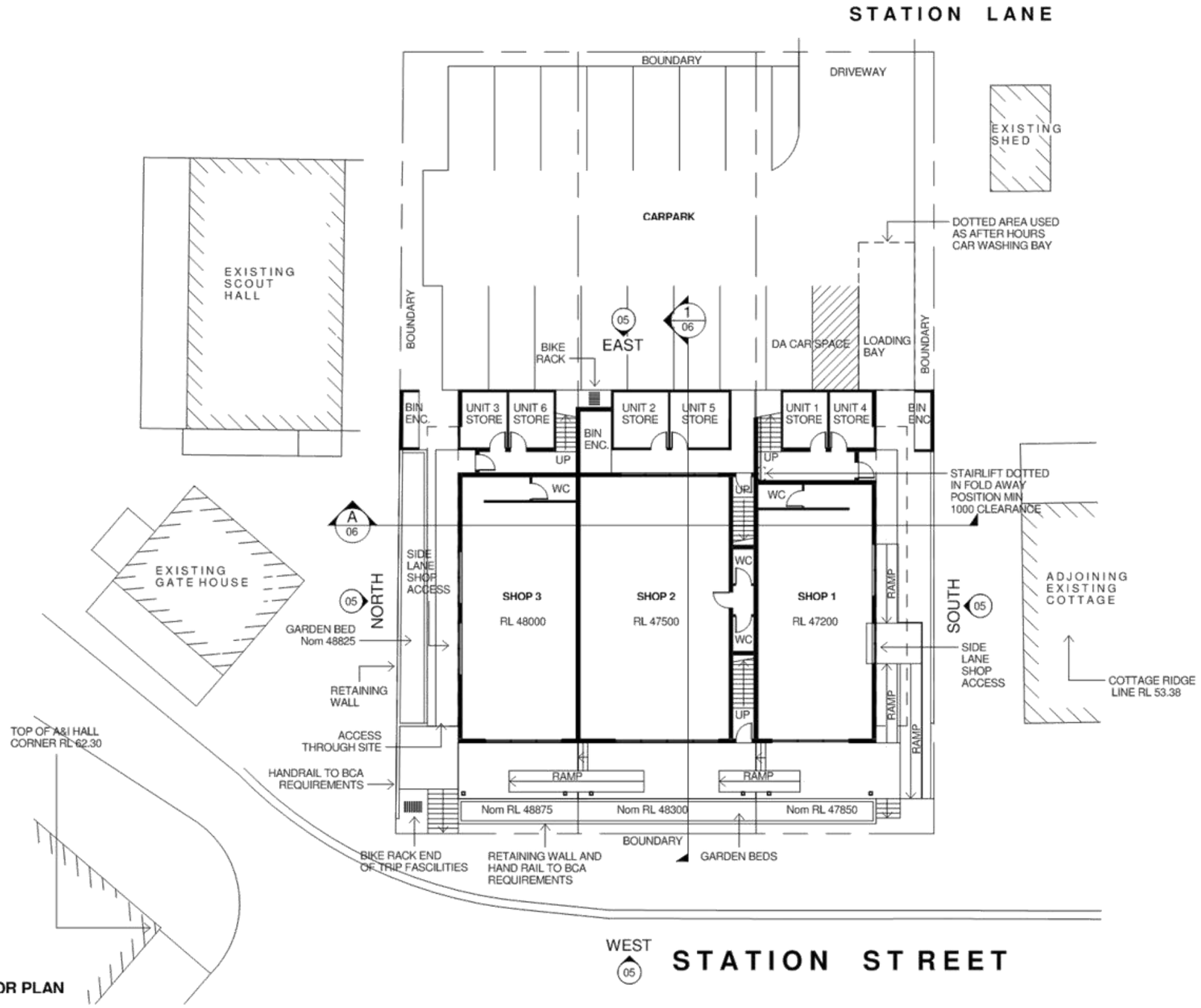
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9 STATION ST, BANGALOW project title

SITE PLAN drawing title
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GROUND FLOOR PLAN

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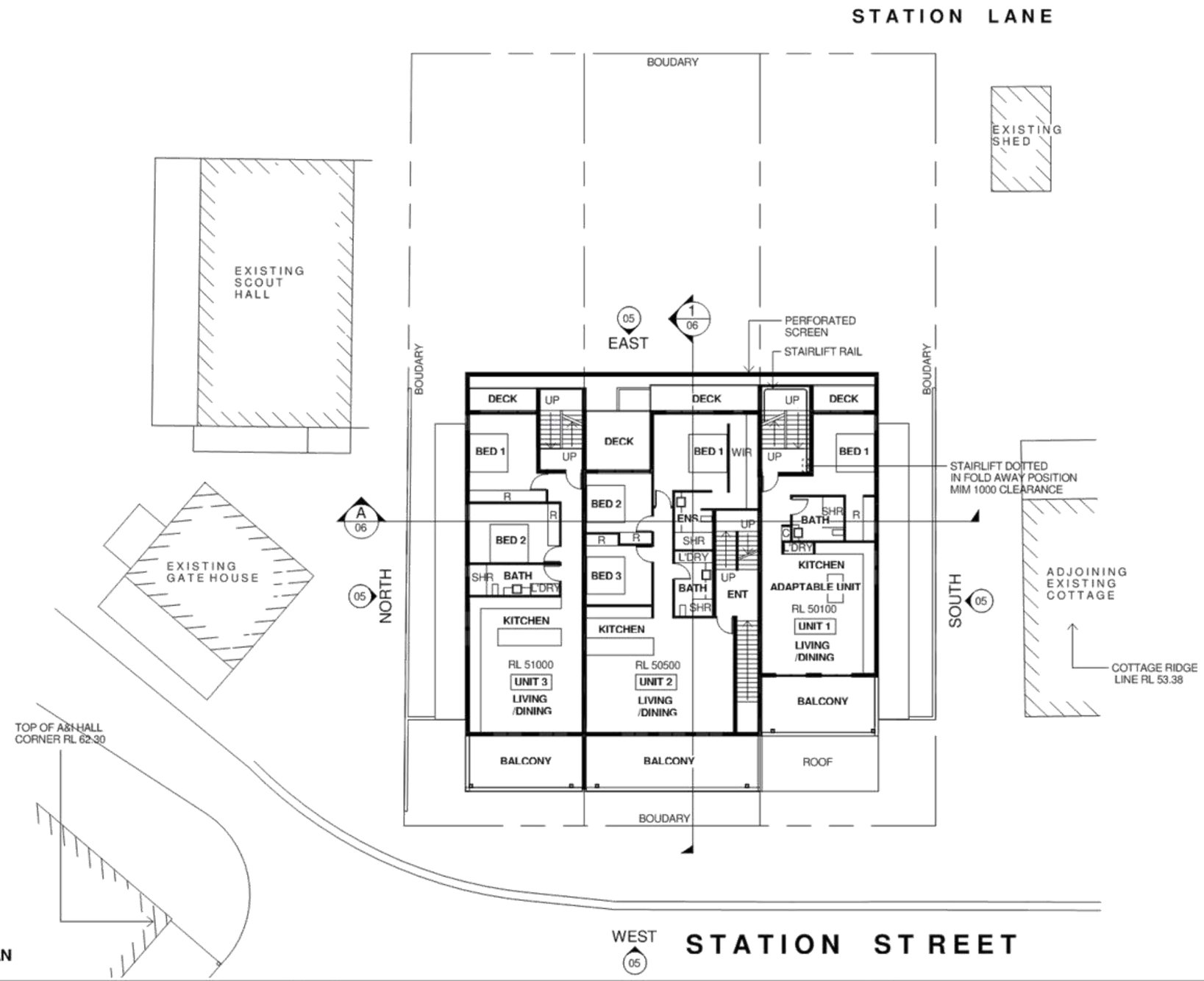
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GROUND FLR PLAN drawing title

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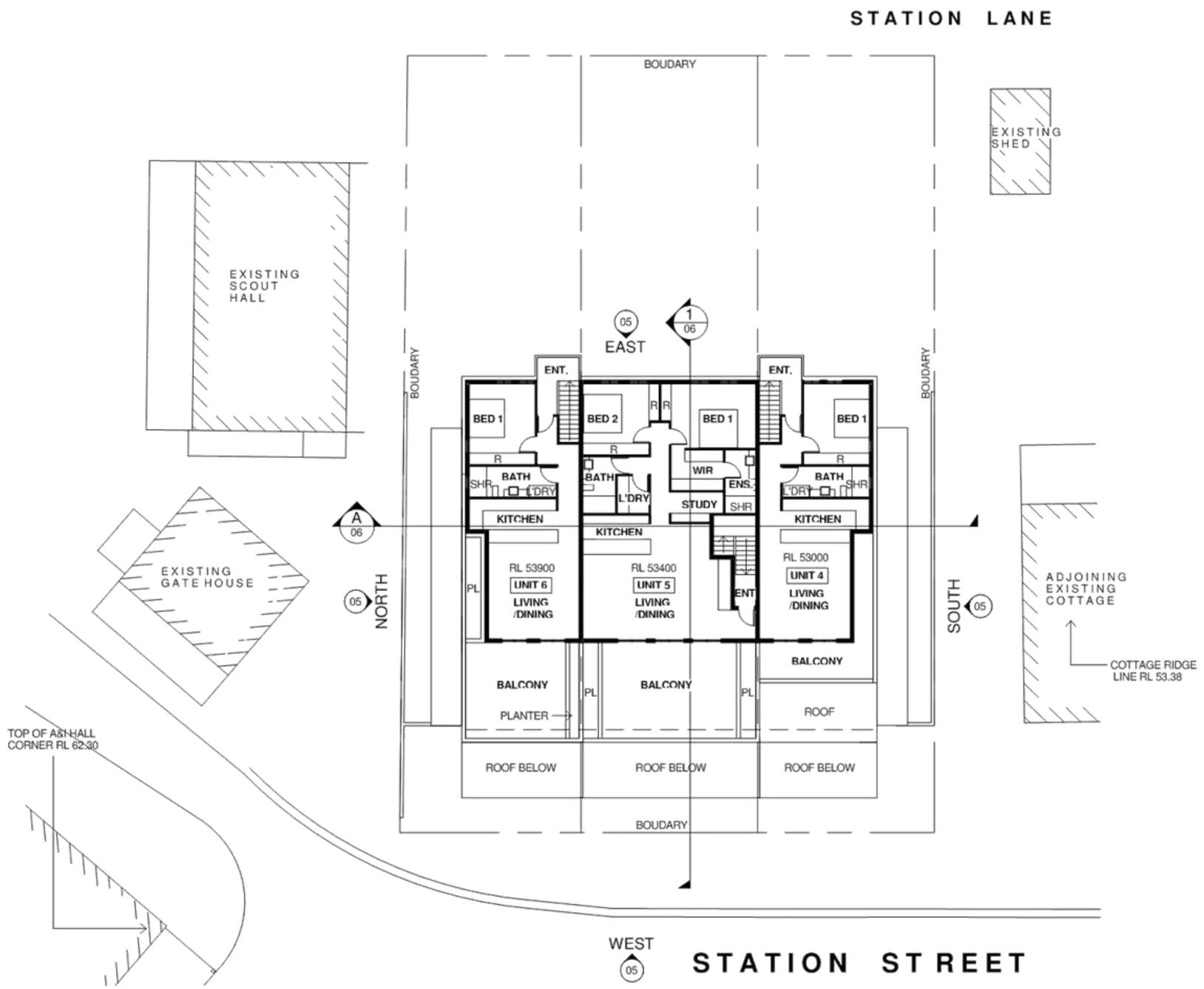
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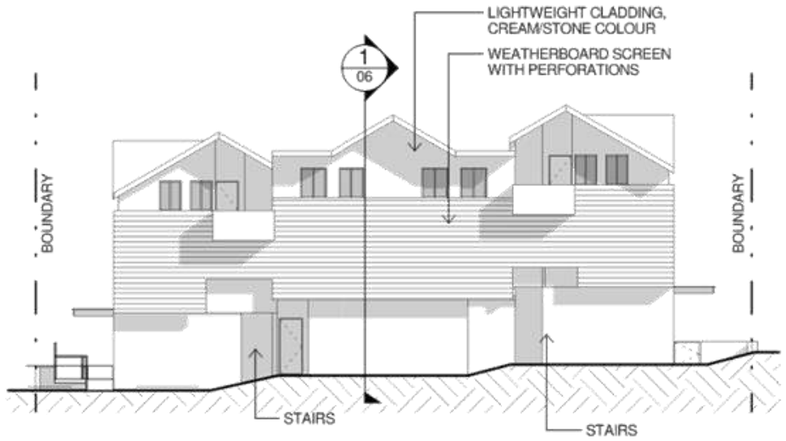
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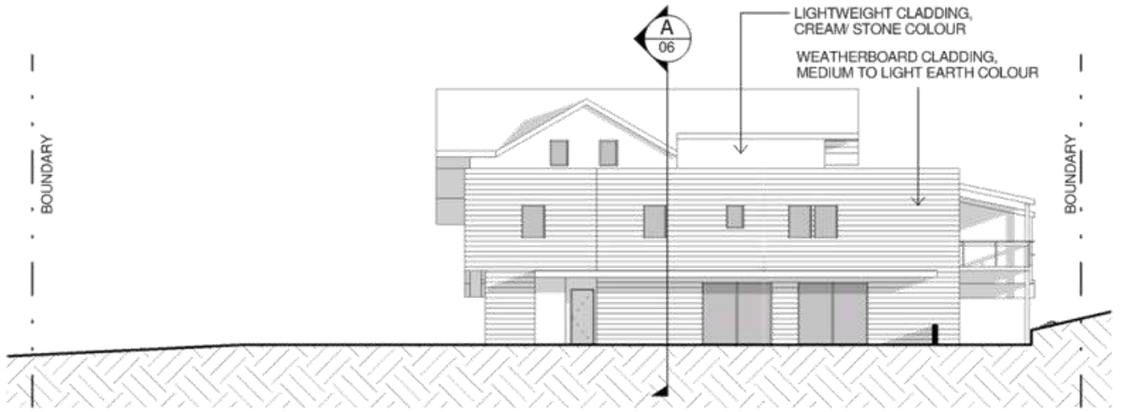
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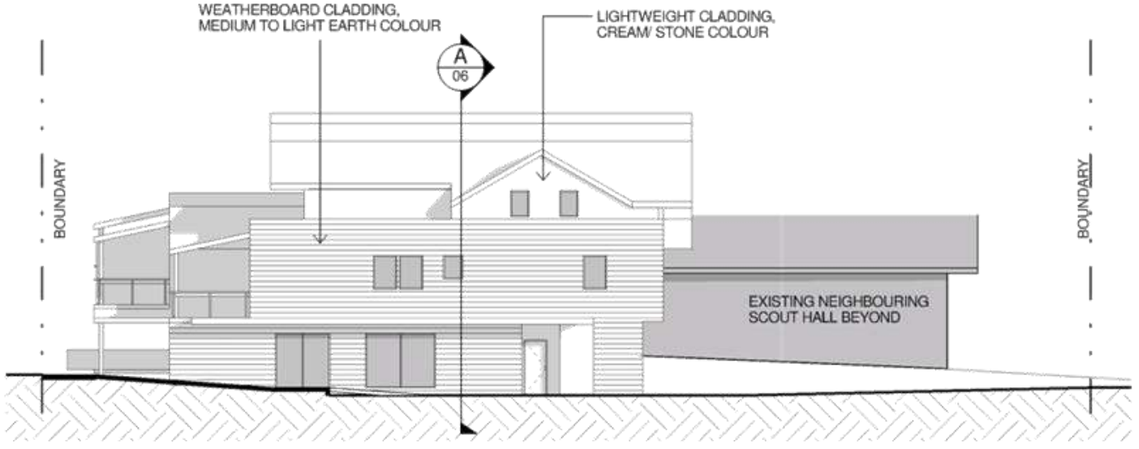
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ELEVATION - NORTH
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ELEVATION - WEST
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ELEVATION - SOUTH
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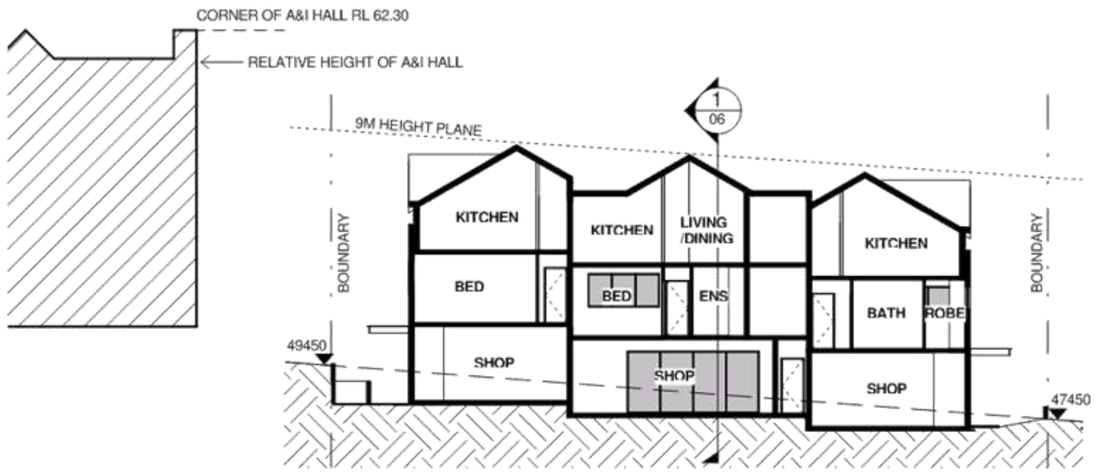
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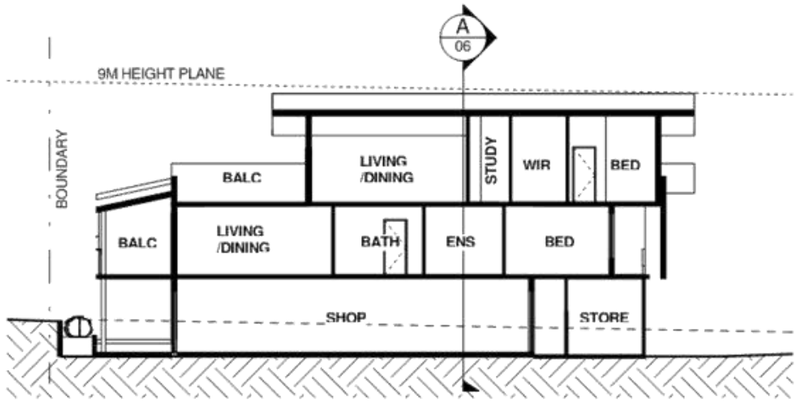
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SECTION A
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SECTION 1
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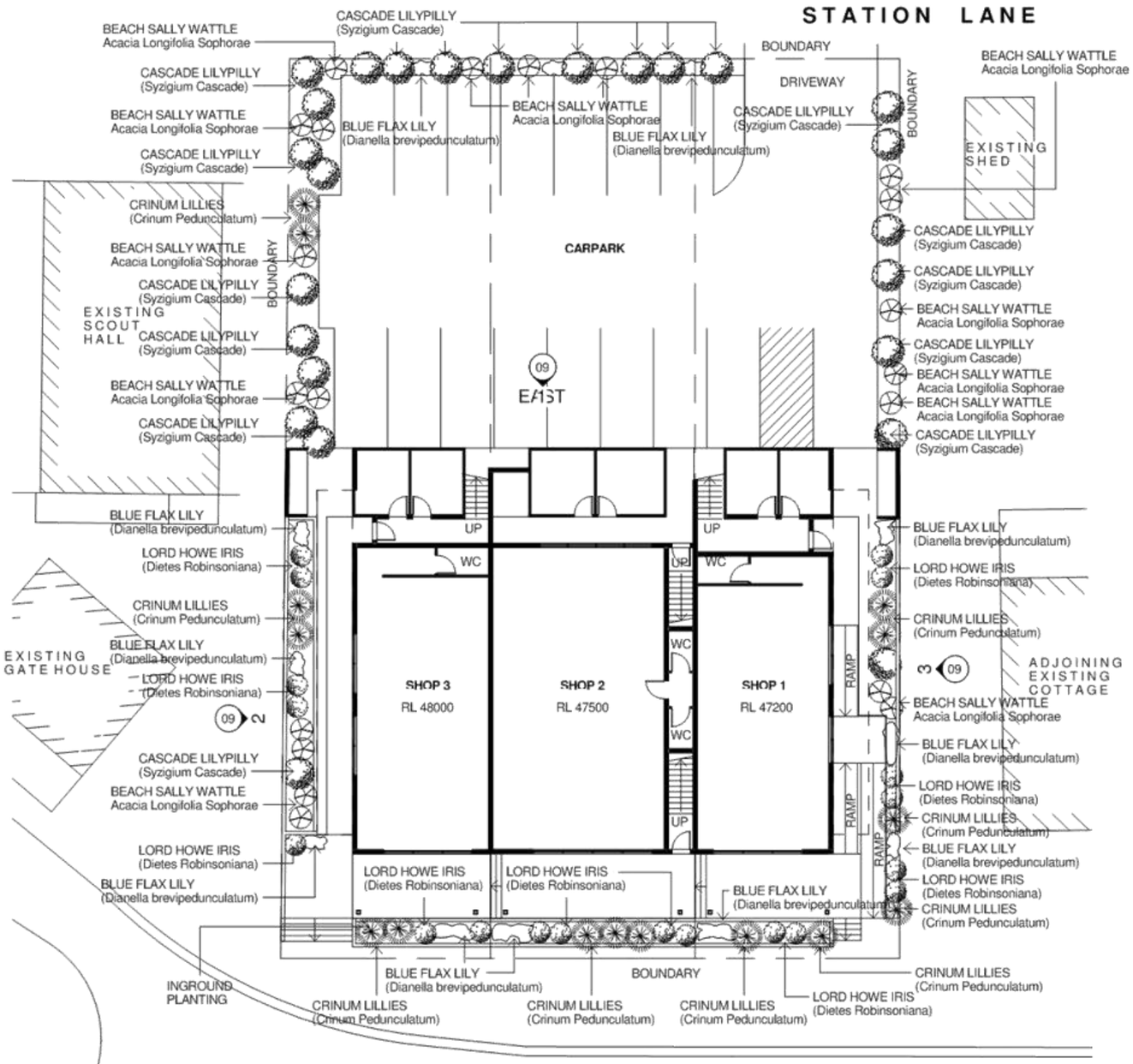
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1 LANDSCAPE PLAN
13 1 : 200

SCHEDULE OF RECOMMENDED NATIVE SPECIES

Code	Botanical Name	Common Name	Mature Height (metres)	Minimum Stock Size	Aspect
GROUNDCOVERS					
CRPE	*Crinum pedunculatum**	Crinum Lily	1	140 mm	SSH
DIBR	*Dianella brevipedunculatum*	Blue Flax Lily	0.6	140 mm	SSH
DIRO	*Dietes robinsoniana*	Lowd Howe Iris	1.5	140 mm	FS
SHRUBS & MIDDLE STOREY					
ACLS	Acacia longifolia sophorae*	Beach Sally Wattle	2	150 mm	FS
SYCA	*Syzigium 'Cascade'*	Cascade Lily Pilly	3	200 mm - 300mm	FS

NOTES
* Indigenous species as listed in *Table H1, Part H – Landscaping* (Byron DCP 2010)

LEGEND
FS - Full sun
SSH - Semi shade
SH – Shade



1. Crinum Lily *Crinum pedunculatum*
2. Blue Flax Lily *Dianella brevipedunculatum*
3. Lowd Howe Iris *Dietes robinsoniana*
4. Cascade Lily Pilly Syzigium 'Cascade'
5. Beach Sally Wattle *Acacia Longifolia Sophorae*

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LANDSCAPE PLAN drawing title

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SCHEDULE 1 CONDITIONS OF CONSENT

Parameters of consent

1. **Development is to be in accordance with approved plans**
The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
DA01A	Site Plan	Archimages Architects	Feb. 2017
DA02A	Ground Flr Plan	Archimages Architects	Feb. 2017
DA03A	1st Flr Plan	Archimages Architects	Feb. 2017
DA04A	2nd Flr Plan	Archimages Architects	Feb. 2017
DA05A	Elevations	Archimages Architects	Feb. 2017
DA06A	Sections	Archimages Architects	Feb. 2017
DA08A	Landscape Plan	Archimages Architects	Feb. 2017
C2	Site Layout	Peter Lucena & Associates	Jul. 2016
C8	Station Lane Layout	Peter Lucena & Associates	Jul. 2016

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. **Support for neighbouring buildings**
If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made or builder must:

a. Inform the neighbouring property owner immediately.
b. Engage a structural engineer to determine any remedial works that may need to be undertaken.
c. Preserve and protect the adjoining building from damage.
d. If necessary, underpin and support the building in an approved manner.

3. **Limited tree removal**
Removal of existing native trees from the site is limited to those expressly permitted by this development consent as marked on stamped plans. All other trees and native plants within the site are to be retained and protected.

The following conditions are to be complied with prior to issue of a Construction

Certificate for building works

4. **DA10.2016.686.1 Subdivision Registration**
Prior to the issue of a Construction Certificate DA 1.2016.686.1 must be registered with the NSW Government Land and Property Information (LPI). Confirmation of registration must be submitted to Council.

5. **Maximum Building Height of Building**
The maximum building height of the building is 9.0m above natural ground level. The plans and specifications to accompany the construction certificate application are to indicate a maximum building height that is at or below 9.0m from natural ground level.

6. **Voluntary Planning Agreement**
Prior to the release of a construction certificate the developer shall enter into a Voluntary Planning Agreement (VPA) with Council. The VPA should be in the following terms, subject to the requirements of the regulations and the standard cluses as required by the Development contributions Practice notes 2005:
   a) The developer is to pay a monetary contribution of $5775.81 per car space or a fraction thereof for eight (8) car spaces.
   b) This rate is valid until 24 October 2017 at which time the amount may be increased in accordance with the consumer price index (CPI) all groups Sydney, as published by the Australian Bureau of Statistics.
   c) The payment would be required prior to the release of a construction certificate for the development.
   d) All costs of preparation of the VPA would be at the developer's expense.

7. **Developer Contributions to be paid**
Contributions set out in the schedule at the end of this consent are to be paid to Council prior to the release of a construction certificate. Contributions are levied in accordance with the Byron Shire Developer Contributions Plan 2012. The Plan may be viewed on line at http://www.byron.nsw.gov.au/ or during office hours at the Council Offices located at Station Street, Mullumbimby. These contributions are to fund public amenities and services as listed in the schedule. Additional details on the specific amenities are to be found in the Byron Shire Developer Contributions Plan 2012.

   The contributions in the schedule are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The schedule contains a date for which the schedule remains valid, after this date you will have to contact Council for an updated schedule.

   PAYMENTS WILL ONLY BE ACCEPTED BY CASH OR BANK CHEQUE.

8. **Building materials and colours**
The application for a Construction Certificate is to include plans and specifications that indicate the proposed building colours are in accordance with the colours within the provisions of Section C1.4.5 of Council's Development Control Plan 2014. Please note that colours must be non-reflective.

   Such plans and specifications must be approved as part of the Construction Certificate.

9. **Adaptable housing units**
One (1) dwelling is to be constructed as adaptable housing in accordance with AS4299 Adaptable Housing.

10. **Remediation of contaminated land**
The application for a construction certificate must be accompanied by a Detailed Contaminated Land Assessment and Remedial Action Plan prepared by a suitably qualified contaminated land specialist with experience in the remediation of contaminated land. The Remedial Action Plan must conform to NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

The Remedial Action Plan must be approved as part of the Construction Certificate for Building Works.

11. **Plans of retaining walls and drainage**
The application for a Construction Certificate is to include plans and specifications that indicate retaining walls or other approved methods of preventing movement of the soil, where any excavation or filled area exceeds 600mm in height. Adequate provision must be made for drainage.

Such plans and specifications must be approved as part of the Construction Certificate.

12. **Water and Sewerage - Section 68 approval required**
An **Approval** under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained.

13. **Engineering Construction Plans**
Three (3) copies of engineering construction plans and specifications must accompany the construction certificate application. Such plans are to provide for the following works in accordance with Council's current Design and Construction Manuals and Specifications. The submission of the design plans must be accompanied by Northern Rivers Local Government Design and Construction Manual Design Checklist in accordance with Specification DQS:

14. **Sewerage and Water Mains**
An approval is to be obtained under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage works.

Sewerage and water mains are to be extended to service all allotments in the development. All Council gravity sewerage mains are to be a minimum 150 mm diameter and water mains are a minimum 100mm diameter.

Water supply and sewerage works are to comply with Council's latest Standards and Policies including but not limited to:

- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;

- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

15. **On-site stormwater detention - Section 68 approval required**
An approval under Section 68 of the Local Government Act 1993 to carry out on-site detention drainage system and connection to a Council approved drainage system.

The plans must be in compliance with the Northern Rivers Local Government Development Design and Construction Manuals, Byron Shire Council Comprehensive Guidelines for Stormwater Management and relevant Australian Standards. Refer to Council's website for copies of Council documents.

16. **Compliance with BASIX Certificate requirements**
The development is to comply with Basix Certificate No. **801677M**, dated **12/03/2017**

The commitments indicated in the Certificate are to be indicated on the plans submitted for approval of the Construction Certificate.

The plans submitted must clearly indicate all windows numbered or identified in a manner that is consistent with the identification on the Basix Certificate.

Minor changes to the energy efficiency measures may be undertaken without the issue of any amendment under Section 96 of the Act, provided that the changes do not affect the form, shape or size of the building.

Proposed colours must be consistent with the provisions of Section D2.2.3 of Council's Development Control Plan 2014. White colours are not permissible.

Such plans and specifications must be approved as part of the Construction Certificate.

17. **Long Service Levy to be paid**
A Long Service Levy must be paid to the Long Service Payments Corporation. This is a State Government Levy and is subject to change.

These payments may be made online at www.longservice.nsw.gov.au or at Council's Administration Office, Station Street, Mullumbimby. When paying to Council, cheques are to be made payable to 'Byron Shire Council'.

For further information regarding the Long Service Payment please refer to the website above.

18. **Site Waste Minimisation and Management Plan**
Part B: Chapter B8 of Development Control Plan 2014 aims to facilitate sustainable waste management in a manner consistent with the principles of Ecologically Sustainable Development. Prior to the issue of a Construction Certificate, a Site Waste Minimisation and Management Plan (SWMMP) must be submitted outlining measures to minimise and manage waste generated during demolition, construction and the ongoing operation and use of the development. The SWMMP must specify the proposed method of recycling or disposal and the waste management service provider.

A template is provided on Council's website to assist in providing this information www.byron.nsw.gov.au/files/publications/swmmp_-_pro-forma-.doc)

19. **Tree Removal**
No trees or vegetation to be cleared or removed until a Construction Certificate has been issued.

20. **Sediment and Erosion Control Management Plan required**
The application for a Construction Certificate is to include plans and specifications that indicate the measures to be employed to control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as filter fences and sedimentation basins.

Such plans and specifications must be approved as part of the Construction Certificate.

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

21. **Consent required for works within the road reserve**
Consent from Council must be obtained for works within the road reserve pursuant to Section 138 of the Roads Act 1993. Three (3) copies of engineering construction plans must accompany the application for consent for works within the road reserve.

Such plans are to be in accordance with Council's current Design & Construction Manuals and are to provide for the following works:

Kerb & gutter, road pavement and drainage	Kerb and gutter, road pavement, associated drainage construction and any necessary relocation of services as follows along Station Lane: 1. For the first 63m (approx.) of Station Lane (measured from Byron St intersection): a. construct road pavement and kerb and gutter along the northern edge of the existing road pavement; b. minimum road width to be 5.9m. 2. From 63m to 97m (approx.) of Station Lane: a. construct road pavement and kerb and gutter along the northern edge of the existing road pavement; b. from the edge of existing bitumen seal to the property boundary of Lot 1 DP 82555; 3. From 97m to 119m (approx.) of Station Lane:

a. construct full width road pavement and kerb and gutter;
b. Construction of section 97m – 119m of Station Lane not required if full width road pavement and kerb and gutter previously constructed as part of DA 10.2016.686.1.

22. **Traffic Management Plan**

Consent from Council must be obtained for a Traffic Management Plan pursuant to Section 138 of the Roads Act 1993. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

"The plan shall incorporate measures to ensure that motorists using road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site".

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

23. **Car parking layout, vehicle circulation and access plans required.**

The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent.

The access, parking and manoeuvring for the site is to comply with the requirements of Council's Development Control Plan 2014, AS 2890.1-2004: Parking facilities, Part 1: Off-street car parking and AS 2890.2 – 2010 - Parking facilities, Part 2: Off-street commercial vehicle facilities. Plans are to include, but not be limited to, the following items:

a) pavement description;
b) site conditions affecting the access;
c) existing and design levels;
d) longitudinal section from the road centreline to the car space(s);
e) typical cross sections;
f) drainage (pipes, pits, on-site detention, etc.);
g) turning paths;
h) linemarking and signage.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Such plans and specifications must be approved as part of the Construction Certificate.

NOTE: The plans must be in compliance with Council's current "Northern Rivers Local Government Development Design & Construction Manuals and Standard Drawings".

24. **Bond required to guarantee against damage to public land**
A bond of $3000 is to be paid to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets.

25. **Garbage store area to be provided**
The application for a Construction Certificate is to include plans and specifications that indicate the proposed garbage store area. The proposed garbage store area is to be designed and constructed in accordance with the requirements of Section C7.9 of the Byron Shire Council Development Control Plan 2010. The enclosure must incorporate a concrete base with enclosure of suitable materials to provide adequate site and top screening and visual integration with the buildings and landscape treatment.

26. **Certificate of Compliance – Water Management Act 2000**
A Certificate of Compliance will be issued upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans.

Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.

***Note**: Copies of the application forms for Certificates of Compliance are available on Council's website* http://www.byron.nsw.gov.au/files/Forms/Section_305_Certificate.pdf *or from Council's Administration Office. Copies of Byron Shire Council's Development Servicing Plans are available at Council's Administration Office.*

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Water on 02 6626 7081. Applicable charges can be found on Council's website: http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Payment by Personal or Company Cheque will not be Accepted

The following conditions are to be complied with prior to any building or construction works commencing

27. **Remediation of contaminated land**
Prior to the commencement of any works associated with this development consent, the following is required:

a) A suitably qualified contaminated land specialist with experience in the remediation of contaminated land must be engaged by the proponent to oversee and be responsible for all works associated with the implementation of the Remedial Action Plan and subsequent site and soil validation.

b) A notice of commencement of the remediation work and a copy of the Remedial Action Plan must be provided to Council's Health and Environment Section at least 30 days prior to commencement of the -work.

c) The notice of commencement must include contact details of the responsible person, including an emergency 24-hour phone number.

28. **Traffic Management Plan**
The approved traffic management plan is to be implemented.

29. **Council Specification**
All works to be constructed to at least the minimum requirements of the "Northern Rivers Local Government Design and Construction Manual"
- Development Design and Construction Manuals, Northern Rivers Local Government, 2009;
- Development Servicing Plan for Water Supply Services, Byron Shire Council, 2011;
- Development Servicing Plan for Sewerage Services, Byron Shire Council, 2011;
- Fire Flow Design Guidelines, Water Directorate, 2011;
- Water and Sewer Equivalent Tenement Policy (13/005), Byron Shire Council, 2013;
- Pressure Sewerage Policy (12/014), Byron Shire Council, 2012.
- Private Sewer Pump Station Policy (12/015), Byron Shire Council, 2012.

30. **Approved Plans to remain on site**
A copy of the approved Construction Certificate including plans, details and specifications must remain at the site at all times during the construction of the subdivision.

31. **Erosion and Sediment Control Management Plan required**
Erosion and sedimentation controls are to be in place in accordance with the approved Erosion and Sediment Control Plan.

Sediment and erosion control measures in accordance with the approved Erosion and Sedimentation Control plan/s must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

Any such measures that are deemed to be necessary because of the local conditions must be maintained at all times until the site is made stable (i.e. by permanent vegetation cover or hard surface).

Note: Council may impose on-the-spot fines for non-compliance with this condition.

32. **Toilet facilities**
Toilet facilities are to be provided, at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided

must be a toilet connected to an accredited sewage management system approved by the Council.

33. **Water service to be connected**
A water service must be connected to the property using an approved backflow prevention device. It is the applicant's responsibility to engage a licensed plumber who shall liaise with council during this process.

Any new water service will be at the applicants cost.

The following conditions are to be complied with during any building or construction works

34. **Demolition and Construction times**
Construction works must not unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible from adjoining residential premises, can only occur:

a. Monday to Friday, from 7 am to 6 pm.
b. Saturday, from 8 am to 1 pm.

No construction work to take place on Saturdays and Sundays adjacent to Public Holidays and Public Holidays and the Construction Industry Awarded Rostered Days Off (RDO) adjacent to Public Holidays.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

35. **Demolition and Construction Noise**
Construction noise is to be limited as follows:
a. For construction periods of four (4) weeks and under, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
b. For construction periods greater than four (4) weeks and not exceeding twenty-six (26) weeks, the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A)

Note: Council may impose on-the-spot fines for non-compliance with this condition.

36. **Signs to be erected on building and demolition sites**
A sign must be erected in a prominent position on the work site:

a. stating that unauthorised entry to the work site is prohibited, and
b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

37. **Builders rubbish to be contained on site**
All builders rubbish is to be contained on the site in a 'Builders Skips' or an enclosure. Footpaths, road reserves and public reserves are to be maintained clear of rubbish, building materials and all other items.

38. **Fill to be retained on the subject land**
Fill material must not encroach onto any adjoining land.

39. **Prevention of water pollution**
Only clean and unpolluted water is to be discharged to Council's stormwater drainage system or any watercourse to ensure compliance with the Protection of Environment Operations Act.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

40. **Remediation of contaminated land**
Remedial works must be undertaken in conformance with the approved Remedial Action Plan and NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other applicable standards.

41. **Maintenance of sediment and erosion control measures**
Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

42. **Demolition**
Any required demolition works must be undertaken in accordance with the relevant requirements of Australian Standard AS 2601–1991: The Demolition of Structures published by Standards Australia, and the WorkCover Authority of NSW.

43. **WorkCover Authority**
All works must be undertaken in accordance with the requirements of the WorkCover Authority.

44. **Removal of demolition and other wastes**
All wastes, including asbestos and lead-contaminated wastes, associated with these works are to be handled and disposed of in accordance with the requirements of the Work Cover Authority. The applicant/owner is to produce documentary evidence that this condition has been met. Wastes must be disposed of at a Licenced Waste Facility. All wastes removed from the site must be managed and disposed of in accordance with the NSW DECC Waste Classification Guidelines (2008)
www.environment.nsw.gov.au/resources/waste/08202classifyingwaste.pdf

The following conditions are to be complied with prior to occupation of the building

45. **Works to be completed prior to issue of a Final Occupation Certificate**
All of the works indicated on the plans and approved by this consent, including any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of a Final Occupation

Certificate.

Any Security bond paid for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Councils road/footpath reserve.

46. **Floor Levels – Certification of Building Height**
Prior to the issue of an Occupation Certificate, a certificate from a registered surveyor must be submitted to the Principle Certifying Authority confirming that the height of the building does not exceed 9.0m from natural ground level. An Occupation Certificate must not be issued unless the height of the building is at or below 9.0m from natural ground level.

47. **Stormwater disposal**
Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
a. Clear of buildings and infrastructure,
b. Not concentrated so as to cause soil erosion,
c. Not directly to a watercourse, and
d. Not onto adjoining land.

48. **Remediation of contaminated land**
A notice of completion must be provided to Council's Health and Environment Section within 30 days of completion of the remediation work. The notice of completion must be accompanied by a Validation Report prepared by a suitably qualified person with experience in the remediation of contaminated land.

The Validation Report must specify the standard of remediation achieved and certify that the site is suitable for the proposed use. The report must conform to the NSW EPA *Guidelines for Consultants Reporting on Contaminated Sites 1997* and all other statutory requirements.

Documentary evidence must be provided confirming the method of disposal and destination of all contaminated soil removed from the site.

49. **Works as executed drawings are required.**
The submission of works as executed drawings for the stormwater prior to a final plumbing inspection.

50. **Section 88B Instrument**
A Section 88B Instrument and one (1) copy are to be submitted to the Principle Certifying Authority confirming the following:

- Cancelation of the Right of Carriageway created as part of DA 10.2016.686.1.
- Create suitable easements for:
    - Right of carriageway over carpark driveway and parking aisle;
    - Right of parking over all car parking spaces dedicated to the residential units;
    - Right of parking over all car parking spaces dedicated to the commercial units;
    - Shared use of loading bay for all commercial tenants;

- Right of way for pedestrian and bicycle access over all external walkways and bicycle parking;
- Drainage of water, over the full extent of on–site detention storage areas, drainage structures and pipelines draining to on-site detention structures;
- Drainage of water, with a minimum width of 1.5 metres, over all inter-allotment drainage pipelines and structures;
- Positive covenant(s) requiring shared maintenance of on-site detention and interallotment drainage systems.

51. **Certificates for engineering works**
The submission of all test certificates, owners manuals, warranties and operating instructions for civil works, mechanical and/or electrical plant, together with a certificate from a suitably qualified engineer certifying that all works have been constructed in accordance with the approved plans and Council's current "Northern Rivers Local Government Design and Construction Manuals and Specifications".

52. **Trade Waste – Compulsory registration**
Registration is required under Council's Liquid Trade Waste Policy and Liquid Trade Waste Guidelines.

Commercial, business, trade and industrial activities discharging or proposing to discharge to the sewer are required to notify Council and complete the Trade Waste Registration Form available at the Mullumbimby Office and from Council's website at: http://www.byron.nsw.gov.au/files/publications/liquid_trade_waste_application_form_0.pdf

The following conditions are to be complied with at all times

53. **No Interference with Amenity of Neighbourhood**

The proposed use of the premises shall not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, dust, wastewater or otherwise. In particular:

a) The noise level emanating from the use of the premises must comply with the New South Wales Industrial Noise Policy.

b) Only clean and unpolluted water is permitted to be discharged to Councils' stormwater drainage system or any waters.

c) All wastes shall be contained within appropriate containers fitted with a tight-fitting vermin-proof lid.

d) All trade waste treatment devices and other waste storage facilities shall be serviced and maintained to ensure that all relevant environment protection standards are satisfied.

e) Goods deliveries, fuel deliveries and waste collection shall be restricted to daytime operating hours.

54. **Vehicles to enter/leave in a forward direction**
Vehicles using any off-street loading/unloading and/or parking area must enter and leave

in a forward direction. All driveways and turning areas must be kept clear of obstructions that prevent compliance with this condition.

SCHEDULE 2 PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division8A of the Environmental Planning and Assessment Regulation apply as are of relevance to this application:

Clause 98	Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
Clause 98A	Erection of signs
Clause 98B	Notification of Home Building Act 1989 requirements
Clause 98E	Condition relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at http://www.legislation.nsw.gov.au.

SCHEDULE 3 NOTES

Construction Certificate required:
This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing. Application forms are available from the customer services counter or Council's website www.byron.nsw.gov.au

Principal Certifying Authority:
Work must not commence until the applicant has:-
a. appointed a Principal Certifying Authority (if the Council is not the PCA); and
b. given Council at least two days notice of the intention to commence the erection of the building. Notice must be given by using the prescribed 'Form 7'.
c. notified the Principal Certifying Authority of the Compliance with Part 6 of the Home Building Act 1989.

Occupation Certificate required:
The building must not be occupied until the Principal Certifying Authority has issued an

Occupation Certificate.

Protection of the Environment Operations Act 1997:
It is an offence under the provisions of the Protection of the Environment Operations Act 1997 to act in a manner causing, or likely to cause, harm to the environment. Anyone allowing material to enter a waterway or leaving material where it can be washed off-site may be subject to a penalty infringement notice ("on-the-spot fine") or prosecution.

Penalties apply for failure to comply with development consents
Failure to comply with conditions of development consent may lead to an on the spot fine (generally $600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.

Plumbing Standards and requirements.
All Plumbing, Water Supply, Sewerage and Stormwater Works shall be installed in accordance with the Local Government Act 1993, Plumbers Code of Australia and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications. Any plumbing inspections required under a Section 68 Approval are to occur in accordance with that approval.

Water payments under the Water Management Act 2000

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
(ET Policy No:13/005)

Prior to Boundary Adjustment / Subdivision

Water	1.00 ET
Bulk Water	1.00 ET
Sewer	1.00 ET

Prior to construction

Water	1.01 ET
Bulk Water	1.01 ET
Sewer	1.81 ET

Schedule of Development Contributions
The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the **amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.** The current contribution rates are available from Council offices during office

hours. **Payments will only be accepted by cash or bank cheque**.

Section 94 contributions Schedule for Bangalow Catchment						
This schedule was calculated in spreadsheet #E2015/28112						
1bedroom units =		3	@	0.55 SDU	=	1.65
2 bedroom units =		2	@	0.75 SDU	=	1.5
3 bedroom units/dwellings =		1	@	1 SDU	=	1
Allotments =		0	@	1	=	0
Less Site Credits =		2	@	-1	=	-2
Total SDU					=	2.15
Schedule valid until		24/10/2017		**After this date contact Council for CPI update.**		
Local Open Space & Recreation	(OS-BG)	2.15	SDU @	$ 3,739.50	=	$ 8,039.93
LGA Wide Open Space & Recreation	(OS-SW)	2.15	SDU @	$ 728.69	=	$ 1,566.68
LGA wide Community Facilities	(CF-SW)	2.15	SDU @	$ 1,067.25	=	$ 2,294.59
Local Community Facilities	(CF-BG)	2.15	SDU @	$ 338.55	=	$ 727.88
Bikeways & Footpaths	(CW-BG)	2.15	SDU @	$ 902.65	=	$ 1,940.70
Shire Wide Bikeways & Footpaths	(CW-SW)	2.15	SDU @	$ 78.29	=	$ 168.32
Urban Roads	(R-BG)	2.15	SDU @	$ 1,552.71	=	$ 3,338.33
LGA Wide Roads	(R-SW)	2.15	SDU @	$ 220.50	=	$ 474.08
Rural Roads	#N/A	2.15	SDU @	$ -	=	$ -
Administration Levy	(OF-SW)	2.15	SDU @	$ 1,102.21	=	$ 2,369.75
Total					=	**$ 20,920.26**

Works within Conservation Areas
Any future works and changes to the external fabric or colour of the will require development consent in accordance with the Byron LEP2014 Clause 5.10 Heritage Conservation for any changes to the exterior of the building including, making changes to its detail, fabric, finish or appearance).

Short Term Holiday Letting

Response to the DPE options paper

E2017/92586

Traditional home of
the Bundjalung people

Byron Shire Council

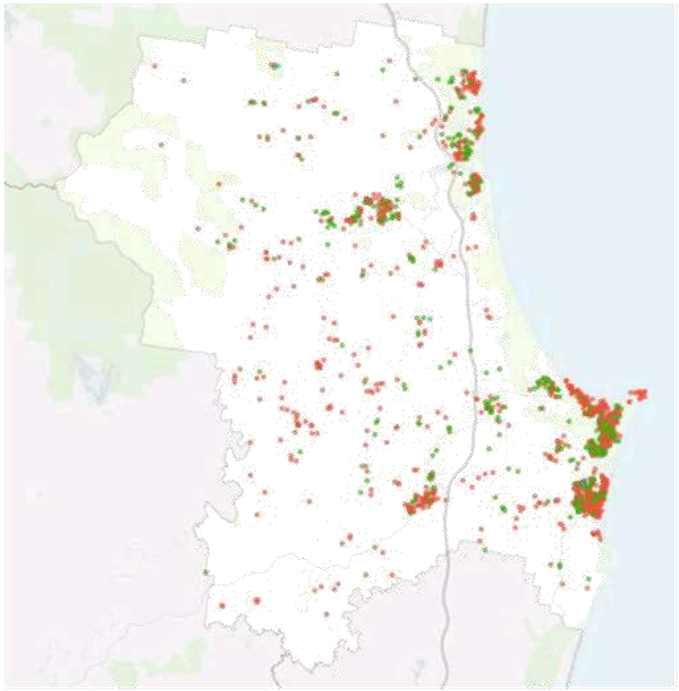
Byron profile

• **Population:**	32,790		Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0).
• **Property**	56,664 ha		Source: http://profile.id.com.au/byron
• **Visitors**	International visitors Domestic visitors Day trippers **Total 2015/16**	195,247 776,510 1,006,943 **1,978,700**	Source: Tourism Research Australia ,
• **Median property price**	$763,415 *($125,882 higher than the median house valuation for NSW)*		Source: Hometrack 2011-2016 via ABS
• **Median rental**	$720 *($280 higher than the median house rental for NSW)*		Source: Hometrack 2011-2016 via ABS
• **Vacancy rates**	2479 – 3.5% 2481 – 1.1% 2482 – 2.4% 2483 – 2.4%		Source: SQM Research – Aug 17
• **Current journey to work – where to people live that work on the shire**	77.1% of workers live in the Shire 22.9 of workers live outside the Shire		Source: Australian Bureau of Statistics, Census of Population and Housing 2011.



Stats and figures

- Inside AirBnB (as at 2 April 2016)



There were 1,483 listing on Airbnb as at 2 April 2016

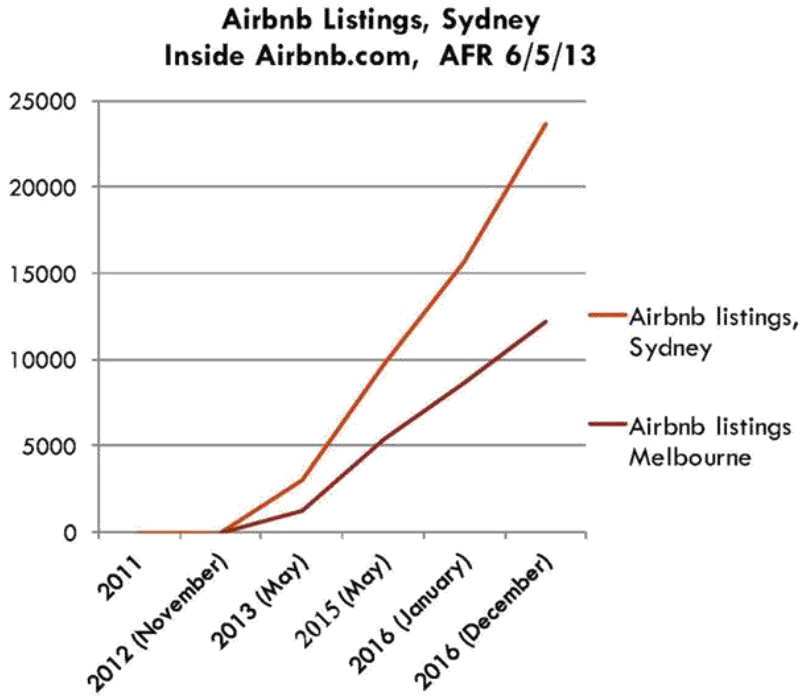
926 (62.4%)	Entire homes/apartments
548 (37%)	Private rooms
9 (0.6%)	Shared rooms
A$217	Price per night
20.1%	Estimated occupancy
$994	Estimated income/month
1,202 (81.1%)	High availability (available >60 days/year)
281 (18.9%)	Low availability (available <=60 days/year)



Source: www. insideairbnb.com



Rapid growth of online "home-sharing"



Airbnb Dec 2016

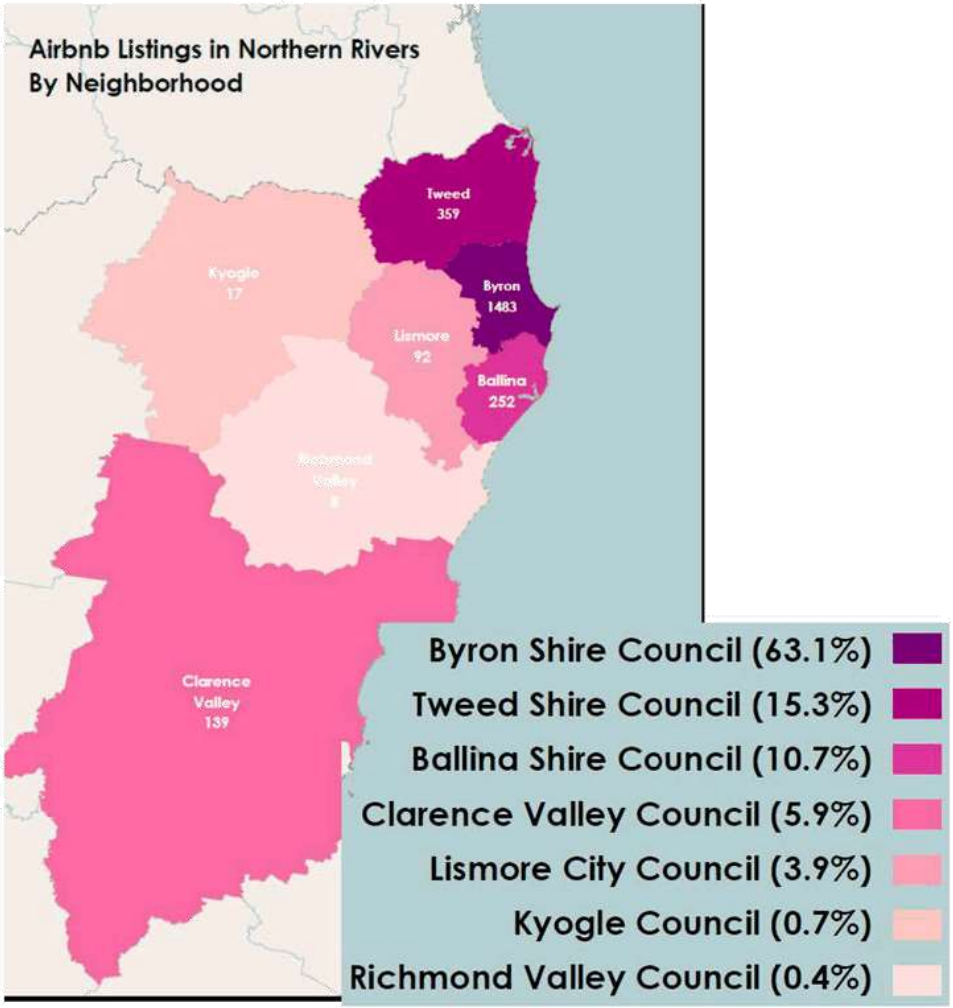
- 3 million Airbnb homes /rooms
- 150 million guests
- 191+ countries

Marriott Dec 2016

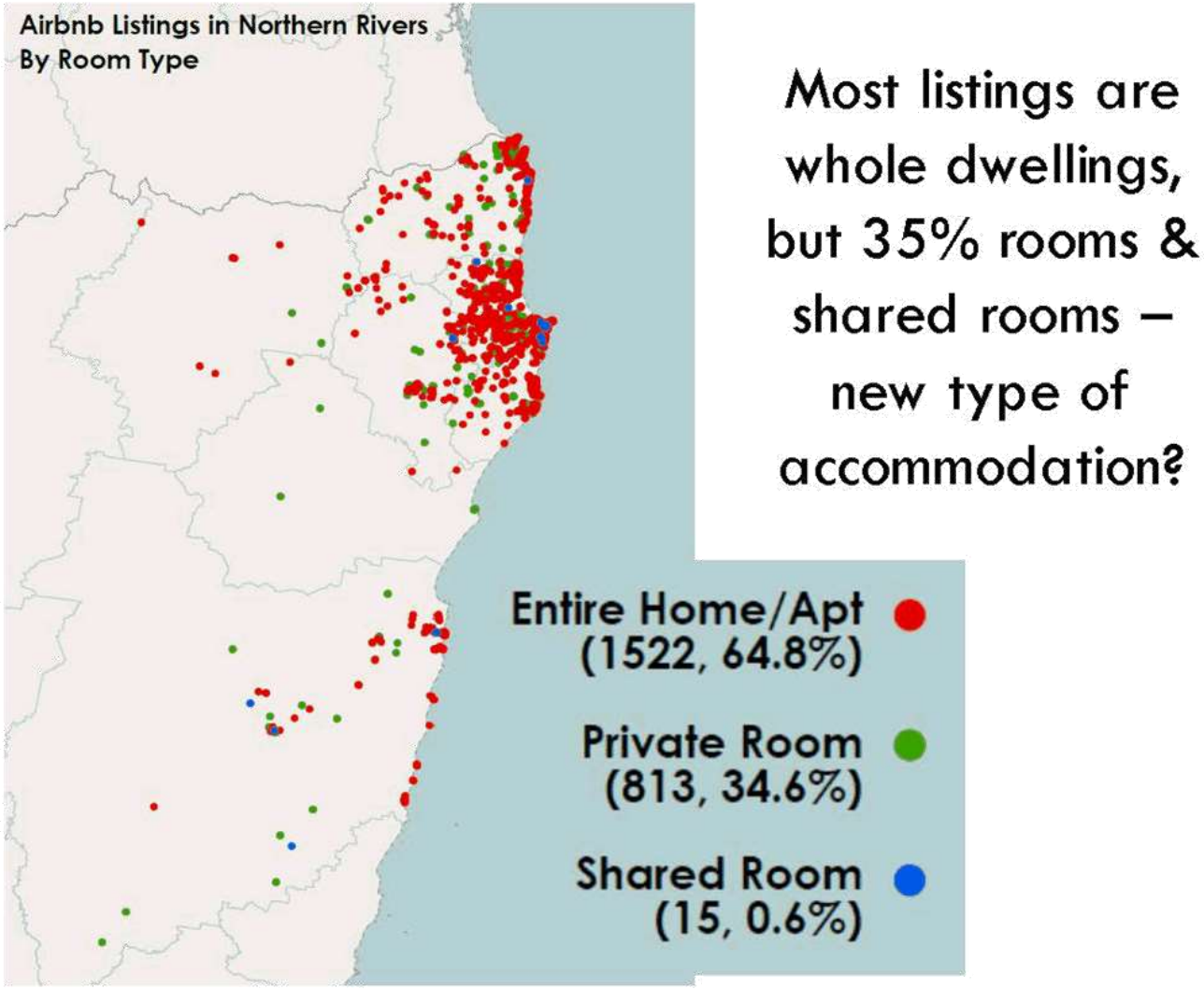
- 1.191 million rooms
- 120 countries

Northern Rivers NSW – snapshot

Inside Airbnb data (April 2016; Census 2011 data; NSW Rent & Sales Report Dec 2016)



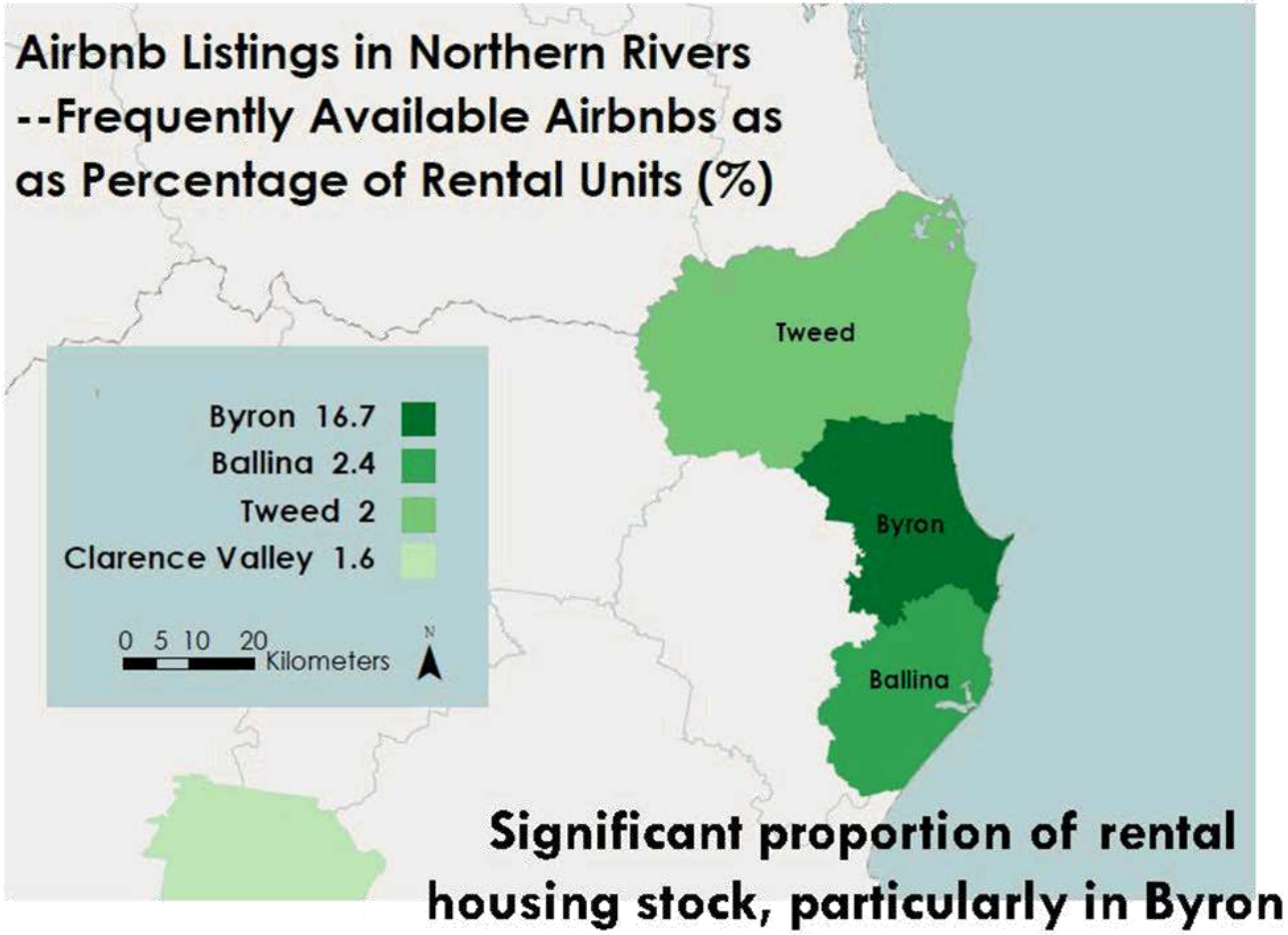
Source: Inside Airbnb data 2016, analysis by Urban Housing Lab 2017



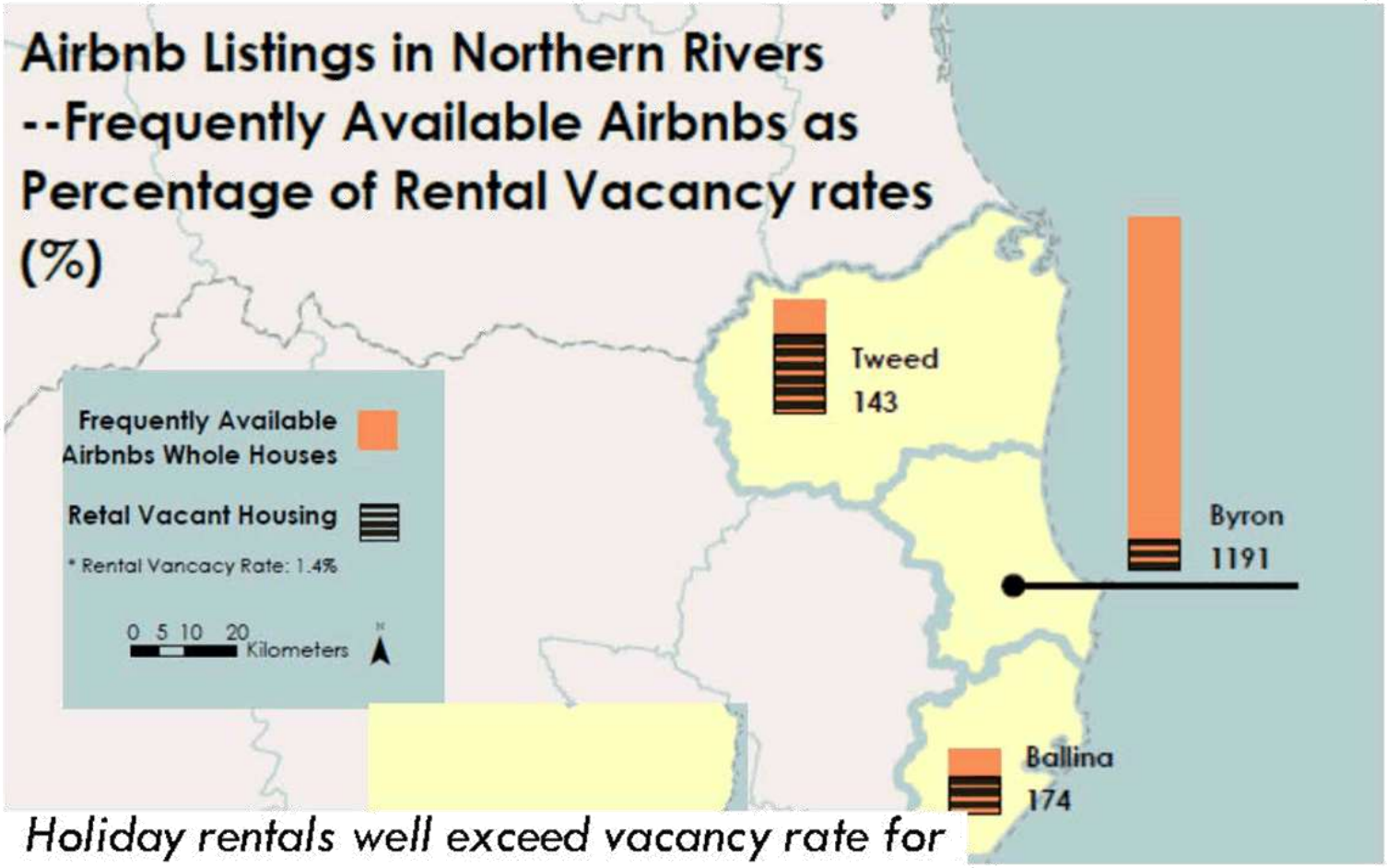
Source: Inside Airbnb data 2016, analysis by Urban Housing Lab 2017



Source: Inside Airbnb data 2016, analysis by Urban Housing Lab 2017

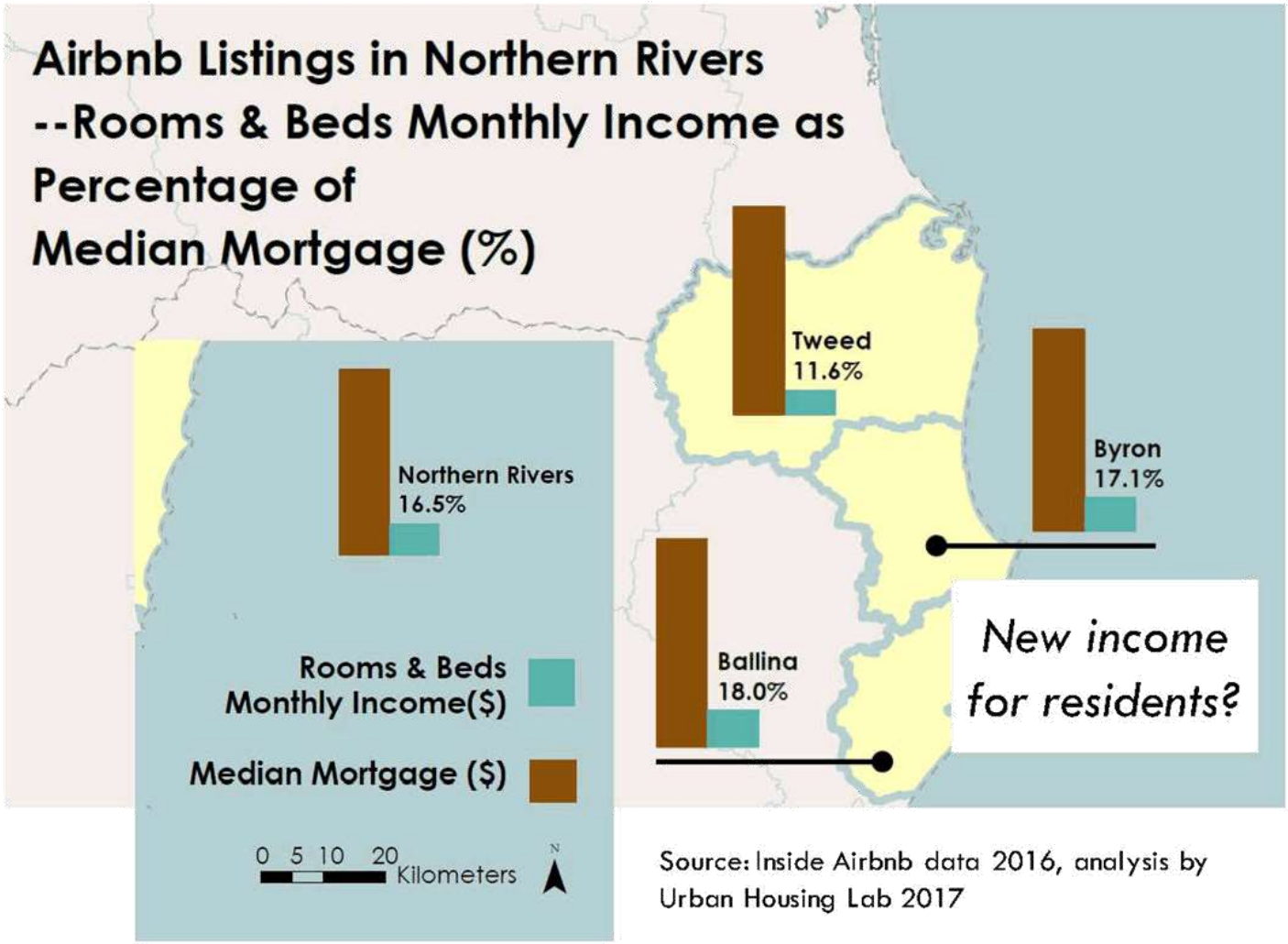


Source: Inside Airbnb data 2016, analysis by Urban Housing Lab 2017



Holiday rentals well exceed vacancy rate for permanent rental housing – but unclear how many are new conversions

Source: Inside Airbnb data 2016, analysis by Urban Housing Lab 2017


Airbnb Listings in Northern Rivers
--Rooms & Beds Monthly Income as Percentage of Median Mortgage (%)
Tweed
11.6%
Byron
17.1%
Northern Rivers
16.5%
Ballina
18.0%
New income for residents?
Rooms & Beds Monthly Income($)
Median Mortgage ($)
0 5 10 20
Kilometers
N
Source: Inside Airbnb data 2016, analysis by Urban Housing Lab 2017

Tourism Research Australia accommodation numbers by type of accommodation…..one can assume 'other' is holiday lets?

Friends/relatives travelling together	92	295	-	386
Accommodation (nights '000)				
Hotel or similar	69	358	-	427
Home of friend or relative	177	647	-	824
Commercial camping/caravan park	111	412	-	523
Backpacker	478	np	-	np
Other	402	663	-	1,064









Housing stress – a consequence

Lack of rental stock has created rural 'slum camps' housing multiple people and families in sub-standard living conditions with no approvals in place

Byron Shire Council www.byron.nsw.gov.au

Current planning controls

- **Exempt Development**

Bed and breakfast accommodation

1. Must contain only 1 bedroom for guests.
2. Must not provide accommodation to more than 2 guests at a time.
3. Must offer breakfast to guests.
4. Must provide parking to guests on the site.



Current planning controls

• Complying development

Bed and breakfast accommodation

The standards specified for that development are that the development must:

a) be in an existing dwelling house, and

b) consist of not more than 4 guest bedrooms or, if there is a local environmental plan applying to the land that was made under section 33A of the Act, the maximum number of bedrooms specified in clause 5.4 (1) of that plan, and

c) have at least 1 guest bathroom, and

d) have a fire extinguisher and fire blanket in the kitchen, and

e) have at least 1 off-road car parking space per guest bedroom, and

f) not display any advertisement on the premises (other than a notice or sign indicating the name and occupation of the resident), and

g) if the dwelling house is subject to the *Strata Schemes Management Act 1996* or the *Community Land Management Act 1989*—have the prior approval of the owners corporation, or the community, precinct or neighbourhood association.



Current planning controls

• Development consent

Tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

a) backpackers' accommodation,
b) bed and breakfast accommodation,
c) farm stay accommodation,
d) hotel or motel accommodation,
e) serviced apartments,

but does not include:

f) camping grounds, or
g) caravan parks, or
h) eco-tourist facilities.



What was proposed in LEP amendment

Amendment to LEP 2014

- **Exempt Development:** will allow property owners of dwellings with 3 bedrooms or less, who want to rent their property out for less than 90 days in any one year and live there for the remainder of the year; caps number of occupants to 2 per bedroom, excluding children under 5 years of age.

- **Development Application**: provides for dwellings of any size where the dominant use of the dwelling is short term rental accommodation; caps number of occupants as 2 occupants per bedroom, excluding children under 5 years of age; it is also for dwellings up to 3 bedrooms that cannot comply with the exempt provisions.

- **At the Ordinary Meeting 21 September 2017, Council resolved:**

Notice of Motion No. 9.5 Retraction of Planning Proposal regarding STRA

17-407 Resolved that Council write to the Minister for Planning as per S.58 (4) of the Environmental Planning and Assessment Act 1979, and request that Amendment No.11 Byron Local Environmental Plan 2014, not proceed to enable Council time to reconsider and resubmit a more detailed and well-thought-through planning proposal following the outcome of the State Government's consideration of the Short Term Holiday Letting in NSW Options Paper.



Other councils by comparison

- **Gosford LEP 2014**
- **Exempt Development:** subject to zoning, must not contain more than 4 bedrooms, waste provisions, bushfire fire evacuation plan, not more than 2 written complaints from separate dwellings located within 40m of subject dwelling within the preceding 12 months
- **Development Application:** Required for temporary use of dwellings containing 5 or 6 bedrooms.

- **Wyong LEP 2013**
- **Exempt Development**: subject to zoning, must not contain more than 4 bedrooms, waste provisions, bushfire evacuation plan, if Strata – written approval from the owners corporation, compliance with on-site sewage management approval, not more than 2 written complaints from separate dwellings located within 40m of subject dwelling within the preceding 12 months
- **Development Application:** Required for temporary use of dwellings containing up to 6 bedrooms.



What the Court has said

- **Dobrohotoff v Bennic [2013] NSWLEC 61 – Gosford Local Government Area**
- the Land and Environment Court held that a dwelling-house in the 2(a) zone in Gosford could not be used for holiday rentals. The primary reason, in Pepper J's judgment, was that the use would not be 'for the purpose' of a dwelling-house because it was not being occupied in the way a family or other household group would do.
- Implications of the decision:
  - Councils refusal to act on the neighbours complaints was found to be an 'abrogation of council's fundamental duties and responsibilities'.
  - If present, councils have a duty to amend ambiguous terms and remedy any deficiencies in their planning instruments.



What are other states doing

- Western Australia
- Defined as 'temporary accommodation' provided either continuously or from time to time with no guest accommodated for periods totaling more than 3 months in any 12 month period.
- Breach conditions apply, non-compliance is an offence liable to a $4,000 fine
- Require registration to minimise the amenity and safety impacts on local communities. Such registration requires:
  - Floor plan stating number and location of sleeping rooms
  - Details of on-site parking
  - Property manager contact details, at any time of day or night
  - Undertaking that he/she will respond within 12 hours, to any contact relating to the property



What are other countries doing

Barcelona



In 2014, Airbnb was fined €30,000 ($33,913) by the Catalonian government for a "serious" breach of laws, which stipulate that any residence rented to tourists must also be registered with the Tourism Registry of Catalonia. The company was also fined $65,000 in 2015 for the same offense, and the city continues to ramp up its efforts to find offenders: Barcelona has doubled the number of investigators seeking out illegal rentals, and next year, will have more than 100.

New York



In October 2016, New York Governor Andrew Cuomo signed into law a ban on short-term rentals on home-sharing sites. Renting out an entire apartment for a stay of less than 30 days is illegal—and even advertising such a rental is illegal, with fines up to $7,500. In February 2017, two individuals were fined $17,000 between them for renting out a residence for fewer than 30 days.

Reykjavik



Tourism is booming in Iceland, so it makes sense that Airbnb would be, too. However, the practice has been regulated in Reykjavik, with a new law stating that as of January 1, 2017, people can rent out their apartments for up to 90 days per year before needing a hospitality license. They can also earn a maximum of one million Icelandic kronor ($8,785) per year. However, prospective Airbnb hosts will still need to get their property registered, which requires meeting health and safety regulations. Icelandic police are taking violators seriously and have raided several Airbnbs believed to be operating illegally.

What are other countries doing

Santa Monica



In 2015, Los Angeles's next-door neighbor Santa Monica instituted some of the toughest laws against Airbnb in the country when it mandated that hosts will have to live on the property during the renter's stay, register for a business license, and collect the city's 14 percent occupancy tax. Nine months after the regulations took effect, the city had issued 650 violations, with the vast majority going to Airbnb and VRBO.

Berlin



Laws enacted in May of 2016 stipulate that landlords are forbidden from renting out apartments to short-term visitors, with a hefty penalty up to $113,000 should they choose to do so. There are some exceptions: People can rent out rooms, as long as they don't cover more than 50 percent of the entire floor space; and landlords can still apply for short-term rental permits.

Paris



The City of Light is one of Airbnb's most popular destinations, with some 55,000 listings in town. In order to catch hosts who aren't adhering to Paris laws that forbid owners from renting out their flats for more than 120 days a year, authorities in the capital randomly carry out "raids". According to a study, many landlords rent their homes for more than the allotted time. "We can't have entire neighborhoods or buildings turned into tourist homes," Mayor Anne Hidalgo's housing adviser told Bloomberg. "That's why we're fighting to keep Parisians inside Paris and we won't let tourist rentals eat up their space."

Source: www.cntraveler.com/

DPE options paper

Themes	INDUSTRY SELF REGULATION	STRATA REGULATION	PLANNING REGULATION	REGISTRATION
	Refer Section 4	Refer Section 5	Refer Section 6	Refer Section 7
Multiple Options	Code of conduct	By-laws to manage visitor behaviour	Development approval - exempt/complying	Registration to manage safety and amenity issues
	Complaints management	By-laws to receive compensation for adverse effects	Development approval - development consent	
	Education	By-laws to prohibit STHL	Limit the length of stay	Registration to monitor that other regulatory approaches (e.g. number of days, number of properties) are being met
	Monitoring and reporting		Limit the number of days per year	
			Limit the number of bedrooms	
			Regulate by whether the host is present when STHL takes place	

Note: The policy options for STHL could include regulatory or non-regulatory approaches, or a combination of both. A combination of options from any rows or columns (or/and other options not covered in the paper) can be chosen to suggest a policy framework for the STHL in the submission form.



DPE options paper

- Self regulation
  - Industry takes greater responsibility compliance with regulatory measures
  - Need to be more effective, accountable and transparent
  - Effective self-regulation requires a strong and unified body with broad membership to ensure compliance.
- Strata laws
  - Different requirements and options because of proximity of residents and shared responsibility for common property.
  - Recommended NSW Gov consider changes to strata laws to give owners corporation more power to manage adverse behaviour.
  - Owners corporations could prohibit, restrict or impose strict liability on lot owners who engage in STHL

DPE options paper

- Planning regulation
  - Recommended using planning instruments to regulate STHL, primarily through Exempt and Complying development.
  - Currently no definition of STHL
  - Considered STHL acceptable to a point where it becomes a more intensive commercial type of use (ie. tourist and visitor accommodation)
  - Options for triggering development approval
    - Regulate the length of stay (ie. days per stay and/or days per year)
    - Number of bedrooms
    - Presence of hosts

Figure 2: Indicative Planning Regulatory Scope



- Registration
  - Could provide greater information and help monitor the management of the industry
  - Registration/licensing adopted in other jurisdictions to manage STHL, generally in conjunction with planning requirements.

Byron Shire Council www.byron.nsw.gov.au

A Byron response – Planning

- **Opt in /out option for councils in certain zones or defined precincts (overlay in LEP) to protect local character and amenity**

- **New definitions of 'home stay', 'short term holiday let' in standard LEP instrument**

- **New development controls to address: numbers of rooms/people, number of nights, presence of host, compliance with fire safety requirements, noise, waste management and carparking**

Residential zones

- Bed and breakfast
- Home stay
- Owner there as host

Rural zones

- Farm stay / home stay in conjunction with an approved or lawful use
- Owner there as host

Other zones

- Define STHL subset of T&V accommodation include controls through local provision



A Byron response – Registration

- Mandatory registration scheme administrated by Council via e portal for operators
- Initial registration and annual renewal fee collected by council to regulate operators
- Council to have the ability to refuse to register non compliant operators



A Byron response – Self Regulation

- Code of conduct to be mandatory
- 'Scores on Rooms' program – rating to be included on registration list and council and operator web page
- Education – 'be a local and respect the locals' linked to 'Scores on Rooms' program
- Good will to community - % of local host fee where collected by booking service could be returned to the local council and invested back into local community projects necessary due to tourist demands – council could develop a tourist levy plan linked to tourism accommodation levy / bed tax



Other ?

- ## Tourism Accommodation Levy

State government legislation does not currently enable Council to impose a tourism accommodation levy (bed tax)

Council resolution 17-363 – Council support for a tourism accommodation levy (bed tax) to form part of the submission on STHL to DPE

- ## Rating – levy commercial on properties used as holiday lets

Will be dependent on how STHL is defined and then any consequential changes to rating categories that may result to provide a differential rating category

Where to now ?

- Finalise Byron response to Council 26 Oct meeting
- Submit to DPE 31 October
- Request meeting with Minister to discuss



BSC File No: #E2017/73007 x 10.2015.656.1

Contact

11 September 2017

Name
Address

Dear Sir/Madam

Secondary dwelling approval – Address

Housing in Byron Shire is expensive. It is out of reach for many people. If you are receiving this letter it means that you are fortunate enough to own a home in Byron Shire.

Byron Shire Council is trying to do what it can to make housing cheaper. Admittedly, Council cannot control house prices. However, it can:

- Provide development incentives to encourage more housing; and
- Work with the community to ensure housing is provided to permanent residents.

In 2011, Council decided to exempt certain secondary dwellings from development contributions. However, the exemption was only for dwellings which provided a home for permanent residents.

This exemption has been keenly taken up by many home owners. However, Council continues to hear from community members who are worried that many secondary dwellings are being used to make money from tourism.

There is no doubt Byron Shire's popularity as a tourist destination means many home owners want to make money on their property from tourism. But in some cases, this can come at a cost to the wider community.

As a result, Council resolved in May this year to try and collect better information on how housing is used in the Byron Shire.

You can help Council collect this information by completing the enclosed questionnaire. You are not obliged to complete it. But if you do, you will help to preserve what makes Byron Shire such an amazing place to live.

Yours sincerely

Shannon Burt
Director
Sustainable Environment and Economy

TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
www.byron.nsw.gov.au ABN: 14 472 131 473

SECONDARY DWELLING ACKNOWLEDGEMENT

*I/we **Name** hereby acknowledge that:*

1.	I/we have an approved OR have approval for a secondary dwelling (granny flat) on my property at **Address**	Y ☐	N ☐
2.	I have read and understand the Council Resolutions that are set out overleaf.	Y ☐	N ☐
3.	Approval of my secondary dwelling was obtained since the passage of Resolution 11-268 on 14 April 2011.	Y ☐	N ☐
4.	The use of the approved secondary dwelling complies OR will comply with the terms of its approval	Y ☐	N ☐
5.	The approved secondary dwelling is not OR will not be used for tourism purposes	Y ☐	N ☐
6.	Where the answer to 3 and 4 above is No, the approved a secondary dwelling is OR will be used for the following purpose.	Y ☐	N ☐

Signed Date

Council resolutions

11-268 (part) – 14 April 2011

1) That Council not charge Section 94 contributions for secondary dwellings under SEPP Affordable Housing Policy 2009 subject to the following requirements:

   a) That the maximum size of the secondary dwelling or granny flat does not exceed 60sqm.
   b) That the floor space ratio for the whole development of the site does not extend beyond the 0.5:1 and that 25% of the site must be covered by absorbent surfaces such as lawn or landscaping.
   c) That the secondary dwelling or granny flat does not increase the overall number of bedrooms on the site to greater than 5.
   d) That the applicant has applied for a secondary dwelling or granny flat and specifically advised that the development is not to be used for tourism purposes and accepts a condition of consent to the same effect.

2) That Council not charge Section 64 charges for secondary dwellings under SEPP Affordable Housing Policy, based on the above criteria.

3) That applicants who apply for the secondary dwelling or garden flat provisions be informed that they may be identified on a register to provide accountability of the uptake of this affordable housing approach and to assist in any compliance action that may need to be taken in the circumstance that the dwellings are being used for tourism purposes rather than meeting the need for affordable housing.

17-191(part) – 26 June 2017

1. That Council recognises community concerns regarding the lack of affordable housing in Byron Shire and concerns that secondary dwellings, as defined and facilitated by the NSW State Environmental Planning Policy (Affordable Rental Housing) 2009, are being used for tourism purposes via short term letting, holiday letting Air BnB and similar online platforms.

2. That Council responds to concerns and compliance issues by:

   a) contacting all property owners with a secondary dwelling (granny flat) approved since the passage of Council Resolution 11-268 and seek property owners' confirmation that they are complying with their approval and/or conditions of consent with the regard to the Environmental Planning Assessment Act and to Byron Shire Council Resolution 11-268.

   b) developing a form that seeks the owners signature regarding compliance with consent and Resolution 11-268 for inclusion with the correspondence to be returned to council within 30 days.

The Hon Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

MD17/1334

Mr Simon Richardson
Mayor
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Email: simon.richardson@cr.byron.nsw.gov.au

Dear Mr Richardson

Thank you for your letters regarding the submission of the draft Byron Bay Embayment Coastal Zone Management Plan (CZMP) for certification under the *Coastal Protection Act 1979*.

The draft CZMP was referred by the former Minister for Planning, the Hon Rob Stokes MP to the NSW Coastal Panel for advice under section 55G(3) of the Act. I note you have now requested that the draft CZMP cease to be considered given it is not endorsed by the Byron Shire community, and council does not have the financial capability to implement the plan as proposed.

I acknowledge the complexity and range of issues associated with preparing a CZMP for this coastal hazard hotspot. There are exceptionally high hazard risks associated with physical coastal processes, which affect residential beachfront development in an internationally acclaimed tourism destination. I recommend that Byron Shire Council consider the Coastal Panel's most recent advice, which is attached for your information, in amending the draft CZMP.

I note from the Coastal Panel's advice that the majority of the plan, with the exception of the Belongil Spit precinct, meets the requirements of a CZMP, subject to further consideration of funding and community consultation. In particular, implementation of master planning for the iconic tourist hub around the Jonson Street protection works precinct in the CBD area is seen as a high priority.

However, the main advice of the Coastal Panel is that key elements of the draft CZMP dealing with hazard management along Belongil Spit do not meet the requirements for certification under the *Coastal Protection Act 1979*.

Specifically, the Coastal Panel has noted the draft CZMP does not adequately address the impact that the seawall structure will have on the adjacent and adjoining (down drift) coastline. Section 55C(1)(g) of the Act requires that a CZMP must make

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provision for managing associated impacts of such works, such as changed or increased beach erosion elsewhere, or a restriction of public access to beaches or headlands.

The Coastal Panel also noted that correspondence from the Department of Industry dated 3 August 2016 to the council raises numerous issues that would be pivotal to implementing the preferred seawall option. Section 55C(2)(b) of the Act requires that a CZMP must not include proposed actions or activities to be carried out by a public authority or relating to any land or other assets owned or managed by a public authority, unless the public authority has agreed to the inclusion of those proposed actions or activities in the plan.

The Coastal Panel recommends that other changes to the draft CZMP are made. The Office of Environment and Heritage (OEH) are happy to further clarify any of these recommended changes with you should you require. Once this happens, I will be in a position to certify the draft CZMP.

In particular, the following key issues must be resolved:

- the recommended strategy of a 'seawall with walkway' along Belongil Spit must adequately address the impact this structure will have on the adjacent and adjoining (down drift) coastline
- there must be agreement from the relevant public authorities about any proposed actions or activities to be carried out by them or relating to any land or other assets owned or managed by them.

If the Council were to resubmit the draft CZMP, excluding the Belongil Spit precinct, I would be prepared to reconsider certifying the draft CZMP, as long as all other parts of the Coastal Panel's advice are considered and recommended changes incorporated into the draft CZMP. I would like the certification process for the draft CZMP to move forward, and I urge you to work closely with OEH to achieve a satisfactory outcome.

If you have any questions about this matter, please contact Ms Gabrielle Pietrini, Director North East, Regional Operations, OEH, on 6659 8232 or at gabrielle.pietrini@environment.nsw.gov.au.

Yours sincerely

Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

Enclosure 28-8-17.

Historic Heritage Assessment
Coastal Cypress Pines
Terrace Reserve, Brunswick Heads



CLARENCE HERITAGE
August 2017

DISCLAIMER

This report has been prepared by Clarence Heritage, for Byron Shire Council to provide a Historical Heritage Assessment of the subject Coastal Cypress Pines and may only be used by Byron Shire Council for that purpose. Clarence Heritage disclaims responsibility to any person other than Byron Shire Council arising in connection with the report. Any representation, statement, opinion, assumptions or advice expressed in this report is made in good faith on the basis of information available at the time of the report preparation. Clarence Heritage has no responsibility or obligation to update this report for any changes which may occur after the date of this report.

Front Cover – Coastal Cypress Pines at Terrace Reserve, Brunswick Heads.
Photograph- D. Wray

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DEFINITIONS

The following definitions are used within this report:

Subject Site	means the land shown on Map 1 including Part Lot 50 DP 1169550, Part Lot 416 DP 728666 and Part Road Reservation, Brunswick Terrace
OEH	means Office of Environment and Heritage Office
ICOMOS	means Internal Council on Monuments and Sites.
NSW	means New South Wales.
Heritage Act	means the Heritage Act 1977 (NSW).
LEP	means Local Environmental Plan.
DCP	means Development Control Plan.
Council	means Byron Shire Council
BVHS	means Brunswick Valley Historical Society

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Table 1	Historical Chronology Brunswick Heads. Source: Thematic History of Byron Shire updated with addition relevant events to Brunswick Heads.
Table 2	Summary of various historical newspaper reports 1917-1920.

1. INTRODUCTION

1.1 Background

This heritage report has been prepared by Clarence Heritage for Byron Shire Council to provide an assessment of the historic heritage significance of the mature Coastal Cypress trees (*Callitris columellaris*-Cupressaceae), located at Terrace Reserve Holiday Park and adjoining road reserves at Brunswick Heads.

In 2014, prompted by proposed changes with the operations of the holiday park, community concerns were raised about the future conservation of the mature Coastal Cypress trees. Subsequently, Byron Shire Council resolved to make a request for an Interim Heritage Order under Section 24 of the *Heritage Act 1977,* in December 2014. This request was rejected on 5 March 2015 by then Minister of the Environment and Heritage, Rob Stokes. Council was advised that the trees were not considered to be under immediate threat and it was recommended that a heritage assessment was undertaken.

1.2 Site Location

The subject site comprises land described as Part Lot 50, DP 1169550, Part Lot 416, DP 728666 and Part Road Reservation – Terrace Reserve, and Road Reserve, Park Street, Brunswick Heads NSW 2483 shown on Map 2.



Figure 1. General locality map of Brunswick Heads, NSW *Source: Google Maps*

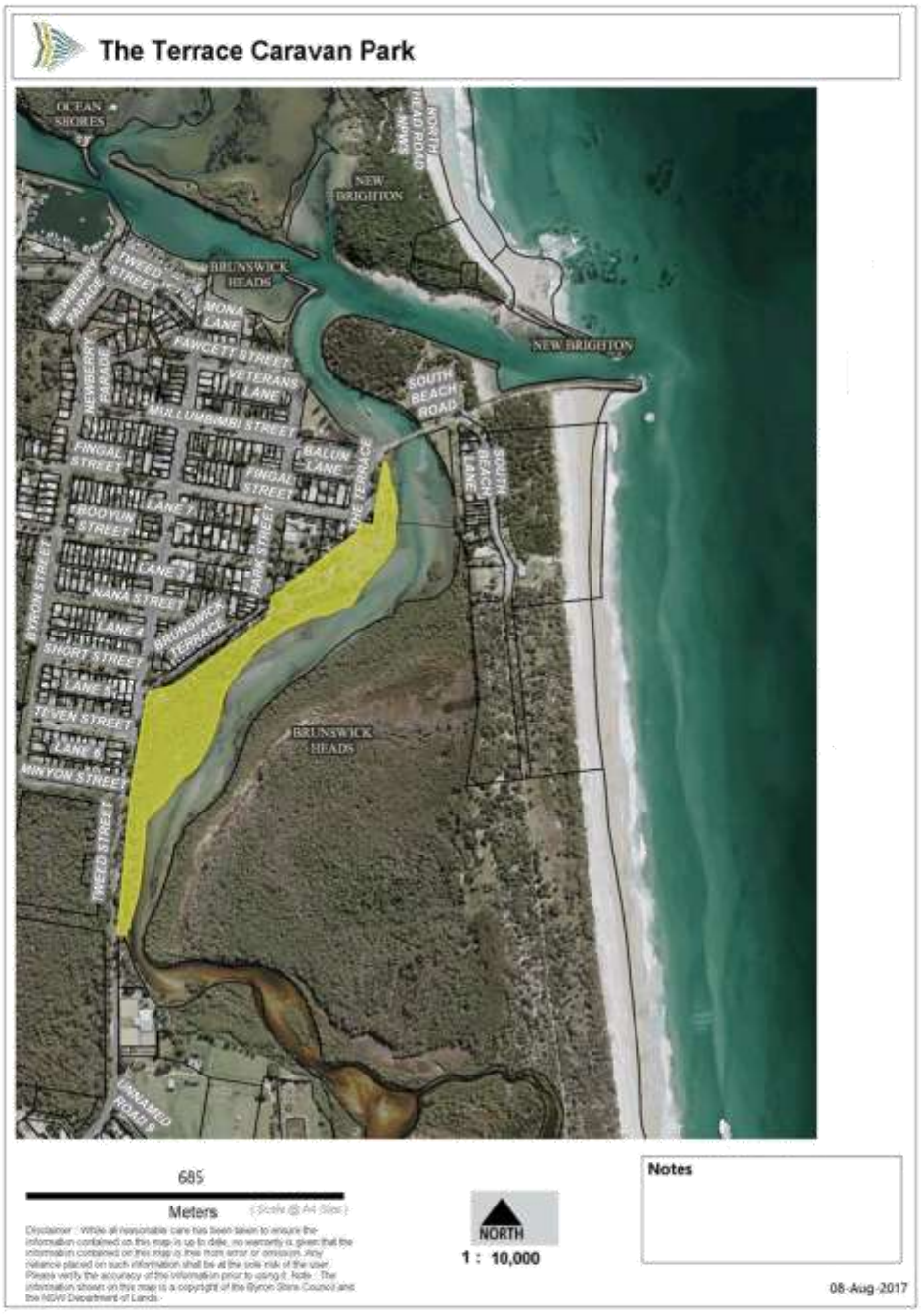


Figure 2. Subject Site shaded in yellow. *Source: Byron Shire Council.*

1.3 Methodology and Aims of Report

The methodology used in this report is based upon the Australia ICOMOS Burra Charter 2013 and the NSW OEH publication, *Assessing Heritage Significance* dated 2001.

The aims of this report are:

- To gain an understanding of the history of the Coastal Cypress trees and World War 1 memorial values. This includes a review of available documentation about the contextual history of the trees and the history of the site.
- To review any other background studies relating to the site, its history and its condition.
- To consider the physical aspects of the plantings in terms of landscape setting and its condition. This is to be further addressed by a specialist Botanist's report commissioned by Byron Shire Council.
- To carry out a comparative analysis to establish the rarity and representativeness of the trees as a WW1 memorial.
- To assess the significance of the trees.
- To provide recommendations in relation to the future conservation of the trees.

1.4 Limitations

The scope of this report is limited to a historic heritage assessment of the mature Coastal Cypress Pines (*Callitris columellaris*-Cupressaceae) at Terrace Reserve and adjoining road reserves as shown on the plan at Figure 2. It is acknowledged that the subject land is of Aboriginal cultural significance however this report does not include archaeological or Aboriginal Cultural Heritage assessment.

1.5 Authorship

This report has been prepared by Deborah Wray B.A Hons, M.P.I.A. M.ICOMOS of Clarence Heritage, consultant Heritage Advisor to Byron Shire Council.

2. LEGISLATIVE AND PLANNING CONTEXT

Historic heritage is managed under several levels of legislation. This section outlines the various Acts and statutory policies which should be considered.

2.1 Commonwealth Legislation

The Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Commonwealth Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places which are defined in the EPBC Act as matters of national environmental significance.

Protected items under this Act are listed on a National Heritage List; for items of heritage significance to the Nation, or a Commonwealth List; for those items which belong to the Commonwealth and its agencies. These two lists have replaced the former Register of the National Estate (RNE).

The subject trees and site are NOT listed on the National List or Commonwealth List.

2.2 NSW State Legislation

2.2.1 *Environmental Planning and Assessment Act 1979* (NSW)

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) provides the legal framework for assessment of development and activities by private landowners and government authorities.

The EP&A Act also provides a statutory framework for the preparation of Local Environmental Plans (LEPs) by local governments which control land zonings, development provisions, a heritage schedule and provisions for the regulation of development relating to heritage.

Any alterations to the Byron Shire LEP 2014, Schedule 5, Environmental Heritage, for the inclusion, removal or amendment of heritage items, requires approval by means of a formal amendment to the LEP under the provisions of the EP&A Act.

2.2.2 *The Heritage Act 1977* (NSW)

The *Heritage Act 1977* (NSW) provides for the protection of environmental heritage of the State. This Act provides a legal framework for the identification of places of state and local significance and a process of placing them upon State Heritage Register (SHR) or local heritage registers. Proposed works or alterations to heritage items which are listed on the SHR require approval by the Heritage Council or its delegates through a Section 60 Application or through Section 57 heritage exemptions as applicable.

The OEH Heritage Division also maintains a State Heritage Inventory (SHI) which is an amalgamated register of all heritage items listed on LEPs, AHIMS and the Section 170 Register held by Government departments and agencies, and other Registers. It can include items of State or Local significance.

The Heritage Act 1977 (NSW) also includes provisions for protection of 'relics'. A 'relic' is defined under Section 4(1) of the Heritage Act as:

a) any deposit, artefact, object or material evidence that:

i. relates to the settlement of the area that comprises New South Wales, not being Aboriginal Settlement, and:

ii. is of State or local heritage significance.

Works in areas which identified as having archaeological potential also require prior consent for excavation and ground disturbance through an Excavation Permit under Section 139 of *The Heritage Act 1977* (NSW).

The subject site and trees are NOT listed on the State Heritage Register or included in the State Heritage Inventory.

2.2.3 *Threatened Species Conservation Act 1995 No 101* (NSW)

The *Threatened Species Conservation Act 1995 No 101* (NSW) (TSC Act) identifies and protects threatened species, populations and ecological communities in NSW. The TSC Act also identifies habitat critical to their survival and the consent process is administered by the NSW Office of Environment and Heritage.

The subject trees form part of the "Coastal Cypress Pine Forest in the NSW North Coast Bioregion" identified in *Part 3 Endangered ecological communities,* under *Schedule 1 Endangered species, populations and ecological communities.*

The TSC Act recognises that habitat loss, fragmentation and degradation are the most significant causes of species loss, and that protecting the habitat of threatened species is fundamental to their conservation. The Act prohibits damage to the habitat of threatened species and protects endangered populations and threatened ecological communities.

The subject trees ARE protected under the provisions of the *Threatened Species Conservation Act 1995 No 101* (NSW).

2.3 Local Level Legislation

The Byron Shire Local Environmental Plan 2014 applies to the subject site through zoning and land use policies. Where relevant, the provisions of Clause 5.10 of the LEP apply to items of environmental heritage or land located within a Heritage Conservation Area described in Schedule 5 of the LEP.

The subject site and trees are NOT listed as an item of environmental heritage in Schedule 5 of Byron Shire Local Environmental Plan 2014.

2.4 Non–Statutory Heritage Registers

There are several non-statutory heritage registers including the National Trust Register, Royal Australian Institute of Architects, Institute of Engineers Australia, Register of War Memorials and others. These are compiled by professional bodies, government bodies, community groups and individuals.

These non-statutory lists cannot be used to control changes to the identified items, however listing on these registers reflects community recognition of the heritage values of these places.

The subject site and trees ARE included in the Register of the National Trust NSW dated 25 March 2015.

The subject trees ARE included on the Register of War Memorials in NSW in a listing dated 16 May 2017.

The subject trees ARE included in the Australian Garden History Society list of memorial plantings dated 2 July 2017.

3. HISTORICAL CONTEXT

3.1 Historical Context of Brunswick Heads

It is important to establish the relationship between an item and its historical context. A historical chronology is outlined below.

1770	James Cook named Cape Byron.
1828	William Johns Master of HMS Rainbow (Capt. Henry Rous) charted 'Cape Byron Bay" including "a small river" later named the Brunswick.
1840	Robert Dixon and James Warner surveyed the coast around Byron Bay and the Brunswick River.
1849	First shipload of Brunswick River cedar reached Sydney. Cedar Camp at the mouth of the Brunswick River was the first documented European settlement in Byron Shire.
1865	Inspector of Police, John Brown, visited Cape Byron and the Brunswick River.
1882	Mail service established between Lismore and Brunswick River.
1885	Village of Brunswick proclaimed.
1871	Brunswick Heads described as 'the chief seat of the cedar trade'.
1884	Opening of first licensed hotel the Ocean View and a telegraph office.
1888	Government school opens at Brunswick Heads.
1894	Lismore to Tweed Railway opened.
1896	Closure of government school.
1897	Closure of Ocean View Hotel.
1898	Court House relocated to Mullumbimby.
1902	Licensing and re-opening of Ocean View Hotel Brunswick Heads. First Oyster lease granted to William Williams. Advent of tourism and seaside village.
1903	Government School re-opens.

1906	Telephone service arrives at Brunswick Heads.
1909	Formation of a branch of Royal Australian Life Saving Society to patrol North Beach, Brunswick Heads.
1914	Outbreak of WWI.
1918	End of WWI.
1920s	Advent of motor transport.
1922-25	Construction of Hydro power station Lavertys Gap.
1918	Construction of Catholic Church, Brunswick Heads.
1922-3	Construction of Anglican Church, Brunswick Heads.
1933	Power line built from Mullumbimby to Brunswick Heads.
1934	Bridge replaced punt across Brunswick River at Brunswick Heads.
1941	New brick hotel completed at Brunswick Heads.
1954	Fishing industry re-established at Brunswick Heads following depletion of the fleet after a severe storm at Byron Bay.
1960-61	New break wall built at the Brunswick River.
1964	Fisherman's Co-op depot built at Brunswick Heads.
1971	Town of Brunswick Heads gazetted as a geographical name.

Table 1 Historical Chronology Brunswick Heads.
Source: Thematic History of Byron Shire updated with addition relevant events to Brunswick Heads.

3.2 Historical Parish Maps

The Village of Brunswick Parish Map 1905, shows the subject site along Brunswick Terrace originally as a *Reserve for the Protection of Native Flora* notified on 6 August 1904. This was revoked on 10 August 1917 and altered to '*Public Recreation*'.



Figure 3. Historical Parish Map 1906 extract. *Source LPI Spatial Exchange*

The subsequent Historical Parish Map dated 1925 shows the site as a 'Public Recreation and Resting Place" notified on 25 April 1932.



Figure 4. Village of Brunswick Historical Parish Map 1925 extract.
Source LPI Spatial Exchange.

3.3 Thematic History of Brunswick Heads

A variety of sources were consulted to understand the historical context of the site as follows.

3.3.1 The Regional Histories of New South Wales

Regional histories were prepared by the Office of Heritage as a component of the 1996 Heritage Manual. *A Regional History of the North Coast* by the Department of Planning 1989 also formed part of the regional research.

The North Coast Region includes a series of river basins from Port Macquarie to the Tweed which drain to the east from the Great Divide and encompass the hinterland and coastal environment which influenced the use and settlement of the land. A brief thematic history of the North Coast region is documented in Chapter 5 and tells of the sequence of occupation beginning with Aboriginal occupation, commodity based economies and their associated life and landscapes. Brunswick Heads is not referenced in this broad regional history however mention is made of the lack of good ports in the region, with Byron Bay being included as a minor port. The role of rivers as major transport routes were highly influential in the location of settlements prior to the development of overland transport.

3.3.2 Byron Shire Community Based Heritage Study 2007

The Bundjalung people were the original inhabitants of the Brunswick Heads area prior to European settlement. Brunswick Heads is an acknowledged place of significance for the Aboriginal people and was a meeting place with good fish and shellfish food sources, for ceremonial and trade purposes

Brunswick Heads is the oldest European settlement, and one of the earliest ports in the area of Byron Shire.

In 1840, Robert Dixon surveyor, and his party carried out a survey from Southport, Qld, to the north head of the Richmond River. Their arrival and camp at the Brunswick River was documented on 23 June 1840.

Cedar cutting was a major economic activity in force during the 1840s and the first cedar camp in the Byron shire was established on the Brunswick River in 1849. By the 1850s, the loading of cedar to schooners from the beaches of the Brunswick River was taking place. Commodities of timber, tallow and whale oil were being shipped to Sydney and beyond.

The early settlers of Brunswick include Robert Marshall, the Reddacliff family and William Law. The settlement gradually developed and on 20 March 1885, the village of Brunswick was officially proclaimed. Dairying was an important early economic activity to settlers in the area. It was reported in 1885 that there was one hotel, two stores, the ferryman's residence, and the post and telegraph office. A court house and police station were under construction and a government school followed in 1888.

Anticipation of connection to the railway line encouraged further growth until the route changed and line was built through Mullumbimby in 1894. This caused the demise of the township. The School closed in 1896, the Ocean View Hotel in 1897, and the Court House was relocated to Mullumbimby in 1898.

It was not long however, until the town recovered, and in 1903 the school re-opened. The town evolved as a seaside resort, and the historic theme of leisure and tourism is evident to this day. The Ocean View Hotel reopened in 1902 and was expanded in 1908. As shown on the Parish Maps the subject reserve was officially designated for public recreation in 1917 during WW1 reflecting the importance of the reserves to the town. This is reinforced in several newspaper articles of the time which outline local community opposition to the sale of land and lobbying of state government to retaining it for public use.

An article on Greek migrant history in Brunswick Heads states that-

> *Into the war (WW1) the Progress Association was instrumental in preserving crown foreshore land for public recreation and in pushing tourism ahead of commercial fishing when they had all netting banned in the river, providing stocks for the holidaying line fishermen.*

The introduction of the motor car in the 1920s brought a boost to tourism and according to an article in the Mullumbimby Star 6 January 1927,

> *It was estimated that between 30-35,000 people visited the place between Christmas 1926 and New Year 1927.*

The major industries during the 1920s were fishing, tourism and the dairy industry which was serviced by river transport.

Further settlement of Brunswick Heads occurred at a modest rate influenced by the fact that the town was isolated by flooding, and constrained by wetlands. The Pacific Highway was routed through the town for more than 50 years, then bypassed the town, and in recent decades, highway upgrades have made the town highly accessible to a growing population in the wider region.

4. 'AVENUES OF HONOUR'- THE HISTORY OF WWI MEMORIAL PLANTINGS

4.1 Background

Prior to WWI, no formal traditions were established to commemorate war service or casualties. As it was not possible to repatriate the dead, memorials were an important place where the community and families could mourn and pay respect.

The planting of Avenues of Honour as living or perpetual memorials for WWI was carried out widely across Australia during, and after 1918. As stated by Sarah Wood, of the Australian Garden History Society AGHS:

> *60,000 Australian servicemen and women did not return from World War 1. This was from a population then of just 3 million, leaving lasting scars. Avenues of Honour were a living way of remembering and honouring these lives and sacrifices. Australia vigorously embraced them.*

A survey by Treenet in 2006, recorded 567 known Avenues of Honour in Australia. Over half are located in Victoria. Most remain in some form, although some are depleted or in poor condition. The largest avenue was planted at Ballarat by 500 young women, the 'Lucas Girls', from a local clothing factory. They planted one tree for the 3000 men, and a few nurses, who went to war.

John Dargavel in his paper; *Memorial Avenues: A Historical Perspective* dated September 2004 states:

> *Like the stone war memorials, the avenues were created by local committees and were not centrally organised. However, the avenues had a much more domestic and personal ambience and were often planted by women or children. This contrasts markedly with the stone memorials—and the later ANZAC Day ceremonials around the stone memorials—from which women were virtually excluded. The Avenues enhanced the town's amenity by creating a green entry, whereas the memorials took a central position.*

The Treenet survey combined all memorial plantings from the Boer War, WWI, WWII and subsequent conflicts. The Australian Garden History Society categories these separately in its lists. There were five known avenues planted in relation to the Boer War throughout Australia. Plantings for WWI are defined as *'Avenues of Honour'*, whilst plantings for WWII are described as *'Memorial Avenues'*.

Of the combined Treenet figure of 67 avenues located in NSW, at the last report dated 2 July 2017 to the AGHS, there were 45 WWI Avenues of Honour in NSW, with 1 being lost. They are generally located on public land, managed by local Councils, or dedicated local management committees.

In terms of their form, single rows of trees are quite common although slightly more are reported to be double rows of trees. An example in the local region includes the World War I Honour Avenue of Norfolk Island Pines at Cudgen in Tweed Shire. The subject Brunswick Terrace Coastal Cypress Pines are included in the AGHS list.

4.2 Brunswick Coastal Cypress Trees as a WWI Memorial.

4.2.1 Research

Extensive desktop research and discussion with the Brunswick Valley Historical Society was carried to investigate historical records about memorial plantings in Brunswick Heads and on the Brunswick Terrace Reserve.

4.2.2 The Register of War Memorials NSW

This register includes the following summary which describes the Coastal Cypress Pines as memorial plantings to WWI. This listing draws upon a detailed account dated 2014 of Darcy O'Meara's personal recollections as a boy involved in the watering of trees in the 1920s.

> *The Coastal Cypress Pine (Callitris columellaris), a native species, was chosen by returned diggers from Gallipoli and the Western Front to represent the Battle of Lone Pine.*
>
> *The land area was determined to represent the battle front. Coastal Cypress Pines were planted in grid formation about 4 to 5m apart. The entire plantings were done over time, in working bees* drawing *from the surrounding settlements of Burringbar, Bangalow, Billinudgel, Byron Bay, Mullumbimby and Brunswick Heads on monthly rotation.*
>
> *These working bees became family affairs. Boys from Brunswick Heads Primary School were entrusted with assisting the watering of the seedlings. They were known as 'Gunga Dins'.*
>
> *The location was chosen because the foreshore was considered central to the surrounding towns and villages and it was a known peaceful place and a sacred place to the local Aboriginal peoples. It has been estimated that 500 pines were planted of which 103 are extant.*
> Source; Register of War Memorials NSW

4.2.3 Historical Newspaper Reports

A number of relevant historical newspaper articles were discovered which related to the reserve, tree plantings or the work of the Brunswick Heads Progress Association and the Town Improvement Committee. These articles are summarised in Table 2 in chronological order.

Date of Article	Summary
7 July 1917 Northern Star	Strong community protest against sale of Crown reserves and lobby to retain area near the river for public recreation.
11 July 1917 Mullumbimby Star	Formation of Brunswick Heads Town Improvement Committee.
19 July 1917 Mullumbimby Star	Memorial Trees- Proposals for Avenue planting between Dalley and Tincogan Streets from bridge to bridge. Further discussion followed with a proposal for creation of a Memorial Park on the Reserve for over 300 trees which would enable the whole community to take part. It was resolved to be put to the Council for a decision.
6 July 1918 Northern Star	Brunswick Heads Progress Association; Street tree planting proposal and request for landowners to assist in clearing undergrowth on half of the frontage of their allotments.
9 August 1918 Mullumbimby Star	Proposal by the Brunswick Heads Progress Association regarding putting a roll of honour on the tree guards to those who left Brunswick for the War.
15 August 1918 Mullumbimby Star	Announcement that Brunswick Heads has decided to erect an Honour Avenue in Park Street.
25 September 1919 Mullumbimby Star	Request for a new pump in Park Street similar to the pump on the camping reserve.
2 October 1919 Mullumbimby Star	The provision of a pump in Park Street.
10 October 1919 Tweed Daily	Trees on reserve cleared without consent of Council for a Tennis court.
23 October 1919 Tweed Daily	Tennis Club clearing and Council debate Tennis court made to relocate. Reserve to be maintained for visitors.
17 December 1919 Tweed Daily	Report on various matters with the reserve, grubbing out of trees for tennis club and filling of stumps for camping grounds.
14 April 1920 Tweed Daily	Park Street upgrades, and reference to 'The Avenue' being gravelled for half its length.

Table 2. Summary of various historical newspaper reports 1917-1920.



Progress Association.

The regular monthly meeting of the above was held in the School of Arts on Friday evening last. Owing to oversight in not advertising the meeting there was only a small attendance, consisting of Mrs P. Nelson (in the chair), R. W. Thompson, W. J. Reilly, C. Armbruster, H. Starr, G. H. Neath, C. B. Halliday, and W. R. Mackay.

Minutes of previous meeting were read and confirmed. The secretary read copies of outward correspondence which was approved of.

Telephones.

The secretary said he had not written to Wilson's Creek Association re the telephone, as he had been told that that body was defunct.

Mr Armbruster moved that application be made to the Postmaster-General asking him to link up the telephone line between Mullumbimby Creek and Rosebank, via Wilson's and Cooper's Creeks. The mover explained there were 14 subscribers at Wilson's Creek alone, and that the line would not cost much.

Mr Thompson seconded the motion pro forma, and said that there was a belt of scrub between the two places.

Others spoke, but the evidence was conflicting, and finally Messrs Reilly, Armbruster and Thompson were appointed a committee to obtain definite particulars as to the number and names of those willing to connect and the difficulties to be met with along the proposed route, and to report to next meeting.

Speed Limits.

Mr Neath said he had seen motor cars going along the streets at the rate of 30 miles an hour contrary to the Council's notice. It was agreed to write to the police and ask them to keep an eye on those inclined to race.

Mr Reilly said in connection with racing he had seen many of the school children coming away from school at a "fearful pace," often two on one gee gee, and that ought to be stopped.

Mr Starr said he would be attending a Parents and Citizens' Association meeting shortly and would bring the matter, and maybe the schoolmaster would be written to on the subject.

Memorial Trees.

Mr Mackay moved that the Council be asked to plant trees along Dalley and Tincogan-streets, from bridge to bridge; one tree in honor of each volunteer who had gone to the war from here.

Mr Thompson seconded the motion.

Mr Neath said the last trees planted by the Council ran to 9s each with guard, and with timber up it might be 10s now.

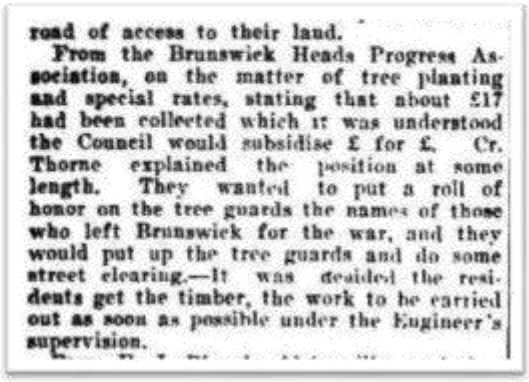
A long discussion followed, some contending that the foreshores would be the best plan as there would be over 300. It was considered that if the Council took the matter in hand in a proper systematic way many townspeople would contribute. One 10s was promised in the room. Ladies could join in and plant a tree to the memory of the one they loved best. Eventually it was agreed to write and to let the Council select their own positions.

On the motion of Mr Neath, seconded by Mr Reilly it was decided to co-operate with Brunswick Heads and other bodies in preventing the sale of two small reserves near the river at the Heads; also to write to the Shire Council and ask them to plant the various camping reserves with buffalo couch grass.

Mr Nelson reported that he had £5 in hand towards the Myocum deviation road, and wanted to know what to do with it. Various other sums had been promised towards making the road and in addition several Myocum residents offered to do work, and one gentleman would give all the timber required for culverts. He suggested that the matter stand over till next meeting and would in the meantime get a list of those willing to contribute the money and list could then be sent to the Shire Council. This was agreed to and the meeting closed.

France has given practically all her manhood to save civilisation. She now needs help to save her women and children — an appeal which no one can overlook.

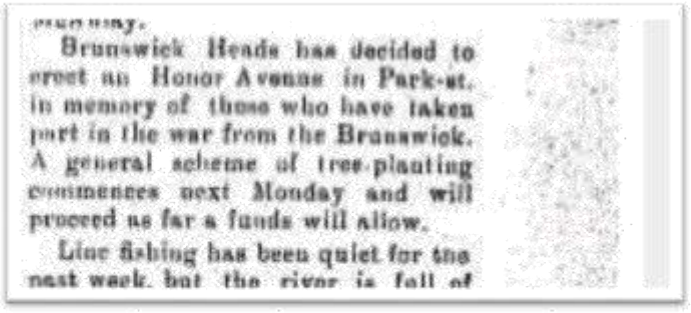
Figure 5 Extract from Mullumbimby Star 19 July 1917.
Source: National Library of Australia



road of access to their land.

From the Brunswick Heads Progress Association, on the matter of tree planting and special rates, stating that about £17 had been collected which it was understood the Council would subsidise £ for £. Cr. Thorne explained the position at some length. They wanted to put a roll of honor on the tree guards the names of those who left Brunswick for the war, and they would put up the tree guards and do some street clearing.—It was decided the residents get the timber, the work to be carried out as soon as possible under the Engineer's supervision.

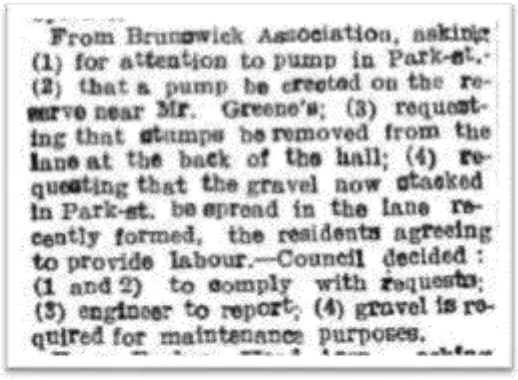
Figure 6. Extract from the Northern Star (Lismore, NSW 1876 - 1954), Friday 9 August 1918. Source; National Library of Australia



Brunswick Heads has decided to erect an Honor Avenue in Park-st. in memory of those who have taken part in the war from the Brunswick. A general scheme of tree-planting commences next Monday and will proceed as far a funds will allow.

Line fishing has been quiet for the past week, but the river is full of

Figure 7. Extract from Mullumbimby Star 15 August 1918. Source; National Library of Australia



From Brunswick Association, asking: (1) for attention to pump in Park-st.; (2) that a pump be erected on the reserve near Mr. Greene's; (3) requesting that stumps be removed from the lane at the back of the hall; (4) requesting that the gravel now stacked in Park-st. be spread in the lane recently formed, the residents agreeing to provide labour.—Council decided: (1 and 2) to comply with requests; (3) engineer to report; (4) gravel is required for maintenance purposes.

Figure 8. Extract from Mullumbimby Star 2 October 1919 Source; National Library of Australia

4.2.4. Historical Photographs

Several early photographs of the reserve and environs of Brunswick Heads between 1906 to the 1930s are available in the Brunswick Valley Historical Society (BVHS). The following images included here illustrate the vegetation and landscape setting in the early part of the twentieth century during the early days of the access road and use of the reserve. Unfortunately there were no images available of tree planting by the community or ceremonies associated with the creation of a WW1 memorial within the reserve or in Park Street.

ACKNOWLEGMENT

The following historic photographs are reproduced with kind permission of the Brunswick Valley Historical Society Inc.



Figure 9. Undated; 'The Avenue', (possibly circa 1910; horse drawn transport) Source BVHS.



Figure 10.
'The Avenue', showing a gravelled road, extract from publication 1919 *A Guide to the Tweed and the Brunswick.*
Source BVHS.



Figure 11.
1922 The Avenue.
Source BVHS.



Figure 12. Undated postcard; View across the Brunswick River to the reserve in the background. Source BVHS.



Figure 13. Undated; Boxing Day at Brunswick Heads. Possibly circa 1920s. Source BVHS.

5. PHYSICAL EVIDENCE.

5.1 Description of Site and Setting

Site inspections were carried out in July 2016 and August 2017. The subject site comprises a public recreation reserve which runs parallel to Simpson Creek, a tributary of the Brunswick River, previously referred to as 'South Arm' on the early Parish Maps, and encompasses land within the Terrace Reserve Holiday Park, Brunswick Heads and adjoining road reserves as shown on Map 2. The holiday park is located on Crown land and is under the management of North Coast Holiday Parks Trust.

The trees are situated throughout the road reserve along Brunswick Terrace and Park Street. Over 100 mature trees were identified in a ground truthing report by Patricia Warren and Ian Fox attached to the War Memorial Register listing. Bitumen roads are established throughout the reserve to provide access for caravan and mobile home sites, camping and passive recreation informal areas. A pattern of broadly north-south and east-west rows is evident in some areas as described in the ground truthing report and as illustrated in the photographs below.



Figure 14. Example of two parallel rows of within the reserve.



Figure 15. Example of a single row within the reserve.



Figure 16. Example of subject trees within a camp site area close the river.



Figure 17. Trees in close proximity to bitumen road surfaces.



Figure 18. Remnant clusters of mature trees in proximity to mobile home sites.

The mature trees are situated in a variety of conditions, some in grassed areas, others adjacent to camp sites used by vehicles and others close to bitumen roads. They are subject to potential or actual impacts of damage from vehicles driven over root areas, or physical damage, compaction of soil, bitumen surfaces preventing natural drainage, and damage from tying of ropes to trunks and branches. These issues impact upon the future conservation and management of the trees.

6. SUMMARY OF FINDINGS

A variety of primary and secondary sources were referred to during research for this report, including Parish Maps, early photographs, newspaper reports, the recollections from a local resident, and the thematic history of the area to assess the significance of the subject trees.

Brunswick Heads is a known significant Aboriginal place and the place of the earliest European settlement in Byron Shire.

The subject site holds historical significance for its original classification as a nature reserve and later designation as a place of public recreation, which demonstrates the evolution of a settlement in response to historical, social, economic and transportation factors.

Honour Avenue planting in commemoration of those who sacrificed their lives and gave service in WWI was widespread throughout Australia, during and immediately after the war. Tree plantings were generally organised and funded by the local communities with little government intervention. There are 44 surviving WWI Avenues of Honour in NSW, one having been lost.

Initiatives for memorial WWI tree planting in Brunswick Heads is documented in newspaper reports between 1917 and 1918. A meeting of the Brunswick Heads Progress Association, Town Improvement Committee notably outlined two proposals for an Honour Avenue street tree planting and the planting of up to 300 trees on the reserve.

These proposals were referred to Byron Shire Council of the day for a decision. The minutes of Byron Shire Council from 1917-1918 are no longer available to confirm the decision which was adopted. Later newspaper reports refer to tree planting in Park Street which links to the Reserve.

The Coastal Cypress Pines within the reserve may be associated with a WWI Memorial, however there is currently insufficient historical evidence to verify creation of a planted memorial park within the Reserve. However the natural forest and glades created within the reserve may have been recognised as a place of remembrance.

Early photographs held by the Brunswick Valley Historical Society and State Library of NSW show fairly dense forest areas including Coastal Cypress Pines either side of access tracks and in early photos of the reserve dating back to the early 1900s. The mature Coastal Cypress trees are therefore an important element of the natural and evolved cultural landscape values of this place.

Thinning of the natural forest has taken place over many years in the creation of the public reserve and camping areas. Early news articles back to 1919 reported unauthorised clearing which indicates strong community values and a desire to protect the natural values of the reserve.

The subject trees have community recognition in non-statutory heritage lists of the National Trust, NSW War Memorial Register and the Australian Garden History Society list of memorial plantings.

The Coastal Cypress Pines Community is protected under the *Threatened Species Conservation Act 1995 No 101* (NSW) *Schedule 1 Endangered species, populations and ecological communities; Part 3 Endangered ecological communities* being "Coastal Cypress Pine Forest in the NSW North Coast Bioregion"

As outlined in the scientific report attached to the above TSC Act listing, increasing coastal development and road upgrades in the region have impacted upon this community generally, and the remaining communities are fragmented.

At the subject site, increasing 'year round' tourism demand impacts upon the use of the reserve. Increasing population, improved transport links in northern NSW and SE Queensland, and overspill pressure from the international tourism destination of Byron Bay are collectively adding to demand for the use of the site.

Key issues to address in the future conservation and management of the trees include the impacts of vehicles driving over root areas (including heavy campers and caravans), compaction of soil, bitumen surfaces preventing natural drainage, and the tying of ropes and tents to trunks.

The Coastal Cypress Pines within the Terrace Reserve and adjoining road reserves have been an intrinsic part of the cultural landscape since the earliest days of settlement and recreation use at Brunswick Heads. A clear desire to carefully conserve and retain these tress is demonstrated in Council's resolution in December 2014, to seek an interim heritage order for the protection of the trees.

7. SIGNIFICANCE ASSESSMENT

7.1 Assessment Criteria.

A significance assessment is carried out to explain why a particular item/place is important, and to enable appropriate site management and a curtilage to be determined. The Australia ICOMOS Charter for Places of Cultural Significance 2013 (the Burra Charter) defines cultural significance as "aesthetic, historic, scientific, social or spiritual value for past, present or future generations" (Article 1.2). As outlined in the NSW Heritage Management System, Assessing Heritage Significance (NSW Heritage Office 2001) there are seven criteria under which a place can be assessed in the context of State or Local heritage themes.

It will be considered to be of State or Local significance if it meets one or more of the following criteria.

Criterion a) Historical significance: *an item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area.)*

Criterion b) Historical (Social /Associative) significance; *an item has strong or special association with the life or works of a person or a group of persons of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).*

Criteria c) Aesthetic significance: *an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).*

Criteria d) Social significance; *an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

Criteria e) Research potential: *an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area). Significance under this criterion must have the potential to yield new or further substantial information.*

Criteria f) Rarity: *an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (for the cultural or natural history of the local area).*

Criteria g) Representativeness: *an item is important in demonstrating the principal characteristics or a class of NSW's (or local area's) Cultural or natural places or Cultural or natural environments.*

7.2 Assessment of Significance

Criterion a) Historical significance: *an item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area.)*

The subject site including the Coastal Cypress Pines holds historical significance as demonstrated by the dedication of the land as a reserve for the Protection of Native Flora in 1904. Strong representation by the local community opposed sale of the land in 1917 resulting in designation to maintain use as a public recreation reserve. The subject mature trees are an important element of the natural and evolved cultural landscape as the site evolved for public recreation use in parallel with the economic and historic evolution of the township of Brunswick Heads.

Criterion b Historical (Social /Associative) significance; *an item has strong or special association with the life or works of a person or a group of persons of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).*

Historical Associative significance is not adequately demonstrated by currently available historic information.

Criteria c) Aesthetic significance: *an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).*

The mature Coastal Cypress Pines demonstrate aesthetic significance as a significant element of the natural and evolved cultural landscaped value of the site as documented in many early photographs in association with the earliest use of the reserve.

Criteria d) Social significance; *an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

The reserve including the subject Coastal Cypress Pines is socially significant to Brunswick Heads and surrounding communities who have enjoyed and used this place over many generations. The Brunswick Heads Progress Association was instrumental in retaining the land as a reserve for public use and the trees are registered as a living memorial in relation to WWI.

Criteria e) Research potential: *an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area). Significance under this criterion must have the potential to yield new or further substantial information.*

The Coastal Cypress Pines Community is significant for research potential as protected under the *Threatened Species Conservation Act 1995* (NSW) *No 101; Schedule 1 Endangered species, populations and ecological communities; Part 3 Endangered ecological communities* being "Coastal Cypress Pine Forest in the NSW North Coast Bioregion"

Criteria f) Rarity: *an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (for the cultural or natural history of the local area).*

The subject Coastal Cypress Pine meets this criterion of rarity as a classified endangered species.

Criteria g) Representativeness: *an item is important in demonstrating the principal characteristics or a class of NSW's (or local area's) Cultural or natural places or Cultural or natural environments.*

The Coastal Cypress trees are representative of this type of vegetation community.

7.3 Statement of Significance

The Coastal Cypress Pines on the Terrace Reserve and adjoining road reserves at Brunswick Heads demonstrate historical, aesthetic and social significance. These mature trees are an important element of the natural and evolved cultural landscape of the reserve, which developed in parallel with the economic and historic evolution of the township of Brunswick Heads. The trees are important element of the reserve which is highly valued by the local community, past and present, for its aesthetic and natural values and hold social association as a WWI Memorial. The vegetation community is protected as a rare and endangered species at a State level.

8 RECOMMENDATIONS

The following recommendations are made based on the findings of this report;

1. The Coastal Cypress Pines demonstrate historical, aesthetic and social significance and should be included on Schedule 5 of the Byron Shire LEP 2014 as an item of environmental heritage.

2. The subject trees should be carefully conserved in accordance with the advice of a professional ecologist and arborist.

3. The subject trees should be given thorough assessment and due protection in the management of current and any planned future land uses on the site.

4. Any trees which are substantially damaged, or dying should be replaced with the same species in the same locations.

5. That the community is encouraged to carry out further research in relation to WWI memorial plantings in Brunswick Heads.

6. That interpretation of the significance of the trees is encouraged through signage, a heritage trail, and other mediums such as digital platforms.

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Report for Byron Shire Council

Results of property inspection and site assessment

of Crown Land

Subject Land:

Crown Reserve known as The Terrace Holiday Park at Brunswick Heads

Byron Local Government Area

Report prepared by: Dr. Robert Kooyman (Ecologist / Botanist)
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Date: 03/08/2017

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1.0 Introduction

My name is ROBERT MICHAEL KOOYMAN and I am a partner in the environmental consultancy business, Earth Process Ecological Services (EPES).

I am a Hon. Research Fellow in plant ecology at Macquarie University, Sydney and a Hon. Research Associate of the National Herbarium of NSW and Royal Botanic Gardens and Domain Trust, Sydney. The attached CV (Appendix 1) provides details of my professional qualifications and experience in relation to the provision of the information in this report and determination of such matters.

Mr. Andrew Hill (Compliance, Byron Shire Council - BSC) contacted me in relation to this matter in early July 2017 and we met to discuss the issues on 20/07/2017. In a subsequent email and brief he requested that I undertake an inspection of the site described as the Terrace Holiday Park at Brunswick Heads, a Crown Reserve in the Byron Shire Local Government Area.

The brief directed me to undertake an inspection of the site (Crown Land) and provide an environmental assessment of the extent and condition of Coastal Cypress (*Callitris columellaris* - Cupressaceae) trees in the Crown Reserve. Specifically, I was requested to:

- Provide a description of the Coastal Cypress Pine community in relation to the specific site and the broader area of Brunswick Heads.
- Determine the estimated age of the Coastal Cypress Pines in the Terrace Reserve Holiday Park Brunswick Heads and the evidence for them being planted.
- Determine the likelihood of those trees belonging to a WW1 memorial planting.
- Provide a description of the health of the trees. Identify human activities that are impacting on the health of the trees (i.e., provide a threat assessment).
- Determine what can be done to preserve the trees and improve their health.
- Identify specific trees that are unlikely to survive and outline a suitable long term replacement program.
- Provide options as to what solutions are available to ensure the long term survival of the trees and protection of their heritage values, taking into consideration the existing land-use.

I visited the site on 25 July 2017. The inspection included the area of Crown Land known as the Terrace Holiday Park, Brunswick Heads. The diameter of each stem of Coastal Cypress Pine (*Callitris columellaris*) was measured at breast height (over bark), and the condition of individuals was noted.

2.0 Methods

I traversed (walked) the area of the site and noted the location of all trees of Coastal Cypress Pine and the endangered ecological community (Appendix 2). Details of stem sizes (measured diameter) and the identifying numbers of individuals were recorded (Appendix 3).

3.0 Results of site inspection

The results of the ecological and environmental assessments of the site and other areas of the community "Coastal Cypress Pine Forest in the NSW North Coast Bioregion - endangered ecological community" are presented below. Appendix 3 provides a list of the tree species in the community in Brunswick Heads NR (abundance weighted) relative to the species present in Terrace Holiday Park.

This section of the report also provides an evaluation of the trees on site and the community in relation to the 'brief' described above. A description of the site, including topography, soils, and vegetation, is provided below.

3.1 Topography

The subject land borders Simpson's Creek. The land area is mostly flat or with a gentle slope and is aligned from south to north. There is a steep drop off into the mangrove lined creek.

3.2 Soils

The subject area is dominated by free-draining sandy soils (Aeolian dunal sands) typical of coastal dune sequences and coastal sand accumulations adjacent to estuaries.

3.3 Native Vegetation

The site and adjacent areas fringing Simpson's Creek is edged by mangrove forest, with upslope sand areas dominated by the Endangered Ecological Community of Coastal Cypress

Pine, with some Swamp Sclerophyll Forest and Littoral Rainforest elements. The native vegetation on the site and in adjacent reserve areas (Brunswick Heads NR) is comprised of species such as Coastal Cypress (*Callitris columellaris* - Cupressaceae), Forest Red Gum (*Eucalyptus tereticornis* - Myrtaceae), Swamp Mahogany (*Eucalyptus robusta* - Myrtaceae), Brush Box (*Lophostemon confertus* - Myrtaceae), Paperbark (*Melaleuca quinquenervia* - Myrtaceae), Coastal Tuckeroo (*Cupaniopsis anacardioides* - Sapindaceae), Coast Banksia (*Banksia integrifolia* - Proteaceae), Bird's-eye Alectryon (*Alectryon coriaceus* - Sapindaceae) and Beach Acronychia (*Acronychia imperforata* - Rutaceae).

3.4 Extent and condition of native vegetation in the Terrace Holiday Park

The inspection showed that functioning native vegetation communities (including Coastal Cypress Pine) are either restricted to the southern end of the Terrace Holiday Park or to the estuary and creek area (mangroves and forest transitions). Within the Terrace Holiday Park the remaining native vegetation is consistent with species present in the natural communities on the same soil types adjacent. These include species from the Coastal Cypress Pine, Swamp Sclerophyll Forest and Littoral Rainforest communities. The dominant species and remaining feature trees in the Terrace Holiday Park include Coastal Cypress (*Callitris columellaris*), and species such as Forest Red Gum (*Eucalyptus tereticornis*), Swamp Mahogany (*Eucalyptus robusta*), Brush Box (*Lophostemon confertus*) and Paperbark (*Melaleuca quinquenervia*) (refer to Appendix 3, Sheet 1 – Callitris_size_class_condition).

The combination of species (in Terrace Holiday Park) that occur across the size classes (diameters) present in the Brunswick NR (and including larger sizes) suggests that they are most likely remnants of the 'original' vegetation, and are indicative of that vegetation in the combinations that occur naturally nearby (refer to Appendix 3, Sheet 2 – Callitris_EEC).

3.5 Assessment of factors detailed in the brief

3.5.1 Provide a description of the Coastal Cypress Pine community in relation to the specific site and the broader area of Brunswick Heads.

Refer to 3.3 and 3.4 above, see also Appendix 3.

3.5.2 Determine the estimated age of the Coastal Cypress Pines in the Terrace Reserve Holiday Park Brunswick Heads and the evidence for them being planted.

The Coastal Cypress (*Callitris columellaris*) trees in the Terrace Reserve Holiday Park are similar in size and therefore likely similar in age to those occurring naturally in the Brunswick Heads NR. *Callitris columellaris* is a widely distributed slow growing species that occurs on nutrient poor soils (including coastal sands) across its range (Brodribb et al. 2013). The conservative *Callitris* growth strategy of restricting photosynthesis and growth to wet periods and avoiding photosynthesis in dry months leads to a highly efficient use of water during photosynthesis and growth in the long term, but comes at significant cost to growth rate and productivity from year to year (Brodribb et al. 2013).

The results of growth band monitoring of stems in the tropics (where both seasonal rainfall and temperature exceed the subtropics and therefore suggest higher growth rates – refer to Brodribb et al. 2010, 2013) showed an annual increment in stem diameter of 2mm for this species. Notwithstanding the faster growth rates expected in the tropics compared to the subtropics, at that growth rate the largest trees on the Terrace Reserve Holiday Park would be ca. 400 years old and those in the larger size class represented more broadly and in the suggested 'rows' (size class 40-50 cm diameter) would be from 200-250 years. Based on the published information, the growth estimates for the tropics are likely greater than those realised in the subtropics (and on the Terrace Reserve Holiday Park site) and therefore the estimates of age provided here likely represent an underestimate of actual age. The evidence suggests the trees were not planted as their age exceeds that of European settlement.

3.5.3 Determine the likelihood of the trees belonging to a WW1 memorial planting

There is little direct evidence of the Coastal Cypress (*Callitris columellaris*) trees in the Terrace Reserve Holiday Park trees belonging to a formal planting. A check of historical photographs in the archives of the Brunswick Valley Historical Society (BVHS) showed that:

1) The native vegetation on site and in adjacent areas, extending to the main road and Brunswick Heads Nature Reserve, was dominated by the Coastal Cypress Pine (*Callitris columellaris*) community as described in this report.
2) Tree cover was present across the site and is represented in the photos provided by BVHS from 1906 onward. The vegetation in the images is consistent with the existing vegetation type, though inevitably some loss of trees has occurred (Appendix 4).
3) Early photographs highlight the 'natural' roadside avenue of trees (*Callitris columellaris*) at the entrance to Brunswick Heads, demonstrating how linear clearings (roads) can create the impression of trees growing in line (refer to Appendix 4).

In the report by Fox and Warren (2015) it is stated "Based on an extrapolation of a possible grid across the area it is speculated that many hundreds of trees may have been planted originally", forming what is further described in the report as a "forest" of Coastal Cypress Pines. The choice of words in Fox and Warren (2015) suggests some uncertainty on their part (e.g., possible, speculated). Given that the Coastal Cypress forest community was certainly the 'original' forest on site, the uncertainty in relation to the whole area having been planted

in a grid formation is strong, and the likelihood that much of the area represents the remnants of 'original' vegetation is high.

The imposition of a grid onto the naturally occurring matrix of trees seems a more likely explanation for the current arrangement of trees. In that case the narrow reserve, bounded as it is by the road and creek running in parallel, was further dissected by internal roads (creating two more sets of parallel bands), with stems that did not conform to that arrangement being removed. The outcome of the imposition of the narrow grid related to the function of the reserve for its current use is the perception of trees being more or less in lines along the roads (longitudinally – north-south) and aligned with other infrastructure (east-west). In combination this gives the impression of a grid.

There are what could be described as two rows of trees (with 6 and 7 trees respectively spaced at ca. 4m intervals) of similar size (diameters 45-55cm). Elsewhere there is a discontinuous row of 5 trees (diameters 43-66cm at 4-7m spacing) and another of 4 trees (diameters 37-60cm) at closer spacing (ca. 3m).

The likelihood that much of the area represents the remnants of 'original' vegetation is further supported by the size class (diameter) distributions of remaining trees. These are very similar to those of the adjacent 'natural' forest, including both the larger (ca. 80 cm diameter) and smaller (ca. 10cm diameter) size distributions (for *Callitris columellaris*) in the Nature Reserve and along the embankment above Simpson's Creek. In addition, some of the naturally co-occurring species like Forest Red Gum (*Eucalyptus tereticornis*), Swamp Mahogany (*Eucalyptus robusta*), Brush Box (*Lophostemon confertus*) and Paperbark (*Melaleuca quinquenervia*) occur at similar size classes to those in the nearby forest.

Finally, in relation to the research on growth rates of the species (Brodribb et al. 2010, 2013), and the inclusion of this species in dendrochronological studies related to long-term climate fluctuation on the Australian continent (Bowman et al. 2011; O'Donnell et al. 2015) it seems that trees of the size and stature of those in the Terrace Reserve Holiday Park would far exceed the size and age of planted trees over the timescale suggested (ca. 100 years). In my own > 40 years of observations of the *Callitris columellaris* growing along the Simpson's Creek embankment there has been little change in stem sizes over that time period, suggesting very slow growth, consistent with the research findings presented above.

3.5.4 Provide a description of the health of the trees. Identify human activities that are impacting on the health of the trees (i.e., provide a threat assessment).

The current factors impacting on the Coastal Cypress (*Callitris columellaris*) trees in the Terrace Reserve Holiday Park relate to the hardening of surfaces (bitumen roads, tracks, camp sites), damage from machine-based maintenance activities (grass cutting etc.), compaction (vehicles, camp sites close to trees), removal of branches (side pruning), and alteration to natural drainage. In combination these factors threaten the future viability of the individual trees and further reduce any residual function (and recruitment) of the 'original' community (in this case an Endangered Ecological Community listed in Part 3 of Schedule 1

of the Act where listing of endangered ecological communities is provided for by Part 2 of the Act; refer to Appendix 2).

3.5.5 Determine what can be done to preserve the trees and improve their health.

Preserving and improving the health of the Coastal Cypress (*Callitris columellaris*) and other native trees on the site requires that infrastructure planning and maintenance activities be modified to achieve that goal. For example, minimise facility establishment and camping use adjacent to remaining trees. Do not modify drainage or land surface levels. Protect trees and root systems from machinery contact and damage. Do not modify soil nutrient levels (e.g., no addition of fertilizer to promote grass growth). Do not allow competitive grasses (lawn grasses) to establish around trees. Do not disturb the root zone of individual trees (that extends to the full extent of branching as a minimum). Restrict the use of ornamental garden weeds in proximity to the trees and in the park.

The southern end of the Terrace Reserve Holiday Park has naturally regenerating Coastal Cypress (*Callitris columellaris*) and is adjacent to the riverside remnant and regeneration of the Endangered Ecological Community. The area within the Terrace Reserve Holiday Park should be allowed to regenerate naturally with Coastal Cypress, and existing trees should be protected from camping incursions. In the context of 3.5.4 and 3.5.5, current management is a threat to both the EEC and individual trees.

3.5.6 Identify specific trees that are unlikely to survive and outline a suitable long term replacement program.

Individual trees (identified by number) are listed in Appendix 3 and their current 'health' status is described there. Two stems (number 39 and 40) require ongoing monitoring of their condition as damage was regarded as significant and their survival likely compromised. Both are large stems (46 and 60 cm diameter) suggesting considerable age (230-300 years respectively). However, both are directly on or adjacent to internal roads.

Where ever possible senescing or badly damaged (compromised) trees should be replaced. Seed is available from natural fruiting on site (yearly) and should be collected for propagation. Replacement seedlings could be grown on in a nursery in large containers, giving them a 'head start' in growth.

3.5.7 Provide options as to what solutions are available to ensure the long term survival of the trees and protection of their heritage values, taking into consideration the existing land-use.

The options to ensure the long term survival of the trees and protection of their heritage values, including natural and cultural heritage include:

Option 1: Permanently remove all camping and infrastructure in the south of the park and restrict all activities to the northern area. Remove bitumen roading from the southern area and allow the Coastal Cypress (*Callitris columellaris*) and associated species that form part of the

EEC to regenerate. In all areas, minimise development of facilities and follow the directives outlines in 3.5.5 above, avoiding actions described in 3.5.4.

Option 2: Permanently remove and restrict all camping in the far southern end of the park and allow the Coastal Cypress (*Callitris columellaris*) and associated species in the EEC to regenerate. In other areas, minimise development of facilities and follow the directives outlines in 3.5.5 above, avoiding actions described in 3.5.4.

Option 3: Maintain the status quo, that is, no further actions or development other than existing uses in areas with Coastal Cypress trees. This will result in continuing decline and loss of trees through time with implications in relation to both protection of heritage values and legal requirements related to the NSW Threatened Species Act as it applies to a listed Endangered Ecological Community, being "Coastal Cypress Pine Forest in the NSW North Coast Bioregion".

Discussion

It seems possible that the original intent of a WW1 memorial may have been for the dedication of a 'grove' of trees from the modified 'original' forest to be used as a memorial park. This is consistent with what appears to have occurred and perhaps explains how the living memory of a dedicated park (modified from native vegetation) was later described as a 'planted' area. Photographs from 1906 onward confirm native forest cover (Appendix 4).

Regardless of its origins, the 'memorial park' area obviously has both natural and cultural values that require it to be carefully managed to maximise the protection and continuation of those values. A natural 'grove' of trees dedicated to the memory of those killed in war is no less important than if it had been planted to achieve that purpose. The fact that the natural grove also represents the 'original' forest community of the site and that community is now listed as Endangered only enhances the values on both counts (natural and cultural).

It is evident that the Brunswick Heads community has long held the Coastal Cypress Pine in high regard. Some of the earliest photographs of the location highlight the *Callitris columellaris* 'avenue' entrance, and the retention of the adjacent areas of native forest through time as reserves (The Terrace Reserve, and the Brunswick Heads NR) further supports this. I recommend the adoption of the measures outlined in this report to protect the trees and the EEC, and "Option 1" to protect the Endangered Ecological Community for the reasons identified.

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5.0 Appendix 1 CV

CV for: Dr Robert Michael Kooyman (Ecologist / Botanist)
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QUALIFICATIONS

PhD (2011) Comparative Ecology Lab, Department of Biological Sciences, Macquarie University. Australian Rainforest Ecology on the Basis of Species Traits.

Master of Science (MSc) (2005) by research through University of New England (Botany). A study of the rainforest habitat and population biology and ecology of the endangered rainforest tree *Uromyrtus australis* A.J. Scott.

Graduate Certificate (Forest Science), Melbourne University.

AFFILIATIONS
Research Associate National Herbarium of NSW (Royal Botanic Gardens and Domain Trust, Sydney).
Research Fellow, Comparative Ecology Lab, Department of Biological Sciences, Macquarie University, Sydney.

MEMBERSHIPS
Ecological Society of Australia
Ecological Society of America
Botanical Society of America (including Palaeo-botanical group)
Association for Tropical Biodiversity and Conservation
International Society for Conservation Biology

CURRENT POSITION
2017 Hon. Research Fellow - Macquarie University Department of Biological Sciences.

PREVIOUS POSITIONS
Research Fellow - Macquarie University Department of Biological Sciences.
Hon. Research Associate - Conservation Ecologist with the Evolutionary Ecology Unit at the National Herbarium of NSW (Royal Botanic Gardens and Domain Trust, Sydney).

BACKGROUND
Robert has undertaken extensive field work and research and surveys for a broad range of flora and fauna species. He has substantial experience in research on endangered and threatened species, communities, and ecosystems; and a long involvement with native vegetation management and ecosystem restoration activities, fauna habitat assessment and rehabilitation, and 'landscape' scale approaches to ecosystem and habitat management.

He has accumulated an extensive knowledge of the forest ecosystems and flora and fauna of Australia, and has worked in the rainforests of New Zealand, the South Pacific, South-east Asia, tropical and temperate South and Central America, and Madagascar. With the National Herbarium of NSW (Royal Botanic Gardens and Domain Trust), Sydney, he completed the

threatened flora component of bio-regional recovery planning for the Border Ranges Biodiversity Management Plan for southeast Qld and northeast NSW.

Other activities include the preparation of Environmental Impact Statements for actions in SEPP 26 Littoral Rainforest; flora and fauna surveys as part of the implementation of the Threatened Species Survey Protocol Designs for Forestry operations in NSW; pre and post logging surveys and monitoring of impacts on flora and fauna species and their habitats; the planning and implementation of restoration actions in rainforest and sclerophyll communities (for example, the North Washpool Rehabilitation); and the planning and implementation of species recovery actions. His current research includes the effects of disturbance and fragmentation on ecological processes in rain forest ecosystems.

RELEVANT EXPERIENCE

Robert was employed by State Forests of NSW, initially as a Forest Ranger (Recreation and Wildlife), and then as a Field Botanist / Ecologist (flora and fauna research) (1976-1999). He was trained in forest assessment, air-photo interpretation, forest mensuration, forest canopy climbing, and forest research methods. He has conducted extensive research into aspects of the ecology, evolution and biogeography of forest communities and species. This included extensive traverse surveys, plot-based research, forest ecosystem and forest type mapping and field assessment, and target species surveys (flora and fauna). He was employed by RBG&DT Sydney in the position of Evolutionary Ecologist (2011-2012). He has completed many reports and projects consulting for Government Agencies in Australia, and has worked with UN-FAO on vegetation surveys in the South Pacific (2015).

CURRENT RESEARCH

Currently working on several projects: 1) distribution and relationship of soil nutrients to vegetation at continental and regional scales; 2) compilation of continental scale phylogenetic and trait-based data for all woody (free-standing and climbing) plant taxa in the Australian rain forest; 3) collaborations associated with compilation of all Gondwanan plant fossil assemblages from sites in Australia, NZ, Sth America, Malvinas Is., and Antarctica; 4) restoration and rehabilitation of rainforest in Madagascar with Missouri Botanic Gardens (MOBOT – Paris Office). These projects include continuing collaborations with researchers at RBG Sydney, University of NSW (Dr. Shawn Laffan and Dr. Will Cornwell), Macquarie University (Prof. Mark Westoby), and several international institutions (e.g. with A.Prof. Peter Wilf – Pennsylvania State University).

Publications

Scholarly book chapters;

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Conference submissions (invited presentations and abstracts)

Kooyman, R.M., Rossetto, M., Cornwell, W. and Westoby, M. (2011) Australian rain forest community assembly: some functional and phylogenetic perspectives. Ecological Society of Australia Conference, Hobart, Tasmania.

Kooyman, R.M., Rossetto, M., Cornwell, W., Allen, C. and Westoby, M. (2011) Australian tropical and sub-tropical rainforest community assembly: functional traits and phylogenetic history. International Botanical Congress, Melbourne.

Kooyman, R.M., Rossetto, M., Cornwell, W. and Westoby, M. (2010) Phylogenetic tests of community assembly across regional to continental scales in tropical and sub-tropical rainforests. Association for Tropical Biology and Conservation Conference, Bali, Indonesia.

Kooyman, R.M., Rossetto, M., Cornwell, W. and Westoby, M. (2010) Untangling southern origins and northern connections. Australian rainforest community assembly. Southern Connections Congress, Bariloche, Argentina.

Kooyman, R.M., Rossetto, M., Cornwell, W. and Westoby, M. (2009) Plant functional traits, phylogenetic structure, and community assembly: emerging patterns in community ecology. INTECOL (International Ecological Conference), Brisbane.

Kooyman, R.M. (2003). Rainforest rehabilitation: building an evolutionary future from the remnants of the past. In: *Plant Conservation: approaches and techniques from an Australian perspective.* ANPC. Canberra. Based on a presentation given in Lismore (SCU), NSW.

6.0 Appendix 2: Coastal Cypress Pine Forest in the NSW North Coast Bioregion - endangered ecological community listing

NSW Scientific Committee - final determination

The Scientific Committee, established by the Threatened Species Conservation Act, has made a Final Determination to list Coastal Cypress Pine Forest in the NSW North Coast Bioregion as an ENDANGERED ECOLOGICAL COMMUNITY in Part 3 of Schedule 1 of the Act. Listing of endangered ecological communities is provided for by Part 2 of the Act.

The Scientific Committee has found that:

1. Coastal Cypress Pine Forest in the NSW North Coast Bioregion is the name given to the ecological community dominated by Coastal Cypress Pine, *Callitris columellaris*, found typically on coastal sand plains, north from the Angourie area on the far north coast of NSW. The community is characterised by the species listed in paragraph 2, and typically has a closed to open canopy of *C. columellaris*, which may be mixed with eucalypts, wattles, banksias and/or rainforest trees, and an open to sparse understorey of shrubs, sedges and herbs. Structural forms of the community include woodland, open forest and closed forest, although the tree stratum may be very sparse, absent, or comprised only of dead trees in stands affected by partial clearing, tree senescence or fire.

2. Coastal Cypress Pine Forest is characterised by the following assemblage of species:

Abildgaardia vaginata

Acacia aulacocarpa

Acacia disparrima subsp. *disparrima*

Acacia ulicifolia

Acianthus caudatus

Acianthus exsertus

Acronychia imperforata

Acrotriche aggregata

Allocasuarina littoralis

Alyxia ruscifolia

Araucaria cunninghamii

Aristida spp.

Astroloma humifusum

Austromyrtus dulcis

Baloskion tetraphyllum subsp. *meiostachyum*

Banksia integrifolia subsp. *integrifolia*

Banksia serrata

Bulboschoenus barbata

Callitris columellaris

Chiloglottis sp.

Commelina cyanea

Corymbia intermedia

Cyclophyllum longipetalum

Cymbopogon refractus var. *refractus*

Cyperus stradbrokensis

Dianella caerulea

Eragrostis brownii

Eucalyptus pilularis

Eucalyptus resinifera subsp. *hemilampra*

Eucalyptus signata

Euroschinus falcata

Halfordia kendack

Hoya australis subsp. *australis*

Imperata cylindrica var. *major*

Leptospermum polygalifolium

Leucopogon ericoides

Leucopogon leptospermoides

Leucopogon margarodes

Lomandra longifolia

Monotoca elliptica

Notelaea longifolia

Oxylobium robustum

Paspalidium distans

Persoonia stradbrokensis

Platycerium bifurcatum

Pomax umbellata

Pteridium esculentum

Pterostylis nutans

Pterostylis pedunculata

Zieria smithii

3. The total species list of the community is considerably larger than that given above, with many species present in only one or two sites or in low abundance. The species composition of a site will be influenced by the size of the site, recent rainfall or drought condition and by its disturbance (including fire) history. The number of species, and the above ground relative abundance of species will change with time since fire, and may also change in response to changes in fire regime (including changes in fire frequency). At any one time, above ground individuals of some species may be absent, but the species may be represented below ground in the soil seed banks or as dormant structures such as bulbs, corms, rhizomes, rootstocks or lignotubers. The list of species given above is of vascular plant species; the community also includes micro-organisms, fungi, cryptogamic plants and a diverse fauna, both vertebrate and invertebrate. These components of the community are poorly documented.

4. Coastal Cypress Pine Forest is dominated by a dense to open canopy of *Callitris columellaris*(Coastal Cypress Pine), sometimes with *Coyrmbia intermedia* (Pink Bloodwood), *Eucalyptus pilularis* (Blackbutt), *E. signata* (Scribbly Gum), *Acacia disparrima* subsp. *disparrima* (Salwood), *Allocasuarina littoralis* (Black She-oak), *Banksia integrifolia* subsp. *integrifolia* (Coast Banksia) or *B. serrata* (Old Man Banksia). The typically sparse layer of shrubs may include, *Acacia ulicifolia*(Prickly Moses), *Leucopogon ericoides* (Pink Beard-heath), *L. leptospermoides*, *Monotoca elliptica*(Tree broom-heath) and juveniles of any of the canopy species. The typically sparse groundcover comprises scattered

grasses, including *Aristida vagans* (Three-awn Speargrass), *Eragrostis brownii*(Brown's Lovegrass), *Imperata cylindrica* var. *major* (Blady Grass) and *Paspalidium distans*, graminoids such as *Baloskion tetraphyllum* subsp. *meiostachyum* (Plume Rush) and *Lomandra longifolia* (Spiny-headed Mat-rush) and forbs including *Dianella caerulea* (Blue Flax Lily) and *Pomax umbellata* or it may also contain a rich orchid flora (Moye *in litt*. 2008). The community may have a distinctive litter layer with patches of compressed *Callitris* branchlets, which have a characteristic chemical composition that is high in terpenes, such as limonene and pinene (Ogunwande *et al*. 2005). Undisturbed stands of the community may have a woodland or forest structure, with *C. columellaris* dominating the canopy, although larger trees, such as eucalypts may be emergent. Stands of the community that have been partially cleared in the past may be reduced to scattered trees and a few characteristic ground cover species, possibly with other native species represented in a soil seed bank. Fires may also influence the structure of the community, as the dominant tree species, *C. columellaris*, is generally killed when burnt. Post-fire regeneration of the community may therefore have the structure of shrubland or heathland for many years.

5. A number of threatened flora species have been recorded in Coastal Cypress Pine Forest or associated ecotones. These include *Acronychia littoralis* (Scented Acronychia), *Archidendron hendersonii* (White Lace Flower), *Geodorum densiflorum* (Pink Nodding Orchid, Shepherds Crook Orchid) and *Drynaria rigidula* (Basket fern).

6. Coastal Cypress Pine Forest typically occurs on the inland side of the coastal sandplain on low rises that represent eroded Pleistocene backbarrier dunes (Morand 1996). A few examples of the community are located on coastal bedrock hills mantled with wind-blown sand or more rarely without a sandy mantle (e.g. Landmark 1999). The community has also been recorded from Holocene sand dunes (Griffith 1999). The sandy soils are generally deep, freely draining podsols, loam or clay soils associated with basalt or, less commonly, fine-grained sedimentary rocks and similar substrates. Currently known occurrences of the community are generally within 35km of the coast and below 100m elevation. Mean annual rainfall varies from approximately 1000 mm up to 1800 mm across the distribution of the community.

7. Coastal Cypress Pine Forest is apparently restricted to the NSW North Coast bioregion. The dominant species, *C. columellaris*, extends into south-east Queensland as far north as Hervey Bay. Biantoff and Elsol (1989) record *C. columellaris* in forest on the Sunshine Coast in south-east Queensland, although it is uncertain whether this represents the same community or other communities in which *C. columellaris* is sub-dominant. However, any occurrence of the community in south-east Queensland is likely to be highly restricted. In NSW, Coastal Cypress Pine Forest is currently known from the local government areas of

Tweed, Byron, Ballina, Richmond Valley and Clarence Valley, but may occur elsewhere within the bioregion.

8. Coastal Cypress Pine Forest includes 'Coast Cypress Pine' (Forest Ecosystem 22) of NPWS (1999) and DEC (2004), '*Callitris columellaris* tall open to closed forest' (F4) of Pressey and Griffith (1992), the 'Cypress Pine' unit of Landmark (1999), 'Cypress Pine Open Forest to Woodland' (313) of Kingston *et al*. (2004), Coast Cypress Pine on Dunes and Ridges' (Community 33) of Sherringham *et al*. (unpubl. data) and Coastal Cypress Pine assemblages described by Benwell (1995, 1998). Coastal Cypress Pine Forest belongs to the Coastal Dune Dry Sclerophyll Forests vegetation class of Keith (2004).

9. Based on detailed field inspections, the total distribution of Coastal Cypress Pine Forest covers approximately 150 ha (A. Benwell, unpubl. data), and is certainly less than 200 ha. Coastal Cypress Pine Forest is currently known from 15-20 localities, most of which are patches no larger than 10 ha. Stands of the community have been mapped in Bundjalung, Yuraygir and Broadwater National Parks (Griffith 1983, 1984, 1985) and Billinudgel Nature Reserve (Benwell 1998), accounting for about half of the total known occurrence. The remaining stands occur primarily on private land or road easements. All known occurrences of the community are within a total extent of occurrence of 2500 –3000 km^2. These estimates indicate that the community has a highly restricted distribution.

10. Since European settlement, and relative to the longevity of its dominant trees, which live for more than a hundred years, Coastal Cypress Pine Forest has undergone a large reduction in geographic distribution. This reduction has occurred as a result of vegetation clearing for sand mining, agriculture and coastal development. Estimates based on field observations of old remnant trees in cleared land around the remaining stands of the Coastal Cypress Pine Forest suggest that the area occupied by the community may have declined by more than 77% (A. Benwell, unpubl. data). The actual reduction in geographic distribution is likely to be larger than this estimate suggests because stands which may have been totally destroyed could not be included in the calculation. Small-scale clearing continues to threaten the community, primarily as a result of coastal development and associated upgrading of roads. For example, within the past two decades, fragmentation of the community has increased as a result of clearing for tea tree plantations, caravan parks, road construction and associated quarrying (DECC *in litt.*, A. Benwell, pers. comm. August 2006), indicating a continuing decline in the geographic distribution of the community. The remaining area of the community is severely fragmented. The integrity and survival of small, isolated stands of the community is impaired by the small population size of its component species, enhanced risks from environmental stochasticity, disruption to pollination and dispersal of fruits or seeds, and likely reductions in the genetic diversity of isolated populations (Young *et al*. 1996,

Young and Clarke 2000). 'Clearing of native vegetation' is listed as a Key Threatening Process under the *Threatened Species Conservation Act* 1995.

11. Other threats to Coastal Cypress Pine Forest include habitat degradation and weed invasion. Maintenance of service easements and fence construction encroaches on the edges of some stands, while trampling and rubbish dumping occurs where the community is close to towns and recreational sites. Such disturbances accelerate the invasion of weeds, which may form a dense understorey or ground layer, displacing native understorey species and inhibiting recruitment of canopy species. Principal weed species include *Asparagus aethiopicus*, *Bryophyllum delagoense*, *Chloris gayana, Lantana camara, Ochna serrulata* and *Schefflera actinophylla*. Other weed species recorded in the community include *Panicum maximum, Rhaphiolepis indica, Solanum nigrum* and *S. seaforthianum*. The invasion and establishment of exotic species in Coastal Cypress Pine Forest, results in a large reduction in the ecological function of the community. 'Invasion of native plant communities by exotic perennial grasses' and 'Invasion, establishment and spread of *Lantana*(*Lantana camara* L. *sens. lat*)' are listed as Key Threatening Processes under the *Threatened Species Conservation Act* 1995.

12. Inappropriate fire regimes also pose a threat to Coastal Cypress Pine Forest. Undisturbed stands of the community typically have a sparse understorey and apparently do not accumulate large quantities of uncompacted litter. These attributes do not favour propagation of fires under common weather conditions. However, the dominant species, *C. columellaris*, may be killed by crown fires or heavy scorching of the lower trunk. Such effects have been observed in localised patches (A. Benwell, pers. comm.), as incursion of fire may be facilitated by more flammable vegetation that surrounds the small patches of the community. A recent crown fire in Bundjalung National Park killed existing seedlings, saplings and mature trees of *C.columellaris* and apparently resulted in little post-fire recruitment (S. J. Griffith, pers. comm.). Regeneration of the species appears to rely on seed that is released regularly from non-persistent cones, mainly in the summer months. Seedling recruitment is mainly seen in gaps created by small-scale disturbance (A. Benwell, pers. comm.). Given these characteristics and observations, high-frequency fires are likely to be detrimental to the persistence of the community, although infrequent fires may be necessary to create the gaps apparently required for seedling recruitment to replace senescent trees. Frequent fires are also likely to accelerate the invasion of weeds, since these species are efficient colonisers of open space where there are sources of propagules nearby. Weed invasion is likely to alter the fuel characteristics, making the community more flammable. Increasing human population pressures, such as those occurring on the NSW north coast, typically result in an increase in fire ignitions in bushland that is accessible to urban areas. 'High frequency fire resulting in disruption of life cycle processes in plants and animals and loss of vegetation structure and composition' is listed as a Key Threatening Process under the *Threatened Species Conservation Act* 1995.

13. Coastal Cypress Pine Forest in the NSW North Coast Bioregion is not eligible to be listed as a critically endangered ecological community.

14. Coastal Cypress Pine Forest in the NSW North Coast Bioregion is eligible to be listed as an Endangered Ecological Community as, in the opinion of the Scientific Committee, it is facing a very high risk of extinction in New South Wales in the near future, as determined in accordance with the following criteria as prescribed by the Threatened Species Conservation Regulation 2002:

Clause 25

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

(b) a large reduction in geographic distribution.

Clause 26

The ecological community's geographic distribution is estimated or inferred to be:

(b) highly restricted,

and the nature of its distribution makes it likely that the action of a threatening process could cause it to decline or degrade in extent or ecological function over a time span appropriate to the life cycle and habitat characteristics of the ecological community's component species.

Clause 27

The ecological community has undergone, is observed, estimated, inferred or reasonably suspected to have undergone, or is likely to undergo within a time span appropriate to the life cycle and habitat characteristics of its component species:

(b) a large reduction in ecological function,

as indicated by any of the following:

(d) change in community structure

(g) invasion and establishment of exotic species

(h) degradation of habitat

(i) fragmentation of habitat

Professor Lesley Hughes

Chairperson

Scientific Committee

Proposed Gazettal date: 31/10/08

Exhibition period: 31/10/08 – 26/12/08

References

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In the case of Byron LEP extracts:

ZONE No. 7(f1)(COASTAL LAND ZONE)

1. Objectives of zone

The objectives of the zone are-

(a) to identify and protect environmentally sensitive coastal land;

(b) to enable development for certain purposes where such development does not have a detrimental effect on the habitat, landscape or scenic quality of the locality;

om Amd.90 22/3/02

(c) to prevent development which would adversely affect, or be adversely affected by, coastal processes; and

(d) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

Ins Amd.90 22/3/02

2. Without development consent

Nil. ins/om Amd.55 17/7/98

3. Only with development consent

Agriculture (other than animal establishments); beach and coastal restoration works; building of levees, drains or clearing of land; bushfire hazard reduction; clearing of land; community buildings; drainage; environmental facilities; forestry; home industries; markets; roads; primitive camping grounds; surf lifesaving facilities; utility installations.
ins Amd.65 11/12/98;om Amd.90 22/3/02

4. Prohibited

Any purpose other than a purpose specified in item 2 or 3.

Development within Zone No. 7(f1)(Coastal Lands Zone)

33. (1) This clause applies to all land within Zone No. 7(f1).

(2) A person shall not carry out development for any purpose on land to which this clause applies except with the consent of the council.
Om/ins Amd.90 22/3/02; om Amd. SEPP (Repeal of Concurrence and Referral Provisions) 2008 -12/12/08
om Amd.90 22/3/02

(4) The Council, in deciding whether to grant consent to development referred to in subclause (2), shall take into consideration - om/ins Amd.90 22/3/02; om/ins Amd. SEPP (Repeal of Concurrence and Referral Provisions) 2008 -12/12/08

(a) the likelihood of the proposed development adversely affecting, or being adversely affected by, coastal processes;

(b) the likelihood of the proposed development adversely affecting any dune or beach of the shoreline or foreshore;

(c) the likelihood of the proposed development adversely affecting the landscape, scenic or environmental quality of the locality of the land; and om/ins Amd.90 22/3/02

(d) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment. Om/ins Amd.90 22/3/02

Appendix 4:
Historic Photographs of Brunswick Heads including the Terrace Reserve and areas nearby showing native vegetation.

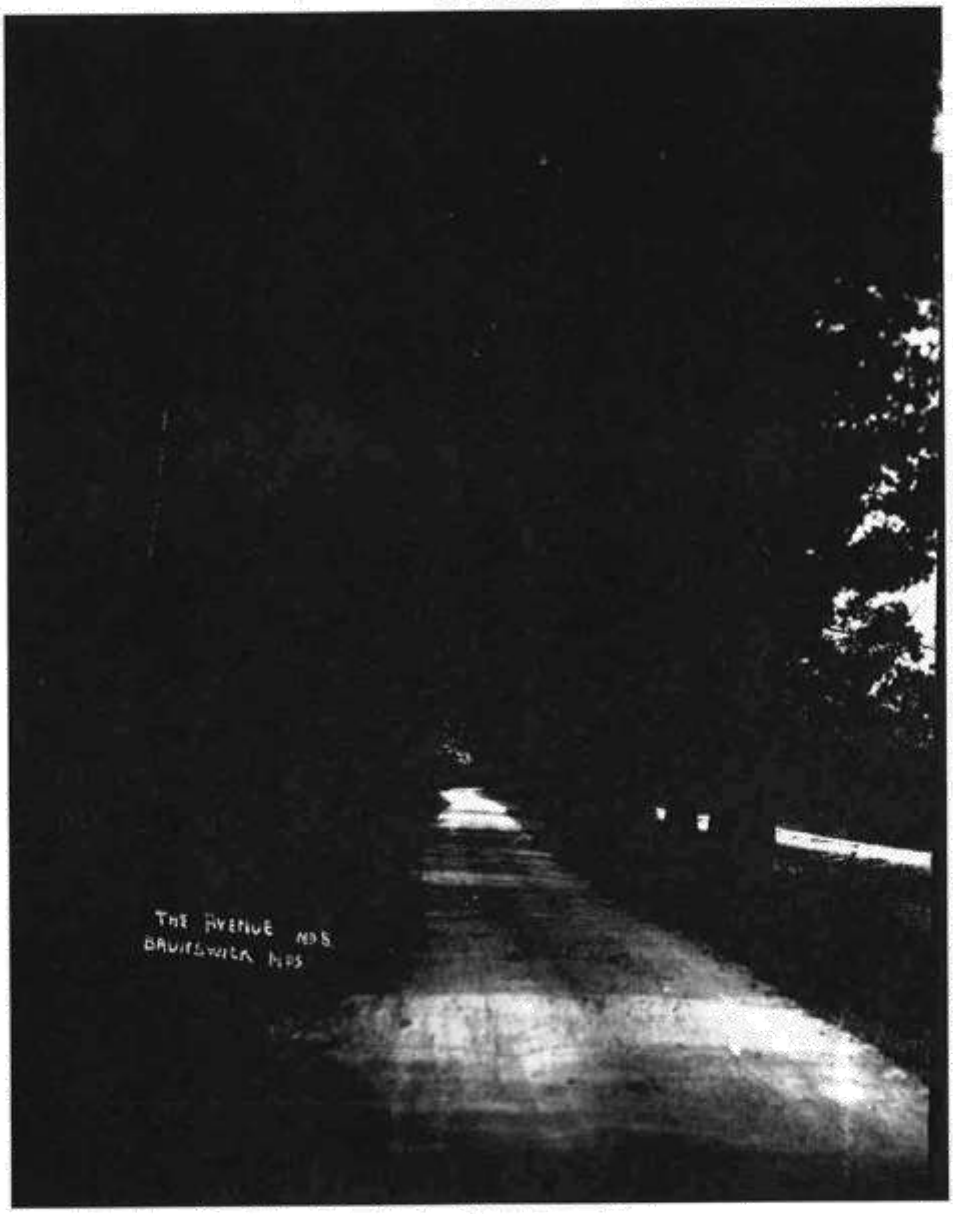


Figure 1 Main road into Brunswick Heads showing Coastal Cypress (*Callitris columellaris*) looking toward the Terrace Reserve area. All photos courtesy of Brunswick Valley Historical Society.

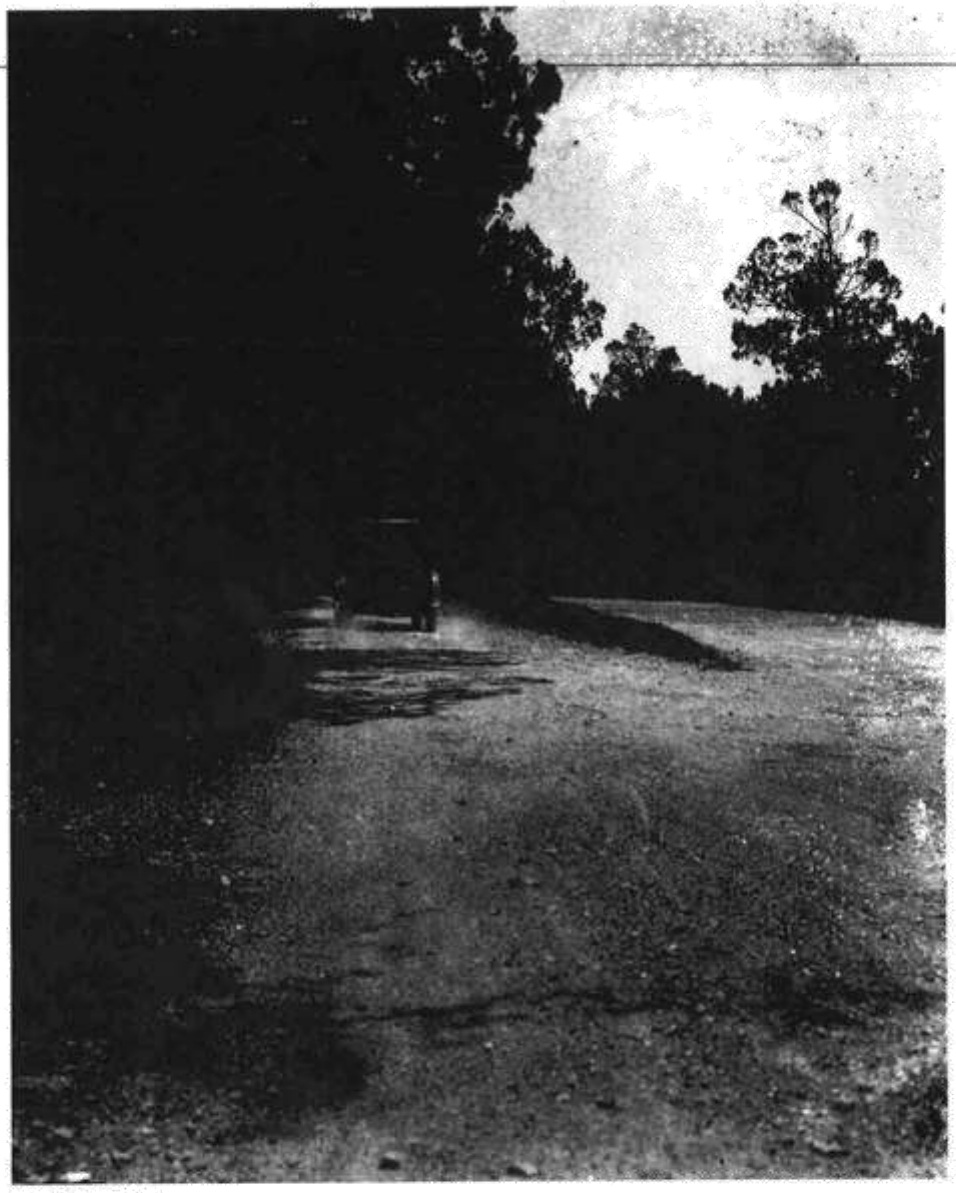


Figure 2 Main road into Brunswick Heads showing Coastal Cypress (*Callitris columellaris*) and native vegetation close to the Terrace Reserve area.

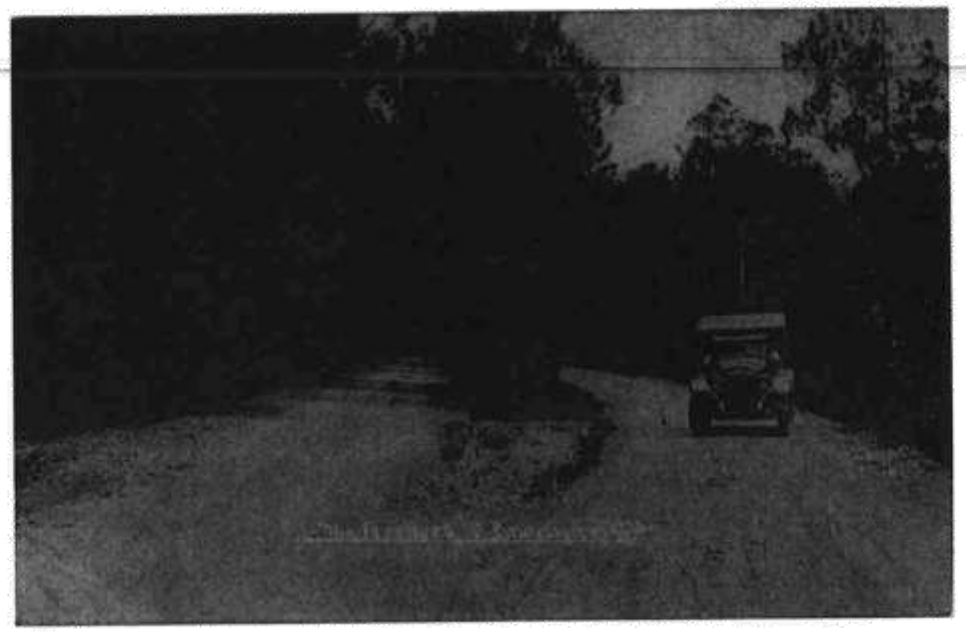


Figure 3 Main road into Brunswick Heads showing Coastal Cypress (*Callitris columellaris*) and native vegetation close to the Terrace Reserve area.

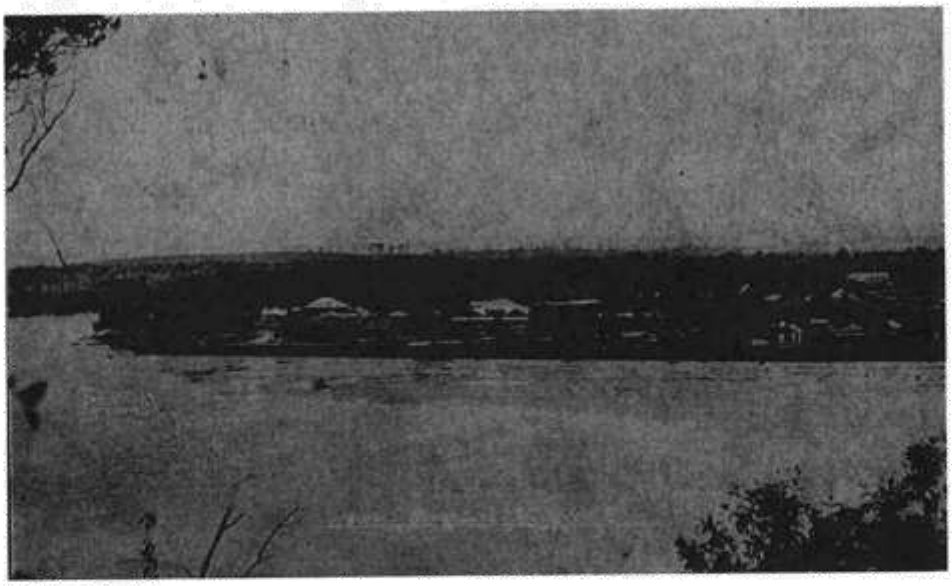


Figure 4 Brunswick Heads showing native vegetation on the Terrace Reserve area.



Figure 5 Aerial view of Brunswick Heads showing native vegetation in the foreground (beyond clearing) and in the distance on the Terrace Reserve area backing the town.

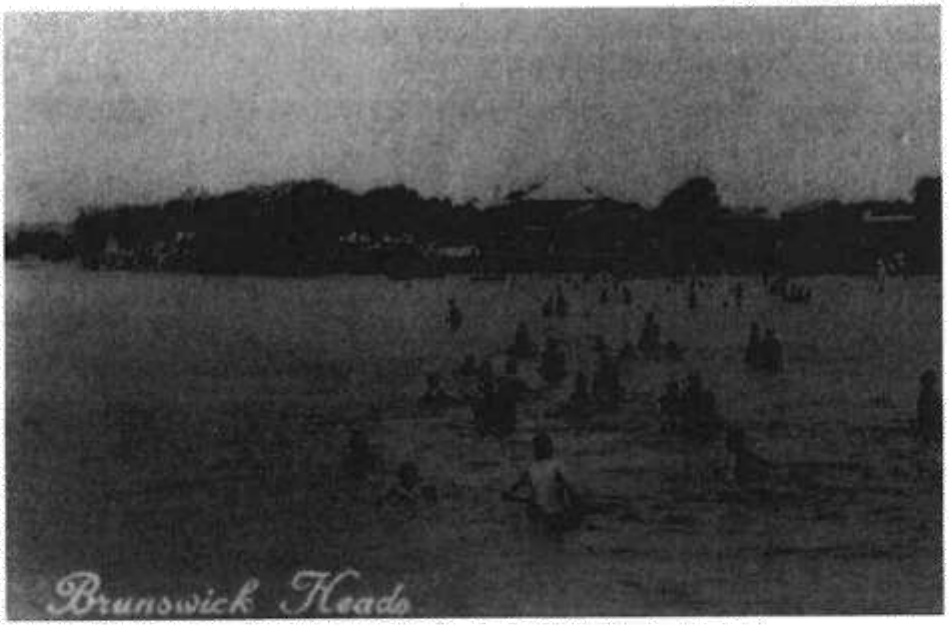


Figure 6 View of Brunswick Heads showing native vegetation in left background along the Terrace Reserve area.



Figure 7 View of Brunswick Heads at low tide showing native vegetation in left background along the Terrace Reserve area.

MANFRED STREET, BYRON BAY



Byron Bay Locality Map

North
0 500m
1 : 25 000 @ A4

Legend

Subject site



SIX Portal Aerial View

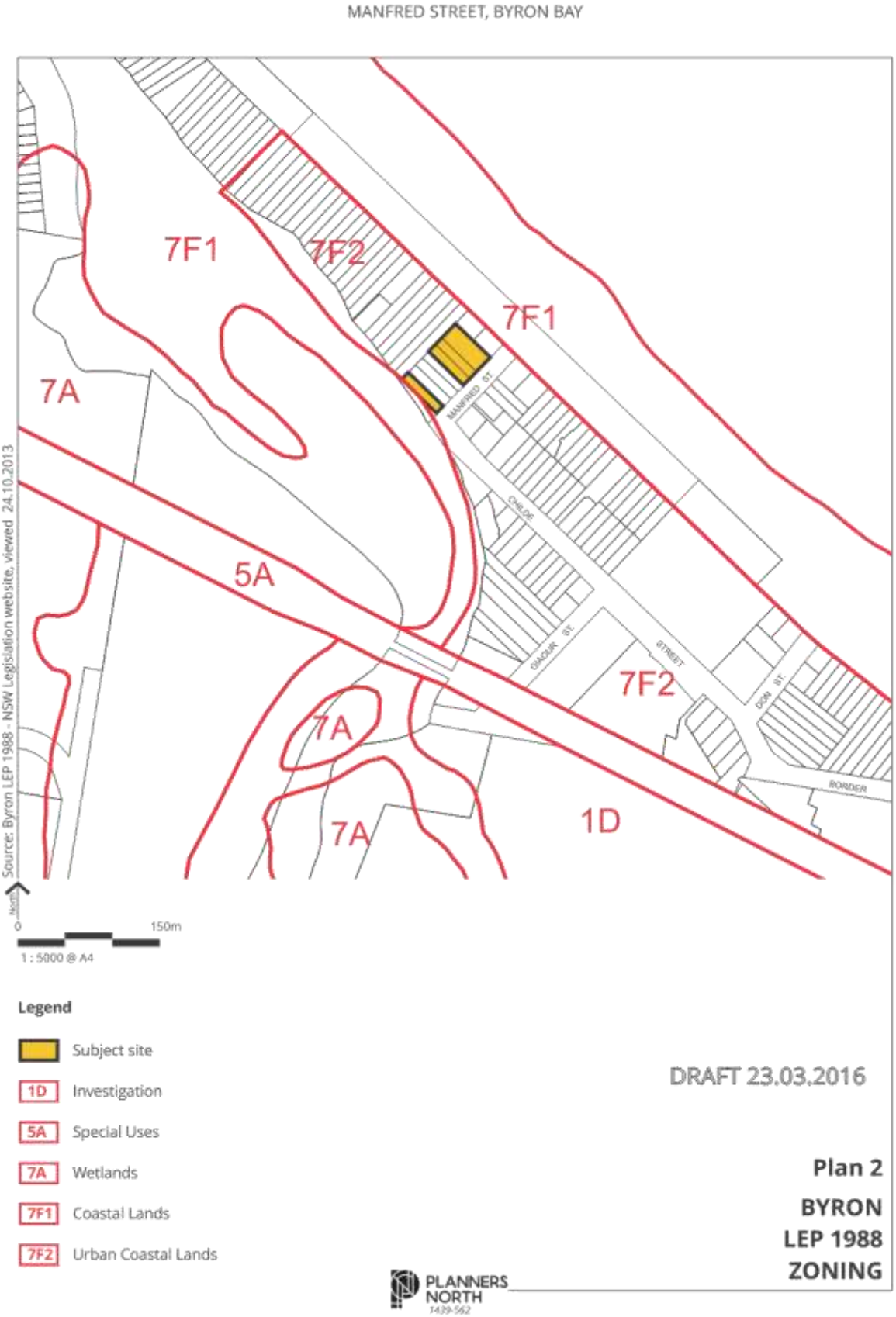
Subject site

PLANNERS NORTH
1439-562

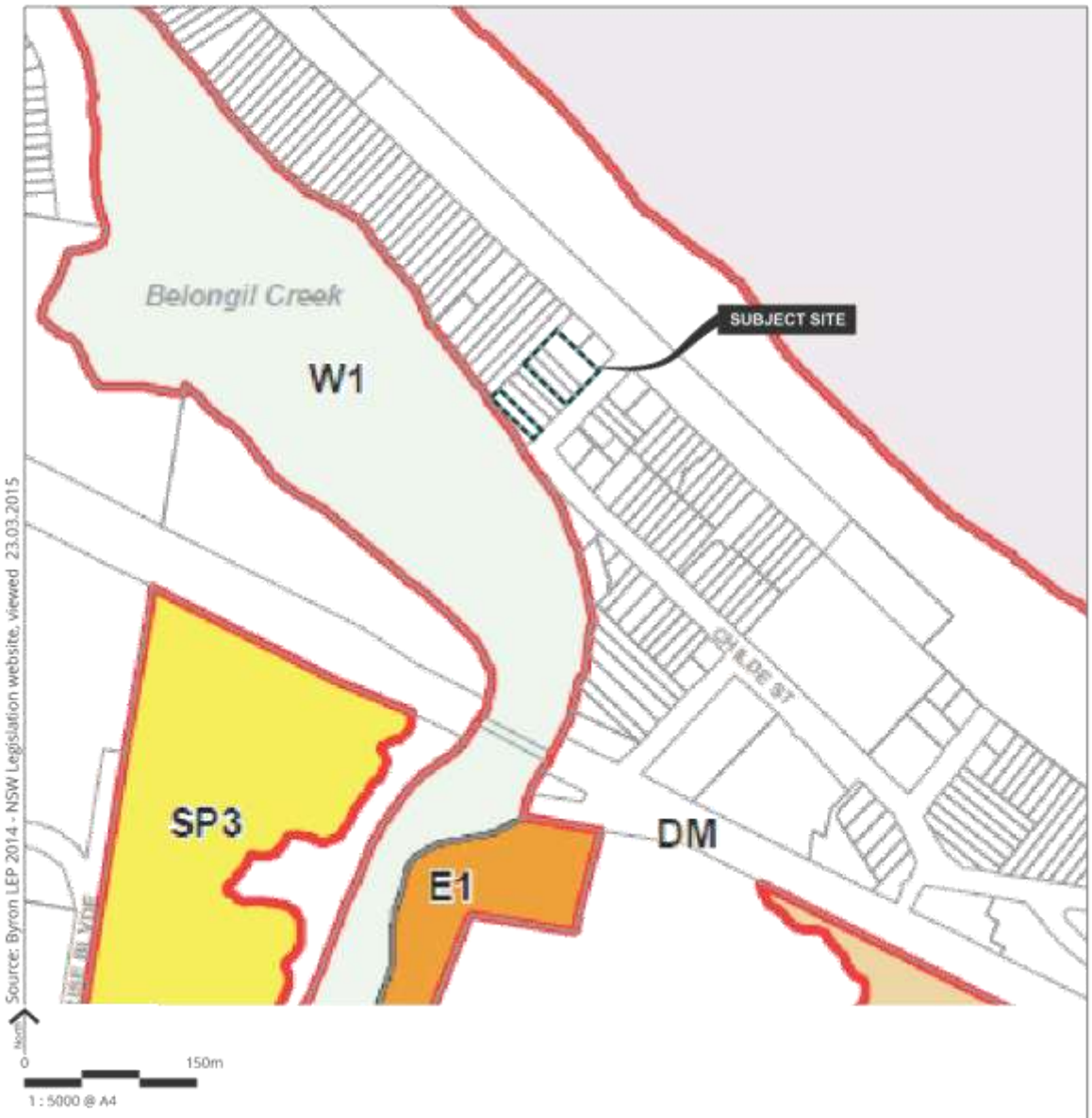
DRAFT 23.03.2016

Plan 1

SITE LOCALITY


MANFRED STREET, BYRON BAY
7F1
7F2
7F1
7A
5A
7A
7A
7F2
1D
MANFRED ST
CHLOE
GIACUM ST
STREET
DON ST
BORDER
Source: Byron LEP 1988 - NSW Legislation website, viewed 24.10.2013
North
0
150m
1 : 5000 @ A4
Legend
Subject site
1D Investigation
5A Special Uses
7A Wetlands
7F1 Coastal Lands
7F2 Urban Coastal Lands
DRAFT 23.03.2016
Plan 2
BYRON
LEP 1988
ZONING
PLANNERS NORTH
1439-562

MANFRED STREET, BYRON BAY



Legend

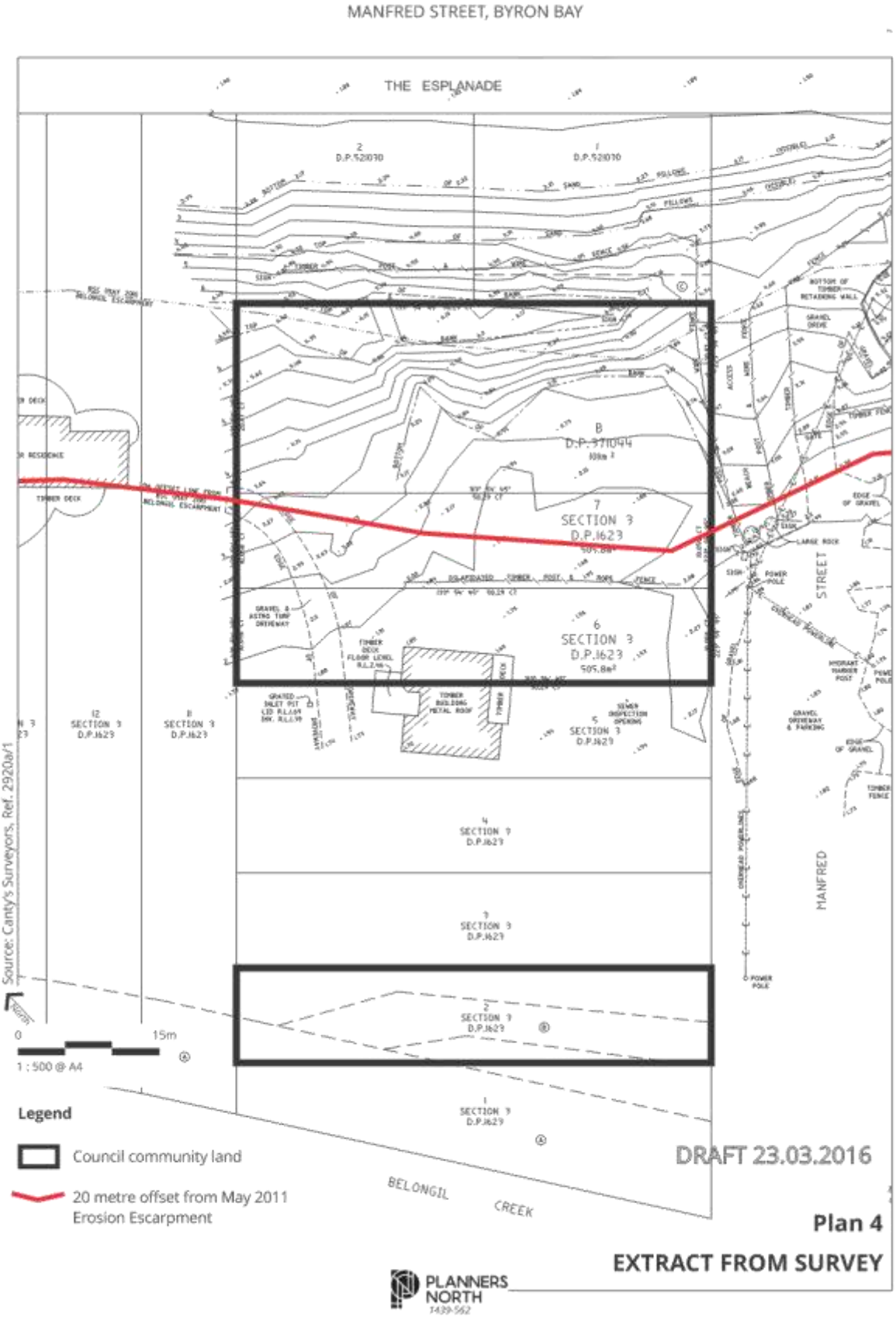
- Subject site
- DM Investigation
- E1 National Parks & Nature Reserves
- SP3 Tourist
- W1 Natural Waterways

DRAFT 23.03.2016

Plan 3

BYRON LEP 2014 ZONING

PLANNERS NORTH
1439-562


MANFRED STREET, BYRON BAY
THE ESPLANADE
Source: Canty's Surveyors, Ref. 2920a/1
0
15m
1 : 500 @ A4
Legend
Council community land
20 metre offset from May 2011 Erosion Escarpment
DRAFT 23.03.2016
Plan 4
EXTRACT FROM SURVEY
PLANNERS NORTH
1439-562
BELONGIL CREEK
MANFRED STREET


MANFRED STREET, BYRON BAY
20/3/1623
19/3/1623
18/1040635
17/1040635
16/3/1623
15/3/1623
14/3/1623
13/3/1623
12/3/1623
11/3/1623
408/729057
408/729057
2/521030
1/521030
2/521030
1/521030
B/371044
7/3/1623
6/3/1623
5/3/1623
4/3/1623
3/3/1623
2/3/1623
1/3/1623
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MANFRED STREET
37/2/1623
37/2/1623
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38/2/1623
39/2/1623
38/2/1623
1/845990
39/2/1623
2/845990
2/845990
1/781460
CARLINE STREET
1/781461
100/1002051
100/1002051
25/4/1623
46/2/1623
46/2/1623
47/2/1623
58
Meters
(Scale @ A4 Size)
Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it. Note : The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.
NORTH
1 : 852
Notes
PLAN 5
LOTS TO BE RECLASSIFIED FROM COMMUNITY LAND TO OPERATIONAL LAND
27-Oct-2016

From: Jonathan.Stone@planning.nsw.gov.au
To: Daniels, Steve
Subject: RE: Planning Proposal - Manfred St Reclassification
Date: Thursday, 2 March 2017 9:43:25 AM
Attachments: image001.png
4974_001.pdf

Thanks Steve,
I look forward to hearing from you soon.
The reason for seeking this info is that I am just anticipating feedback Council/Dept may receive during this PP process from the public based on the previous attempt to reclassify this land and determine whether Council has considered all options to rectify the encroachment. I understand a part lot reclassifications can be undertaken where, in this instance, only the encroaching driveway and dwelling are reclassified. This could then match the future boundary adjustment leaving the remainder of the land still classified as community and providing greater certainty that another dwelling would not be built or access to the beach inhibited. I am not sure if Council has considered this. I also note from the survey plan in the PP that part of the current beach access also encroaches on to Lot B, this maybe something that needs to be considered too. Attached is a rough outline of what I have described.

Anyway, I look forward to hearing from you.

Regards

Jon

From: Daniels, Steve [mailto:Steve.Daniels@byron.nsw.gov.au]
Sent: Wednesday, 1 March 2017 2:10 PM
To: Jon Stone <Jonathan.Stone@planning.nsw.gov.au>
Subject: RE: Planning Proposal - Manfred St Reclassification

Hi Jon,

Please find attached original Planners North PP & Attachments.

Unfortunately Planners North have not provided any plans detailing an appropriate subdivision/lot configuration. I've followed up with Planners North to contact me to discuss their interpretation of how a boundary adjustment might be configured.

I should note that under Clause 32 BLEP 1988, subdivision by way of a boundary adjustment is permissible in the 7(f2) zone only where no additional allotments would be created. Therefore some form of lot consolidation would be necessary to rectify the encroachments.

Following discussion with Planners North, I'll follow up on your question relating to sale of the land and Council's intentions in this regard.

Will be in touch ASAP.

Thanks.

Steve Daniels
Byron Shire Council | P: 02 6626 7315

From: Jonathan.Stone@planning.nsw.gov.au [mailto:Jonathan.Stone@planning.nsw.gov.au]
Sent: Monday, 27 February 2017 12:27 PM
To: Daniels, Steve
Subject: RE: Planning Proposal - Manfred St Reclassification

Hi Steve,

I've been looking at the Council reports etc on this PP and was hoping to get a copy of the PP that Planners North prepared for Council. I note that part of that project was to determine an appropriate subdivision/lot configuration and I was hoping to see what they came up with. I've also got copies of the Department's old files from when this land was part of Amendment 86 back in 2002 and I note this site was in and out of the LEP Amendment from time to time following the consideration of submissions and the recommendation of the Public Hearing and eventually deferred by the Minister based on the advice of the Coastal Council and DLWC.

Is it Council's intention to sell all of Lots B, 7 and 6 to the owner of the house that encroaches onto Lot 6 or is it to only reconfigure the lots in some way to reflect the encroachment of the house and driveway but then retain the rest for public access to the beach.

I look forward to your advice.

Thanks

Jon

Jon Stone
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From: Daniels, Steve [mailto:Steve.Daniels@byron.nsw.gov.au]
Sent: Thursday, 23 February 2017 10:40 AM
To: Jon Stone <Jonathan.Stone@planning.nsw.gov.au>
Subject: Planning Proposal - Manfred St Reclassification

Hi Jon,

Following up on your query, I can confirm that Lot 1 DP 52103 & Lot 2 DP 521030 are both classified as 'Community' land.

Kind Regards

Steve Daniels | Planner | BYRON SHIRE COUNCIL

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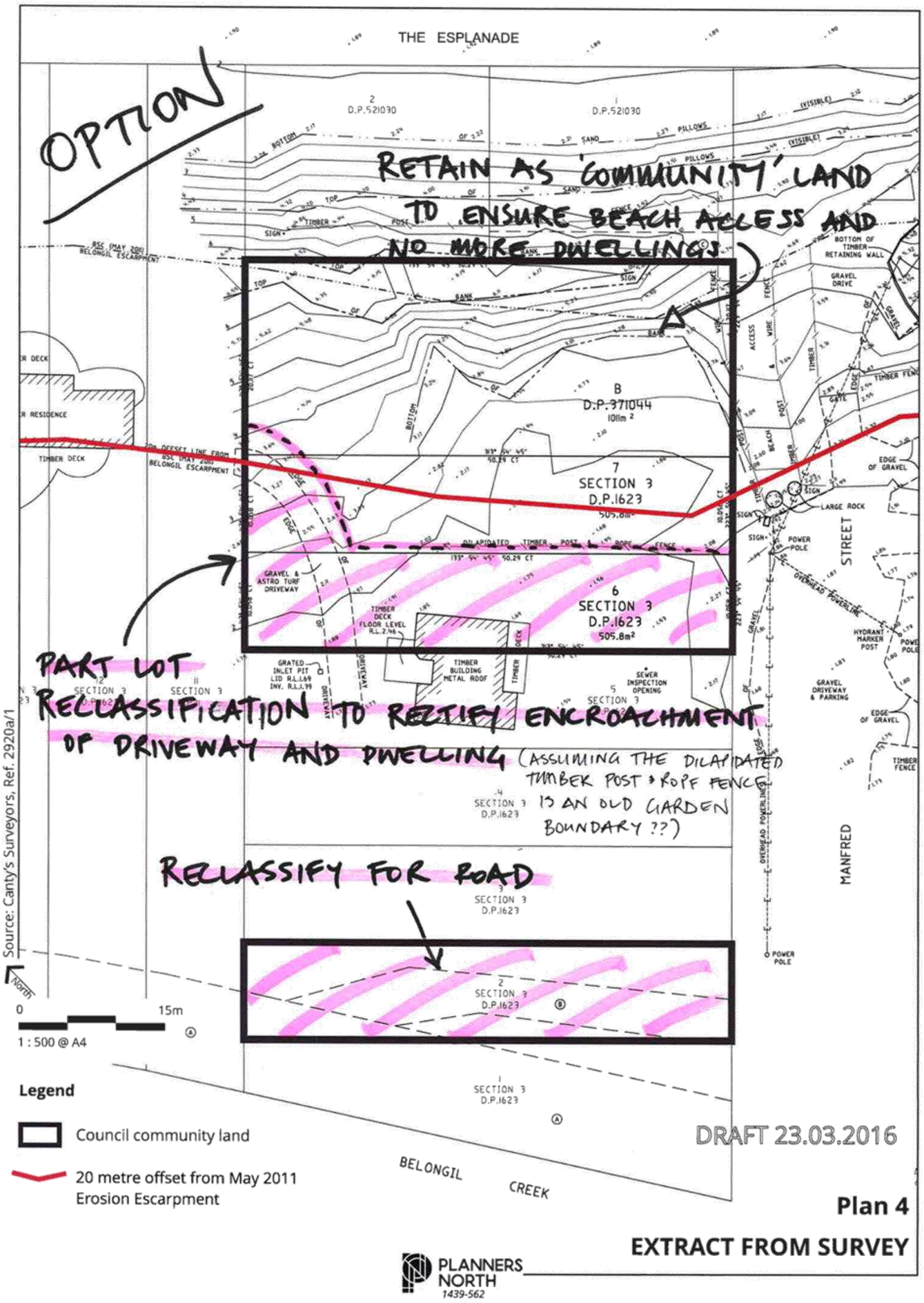
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Attachment A - Locality Plans

MANFRED STREET, BYRON BAY



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NEW SOUTH WALES LAND AND ENVIRONMENT COURT

CITATION: Byron Shire Council v Vaughan & Anor [No. 3] [2001] NSWLEC 102

PARTIES:
APPLICANT:
Byron Shire Council

RESPONDENTS:
John Bernard Vaughan and Anne Vaughan

CASE NUMBER: 30164 of 1997

CATCH WORDS: Estoppel

LEGISLATION CITED:
Encroachment of Buildings Act 1922 s 2, s 14
Land and Environment Court Act 1979 s 22, s 69

CORAM: Lloyd J

DATES OF HEARING: 21/03/2001

DECISION DATE: 30/05/2001

LEGAL REPRESENTATIVES

APPLICANT:
Mr J L B Allsop SC
and Ms L M Byrne (Barrister)
SOLICITORS:
Elliot & Sochacki

RESPONDENTS:
Mr S D Rares SC
and Ms R Sofroniou (Barrister)
SOLICITORS:
Walters

JUDGMENT:

1

IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

Matters No: 30164 of 1997
Coram: Lloyd J
Decision date: 30 May 2001

Byron Shire Council

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Applicant

v

John Bernard Vaughan and Anne Vaughan

Respondents

REASONS FOR JUDGMENT [No. 3]

1. This matter has had a long history, which is set out in my judgment of 20 October 2000 (*Byron Shire Council v Vaughan [No. 2]* (2000) 110 LGERA 425 at 426-427). Shortly stated, the applicant brought a claim for relief under the Encroachment of Buildings Act 1922 ("the Act") in relation to a building constructed partly on land owned by the applicant (lot 6 in deposited plan 1623) and partly on land owned by the respondents (lot 5 in deposited plan 1623).

2. In my judgment of 20 October 2000 I found that the respondents had established the defence of estoppel. That is to say, the applicant is estopped from asserting that the building is an encroachment (as defined in section 2 of the Act) and that the applicant is an adjacent owner (as defined in section 2 of the Act).

3. It follows that the council is not entitled to any relief on its application under the Act. The estoppel operates to defeat the applicant's claim to be an adjacent owner and its claim that there is an encroachment.

4. The respondents have, since the commencement of the proceedings, sought only an order that the application be dismissed.

5. In my first judgment in the matter (*Byron Shire Council v Vaughan*, NSWLEC, 14 July 1998, unreported) I made a declaration as follows:

> [T]*he house which has been erected on lot 5 of Section 3 in Deposited Plan 1623 has been erected also partly on lot 6 in Section 3 in Deposited Plan 1623.*

6. That declaration was left undisturbed by the subsequent orders of the Court of Appeal following the hearing of an appeal against my first judgment: see *Vaughan v Byron Shire Council* (1999) 103 LGERA 321 at 328.

7. In the light of the existing declaration and of my finding that the respondents have established the defence of estoppel it is appropriate that orders be now made to finally dispose of the proceedings. The parties disagree, however, on the appropriate orders to be made.

8. Mr J L B Allsop SC, who (with Ms L M Byrne) appears for the applicant, submits that notwithstanding the finding of estoppel, orders can be accommodated on its application under the Encroachment of Buildings Act to the extent necessary to satisfy the minimum equity to do justice between the parties. He relies upon the following statement in the Court of Appeal's decision:

> *Any estoppel favouring the Vaughans can, and should if possible, be accommodated in the order made on the council's application under the Encroachment of Buildings Act.*
>
> (per Fitzgerald JA at 332).

9. The applicant now seeks an order that the respondents cause to be permitted the removal of the house which stands partly upon lot 5 (the respondents' land) and partly upon lot 6 (the applicant's land) in deposited plan 1623 to such of lots 3, 4 and 5 as the respondents identify on condition that the applicant pay the costs thereof.

10. In support of the making of such an order under the Encroachment of Buildings Act, Mr Allsop made the following submissions. (1) The representation which was made and upon which the estoppel was based is that the house was constructed within lots 3-5. (2) The respondents had assumed that they were purchasing lots 3-5 with a house on it and the proposed order would give them that. (3) The detriment to the respondents caused by the acts of the applicant which gave rise to the estoppel would be met by relocating the house (at the applicant's cost). (4) The estoppel operates against the applicant to prevent it

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from resiling from the representation which it made, insofar as any such resiling would be unjust. (5) The applicant accepts that it would be unjust if the detriment remains unremedied. (6) The order now proposed by the applicant would remedy the detriment to the respondents so that there would be no unjust departure from the assumption and representation. (7) By making good the assumption, the detriment to the respondents is avoided and it is the prevention of detriment which is the basis of estoppel at law or in equity (he referred to *Grundt v Great Boulder Propriety Goldmines Ltd* (1937) 59 CLR 641 at 674, per Dixon J). (8) If the application is simply dismissed it would leave the encroachment unremedied.

11. The respondents, on the other hand, seek a declaration reflecting the fact that there has been a finding that the defence of estoppel has been established. Such a declaration is necessary, it is submitted, because the Court of Appeal left undisturbed the declaration described in par [5] hereof and some declaration is needed to protect the respondents' position. Apart from that, the respondents ask merely for an order that the application be dismissed with costs.

12. Mr S D Rares SC (with Ms R Sofroniou), appearing for the respondents made the following submissions. (1) The plan upon which the estoppel is founded purports to define the land which the respondents believed they were purchasing. (2) That plan wrongly identifies the north-eastern boundary of lot 5 as being that of lot 6 or in the approximate vicinity of the north-eastern boundary of lot 6. (3) When the respondents purchased the house they thought that lots 3-5 were where lots 4-6 are. (4) The respondents thought they were buying a house on the land on which it stood. (5) As noted in my previous judgment, Mr Vaughan said if he had believed otherwise he would have deferred settlement of the purchase until the matter was resolved. (6) The relief that should be granted should be in such terms that the respondents can again raise an estoppel against any further action which the applicant might bring in relation to the land depicted in the plan which contains the representation.

13. In considering the submissions I am mindful that in *Grundt* Dixon J referred to the purpose of the doctrine of estoppel by representation in the following terms (at 674):

> *The purpose is to avoid or prevent a detriment to the party asserting the estoppel by compelling the opposite the party to adhere to the assumption upon which the former acted or abstained from acting.*

14. In my opinion the Court should make a declaration to reflect the fact that the defence of estoppel has been established. Such a declaration is necessary to qualify the declaration which was left undisturbed by the Court of Appeal. The Court should do so pursuant to section 22 of the Land and Environment Court Act 1979, which directs the court to grant all remedies to which any of the parties appears to be entitled in respect of any legal or equitable claim properly brought forward by that party in the matter, so that as far as possible all matters in controversy between the parties may be completely and finally determined.

15. I am also of the opinion that the order sought by the applicant should not be made because, as Mr Rares pointed out, the respondents thought they were buying a house on the land on which the house stood, which was not lots 3-5 as they thought, but was in fact the land being lots 4-6 or thereabouts. The order sought by the council would seem to amount to an unjust departure from that assumption.

Costs

16. The Court of Appeal made an order that the costs of the first trial abide the order of the judge presiding at the new trial. Following the conclusion of the first trial I reserved the question of costs.

17. Mr Allsop has drawn my attention to the judgment of Sheahan J in *McKinnon v Hallbridge Pty Ltd* (NSWLEC, 10 July 1998, unreported). That was a claim for relief under the Encroachment of Buildings Act. Sheahan J said (at p. 2):

> *As these are Class 3 proceedings, they are governed by the Court's Practice Direction 10A, which provides that the Court will generally not make costs order unless the circumstances are "exceptional".*
>
> Sheahan J held that the circumstances of that case were exceptional and his Honour deemed it just in the circumstances to make an order for costs.

18. Mr Allsop submits alternatively that there should be an apportionment of costs because the applicant was successful on a number of discrete issues on the first trial.

19. Clause 10A of the Court's Practice Direction 1993 does not apply, however, to applications under the Encroachment of Buildings Act. It states:

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The practice of the Court is that no order for costs is made in valuation appeals, farmland rating appeals (or other rating appeals), and subdivision appeals in class 3 of the Court's jurisdiction, unless the circumstances are exceptional.

20. In *Droga v Proprietors of Strata Plan 51722* (NSWLEC, 28 November 1997, unreported) Bignold J applied section 14 of the Encroachment of Buildings Act and section 69 of the Land and Environment Court Act 1979 ("the Court Act") in holding that the usual principles relating to costs should apply to applications made under the Encroachment of Buildings Act. In *Hofer v Howell Developments Pty Ltd [2]* [2001] NSWLEC 42 I followed Bignold J's judgment and held that the general principles relating to costs should apply to an application under the Encroachment of Buildings Act. Section 69 of the Court Act provides that costs are in discretion of the Court. Section 14 of the Encroachment of Buildings Act provides as follows:

In any application under this Act the Court may make such order as to payment of costs charges and expenses as it may deem just in the circumstances and may take into consideration any offer of settlement made by either party.

21. In exercising the Court's discretion as to costs the Court must be guided by the general principle explained by the High Court in *Milne v Attorney-General (Tas)* (1956) 95 CLR 460 at 477:

It is a general rule that a wholly successful defendant should receive his costs unless good reason is shown to the contrary.

(Followed by Gaudron and Gummow JJ in *Oshlack v Richmond River Council* (1998) 193 CLR 72 at 86.)

It would normally follow that the unsuccessful applicant should pay the successful respondents' costs in this case.

22. On the question of whether the issues can be separated so as to attract an apportionment of costs Mr Rares relies upon the decision of the Full Court of the Federal Court in *Australian Trade Commission v Disktravel* [2000] FCA 62, 11 February 2000, unreported. In that case the Full Court (French, Kiefel and Mansfield JJ) cautioned against too ready a resort to apportionment according to issue-based outcomes (at par [3]). The court adopted the observations of Jacobs J in *Cretazzo v Lombardi* (1975) 13 SASR 4 at 15:

The ultimate ends of justice may not be served if a party is dissuaded by the risk of costs from canvassing all issues, however doubtful, which might be material to the decision of the case. There are, of course, many factors affecting the exercise of the discretion as to costs in each case, including, in particular, the severability of the issues, and no two cases are alike. I wish merely to lend no encouragement to any suggestion that a party against whom the judgment goes ought nevertheless to anticipate a favourable exercise of the judicial discretion as to costs in respect of issues upon which he may have succeeded, based merely upon his success in those particular issues.

23. The present case is not one which merits an apportionment of costs. The respondents were brought to the Court at the suit of the applicant. They had to defend the applicant's claim and were ultimately successful. The issues the respondents raised in defending the claim were not unreasonably raised. If the respondents had not been brought to court then it would not have been necessary for them to raise any of those issues. Moreover, none of the issues were so distinct and severable in terms of time and work involved as to warrant an apportionment.

Orders

24. It is appropriate that I make the following orders:

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(1) Without prejudice to the respondents' right to assert any other or wider estoppel against the applicant in respect to any other issues relating to lot 6 in deposited plan 1623, I make a declaration that the applicant is estopped from asserting any claim pursuant to the Encroachment of Buildings Act 1922 against the respondents in respect of any encroachment by the respondents' house onto the applicant's property being lot 6 of section 3 in deposited plan 1623.

(2) Order that the application be otherwise dismissed.

(3) By consent I vacate the order for costs made by consent on 9 November 1998 following the first trial.

(4) Order that the applicant pay the costs of the proceedings, including the costs of the first trial heard on 22 and 23 June 1998.

(5) The exhibits may be returned.

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Reported	[1999] 9 BPR 16,985
Decision :	[1999] NSW ConvR 55-903

New South Wales
Supreme Court

CITATION :	**Wengarin Pty Ltd v Byron Shire Council [1999] NSWSC 485**
CURRENT JURISDICTION :	Equity Division
FILE NUMBER(S) :	3543/98
HEARING DATE(S) :	05/05/99
JUDGMENT DATE :	5 May 1999
PARTIES :	Wengarin Pty Limited, Robert Venour Dulhunty and Maret Dulhunty, Wayne and Jodi Scott, Jurgen and Ingrid Greiner, Phillip McMaster, JNL Pty Limited, John and Nita Lavigne, Miranda Mouncey, Deborah Trainor, Stewartville Pty Limited, Hammock Investments Pty Limited (Plaintiffs) Byron Shire Council (D1) Dominic Matthew Trainor (D2)
JUDGMENT OF :	Young J

COUNSEL :	Plaintiffs: B A Coles QC and C Newport Defendants: J H H Blackman
SOLICITORS :	Plaintiffs: Abbott Tout Defendants: Elliot & Sochacki
CATCHWORDS :	Real Property [409]; Easement; Creation under Conveyancing Act s 88K; How compensation assessed
ACTS CITED :	(NSW) Conveyancing Act 1919, ss 88K(2), (4), (5); s 89 (NSW) Local Government Act 1993 (Qld) Law of Property Act 1974 s 180 (Eng) Law of Property Act 1925, a 84(1)(aa)
DECISION :	See para 34

THE SUPREME COURT
OF NEW SOUTH WALES
EQUITY DIVISION

YOUNG, J

WEDNESDAY 5 MAY 1999

3543/98 - WENGARIN PTY LTD & ORS V BYRON SHIRE COUNCIL & ANOR

JUDGMENT

1 **HIS HONOUR :** This is a summons for the grant of an easement under s 88K of the Conveyancing Act 1919.

2 The plaintiffs are the owners of lots 17 to 36, section 3 DP1623, which refers to land on a spit of land about two kilometres from Byron Bay, which is bordered on the north west by the Pacific Ocean and on the south west by Belongil Creek.

3 According to the deposited plan, the plaintiffs' land can be accessed from Byron Bay via Childe Street in two ways. First one may turn right into Manfred Street and then left into the Esplanade and proceed along the ocean front. Secondly one may proceed roughly north from the end of Childe Street along a right of way which borders Belongil Creek. However, the evidence shows that the Esplanade does not exist, either now being part of the Pacific Ocean or covered by sand dunes. Further, the most

southerly part of the right of way has by erosion fallen into Belongil Creek.
4 The right of way passes to the south west of each of the lots 11 through to at least 36, but to reach Childe Street the right of way on the plan passes through a corner of lot 2, section 3 DP1623 and over virtually the whole of lot 1. However, due to erosion from Belongil Creek most of the right of way on lot 1 has now fallen into the creek.
5 Many years ago, probably in the 1970s a diversion right of way appeared over lot 2 and somewhere in the 1970s it would appear that that diversion was sealed.
6 Lot 2 is owned by the defendant Council. It is operational land of the Council under the Local Government Act 1993. The main road over lot 2 connects with the paper right of way at the northern end of that bit of lot 1 that is still above water.
7 The use of the land on the spit has changed over the last ten years or so and the plaintiffs are now possessed of some quite valuable ocean front land. They thought that there was a means of access over the sealed road on lot 2 and over the right of way. However, there is in law no such access.
8 When this problem became apparent the plaintiffs or some of them contacted the council to see if some arrangement could be reached.
9 It would appear that at the meeting of the Council on 27 August 1996 the Council resolved to agree to the relocation of the paper right of way to the course of the main road, so long as all costs were met by the applicants and the Council was indemnified against action by beneficiaries of the right of way against future liability to provide access in the event erosion of the bank of Belongil creek encroached on to the right of way. It is not quite clear to me what this last condition meant, but that is by the bye
10 After that decision was announced to the solicitors for some of the plaintiffs nothing seemed to happen. This summons was taken out on 13 August 1998 for an order under s 88K in respect of a right of carriageway and easement for repairs and an easement for services.
11 The matter was expedited by me last year and the issues at that time appeared to be several. One was the problem about the easement for services. Another one was whether all the right parties had been joined. However, today most of those problems have gone away. The plaintiffs now only seek a right of carriageway in accordance with para 1 of the further further amended summons, and it is now clear that all the relevant parties are before the court. It has been conceded that all the appropriate factors necessary for the court to grant an easement under s 88K have been met and that the only questions for the court are whether there are special circumstances so as to mean that no compensation should be ordered or, if there are no special circumstances, what is the quantum of the compensation to be paid to the first defendant by the plaintiffs.
12 Section 88K of the Conveyancing Act, so far as compensation is concerned, provides in subs 2(b) that the court must be satisfied that the owner of the land to be burdened by the easement:

> "Can be adequately compensated for any loss or other disadvantage that will arise from the

imposition of the easement."

13 Subsection 4 is then as follows:

"4. The Court is to provide in the order for payment by the applicant to specified persons of such compensation as the Court considers appropriate, unless the Court determines that compensation is not payable because of the special circumstances of the case."

14 It is unwise to attempt to define what are special circumstances because as has been said more than once on the authorities the term "special circumstances" is incapable of precise definition and delineation, but is intended to invite the court to consider the facts of each particular case; **Freeman v Stankovic** [1960] NSWR 567; **D'Amico v Shire of Swan-Guildford** [1969] WAR 183, 186.

15 It will be observed that subs 4 seems to suggest an all or nothing situation. Either the court is to grant compensation or, alternatively, is to make no order for compensation because of the special circumstances. Special circumstances do not come into play when the court is considering the quantum of compensation, that matter being governed by the words "considers appropriate", which enables all the circumstances, whether special or otherwise, to be taken into account.

16 The background to s 88K is that without it situations could develop, for instance involving closely spaced city buildings where owners of adjoining land could hold developers to ransom by not granting access during building operations and the like. The purpose of the section was that the court should grant access on the basis of just compensation, rather than allowing people to be held to ransom in those circumstances.

17 The structure of the section seems to me to recognise that ordinarily the owner of a legal right is to receive a just sum and for value for what he or she has to give over, rather than being able to demand the earth.

18 In the present case the problem has not come about by any action of the plaintiffs or of the defendants. It has come about because of the natural forces which have eroded lot 1 into the creek. That matter now calls for remedy.

19 It could be said, as it was said by Mr Coles QC, who appeared with Mr Newport for the plaintiffs, that there are special circumstances because there was no fault on behalf of the plaintiffs; there was an open and apparent road across lot 2, indeed sealed. The impression was given to everyone that this was part of the right of way, which was open to use. The Council acknowledged the problem in the resolution to which I have referred. At that stage it did not require any compensation and, accordingly, it would be appropriate to regard the present case as one of special circumstances. Added to that under subs 5 of s 88K the applicants must pay the costs of the proceedings, both their own costs and the costs of the Council, unless the court otherwise orders, and they have suffered delay in having to bring these proceedings when nothing flowed from the Council's resolution.

20 I considered those submissions very seriously because I do believe they come close to the line, but I am not prepared to find special circumstances in the instant case. Without limiting the operation of the expression, it seems to me that the court should generally only order that someone's land be used by the plaintiffs, under the statute without compensation, if that someone else has somehow or other been blameworthy. I use the word "blameworthy" in the sense of having brought about the scenario which now causes the problem, or otherwise having been completely obstructive to any reasonable attempts to solve a problem.
21 In the instant case, the worst that could be said about the Council was that there was masterly inaction. The problem was not a problem of the Council's making and I do not consider that there is sufficient for me to find that there are special circumstances.
22 Accordingly, I must direct my mind as to the quantum of the compensation.
23 Although this is a relatively new section in New South Wales, it having been inserted in 1995, the section has existed in much the same form in the State of Queensland as s 180 of the Law of Property Act 1974 for some twenty five years. There is some learning to be found in the decisions of the Supreme Court of Queensland, and in particular **Re Seaforth Land Sales Pty Ltd's Land (No 2)** [1977] Qd R 317, a decision of the Queensland Full Court.
24 There is also I believe assistance to be had in the cases decided under s 84(1)(aa) of the English Law of Property Act 1925, which corresponds to s 89 of the Conveyancing Act (NSW), save that the English Act provides for compensation to be awarded in certain circumstances; the compensation ordinarily being "a sum to make up for any loss or disadvantage suffered by (the person entitled to the benefit of the covenant) in consequence of the discharge or modification" of the covenant.
25 From the local cases, particularly **Tregoyd Gardens Pty Ltd v Jervis** (1997) 8 BPR 15845 and **Goodwin v Yee Holdings Pty Ltd** (1997) 8 BPR 15795, the cases decided in Queensland, and the cases decided on the English provision, to which I have referred, the following general propositions I think follow:
26 1. The compensation referred to in subs 4 is the same compensation as is referred to in subs 2(b), that is adequate compensation for loss or other disadvantage; see **Goodwin** at 15801.

2. The compensation is not a substitute for the price that could have been exacted if the section did not exist; **SJC Construction Co Ltd v Sutton LBC** (1975) 29 P & CR 322, 326, a decision of the English Court of Appeal.
3. The compensation is not just the diminished value of the affected land; **Seaforth Land Sales** at 334.
4. Ordinarily the compensation will be:
(a) the diminished market value of the affected land

(including what is sometimes called the hope value, that is the potential use to which the subject land could have been put **; Re Bowden's Application** (1983) 47 P&CR 455, 457);
(b) associated costs that would be caused to the owner of the affected land; **Tregoyd** at 15856;
(c) an assessment of the compensation for insecurity, loss of amenities such as loss of peace and quiet; **Tregoyd** at 15856; **SJC** at 326; and see Preston and Newsom **Restrictive Covenants Affecting Freehold Land** 8th ed (Sweet & Maxwell, London, 1991) p 284;
(d) the compensation is to be less compensating advantages, if any.
5. There may be some exceptional cases which fall outside the net of s 88K(2)(b) yet are cases where it is extremely difficult to assess the compensation, but it is clear that the applicant is to derive a considerable benefit from the application. In such circumstances it may be appropriate to assess the compensation on a percentage of the profits that would be made.

27 In the instant case there are no other factors than the value of the land because nothing needs to be done to the land. The road is already on it and, accordingly, the enquiry appears to be simply what is the diminished value of the land in question.
28 The only evidence is that of a valuer, Mr Peter James Bennett, who is experienced in valuing land on the far north coast of New South Wales. Mr Bennett opines that the value of the diminution of lot 2 was $2,500. However, he said that there were other ways of looking at the matter. He under cross-examination indicated that from comparable sales the value of lot 2 as a building block would be $120,000. However, he says at the moment there are sewer pipes 2.6 metres below the surface and that would have a profound effect on the ability to erect a dwelling on the land. His valuation contains at page 17 a diagram showing what would be able to be built on the land. Accordingly a prospective purchaser would need to involve himself or herself in substantial time and cost in arguing with the Council about putting a dwelling on the land (under the zoning in question permission is needed for any building of a house on this land) and it would cost a considerable amount of money to do the physical work of relocating the pipes, probably at least $25,000. Accordingly, a reasonable arm's length purchaser would only pay $50,000 for the land.
29 Miss Blackman for the Council cross-examined Mr Bennett at some length about these matters. She submitted to me that there was no evidence as to the status of these pipes or whether they could be removed without anyone's permission; whether they were trespassing pipes, or what have you. She put that without some sort of evidence it would be

inappropriate to discount the value of the land because of the pipes being in the soil. Thus she put to Mr Bennett and again to me that the value is really $120,000.

30 It does not seem to me to matter whether the pipes are there legally or not. They have been there for some little time and a reasonable purchaser would apply a presumption of regularity. A reasonable purchaser, accordingly, buying the block would be very reluctant to pay anywhere near its full value as a building block. This is even disregarding the problems there might be in getting permission to build on the block in any event.

31 In my view the figure of $50,000 should be taken as the value of the block.

32 This is really to my mind the value of the block considered as being used to its maximum potential, that is as a building block. (To avoid future problems I should state that a site's maximum potential is not necessarily the basis for assessing compensation, but it suffices in this case as only relatively small sums are involved).

33 If it were a building block, and if it has a road over a third of its surface, as would appear to be the case, it might be said to be virtually useless so that the compensation should be close to the whole $50,000. However, that would mean that there would be virtually a compulsory purchase. The Council retains the block after the easement is granted. All that it has is the same land that it has now, with the same road that it has now, save that there is a legal entitlement of the plaintiffs to use it. Bearing in mind that the road only covers one-third, two-thirds of the land is available to the Council to do whatever it is doing with the land now. However, in view of the resolution to which I have referred and the general circumstances of this case, this should be further discounted. It seems to me that a fair compensation would be a quarter of the value, namely $12,500.

34 Accordingly, I make order 1 in the summons. I order the plaintiffs to provide to the defendant Council the sum of $12,500 upon the easement in order 1 being registered, and unless anyone wishes to say anything I will order that the costs of the proceedings be paid by the plaintiffs.

35 The exhibits can be returned except where they are annexures to affidavits.

oOo

Last Modified: 05/25/1999

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

Renew Australia
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About Renew Australia



Renew Australia is a national not-for-profit social enterprise based in Melbourne. Renew Australia works to support communities around Australia to replicate, adapt and apply the groundbreaking model developed by the multi award winning Renew Newcastle project in NSW.

Renew Australia is based on experiences and strategies pioneered by Renew Newcastle. In 2008 Renew Newcastle was established as a low cost, low budget DIY urban renewal scheme that proved highly successful and nationally and internationally. Since 2012 Renew Australia has launched more than a hundred new creative projects and initiatives in privately owned buildings that were empty and disused.

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What does Renew Australia do?

Renew Australia works with local communities to catalyse creative industries and improve main streets and central business districts by leveraging underutilised spaces and transforming them into creative hubs. We foster dynamic community engagement and cultural activity that stimulates economic and employment growth.

Renew Australia provides practical support and project management to local communities, all levels of government and private enterprise. We have developed contracts and insurance systems, presentations and consultation strategies, guides, support structures and a suite of tools to help local communities develop Renew programs and transform their vacant spaces.

How does the model work?

The Renew model supports and empowers local groups (a mix of business, arts and community leaders) to work with private property owners to kick-start local communities.

Specifically, the Renew model works to:

- Enliven and activate struggling streets and precincts by taking otherwise empty shops and offices and incubating creative initiatives in them
- Develop, promote to owners, and manage rolling short term license agreements that allows access to property while it would otherwise be vacant
- Manage and ensure that local Renew programs and individual creative projects have appropriate legal knowledge, insurance and governance to take over spaces
- Ensure that spaces are safe and compliant with relevant approvals, buildings codes, permitted uses and zonings
- Identify local artists, artisans, makers and creative communities, find and work with them, match projects to spaces, and manage their involvement so as to give them opportunities they would not otherwise have
- Promote and market the outcomes and the area.

Renew Australia has worked on the ground with communities, property owners, creative practitioners and this experience allows us to ensure that local communities have the best possible strategy and tools in place before attempting to embark on a Renew scheme. While the basic idea sounds simple enough, managing the legal responsibilities, the contracts, the insurance and the confidence of the local community and property owners can remain a major challenge. Renew Australia is designed to help local communities manage these issues.

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"Docklands Spaces was incredible. It allowed me the opportunity to display my start up concept with minimal risk."

- Cameron Joss, Docklands Spaces participant



What are the economic and social benefits?

Renew empty space activation projects contribute to local communities in cultural, economic and social ways. The Integrated Design Commission of South Australia commissioned an independent Economic Review of 'Renew' Projects conducted by SGS Economics and Planning that identified many benefits to the local community including:

Benefits to local communities include:

- Avoidance or mitigation of blight and anti-social behaviour
- Improved business and community confidence
- Skills development
- Volunteer engagement
- Creation of intellectual capital, some of commercial value
- Creation of jobs
- Cost savings due to reduced maintenance
- Improved regional 'brand value', tourism and inward investment.

That report found that over a 12-month period Renew Newcastle had realised $1.26 million worth of benefits for a total costs of $117,000. They identified a Benefit Cost Ratio (BCR) of 10.8 and a net benefit of $1.14 million in the period studied. The SGS study identified more than fourteen thousand hours of volunteer time had been invested in the community as a result of Renew Newcastle.

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What are the benefits to property owners?

- The for lease or sale signs stay up, and your agent continues to promote the property to potential long term paying tenants
- Participants are on a 30-day rolling licence agreement; therefore, 30 days' notice can be given at any time
- The participants pay for utilities and look after the property whilst there. Renew Australia provides public liability insurance for the property
- The property is open, engaging and cared for, rather than boarded up or shrink wrapped, reducing the chance of vandalism, increasing the appeal of the property and assisting potential long term tenants visualise their own business in the space
- The owner's ordinarily empty property will contribute to creating a vibrant and marketable precinct to potential reducing the appearance of boarded up and vacant spaces.



...Creating vibrant and cared for spaces.

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How can Renew Australia assist Byron?

Renew Australia can tailor a package to meet the needs of the Byron community. Our programs start at as little as $3000 for our base Affiliate Membership.

The support that Renew Australia can provide includes:

- Training in the basics of the Renew model; managing empty space, convincing property owners to get involved, legal responsibilities, strategies and more
- Advocacy to property owners, business community, government and other stakeholders to build community support
- Running Expressions of Interest targeted to the local creative community and entrepreneurs, including filtering applications and curation of available spaces
- Inspiring and engaging examples and case studies of similar challenges in other communities
- Advice on setting up an appropriate structure to manage empty spaces within a local community
- Access to services including discount insurance, basic legal pointers, support with compliance and risk management and more for affiliated projects;
- Mentorship, networking and support from experienced practitioners so communities don't need to reinvent the wheel.

Renew Australia and Renew projects have worked with property developers, communities of management charged with caring for the publicly owned heritage sites, individuals, families, self-managed super funds and other small property owners to activate and attract interest to individual properties. Our past and current clients include the City of Melbourne, Places Victoria, Working Heritage, Creative Victoria, Cooma Chamber of Commerce, Inner West Council (Leichardht), and Harbour Town Melbourne.

We welcome the opportunity to work with Byron Shire Council and other key stakeholders to assess the viability of the Renew model in Byron and developing a local framework for creative space activation.

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Settlement Road, Main Arm

Traditional home of
the Bundjalung people

Byron Shire Council

1. Location
2. Background
3. Potential Boundary Adjustments Required
4. RFS Standard vs. NRDG Standard
5. Passing Bays & Other RFS Requirements
6. Intersection at Main Arm Road
7. Settlement Road Action Group
8. Actions Moving Forward

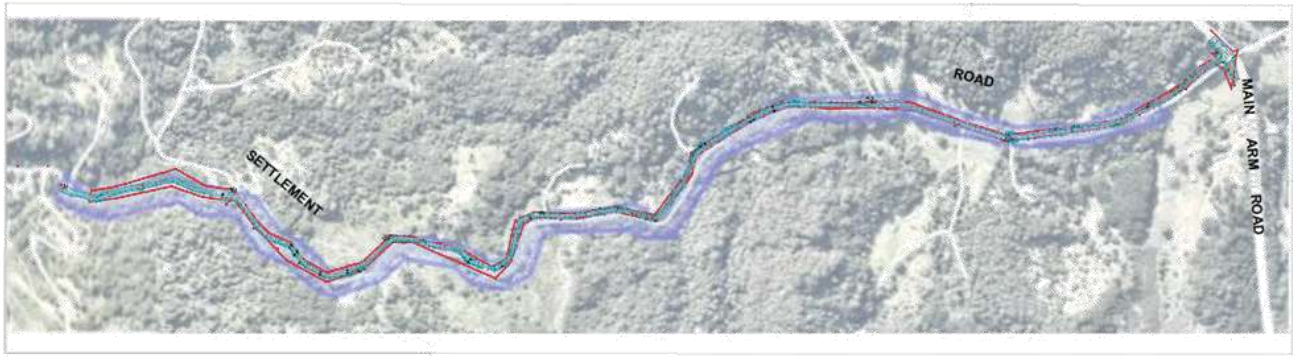


LOCATION

Settlement Road is located off Main Arm Road, approximately 10-15 minutes west from Mullumbimby.



LOCALITY PLAN



Byron Shire Council www.byron.nsw.gov.au

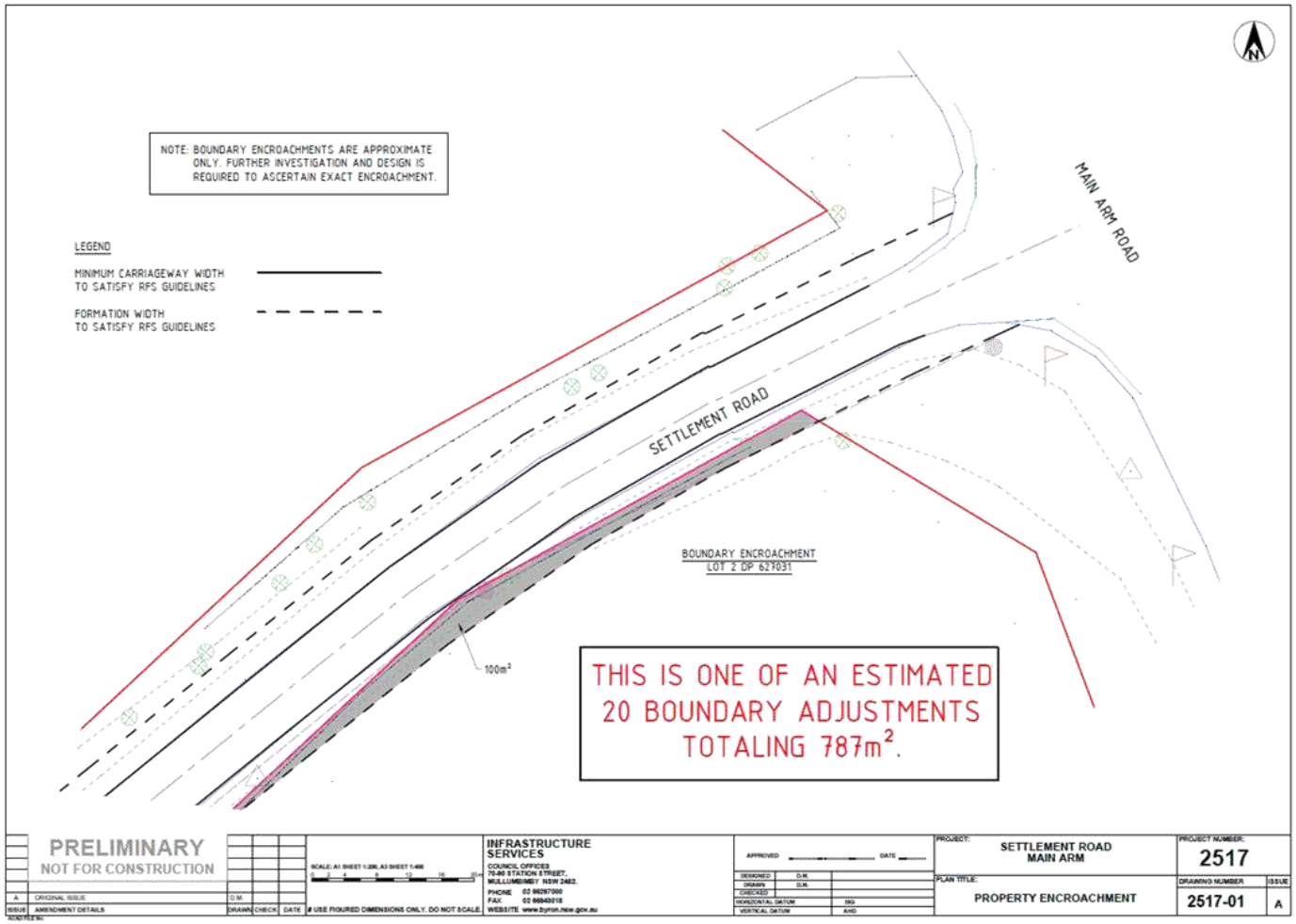
BACKGROUND

- Settlement Road was re-graded in January 2017
- The rainfall during March-April 2017 has caused damage to the newly re-graded road due to poor drainage throughout.
- Road formation widths are particularly minimal however serve a number of properties.
- Multiple Occupancy DA 10.2014.376.1 conditioned to bring a section of Settlement Road up to RFS standard.
- Local residents have formed the "Settlement Road Action Group".



Byron Shire Council www.byron.nsw.gov.au

POTENTIAL BOUNDARY ADJUSTMENTS REQUIRED



Byron Shire Council www.byron.nsw.gov.au

POTENTIAL BOUNDARY ADJUSTMENTS REQUIRED

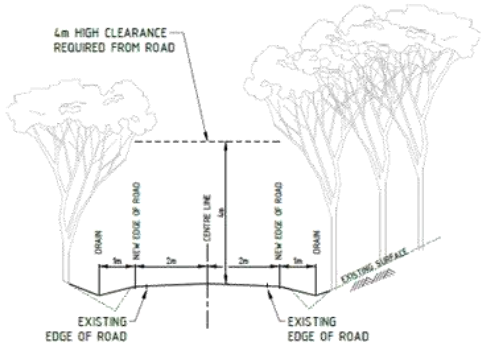
Two Options:

- Option 1 – Realign Settlement Road
    - Will prove difficult due to existing terrain.
    - Require significant earthworks and retaining structures.

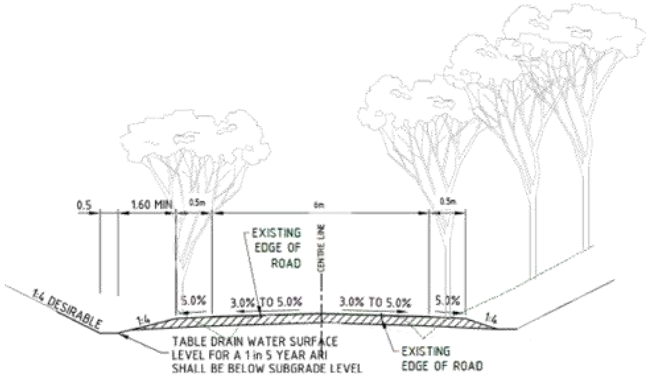
- Option 2 – Property Acquisitions
    - Using RFS Standard there are approximately 20 Boundary Adjustments totaling an area of around 787m2.
    - Rod Palmer, President of Settlement Road Action Group has mentioned that property owners may be open to dedicating road reserve if the road is brought up to a better, longer lasting standard – and maintained.

RFS VS. NRDG STANDARD

- Rural Fire Service (RFS) standard requires total formation width of 6 metres including table drains.
- Northern Rivers Design Guidelines for a public road requires a total formation width of approximately 9 metres including table drains.
- Current formation widths are around 3.5 metres, with occasional table drains.
- NOTE: RFS standard is intended to be used for rural property access, not a public road.



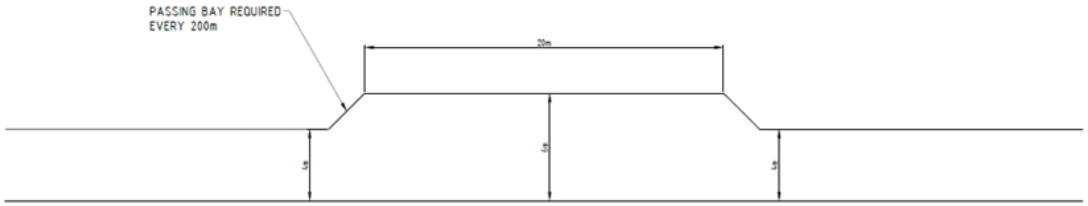
TYPICAL SECTION AS PER
RURAL FIRE SERVICE - PROPERTY ACCESS
SCALE 1:100 (A3)



TYPICAL SECTION AS PER
NORTHERN RIVERS DESIGN GUIDE
SCALE 1:100 (A3)

PASSING BAYS AND OTHER RFS REQUIREMENTS

- RFS standard requires passing bays to be located every 200m for the full length of the road.
- Requires steep gradients (>17%) to be sealed with bitumen.
- Minimum vertical clearance to trees must be 4 metres.

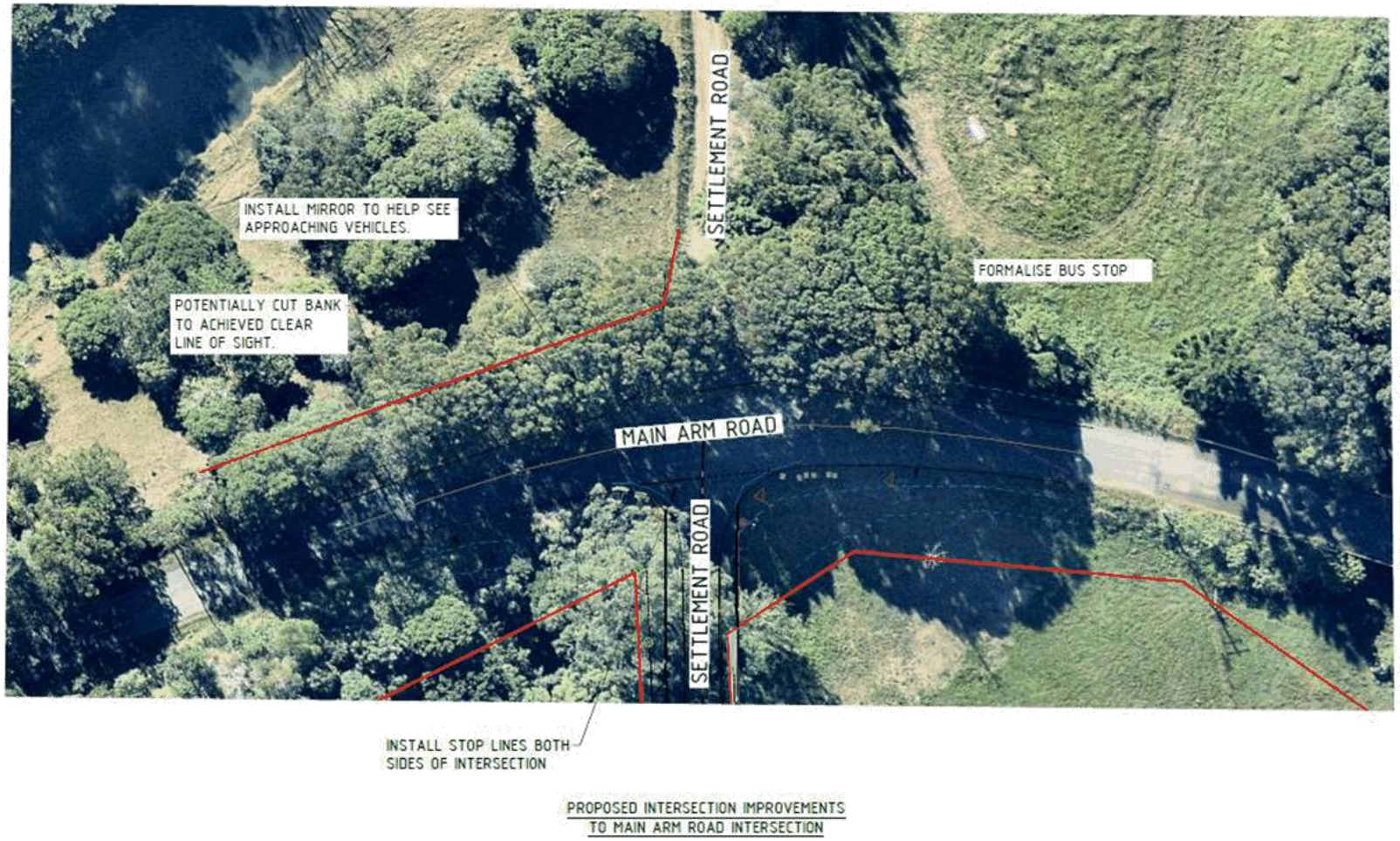


PASSING BAY AS PER
RURAL FIRE SERVICE - PROPERTY ACCESS
SCALE 1:200 (A3)

RURAL FIRE SERVICE REQUIREMENTS

- GRAVEL ROAD MAXIMUM GRADE = 10° OR 17%
- SEALED ROAD MAXIMUM GRADE = 15° OR 27%
- MINIMUM VERTICAL CLEARANCE OF 4m
- MINIMUM INSIDE RADIUS ON CORNERS = 6m
- PIPES AND BRIDGES ABLE TO WITHSTAND 9t PER AXLE - TOTAL 28t
- BRIDGES CLEARLY INDICATE LOAD LIMIT

INTERSECTION AT MAIN ARM ROAD



PROPOSED INTERSECTION IMPROVEMENTS
TO MAIN ARM ROAD INTERSECTION

Byron Shire Council www.byron.nsw.gov.au

SETTLEMENT ROAD ACTION GROUP

- Settlement Road Action Group formed in 2017.
- President is currently Rod Palmer, 261 Settlement Road, Main Arm NSW 2482.
- Is aware of the Multiple Occupancy DA and their requirement to fund a portion of the works. Has stated that residents may be able to raise further funds if required.
- Has requested action regarding:
  - Storm water pipe repair/replacement
  - Formation widths brought up to RFS standard
  - Sink holes repaired
  - Road brought to a standard that will withstand a flooding event without requiring re-grading.



ACTIONS MOVING FORWARD

- Agree that RFS standard is to be used when design is undertaken
- Notify Settlement Road Action Group of agreed method of design
- Design road to RFS standard identifying;
  - Drainage upgrades required
  - Land acquisitions required
  - Road surface upgrades required to avoid further damage at next rain event
- Council to resolve to acquire land where identified as part of the design
- Identify potential funding source/s
- Perform work after relevant approvals have been granted (budget, REF etc)



MetroCount Traffic Executive
BSC_Combo_1hour_rtf

CustomList-265 -- English (ENA)

Datasets:

Site:	**[sp0532] Settlement Rd 70m from Int Maon Arm Rd<80>**
Direction:	6 - West bound A>B, East bound B>A. **Lane:** 0
Survey Duration:	10:45 Wednesday, 13 September 2017 => 13:36 Thursday, 21 September 2017,
Zone:	
File:	sp053221Sep2017.EC0 (Plus)
Identifier:	S2963D8A MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm:	Factory default axle (v4.05)
Data type:	Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time:	**0:00 Thursday, 14 September 2017 => 0:00 Thursday, 21 September 2017 (7)**
Included classes:	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range:	10 - 160 km/h.
Direction:	North, East, South, West (bound), P = East
Separation:	Headway > 0 sec, Span 0 - 100 metre
Name:	BSC_Combo_1hour_rtf
Scheme:	Vehicle classification (AustRoads94)
Units:	Metric (metre, kilometre, m/s, km/h, kg, tonne)

Column Legend:

0 [Time]	24-hour time (0000 - 2359)
1 [Total]	Number in time step
2 [Total]	Number in time step (AB)
3 [Total]	Number in time step (BA)
4 [Cl%]	Class percentages
5 [Mean]	Average speed
6 [Vpp]	Percentile speed

*** Thursday, 14 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0100	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0400	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0500	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0600	4	0	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.7	-
0700	12	0	12	91.7	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.3	47.9
0800	12	2	10	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.4	51.5
0900	6	1	5	83.3	0.0	16.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.2	-
1000	4	2	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.3	-
1100	7	5	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	29.0	-
1200	8	2	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.7	-
1300	4	4	0	75.0	0.0	25.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	32.5	-
1400	9	6	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.0	-
1500	12	7	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.3	50.0
1600	5	4	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.0	-
1700	8	7	1	87.5	0.0	12.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.3	-
1800	11	7	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.6	49.7
1900	3	2	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.3	-
2000	2	1	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.5	-
2100	2	2	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	46.8	-
2200	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	29.5	-
2300	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	35.0	-
07-19	**98**	**47**	**51**	**95.9**	**0.0**	**4.1**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.2**	**49.0**
06-22	**109**	**52**	**57**	**96.3**	**0.0**	**3.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.2**	**49.0**
06-00	**111**	**54**	**57**	**96.4**	**0.0**	**3.6**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.1**	**49.0**
00-00	**111**	**54**	**57**	**96.4**	**0.0**	**3.6**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.1**	**49.0**

Peak step 7:00 (12) **AM Peak step** 7:00 (12) **PM Peak step** 15:00 (12)

Vehicles = 111
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 71.6 km/h, **Minimum** = 15.7 km/h, **Mean** = 40.1 km/h
85% Speed = 49.0 km/h, **95% Speed** = 52.2 km/h, **Median** = 40.3 km/h
20 km/h Pace = 31 - 51, **Number in Pace** = 82 (73.87%)
Variance = 90.51, **Standard Deviation** = 9.51 km/h

*** Friday, 15 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0100	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0400	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0500	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0600	5	0	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.1	-
0700	9	2	7	88.9	0.0	11.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.3	-
0800	17	6	11	94.1	0.0	5.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.0	49.7
0900	12	3	9	91.7	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.6	45.7
1000	9	4	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.5	-
1100	12	8	4	83.3	16.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	33.6	42.1
1200	13	6	7	92.3	7.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.1	49.3
1300	8	4	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.7	-
1400	14	5	9	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.8	51.8
1500	13	8	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	46.6	52.2
1600	8	6	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	36.1	-
1700	10	8	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.8	-
1800	8	6	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.7	-
1900	4	3	1	75.0	0.0	25.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.0	-
2000	10	7	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.3	-
2100	3	3	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.7	-
2200	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	48.1	-
2300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
07-19	**133**	**66**	**67**	**95.5**	**3.0**	**1.5**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.6**	**50.4**
06-22	**155**	**79**	**76**	**95.5**	**2.6**	**1.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.6**	**50.4**
06-00	**156**	**79**	**77**	**95.5**	**2.6**	**1.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.7**	**50.4**
00-00	**156**	**79**	**77**	**95.5**	**2.6**	**1.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.7**	**50.4**

Peak step 8:00 (17) **AM Peak step** 8:00 (17) **PM Peak step** 14:00 (14)

Vehicles = 156
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 69.9 km/h, **Minimum** = 10.1 km/h, **Mean** = 41.7 km/h
85% Speed = 50.4 km/h, **95% Speed** = 55.4 km/h, **Median** = 43.2 km/h
20 km/h Pace = 33 - 53, **Number in Pace** = 113 (72.44%)
Variance = 94.79, **Standard Deviation** = 9.74 km/h

*** Saturday, 16 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	2	2	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	36.2	-
0100	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.3	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0400	1	0	1	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	49.4	-
0500	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0600	2	0	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.5	-
0700	3	0	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.4	-
0800	7	1	6	85.7	14.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	46.9	-
0900	13	3	10	92.3	0.0	7.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.0	45.4
1000	19	7	12	94.7	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.0	45.7
1100	7	3	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.4	-
1200	5	4	1	80.0	20.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.4	-
1300	11	9	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	34.1	38.9
1400	11	6	5	90.9	0.0	9.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.3	45.7
1500	11	5	6	81.8	0.0	18.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.4	53.6
1600	9	5	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.4	-
1700	10	6	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.7	-
1800	10	5	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	47.3	-
1900	5	4	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.6	-
2000	2	2	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.7	-
2100	4	3	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.1	-
2200	6	3	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.1	-
2300	3	3	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.1	-
07-19	**116**	**54**	**62**	**94.0**	**2.6**	**3.4**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.7**	**50.0**
06-22	**129**	**63**	**66**	**94.6**	**2.3**	**3.1**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.6**	**50.0**
06-00	**138**	**69**	**69**	**94.9**	**2.2**	**2.9**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.5**	**50.0**
00-00	**142**	**72**	**70**	**94.4**	**2.1**	**3.5**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.5**	**50.0**

Peak step 10:00 (19) **AM Peak step** 10:00 (19) **PM Peak step** 13:00 (11)

Vehicles = 142
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 68.4 km/h, **Minimum** = 20.1 km/h, **Mean** = 40.5 km/h
85% Speed = 50.0 km/h, **95% Speed** = 54.4 km/h, **Median** = 40.7 km/h
20 km/h Pace = 31 - 51, **Number in Pace** = 105 (73.94%)
Variance = 84.26, **Standard Deviation** = 9.18 km/h

*** Sunday, 17 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	54.1	-
0100	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0400	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0500	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.4	-
0600	4	0	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	48.3	-
0700	5	2	3	80.0	20.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.9	-
0800	6	3	3	83.3	0.0	16.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.3	-
0900	11	5	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.2	45.4
1000	9	3	6	88.9	0.0	11.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	34.7	-
1100	15	6	9	93.3	0.0	6.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.0	50.8
1200	8	3	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.0	-
1300	6	4	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.9	-
1400	8	3	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.5	-
1500	8	2	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.1	-
1600	6	3	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.3	-
1700	19	14	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.6	48.2
1800	6	5	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.2	-
1900	5	4	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.2	-
2000	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.1	-
2100	3	3	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.5	-
2200	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	60.2	-
2300	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	58.7	-
07-19	**107**	**53**	**54**	**96.3**	**0.9**	**2.8**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.0**	**50.4**
06-22	**120**	**61**	**59**	**96.7**	**0.8**	**2.5**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.2**	**50.4**
06-00	**122**	**62**	**60**	**96.7**	**0.8**	**2.5**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.5**	**50.8**
00-00	**124**	**62**	**62**	**96.8**	**0.8**	**2.4**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.6**	**50.8**

Peak step 17:00 (19) **AM Peak step** 11:00 (15) **PM Peak step** 17:00 (19)

Vehicles = 124
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 71.3 km/h, **Minimum** = 15.5 km/h, **Mean** = 40.6 km/h
85% Speed = 50.8 km/h, **95% Speed** = 58.3 km/h, **Median** = 42.5 km/h
20 km/h Pace = 32 - 52, **Number in Pace** = 81 (65.32%)
Variance = 119.72, **Standard Deviation** = 10.94 km/h

*** Monday, 18 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0100	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	56.1	-
0400	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	47.6	-
0500	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	57.6	-
0600	6	0	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.8	-
0700	12	2	10	91.7	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.4	51.1
0800	16	5	11	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.3	52.6
0900	6	3	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	35.5	-
1000	9	2	7	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.6	-
1100	3	1	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	53.5	-
1200	6	1	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.0	-
1300	9	5	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.0	-
1400	11	5	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.6	46.8
1500	8	8	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.0	-
1600	17	12	5	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.7	48.6
1700	17	15	2	94.1	5.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.1	43.6
1800	7	4	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	49.6	-
1900	2	2	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	55.3	-
2000	3	2	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.4	-
2100	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.5	-
2200	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.2	-
2300	2	0	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	48.0	-
07-19	**121**	**63**	**58**	**98.3**	**0.8**	**0.8**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.6**	**51.1**
06-22	**133**	**68**	**65**	**98.5**	**0.8**	**0.8**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.9**	**51.8**
06-00	**136**	**69**	**67**	**98.5**	**0.7**	**0.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**42.0**	**51.8**
00-00	**139**	**70**	**69**	**98.6**	**0.7**	**0.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**42.2**	**51.8**

Peak step 16:00 (17) **AM Peak step** 8:00 (16) **PM Peak step** 16:00 (17)

Vehicles = 139
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 70.5 km/h, **Minimum** = 17.1 km/h, **Mean** = 42.2 km/h
85% Speed = 51.8 km/h, **95% Speed** = 57.2 km/h, **Median** = 40.7 km/h
20 km/h Pace = 33 - 53, **Number in Pace** = 104 (74.82%)
Variance = 100.37, **Standard Deviation** = 10.02 km/h

*** Tuesday, 19 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0100	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0400	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0500	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0600	3	0	3	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.5	-
0700	14	2	12	92.9	0.0	7.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	48.8	59.4
0800	19	4	15	94.7	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.5	51.8
0900	7	3	4	85.7	0.0	14.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.7	-
1000	10	3	7	80.0	10.0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.8	-
1100	5	1	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.6	-
1200	9	8	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	35.0	-
1300	8	4	4	75.0	12.5	12.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.8	-
1400	12	6	6	91.7	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.4	46.4
1500	8	6	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	41.3	-
1600	16	10	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.5	51.5
1700	20	13	7	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.6	47.5
1800	10	8	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.3	-
1900	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	36.1	-
2000	3	3	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	49.2	-
2100	5	4	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	31.6	-
2200	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.1	-
2300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
07-19	**138**	**68**	**70**	**94.2**	**1.4**	**4.3**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.2**	**51.5**
06-22	**150**	**76**	**74**	**94.7**	**1.3**	**4.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.0**	**52.2**
06-00	**151**	**77**	**74**	**94.7**	**1.3**	**4.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.0**	**51.8**
00-00	**151**	**77**	**74**	**94.7**	**1.3**	**4.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**41.0**	**51.8**

Peak step 17:00 (20) **AM Peak step** 8:00 (19) **PM Peak step** 17:00 (20)

Vehicles = 151
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 67.0 km/h, **Minimum** = 14.5 km/h, **Mean** = 41.0 km/h
85% Speed = 51.8 km/h, **95% Speed** = 58.3 km/h, **Median** = 40.7 km/h
20 km/h Pace = 31 - 51, **Number in Pace** = 104 (68.87%)
Variance = 112.01, **Standard Deviation** = 10.58 km/h

* **Wednesday, 20 September 2017**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0100	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0400	1	0	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.6	-
0500	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0600	2	0	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	46.7	-
0700	13	1	12	84.6	0.0	15.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.0	48.2
0800	19	7	12	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.5	45.4
0900	13	6	7	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.3	52.2
1000	10	7	3	90.0	0.0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.8	-
1100	6	0	6	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	46.9	-
1200	11	6	5	72.7	0.0	9.1	18.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	30.7	35.6
1300	12	8	4	75.0	0.0	8.3	16.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	30.2	37.4
1400	15	7	8	86.7	0.0	6.7	6.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	34.9	51.5
1500	10	5	5	80.0	0.0	10.0	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	34.0	-
1600	17	11	6	94.1	0.0	0.0	5.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	34.5	45.7
1700	19	13	6	94.7	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	32.3	39.2
1800	8	4	4	87.5	0.0	12.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.4	-
1900	7	5	2	85.7	0.0	14.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.3	-
2000	2	2	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	36.3	-
2100	3	3	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	45.4	-
2200	3	1	2	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.1	-
2300	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	29.0	-
07-19	**153**	**75**	**78**	**89.5**	**0.0**	**5.9**	**4.6**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**36.3**	**46.1**
06-22	**167**	**85**	**82**	**89.8**	**0.0**	**6.0**	**4.2**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**36.7**	**46.1**
06-00	**171**	**87**	**84**	**90.1**	**0.0**	**5.8**	**4.1**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**36.7**	**46.1**
00-00	**172**	**87**	**85**	**90.1**	**0.0**	**5.8**	**4.1**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**36.7**	**46.1**

Peak step 8:00 (19) **AM Peak step** 8:00 (19) **PM Peak step** 17:00 (19)

Vehicles = 172
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 67.4 km/h, **Minimum** = 10.4 km/h, **Mean** = 36.7 km/h
85% Speed = 46.1 km/h, **95% Speed** = 52.6 km/h, **Median** = 36.0 km/h
20 km/h Pace = 26 - 46, **Number in Pace** = 122 (70.93%)
Variance = 115.76, **Standard Deviation** = 10.76 km/h

* **Virtual Day (7)**

Time	Total	Total AB	Total BA	Cl% 1	Cl% 2	Cl% 3	Cl% 4	Cl% 5	Cl% 6	Cl% 7	Cl% 8	Cl% 9	Cl% 10	Cl% 11	Cl% 12	Mean	Vpp 85
0000	0	0	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.1	-
0100	0	0	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.3	-
0200	0	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0300	0	0	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	56.1	-
0400	0	0	0	66.7	0.0	33.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	47.5	-
0500	0	0	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	48.5	-
0600	4	0	4	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.4	-
0700	10	1	8	89.7	1.5	8.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	43.9	-
0800	14	4	10	95.8	1.0	3.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.4	52.2
0900	10	3	6	94.1	1.5	4.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.6	-
1000	10	4	6	92.9	2.9	4.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.8	-
1100	8	3	4	94.5	3.6	1.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.9	-
1200	9	4	4	91.7	3.3	1.7	3.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	37.9	-
1300	8	5	3	89.7	1.7	5.2	3.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	36.2	-
1400	11	5	6	95.0	0.0	3.7	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.6	49.7
1500	10	6	4	94.3	0.0	4.3	1.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.7	-
1600	11	7	4	98.7	0.0	0.0	1.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.8	47.2
1700	15	11	4	97.1	1.0	1.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	38.6	48.6
1800	9	6	3	98.3	0.0	1.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	44.0	-
1900	4	3	1	92.6	0.0	7.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.7	-
2000	3	3	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.8	-
2100	3	3	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	39.8	-
2200	2	1	1	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	40.4	-
2300	1	1	0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	42.7	-
07-19	**124**	**61**	**63**	**94.6**	**1.3**	**3.3**	**0.8**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.1**	**50.0**
06-22	**138**	**69**	**68**	**94.9**	**1.1**	**3.2**	**0.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.2**	**50.4**
06-00	**141**	**71**	**70**	**95.0**	**1.1**	**3.1**	**0.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.3**	**50.4**
00-00	**142**	**72**	**71**	**95.0**	**1.1**	**3.2**	**0.7**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**40.3**	**50.4**

Vehicles = 995
Posted speed limit = 80 km/h, Exceeding = 0 (0.00%), Mean Exceeding = 0.00 km/h
Maximum = 71.6 km/h, **Minimum** = 10.1 km/h, **Mean** = 40.3 km/h
85% Speed = 50.4 km/h, **95% Speed** = 56.5 km/h, **Median** = 40.7 km/h
20 km/h Pace = 31 - 51, **Number in Pace** = 685 (68.84%)
Variance = 105.42, **Standard Deviation** = 10.27 km/h

In profile: Vehicles = 995 / 1181 (84.25%)

parcel_no	access_no	name1	post_adr3	title	prop_house_no	prop_house_alp	prop_street	prop_street_type	
81690	895706	Mr M S Beckwith & Ms A Rigas	LOT: 1 DP: 303286		18	Settlement	RD	MAIN ARM	2035
241558	894105	Mr E G Tolchard & Ms M E Thompson	LOT: 25 DP: 1166664		25	Settlement	RD	MAIN ARM	2482
81680	895607	Mr S J & Mrs M L Baker	LOT: 4 DP: 585928		34	Settlement	RD	MAIN ARM	2482
163220	895607	Mr S J & Mrs M L Baker	LOT: 4 DP: 47025		34	Settlement	RD	MAIN ARM	2482
175720	895607	Mr S J & Mrs M L Baker	LOT: 3 DP: 47025		34	Settlement	RD	MAIN ARM	2482
175730	895607	Mr S J & Mrs M L Baker	LOT: 6 DP: 47025		34	Settlement	RD	MAIN ARM	2482
81530	894204	Mr R & Mrs P A Wark	LOT: 1 DP: 578265		45	Settlement	RD	MAIN ARM	2482
81540	894303	Mr G E Wright	LOT: 5 DP: 585928		55	Settlement	RD	MAIN ARM	2482
81670	895508	Mr M J Porter & Mrs P R Mithcell-Porter	LOT: 11 DP: 578535		72	Settlement	RD	MAIN ARM	2482
122040	894402	Ms S E Saxby	LOT: 13 DP: 578535		93	Settlement	RD	MAIN ARM	2482
81550	894402	Ms S E Saxby	LOT: 146 DP: 755722			Settlement	RD	MAIN ARM	2482
81650	895300	Mr D W & Mrs S M Ryan	LOT: 2 DP: 578264		100	Settlement	RD	MAIN ARM	4061
81580	894600	Mr C M Erickson	LOT: 4 DP: 786274		189	Settlement	RD	MAIN ARM	2453
81590	894709	Ms S M Hurst	LOT: 1 DP: 734593		249	Settlement	RD	MAIN ARM	2017
81610	894907	Mr H Muehlpointner	LOT: 1 DP: 231116		252	Settlement	RD	MAIN ARM	2482
81600	1194950	Mr R D Palmer	LOT: 4 DP: 567117		261	Settlement	RD	MAIN ARM	2482
131880	1082023	Ms E L Bartlett	LOT: 1 DP: 627031		673	Main Arm	RD	MAIN ARM	2482
131850	1191667	Mr R K Hampson	LOT: 2 DP: 627031		655B	Main Arm	RD	MAIN ARM	2482
81630	895102	Djambul Community Pty Ltd	LOT: 3 DP: 786274			Settlement	RD	MAIN ARM	2482
81640	895201	Mr O M Clowes	LOT: 1 DP: 578264			Settlement	RD	MAIN ARM	2481
122050	895409	Mr B Heiner	LOT: 12 DP: 578535			Settlement	RD	MAIN ARM	2482



Plan of Management

Byron Bay Recreation Ground
Lot 444 DP 758207

DRAFT V5

Information about this document

After adoption by Council, this Plan of Management supersedes the Plan of Management for Byron Bay Recreation Ground adopted by Council on 20 May 2003 (Doc No. DM403354)

Byron Shire Council
July 2017

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1 Introduction

1.1 Background

Under the Local Government Act 1993 (LGA), a Plan of Management provides a framework for the management and development of public land owned by a local Council.

The objective of this Plan of Management (Plan) is to guide future management, development and use of the Byron Bay Recreation Grounds to deliver positive social, environmental, economic and governance outcomes (QBL outcomes) and positively contribute to the health and wellbeing of community as well as the financial sustainability of the Council.

The Byron Bay Recreation Ground is large and is capable of co-hosting a large variety of compatible uses. Public spaces are increasingly being used in innovative ways to meet new and emerging community needs and how we recreate in the future will be different to how we have in the past, or even today. This Plan of Management has been prepared to be as flexible and enabling as possible, and to allow it to meet current but also future community and Council needs.

1.2 Land description

This Plan of Management relates to the land known as the Byron Bay Recreation Ground detailed and shown below in Figure 1.

Land Title:	Lot 444 DP 758207
Address:	The Reserve is bounded on three sides by Cowper Street (east), Carlyle Street (south) and Tennyson Street (west). The fourth side is bound by Crown Land (Sandhills Estate) to the north.
Owner:	Byron Shire Council
Zoning:	RE1 Public Recreation

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Figure 1: Byron Bay Recreation Ground Locality



State map inset: NSW Government – Transport for NSW, 2017.

1.3 Category and classification of Byron Bay Recreation Ground

The Byron Bay Recreation Ground is classified as **community land** under the LGA. It is categorised as **general community use**.

Figure 2: Land Categories



1.4 Zoning

Byron Bay Recreation Ground is zoned RE 1 Public Recreation under the Byron Local Environment Plan 2014.

Current as at the date of adoption of this Plan, the objectives of and permissible uses in the RE 1 Public Recreation zone in Byron Shire are:

1. ***Objectives of zone***

   - *To enable land to be used for public open space or recreational purposes.*
   - *To provide a range of recreational settings and activities and compatible land uses.*
   - *To protect and enhance the natural environment for recreational purposes.*

2. ***Permitted without consent***

   Environmental protection works

3. ***Permitted with consent***

   Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Child care centres; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Function centres; Horticulture; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage

4. ***Prohibited***

   Any development no specified in item 2 or 3.

The Local Environment Plan is changed from time to time and it should be referred to directly for up to date information on zoning and permissible uses.

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Figure 3: Byron Bay Recreation Ground - Zoning



2 Community Value and Outcomes

The Byron Bay Recreation Ground has social, cultural, historical, recreational, natural and future generational values, which are all significant at a local level.

The primary value of the land is its intrinsic worth as publically available open space centrally located with easy access.

The Byron Bay Town Centre Masterplan vision for open space in Byron Bay is to:

"*Establish a clear and coherent network of open spaces*"

The adopted key Masterplan actions and initiatives for the network of open spaces as they relate to the Byron Bay Recreation Ground include it's:

- *transition to a secondary sporting facility, which is used for a range of compatible activities for all ages, but with a focus on children and youth.*
- *focus on local sporting activities, particularly flexible, informal recreation opportunities.*
- being *strongly linked to the Town Centre, Sandhills Estate and foreshore reserves, local schools and adjoining residentail area;*

Some of the other outcomes that the Byron Bay Recreation Ground achieves include:

Social Outcomes

The Byron Bay Recreation Ground has value as an informal meeting place which can enhance social interaction within our community. The land provides significant passive recreation opportunities for all ages, which can contribute to positive health outcomes. It is also large enough to accommodate small community events, markets, outdoor cinemas, fetes, celebrations and the like that can bring people together and enhance inclusiveness and wellbeing.

The Byron Bay Recreation Ground Memorial Gates have significant historical value in memory of those who served and sacrificed their lives and, most recently, the Memorial was totally refurbished by the RSL in 2016.

Also, as a local active recreation facility in the broader shire-wide network, the Byron Bay Recreation Ground is valued for providing local sporting activity opportunties.

Environmental Outcomes

With the Sandhills Estate adjoining the Byron Bay Recreation Grounds to the north, they collectively provide an important part of the biodiversity link between the Arakwal National Park and Cumbebin Swamp. The land also has environmental value as a component of the overall water management catchment for the town centre.

Economic Outcomes

The Byron Bay Recreation Ground provides both direct and indirect economic value to the area.

The land is easily accessible (with a positive walkability factor), provides visual amenity to surrounding residential properties and enhances the liveability of the town with resulting in economic benefits to community.

The Byron Bay Recreation Ground provides economic value in the form of capacity for small-scale commercial use consistent with the core objectives and this Plan, for example but without limitation, outdoor cinemas, markets, private functions or small scale events. Such use can generate economic benefits for the town and provides an important opportunity for Council to offset operational costs.

Governance Outcomes

The primary governance outcome for Council that this Plan seeks to achieve is the management of the Byron Bay Recreation Grounds over the short, medium and long terms, in a financially sustainable way.

Demands on local government and community needs are changing increasingly fast. This Plan has been deliberately prepared to be as flexible as possible so that it can continue to deliver governance outcomes over the short, medium and long terms.

Implementing Byron Bay Town Centre Masterplan and Byron Shire Community Strategic Plan actions are also importment governance outcomes for Council and the community.

It is never possible to action every idea or meet all needs on particular site and a quadruple bottom line outcomes (QBL outcomes) approach will be taken to achieve balanced management of the Byron Bay Recreation Ground in the best overall community and Council interest.

Some individual actions can have positive outcomes against one sustainability critiera but negative against others or vice versa. To address this, a holistic, strategic approach will be taken by Council and where required, actions that have greater overall positive sustainability outcomes will be preferred.

3 Current Status

3.1 Existing Leases, Licenses and other Agreements

The following leases, licences or agreements existed as at the date of adoption of this Plan of Management. For details on leases, licences or agreements in force at any given time, please contact Council.

- **Byron Bay Tennis Courts -** Lessee – Andrew Bates Tennis
- **Byron Bay Scout Hall -** Lessee – Scouts Association of Australia, NSW
- **Byron Bay Community Cabin -** Lessee – Byron Bay Community Centre

3.2 Current Uses

The known uses of the Byron Bay Recreation Grounds existing as at the date of adoption of this Plan of Management are as set out in the table below.

Uses of the Byron Bay Recreation Ground, like everything, have evolved over time and will continue to change into the future. For details on uses at any given time, please contact Council.

Use	Description
Active Recreation	• Football (soccer) – competition, training and social. • Cricket – competition, training and social. • Rugby Union – competition and training. • Tennis – competition, training and coaching • Croquet – competition, training and social • Netball – training and social. • Basketball – training and social. • Long jump – school and social • School Use for variety of active recreation • Commercial personal training e.g. PT, boot camp, yoga, martial arts etc.
Club houses and amenities buildings	Canteens, food and beverage service, socialising storage, change rooms and toilets.
Passive Recreation	• General community use for a variety of passive uses and passive recreation pursuits • Children's playground and shade structure • General access and movement across site.
Commercial Use buildings and land	• Commercial uses, community hire and licencing for private events etc.
Scout (Community) Hall, firepit, seating and storage shed	Scout group activities. Storage

Community Cabin (formerly Girl Guides Hall)	Shower available 2 days per week via bookings.
War Memorial Gates and gardens	Formal remembrance commemorations and informal use.
General	Various ancillary infrastructure and uses, examples only lighting, bins, paths, public toilets, stormwater infrastructure, underground utilities, seating, parking, bicycle parking and lighting.
Maintenance, Infrastructure and Storage	• Facilities for storage of maintenance equipment and consumables. • Maintenance of grounds and infrastructure. • Infrastructure, services and utilities.

3.3 Current Maintenance and Management

As at the date of adoption of this Plan of Management:

- Council manages and maintains the Byron Bay Recreation Grounds as landowners.
- Some sporting clubs using the grounds contribute in part to maintenance.
- Some vandalism and graffiti does occur.

4 Core Objectives for Management of General Community Use Land

The LGA at the date of adoption of this Plan specifies that the core objectives for management of community land categorised as general community use are to:

"…promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

(a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)."

The legislated core objectives may change from time to time and this Plan will be deemed to incorporate relevant statutory changes.

Below are strategies, methods and performance targets that will be implemented that go towards meeting the core objectives applicable at the date of adoption of this Plan.

This is not an exhaustive list and this Plan expressly authorises other strategies or actions that are consistent with the objectives of this Plan and the core objectives of the General Community Use Land category and legislative requirements that apply at the time. (In the table Byron Bay Recreation Ground is shortened to BBRG.)

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
War Memorial Gates	Manage and maintain the War Memorial Gates.	The memorial status of the War Memorial Gates is maintained as a result of their upkeep.	Have a partnership arrangement with the RSL that addresses maintenance and upkeep and use for commemorations and ceremonies.	High	Commemorative ceremonies continue to be held in Byron Bay.
Active Recreation	Maintain and enhance use of the land for appropriate active recreation as a local facility within the broader shire-wide network of active open space.	Land and infrastructure required to meet active recreation demand at the relevant time, maintained to a standard appropriate for a local facility.	Ensure that use of the grounds and facilities for active recreation as a local facility: • meets an identified demand; and • is authorised by way of User Agreements. Work with user groups who require District or Regional scale fields or infrastructure to transition to the appropriate District or Regional facility. Where an active recreation use is no longer required to meet current or future demand, investigate alternative uses. Keep policies and fee structures current.	High Low Low Low	Active recreation user groups have User Agreements in place. Levels of satisfaction. Health and Wellbeing indicators. Operational costs and revenue trends.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
	Continue schools' use of Ground	Use of ground by Schools managed.	Develop a usage agreement and fee regime for continued School Use of the Ground in consultation with schools. Keep policies and fee structures current.	High Low	Policy and fee adopted. User agreements in place and executed.
Amenities buildings and clubhouse facilities	Transition to shared-use of amenities buildings and clubhouses to maximise the sections of the community benefitting from the BBRG and maximise revenue generation potential, both for Council and users, to meet maintenance and management costs.	Amenities buildings and clubhouse use expanded and user groups expanded.	Implement User Agreements with users that set out standards and terms and that contain transition to shared-use goals. Maintain amenities and clubhouse facilities in consultation with users. Leverage grant and co-funding opportunities to fund maintenance or upgrading of shared-used amenities buildings and clubhouses appropriate for a local facility. Keep policy and fee structure current.	High High Medium Low	User agreements are in place covering amenities buildings and clubhouses. Levels of satisfaction. Operational and capital cost trends.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Passive Recreation	Maintain and enhance use of the land for a wide variety of passive recreation uses.	Appropriate facilities provided and managed for passive recreation.	Manage User Agreements to ensure that a wide variety of passive recreation opportunities continue to be provided. Leverage grant, co-funding and impact investment opportunities to fund maintenance or upgrading of passive recreation facilities and infrastructure. Prepare a landscape management plan for the whole of the Recreation Ground, having regard to the Byron Bay Town Centre Masterplan and in consultation with users with User Agreements, to encourage passive recreational use. Install park benches and picnic facilities in the area.	High High Medium Low	Increased passive recreation use of the space. Levels of satisfaction. Health and Wellbeing indicators. Landscape plan created and implemented.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Community use of buildings and land	Buildings and the land can be authorised for use for a variety of community purposes.	Use of the buildings and land for community uses that: - are consistent with this Plan and the core objectives. - deliver positive QBL outcomes.	Generally: For short term and temporary uses enter into licences or agreements as appropriate. For other uses, enter into licences, leases or agreements as appropriate, following a competitive process.	High	QBL outcomes achieved. Health and Wellbeing indicators. Levels of satisfaction.
			Scout Hall: Provided it delivers the best quadruple bottom line outcomes, negotiate with The Scouts a lease for the Scout Hall and ancillary facilities adjacent to the Hall.	High	Use of the Hall and ancillary facilities by Scouts delivers the best QBL outcomes for community. The hall and ancillary facilities are adequately and safely maintained and managed.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
			Byron Bay Community Cabin (former Girl Guides Hall): Review current use and provided it delivers the best QBL outcomes, negotiate extended licence agreement if appropriate or if not apply above general principles.	Medium	Community feedback on services provided from the Cabin. QBL outcomes delivered by services operating from the Cabin.
Commercial use of buildings and land	Buildings and the land can be authorised for use for a variety of commercial purposes.	Use of the buildings and land for commercial purposes that: - are consistent with this Plan and the core objectives; and - deliver QBL outcomes.	Generally: For short term and temporary uses enter into licences or agreements as appropriate. For other uses, enter into licences, leases or agreements as appropriate, following a competitive process.	High	QBL outcomes achieved. Health and Wellbeing indicators. Levels of satisfaction.
Public Toilets	Provide suitable and inclusive toilets (attached to amenities building).	Public toilets are maintained at an appropriate standard.	Maintain existing public toilet facilities to an appropriate standard. Leverage grant opportunities to improve public toilets as required.	High Low	Levels of satisfaction.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Ancillary infrastructure	Provide inclusive ancillary infrastructure to meet the needs of all age groups for example playground facilities, exercise opportunities, seating.	Ancillary infrastructure is inclusive and meets the community demand at the time.	Install drinking bubblers and water bottle refill stations. Improve the children's playground to meet the needs of young children in Byron Bay. Maintain seating appropriate to the levels of active and passive use of the BRGG. Install additional waste and recycling bins.	High High Medium Medium	Drinking water facilities installed. Installation and upgrade of playground completed. Levels of satisfaction.
Emissions Reduction	Transition use, maintenance and development of the Grounds towards nett zero emissions	The Grounds are used, maintained and developed in a manner that is consistent with Council's emissions targets.	Introduce emissions and waste minimisation/elimination actions into User Agreements. Support users to identify ways they can: - transition towards nett zero emissions; and - develop and implement waste minimisation /elimination plans.	Medium	Emissions (measured as CO2 in tonnes) from electricity use.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Maintenance and Management	Ensure the BBRG is clean and appropriate for a wide variety of uses.	BBRG maintained to agreed levels of service.	Develop a comprehensive maintenance program including levels of service and details of partnerships that will deliver ground maintenance services , for example: - Inspections; - waste and recycling management; - grass cutting; - line marking; - delineation/management of boundaries; - vegetation management; - graffiti removal; etc.	High	Levels of service delivered.
		Have clear communication between Council and user groups.	Nominate a Council representative to work with sports groups and users. Form a working group with representatives from users with User Agreements.	High High	User satisfaction with communication with Council.
		Ground users are informed of closures due to wet weather.	In consultation with the sports groups and schools, implement a system which advises the users when the Ground is closed.	High	System developed and implemented.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Safety and Risk Management	Discourage and minimise antisocial behaviour. Undertake regular inspections of the BBRG	BBRG is a safe public space.	Apply Crime Prevention through Environmental Design (CPTED) Principles to the land, buildings and infrastructure. Comprehensive maintenance program includes partnerships and processes to remove and repair damage caused by graffiti or vandalism as soon as possible. Activate the grounds and create family friendly spaces to promote inter-generational activity.	High High Medium	Levels of satisfaction. Health and Wellbeing indicators.
Lighting	Lighting is installed and used only to meet safety and security purposes or to meet an identified need arising from use.	Adequate lighting is installed, provided no additional emissions are generated and/or no additional cost to Council is incurred.	Any proposed changes to lighting be considered in consultation with adjoining owners and users with User Agreements.	Low	Lighting upgraded with minimal impact on adjoining residents.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Access and movement	Provide linkages with other areas of Byron Bay to, through and around the BBRG.	Adequate pathways and access to, through and around the BBRG are provided.	Incorporate landscape management plan recommendations in relation to shade and beautification. Provide a continuous recreation circuit around the perimeter of the Recreation Ground.	Medium Low	Byron Bay Town Centre Master Plan long term Key Projects for the Ground (page 123) are implemented.
Drainage	Maximise value of BBRG as a component in the overall town drainage system. Minimise damage and field closures due to flooding in periods of high rainfall.	Stormwater is appropriately managed onsite. Damage to fields during wet weather events is minimised.	Investigate potential to improve drainage. Incorporate consideration of the Byron Bay Recreation Ground as part of any overall review of town stormwater management.	Medium Low	Reduction in field damage during wet weather events. Number of days of field closure.

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ITEM	STRATEGIES	PERFORMANCE TARGET	MEANS OF ACHIEVEMENT / ACTIONS	PRIORITY	METHOD OF MEASUREMENT
Parking	Ensure inclusive vehicle and bicycle parking is adequate to meet needs of users of the BBRG and adjoining residents.	Adequate vehicle and bicycle parking infrastructure is constructed.	Construction of kerb and guttering and car parking bays along Tennyson Street (underway). Undertake the same for Carlyle Street and the northern end of Cowper Street. Examine and improve (if required) parking protocols for streets, which adjoin the BBRG in consultation with the users and adjoining landowners, in particular Tennyson Street. Review existing and develop a plan for provision of adequate bicycle parking facilities. Continue to include area in parking enforcement programs.	High Medium Medium Medium	Levels of satisfaction Infringement trends in area over time.

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5 Leases, licences and other estate

Subject to the Local Government Act 1993, this Plan of Management expressly authorises the granting of any interest in any of these parts of the Land:

- Any sports field or court; or
- Any building or other structure,

For any of the following purposes (as well as any purpose ancillary to these purposes):

- Community or non-profit;
- Sporting (whether recreational or competitive);
- Commercial; or
- Any purpose that is consistent with the objectives of this Plan, the core objectives of the Byron Bay Recreation Ground's categorisation and legislative requirements applicable at the time.

6 Future use and development of the land

The LGA requires that a Plan of Management must expressly authorise any proposed developments on community land. It must detail the scale and intensity of this development and the purpose for which it will be used.

The following table details the development that this Plan of Management expressly authorises on the Byron Bay Recreation Ground.

Description	Purpose/use	Authorised scale of development
Buildings and land	• active recreation; • passive recreation; • community use; • commercial use (for example but not limited to markets, filming, events, cinema, outdoor/indoor entertainment, gymnasium, primitive camping, training camps etc); • services and utilities; • works (for example but not limited to demolition, building, earthworks, drainage, roadworks etc); • infrastructure (for example but not limited to lighting, seating, roads, paths, parking, bins, irrigation, equipment etc); • facilities and amenities (for	• anywhere on the Byron Bay Recreation Grounds; • 24/7; • under or above ground; and/or • of a size, scale and intensity that is permitted by planning instruments or other laws applying at the time provided it is consistent with the objectives of this Plan and the Core Objectives and legislative requirements applying to the Byron Bay Recreation Ground at the time.

	example but not limited to halls, canteens, clubhouses, meeting spaces, viewer areas, toilets, showers, changerooms etc); and • any ancillary building, development and/or work for the above purposes.	

7 Estimated cost of works

There are no estimates of costs for the authorised developments as most are an overview of the types and range of authorised development authorised and specific projects will be costed at the relevant time.

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PLAN OF MANAGEMENT

VALLANCES ROAD, MULLUMBIMBY

Prepared for: Byron Shire Council

Prepared by: Planit Consulting



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Document Information

Document Title	Plan of Management – Vallances Road, Mullumbimby		
Date Commenced			
Responsible Directorate			
Date Adopted		Resolution No	
Review Timeframe			
Last Review Date		Next Review Date	

Document Reference No.	Date Amended	Details/Comments

EXECUTIVE SUMMARY

The purpose of this Operational Plan of Management is to provide a framework for the management and development of Community Land under Council's control. Council has responsibility for two main types of public land; Crown Land whose control is vested in Council under the Crown Lands Act 1989, and Council owned and managed Community Land dedicated under the Local Government Act 1993.

The land included in this Plan of Management is a large parcel of land formed by two lots (cumulatively 111.3 ha) owned by Byron Shire Council (BSC). The site is located within a rural area to the north of the Brunswick River, approximately 1km to the north-east of the Mullumbimby CBD. These lots are classified as Operational Land and Community Land, and are identified as Lot 1 on DP 952598 (125 Vallances Road, Mullumbimby) and Lot 1 on DP 129374 (Valances Road, Mullumbimby) respectively.

The sites are located in Mullumbimby, to north-east of the township and bordered by the Brunswick River to the south. The land is locally known as Vallances Road and includes the Brunswick Valley Sewage Treatment Plan (BVSTP).

The Project Areas, outcomes and actions intended from this Plan of Management include the following:

- **Environmental Land Use Project Areas**
  - Native trees and plants revegetation and rehabilitation.
  - Brunswick River bank stabilisation.
  - Boardwalks & walkways.
  - Irrigation with recycled BVSTP effluent.
  - Fertilising and soil amendment with BVSTP biosolids.

- **Community & Housing Project Areas**
  - Affordable / community housing (subject to rezoning).
  - Use of existing corridors and rights-of-way.
  - Education & interpretation centre.
  - Community gardens.
  - Camping and tourist/visitor accommodation.

- **Brunswick Valley Sewage Treatment Plant (BVSTP) Project Areas**
  - Upgrades to BVSTP in order to accept the flow from the Ocean Shores STP.
  - Effluent storage ponds to buffer flows in order to facilitate effluent reuse and further polishing.
  - Constructed wetlands for effluent polishing.

- Recycled water generation for irrigation and other valuable uses.
- Biomass anaerobic digestion to generate biogas for electricity generation, heating and cooling.
- Digested biomass dewatering for reuse as fertilizer and soil amendment.

- **Biomass Project Areas**
  - Biomass coppice crops cultivated for bioenergy and other valuable uses, e.g. oil crops such as hemp.
  - Use of recycled water for crop irrigation.
  - Land application of dewatered biomass for reuse as fertilizer and soil amendment.

- **Solar Farm Project Areas**
  - Solar photovoltaic arrays for electricity generation
    - Community solar farm
    - Council BVSTP solar farm

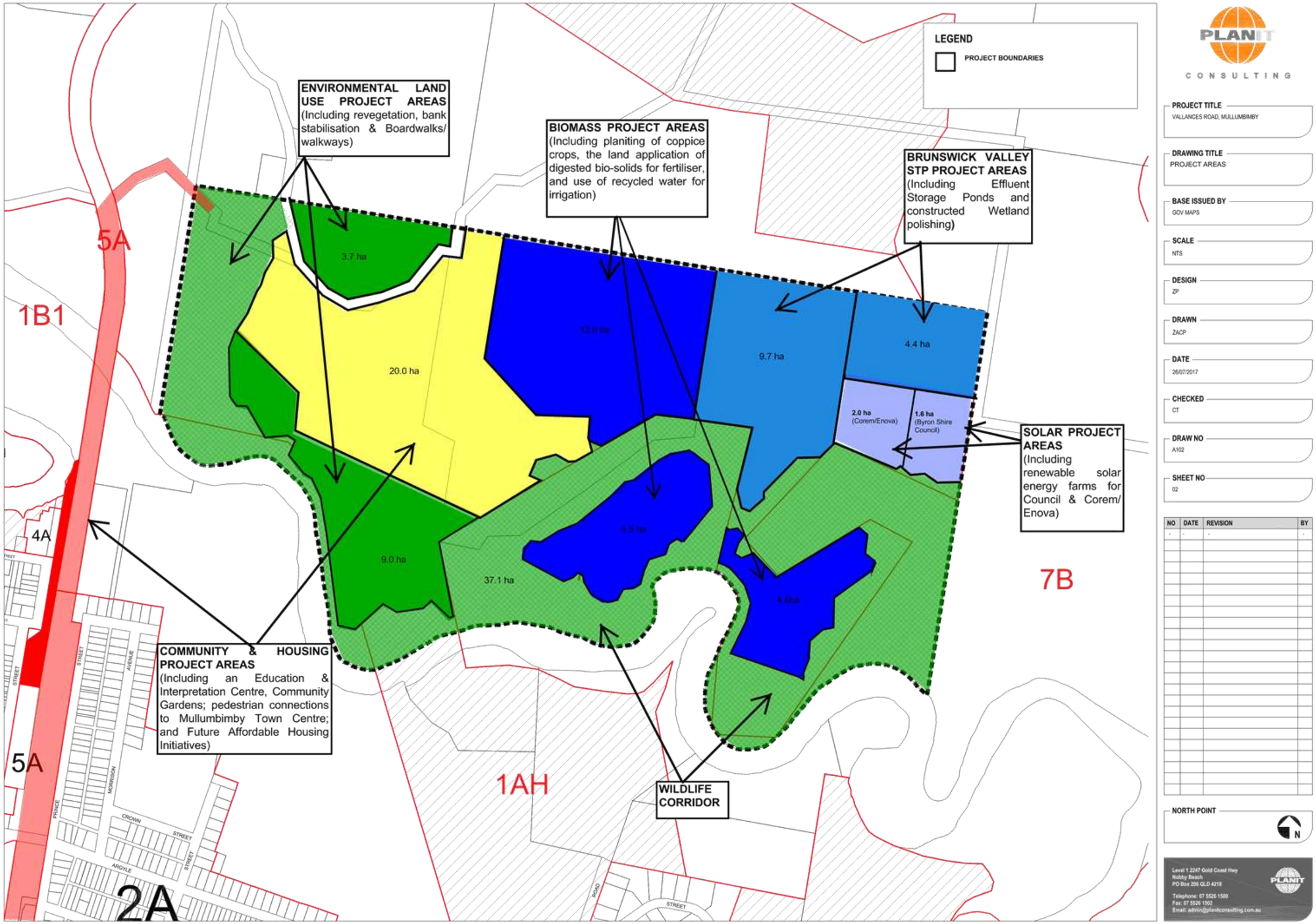
Please refer to **Map 1** for the project areas.

The table overleaf summarises these actions in greater detail, and in specific relation to the POM categorisation areas as well as the existing permissible developments under current zoning.

The next phases of work can address screening and prioritizing the POM actions for implementation. In doing so, Council may wish to consider the following issues in greater detail:

- Public review and consultation prior to finalising the Plan of Management Actions.
- Prioritisation of Actions and identification of specific works.
- Statutory instruments, reviews, and approvals that may be required for the Actions and resulting specific works.
- Estimating costs, and funding sources and methods, for the Actions and specific works.
- Estimating timelines for implementation of the Actions and specific works.
- Detailed next steps for implementing the priority Actions and specific works.

In addition to the table below, **Section 5** and **Appendix 1** summarise in detail the strategic actions of these projects, and the strategic objectives of the projects. **Section 6** recommends actions to be implemented in order to achieve the outcomes intended by this Plan of Management.

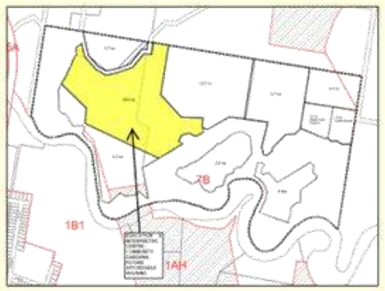

LEGEND
PROJECT BOUNDARIES
ENVIRONMENTAL LAND USE PROJECT AREAS (Including revegetation, bank stabilisation & Boardwalks/ walkways)
BIOMASS PROJECT AREAS (Including planiting of coppice crops, the land application of digested bio-solids for fertiliser, and use of recycled water for irrigation)
BRUNSWICK VALLEY STP PROJECT AREAS (Including Effluent Storage Ponds and constructed Wetland polishing)
SOLAR PROJECT AREAS (Including renewable solar energy farms for Council & Corem/ Enova)
COMMUNITY & HOUSING PROJECT AREAS (Including an Education & Interpretation Centre, Community Gardens; pedestrian connections to Mullumbimby Town Centre; and Future Affordable Housing Initiatives)
WILDLIFE CORRIDOR
3.7 ha
20.0 ha
13.8 ha
9.7 ha
4.4 ha
2.0 ha (Corem/Enova)
1.6 ha (Byron Shire Council)
9.0 ha
37.1 ha
5.5 ha
4 ha
5A
1B1
4A
5A
1AH
7B
2A
PRINCE STREET
MORRISON STREET
CROWN STREET
ARGYLE STREET
AVENUE
ROAD
PLANIT CONSULTING
PROJECT TITLE
VALLANCES ROAD, MULLUMBIMBY
DRAWING TITLE
PROJECT AREAS
BASE ISSUED BY
GOV MAPS
SCALE
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DESIGN
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26/07/2017
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PLAN OF MANAGEMENT - SUMMARY

NATURAL AREA (WETLAND)
[Proposes uses include Environmental Land Uses including rehabilitation and wildlife corridors]

ACTION	KEY PROPOSALS	AREA (APPROX.)	ZONING	SUMMARY OF PERMISSIBLE USES
Environmental Land Project Areas	○ Native trees and plants revegetation and rehabilitation. ○ Brunswick River bank stabilisation. ○ Boardwalks & walkways. ○ Irrigation with recycled BVSTP effluent. ○ Fertilising and soil amendment with BVSTP biosolids.	49.8 ha	Rural 2 – Rural Landscape Deferred Matter (LEP 2014) Coastal Habitat (LEP 88)	• Environmental Facility • Environmental protection works • Information and Education Facility • Recreation Area • Flood Mitigation Works

PARK USE
[Proposed Uses include Community Gardens, an Education and Interpretive Centre; and future Affordable / Community Housing (Subject to Re-zoning)]

ACTION	KEY PROPOSALS	AREA (APPROX.)	ZONING	SUMMARY OF PERMISSIBLE USES
Community & Housing Project Area 	○ Sustainable community housing (subject to rezoning). ○ Use of existing rail corridor, bridge and Council road right-of-way to access the site ○ Promote low-footprint development via foot traffic, bicycle, and/or e-vehicles ○ Leading-edge, multi-purpose educational facility to highlight innovations in sustainable land management. ○ Provision of community gardens ○ Potential for camping and tourist/visitor accommodation.	20.0 ha	RU1 – Primary Production RU2 – Rural Landscape	• Affordable Housing (*Subject to re-zoning of the land) • Community Facility • Restaurant or Cafe • Environmental Facility • Information & Education Facility • Recreation Area • Camping Ground • Eco Tourist Facilities • Tourist and Visitor Accommodation (ONLY Bed & Breakfast and Farm-Stay Accommodation)

GENERAL COMMUNITY USE
[Proposed uses include: Eco-Pursuits and sustainable technologies such as the Brunswick Valley Sewage Treatment Plant (STP), Biomass Coppice Crops, Land application of Digested Bio-solids; Recycled Water Irrigation; STP Effluent Storage and Wetlands Polishing; and other Bioenergy]

ACTION	KEY PROPOSALS	AREA (APPROX.)	ZONING	SUMMARY OF PERMISSIBLE USES
Biomass Project Areas	○ Planting of biomass coppice crops for harvesting and use in generation of bioenergy and other valuable use, e.g. oil crops such as hemp. ○ Use of recycled BVSTP effluent for irrigation. ○ Land application of dewatered BVSTP biomass for fertiliser and soil amendment.	23.8 ha	RU1 – Primary Production RU2 – Rural Landscape	• Agriculture • Extensive Agriculture • Intensive Plant Agriculture • Horticulture • Intensive Livestock Agriculture • Farm Building • Rural Industry
BVSTP Project Areas	○ Upgrades to BVSTP to accept Ocean Shores STP flows ○ Effluent storage ponds to buffer flows in order to facilitate effluent reuse and further polishing. ○ Constructed wetlands for effluent polishing. ○ Recycled water generation for irrigation and other valuable uses. ○ Biomass anaerobic digestion to generate biogas for electricity generation, heating and cooling. ○ Digested biomass dewatering for reuse as fertilizer and soil amendment.	14.1 ha	RU1 – Primary Production RU2 – Rural Landscape	• Sewerage System • Extensive Agriculture • Rural Industry • Intensive Plant Agriculture • Horticulture • Intensive Livestock Agriculture • Farm Building • Rural Industry
Solar Farm Project Areas 	○ Installation of solar photovoltaic arrays for: • Byron Shire Council for use in the operation of the BVSTP • Community (community-owned electricity retailer) ○ Excess electricity to be net-metered and sold to generate a sustainable source of revenue.	3.6 ha	RU1 – Primary Production RU2 – Rural Landscape	• Electricity Engineering • Solar Energy System • Rural Industry

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1. INTRODUCTION

The purpose of this Operational Plan of Management is to provide a framework for the management and development of Community Land under Council's control. Council has responsibility for two main types of public land; Crown Land whose control is vested in Council under the Crown Lands Act 1989, and Council owned and managed Community Land or Operational Land dedicated under the Local Government Act 1993.

A Plan of Management provides Council with an appropriate framework for the future management of public land in accordance with all relevant legislation. The Plan is community driven and provides for the community's vision for the land, including permitted uses and establishes strategies and an action plan for the implementation of the desired outcomes.

The purpose of this Plan of Management is to provide a guide for the future use, development and management of the site. The land included in this Plan of Management is Community and Operational Land identified as Lot 1 on DP 952598 (125 Vallances Road, Mullumbimby) and Lot 1 on DP 129374. The sites are located in Mullumbimby, to north-east of the township and bordered by the Brunswick River to the south.

The land is locally known as Vallances Road and includes the Brunswick Valley Sewage Treatment Plan (STP). It is intended to develop the site as a whole for sustainable eco-pursuits, renewable energy technologies and innovative environmental processes.

1.1. Structure of this Plan of Management

This Plan of Management is divided into the following sections:

1. **Introduction** – provides the purpose of the Plan and the details of the land applicable under this Plan of Management.
2. **Site Details** – Provides a description of the land, current uses and purposes, zoning, vegetation and locational context.
3. **Legislative Framework** – Outlines the statutory framework, the statutory categorisation and core objectives for the land.
4. **Strategic Framework** – this section outlines the strategic actions and policies shaping this Plan of Management.
5. **Future Use and Development of the Land** – provides the authorised (proposed and potential) developments on the land.
6. **Recommendations –** provides recommendations in order to facilitate future use and development of the land
7. **Summary –** provides a synopsis of the Plan of Management and intended outcomes.
8. **Appendices –** provide information applicable to this Plan of Management.

1.2. Land covered by this Plan

This Plan of Management applies to Operational Land identified as Lot 1 on DP 952598 (125 Vallances Road, Mullumbimby) and Community Land identified as Lot 1 on DP 129374 (Sewerage Works- Vallances Rd, Mullumbimby).

The property details are shown below and the complete Plan of Management Area shown overleaf (refer **Map 2**).

	Lot / DP	Physical Address	Area	Classification
1	**1/DP952598**	125 Vallances Road, Mullumbimby	25.4 ha (254,189.32m²)	Operational
				Source: Byron Shire Council, 2017
2	**1/DP129374**	Sewerage Woks – Vallances Road, Mullumbimby	85.9ha (859,015.52m²)	Community
				Source: Byron Shire Council, 2017

2

All public land must be classified by council as either "Community" or "Operational" land (as per Section 25 – 26 of the *Local Government Act 1993*). The main effect of classification is to restrict the alienation and use of the land.

Operational Land has no special restrictions other than those that may apply to any piece of land (i.e covenants on title, easements etc). Operational Land is public land that may be sold by Council.

Classification as Community Land reflects the importance of the land to the community because of its use or special features. Generally, it is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access (such as a trust deed, or dedication under section 94 of the *Environmental Planning and Assessment Act 1979*).

This gives rise to the restrictions in the Local Government Act and the requirement for a plan of Management, which are intended to preserve the qualities of the land. Community land:

- cannot be sold;
- cannot be leased, licenced or any other estate granted over the land for more than 21 years; and
- must have a plan of management prepared for it.

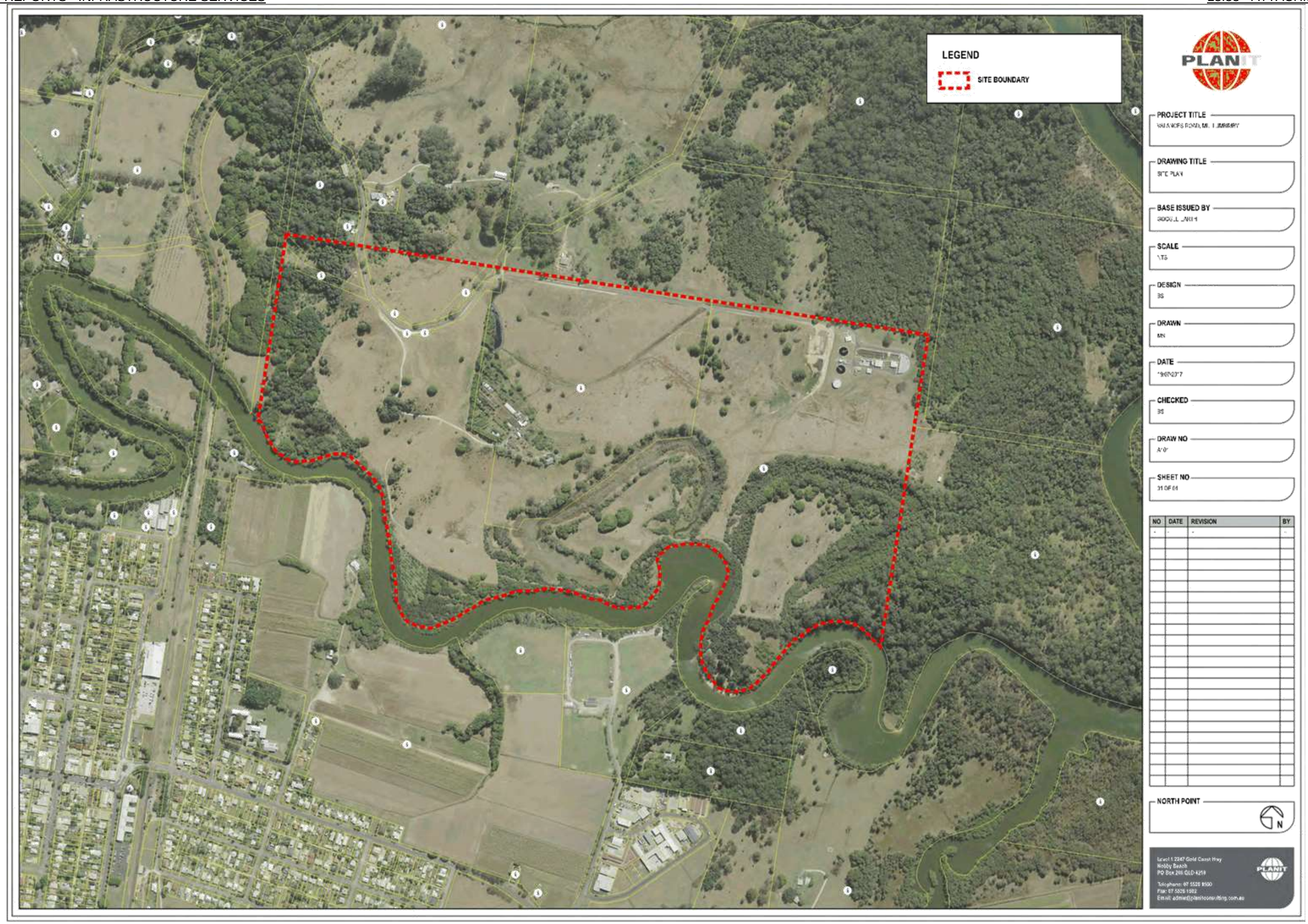
Public land is initially classified as either Operational or Community Land by one of the following means:

1. by resolution of Council, prior to or when the land is acquired; or
2. by a Local Environmental Plan prepared under the EP&A Act 1979; or
3. by operation of the Local Government Act –
    a. applies to certain land controlled by council at 1 July 1993, or
    b. where council has since acquired land and there is no resolution to classify the land;

The most common way in which to classify or re-classify land is by resolution of Council. Lot 1/DP952598 was reclassified via Amendment 1 to the Byron LEP 2014 on 16 October 2015, for the original intention of selling of this land. Refer to Schedule 4 of the *Byron Local Environmental Plan 2014*.

For the purposes of the Plan of Management, it is noted that as both parcels of land are generally intended for use by the public or by Council on behalf of the public, or by the public, there is no requirement for Council to reclassify the current Community Land to Operational unless the intent is to sell the entirety of the land or enter a lease longer than 21 years. Similarly, there is no requirement for Council to reclassify the existing Operational Land to Community Land, except for the purposes of continuity under this Plan of Management.

Should Council choose to reclassify either parcel, the procedures are set out within the *Local Government Act 1993* and clarified by Practice Note 1: Public land Management, issued by the Department of Local Government.


LEGEND
SITE BOUNDARY
PLANIT
PROJECT TITLE
DRAWING TITLE
SITE PLAN
BASE ISSUED BY
SCALE
NTS
DESIGN
DRAWN
DATE
CHECKED
DRAW NO
SHEET NO
NO
DATE
REVISION
BY
NORTH POINT
N

2. SITE DETAILS

2.1. Condition of the Land

The subject site is a large parcel of land formed by two lots (cumulatively 111.3 ha) owned by Byron Shire Council (BSC). The site is located within a rural area to the north of the Brunswick River, approximately 1km to the north-east of the Mullumbimby CBD.

The north-east portion of the site is currently used for a sewage treatment plant (STP), operated by BSC. The remainder of the site is largely vacant and used for agistment and livestock grazing. The site accommodates two dwellings (one circa 1980's, the other circa 1920's) with other structures and features associated with an old plant nursery, all towards the south eastern corner.

The site's natural features include about 2.4km of river frontage along the Brunswick River, two large oxbow lagoons (or billabongs) about 1 km in length each, and a small stream close to the south-western property boundary.

The landscape is made up of gently undulating slopes and estuarine flood plains. The vegetation is largely disturbed as a result of the historical use of the sites for agistment.



Figure 2 – Portion of Site as viewed from Vallances Road

2.2. Existing Zoning of the Land

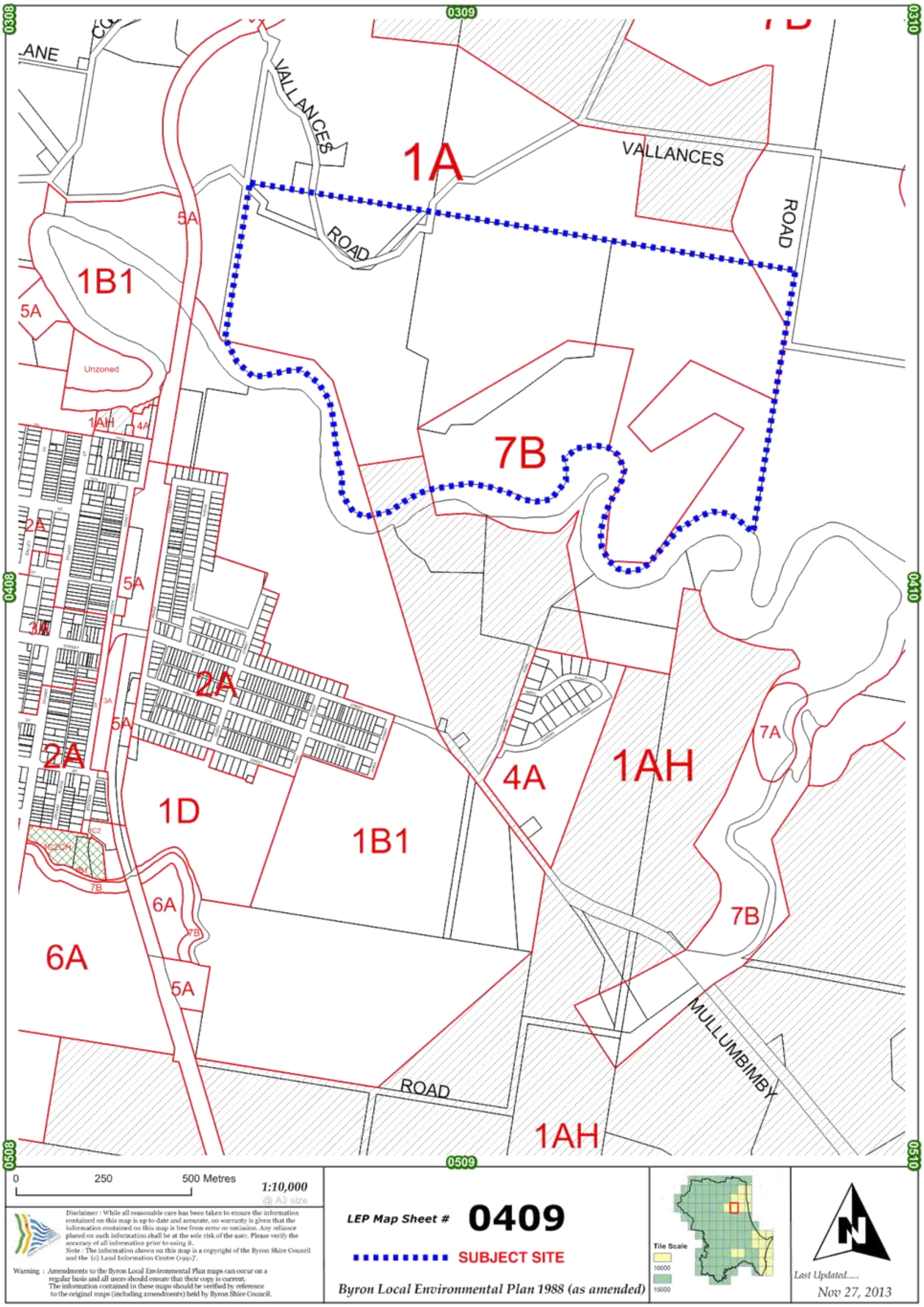
The land is currently zoned RU1 (Primary Production), RU2 (Rural Landscape) and DM (Deferred Matter) under the Byron Local Environmental Plan 2014. The DM-designated land is land that is primarily zoned 7(b) Coastal Habitat Zone under Byron Local Environmental Plan 1988 (LEP 88).

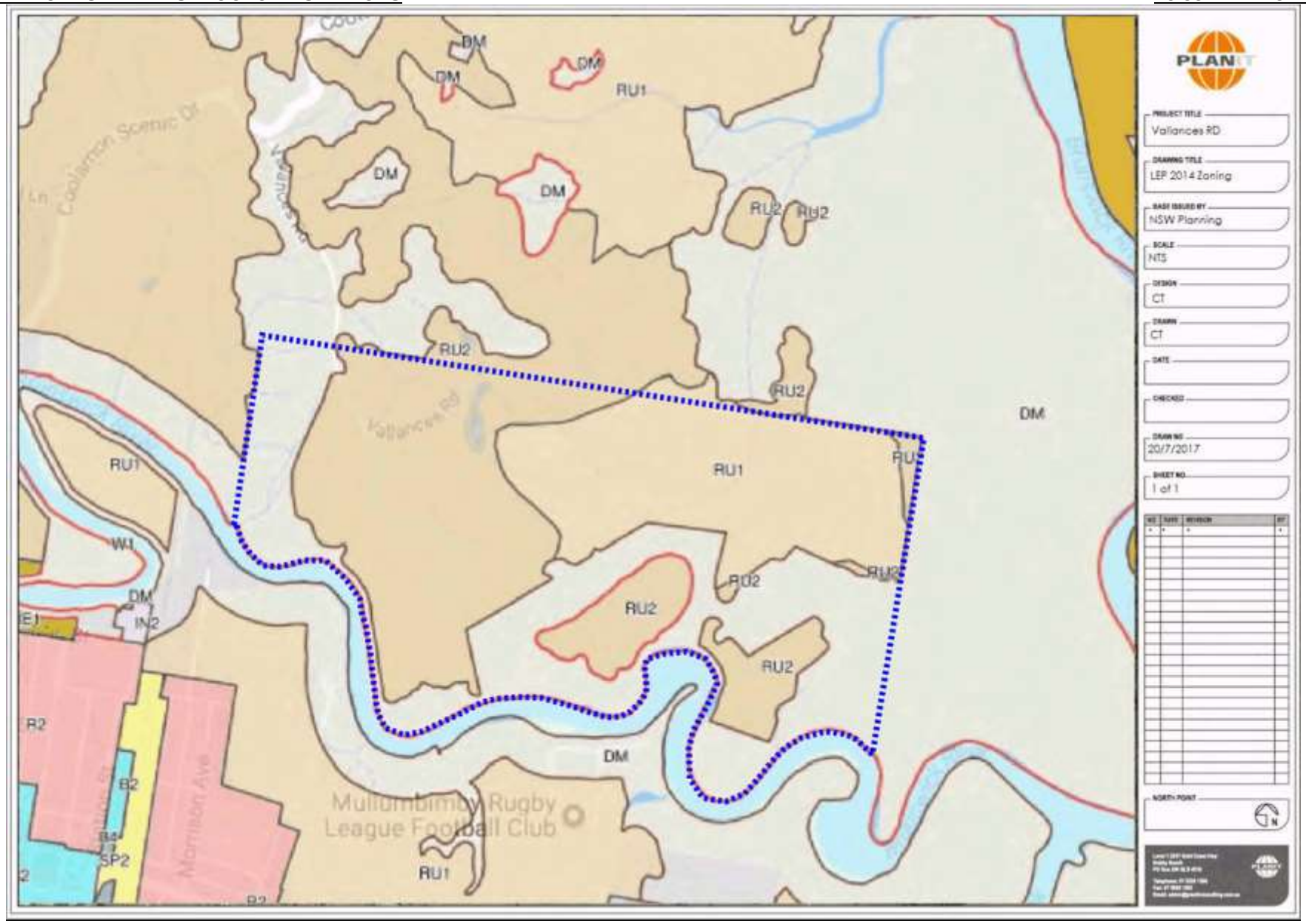
However; it is noted that there are a number of zoning inconsistencies, with several parts of the DM-designed land under LEP 2014 being zoned 1(a) General Rural zone, 1(a)(h) – General Rural (Hatched) and 1(b)(1) – Agricultural Protection under LEP 88. These areas of inconsistencies are subject to the provisions of LEP 88.

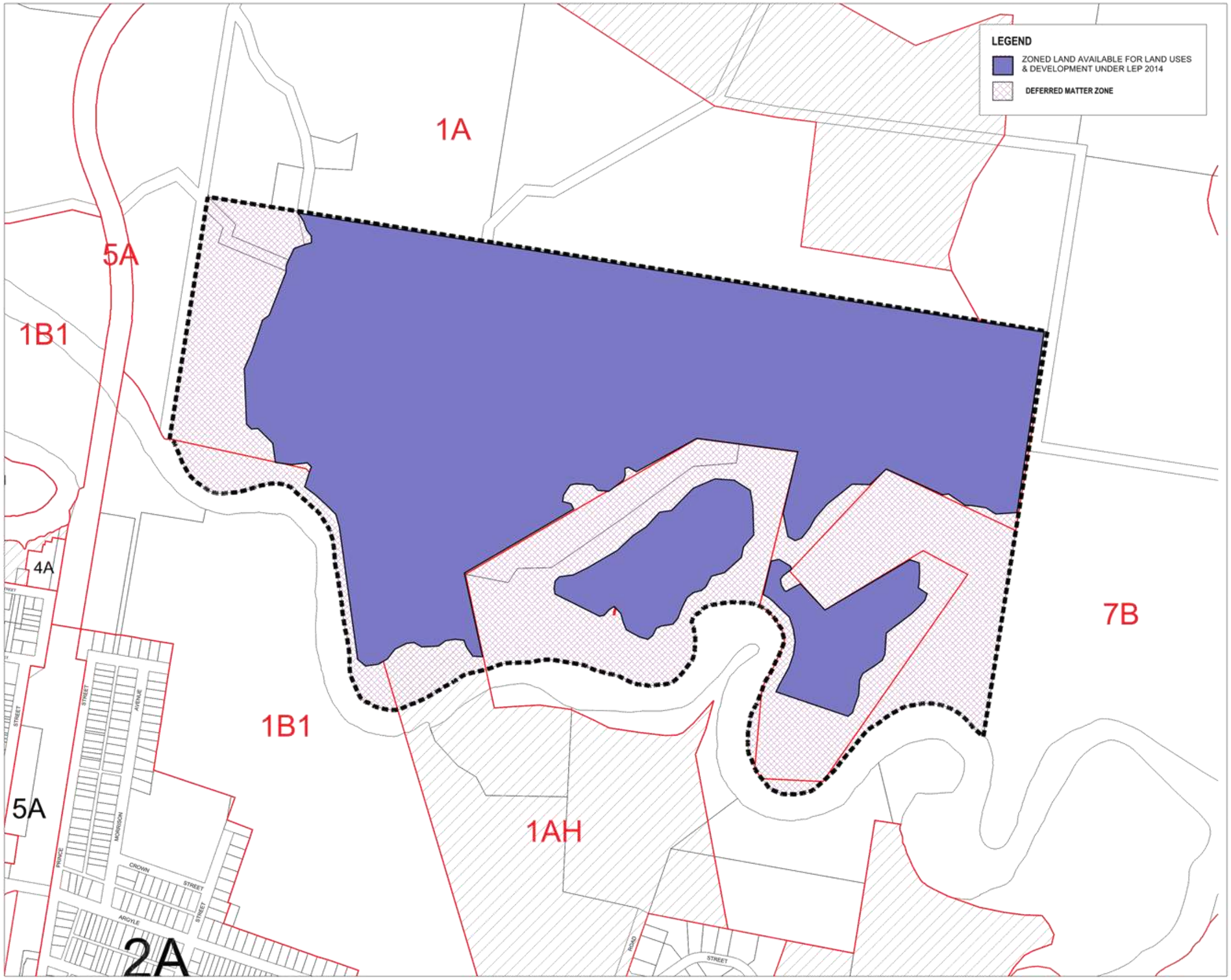
The details of the existing zoning of the sites is shown below, and identified in the maps overleaf (refer **Map 3** and **Map 4**).

Lot / DP	Physical Address	Zoning (LEP 88)	Zoning (LEP 2014)
1/DP952598	125 Vallances Road, Mullumbimby	**1(a)** – General Rural **7(b)** – Coastal Habitat Zone	**RU1** – Primary Production **RU2** – Rural Landscape **DM** – Deferred Matter
1/DP129374	Sewerage Works – Vallances Road, Mullumbimby	**1(a)** – General Rural **1(a)(h)** – General Rural (Hatched) – subject to Clause 38A **1(b)(1)** – Agricultural Protection **7(b)** – Coastal Habitat Zone (Part Lot)	**RU1** – Primary Production **RU2** – Rural Landscape **DM** – Deferred Matter

The primary development of the eco-pursuits on this land are focused on those areas of land Zoned RU1 (Primary Production) or RU2 (Rural Landscape) under LEP 2014 (refer **Map 5**). All areas of Deferred Matter and subject to LEP 88 have been retained as a wildlife corridor for environmental and conservation purposes.


0308
0309
0310
0408
0410
0508
0509
0510
ANE
VALLANCES
VALLANCES
ROAD
ROAD
1A
5A
1B1
5A
Unzoned
1AH
4A
7B
2A
5A
3A
2A
5A
2A
1D
1B1
4A
1AH
7A
7B
6A
7B
6A
5A
ROAD
MULLUMBIMBY
1AH
0
250
500 Metres
1:10,000
@ A3 size
Disclaimer : While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of all information prior to using it.
Note : The information shown on this map is a copyright of the Byron Shire Council and the '(c) Land Information Centre (1992)'.
Warning : Amendments to the Byron Local Environmental Plan maps can occur on a regular basis and all users should ensure that their copy is current. The information contained in these maps should be verified by reference to the original maps (including amendments) held by Byron Shire Council.
LEP Map Sheet # 0409
SUBJECT SITE
Byron Local Environmental Plan 1988 (as amended)
Tile Scale
10000
15000
Last Updated.....
Nov 27, 2013


DM
RU1
RU2
W1
IN2
R2
B2
SP2
Mullumbimby Rugby League Football Club
Morrison Ave
Coolamon Scenic Dr
Vallances Rd
PLANIT
PROJECT TITLE
Vallances RD
DRAWING TITLE
LEP 2014 Zoning
BASE ISSUED BY
NSW Planning
SCALE
NTS
DESIGN
CT
DRAWN
CT
DATE
CHECKED
DRAW NO
20/7/2017
SHEET NO
1 of 1
NORTH POINT


LEGEND
ZONED LAND AVAILABLE FOR LAND USES & DEVELOPMENT UNDER LEP 2014
DEFERRED MATTER ZONE
1A
5A
1B1
4A
7B
1B1
1AH
5A
2A
STREET
AVENUE
MORRISON
PRINCE
CRONIN
ARGYLE
ROAD
PLANIT
CONSULTING
PROJECT TITLE
VALLANCES ROAD, MULLUMBIMBY
DRAWING TITLE
LEP 88 - LEP 2014 DEFERRED MATTER ZONE
BASE ISSUED BY
GOV MAPS
SCALE
NTS
DESIGN
ZP
DRAWN
ZACP
DATE
26/07/2017
CHECKED
CT
DRAW NO
A102
SHEET NO
02
NO
DATE
REVISION
BY
NORTH POINT
N
Level 1 2247 Gold Coast Hwy
Nobby Beach
PO Box 206 QLD 4218
Telephone: 07 5526 1500
Fax: 07 5526 1502
Email: admin@planitconsulting.com.au

Below is a summary of the zone objectives and the permissible uses (with /without consent) in each zone. The land uses relevant to the ecological and sustainable development intent of the site have been highlighted in bold where relevant. These uses are discussed further in Section 5.

2.2.1 RU1 – Primary Production

The relevant LEP 2014 objectives for the RU1 – Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage consolidation of lots for the purposes of primary industry production.*
- *To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.*
- *To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality.*

Works on this portion of land which would be permissible without development consent include:

- ***Environmental protection works; Extensive agriculture**; Home-based child care; Home occupations*

The following land uses, activities and development on this portion of land would be permissible, subject to development consent:

- *Airstrips; Animal boarding or training establishments; Business identification signs; **Camping grounds; Community facilities**; Dual occupancies; Dwelling houses; **Environmental facilities**; Extractive industries; **Farm buildings**; **Flood mitigation works**; Forestry; Helipads; Home businesses; Home industries; Industrial retail outlets; Industrial training facilities; **Intensive livestock agriculture; Intensive plant agriculture**; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; **Recreation areas; Restaurants or cafes**; Roads; Roadside stalls; **Rural industries**; Rural supplies; Rural workers' dwellings; Secondary dwellings; **Tourist and visitor accommodation**; Veterinary hospitals*

2.2.2 RU2 – Rural Landscape

The relevant LEP 2014 objectives for the RU2 – Rural Landscape zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.*
- *To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality*

Works on this portion of land which would be permissible without development consent include:

- ***Environmental protection works; Extensive agriculture;*** *Home-based child care; Home occupations*

The following land uses, activities and development on this portion of land would be permissible, subject to development consent:

- **Agricultural produce industries**; **Agriculture;** Airstrips; Animal boarding or training establishments; Business identification signs; **Camping grounds**; Cemeteries; Child care centres; **Community facilities**; Crematoria; Depots; Dual occupancies; Dwelling houses; **Eco-tourist facilities; Environmental facilities**; Extractive industries; **Farm buildings**; **Flood mitigation works**; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; Hostels; Industrial retail outlets; Industrial training facilities; **Information and education facilities**; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; **Recreation areas**; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; **Restaurants or cafes**; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Stock and sale yards; Storage premises; **Tourist and visitor accommodation**; Transport depots; Truck depots; Veterinary hospitals; Warehouse or distribution centres.

2.2.3 DM - Deferred Matter

The DM - Deferred Matter designation under LEP 2014 consists of the following zonings under LEP 88:

- 1(a) – General Rural;



- 1(a)(h) – General Rural (Hatched);
- 1(b)(1) – Agricultural Protection; and
- 7(b) – Coastal Habitat Zone.

Although each of these areas has specific objectives and land use permissibility under LEP 88 these are not addressed in this plan of management as all works proposed are to take place outside of the DM area.

Any future works on this land will be required to be in accordance with the relevant provisions of LEP 88.

2.3. Existing Uses and Facilities

The primary use of the site is the Brunswick Valley Sewage Treatment Plant (STP), constructed and operated under the Brunswick Valley Sewage Augmentation scheme. The STP requires a 500m radius buffer around the sewerage infrastructure, which extends outside the subject sites' boundaries (refer **Map 6**).

The Brunswick Valley STP has been operating since 2010. The STP was constructed to facilitate better wastewater management practices in the Mullumbimby and Brunswick Heads areas, and improved water quality in the Brunswick River estuary.

The STP facilities include the operation of a physical, chemical and biological treatment plant and off-site recycled water irrigation storage. Treated effluent is available to the Main Arm Irrigation Scheme which currently irrigates treated effluent onto dairy pasture. Biosolids recycling is also available to local farms for use as a soil conditioner.

The remainder of the site is largely vacant and used for agistment and livestock grazing. The site accommodates two dwellings (one circa 1980's, the other circa 1920's) with other structures and features associated with an old plant nursery, all towards the south eastern corner.

A table of existing uses is provided below:

Lot / DP	Physical Address	Existing Uses
1/DP952598	125 Vallances Road, Mullumbimby	• Extensive Agriculture (Agistment/Grazing) • Dwelling (x 2) • Farm Building
1/DP129374	Sewerage Woks – Vallances Road, Mullumbimby	• Sewerage System • Extensive Agriculture (Agistment/Grazing) • Environmental protection Works



Figure 5 - Historical Grazing Areas Source: Byron Shire Council



Figure 6 – Existing Sewage Treatment Plant Source: SIXmaps, 2017


LEGEND
FLOODING & VEGETATION CONSTRAINT
SITE ACCESS POINT
STP BUFFER
PLANIT
PROJECT TITLE
DRAWING TITLE
CONSTRAINTS PLAN
BASE ISSUED BY
SCALE
NTS
DESIGN
DRAWN
DATE
CHECKED
DRAW NO
SHEET NO
NO
DATE
REVISION
BY
NORTH POINT
N
Level 1 2247 Gold Coast Hwy
Nobby Beach
PO Box 246 QLD 4219
Telephone: 07 5526 9500
Fax: 07 5526 1502
Email: admin@planitconsulting.com.au

2.4. Existing Vegetation

With approximately 2.5km of frontage to the Brunswick River and associated riparian riverbank vegetation, the site is a significant ecological zone and provides an important fish habitat leading into the Cape Byron Marine Reserve.

About 80% of the site consists of cleared land that supports exotic pasture and has been used for cattle grazing since the 1940s. The remaining 20% consists of heavily vegetated areas of mangrove forest and woodland, saltmarsh, swamp sclerophyll forest and woodland, wet sclerophyll forest, rainforest (some dominated by Camphor Laurel), and Brushbox forest (refer **Map 7**).

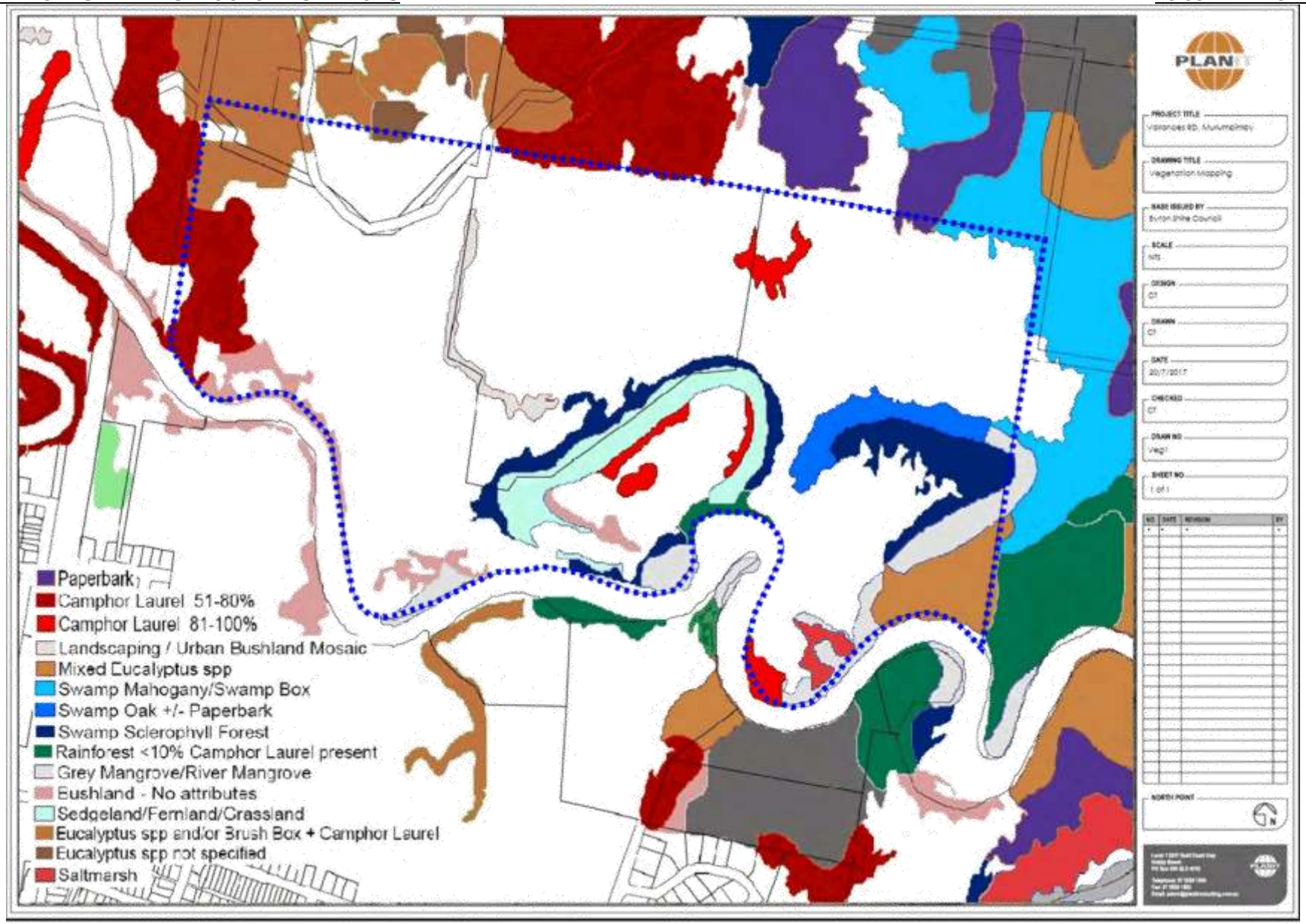
Endangered Ecological Communities represented on the site include Coastal Saltmarsh, Swamp Oak Floodplain Forest, Swamp Sclerophyll Forest on Coastal Floodplains, Subtropical Coastal Floodplain Forest, Lowland Rainforest on Floodplain and Freshwater Wetlands. These areas are designated as High Value Conservation Vegetation and form part of the wildlife corridor through the site (refer **Map 8**).

Eight threatened flora species have been recorded: Hairy Joint Grass (*Arthraxon hispidus* – V), Marblewood (*Acacia bakeri*-V), White Lace Flower (*Archidendron hendersonii* – V), Giant Ironwood (*Choicarpa subargentea* – E), Davidson's Plum (*Davidsonia jersyana* - E), Rough Shelled Queensland Nut (*Macadamia tetraphylla* – V) and Spiny Gardenia (*Randia moorei* – E).

Three threatened fauna species have been recorded in native vegetation at the site. The Koala (*Phascolarctos cinereus* - V), the Bush Hen (*Amaurornis olivaceus* - V), and the Rose-Crowned Fruit Dove (*Ptilinopus regina* –V).

Native vegetation on the site is severely fragmented and occurs in narrow corridors along riparian zones. The site has historically suffered from edge effects and was moderately to severely infested with over 40 species of environmental weeds. However; the subject site has undergone extensive regeneration and revegetation projects between 2006 and 2009 (*Bush Generation Outcomes for Vallances Road 2007-2009*, Byron Shire Council 2009).

Revegatated areas focused on the Camphor Laurel Forest; Swamp Sclerophyll Forest and Woodland; Swamp Sclerophyll Forest; Grey Mangrove/River Mangrove Forest and Woodland; Salt marsh, with the removal of Weeds including Camphor Laurel, Groundsel, Grasses, Coastal Morning Glory, Winter Senna, and Lantana.


Paperbark
Camphor Laurel 51-80%
Camphor Laurel 81-100%
Landscaping / Urban Bushland Mosaic
Mixed Eucalyptus spp
Swamp Mahogany/Swamp Box
Swamp Oak +/- Paperbark
Swamp Sclerophyll Forest
Rainforest <10% Camphor Laurel present
Grey Mangrove/River Mangrove
Bushland - No attributes
Sedgeland/Fernland/Grassland
Eucalyptus spp and/or Brush Box + Camphor Laurel
Eucalyptus spp not specified
Saltmarsh
PLANIT
PROJECT TITLE
Vegetation Mapping
SCALE
DESIGN
DRAWN
DATE
CHECKED
SHEET NO
NORTH POINT

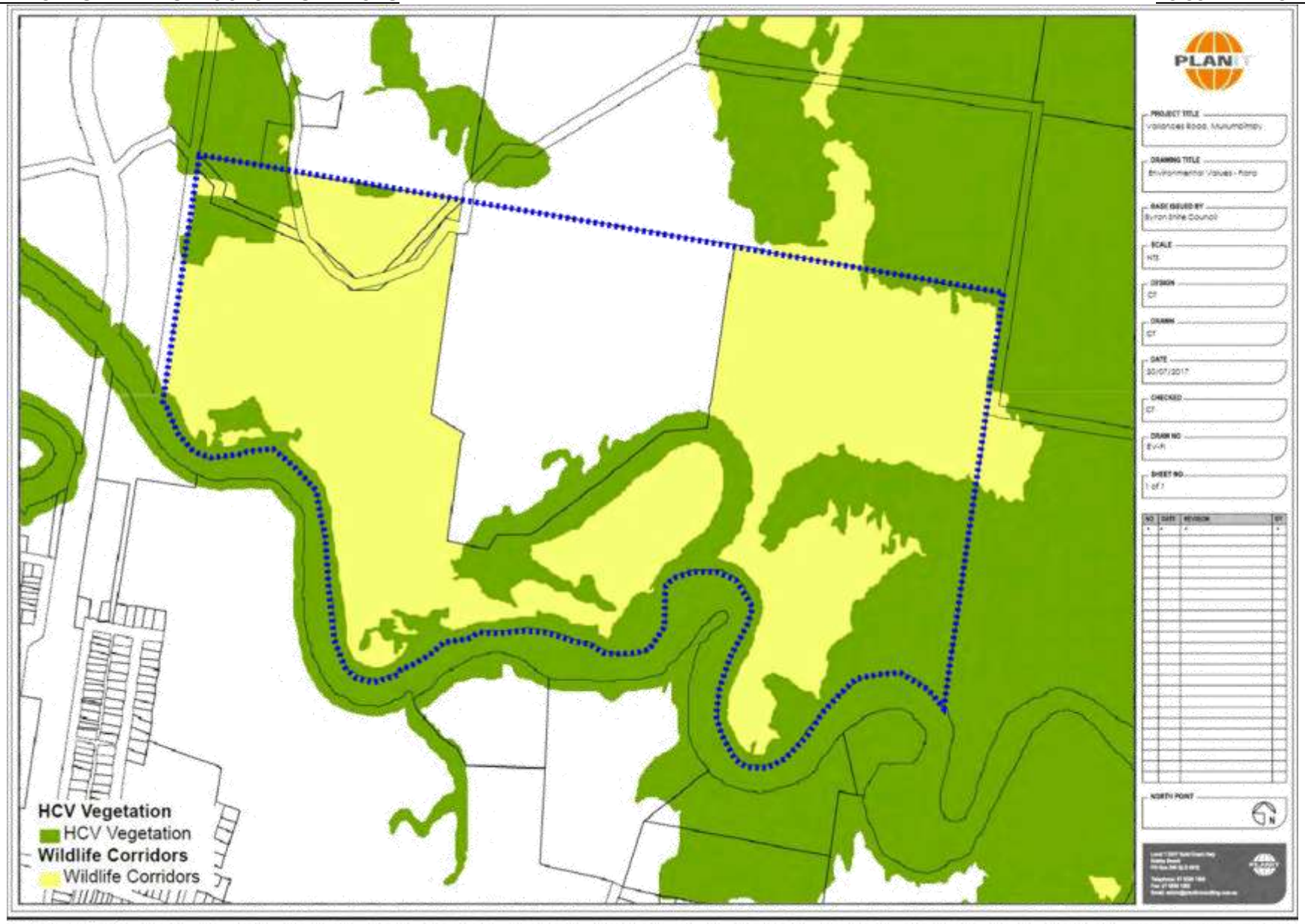

HCV Vegetation
HCV Vegetation
Wildlife Corridors
Wildlife Corridors
PROJECT TITLE
DRAWING TITLE
Environmental Values - Flora
BASE ISSUED BY
Byron Shire Council
SCALE
NTS
DESIGN
CT
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DATE
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Figure 10 – River Mangroves/ Brunswick River



Figure 11- Heavily Modified Agistment Areas



Figure 12 –Swamp Mahogany/Swamp Box



Figure 13 – Camphor Laurel

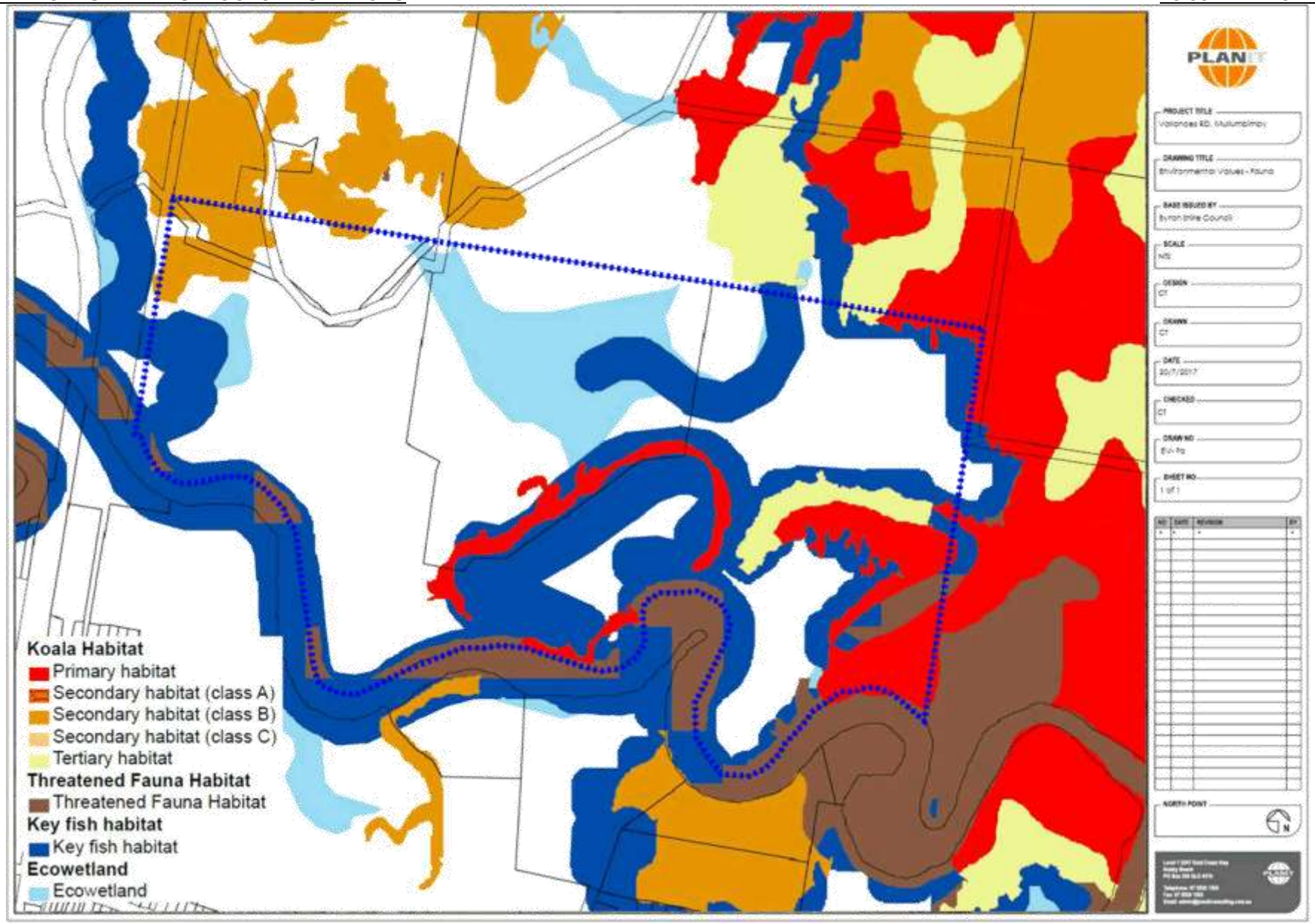
2.5. Existing Fauna

The subject site plays an important ecological role in the Brunswick Valley, forming part of an important wildlife corridor that connected the coastal floodplains with the sub-coastal hinterland.

Fauna Surveys conducted in 2009 revealed the site had at least 133 terrestrial invertebrate species inhabiting the site. This included 104 bird species (two threatened), 13 mammal species (three threatened), nine frog species and seven reptile species (refer **Map 9**).

There is evidence that the rehabilitation of native vegetation has improved the habitat for threatened fauna species previously recorded at Vallances Road. While bush regeneration works were underway at the site, Bush Hens and Rose-Crowned Fruit Doves have been heard calling in the surrounding vegetation.

Prior to bush regeneration activities commencing, repeated and targeted searches failed to locate any Koalas in the vegetation of the eastern oxbow. In 2009, Koalas have been sighted on two separate occasions feeding and resting in Tallowwoods in the eastern oxbow. The removal of Lantana from the understory may have facilitated the return of koalas to this forested area (*Bush Regeneration Outcomes for Vallances Road 2007-2009, Byron Shire Council*).


Koala Habitat
Primary habitat
Secondary habitat (class A)
Secondary habitat (class B)
Secondary habitat (class C)
Tertiary habitat
Threatened Fauna Habitat
Threatened Fauna Habitat
Key fish habitat
Key fish habitat
Ecowetland
Ecowetland
PLANIT
PROJECT TITLE
Valances RD, Mullumbimby
DRAWING TITLE
Environmental Values - Fauna
BASE ISSUED BY
Byron Shire Council
SCALE
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DESIGN
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3. LEGISLATIVE FRAMEWORK

Under the legislative requirements of the Local Government Act 1993, Council is required to prepare and adopt Plans of Management for all public land. A Plan of Management is not statutorily required for land classified as Operational land, however for the purpose of continuity across the site and future land uses, a single Plan of Management has been prepared across both the Community and Operational Land.

The minimum requirements under the Act state that a Plan of Management must:

- Categorise the land in accordance with Clause 36(4) and (5);
- Contain objectives for the management of the land;
- Contain performance targets;
- Specify the means of achieving the objectives and performance targets; and
- Specify how achievement of the objectives and performance targets is to be assessed (s.36 (3)).

It is important to note that Plans of Management cannot override legislation. Council must comply with all relevant laws that apply to the use of the land, in addition to the Plan of Management. This includes other parts of the Local Government Act 1993, the Environmental Planning and Assessment Act and planning instruments such as Local Environmental Plans (LEP).

In relation to the Byron Local Environmental Plan 1988 (LEP 88) and the Byron Local Environmental Plan 2014 (LEP 2014), the Plan of Management must be consistent with the permissible uses for the land detailed in the LEP.

3.1. Objectives

This section of the Plan of Management addresses the following objectives:

- To identify land categories;
- To establish core objectives for each of the community land categories;
- To develop a list of practical steps that will be taken to achieve the objectives;
- To develop a list of practical measures of assessment to measure the success of the strategies

3.2. Land Affected by Threatened Species

The Local Government Act was amended in 1999 to integrate the management of Community Land with threatened species laws. Council therefore must comply with the full range of threatened species laws.

Reference to the Byron Biodiversity Conservation Strategy for Lot 1 DP 952598 and Lot 1 DP 129374 indicates some vegetation with significant floristic value and includes areas of land deemed to be of a High Conservation Value. As such, it is recommended that further



environmental surveys be undertaken to assess whether a threatened community or threatened plant species occur on site, as listed under the schedules of the Threatened Species Conservation (TSC) Act 1995.

The site contains the following fauna and fauna significance:

- High Conservation Value Vegetation;
- Wildlife Corridors;
- Primary Kola Habitat;
- Threatened Fauna Habitat;
- Key Fish Habitat; and
- Ecowetland.

The land subject to these significant habitats has been classified accordingly, in accordance with the classification below.

3.3. The Categorisation of Community Land

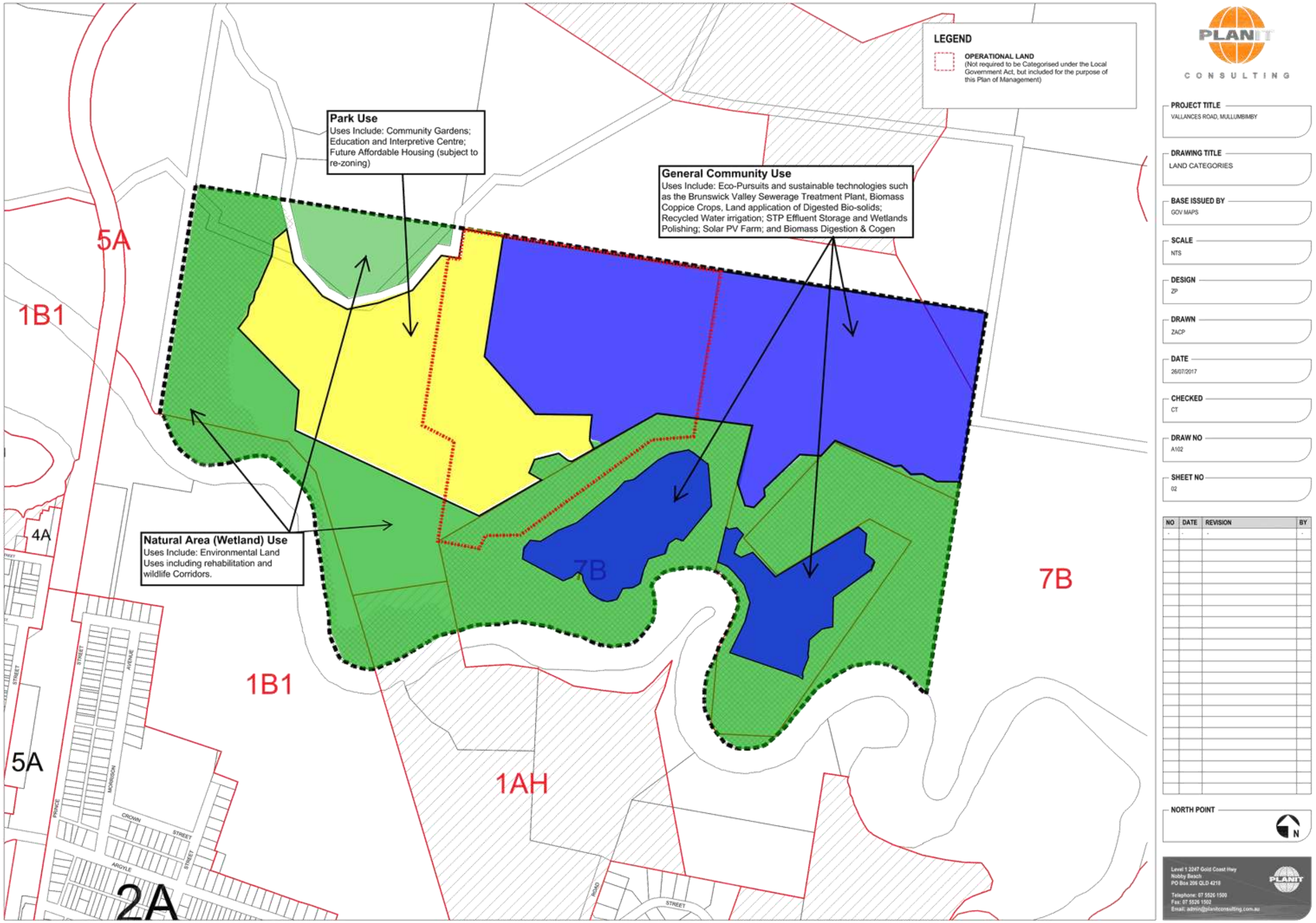
Section 36 of the Local Government Act 1993, states that Council must categorise community land as one or more of the following:

- *Natural area, further categorised as (bushland, wetland, escarpment, watercourse, foreshore, a category prescribed by the regulations)*
- *Sportsground;*
- *Park;*
- *Area of cultural significance; or*
- *General community use*

This Plan of Management categorises the land subject to this Plan into the following:

Categorisation	Indicative Land uses	Mapped	Area (Approx.)
Natural Area (Wetland)	Environmental Land Uses including rehabilitation and wildlife corridors	Green	45ha
Park	Community Gardens, Education & Interpretive Centre, future Affordable Housing.	Yellow	20ha
General Community Use	Eco-Pursuits and sustainable technologies such as the Brunswick Valley Sewage Treatment Plant, Biomass Coppice Crops, Land application of Digested Bio-solids; Recycled Water irrigation; STP Effluent Storage and Wetlands Polishing; Solar PV Farm; and Biomass Digestion & Cogen	Blue	46.3ha

Refer to the Concept Land Use Plan (**Map 10**) below.


LEGEND
OPERATIONAL LAND
(Not required to be Categorised under the Local Government Act, but included for the purpose of this Plan of Management)
Park Use
Uses Include: Community Gardens; Education and Interpretive Centre; Future Affordable Housing (subject to re-zoning)
General Community Use
Uses Include: Eco-Pursuits and sustainable technologies such as the Brunswick Valley Sewerage Treatment Plant, Biomass Coppice Crops, Land application of Digested Bio-solids; Recycled Water irrigation; STP Effluent Storage and Wetlands Polishing; Solar PV Farm; and Biomass Digestion & Cogen
Natural Area (Wetland) Use
Uses Include: Environmental Land Uses including rehabilitation and wildlife Corridors.
5A
1B1
4A
7B
1AH
2A
PLANIT CONSULTING
PROJECT TITLE
VALLANCES ROAD, MULLUMBIMBY
DRAWING TITLE
LAND CATEGORIES
BASE ISSUED BY
GOV MAPS
SCALE
NTS
DESIGN
ZP
DRAWN
ZACP
DATE
26/07/2017
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DRAW NO
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Level 1 2247 Gold Coast Hwy
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Fax: 07 5526 1502
Email: admin@planitconsulting.com.au

3.4. Guidelines for Categorisation

The Local Government Regulations (General) provides guidelines for each of the above categories. Under the Local Government Regulations 2005, these categories are defined as follows:

3.4.1 Natural Area

Natural Area: *Land should be categorised as a natural area under section 36 (4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36 (5) of the Act.*

Note.
Section 36A of the Act provides that community land that has been declared a critical habitat under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994 must be categorised as a natural area.

Section 36B of the Act provides that community land all or part of which is directly affected by a recovery plan or threat abatement plan under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994 must be categorised as a natural area.

Section 36C of the Act provides that community land that is the site of a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or that is the site of a wildlife corridor, must be categorised as a natural area.
(Underlined for emphasis)

Natural Area (Wetland): *Land that is categorised as a natural area should be further categorised as wetland under section 36 (5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.*

3.4.2 Park

Park: *Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.*

3.4.3 General Community Use

General Community Use: *Land should be categorised as general community use under section 36 (4) of the Act if the land:*



(a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
(b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance. (Underlined for emphasis).

3.5. Core Objectives for Community Land

The core objectives for community land categories outlined in the Local Government Act 1993 assist in determining the way that the land may be used and managed. While it is noted that the subject site contains both operational and community land, categories have been applied to the site as a whole, to allow for future reclassifications to Operational or Community as required.

The following objectives are applicable to the land categories:

Section 36K of the Act states that the core objectives for management of community land categorised as a natural area and further categorised as a **Wetland** are:

(a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
(b) to restore and regenerate degraded wetlands, and
(c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

Section 36G of the Act states that the core objectives for community land categorized as a **Park** are:

(a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
(b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
(c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

Section 36I of the Act states that the core objectives for management of community land categorised as a **General Community Use** are:

To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:
(a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and

(b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

3.6. Granting a lease or licence on Community Land

A lease, licence or other estate may be granted, in accordance with an express authorisation by this plan of management, providing the lease, licence or other estate is for a purpose prescribed in Section 46 of the Local Government Act 1993. The purpose must be consistent with core objectives for the category of the community land.

The Local Government Act 1993 allows Council to grant leases or licences over all or part of community land. The use of land under a lease or licence must be compatible with the Local Environmental Plan or Council requirements and provide benefits and services or facilities for the users of the land. Terms and conditions of a lease should reflect the interests of Council and the public and ensure proper management and maintenance.

The following conditions must be met when granting a lease or licence over community land:

(a) The lease, licence or other estate must not be granted for a period (including any period for which the lease could be renewed by the exercise of an option) exceeding 21 years;
(b) A lease, licence or other estate may be granted only by tender in accordance with s.46A of the Local Government Act 1993 (as amended) and cannot exceed a term of 5 years (including any period for which the lease could be renewed by the exercise of an option), unless it satisfies the requirements as scheduled in s.47, or is otherwise granted to a non – profit organisation.
(c) The Plan of Management must expressly authorise a lease or licence.

Council must:

- Give public notice of the proposal;
- Exhibit notice of the proposal on the land to which the proposal relates;
- Give notice of the proposal to such persons who appear to own or occupy land adjoining community land; and
- Give notice of the proposal to any other person (owner or occupier of land in the vicinity of the community land), if in the opinion of the Council the subject to the proposal is likely to form the primary focus of the person's enjoyment of community land.

4. STRATEGIC FRAMEWORK

4.1. STRATEGIC OBJECTIVES

The objective of this Plan of Management is to provide for a range of community and sustainable land use initiatives that meet Council's sustainability strategies and environmental intents in the following general areas:

- Environmental Initiatives
- Community & Housing Initiatives
- Sewerage Treatment Plant Initiatives
- Biomass Initiatives
- Solar Initiatives

Byron Shire Council's applicable sustainability and environmental policies are summarized below.

4.2. Biodiversity Conservation Strategy

The Byron Biodiversity Conservation Strategy (BCS) is a long term, on-going project that is intended to provide a range of biodiversity conservation directions, on-ground actions and funding options that will work toward improving biodiversity management and practices across the Shire.

The Byron Biodiversity Conservation Strategy aims to:

- Protect, restore and maintain ecosystems and ecological processes through the delivery of on-ground works and planning controls;

The Vallances Road site can deliver on the aims and objectives of the Strategy through:

- Improvement of the condition of ecosystems and increase the extent of native vegetation cover through targeted ecological restoration works;
- Rehabilitate riparian zone along the Brunswick River;
- Establish environmental corridor through the site; and
- Community education and engagement opportunities.

Refer to the Key Project Areas in **Section 5** and **Appendix 1** for further details.

4.3. Sustainable Agriculture Strategy

- A range of agricultural opportunities are able to be conducted.
- The intensity, scale and mix of these land uses will be driven by the community and provides the opportunity to deliver a Food Empowerment Project (FEP).



- By integrating and valuing by-products from the STP such as heat and biosolids, a closed loop system can be developed.
- Through this closed loop system recovery, re-use or recycling, this project can reduce emissions, waste and raw materials requirements.

Refer to the Key Project Areas in **Section 5** and **Appendix 1** for further details.

4.4. Low Carbon Strategy 2014

- Minimum 30% reduction in greenhouse gas emissions below 2003/04 levels by 2020.
- As part of achieving this target Council is investigating all potentials to utilise sources of organic waste materials, termed "biomass", produced in the Shire. Biomass is organic matter, typically from commercial or farming activities, which could be put to its highest available reuse value as feedstock to a bioenergy plant.
- Municipal STPs produce biosolids as a waste, which is a source of biomass that can be anaerobically digested to produce biogas that, in turn, has high energy value.
- A review of the relevant scheme and legislative controls does enable the use of the site for a bioenergy facility

Refer to the Key Project Areas in **Section 5** and **Appendix 1** for further details.

4.5. Climate Change Strategic Planning Policy

The Climate Change Strategic Planning Policy provides climate change flood planning scenarios for the years 2050 and 2100. The 2050 flood planning scenario is to be used for any Council strategic, infrastructure and operational planning document or designs that may be affected by climate change. The 2050 flood planning scenario will apply to most development for land use planning

The Vallances Road site is affected by flooding and consistent with this policy land uses decisions are informed by flooding and ecosystem buffering. The Conceptual land use plan identifies an environmental zone which seeks to protected/restore the riparian zone of the Brunswick River.

This area also incorporates land which is flood affected. The passive land use area also contains land which is flood affected but removed from desired ecological corridor.

Changes to landform may extend the range of uses permitted.

Refer to the Key Project Areas in **Section 5** and **Appendix 1** for further details.

4.6. Community Gardens Policy

Council recognises community gardens as social assets that enhance local food security and provide opportunities for recreational, cultural, economic, health and educational pursuits.

The Vallances Road site is able to fulfil a number of the objectives of this policy through:

- Provision of new community gardens on Council owned and managed land.
- Promote knowledge and access in relation to nutritious, organic and locally produced foods to enhance regional food security within the context of climate change and peak oil
- Provide opportunities for outdoor learning that support Council's sustainability education
- Initiatives
- Position Byron Shire Council as a leader in advancing sustainability within the community
- Community gardens may be able to be established in the passive or active land use area of the site.

Refer to the Key Project Areas in **Section 5** and **Appendix 1** for further details.

4.7. Corporate Sustainability Policy

The policy objectives include:

- Continually improve the sustainability performance of Council.
- Support the efforts of the wider Byron Shire community in the transition to a low carbon community
- Acknowledge the inter-relationships between social, economic and environmental considerations in all decision-making.
- Support efforts to reduce Council's ecological footprint, including corporate energy consumption, potable water consumption, greenhouse emissions and waste generation across all programs, assets and services.

Vallances Road provides the opportunity to integrate a range of complementary and interrelated land uses and management actions that can achieve the sustainability objectives.

Refer to the Key Project Areas in **Section 5** and **Appendix 1** for further details.

5. FUTURE USE AND DEVELOPMENT OF THE LAND

In accordance with the Section 36 (3A)(b) of the Local Government Act 1993, a Plan of Management must expressly authorise any proposed or potential developments on community land. The following authorisation is provided in general terms only, and any specific works will require some level of further detail and investigation.

The following table details the developments that this Plan of Management expressly authorised for Vallances Road, Mullumbimby. The definitions of these uses are as per the Byron Local Environmental Plan 2014, except where otherwise noted.

Note:

LEGEND	
O	**Permitted Without Consent** [Assessment under Part 5 of the EP&A Act (Review of Environmental Factors) still required]
C	**Permitted With Consent** [Assessment under Part 4 of the EP&A Act (Development Consent) required]
X	**Prohibited**

1. ENVIRONMENTAL LAND USE PROJECT AREA

Action	Environmental Land Use & Wildlife Corridor
Land Classification	Natural Area (Wetland)
Area	49.8 ha total
Detailed Description	• **Revegetation / Rehabilitation:** Revegetation of wetland areas disturbed by historical grazing; removal of weed species; replanting of wildlife corridors with native species. This will include ongoing follow-up maintenance of already worked areas and expansion into new areas as time and resources permit. • **Bank Stabilisation:** Brunswick River bank stabilisation works to occur in specific locations, and sediment and erosion control measures implemented. Use of log treatment method, whereby large logs are driven vertically into the river bed at approximately 2-4 metre spacing at various angles to the river bank. By angling the poles, the waters energy is dissipated, slowing the flow thereby reducing the impact on the river bank. In addition, debris



	is slowed and settles behind the logs providing valuable real estate for trees and mangroves to gain a foothold and stabilise the river bank. • **Boardwalks & Walkways:** A series of connected walkways winding around the wetlands and raised boardwalks through the billabongs as not to impact on the billabong sensitive habitat, is envisaged for this site. These walkways and raised boardwalks would ultimately enhance the access and enjoyment for people with disabilities, older people, their families and carers.
Zoning (LEP 2014)	• RU2 • DM - Deferred Matter* *Deferred Matter under LEP 2014 relates to land zoned 1(a) General Rural; 1(a)(h) General Rural (Hatched); 1(b)(1) Agricultural; and 7(b) Coastal Habitat under LEP 88.
Authorised Scale of Development	Development and/or works permitted on the land include, but are not limited to: • **Environmental Facility (1)** • **Environmental Protection Works (2)** • **Information and Education Facility (3)** • **Recreation Area (4)** • **Flood Mitigation Works (5)**

Existing Permissibility		(1)	(2)	(3)	(4)	(5)
	RU2	**C**	**O**	**C**	**C**	**C**
	DM	**Subject to provisions of LEP 88**				

Possible exemptions under SEPP Infrastructure?	Possible SEPP exemptions for **Environmental Protection Works (2)** and **Flood Mitigation Works (5)**. Further planning investigations to be undertaken

2. COMMUNITY & HOUSING PROJECT AREA

Action	**Affordable Housing, Community Gardens, and Education & Interpretive Centre**
Land Classification	Park

Area	20.0 ha total
Detailed Description	• **Affordable / Community Housing:** It is intended to work towards innovative sustainable community housing provision, there may be the potential, subject to re-zoning, to create affordable housing on the land. • **Use of Existing Rail Corridor:** It is intended to utilise the existing rail corridor, bridge and Council road right-of-way to allow for pedestrian access to the site. The innovative use of these existing corridors will allow ease of access to the community land from Mullumbimby Town Centre. This will result in a low-footprint development, with an emphasis on foot traffic, bicycle, and/or e-vehicles. • **Education and Interpretation Centre:** There is the potential to create a leading-edge educational facility to highlights innovations found in the nexus between sewage treatment innovations, bioenergy and biomass management, native plant replanting, and many other aspects of sustainable land management. • **Community Gardens:** Provision of community gardens that serve the local community. The gardens could be used as educational and information centres promoting sustainable living initiatives, job-creation, and to increase the provision of fresh and affordable produce to the local community. This facility could host school groups, drop-ins from the general public, residential caretakers, and on-site experts-in-residence programmes.
Zoning (LEP 2014)	• RU1 • RU2
Authorised Scale of Development	Development and/or works permitted on the land include, but are not limited to: • **Community Facility (1)** • **Community Garden (2)** (defined under Community Gardens Policy) • **Restaurant or Café (3)** • **Environmental Facility (4)** • **Information and Education Facility (5)** • **Recreation Area (6)** • **Camping Ground (7)** • **Eco Tourist Facilities (8)** • **Tourist and Visitor Accommodation** (ONLY Bed & Breakfast and Farm Stay Accommodation) **(9)** • **Affordable / Community Housing (10)**

	(1)	**(2)**	**(3)**	**(4)**	**(5)**	**(6)**	**(7)**	**(8)**	**(9)**	**(10)**



Existing Permissibility	**RU1**	C	N/A	C	C	X	C	C	X	C	X
	RU2	C	N/A	C	C	C	C	C	C	C	X
Possible exemptions under SEPP Infrastructure?	No exemptions permissible.										

3. BVSTP PROJECTS AREA

Action	**Brunswick Valley Sewage Treatment Plant and associated by product technologies**
Land Classification	General Community Use
Area	14.1 ha total

Detailed Description	• **Upgrades to BVSTP:** Upgrades to the BVSTP to include capacity from the Ocean Shores STP.
	• **Effluent storage ponds & Wetlands Effluent polishing:** wetlands and an effluent storage pond will create a community resource that not only further "polishes" already high quality treated effluent but also achieves an innovative and integrated range of environmental and social objectives. These objectives included:
	  ◦ Maximise the resource value of recycled water.
	  ◦ Further polish and limit the nutrient input to the sensitive waters of the Brunswick River.
	  ◦ Create a natural and effective assimilation pathway to return surplus flows to the water cycle.
	  ◦ Restore an area of pre-disturbance vegetation and habitat.
	  ◦ Integrate operational objectives with broad regional environmental objectives including the creation of an extended and extensive wildlife corridor.
	  ◦ Preserve, protect and encourage threatened species and associated habitat areas.
	  ◦ Buffer and protect billabong and wetland areas.
	  ◦ Achieve sustainable constructed wetlands that are reliable and flexible.

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Incorporate innovative water management approaches and technology.
Deliver an asset that the Byron Shire community is proud of and recognised as a model for environmental protection and sustainable water management.

Recycled water: Innovative recycling of tertiary-treated STP effluent as irrigation water for use on coppice crops on the site, as well as for re-establishment and expansion of native plants. This recycled water also has nutrient value to the crops, providing nitrogen and phosphorous, which are required for plant growth.
Biomass Anaerobic Digestion: Advanced sustainable bioenergy technologies exist which can produce electricity, heating, cooling, biofuels, and other valuable by-products for reclamation and reuse. These technologies divert wastes from landfill, displace the use of fossil fuels. It is intended to use Biomass Anaerobic digestion for biogas generation.
Dewatered biomass: Biosolids represent a sustainable supply of high-value soil amendment and fertilizer for coppice crops and native plants. Utilising this STP by-product results in the diversion of what would otherwise be a waste stream, and savings of the disposals costs.

</td></tr>
<tr><td>Zoning (LEP 2014)</td><td>

RU1
RU2

</td></tr>
<tr><td>Authorised Scale of Development</td><td>Development and/or works permitted on the land include, but are not limited to:

Sewerage System (1)
Extensive Agriculture (2)
Rural Industry (3)
Environmental Protection Works (4)
Intensive Plant Agriculture (5)
Horticulture (6)

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<tr><td>Existing Permissibility</td><td>
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<tr><td>RU1</td><td>See below</td><td>O</td><td>C</td><td>O</td><td>C</td><td>C</td></tr>
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<tr><td>Possible exemptions under SEPP Infrastructure?</td><td>SEPP exemptions for Sewerage System (1).</td></tr>
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4. BIOMASS PROJECTS AREA

Action	Biomass Coppice Crops and associated bio-projects
Land Classification	General Community Use
Area	23.8 ha total
Detailed Description	• **Biomass Coppice Crops:** Planting of coppice crops for harvesting and use in generation of bioenergy and other sustainable uses/products to occur across the project area. This may include other valuable uses, such as the growth of oil crops like hemp. This will be the primary source of bioenergy across the site, and will utilize recycled water for irrigation. Byron Council is currently conducting a Bioenergy feasibility study that will determine what coppice crops and biomass will be most suitable for a bioenergy facility. Biosolids application for beneficial agricultural use will continue on site for the time being. • **Recycled Water:** Innovative recycling of tertiary-treated STP effluent as irrigation water for use on coppice crops on the site, as well as for re-establishment and expansion of native plants. This recycled water also has nutrient value to the crops, providing nitrogen and phosphorous, which are required for plant growth. • **Land Application of Biomass:** Biosolids represent a sustainable supply of high-value soil amendment and fertilizer for coppice crops and native plants.
Zoning (LEP 2014)	• RU1 • RU2
Authorised Scale of Development	Development and/or works permitted on the land include, but are not limited to: • **Agriculture (1)** • **Extensive Agriculture (2)** • **Intensive Plant Agriculture (3)** • **Horticulture (4)** • **Intensive Livestock Agriculture (5)** • **Farm Building (6)** • **Rural Industry(7)**

Existing Permissibility	(1)	(2)	(3)	(4)	(5)	(6)	(7)
RU1	X	O	C	C	C	C	C
RU2	C	O	C	C	C	C	X



Possible exemptions under SEPP Infrastructure?	No exemptions permissible.

5. SOLAR PROJECTS AREA

Action	**Renewable Solar PV Energy farms**			
Land Classification	General Community Use			
Area	3.6 ha total			
Detailed Description	• **Solar photovoltaic arrays:** Solar photovoltaic arrays are intended to be installed in proximity to the STP and the electricity produced can be used in many fashions, including: to power the many electric motors in the STP treatment process; heating and cooling of STP or other nearby buildings; and drying biomass crops, if necessary. • **BVSTP Solar Farm:** 1.6 ha of land adjacent to the BVSTP to be used by Byron Shire Council for solar electricity generation and use in the operation of the BVSTP • **Community Solar Farm:** 2.0 ha of land adjacent to the BVSTP to be used by a community organisation for solar electricity generation. • **Electricity Generation:** Excess electricity to be net metered and sold to generate a sustainable source of revenue.			
Zoning (LEP 2014)	• RU1 • RU2			
Authorised Scale of Development	Development and/or works permitted on the land include, but are not limited to: • **Electricity Generating Works (1)** • **Solar Energy System (2)** • **Rural Industry (3)**			
Existing Permissibility		(1)	(2)	(3)
	RU1	**See below**	**See below**	**C**



	RU2	**See Below**	**See Below**	X
Possible exemptions under SEPP Infrastructure?	SEPP exemptions for **Electricity Generating Works (1)** and **Solar Energy System (2)**, subject to conditions. Further planning investigations to be undertaken			

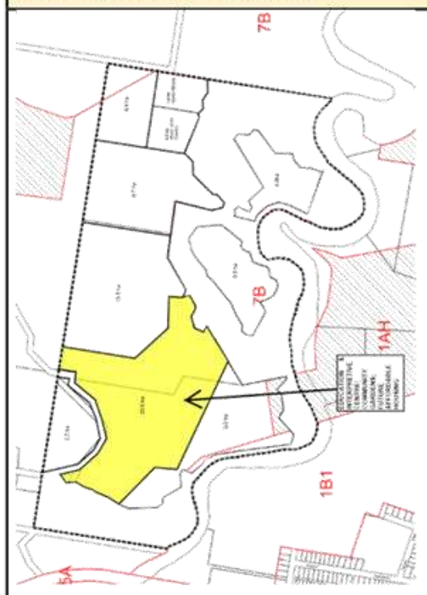
6. RECOMMENDATIONS

In the next phases of follow-on work regarding implementing the Actions from this Plan of Management, Council may wish to consider the following issues in greater detail:

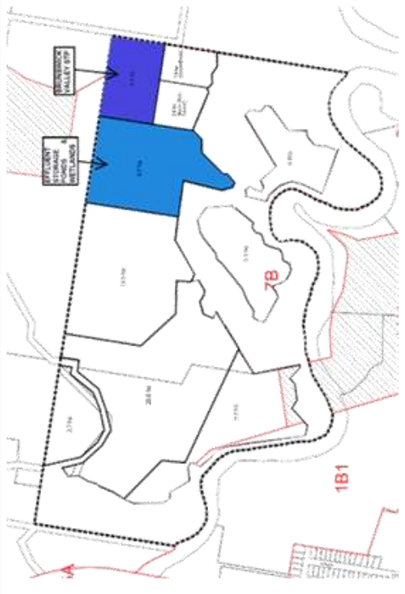
- Public review and consultation requirements of the Plan of Management process prior to finalising the document.
- Prioritisation of potential Actions in the final Plan of Management, and identification of specific works.
- Statutory instruments, reviews, and approvals that may be required for the Actions and resulting specific works.
- Detailed Ecological Assessment to confirm extent of threatened Species areas within the site.
- Rezoning and planning processes required to facilitate the affordable housing Project Area.
- Estimating costs, and funding sources and methods, for the Actions and specific works.
- Estimating timelines for implementation of the Plan of Management Actions and specific works.
- Detailed next steps for implementing the priority Actions and specific works from the Plan of Management.

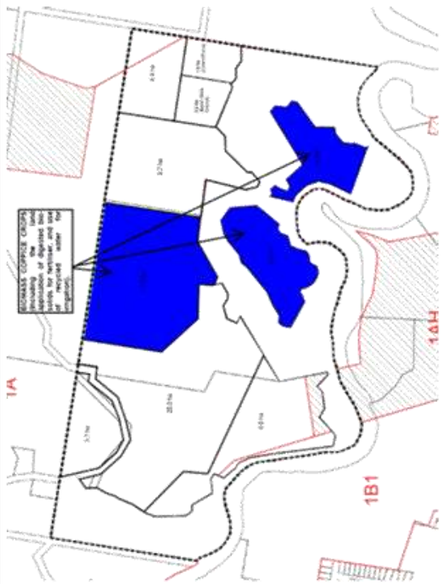
APPENDIX 1 SUMMARY AND STRATEGIC GUIDANCE

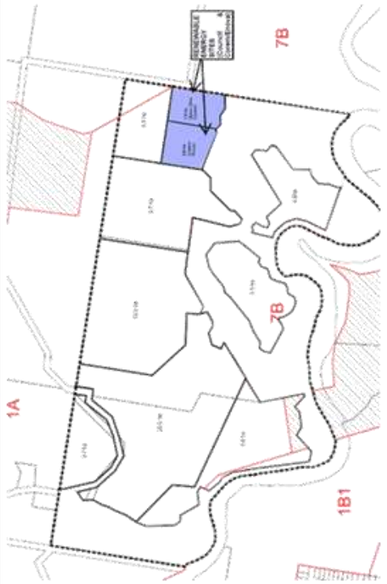
PROJECT AREA	PROJECT DESCRIPTION/ ACTIONS	POTENTIAL PARTNERS	POTENTIAL FUNDING SOURCES	TIMELINE	ESTIMATED COST
Environmental Land Project Area					
	• **Revegetation / Rehabilitation:** Revegetation of wetland areas disturbed by historical grazing; removal of weed species; replanting of wildlife corridors with native species. This will include ongoing follow-up maintenance of already worked areas and expansion into new areas as time and resources permit.	• Brunswick Valley Land Care • Mudgha Magolgen • Community NGOs • Other departments in Byron Shire Council (Biodiversity Regeneration crew)	• Sewer fund • Grant funding	• Can commence immediately	• TBA
	• **Bank Stabilisation:** Brunswick River bank stabilisation works to occur in specific locations, and sediment and erosion control measures implemented. Use of log treatment method, whereby large logs are driven vertically into the river bed at approximately 2-4 metre spacing at various angles to the river bank. By angling the poles, the waters energy is dissipated, slowing the flow thereby reducing the impact on the river bank. In addition, debris is slowed and settles behind the logs providing valuable real estate for trees and mangroves to gain a foothold and stabilise the river bank.	• Australian Wetlands • Other departments in Byron Shire Council • DPI Fisheries • Local fishing clubs	• Sewer fund • Grant funding	• Can commence immediately	• $300K
	• **Boardwalks & Walkways:** A series of connected walkways winding around the wetlands and raised boardwalks through the billabongs as not to impact on the billabong sensitive habitat, is envisaged for this site. These walkways and raised boardwalks would ultimately enhance the access and enjoyment for people with disabilities, older people, their families and carers.	• Brunswick Valley Land Care •	• Sewer fund • Grant funding	• Can commence immediately	• $200K
	• **Constructed Wetlands:** The construction of wetlands will create a community resource that not only further "polishes" already high quality treated effluent but also achieves an innovative and integrated range of environmental and social objectives, including restoration of areas of pre-disturbed vegetation; creation of an extended and extensive wildlife corridor; and preserve, protect and encourage threatened species and associated habitat areas.	•	• Sewer fund	• Can commence immediately	• $2,000K

PROJECT AREA	PROJECT DESCRIPTION/ ACTIONS	POTENTIAL PARTNERS	POTENTIAL FUNDING SOURCES	TIMELINE	ESTIMATED COST
Community & Housing Project Area					
	• **Affordable / Community Housing:** It is intended to work towards innovative sustainable community housing provision, there may be the potential, subject to re-zoning, to create affordable housing on the land. • **Use of Existing Rail Corridor:** It is intended to utilise the existing rail corridor, bridge and Council road right-of-way to allow for pedestrian access to the site. The innovative use of these existing corridors will allow ease of access to the community land from Mullumbimby Town Centre. This will result in a low development footprint, with an emphasis on foot traffic, bicycle, and/or e-vehicles. • **Education and Interpretation Centre:** There is the potential to create a leading-edge educational facility to highlights innovations found in the nexus between sewage treatment innovations, bioenergy and biomass management, native plant replanting, and many other aspects of sustainable land management. There is also the potential to add tourist / visitor accommodation to this centre. • **Community gardens:** Provision of community gardens that serve the local community. The gardens could be used as educational and information centres promoting sustainable living initiatives, job-creation, and to increase the provision of fresh and affordable produce to the local community. This facility could host school groups, drop-ins from the general public, residential caretakers, and on-site experts-in-residence programmes.	Affordable Housing • Third party developers • Community development and housing agencies • Community NGOs Education Centre • Primary and secondary schools • Tertiary education users • Community groups	Affordable Housing • Third party developers • Grant funding Education Centre • BSC Sewer funds • Grant funding	Community consultation to be undertaken first	• TBA • $1,000K

PROJECT AREA	PROJECT DESCRIPTION/ ACTIONS	POTENTIAL PARTNERS	POTENTIAL FUNDING SOURCES	TIMELINE	ESTIMATED COST
Brunswick Valley Sewage Treatment Plant Project Areas					

	• **Upgrades to BVSTP:** Upgrades to the BVSTP to include capacity for flows from the Ocean Shores STP.
	• **Effluent storage ponds & Wetlands Effluent polishing:** wetlands and an effluent storage pond will create a community resource that not only further "polishes" already high quality treated effluent but also achieves an innovative and integrated range of environmental and social objectives. These objectives included:
	  • Buffering to maximise the resource value of recycled water.
	  • Further polish and limit the nutrient input to the sensitive waters of the Brunswick River.
	  • Create a natural and effective assimilation pathway to return surplus flows to the water cycle.
	  • Integrate operational objectives with broad regional environmental objectives including the creation of an extended and extensive wildlife corridor.
	  • Preserve, protect and encourage threatened species and associated habitat areas.
	  • Restore areas of pre-disturbance vegetation and habitat; protect billabong and wetland areas.
	  • Achieve sustainable constructed wetlands that are reliable and flexible.
	  • Incorporate innovative water management approaches and technology.
	  • Deliver an asset that the Byron Shire community is proud of and recognised as a model for environmental protection and sustainable water management.
	• **Recycled water:** Innovative recycling of tertiary-treated STP effluent as irrigation water for use on biomass coppice crops on the site, as well as for re-establishment and expansion of native plants. This recycled water also has nutrient value to the crops, providing nitrogen and phosphorous, which are required for plant growth.
	• **Biomass Anaerobic Digestion:** Advanced sustainable bioenergy technologies exist which can produce electricity, heating, cooling, biofuels, and other valuable by-products for reclamation and reuse. These technologies divert wastes from landfill, displace the use of fossil fuels. It is intended to use Biomass Anaerobic Digestion for biogas generation.
	• **Dewatering Bomass:** Biosolids represent a sustainable supply of high-value soil amendment and fertilizer for
		• Other Council department
		• Wildlife groups
		• Farmers for agistment and irrigation
		• Technology companies for R&D purposes
			• BSC Sewer Fund
			• Grant funding
				• 2020 subject to Council Approval
				• Can commence immediately
					• $10,000K
					• $3,000K

PROJECT AREA	PROJECT DESCRIPTION/ ACTIONS	POTENTIAL PARTNERS	POTENTIAL FUNDING SOURCES	TIMELINE	ESTIMATED COST
	coppice crops and native plants. Utilising this STP by-product results in the diversion of what would otherwise be a waste stream, and savings of the disposals costs.				
Biomass Project Areas					
	• **Biomass Coppice Crops:** Planting of coppice crops for harvesting and use in generation of bioenergy and other sustainable uses/products to occur across the project area. This will be the primary source of bioenergy across the site, and will utilize recycled water for irrigation. Byron Council is currently conducting a Bioenergy feasibility study that will determine what coppice crops and biomass will be most suitable for a bioenergy facility. Biosolids application for beneficial agricultural use will continue on site for the time being. • **Recycled Water:** Innovative recycling of tertiary-treated STP effluent as irrigation water for use on coppice crops on the site, as well as for re-establishment and expansion of native plants. This recycled water also has nutrient value to the crops, providing nitrogen and phosphorous, which are required for plant growth. • **Application of Dewatered Biomass:** Dewatered biosolids represent a sustainable supply of soil amendments and fertilizer for coppice crops and native plants. Utilising this STP by-product results in the diversion of what would otherwise be a waste stream, and savings of the disposals costs.	• Universities • Private third parties for R&D	• BSC Sewer Fund • grant funding • Third party R&D programmes	Dependent on Biomass pre feasibility project – possible start 2020	• $3,000K

PROJECT AREA	PROJECT DESCRIPTION/ ACTIONS	POTENTIAL PARTNERS	POTENTIAL FUNDING SOURCES	TIMELINE	ESTIMATED COST
Solar Farm Project Areas					
	• **Solar PhotovoltaicAarrays:** Solar photovoltaic arrays are intended to be installed in proximity to the STP and the electricity produced can be used in many fashions, including: to power the many electric motors in the STP treatment process; heating and cooling of STP or other nearby buildings; and drying biomass crops, if necessary. • **BVSTP Solar Farm:** 1.6 ha of land adjacent to the BVSTP to be used by Byron Shire Council for solar electricity generation and use in the operation of the BVSTP • **Community Solar Farm:** 2.0 ha of land adjacent to the BVSTP to be used by a community organisation for solar electricity generation. • **Electricity Generation:** Excess electricity to be net metered and sold to generate a sustainable source of revenue.	• Council • Other departments in Byron Shire Council •	Council • BSC Sewer Fund • Other departments in Byron Shire Council • Community • Byron Shire Council (in-kind funding)	Immediately Immediately	$200 K In kind funds (land rental income)

MINUTES OF MEETING

EXTRAORDINARY AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 12 October 2017
Time	11.30am

Minutes of the Extraordinary Audit, Risk and Improvement Committee Meeting held on Thursday, 12 October 2017
File No: I2017/1489

PRESENT: Cr A Hunter

Staff: Mark Arnold (Director Corporate and Community Services) (from 12pm)
James Brickley (Manager Finance)
Anna Vinfield (Manager Governance Services)
Jess Orr (Strategic Risk and Improvement Coordinator)

Community: Michael Georghiou (Chairperson), Brian Wilkinson and Rae Wells

Auditors: Cathy Blunt (OCM) and Kevin Franey (TNR)

Michael Georghiou (Chair) opened the meeting at 11.36am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

There were apologies from Cr Cameron.

ABSENCES:

Cr Martin was absent from the meeting.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Committee Recommendation:

That the minutes of the Audit, Risk and Improvement Committee Meeting held on 17 August 2017 be confirmed. (Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

The Committee agreed to discuss item 5.1 next on the Agenda.

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. **CONFIDENTIAL - Audit, Risk & Improvement Delivery Program and Strategy for 2017 - 2021**
File No: I2017/1345

PROCEDURAL MOTION

1. That pursuant to Section 10A(2)(f) of the Local Government Act, 1993, the Committee resolve into Confidential Session to discuss the report Audit, Risk & Improvement Delivery Program and Strategy for 2017 - 2021 .

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:

   details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property

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

   disclosure of the confidential information could affect the security of the Council, Councillors, Council staff or Council property.

(Georghiou/Hunter)

The recommendation was put to the vote and declared carried.

Committee Recommendation:

That the Audit, Risk and Improvement Committee:

1. **Endorse the 2017-2021 Internal Audit Plan with minor amendments to the terms of reference for the Buildings and Property Management audit review and Fraud and Corruption Control audit review, noting that the reviews for year two onwards will be presented to the Audit, Risk and Improvement Committee at the commencement of each audit year**

2. **Note the 2017/18 audit program will include:**
   a) **Corporate Compliance and Policy Management**
   b) **Buildings and Property Management**
   c) **Fraud and Corruption Control**
   d) **IT User Access**

(Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

PROCEDURAL MOTION

That the meeting move out of confidential session.

(Georghiou/Hunter)

The recommendation was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. **Draft 2016/2017 Financial Statements**
File No: I2017/1475

PROCEDURAL MOTION

1. That pursuant to Section 10A(2)(d) of the Local Government Act, 1993, the Committee resolve into Confidential Session to discuss attachments 4 and 5 to the following report, namely the draft 2017 Conduct of the Audit report and the draft 2017 Client Service Report received from the NSW audit Office.

2. That the reasons for closing the meeting to the public to consider these attachments be that they contain:

   commercial information of a confidential nature that would, if disclosed:
   (i) prejudice the commercial position of the person who supplied it, or
   (ii) confer a commercial advantage on a competitor of the council, or
   (iii) reveal a trade secret.

3. That on balance it is considered that receipt and discussion of these attachments in open Committee would be contrary to the public interest, as disclosure of the confidential information could compromise the commercial position of the NSW Audit Office.

(Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

Committee Recommendation:

That the Audit, Risk and Improvement Committee recommend to Council:

1. **That Council approve the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Regulation 215 of the Local Government (General) Regulation 2005 in relation to the 2016/2017 Draft Financial Statements.**

2. **That Council exhibit the Financial Statements and Auditor's Report and call for public submissions on those documents with submissions closing on 30 November 2017 in accordance with Section 420 of the Local Government Act 1993.**

3. **That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 23 November 2017 in accordance with Section 418(1) of the Local Government Act 1993.**

(Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

PROCEDURAL MOTION

That the meeting move out of confidential session. (Georghiou/Wilkinson)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 1.15pm.

MINUTES OF MEETING

ARAKWAL MEMORANDUM OF UNDERSTANDING ADVISORY COMMITTEE MEETING

Venue	Arakwal Room, Byron Bay Library
Date	Friday, 22 September 2017
Time	9.30am

Minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on Friday, 22 September 2017
File No: I2017/1329

PRESENT: Cr C Coorey, Cr B Cameron

Staff: Mark Arnold (Director Corporate and Community Services)
Sarah Ford (Manager Community Development)
Belle Arnold (Aboriginal Projects Officer)
Jess Orr (Strategic Risk and Improvement Coordinator)
David Royston-Jennings (Minute Taker)

Community: Sharon Sloane (Acting General Manager)
Cassandra Kelly
Jennifer King Jnr

Cr Coorey (Chair) opened the meeting at 9.39am and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

There was an apology received from Cr Ndiaye.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Belle Arnold declared a non-significant non-pecuniary interest in Report 4.5.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Committee Recommendation:

That the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 June 2017 be confirmed at the next meeting of the Committee. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

BUSINESS ARISING FROM PREVIOUS MINUTES

Sharon Sloane introduced new members Cassandra Kelly and Jennifer King Jnr to the Committee and provided a brief overview of recent changes at the Arakwal Corporation.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 **Byron Shire Aboriginal Stakeholder Consultation Document**
File No: I2017/1251

Committee Recommendation:

That the Arakwal Memorandum of Understanding Advisory Committee reviews the "*Byron Shire Council and Indigenous Stakeholders"* document (E2016/98166) and that Council seek feedback from the Bundjalung of Byron Bay, Arakwal Corporation. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

PROCEDURAL MOTION

Committee Recommendation:

That Council change the order of business to deal with Item 5.1 next on the Agenda.
(Coorey/Sloane)

The recommendation was put to the vote and declared carried.

5.1 Native Title Update

Jess Orr provided a verbal update on Native Title. She explained that a letter regarding the compulsory purchase of Butler Street, Byron Bay, will be sent to the Arakwal Corporation. She added that the next Arakwal MoU agenda may have an item on the contents of this letter and that Council are seeking acknowledgement from the Arakwal Corporation once the letter is received.

Report No. 4.2 **Ti Tree Lake PoM**
File No: I2017/1233

Committee Recommendation:

1. That the Arakwal Memorandum of Understanding Advisory Committee note the progress of this project.

2. That the Arakwal Memorandum of Understanding Advisory Committee seek comment on the closure of a section of Taylors Lake Road and the establishment of an easement, to protect the Aboriginal Cultural Principles of the Aboriginal Area and Aboriginal Place of the lake precinct, from the National Parks and Wildlife Service.

3. That the Arakwal Memorandum of Understanding Advisory Committee refer the schedule of water quality testing and the erection of signage to the National Parks and Wildlife Service for their recommendation under the terms of the Ti Tree Lake PoM. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

Report No. 4.3 **Broken Head Beach Caravan Park signage**
File No: I2017/1256

Committee Recommendation:

1. That the Broken Head Beach Caravan Park sign be replaced with option A as outlined in the report and that Council fund the first $2000, with the balance being funded by the Broken Head Caravan Park.

2. That the erection of new Welcome to Country signage be taken back to the board of the Arakwal Corporation and reported to the next meeting of the Arakwal MoU.
(Coorey/Sloane)

The recommendation was put to the vote and declared carried.

Report No. 4.4 **Ironbark Housing Revegetation**
File No: I2017/1241

Committee Recommendation:

1. That the Arakwal Memorandum of Understanding Advisory Committee consider the request from the Bundjalung of Byron Bay, Arakwal Corporation regarding revegetation and works to restrict public access at the Ironbark Avenue Housing Development.

2. That Council's Infrastructure Planning Staff and Manager Open Space and Resource Recovery liaise with relevant Arakwal members to investigate and cost options for consideration. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

The meeting adjourned at 10.54am and reconvened at 11.00am.

Report No. 4.5 **Australia Day Report**
File No: I2017/1223

Committee Recommendation:

1. That the Arakwal Memorandum of Understanding Advisory Committee support further discussion about the possible change of date for 2019 Australia Day events and seek further consultation on changing the date with the Arakwal Corporation.

2. That the Arakwal Memorandum of Understanding Advisory Committee invite input from the Sisters for Reconciliation Group and the Cavanbah Reconciliation Group. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

Report No. 4.6 **Brunswick River Foreshore Midden System Protection**
File No: I2017/1255

Committee Recommendation:

That Council write to Crown Lands as a matter of urgency with regards to requesting that a barrier be erected to protect the aboriginal cultural heritage site in the precinct (maps to be provided) with letters of support sought from Brunswick Valley Landcare, Tweed-Byron Land Council and the Arakwal Corporation. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

Report No. 4.7 **Bangalow and Mullumbimby Master Plan Guidance Group Cultural Heritage**
File No: I2017/1224

Committee Recommendation:

1. That the Arakwal Memorandum of Understanding Advisory Committee note the Bangalow and Mullumbimby Master Plan guidance presentation and provide feedback on the consultation process to Council.

2. That the Arakwal Memorandum of Understanding Advisory Committee demand that Council projects engage consultation with aboriginal stakeholders from the commencement of the project. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

Report No. 4.8 **Byron Shire Aboriginal Cultural Heritage Study - Stage 1 Progress Report**
File No: I2017/1239

Committee Recommendation:

That the representatives of the Bundajung of Byron Bay Aboriginal Corporation (Arakwal) note that the Draft Study is being reviewed in consultation with Aboriginal Stakeholders.
(Coorey/Sloane)

The recommendation was put to the vote and declared carried.

Report No. 4.9 **Aboriginal Services in the Byron Shire**
File No: I2017/1240

Committee Recommendation:

1. That the Arakwal Memorandum of Understanding Advisory Committee note the development of this project and employment of a worker to continue to develop this project.

2. That Council commend the work in progress on this project. (Coorey/Sloane)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 12.17pm.

MINUTES OF MEETING

WATER, WASTE AND SEWER ADVISORY COMMITTEE MEETING

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 10 October 2017
Time	4.00pm

Minutes of the Water, Waste and Sewer Advisory Committee Meeting held on Tuesday, 10 October 2017
File No: I2017/1455

PRESENT: Mayor Cr S Richardson, Cr C Coorey, Cr M Lyon and Cr S Ndiaye

Staff: Phil Holloway (Director Infrastructure Services)
Peter Rees
Michael Matthews
Dominika Tomanek (Minute Taker)

Community: Duncan Dey, Col Draper, David Fligelman, Alan Dickens, Mary Gardener

Cr S Ndiaye (Chair) opened the meeting at 4:10 pm and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

There were apologies received from Madeleine Green and Lloyd Isaacson.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

That the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 14 September 2017 be confirmed.

The recommendation was put to the vote and declared carried. (Ndiaye/Lyon)

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 4.1 **State Government Water and Sewerage Performance Reports**
File No: I2017/1234

Committee Recommendation:

1. The Water Waste and Sewer Advisory Committee recommends that Council notes the continuing improving performance in both cost and service delivery for the Water and Sewer services.

2. That a report comes to one of the next committee meetings on options to reduce odour sewage Pump Station number 3001 and 3023. (Dey/Coorey)

The recommendation was put to the vote and declared carried

Report No. 4.2 **Byron Shire Effluent Management Strategy (Draft)**
File No: I2017/1235

Committee Recommendation:

1. The Water Waste and Sewer Advisory Committee notes the draft of the Byron Shire Effluent Management Strategy.

2. That Committee members provide feedback within 2 weeks including questions and information concerning the effectiveness and performance of the current reuse practices at Byron Bay Golf Course.

3. That the earlier report on Urban and Rural Water Reuse (circa 2003) prepared by John Murtagh be distributed to committee members. (Coorey/Fligelman)

The recommendation was put to the vote and declared carried.

Report No. 4.3 **Vallances Road Plan of Management**
File No: I2017/1259

Committee Recommendation:

The Water Waste and Sewer Advisory Committee recommends that Council notes the Vallances Road Plan of Management. (Ndiaye/Dickens)

The recommendation was put to the vote and declared carried.

Report No. 4.4 **Update on the review of Council's Integrated Waste Management and Resource Recovery Strategy**
File No: I2017/1262

Committee Recommendation:

That the update of the review of Council's Integrated Waste Management and Resource Recovery Strategy be noted. (Coorey/Lyon)

The recommendation was put to the vote and declared carried.

Report No. 4.5 **Response to Alan Dickens Questions**
File No: I2017/1268

Committee Recommendation:

That the Water Waste and Sewer Advisory Committee notes the report. (Ndiaye/Lyon)

The recommendation was put to the vote and declared carried.

Report No. 4.6 **Items For the Committee Requested by Duncan Dey**
File No: I2017/1269

Committee Recommendation:

That Council notes that report number 4.6: Items For the Committee Requested by Duncan Dey, was not discussed and has been referred to the next committee meeting. (Ndiaye/Lyon)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 6:03 pm.