



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 19 May 2016

held at Ocean Shores Community Centre, Rajah Road, Ocean Shores
commencing at 4.00pm

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

Mark Arnold
Acting General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL

ORDINARY MEETING

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS
2. APOLOGIES
3. REQUESTS FOR LEAVE OF ABSENCE
4. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY
5. TABLING OF PECUNIARY INTEREST RETURNS (S450A LOCAL GOVERNMENT ACT 1993)
6. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS
 - 6.1 Ordinary Meeting held on 28 April 2016
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BYRON SHIRE COUNCIL

ORDINARY MEETING

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Infrastructure Services

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

NOTICES OF MOTION

Notice of Motion No. 9.1 Small Business Friendly Councils
File No: I2016/410

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I move that Council join the Small Business Friendly Councils program.

Attachments:

10 1 Small Business Friendly Councils Fact Sheet, E2016/27940

Councillor's Background Notes:

15 Council is responsible for a range of business related activities including DA's, licenses and inspections which are all essential to the daily operation of small businesses.

Recommended priority relative to other Delivery Plan tasks:

20 Five out of seven of the North Coast Councils have joined already along with 76 across the state.

Signed: Cr Chris Cubis

Management Comments by Jane Laverty, Economic Development & Tourism Coordinator:
 (Management Comments must not include formatted recommendations – resolution 11-979)

25

Clarification of project/task:

30 Joining the Small Business Friendly Council (SBFC) program commits Council to reporting to the NSW Small Business Commissioners Office and the NSW Business Chamber on key program tasks, this includes:

- identifying three initiatives to support small business that Council will implement, measure and report on;
- 35 – implementing an "on time payment policy" so that small businesses are paid on time;
- establishing a Business Advisory Board in conjunction with key stakeholders from the local business community to assist Council in identifying issues and opportunities for local small businesses;
- providing quarterly progress updates on the implementation of councils initiatives and on
- 40 time payment tracking; and
- Council publicly promoting the benefits of the SBFC Program.

Director responsible for task implementation:

45 Director Sustainable Environment and Economy

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

50 The SBFC program has synergies with the recently drafted Economic Development Strategy - Enterprising Byron 2025.

Areas of impact would be to financial reporting within the Corporate and Community Services Directorate in relation to payment tracking; and if DA processing is included in the initiatives the Sustainable Environment and Economy Directorate.

5 **Financial and Resource Implications:**

The General Manager previously responded to the Small Business Commissioner's invitation request to join the Small Business Friendly Council program in September 2014. At that time the General Manager declined to join the program as it was determined that Byron Shire Council had a number of measures in place to support and assist business development in the Shire, this included:

- Establishment of regular Business Round Table meetings with all Chambers of Commerce
- Reviewed Development Assessment processes and proposed introduction of pre-lodgement options
- Agreement to establish an Economic Development Advisory Committee with representatives including local and regional business operators
- Creation of a new staff position of Economic Development and Tourism Coordinator
- Creation of a new staff position of Events and Grants Coordination Officer
- Membership of a regional Local Government Economic Development Officers Group
- Establishment of close relations with the Northern Rivers RDA and the NSW Department of Trade & Investment

Accordingly, Byron Council had already adopted a number of initiatives which closely align with the commitments proposed for its participation in the SBFC program. Byron Council has made equivalent commitments to sustainable growth and protection of the environment through the adoption of a new LEP and companion DCP, and to social justice principles. At the time it was considered that the Council should be judged on its actions rather than an overt statement of support for particular sectors of our community.

Since 2014, Council has established the Sustainable Economy Committee and has run 2 programs for the Small Business Commissioners Office directly; Women in Small Business and Retail Merchandising with approximately 35 businesses participating. Staff are also actively involved in facilitating new and expanding business development and developing industry programs to attract investment and generate employment within the Shire.

Staff propose that the invitation by the Small Business Commissioner be reviewed once the Shire's Economic Development Strategy – Enterprising Byron 2025 has been endorsed and one of the key flagship projects, the Byron Business Retention Expansion Survey has been undertaken to determine if the framework for the SBFC program is required, and if so, the three initiatives that should be aligned to the SBFC program.

Legal and Policy Implications:

Councils who sign up to the Program commit to a Charter which sets out a number of benchmarks councils must agree to meet to foster and support small businesses in their area.

Notice of Motion No. 9.2 **PRG Press Release**
File No: I2016/458

I move that Council:

1. **Include a Question “What happened to planned retreat” and staff’s best Answer in the Q&A;**
2. **Give clarity by altering the Constitution of the PRG to remove the misleading second sentence from Clause 15;**
3. **Authorise the media release as in the Councillor Background below, or as amended.**

Councillor’s Background Notes:

Council resolved in 2015 after several previous attempts to set up a Project Reference Group (PRG) that includes state government agencies and community representatives to give input on the preparation of the Coastal Zone Management Plan (CZMP) for Byron Bay Embayment (BBE). The CZMP is being prepared under an expired Direction of the responsible state Minister and is now a year behind the deadline set in the most recent extension of the Direction.

The basis of PRG is described in “Guidelines for Preparing Coastal Zone Management Plans”, which appears on the website of the NSW Office of Heritage and Environment. In its Section 2.2.2 on Consultation, the Guidelines say:

- Community participation during the preparation of the CZMP should exceed the minimum requirements in the *Coastal Protection Act 1979* and should include consultation with local Aboriginal communities. Approaches which should be considered include:
- establishing a community advisory committee or reference panel to provide ongoing feedback during the preparation of the CZMP. Where such a committee or panel is established, it is important that key stakeholders including public authorities are involved, the terms of reference are clearly defined and council has responsibility for managing the planning process and the contents of the CZMP;
 - running community focus groups or workshops, or providing community discussion papers or carrying out surveys on particular issues or at particular stages of the planning process (e.g. when risks are being identified or when potential management options are being considered);
 - providing regular updates to the community on the preparation of the CZMP (e.g. through updates on the council’s website).

I was elected Chair of the PRG, despite the fact that it is constituted without the usual Clause about Voting. I have to date tried to operate the PRG by consensus. Points made at PRG meetings are minuted, sometimes by request of the PRG members. So far the PRG has not made specific recommendations to Council. Staff are at liberty to take advice from the PRG meetings, which they often do.

An example of such advice was guidance the PRG gave at its meeting of Friday 29 April to hold public information sessions on the Draft CZMP in the second of four weeks of consultation. This will allow time for newspapers to inform the public. I hope those sessions remain in the second week and that sessions to listen to the public will also be introduced.

The PRG’s Constitution includes the following Sections:

2. Objectives

The purpose of the Coastal Zone Management Plan Byron Bay Embayment (CZMP BBE) Project Reference Group is:

- a) Review draft CZMP BBE and provide feedback to staff prior to the tabling of the draft CZMP BBE at a Council meeting, and prior to the draft CZMP BBE being 'adopted for public exhibition'.
- b) Provide feedback, input and support to draft CZMP BBE exhibition consultation and communication activities.
- c) Overview submissions provided on the adopted draft CZMP BBE, review and provide feedback to staff on draft CZMP BBE 'exhibition submissions report' prior to tabling at Council meeting, and prior to amended draft CZMP BBE being adopted for 'submission to the Minister'.

10. Reporting

10.1 The reports of meetings (Minutes) are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.

10.2 The project reference group reports to Council when required.

11. Meetings Open to the Public

PRG meetings are not public meetings as they have no executive function. Public transparency is provided for when the reports of these meetings are reported to Council.

15. Publicity

PRG members unless authorised by Council are not to promote or advertise the group's activities or to speak on behalf of the Committee with the media. Only the Chair can speak on behalf of the Committee with the media.

17. Section 377 Delegation

The Project Reference Group does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff and / or consultants engaged by Council for the purposes of preparing the CZMP BBE.

At its meeting on 29 April the PRG considered a list of 50 Questions for Q&A style information that would be published during the imminent exhibition period 14 May to 10 June for the draft CZMP. Agreement was reached on several of the early Questions but the PRG could not get past draft Question 17 "What happened to planned retreat". An alternative "What is the current coastal management regime" was also rejected.

On announcing to the meeting that as Chair I intended to issue a media release on the lack of progress, I was threatened with "a Code of Conduct" and later advised by staff that any media release requires Council authorisation. I accept but do not agree with the interpretation. If it is correct then there is no point in the 2nd sentence in Clause 15 above of the PRG's Constitution.

This Motion thus asks Council to:

1. include a Question "What happened to planned retreat" and staff's best Answer in the Q&A;
2. give clarity by altering the Constitution of the PRG to remove the misleading second sentence from Clause 15;
3. authorise the following media release:

Coastal Zone Management Plan for the Byron Bay Embayment

Many members of Council's Project Reference Group agree with state agencies' advice of April 2016 that the current draft CZMP is not up to standard, and is not ready for exhibition. Staff are rushing to complete the document in time for the Councillor imposed deadline of 12 May for commencing four weeks of Public Exhibition of the draft. Q&A style information is included in the exhibition process, to inform the public of the meaning of the document.

The draft Plan proposes overturning the long established principle of planned retreat at Belongil Beach. To date land parcels have been 'lost' into the sea along that strip of beach front as nature reclaimed the sand that it needed elsewhere on the NSW coast. Unfortunate landholders remain on what is now a precipice over the stone walls they erected in fear of their developments facing the same fate.

The draft Plan will satisfy those landholders by now endorsing the rock wall approach and thus attempting to make their land parcels 'safe'. The 'safety' they enjoy with the current walls is limited as those walls are generally not robust. The Plan will allow more robust walls to be built instead. Of course, there will one day be storms that exceed the design capacity of even these walls.

The Plan proposes several other measures on which the PRG and all Councillors agree.

Recommended priority relative to other Delivery Plan tasks:

Parts a) and c) of the Motion enhance current tasks around informing the public on the draft CZMP. Part b) should be completed before the next meeting of the PRG.

Definition of the project/task:

As above.

Source of Funds (if applicable):

Minor cost associated with parts a) and c) will fall within current tasks around informing the public on the draft CZMP.

Signed: Cr Duncan Dey

Management Comments by Shannon Burt, Director Sustainable Environment and Economy:
(Management Comments must not include formatted recommendations – resolution 11-979)

Clarification of project/task:

The Motion seeks to:

1. Add a question by resolution to the list of Frequently Asked Questions that staff are preparing as per the usual process for the exhibition of the draft CZMP.

2. Change the Constitution of the PRG in one part.

3. Authorise a media release but this part contains matters which require clarification as per below.

Director responsible for task implementation:

Sustainable Environment and Economy

5

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

1. FAQs

- 10 There will be little impact from the addition of a single question to the FAQs and this could be accommodated. The FAQs are not a mandatory component of the exhibition process so their content and date of publication would not materially impact the exhibition process.

2. PRG Constitution

15

The proposed change to the Project Reference Group constitution is a matter for Council. All Project Reference Groups are consultation forums only and are not advisory committees or committees with statutory functions or powers. These are some of the reasons why PRG members, including chairpersons, have no power to issue media releases in their capacity as members or chairs of the Council formed groups.

20

Whether or not a member or a chair issues a media release in their personal capacity or their capacity as a Councillor (as opposed to their capacity as a member of a PRG) is a matter for them. The standard form PRG Constitution does not prevent personal/Councillor media releases only the release of information for or on behalf of the PRG.

25

3. Proposed Media Release

This is a matter for the Council, subject to clarification of:

30

- (a) Who the media release would be issued by and in what capacity. Different considerations might apply depending on the capacity the media release is issued in. For example:

35

- if it is proposed to be issued by a PRG member on their own behalf, the content is a matter for them and they are accountable for it;
- if it is a PRG member on behalf of the PRG, presumably the content would need to reflect the views of PRG members. As far as staff are aware there has been no consideration by the PRG members of the proposed medial release at a PRG Meeting, staff cannot comment whether there has been any communication with members outside of the meetings.
- if it is on behalf of Council, the proposed media release contains content which would not be supported by staff and/or in relation to which staff could not comment.

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- (b) Who would be authorised to amend the media release and to what extent before it is published.

50 Financial and Resource Implications:

Minimal resource impacts would arise from the proposed actions.

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Legal and Policy Implications:

Nil with regard to parts 1 and 2. Regarding part 3, it is noted Councillors are responsible for their own public comments regarding the matters above.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1

Review of Council Committees

Directorate:

Corporate and Community Services

Report Author:

Mark Arnold, Director Corporate and Community Services

File No:

I2016/13

Theme:

Corporate Management

Governance Services

Summary:

A review of the Council's Committee Structure along with the procedures and administrative support that is provided to the Council's Advisory Committees, Section 355 Committees and Project Reference Groups is currently being undertaken.

The review has been commenced firstly in response to feedback from Councillors seeking improvements to the process and secondly to address a recommendation from the Internal Auditor contained in the Internal Audit Review for Governance and Complaint Handling undertaken in November 2015.

This report outlines the processes that will be taken to work towards a general review of Council committees.

RECOMMENDATION:

That Council receive and note this report.

Report

A review of the Council's Committee Structure along with the procedures and administrative support that is provided to the Council's Advisory Committees, Section 355 Committees and Project Reference Groups is currently being undertaken.

The review has been commenced firstly in response to feedback from Councillors seeking improvements to the process and secondly to address a recommendation from the Internal Auditor contained in the Internal Audit Review for Governance and Complaint Handling undertaken in November 2015.

This report outlines the processes that will be taken to work towards a general review of Council committees.

Councillor Feedback

The issues raised by Councillors relate in general to meeting practise, procedures and administrative support that is provided to the Council's Advisory Committees and Project Reference Groups.

These issues have been discussed by the Executive Team, which has endorsed the following potential areas of improvements.

- Scheduling fewer committee meetings
- Compilation and distribution of business papers
- Deadlines for submission of reports
- Consultation with Committee Chairs when planning committee agendas
- Ceasing verbal reports to committees
- Management of Councillors' Diary
- Formal induction process for new committee members
- Formalising meetings
- Half hour break between committee meetings
- Review of number of committees

A staff working group has been established which includes Executive, Management, Councillor Support and Administrative Support representatives.

At an initial meeting the working group mapped out a plan for improvement, with the aim of introducing changes over time, with a final implementation of new processes in time for the new term of Council in September but allowing for consultation on proposed changes with the current Council.

The working group has been meeting on a fortnightly basis, with a number of improvements being identified and developed for inclusion in the standard template Terms of Reference for Advisory Committees or Project Reference Groups, and in the Guidelines followed by Staff for the provision of Administrative Support.

The following is a summary of the issues, proposed changes identified and currently being further developed or have already been implemented as an internal process improvement.

Scheduling fewer committee meetings

The Governance Team have developed and are managing a matrix of all meetings including Ordinary and Advisory Committees for each calendar year. This will be used as a central reference tool when Advisory Committee meeting dates are scheduled.

Compilation and distribution of business papers

- 5 All Advisory Committee business papers are being prepared by the Governance Services Team. The business papers are prepared using a standard template, except for the Local Traffic Committee, which uses a non-standard template developed for this Committee only.

The business papers are returned to individual Directorates for distribution via email and hardcopy.

10 **Deadlines for submission of reports**

Deadlines need to be strictly adhered to, but this does not always happen, which delays the creation and distribution of agendas. This is being addressed by the Executive Team.

15 **Consultation with committee Chairs when planning committee agendas**

Directors will be required to consult with Committee Chairs to discuss items proposed to be included in the Agendas.

20 **Ceasing verbal reports to committees**

- 25 The practise of verbal reports can consume valuable meeting time and may result in a recommendation "from the floor" to Council. This practice does provide committee members with the time, or information provided (as would be provided via a report), to consider or consult on the matter. The Code of Meeting Practice and the Terms of Reference for the Advisory Committees need to be amended to be clear on prohibiting this practise for advisory committee meetings.

Management of Councillors' Diary

- 30 All proposed Committee meeting dates for the year ahead are to be coordinated from one central location and presented to Council together, in one report (refer previous comments on the use of a meeting matrix).

- 35 This would also ensure that Councillors are not "double booked", meeting rooms are available and a half hour break in between meetings is scheduled.

Formal induction process for new committee members

- 40 All Committee members (including Community members) attend an Induction at the start of each term of Council. Each subsequent appointment of committee members within that term of Council should involve a briefing and induction from the Chair of the committee for the new member. This induction process should be supported by the responsible Director.

Formalising meetings

- 45 This needs to be standardised in the Code of Practice and the template Terms of Reference used for Advisory Committees.

Half hour break between committee meetings

- 50 When scheduling meetings Council staff should ensure there is a half hour break between meetings; this is essential for Councillors to be able complete the business of one meeting and have a break and time to prepare for the next.

If lunch is being provided between meetings this could be presented in the Councillors Room to allow Councillors a quiet space to take refreshments and prepare for the next meeting.

Review of number of committees

5

This needs to be done in consultation with Councillors.

Internal Audit Recommendations

10 The Internal Auditor in the Governance and Complaint Handling Internal Audit Review undertaken in November 2015 made the following recommendation (in part) on the duration of Council Meetings.

While acknowledging the need to balance the right for all parties to debate any agenda item, it is recommended that Council consider options to reduce the overall time commitment of meetings.

15 2 Improved use and reliance on briefing sessions, advisory and other committees.

This recommendation needs to be considered as part of the broader review and requires consultation with Councillors.

20 The working group is preparing a presentation and scheduling a session at a future Councillor Strategic Planning Workshop to consult and discuss the proposed changes.

Financial Implications

25 The review is being undertaken within existing allocated resources.

Statutory and Policy Compliance Implications

30 The review is being undertaken with reference to the statutory requirements of the Local Government Act 1993 and associated Regulations, including the adopted Code of Meeting Practice and other related adopted Codes, Policies and Procedures.

Report No. 13.2
Directorate: Corporate and Community Services
Report Author: Gayle McCallum, Community Projects Officer
File No: I2016/300
Theme: Society and Culture
Community Development

Summary:

This report has been prepared to report to Council the donation requests received from community organisations during the current financial period and to recommend to Council a process for the allocation and distribution of the unallocated Section 356 Donation moneys of \$36,000 for the 2015/16.

The Section 356 Donation moneys of \$36,000 were allocated by Council by Council in the September Quarterly Budget Review.

RECOMMENDATION:

1. That the following Section 356 donations be made:
 - a) \$10,000 Bangalow Lions Club – assist in the establishment of a Men’s shed in Bangalow
 - b) \$14,360 Byron Community Centre – Proposal for community showers at the Old Girl Guide Hall, Byron Bay as detailed in submission E2016/26829
 - c) \$10,000 Shara Community Gardens – assist with wheelchair accessible toilet building materials at the Shara Community Gardens
2. That Council advertise the donations to be made in accordance with Section 356 of the Local Government Act.

Attachments:

- 1 Byron Community Centre - proposal for community showers at the Old Girl Guide Hall, E2016/26829
- 2 Shara Community Gardens request for wheelchair accessible toilet, E2016/26976

Report

Council receives several requests throughout the financial year for financial assistance from community organisations and persons for various activities. These requests are considered under Council Policy "Donations to Community Organisations, Other Groups and Persons."

Council resolved at the time of adopting the 2015/2016 Budget on 25 June 2015, as follows:-

"6. That as no moneys have been set aside for general community Section 356 Donations in the 2015/16 Budget, any requests received for donations or sponsorships that fall under Council Policy 3.13 Donations to Community Organisations, Other Groups and Persons be advised that there are no moneys available this financial year."

Council at the 19 November Ordinary meeting adopted the 1 July 2015 to 30 September 2015 Budget Review which it then included \$36,000 Section 356 Donation moneys.

It is noted that Council did not conduct a formal donation round this financial year in accordance with the Policy Donations to Community Organisations, Other Groups and Persons and Council due to time constraints and there is now a need to seek direction from Council on these moneys are to be allocated and distributed.

The process to allocate funds under the Policy Donations to Community Organisations, Other Groups and Persons would normally takes approximately four to five months from beginning to end. Due the timing of when the funds were allocated by Council and the length of the Policy process then the funds allocated for the 2015/16 may determined within this financial period..

Council has received requests for funding that can be consider as a donation under Section 356. The following requests for donations are now submitted for Council to consider so as moneys can be distributed prior to the end of the financial year.

Requests received for Council to consider for a donation:

1. Support for Men's Shed at Bangalow

Council at its Ordinary meeting held on 7 April 2016 considered a Notice of Motion on support for the Men's Shed in Bangalow where it resolved:

"16-179 Resolved that Council

- 1. Support in principle, the initiative by Lions and others to establish and operate a Men's Shed at Bangalow; and*
- 2. Consider, at the time it considers all s356 donation requested (expected to be in May 2016) allocating up to \$10,000 to the Men's Shed project in Bangalow".*

As Council now supports in principle this project it has been recommended as follows:

That a donation of \$10,000 be granted to the Bangalow Lions Club to assist with the establishment of a Men's shed in Bangalow.

2. Establishment of Community Showers at the old Girl Guide Hall, Byron Bay

Council has received a request from the Byron Community Centre for Council support in providing a place where vulnerable women and men could access showers, laundry facilities,

etc. since the Fletcher St Cottage was defunded.

Council in supporting this project are asked to assist with a Community Service Worker, cleaning costs, operating product and public liability insurance totalling \$14,360. The letter of request can be found at Attachment A to this report.

It has been recommended as follows:-

That a donation of \$14,360 be granted to the Byron Community Centre to assist with the shower service for vulnerable people.

3. Construction of a wheelchair accessible toilet – Shara Community Gardens North Ocean Shores

Council has received a request from Shara Community Gardens for assistance with construction of a wheelchair accessible toilet. The letter of request, quote from the builder including an itemised list of materials and schedule of events currently on at the Shara Community Gardens is shown at Attachment B.

The current Licence permits the construction of a toilet on the land if completed before 3 April 2020 but not in the south east corner of the land. Council approval is required for the construction.

Pending Council approval for the toilet it has been recommended as follows:

That after Council approval is obtained for the wheelchair accessible toilet that a donation of \$10,000 for building materials be granted to Shara Community Gardens to assist with the building materials for the construction of the toilet.

It should be noted that Section 356 donation moneys of \$36,000 which is currently in the draft Budget for 2016/2017 will be delivered in accordance with Council Policy Donations to Community Organisations other groups and persons.

Financial Implications

Council has \$36,000 Section 356 donation moneys available this financial year. If the above donations are adopted there will be \$1,640 which could be rolled over into the next year's donation budget.

A further \$36,000 donations moneys are available in the 2016/2017 draft Budget once adopted.

Statutory and Policy Compliance Implications

Council Policy Donations to Community Organisations other groups and persons
<http://www.byron.nsw.gov.au/policies>

Section 356 of the Local Government Act 1993 No 30

Can a council financially assist others?

(1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*

(2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*

5 (3) *However, public notice is not required if:*

(a) *the financial assistance is part of a specific program, and*

10 (b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*

(c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*

15 (d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*

(4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

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

Council Investments April 2016
Corporate and Community Services
James Brickley, Manager Finance
I2016/409
Corporate Management
Financial Services

Summary:

This report includes a list of investments and identifies Council's overall cash position for the month of April 2016 for Council's information.

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

RECOMMENDATION:

That the report listing Council's investments and overall cash position as at 30 April 2016 be noted.

Report

In relation to the investment portfolio for April 2016, Council has continued to maintain a diversified portfolio of investments. The average 90 day bank bill rate (BBSW) for the month of April was 2.26%. Council's performance for the month of April is 2.78%. Councils' performance is again higher than the benchmark. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits

The table below identifies the investments held by Council as at 30 April 2016:

Schedule of Investments held as at 30 April 2016

| Purch Date | Principal (\$) | Description | CP* | Rating | Maturity Date | Type | Interest Rate Per Annum | Current Value |
|------------|----------------|-------------------------|-----|--------|---------------|------|-------------------------|---------------|
| 20/06/12 | 500,000 | HERITAGE BANK LTD BONDS | N | BBB+ | 20/06/17 | B | 7.25% | 524,400.00 |
| 04/04/16 | 1,000,000 | AUSWIDE BANK LTD | P | BBB | 04/07/16 | TD | 3.01% | 1,000,000.00 |
| 08/02/16 | 2,000,000 | NAB | P | AA- | 08/07/16 | TD | 3.02% | 2,000,000.00 |
| 04/03/16 | 2,000,000 | NAB | N | AA- | 06/06/16 | TD | 3.09% | 2,000,000.00 |
| 04/04/16 | 2,000,000 | NAB | N | AA- | 04/08/16 | TD | 3.10% | 2,000,000.00 |
| 07/04/16 | 2,000,000 | BANKWEST | P | A1+ | 06/07/16 | TD | 3.00% | 2,000,000.00 |
| 02/02/16 | 1,000,000 | BANKWEST | N | A1+ | 02/05/16 | TD | 2.95% | 1,000,000.00 |
| 12/02/16 | 2,000,000 | NAB | N | AA- | 12/05/16 | TD | 3.01% | 2,000,000.00 |
| 22/02/16 | 2,000,000 | NAB | N | AA- | 23/05/16 | TD | 3.02% | 2,000,000.00 |
| 05/04/16 | 2,000,000 | SUNCORP | P | A+ | 03/08/16 | TD | 3.05% | 2,000,000.00 |
| 04/04/16 | 2,000,000 | AUSWIDE BANK LT | N | BBB | 04/07/16 | TD | 3.01% | 2,000,000.00 |
| 24/02/16 | 2,000,000 | BANK OF QUEENSLAND | P | A2 | 23/06/16 | TD | 3.00% | 2,000,000.00 |
| 02/02/16 | 2,000,000 | NAB | N | AA- | 02/06/16 | TD | 3.01% | 2,000,000.00 |
| 01/02/16 | 2,000,000 | NAB | N | AA- | 02/05/16 | TD | 3.02% | 2,000,000.00 |
| 14/04/16 | 1,000,000 | NAB | N | AA- | 14/07/16 | TD | 3.09% | 1,000,000.00 |
| 07/03/16 | 1,000,000 | NAB | N | AA- | 06/06/16 | TD | 3.10% | 1,000,000.00 |
| 08/02/16 | 1,000,000 | NAB | N | AA- | 09/05/16 | TD | 3.02% | 1,000,000.00 |
| 14/03/16 | 3,000,000 | BANKWEST | N | A1+ | 12/07/16 | TD | 3.00% | 3,000,000.00 |
| 08/02/16 | 2,000,000 | NAB | N | AA- | 06/06/16 | TD | 3.01% | 2,000,000.00 |
| 02/02/16 | 3,000,000 | ME BANK | P | BBB | 04/07/16 | TD | 2.95% | 3,000,000.00 |
| 05/02/16 | 2,000,000 | NAB | N | AA- | 05/05/16 | TD | 3.02% | 2,000,000.00 |
| 19/02/16 | 2,000,000 | NAB | N | AA- | 19/05/16 | TD | 3.02% | 2,000,000.00 |
| 26/02/16 | 3,000,000 | NAB | N | AA- | 26/05/16 | TD | 3.02% | 3,000,000.00 |
| 29/02/16 | 2,000,000 | AMP BANK | P | A | 29/08/16 | TD | 3.00% | 2,000,000.00 |
| 01/02/16 | 2,000,000 | NAB | N | AA- | 02/06/16 | TD | 3.02% | 2,000,000.00 |
| 06/04/16 | 2,000,000 | NAB | N | AA- | 04/07/16 | TD | 3.07% | 2,000,000.00 |
| 07/04/16 | 2,000,000 | BANK OF QUEENSLAND | N | A2 | 07/07/16 | TD | 3.00% | 2,000,000.00 |
| 26/04/16 | 2,000,000 | ME BANK | N | BBB | 26/07/16 | TD | 3.06% | 2,000,000.00 |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

| Purch Date | Principal (\$) | Description | CP* | Rating | Maturity Date | Type | Interest Rate Per Annum | Current Value |
|--------------|-------------------|---------------------------|-----|--------|---------------|------------|-------------------------|----------------------|
| 10/11/15 | 2,000,000 | ING BANK (Australia) | P | A2 | 10/05/16 | TD | 2.90% | 2,000,000.00 |
| 10/11/15 | 2,000,000 | BANK OF QUEENSLAND | N | A2 | 10/05/16 | TD | 2.90% | 2,000,000.00 |
| 12/11/15 | 2,000,000 | ING BANK (Australia) | N | A2 | 12/05/16 | TD | 2.90% | 2,000,000.00 |
| 23/02/16 | 1,000,000 | BANKWEST | N | A1+ | 23/05/16 | TD | 3.00% | 1,000,000.00 |
| 01/04/16 | 2,000,000 | SUNCORP | N | A+ | 30/06/16 | TD | 3.00% | 2,000,000.00 |
| 01/02/16 | 2,000,000 | POLICE CREDIT UNION | P | NR | 01/08/16 | TD | 3.10% | 2,000,000.00 |
| 05/02/16 | 2,000,000 | ME BANK | N | BBB | 06/06/16 | TD | 2.95% | 2,000,000.00 |
| 08/02/16 | 1,000,000 | NEWCASTLE PERMANENT | P | BBB+ | 09/05/16 | TD | 3.00% | 1,000,000.00 |
| 17/02/16 | 2,000,000 | BANKWEST | N | A1+ | 17/05/16 | TD | 2.95% | 2,000,000.00 |
| 01/03/16 | 2,000,000 | BEYOND BANK | P | A2 | 01/06/16 | TD | 3.00% | 2,000,000.00 |
| 03/03/16 | 2,000,000 | SUNCORP | N | A1 | 01/06/16 | TD | 3.01% | 2,000,000.00 |
| 09/03/16 | 2,000,000 | SUNCORP | N | A1 | 07/06/16 | TD | 3.02% | 2,000,000.00 |
| N/A | 4,218,645 | CBA BUSINESS ONLINE SAVER | N | A | N/A | CALL | 1.80% | 4,218,645.21 |
| Total | 78,718,645 | | | | | AVG | 2.78% | 78,743,045.21 |

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

Note 2. **Type** **Description**
TD Term Deposit Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment term.
CALL Call Account Principal varies due to cash flow demands from deposits/withdrawals, interest is payable on the daily balance.

Note 3. Term Deposits can be traded on a day-to-day basis, and therefore Council is not obliged to hold the investments to the maturity dates.

For the month of April 2016, as indicated in the table below, there is a dissection of the investment portfolio by investment type. It illustrates the current fair value of investments has remained the same since March 2016, but overall is still demonstrating a cumulative unrealised gain of \$24,400.

Dissection of Council Investment Portfolio as at 30 April 2016

| Principal Value (\$) | Investment Linked to:- | Current Market Value (\$) | Cumulative Unrealised Gain/(Loss) (\$) |
|----------------------|----------------------------------|---------------------------|--|
| 74,000,000.00 | Term Deposits | 74,000,000.00 | 0.00 |
| 4,218,645.21 | Business On-Line Saver (At Call) | 4,218,645.21 | 0.00 |
| 500,000.00 | Bonds | 524,400.00 | 24,400.00 |
| 78,718,645.21 | | 78,743,045.21 | 24,400.00 |

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

The table below provides a reconciliation of investment purchases and maturities for the period 31 March 2016 to 30 April 2016 on a current market value basis.

Movement in Investment Portfolio – 31 March 2016 to 30 April 2016

| Item | Current Market Value (at end of month) \$ |
|---|---|
| Closing Balance at 31 March 2016 | 78,187,649.87 |
| Add: New Investments Purchased | 18,000,000.00 |
| Add: Call Account Additions | 2,800,000.00 |
| Add: Interest from Call Account | 5,395.34 |
| Less: Investments Matured | 20,000,000.00 |
| Less: Call Account Redemption | 250,000.00 |
| Less: Fair Value Movement for period | 0.00 |
| Closing Balance at 30 April 2016 | 78,743,045.21 |

Investments Maturities and Returns – 31 March 2016 to 30 April 2016

| Principal Value (\$) | Description | Type | Maturity Date | Number of Days Invested | Interest Rate Per Annum | Interest Paid on Maturity \$ |
|----------------------|--------------------|------|---------------|-------------------------|-------------------------|------------------------------|
| 2,000,000.00 | Suncorp | TD | 01/04/16 | 120 | 3.00% | 19,726.03 |
| 1,000,000.00 | Auswide Bank Ltd | TD | 04/04/16 | 91 | 2.95% | 7,354.79 |
| 2,000,000.00 | NAB | TD | 04/04/16 | 91 | 3.05% | 15,208.22 |
| 2,000,000.00 | Auswide Bank Ltd | TD | 04/04/16 | 91 | 2.95% | 14,709.59 |
| 2,000,000.00 | Suncorp | TD | 05/04/16 | 120 | 3.00% | 19,726.03 |
| 2,000,000.00 | NAB | TD | 06/04/16 | 91 | 3.04% | 15,158.36 |
| 2,000,000.00 | Bankwest | TD | 07/04/16 | 90 | 3.00% | 14,794.52 |
| 2,000,000.00 | Bank of Queensland | TD | 07/04/16 | 182 | 3.00% | 29,917.81 |
| 2,000,000.00 | ME Bank | TD | 08/04/16 | 60 | 2.65% | 8,712.33 |
| 1,000,000.00 | NAB | TD | 14/04/16 | 91 | 3.07% | 7,653.97 |
| 2,000,000.00 | ME Bank | TD | 26/04/16 | 90 | 2.95% | 14,547.95 |
| 20,000,000.00 | | | | | | 167,509.60 |

The overall 'cash position' of Council is not only measured by what funds Council has invested but also by what funds Council has retained in its consolidated fund or bank account as well for operational purposes. In this regard, for the month of April 2016 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 30 April 2016

| Item | Principal Value (\$) | Current Market Value (\$) | Cumulative Unrealised Gain/(Loss) (\$) |
|-----------------------------------|----------------------|---------------------------|--|
| Investments Portfolio | | | |
| Term Deposits | 74,000,000.00 | 74,000,000.00 | 0.00 |
| Business On-Line Saver (At Call) | 4,218,645.21 | 4,218,645.21 | 0.00 |
| Bonds | 500,000.00 | 524,400.00 | 24,400.00 |
| Total Investment Portfolio | 78,718,645.21 | 78,743,045.21 | 24,400.00 |
| | | | |
| Cash at Bank | | | |
| Consolidated Fund | 1,293,221.29 | 1,293,221.29 | 0.00 |
| Total Cash at Bank | 1,293,221.29 | 1,293,221.29 | 0.00 |
| | | | |
| Total Cash Position | 80,011,866.50 | 80,036,266.50 | 24,400.00 |

5 Financial Implications

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

Statutory and Policy Compliance Implications

10

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

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

20

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

25

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

- 30 Council at its Ordinary Meeting held 8 October 2015 resolved through resolution **15-515** to insert a new objective into its adopted Investment Policy, which gives a third tier consideration by Council to Environmental and Socially Responsible Investments, when making investment decisions.

Specifically, resolution **15-515** required the following new objective to be inserted in Council's Investment Policy:

35

"1.3 Environmentally and Socially Responsible Investments"

Council gives preference to finance institutions that invest in or finance Environmentally and Socially Responsible Investments (SRI) where:

- 5 i) *The investment is compliant with legislation and investment policy objectives and parameters; and*
 ii) *The rate of return is favourable relative to comparable investments on offer to Council at the time of investment*
- 10 *SRI status may be in respect of the individual investment, the issuer of the investment, or both and should be endorsed by an accredited environmentally and socially responsible industry body or institution.*

15 *Environmentally and Socially Responsible Investments will be assessed on the same basis as other investment opportunities and the Council will select the investment that best meets its overall investment selection criteria.*

The Council's criteria relating to an SRI are those which:

- 20 • *direct investment towards the socially and environmentally productive activities listed below*
 • *avoid investment in the socially and environmentally harmful activities listed below.*

The criteria for SRI are all desirable and not mandatory requirements.

25 *Environmentally productive activities are considered to be:*

- 30 • *resource efficiency-especially water and energy*
 • *renewable energy*
 • *production of environmentally friendly products*
 • *recycling, and waste and emissions reduction*

Socially productive activities are considered to be:

- 35 • *fair trade and provision of a living wage*
 • *human health and aged care*
 • *equal opportunity employers, and those that support the values of communities, indigenous peoples and minorities*
 • *provision of housing, especially affordable housing*

40 *Environmentally harmful activities are considered to be:*

- 45 • *production of pollutants, toxins and greenhouse gases*
 • *habitat destruction, especially destruction of forests and marine eco-systems.*
 • *nuclear power*
 • *uranium mining*
 • *coal seam gas mining*
 • *production or supply of armaments*

50 *Socially harmful activities are considered to be:*

- *abuse of Human Rights and Labour Rights*
 • *involvement in bribery/corruption*
 • *production or supply of armaments*

- *manufacture of alcohol, tobacco or gambling products”*

A review of Council's current investment portfolio has been undertaken to assess, in the absence of an Industry register of authorised deposit taking institutions that are committed to Environmentally and Socially Responsible lending and investing, the current extent that Council's Investment Portfolio meets the objectives, as amended by resolution **15-515**, noting the investment made prior to 8 October 2015. Staff have assessed that the investment funds held as at 30 April 2016, complied with Part 1 of Resolution **15-515** and the amended Policy Objectives, at the time the investment was made.

Part 1 of Resolution 15-515 being that

“That Council give preference to finance institutions that invest in or finance Environmentally and Socially Responsible Investments where:

- The investment is compliant with legislation and investment policy objectives and parameters; and*
- The rate of return is favourable relative to comparable investments on offer to Council at the time of investment.”*

Report No. 13.4 Budget Review - 1 January 2016 to 31 March 2016**Directorate:** Corporate and Community Services**Report Author:** James Brickley, Manager Finance**File No:** I2016/447

5 **Theme:** Corporate Management
Financial Services

Summary:

- 10 This report is prepared to comply with Regulation 203 of the Local Government (General) Regulation 2005 and to inform Council and the Community of Council's estimated financial position for the 2015/2016 financial year, reviewed as at 31 March 2016.
- 15 This report contains an overview of the proposed budget variations for the General Fund, Water Fund and Sewerage Fund. The specific details of these proposed variations are included in Attachment 1 and 2 for Council's consideration and authorisation.
- 20 Attachment 3 contains the Integrated Planning and Reporting Framework (IP&R) Quarterly Budget Review Statement (QBRs) as outlined by the Office of Local Government in Circular **10-32**.

RECOMMENDATION:

1. **That Council authorise the itemised budget variations as shown in Attachment 2 (#E2016/28781) which includes the following results in the 31 March 2016 Quarterly Review of the 2015/2016 Budget:**
 - a) **General Fund - \$0 adjustment in the accumulated surplus/working funds**
 - b) **General Fund - \$4,184,500 increase in reserves**
 - c) **Water Fund - \$2,116,000 increase in reserves**
 - d) **Sewerage Fund - \$4,794,100 increase in reserves**
2. **That Council adopt the revised General Fund Accumulated Surplus/(Working Funds) of \$919,100 for the 2015/2016 financial year as at 31 March 2016.**

Attachments:

- 25 1 Budget Variations for General, Water and Sewerage Funds, E2016/28779
- 2 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2016/28781
- 3 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statement, E2016/28780

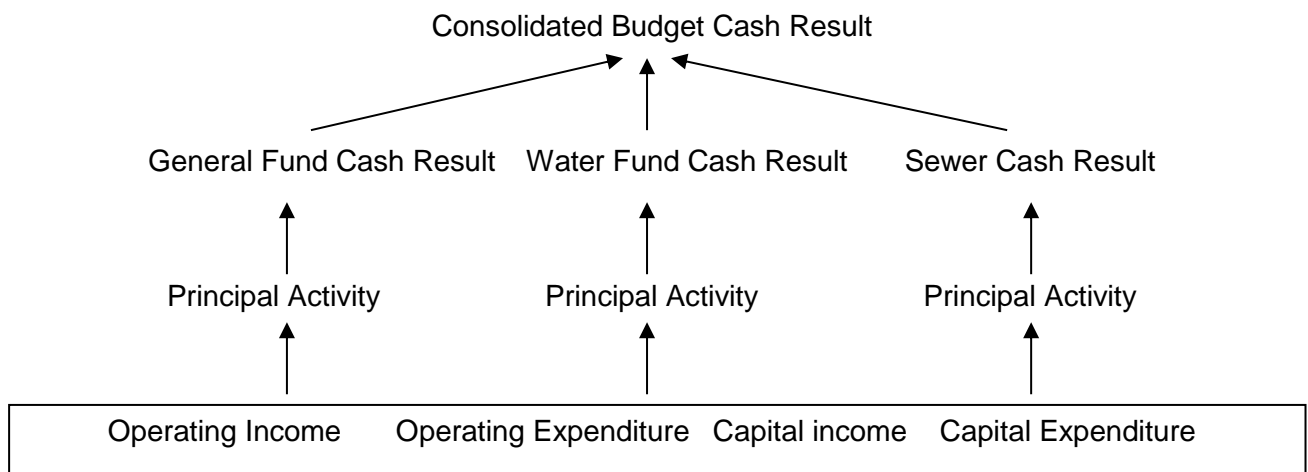
30

Report

Council adopted the 2015/2016 budget on 25 June 2015 via Resolution **15-293**. It also considered and adopted the budget carryovers from the 2014/2015 financial year, to be incorporated into the 2015/2016 budget, at its Ordinary Meeting held 27 August 2015 via Resolution **15-386**. Since that date, Council has reviewed the budget taking into consideration the 2014/2015 Financial Statement results and progress through the first half of the 2015/2016 financial year. This report considers the March 2016 Quarter Budget Review.

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

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



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 25 June 2015 plus the adopted carryover budgets from 2014/2015 followed by the resolutions between July and September, the September review, resolutions between October and December, the December review, resolutions between January and March and the revote (or adjustment for this review) and then the revised position projected for 30 June 2016 as at 31 March 2016.

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

There is also information detailing restricted assets (reserves) to show Council estimated balances as at 30 June 2016 for all Council's reserves.

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

Office of Local Government Budget Review Guidelines:-

The Office of Local Government on 10 December 2010 issued the new Quarterly Budget Review Guidelines via Circular 10-32, with the reporting requirements to apply from 1 July 2011. This

report includes a Quarterly Budget Review Statement (refer Attachment 3) prepared by Council in accordance with the guidelines.

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

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

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

30 The above components are included in Attachment 3:-

35 **Income and Expenditure Budget Review Statement by Type** – This shows Councils income and Expenditure by type. This has been split by Fund. Adjustments are shown, looking from left to right. These adjustments are commented on through pages 54 to 64 of Attachment 1.

40 **Capital Budget Review Statement** – This statement identifies in summary Council's capital works program on a consolidated basis and then split by Fund. It also identifies how the capital works program is funded. As this is the second quarterly review for the reporting period, the Statement may not necessarily indicate the total progress achieved on the delivery of the capital works program.

45 **Cash and Investments Budget Review Statement** – This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 March 2016 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should be recognised that the figure is at a point in time and may vary greatly in future quarterly reviews pending on cash flow movements.

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

- **Debt Service Ratio** - This assesses the impact of loan principal and interest repayments on the discretionary revenue of Council.

- **Rates and Annual Charges Outstanding Ratio** – This assesses the impact of uncollected rates and annual charges on Councils liquidity and the adequacy of recovery efforts

- 5 ○ **Asset Renewals Ratio** – This assesses the rate at which assets are being renewed relative to the rate at which they are depreciating.

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

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

CONSOLIDATED RESULT

- 15 The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds budget movements for the 2015/2016 financial year projected to 30 June 2016 but revised as at 31 March 2016.

| 2015/2016 Budget Review Statement as at 31 March 2016 | Original Estimate (Including Carryovers) 1/7/2015 | Adjustments to March 2016 including Resolutions | Proposed March 2016 Review Revotes | Revised Estimate 30/6/2016 at 31/03/2016 |
|---|--|--|---|---|
| Operating Revenue | 72,162,100 | 2,283,000 | 204,800 | 74,649,900 |
| Operating Expenditure | 78,507,400 | 123,100 | 282,400 | 78,912,900 |
| Operating Result – Surplus/Deficit | (6,345,300) | 2,159,900 | (77,600) | (4,263,000) |
| Add: Capital Revenue | 10,726,000 | (3,669,700) | 3,723,000 | 10,779,300 |
| Change in Net Assets | 4,380,700 | (1,509,800) | 3,645,400 | 6,516,300 |
| Add: Non Cash Expenses | 14,586,500 | (2,071,400) | 0 | 12,515,100 |
| Add: Non-Operating Funds Employed | 4,100,000 | 1,040,700 | (913,000) | 4,227,700 |
| Subtract: Funds Deployed for Non-Operating Purposes | (43,048,100) | 4,539,700 | 8,362,200 | (30,146,200) |
| Cash Surplus/(Deficit) | (19,980,900) | 1,999,200 | 11,094,600 | (6,887,100) |
| Restricted Funds – Increase / (Decrease) | (19,980,900) | 1,999,200 | 11,094,600 | (6,887,100) |
| Forecast Result for the Year – Surplus/(Deficit) – Working Funds | 0 | 0 | 0 | 0 |

- 20 As the table above highlights, the forecast result for the year has not changed during the review period including Council resolutions. Results by General, Water and Sewerage Fund are provided below:

25

GENERAL FUND

In terms of the General Fund projected Accumulated Surplus (Working Funds) the following table provides a reconciliation of the estimated position as at 31 March 2016:

| | |
|---|------------------|
| Opening Balance – 1 July 2015 | \$919,100 |
| Plus original budget movement and carryovers | 0 |
| Council Resolutions July – September Quarter | 0 |
| September Review | 0 |
| Council Resolutions October – December Quarter | 0 |
| December Review | 0 |
| Council Resolutions January – March Quarter | 0 |
| Recommendations within this Review – increase/(decrease) | 0 |
| Forecast Working Funds Result – Surplus/(Deficit) – 30 June 2016 | 0 |
| Estimated Working Funds Closing Balance – 30 June 2016 | \$919,100 |

The General Fund financial position has not changed (including budget movements) as a result of this budget review. The proposed budget changes that have impacted on this result have been highlighted in Attachment 1 and summarised further in this report below.

Council Resolutions

There were no Council resolutions during the January to March 2016 quarter that impacted the overall 2015/2016 budget result.

Budget Adjustments

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

| | Revenue Increase/ (Decrease) \$ | Expenditure Increase/ (Decrease) \$ | Accumulated Surplus (Working Funds) Increase/ (Decrease) \$ |
|-----------------------------------|--|--|--|
| Budget Directorate | | | |
| Organisation Development | 0 | 0 | 0 |
| Corporate & Community Services | 119,500 | 180,000 | (60,500) |
| Infrastructure Services | (3,908,700) | (3,908,700) | 0 |
| Sustainable Environment & Economy | 1,105,900 | 1,045,400 | 60,500 |
| Total Budget Movements | (2,683,300) | (2,683,300) | 0 |

Budget Adjustment Comments

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

Corporate and Community Services

- In the Councillor Services program, it is proposed to reduce the professional development budget by \$10,000 and transfer to the Community Development reserve to use for the Wellbeing project in 2016/17.
- In the Financial Services program, it is proposed to allocate a budget of \$23,900 for the revaluation of Councils operational land and building assets. This can be funded through the asset revaluation reserve.
- In the Governance Services Program it is proposed to decrease the Business continuity budget by \$20,000 and transfer this to the Community Development reserve to use for the Wellbeing project in 2017.
- In the Community Development Program, a budget of \$50,000 is required for an Indigenous Language Arts Project that Council has received grant funding.
- In the Sandhills program, it is proposed to increase capital works by \$18,500 to allow for essential WHS works, funded through the childrens' services reserve and to increase professional development, also funded from the childrens' services reserve.
- In the Library Services program, it is proposed to increase capital expenditure due to Council receiving the Local Priority grant.

Infrastructure Services

- In the Asset Management program it is proposed to reduce the expenses for Lot 12 Bayshore Drive by \$913,000 as these works will not be completed until 2016/17, along with the Station Street sub division (\$220,000) and Lot 22 Mullumbimby (\$10,000).
- In the Local Roads and Drainage program, there are a significant number of adjustments outlined under Note 13 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the second and third pages of Attachment 2 under the budget program heading Local Roads and Bridges.
- In the Roads and Maritime Services program (RMS) it is proposed to decrease operating income and expenditure by \$194,400 to bring the budget for various natural disaster works into line with approved funding from the Roads & Maritime Service (RMS). It is proposed to decrease capital works for additional costs on Tweed Valley Way by \$200,000. This is funded from an unexpended grant Council received upon handover of the old Pacific Highway in 2009.
- In the Open Space and Recreation program, it is proposed to increase operating expenditure by \$22,600 due to an increase in park maintenance. It is proposed to decrease capital works by \$95,600 due to works not being completed in 2015/16.
- In the Quarry program, it is proposed to increase the income budget by \$100,000 to reflect actual income received. This will be transferred to the Quarry reserve.
- In the Waste & Recycling program it is proposed to increase income by \$52,000 to fund a domestic kerbside composition audit to determine results post implementation of the organics collection service. It is also proposed to create a budget to improve garden organics recovery (\$10,000) and create a budget for the public place bin audit (\$20,000). This audit will provide data and recommendations for the roll out of a public place recycling program. These projects can be funded through unexpended grants. It is also proposed to

move part of the new landfill capacity budget (\$13,400), Sustainable leachate (\$48,100) and the New landfill (\$90,000) to 2016/17 as they will not be spent in 2015/16. An additional \$10,000 is required to cover additional installation costs for RFID Chips that were not included in the original budget.

- In the Facilities Management program it is proposed to increase the Byron Bay library budget by \$49,100 to cover the shortfall of required works. This can be funded from the Byron Bay Library reserve.

Sustainable Environment and Economy

- It is proposed to increase income for developer contributions by \$1,017,400. Due to an increase in contributions, this budget adjustment brings the budget into line with actual contributions received. The additional contributions Council has received will be externally restricted in the respective Section 94 developer contribution reserve.
- In the Planning Policy and Natural Environment Program, the budget is to be amended for income for the CZMP (\$55,500) and adjustments to income and expenditure for applicant funded LEP/DCP's.
- In the Environment & Compliance program, it is proposed to increase expenditure for the Responsible Pet Ownership (\$15,000) program funded through a CAWI grant (\$5,000), an OLG grant (\$5,100) and a reduction in the public education budget (\$4,800).

WATER FUND

After completion of the 2014/2015 Financial Statements the Accumulated Surplus (Working Fund) balance for the Water Fund, as at 30 June 2015, is \$1,968,400 with capital works reserves of \$2,577,900. It also held \$10,817,600 in section 64 developer contributions at this time.

The estimated Water Fund reserve balances as at 30 June 2016, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

| | |
|--|--------------------|
| Opening Reserve Balance at 1 July 2015 | \$2,577,900 |
| Plus original budget reserve movement | 1,130,200 |
| Less reserve funded carryovers from 2014/2015 | (1,445,400) |
| Resolutions July - September Quarter – increase / (decrease) | (2,200) |
| September Quarterly Review Adjustments – increase / (decrease) | 21,300 |
| Resolutions October - December Quarter – increase / (decrease) | 0 |
| December Quarterly Review Adjustments – increase / (decrease) | 211,400 |
| Resolutions January - March Quarter – increase / (decrease) | 0 |
| March Quarterly Review Adjustments – increase / (decrease) | 20,000 |
| Forecast Reserve Movement for 2015/2016 – Increase / (Decrease) | (64,700) |
| Estimated Reserve Balance at 30 June 2016 | \$2,513,200 |

Section 64 Developer Contributions

| | |
|--|---------------------|
| Opening Reserve Balance at 1 July 2015 | \$10,817,600 |
| Plus original budget reserve movement | (3,779,000) |
| Less reserve funded carryovers from 2014/2015 | (226,500) |
| Resolutions July - September Quarter – increase / (decrease) | 0 |
| September Quarterly Review Adjustments – increase / (decrease) | 6,000 |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

| | |
|--|--------------------|
| Resolutions October - December Quarter – increase / (decrease) | (500,000) |
| December Quarterly Review Adjustments – increase / (decrease) | 1,000,000 |
| Resolutions January - March Quarter – increase / (decrease) | 0 |
| March Quarterly Review Adjustments – increase / (decrease) | 2,096,000 |
| Forecast Reserve Movement for 2015/2016 – Increase / (Decrease) | (1,403,500) |
| Estimated Reserve Balance at 30 June 2016 | \$9,414,100 |

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$2,115,100 from the 31 March 2016 Quarter Budget Review.

5

SEWERAGE FUND

After completion of the 2014/2015 Financial Statements the Accumulated Surplus (Working Fund) balance for the Sewer Fund, as at 30 June 2015, was \$1,776,500 with capital works reserves of \$4,681,300 and plant reserve of \$785,100. It also held \$6,228,000 in section 64 developer contributions.

10

Capital Works Reserve

| | |
|--|--------------------|
| Opening Reserve Balance at 1 July 2015 | \$4,681,300 |
| Plus original budget reserve movement | 2,189,700 |
| Less reserve funded carryovers from 2014/2015 | (125,500) |
| Resolutions July - September Quarter – increase / (decrease) | 0 |
| September Quarterly Review Adjustments – increase / (decrease) | (3,900) |
| Resolutions October - December Quarter – increase / (decrease) | 0 |
| December Quarterly Review Adjustments – increase / (decrease) | (1,106,800) |
| Resolutions January - March Quarter – increase / (decrease) | 0 |
| March Quarterly Review Adjustments – increase / (decrease) | 640,000 |
| Forecast Reserve Movement for 2015/2016 – Increase / (Decrease) | 1,593,500 |
| Estimated Reserve Balance at 30 June 2016 | \$6,274,800 |

15

Plant Reserve

| | |
|--|------------------|
| Opening Reserve Balance at 1 July 2015 | \$785,100 |
| Plus original budget reserve movement | 0 |
| Less reserve funded carryovers from 2014/2015 | 0 |
| Resolutions July - September Quarter – increase / (decrease) | 0 |
| September Quarterly Review Adjustments – increase / (decrease) | 0 |
| Resolutions October - December Quarter – increase / (decrease) | 0 |
| December Quarterly Review Adjustments – increase / (decrease) | 0 |
| Resolutions January - March Quarter – increase / (decrease) | 0 |
| March Quarterly Review Adjustments – increase / (decrease) | 0 |
| Forecast Reserve Movement for 2015/2016 – Increase / (Decrease) | 0 |
| Estimated Reserve Balance at 30 June 2016 | \$785,100 |

20

Section 64 Developer Contributions

| | |
|--|--------------------|
| Opening Reserve Balance at 1 July 2015 | \$6,228,000 |
| Plus original budget reserve movement | (1,853,600) |
| Less reserve funded carryovers from 2014/2015 | (1,803,500) |
| Resolutions July - September Quarter – increase / (decrease) | 0 |
| September Quarterly Review Adjustments – increase / (decrease) | 0 |
| Resolutions October - December Quarter – increase / (decrease) | (500,000) |

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

| | |
|--|--------------------|
| December Quarterly Review Adjustments – increase / (decrease) | 1,810,000 |
| Resolutions January - March Quarter – increase / (decrease) | 0 |
| March Quarterly Review Adjustments – increase / (decrease) | 4,154,100 |
| Forecast Reserve Movement for 2015/2016 – Increase / (Decrease) | 1,807,000 |
| Estimated Reserve Balance at 30 June 2016 | \$8,035,000 |

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$4,793,200 from the 31 March 2016 Quarter Budget Review.

Legal Expenses

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

The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 31 March 2016.

Total Legal Income & Expenditure as at 31 March 2016

| Program | 2015/2016 Budget (\$) | Actual (\$) | Percentage To Revised Budget |
|---------------------------------------|-----------------------|----------------|------------------------------|
| Income | | | |
| Legal Expenses Recovered | 0 | 1,020 | 0% |
| Total Income | 0 | 1,020 | 0% |
| Expenditure | | | |
| General Legal Expenses | 200,000 | 140,048 | 70% |
| Total Expenditure General Fund | 200,000 | 140,048 | 70% |

Note: The above table does not include costs incurred by Council in proceedings after 31 March 2016 or billed after this date.

The current status of the Legal Services Reserve is shown below:

Legal Reserve

| | |
|---|------------------|
| Opening Reserve Balance at 1 July 2015 | \$779,100 |
| Less Belongil Bridge Pile Repairs (44217 - Original Budget) | (100,000) |
| Less Road Reconstruction Works (Various – Original Budget) | (61,000) |
| Estimated Reserve Balance at as at 31 March 2016 | \$618,100 |

Financial Implications

The 31 March 2016 Quarter Budget Review of the 2015/2016 Budget has not changed the overall budget result and as such this result does not affect the estimated accumulated surplus (working funds) position attributable to the General Fund, with this remaining at an estimated \$919,100 at 30 June 2016.

Statutory and Policy Compliance Implications

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

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

Statement by Responsible Accounting Officer

- 25 This report indicates that the short term financial position of the Council is satisfactory for the 2015/2016 financial year, having consideration of the original estimate of income and expenditure at the 31 March 2016 Quarter Budget Review.
- 30 This opinion is based on the estimated General Fund Accumulated Surplus (Working Funds) position and that the current indicative budget position for 2015/2016 has remained the same in this Budget Review. Notwithstanding this, Council will need to continue to carefully monitor the 2015/2016 budget over the remainder of the financial year.

Report No. 13.5 **Councillor resignation from Committees**
Directorate: Corporate and Community Services
Report Author: Gayle McCallum, Community Projects Officer
File No: I2016/451
5 **Theme:** Society and Culture
 Community Development

Summary:

10 Council has received notification from Cr Woods that she is moving residence in July and due to time constraints is resigning as a Councillor Representative on S355 Committees of Council and some regional and local external committees.

15 This report aims to note the resignation and appoint new Councillor Representatives to these Committees, where required, until the end of the current Council term in September 2016.

20 Cr Woods has advised that she will remain as one of Council's two delegates to Rous Water and Committee Member of the Internal Audit Committee and Finance Advisory Committee.

RECOMMENDATION:

1. That the resignation from Cr Woods be noted and that she be officially thanked for her time and work as Council's representative on the Committees detailed in the report.
2. That Council appoint the alternate delegate Cr Basil Cameron be Council's representative on the Brunswick Heads Memorial Hall Section 355 Committee.
3. That Council appoint the alternate delegate Cr Duncan Dey be council's representative on the Brunswick Valley Community Centre Section 355 Committee.
4. That the Regional Committees being:
 - Mullumbimby Showground Trust; and
 - North Byron Parklands Regulatory Working Group
 - Chamber of Commerce – Brunswick Heads
 - Ocean Shores Tidy Towns Committee

be notified of Cr Woods resignation and asked if they require an alternate delegate to be appointed prior to the end of the current Council term in September 2016.

Report

Council has received notification from Cr Woods that she is moving residence in July and due to time constraints is resigning as a Councillor Representative on S355 Committees of Council and some regional and local external committees.

This report aims to note the resignation and appoint new Councillor Representatives to these Committees, where required, until the end of the current Council term in September 2016.

Cr Woods has advised that she will remain as one of Council's two delegates to Rous Water and Committee Member of the Internal Audit Committee and Finance Advisory Committee.

The following are the committees Cr Woods is presently representing Council and a brief description of the Committee and the meeting days.

ADVISORY COMMITTEES**1. Belongil Creek Flood Risk Management Committee****Objectives**

The purpose of the Floodplain Risk Management (Belongil Creek) Committee is:

To oversee and advise Council on the preparation and implementation of the Flood Study and Floodplain Risk Management Study and Plan for the Belongil Creek floodplain.

Membership

Membership as per the constitution (noting that the 3 invited members do not have voting rights):

- 4 Councillors
 - Mayor Cr Richardson
 - Cr Chris Cubis
 - Cr Diane Woods
 - Cr Duncan Dey
- 3 invited members:
 - Phillip Buchanan representing the Office of Environment and Heritage (OEH)
 - Andrew Page representing Cape Byron Marine Park
 - Kaylene Jones representing SES (Regional Controller)
 - Paul Sudmalls representing SES (Local Controller)
- 2 interested community representatives: (Human Habitat Panel)

- John Vaughan
- Col Draper

Staff Comment: The Belongil Creek Flood Risk Management Committee is presently not meeting and will be reviewed with all Advisory committees in the next term of Council. It will not be necessary to appoint a further Councillor on this Committee.

SECTION 355 COMMITTEES

1. Brunswick Heads Memorial Hall Section 355 Management Committee

Membership

Councillor Representative(s):

- Cr Diane Woods
- Alternate: Cr Basil Cameron

Community Representatives:

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

The Committee meets bi-monthly on a Monday at 2.00pm, next meeting to be set.

Staff Comment: It has been recommended that the Alternate Delegate, Cr Basil Cameron be the Councillor representative on this Committee.

2. Brunswick Valley Community Centre Section 355 Management Committee

Membership

Councillor Representative(s):

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

Community Representatives:

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

The Committee meets bi-monthly on a Friday at 4.30pm

Staff Comment: It has been recommended that the Alternate Delegate, Cr Duncan Dey be the Councillor representative on this Committee.

3. Ocean Shores Community Centre Section 355 Management Committee

Staff Comment: It is noted that Cr Chris Cubis is the Council's representative and Cr Woods is the "Alternate Delegate" on this Committee. Therefore there is no impact on her resignation from this Committee.

REGIONAL COMMITTEES

Cr Woods is Council's representative on the following regional committees:

- 5
 - Mullumbimby Showground Trust
 - North Byron Parklands Regulatory Working Group
 - Chamber of Commerce – Brunswick Heads
 - Ocean Shores Tidy Towns Committee

- 10 **Staff Comment:** It has been recommended that the regional committees be notified of Cr Woods resignation and asked if they require a new delegate to be appointed prior to the end of the current Council term in September 2016.

Financial Implications

- 15 Councillors travel to and from Committee meetings can be claimed in accordance with Council Policy - Mayor and Councillors payment of expenses and provision of facilities.

Statutory and Policy Compliance Implications

- 20 All committees' Constitutions can be found on Council's web site <http://www.byron.nsw.gov.au/>

Report No. 13.6 **Local Government NSW - Member Services**
Directorate: Corporate and Community Services
Report Author: Trish Kirkland, Manager Governance Services
File No: I2016/452
5 **Theme:** Corporate Management
 Governance Services

Summary:

10 The report provides an overview of the services and benefits provided by the industry association of Local Government NSW.

RECOMMENDATION:

That Council note the report.

Report

Formally known as The Local Government Association of NSW and the Shires Associations of NSW, the two organisations officially became Local Government NSW (LG NSW) on 1 March 2013, uniting and strengthening the voice of the local government sector to become the peak industry association that represents the interests of all 152 NSW general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

LG NSW's objective is to strengthen and protect an effective, democratic system of Local Government across NSW by supporting and advocating on behalf of member councils and delivering a range of relevant, quality services.

LG NSW achieves this by:

- Actively and persuasively representing the views of Local Government to the NSW and Australian Governments
- Providing effective, responsive and accountable leadership to member councils
- Providing a comprehensive range of high-quality services and policy advice to our members
- Increasing the capacity of Local Government to deliver quality services and meet the needs of local communities across NSW
- Enhancing the profile and building community trust in and awareness of Local Government.

LG NSW is the employer party to the major industry award covering Local Government employees - the *Local Government (State) Award*, and in this role:

- Represent Local Government employer interests when lobbying other spheres of Government on industrial and workforce development initiatives.
- Make submissions.
- Appear in employment related matters before courts and tribunals, and in the negotiation and making of awards affecting councils and their employees.

Byron Shire Council pays an annual membership fee and receives an allocation of 3 votes in the election of Board of Directors, an invitation to participate in the annual policy-making event for NSW Councils - the LG NSW Conference, and is granted access to a range of services, as set out below:

Local Government Procurement

Local Government Procurement (LGP) provides a fully-integrated procurement service to councils and associated organisations in NSW. LGP provide a range of services, including supply arrangements established by LGP, as a prescribed provider under Local Government (General) Regulations, for cost-effective solution to supply councils with a range of goods and services.

Sustainable Choice

Sustainable Choice is a program to assist councils in NSW to integrate sustainability into their procurement systems.

- Website access containing a database of suppliers to enable staff to find products and services.
- Up-to-date product development through forums with suppliers.
- Fact and guidance sheets on specific products, services and sustainable purchasing issues.
- Access to the case studies database and assistance with developing case studies for promotion.
- Access to in-house staff training.
- Invitation to a series of sustainable procurement workshops and forums.

- Part of a network of councils.
 - Attendance at network meetings with other members to facilitate cooperation and shared learning.
 - Quarterly newsletter showcasing council achievements, new products and interesting facts.
 - Annual sustainable procurement scorecard and annual report that identifies council progress.
 - Access to a range of resource documents, including:
 - Other councils' sustainable procurement, fleet and events policies.
 - Pre-prepared draft media release.
 - Sustainable tendering guidelines.
 - Product briefing papers.
 - Past workshop resources and presentations.
- Management Solutions
- LG NSW Management Solutions provides human resource and employment services to councils, including:
- Executive and specialist recruitment
 - Locums – for temporary general manager and senior staff assignments
 - Performance review facilitation for executive staff performance reviews.
 - Organisational and structural reviews to strengthen and increase performance and sustainability
 - Staff engagement surveys to give decision-makers insight into the health of the organisation
 - Comparative data to benchmark councils' remuneration and other HR indicators to enables councils to monitor organisational effectiveness including unplanned absenteeism, attrition, leave liability, WH&S and learning and development.
 - Succession planning tools to assist management to identify and develop future professional and management staff.
 - Corporate knowledge retention by providing transition to retirement planning tools to councils
- Learning Solutions
- LG NSW Learning Solutions coordinates relevant, high quality and cost effective training programs and seminars that are:
- Tailored to Local Government
 - Delivered by presenters experienced in working with councils
 - Invaluable in the professional development of elected members and staff.
- Industrial Relations
- LG NSW Industrial Relations unit provides advice to councils on award compliance and industrial matters; resolves industrial issues and grievances, formalises enterprise agreements, negotiates with employees and unions; and provides representation to council at the Industrial Relations Commission (IRC), Administrative Decisions Tribunal (ADT) and Australian Human Rights Commission (AHRC).
- Legal Advice
- LG NSW provides high-level legal policy advice on issues affecting local government to mayors and general managers on a wide range of issues affecting local government, including:
- Council meetings and procedural issues
 - Local Government Act and Regulations
 - Codes of Conduct
 - Freedom of Information

- Ombudsman
- Privacy
- Administration of LG NSW's Legal Assistance Scheme for Councils

5 Grants

LG NSW work with the NSW State and Federal Governments to offer councils capacity building, development support and other resources across important Local Government functions.

10 Amongst the resources offered are important grant programs managed under agreements with government agencies, such as:

- Liveable Communities Grant
- Age-Friendly Community Local Government Grants
- Roadside Vegetation Implementation Project Grant
- 15 • Creating Liveable Communities Competition
- Creative Ageing Local Government Grants

Mayoral Mentor Service

20 LG NSW offers a Mayoral Mentor Service, with access to confidential advice from highly experienced colleagues, for new and returning mayors of all NSW member councils and the chairs of member County Councils.

Councillor Support

25 LG NSW provides information, resources and training for councillors to guide and support them throughout their term.

For further information on the range of services that LG NSW offer to its member councils can be found at <http://www.lgnsw.org.au/member-services>.

30 Australian Local Government Association

LG NSW is a member of Australian Local Government Association (ALGA) - a federation of state and territory local government associations. ALGA provides a range of services to its member associations and, through them, local councils throughout Australia. These include:

- 35 • information on national issues, policies and trends affecting local government via the Internet, newsletters, special reports and conferences
- representation on national bodies including the Council of Australian Governments, Ministerial Councils, intergovernmental committees and specialist bodies, including United Cities and Local Governments
- 40 • liaison and negotiation with a wide range of Commonwealth ministers and departments, shadow ministers and political parties, as well as other national organisations related to local government
- policy development to provide a local government perspective on national affairs

45 The ALGA represents local government on national bodies and ministerial councils, provides submissions to government and parliamentary inquiries, raises the profile and concerns of local government at the national level to provide forums to guide the development of national local government policies.

50 The ALGA convenes the National General Assembly of Local Government held in June each year in Canberra. The National General Assembly brings together several hundred delegates from councils across Australia to move and debate resolutions of concern to local government. Speakers include prominent local government leaders, national political leaders and leading Australian experts and academics from fields of interest and relevance to local government.

55

The ALGA's policies are determined by the ALGA Board, consisting of two representatives from each of the member associations.

Byron Shire Council is represented at ALGA, via our membership to LG NSW.

- 5 For further information about LG NSW, refer to "About Us" contained at Attachment 1 and in more detail at <http://www.lgnsw.org.au>.

Financial Implications

- 10 The annual membership fee for the 2015/16 financial year was \$38,625 plus GST. The draft 2016/17 budget currently on public exhibition provides \$38,900 for the coming financial year membership fee.

15 Statutory and Policy Compliance Implications

Nil

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.7 PLANNING - 26.2015.6.1 Planning Proposal Amendment to Byron LEP 1988 - West Byron

Directorate: Sustainable Environment and Economy
Report Author: Chris Larkin, Major Projects Planner
File No: I2016/297
Theme: Ecology
 Planning Policy and Natural Environment

Summary:

The purpose of this report is to provide Council with an update on the Planning Proposal to amend Byron LEP 1988 (West Byron) in accordance with Council Resolution 15-567. An initial gateway determination was issued by the Department of Planning and Environment (DPE) on 22 January 2016 requiring minor amendments to the document in terms of redrafting some of the provisions into "plain English", incorporating a wider locality map, and further discussion and information on likely servicing arrangements, potential impacts and environmental protection measures associated with infrastructure works.

The amended Planning Proposal was forwarded to the DPE for consideration, whereby an Altered Gateway Determination was then issued on the 15 April 2016. The Altered Gateway Determination is similar to the initial determination with the exception that the proposed requirement to limit infrastructure to only cross the environmental zones be removed. Instead the Department have suggested Council may wish to incorporate additional "heads of consideration" into a clause to ensure works in the environmental zones are properly considered and impacts minimised.

As such the Planning Proposal has been amended in accordance with the Altered Gateway Determination and is attached for Council's information and noting. The Planning Proposal is yet to be returned to the DPE for their final approval which is required prior to exhibition and community consultation.

NOTE TO COUNCILLORS:

In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

That Council note the report.

Attachments:

- 1 Letter from Department of Planning Original Gateway determination dated 22/1/16, S2016/1264
- 2 Letter from the Department of Planning altered Gateway Determination dated 15/4/16, E2016/27600
- 3 Amended Planning Proposal as per altered Gateway Determination dated 15/4/16, E2016/27205

Report

Council resolved to amend Byron LEP 1988 in relation to West Byron on the 29 October 2015 as follows:

15-567 Resolved:

1. That Council proceed with the planning proposal in Attachment 1 and forward to the Department of Planning and Environment with the exception of the infrastructure clause in relation to development in the E zones, which will be amended to only permit infrastructure to cross E Zones but not to run parallel/along them.
2. That Council request the Department of Planning and Environment to delegate to Council the preparation and making of the LEP Amendment.

An initial Gateway Determination was issued on the 22 January 2016 requiring minor amendments, and further Department of Planning and Environment (DPE) approval prior to community consultation. DPE requested that the some of the proposed clauses be re-written in plain English, the provision of a wider locality map, and further discussion and information on likely servicing arrangements, potential impacts and environmental protection measures associated with infrastructure works.

Staff amended the Planning Proposal to address the issues raised in the Gateway Determination which was then forwarded to DPE for further consideration. DPE have subsequently issued an Altered Gateway Determination requesting the additional requirement for the provisions relating to restricting infrastructure works to only cross environmental zones be removed. Instead, the DPE have suggested Council incorporate an additional "heads of consideration" clause to ensure works in the environmental zones are properly considered and impacts minimised at the development application stage. A copy of the two Gateway Determinations is attached for Council's information.

The original wording of the infrastructure clause was drafted as follows:

Development for the purpose of providing infrastructure in West Byron

- (1) The objective of this clause is to ensure that any person can carry out development for the purpose of stormwater management system, earthworks, water reticulation system and sewage reticulation system on any land.
- (2) Despite any other provisions of this Plan, development consent may be granted to development for the purpose of earthworks, stormwater management system, water reticulation system and sewage reticulation system on any land. Infrastructure is only permitted to cross land Zoned E2 Environmental Conservation and E3 Environmental Management, but not to extend along the length of the E2 or E3 Zones.

stormwater management system means:

- (a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and
- (b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and
- (c) stormwater reuse schemes.

The revised drafting of the clause as per the Altered Gateway Determination is as follows:

| Proposed LEP Amendment (Plain English Explanation) | Suggested Clause Wording |
|--|--|
| 1) incorporate an objective that is to facilitate | 1) The objective of this clause is to ensure |

| Proposed LEP Amendment (Plain English Explanation) | Suggested Clause Wording |
|--|--|
| <i>the provision of infrastructure for West Byron including stormwater management systems, earthworks, and water and sewer reticulation;</i> | <i>that any person can carry out development for the purpose of stormwater management system, earthworks, water reticulation system and sewage reticulation system on any land.</i> |
| 2) <i>include further provisions that enable such infrastructure to occur with development consent in any zone.</i> | 2) <i>Despite any other provisions of this Plan, development consent may be granted to development for the purpose of earthworks, stormwater management system, water reticulation system and sewage reticulation system on any land.</i> |
| 3) <i>Include heads of consideration provisions to ensure works are appropriately sited and designed to have minimal potential for environmental impacts with compensatory offset and mitigation measures where such impacts can't be avoided.</i> | 3) <i>Development consent must not be granted for works in the E2 and E3 Zone or on adjacent Zones R2, R3 or IN2 under subclause 2 unless it has taken into consideration:</i> <i>a) the likely impact on</i> <i>i) native terrestrial flora and fauna and its habitat, and</i> <i>ii) native aquatic flora and fauna and its habitat, and</i> <i>iii) the ecological role of the land, waterways, riparian land or wetland, and</i> <i>iv) threatened species, communities, populations and their habitats.</i> <i>b) the design and siting of infrastructure has been located as far as possible to avoid, or minimise impacts on, significant native vegetation and habitat.</i> <i>c) where impacts are unable to be avoided, management and compensatory measures to mitigate such impacts through the restoration of any existing disturbed or modified areas on the site or on adjacent lands.</i> |
| 4) <i>Confirm the definition of stormwater management systems.</i> | 4) <i>For the purposes of this clause stormwater management system means:</i> <i>a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and</i> <i>b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and</i> <i>c) stormwater reuse schemes.</i> |

- 5 A copy of the amended Planning Proposal is attached for Council's information and noting prior to the document being forwarded to the DPE for final approval to enable exhibition and community consultation. The Planning Proposal has also been updated consistent with all other requirements of the Altered Gateway Determination.

Financial Implications

- 10 There are no financial implications.

Statutory and Policy Compliance Implications

- 15 As the Altered Gateway Determination in relation to the Infrastructure clause for works in the Environmental Zones is not consistent with Council's Resolution 15-567, the updated Planning Proposal is provided for Council's information. Subject to Council's consideration, the Planning Proposal will be progressed in accordance with the provisions of the EPA Act 1979 for LEP amendments.

Report No. 13.8 Report of the Planning Review Committee Meeting held on 21 April 2016

Directorate: Sustainable Environment and Economy

Report Author: Chris Larkin, Major Projects Planner

File No: I2016/396

Theme: Ecology
Development and Approvals

Summary:

This report provides the outcome of the Planning Review Committee Meeting held on 21 April 2016.

RECOMMENDATION:

That the report be noted.

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

13.8

Report:

The meeting commenced at 1.00pm and concluded at 1.30pm.

- 5 Present: Crs Dey, Hunter, Cameron, Wanchap, Richardson (Mayor)
Apologies: Nil

The following development application was reviewed with the outcome shown in the final column.

| DA No. | Applicant | Property Address | Proposal | Exhibition Submissions | Reason/s Outcome |
|---------------|----------------------------------|------------------------------|---|---|------------------------|
| 10.2016.125.1 | Joe Davidson Town Planning | 25 Manns Road Mullumbimby | New amenities building to existing sporting facility | Level 1 30/3/16 to 12/4/16 No submissions | Delegated Authority |

10

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.9 **Council Road Reserve Closure and potential sale adjoining PN94840 Lot 21 DP 596124, 365 Booyong Road Nashua**

Directorate: Infrastructure Services
Report Author: Deanna Savage, Administration Officer Infrastructure Services
File No: I2016/404
Theme: Community Infrastructure
 Asset Management

Summary:

A formal request was made on 16 September 2015 to close and purchase a portion of road reserve adjoining PN 94840 Lot 21 DP 596124, 365 Booyong Road, Nashua. The following report provides details as to why it is recommended the application be given Council support.

RECOMMENDATION:

1. **That Council endorse the closure of road reserve adjoining PN 94840 Lot 21 DP 596124, 365 Booyong Road Nashua, as per figure 1 of this report, and move forward by submitting the application with Crown.**

2. **That Council ascertain market value by retaining a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed part of the road with the owner of adjoining Lot 21 DP 596124 for a value no less than the highest value placed on the part closed road by the independent Valuer.**

3. **Without limiting the delegation to the General Manager to negotiate a contract suitable to the Council, terms and conditions of the contract will include requirements for:**
 - i. **the applicant to pay all costs associated with the part road closure, including but not limited to:**
 - a) **Council application fees**
 - b) **Council's surveyor's fees and survey, valuation and legal costs**
 - c) **All registration fees**
 - d) **Legal costs**

 - ii **The allotment created by the part road closure to be consolidated into the existing Parcel No 94840 Lot 21 DP 596124**

4. **That Council authorise the affixing of the Council seal to and the signing of all documents necessary to affect the sale and transfer of the part closed road.**

Attachments:

- 1 Initial email from Alderson re Short and request to purchase part road reserve 365 Booyong Road Nashua, E2016/29262
- 2 Letter from Alderson re Short and request to purchase part road reserve 365 Booyong Road Nashua, E2016/29261

Report

A request was made by Greg Alderson Chartered Professional Engineers & Scientists on behalf of his client Greg Short, as per Attachment 1, to acquire a section of road reserve adjoining PN 94840, Lot 21 DP 596124, 365 Booyong Road, Nashua as per Figure 1 below.

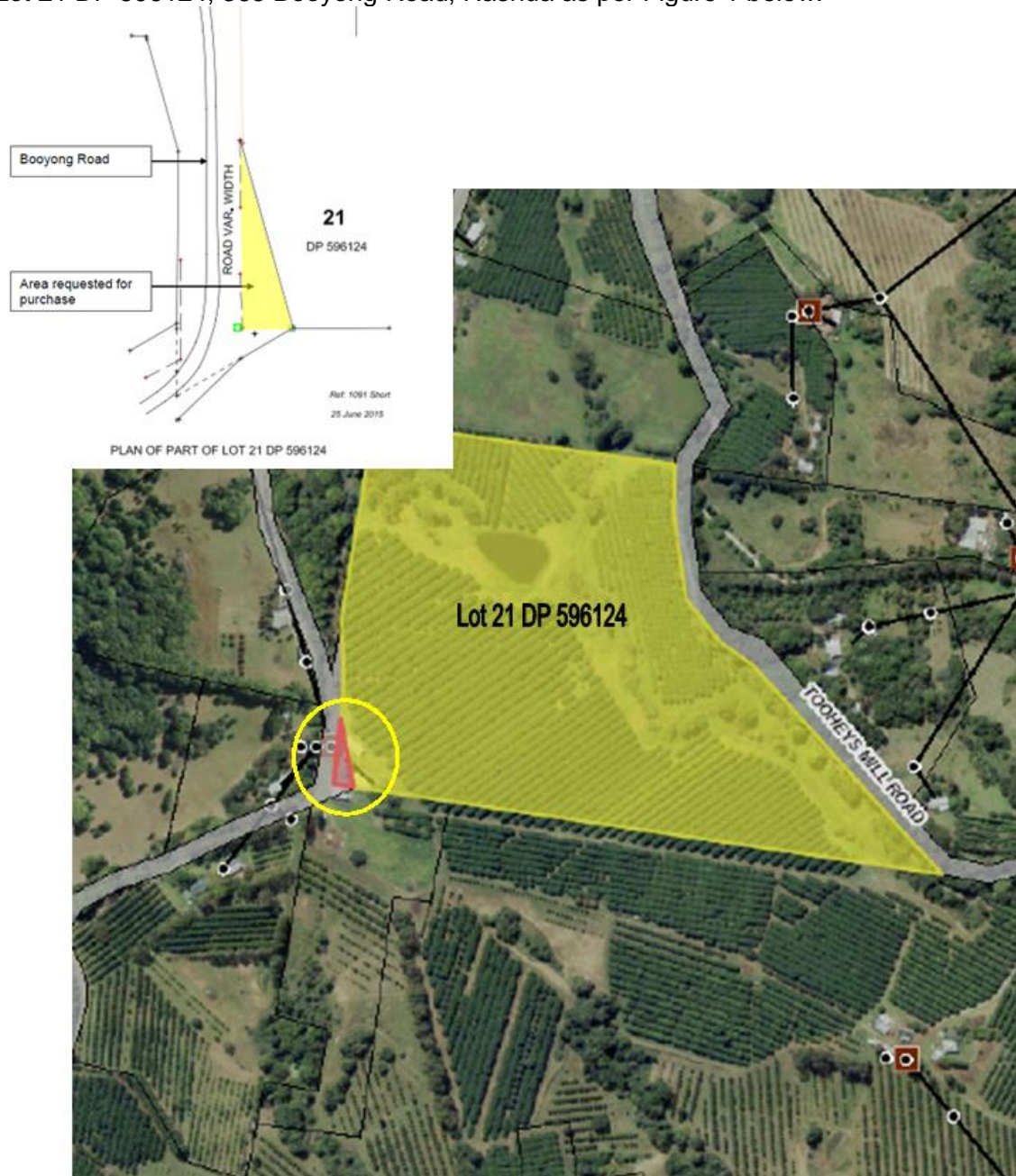


Figure 1

- 10 An inspection on the property was carried out and was determined that Road Reserve Closure was in the best interest of Council and once closed could be sold to the adjoining land holder. The Closure was advertised on 17 March 2016 calling for any submissions from adjoining land owners and from any Authorities with Assets in the area. No submissions were received;
- 15 If Council approves the closure in accordance with the recommendations of this report, no further action would be required – unless something arises that has not already been given consideration. The final step before the application can be lodged with Crown is for a Council resolution in favour of the closure and subsequent sale. An updated plan of survey needs to be completed to

accompany the application to Crown. Once the application has been lodged with Crown there should be a 90 day turn around (if all the paperwork is correct) to finalise the closure. A valuation is to be completed as per recommendation then contracts can then be drawn up for subsequent sale.

5

Financial Implications

The Applicant is liable for all of Council's costs arising from the road closure and if successful, subsequent sale of land.

10 Adopted fees and charges for 2015/16 for the sale of land are set out below:

Sale Value = \$Market Valuation or Tender

Costs:

| | | |
|----|----------------|---------------|
| 15 | Survey | \$Costs + 15% |
| | Subdivision | \$Costs + 15% |
| | Valuation | \$Costs + 15% |
| | Legal/Transfer | \$Costs + 15% |

20 It is difficult to estimate the costs associated with the actions required to sell the land until quotations are received for the services, however, our best estimates are between \$10,000 to \$15,000, plus the market valuation for the sale price. The applicant will also need to pre-pay all costs on request.

25 **Statutory and Policy Compliance Implications**

Relevant sections of the Roads Act are:

ROADS ACT 1993 - SECT 34

30 **Applications for closing of public road**

34 Applications for closing of public road

(1) An application for the closing of a public road (other than a freeway) may be made:

- 35
- (a) in the case of a Crown road, by any person, and
 - (b) in the case of any other public road, by the roads authority for the road or by any other public authority.

ROADS ACT 1993 - SECT 35

40 **Publication of proposal to close public road**

35 Publication of proposal to close public road

(1) The Minister (or, in the case of the proposed closing of a freeway, RMS) must cause notice of the proposed closing of a public road to be published in a local newspaper.

45 (2) The notice:

- 50
- (a) must identify the road that is proposed to be closed, and
 - (b) must state that any person is entitled to make submissions to the Minister (or, in the case of the proposed closing of a freeway, to RMS) with respect to the closing of the road, and
 - (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.

ROADS ACT 1993 - SECT 36

55 **Public submissions**

36 Public submissions

Any person may make submissions to the Minister (or, in the case of the proposed closing of a freeway, to RMS) with respect to the closing of the road.

ROADS ACT 1993 - SECT 37**Decision on proposal****37 Decision on proposal**

(1) After considering any submissions that have been duly made with respect to the proposal, the Minister (or, in the case of the proposed closing of a freeway, RMS) may, by notice published in the Gazette, close the public road concerned.

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

- (a) in the case of a classified road-unless RMS consents to the closure of the road, or
- (b) in the case of a road owned by a council-unless the council consents to the closure of the road, or
- (c) in the case of a classified road that is owned by a council-unless both RMS and the council consent to the closure.

ROADS ACT 1993 - SECT 43**Disposal of land comprising former public road owned by council****43 Disposal of land comprising former public road owned by council**

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

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

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

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

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY**Report No. 14.1 Report of the Sustainable Economy Committee Meeting held on 3 March 2016**

Directorate: Sustainable Environment and Economy
Report Author: Jane Lavery, Economic Development and Tourism Coordinator
File No: I2016/383
Theme: Economy
Economic Development

Summary:

This report provides the minutes and recommendations of the Sustainable Economy Committee meeting held on 3 March, 2016 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes and recommendations of the Sustainable Economy Committee Meeting held on 3 March 2016.
2. That Council does not adopt the Committee Recommendation as shown in this report, and the attached minutes, but instead adopts the Management Recommendation as follows:

Management Recommendation

- a) That Council consider the advice provided by the Sustainable Economy Committee through the Recommendation, outlined in this report, as part of the 2016/17 Budget process.
- b) That Council staff continue to liaise with the Department of Industry in relation to the Bangalow RMS Depot site's future status and seek funding from the Department for the development of a business case study and site masterplan to ensure that any future project is representative of best practice architecture, with sustainability principles embedded. The business case study will look to qualify the need for this development and a site masterplan should ensure that if the site is developed as a Food and Innovation Park that it fits with community design expectations.
- c) That Council authorise staff to advocate for community consultation in relation to any progression in the development of the site by State Government.

Attachments:

- 1 Minutes of Sustainable Economy Committee meeting held 3 March 2016, I2016/201

Report

The attachment to this report provides the minutes of the Sustainable Economy Committee Meeting of 3 March 2016 for determination by Council. The agenda for this meeting can be located on Council's website at:

http://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2016/03/SUS_03032016_AGN_545_AT.PDF

Committee Recommendation

That Council:

- 1. Undertake as a matter of urgency a review of options for the purchase of the Bangalow RMS Depot site for the purposes of establishing a food and innovation park as outlined in the report.**
- 2. Prepare of a business case study presentation to allow the process in Recommendation 1 above to be expedited, and that a funding allocation be made available for preparation of the business case study.**
- 3. Acknowledge and support the work that has been undertaken with the Department of Industry towards the investigation of this site for this purpose.**

Management Comments

In accordance with the Committee Recommendation, from the meeting, Management provide the following additional information and for the reasons given below alternatively recommend:

That Council consider the advice provided by the Sustainable Economy Committee through the Recommendation, outlined in this report, as part of the 2016/17 Budget process.

That Council staff continue to liaise with the Department of Industry in relation to the Bangalow RMS Depot site's future status and seek funding from the Department for the development of a business case study and site masterplan to ensure that any future project is representative of best practice architecture, with sustainability principles embedded. The business case study will look to qualify the need for this development and a site masterplan should ensure that if the site is developed as a Food and Innovation Park that it fits with community design expectations.

That Council authorise staff to advocate for community consultation in relation to any progression in the development of the site by State Government.

Council is yet to finalise the overall 2016/17 budget. Therefore it is recommended that Council consider the advice provided by the Committee Recommendation in this report as part of the 2016/17 Budget process or quarterly review periods.

Since the reporting of the SEC meeting agenda and minutes Council has received notification from some Bangalow community representatives expressing concern relating the aesthetic impact of the site being developed and also the placement of a new development in close proximity to the Bangalow Industrial Estate located on the western side of the Bangalow township which has recently had an additional 2.7 ha zoned for industry (however no DA lodged for development at this time).

Continued advocacy for investment in a business case study and a site masterplan will both explore opportunities to support the Shire's growing gourmet and artisan food manufacturing sector

and subsequent employment creation and ensure future development for this purpose is embraced by the community.

Financial Implications

- 5 As per the Reports listed within the Sustainable Economy Committee Meeting of 3 March 2016.

Statutory and Policy Compliance Implications

- 10 As per the Reports listed within the Sustainable Economy Committee Meeting of 3 March 2016.

Report No. 14.2 Report of the Biodiversity and Sustainability Advisory Committee Meeting held on 21 April 2016**Directorate:** Sustainable Environment and Economy**Report Author:** Sharyn French, Manager Environmental and Economic Planning**File No:** I2016/405**Theme:** Ecology
Planning Policy and Natural Environment**Summary:**

The report provides the minutes and recommendations of the Biodiversity and Sustainability Advisory Committee Meeting of 21 April 2016 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Biodiversity and Sustainability Advisory Committee Meeting held on 21 April 2016.
2. That Council does not adopt Committee Recommendation under Business Arising from Previous Minutes as shown in the attachment to this report, but instead adopts the Management Recommendation as follows:

Management Recommendation

That Council consider the Biodiversity and Sustainability Advisory Committees Recommendation under Business Arising From Previous Minutes, outlined in this report, as part of the 2016/17 budget process.

3. That Council adopt the following Committee Recommendation:

Report No. 5.1 Byron Shire Integrated Weed Management Strategy**File No:** I2016/280**Committee Recommendation:**

That the Biodiversity and Sustainability Advisory Committee review the draft Byron Shire Integrated Weed Management Strategy.

Attachments:

- 1 Minutes Biodiversity and Sustainability Advisory Committee held 21 April 2016, I2016/309

Report

The attachment to this report provides the minutes of the Biodiversity and Sustainability Advisory Committee Meeting of 21 April 2016 for determination by Council.

The agenda for this meeting can be located on Council's website at http://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2016/04/BSAC_21042016_AGN_509_AT.PDF :

In relation to Business Arising from Previous Minutes, the Committee Recommended:

Committee Recommendation – Business Arising

That Council ensure that adequate funding is available within the 2016/17 budget for E Zone verification, and continue to seek funding support from the State Government.

Management do not agree with the Committee recommendation and alternatively recommend that Council:

Management Recommendation – Business Arising

That Council consider the Biodiversity and Sustainability Advisory Committees Recommendation under Business Arising from Previous Minutes, outlined in this report, as part of the 2016/17 budget process.

Management Comments 5.1 – Manager Open Space and Resource Recovery

In accordance with the Committee Recommendation from the Business Arising From Previous Minutes, Management provide the following additional information and for the reasons given below alternatively recommend that Council:

Further to the Draft Integrated Weed Management Strategy prepared by Australian Wetland Consulting, it is advised that a number of chemical free weed treatment methods have been already been implemented by staff. These initiatives include implementation of a steam weeding and cleaning program with a Council purchased steam machine and provision of contracted steam weeding services under an established panel contract arrangement. The steam weeding program that currently is focused on high public use areas of public space is programmed to be significantly expanded given budget allocation. Staff have also been tasked to continually review areas of opportunities for non chemical means for control of weeds.

It should be noted that playgrounds, picnic tables and park shelters, urban CBDs and high frequented roadside furniture such as bus shelters are currently managed chemical free.

It is recommended that Council support the chemical free transition within budgetary constraints.

That Council consider the Biodiversity and Sustainability Committee Recommendation under Business Arising from Previous Minutes, outlined in this report, as part of the 2016/17 budget process.

Council is yet to finalise the overall 2016/17 Budget. Therefore it is recommended that Council consider the advice provided by the Committee's Recommendation in this report as part of the 2016/17 Budget process.

The remainder of the Committee recommendations are supported by management and are provided in the attachment to this report.

Financial Implications

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As per the Reports listed within the Biodiversity and Sustainability Advisory Committee Meeting of 21 April 2016.

Statutory and Policy Compliance Implications

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As per the Reports listed within the Biodiversity and Sustainability Advisory Committee Meeting of 21 April 2016.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Belongil Catchment Advisory Committee Meeting held on 18 April 2016**

Directorate: Infrastructure Services
Report Author: Peter Rees, Manager Utilities
File No: I2016/408
Theme: Community Infrastructure
 Sewerage Services

Summary:

This report has been prepared to allow Council to note the minutes of the Belongil Catchment Advisory Committee Meeting held on 18 April 2016.

RECOMMENDATION:

1. That Council note the minutes of the Belongil Catchment Advisory Committee Meeting held on 18 April 2016.

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

Report No. 5.1 Belongil Creek Fate of the Effluent Alternative Flowpath Project Rev 2
File No: I2016/367

Committee Recommendation 5.1.1

That Council adopt the project brief as attached with amendments as attached in the submission from Cr Dey.

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

Report No. 5.2 Belongil Catchment Management Plan Review of Actions
File No: I2016/369

Committee Recommendation 5.2.1

That this report is brought back to next Committee meeting.

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

Report No. 5.3 Legal Advice on Drainage Union
File No: I2016/370

Committee Recommendation 5.3.1

That Council write to all land owners in the catchment that drains to the Belongil Swamp Drainage Union gazetted area informing them of:

- the existence and purpose of the Board
- the importance of an effective drainage system

- **our commitment to help facilitate re establishing the drainage board**
- **an upcoming a public meeting with a date (June 2016) to which all landowners will be invited.**

Attachments:

5

- 1 Draft Letter to Landowners in the Belongil Swamp Drainage Union, E2016/27767
- 2 Minutes Belongil Catchment Advisory Committee Meeting 18/04/16, I2016/382

10

Report

The attachment to this report provides the minutes of the Belongil Catchment Advisory Committee Meeting of 18 April 2016 for determination by Council. The agenda for this meeting can be located on Council's website at:

<http://www.byron.nsw.gov.au/meetings>

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

Management Comment

Staff acknowledges that the issues associated with this committee will be complex and will require diverse expertise from both a technical and administrative perspective. On this basis additional support will be provided to the committee to assist in achieving Council's objectives in a timelier manner.

Staff are working with the Councillor representatives to plan for how this Committee can operate more effectively.

Financial Implications

As per the Reports listed within the Belongil Catchment Advisory Committee Meeting of 18 April 2016.

Statutory and Policy Compliance Implications

As per the Reports listed within the Belongil Catchment Advisory Committee Meeting of 18 April 2016.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Evaluation of Paid Parking and Beach Locker Cash Collection Tenders 2016-0001**

Directorate: Infrastructure Services
Report Author: Bronwyn Challis, Strategic Procurement Co-ordinator
File No: I2016/398
Theme: Community Infrastructure
 Local Roads and Drainage

Summary:

The Request for Tender (RFT) sought tenders from suitably qualified and experienced parties to collect, reconcile, and bank the cash from our pay parking machines and beach lockers located at Byron Bay.

The RFT process was conducted in accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005, relating to tendering and tendering processes.

Full details of the tender evaluation process are provided in the attached Assessment Panel Recommendation Report.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Evaluation of Paid Parking and Beach Locker Cash Collection Tenders 2016-0001.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

disclosure could adversely impact Council's position in the upcoming negotiations.

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

RECOMMENDATION:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Evaluation of Paid Parking and Beach Locker Cash Collection Tenders 2016-0001 are to be treated as confidential as they relate to matters specified in s10A(2)(c) of the Local Government Act 1993.
2. That Council adopt the recommendation set out on the final page of the Report.

Attachments:

- 1 Confidential - 2016-0001 Cash Collection RFT Evaluation Report, E2016/26431

Report No. 16.2 **CONFIDENTIAL - Tender for the Construction of a concrete roundabout at the intersection of Lawson Street / Massinger St / Lighthouse Rd, Byron Bay**

Directorate: Infrastructure Services
Report Author: Rob Serventi, Contract Engineer
File No: I2016/406
Theme: Community Infrastructure
 Local Roads and Drainage

Summary:

The General Manager approved the preparation and advertisement of tenders for the construction of a concrete roundabout at the intersection of Massinger Street / Lawson Street/ Lighthouse Road, Byron Bay. (E2016/16630)

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2005 and this report seeks council acceptance the recommended tenderer.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(c) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Tender for the Construction of a concrete roundabout at the intersection of Lawson Street / Massinger St / Lighthouse Rd, Byron Bay.
 2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
 3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
- Council address the financial offers confidentially in closed session

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

RECOMMENDATION:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender for the Construction of a concrete roundabout at the intersection of Lawson Street / Massinger St / Lighthouse Rd, Byron Bay are to be treated as confidential as they relate to matters specified in s10A(2)(c) of the Local Government Act 1993.
2. That Council adopt the recommendation set out on the final page of the Report.

Attachments:

- 1 T2016_0007~ Assessment Panel Recommendation Report 24.2014.48.1, E2016/28498

LATE REPORTS

Notice of Rescission Motion No. 17.1

Public Exhibition of Draft Coastal Zone
Management Plan Byron Bay Embayment
12016/488

5 File No:

We move that Council rescind Resolution No. 16-233 from its Extraordinary meeting held on 12 May 2016 which reads as follows:

16-233 Resolved that Council endorse the draft Coastal Zone Management Plan Byron Bay Embayment, at Attachments 1 to 5, for public exhibition and proceed with the public exhibition for a period of not less than 21 days, from 14 May 2016 to 6 June 2016, in accordance with section 55E of the Coastal Protection Act 1979, as per the Exhibition Activities detailed within the report. Prior to exhibition amend Table 1 in reference to the PRG feedback provided to staff, the date to be amended from 10 June to 11 June. Two days to be listed in the Details column.

(Ibrahim/Wanchap)

If successful we intend to move:

1. That exhibition of the draft CZMP be for a period of 8 weeks commencing on a Thursday with an insert in the Council's Notices as the statutory notification plus a colourful block advertisement in both our local newspapers – in the Byron Shire News that same day Thursday and in the Byron Shire Echo of the day before (Wednesday).
2. That a further document be developed for inclusion in the exhibition comparing the long-term impacts (ecological, social and economic) of committing to structural demarcation of the coastline at Belongil versus vacating it, where long-term is the likely period for which structures will remain required (as at say Collaroy or on the Gold Coast).
3. That Council write to the NSW Minister for Planning seeking his and the Department of Planning & Environment's advice on:
 - a) the planning route that the CZMP for the BBE will take when submitted under this new time-frame, which supersedes Resolution 16-028; and on
 - b) whether a new process should be commenced, for the Shire's whole coastline.

Attachments:

- 1 noticeofrescission120516, E2016/31430

Comments from Director Sustainable Environment and Economy:

Should the rescission motion be unsuccessful, the public exhibition dates in Resolution 16-233 will need to be revised to indicate a new commencement date for the exhibition of the draft CZMP BBE and Table 1 indicative dates/timeframes revised accordingly.

5

Cr _____; Cr _____; and Cr _____.

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Mayoral Minute No. 17.3
File No:

Councillor Attendance to ALGA National Assembly, 2016
I2016/530

I move that Council

1. Note the invitation provided to Cr Richardson to participate as a panel member Tuesday, June 21 at the 2016 National General Assembly of Local Government.
2. Authorise Cr Richardson to attend the 2016 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 20 to 22 June 2016

5

Attachments:

- 1 Invitation from Australian Local Government Association to participate in this years National General Assembly of Local Government on 21.06.2016, S2016/5990

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Background Notes:

The invitation to be part of a panel session on transitioning to zero emissions and renewable energy at the local government level is a great honour and opportunity for both the Council and community of Byron Shire. At this presentation session, I will be able to present the final Zero Emissions Byron (ZEB) Base Line Emission Data Report, whilst also being able to share the key initiatives that Council is undertaking- the reasons for the invitation by ALGA.

15

This report will be the first of its' kind in Australia and will provide the key information from which measuring emission reduction actions can occur. From this report, ZEB will be able to complete the 10 year action plans to pursue the zero emission ambition, with the benefits to Council being potentially quite extraordinary.

20

As soon as support is received to present Byron Shire's endeavours at the ALGA national Conference, I will seek to organise meetings with the Ministry of the Environment's key sustainability department figures to share the report. This meeting was supported last year when I met with key departmental heads whilst in Bonn and later, Paris as part of the UNFCCC Climate Change Conferences.

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Signed: Cr Simon Richardson