



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 24 August 2017

held at Council Chambers, Station Street, Mullumbimby
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.

Ken Gainger
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

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2. APOLOGIES

3. REQUESTS FOR LEAVE OF ABSENCE

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

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BYRON SHIRE COUNCIL

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Infrastructure Services

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15. QUESTIONS WITH NOTICE

Nil

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

MAYORAL MINUTE

Mayoral Minute No. 8.1 Establishing a Tourism Councils Advocacy Alliance
 File No: I2017/1016

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I move that Council:

1. Endorse the establishment of a Tourism Councils Advocacy Alliance (suggested name only, to be finalised by the Alliance).
2. Support the Alliance being led by Byron Shire Council including the resourcing of the secretariat function to initially establish and run the Alliance.
3. Endorse membership to the new Alliance being open to all Australian councils, and that a letter of invitation for membership be sent to all council Mayors and/or General Managers – to be signed by both the Byron Shire Mayor and/or General Manager.
4. Endorse the Alliance's key roles, responsibilities and governance structure (see Background Information below) which will be clearly communicated in the invitation sent to prospective members, to attract councils with an interest in the vision, charter and objectives of the group.
5. Support the public announcement of the Alliance's establishment including setting of a provisional date/timeframe for the Alliance's first meeting.

10

Background Notes:

Research Paper *Establishing a Tourism Councils Advocacy Alliance* (#E2017/61746) investigates the establishment of a collective alliance (or group) of Councils to lobby State and Federal Government for change to address tourism related issues and challenges affecting Local Government areas nationally. The paper examines the need for the establishment of a **Tourism Councils Advocacy Alliance** and suggests five key roles for the group:

1) Collectively Develop Outcome-Focussed Strategies

To identify the range of tourism related issues brought to the table by Lgas with high levels of tourism and develop outcome-orientated lobbying and communications strategies to address collectively agreed upon priority issues.

2) Actively Lobby State And Fed Governments To Address Specific Funding Inequities

Lobby State and Federal Governments to highlight the impact of tourism on infrastructure (especially for LGA's with the lowest rate payer bases in Australia) and to change the criteria/rules around the Federal Government Financial Assistance Grant funding formula, which does not currently acknowledge the economic impact of transient populations on regional areas with high levels of tourism. The aim is to achieve a more equitable outcome for tourism impacted Lgas.

30

3) Lobby For Resolution Of Short Term Accommodation / Private Letting Regulation and ensure that LGA's can access and benefit directly from the imposition and collection of any bed tax or involuntary contribution enabled through appropriate legislation.

4) Find Alternative Ways To Recover Costs From Tourism And Tourism/Related Businesses

Gather research and ideas to identify other potential tourism-related funding sources via voluntary or involuntary contribution schemes.

5) Share And Develop Evidence-Based Policy

Undertake research around sustainable tourism practises and become a voice for innovation in this area. Work collectively to address tourism impacts including the impact of housing availability and housing affordability in regional / non-metro areas (affected by airbnb and holiday let issues for example).

THE VISION, ISSUES AND OBJECTIVES

Common to the success of any group is a shared vision, a mission/charter and clear articulation of the issues that need to be addressed.

	VISION
	To build resilience and financial sustainability for regional Councils experiencing the impacts of high levels of Tourism.
	CHARTER – GENERAL PRINCIPLES
1.	ALLIANCE AND COLLECTIVISM – to bring together councils sharing similar tourism-related issues and others wanting to learn more in the tourism space.
2.	NETWORKING AND SHARING – to open up communication between councils in relation to tourism issues and tourism management in a way that has not been done before. Sharing information, knowledge and experience with the aim of learning from each other, finding solutions faster and developing a strategy and set of goals for the group to work towards. Developing measurable outcomes for the group.
3.	COLLABORATION – increasing opportunities for councils to work together to solve problems and to support each other (forming formal FRIENDSHIP ALLIANCES when appropriate to support struggling councils in areas of shared interest and benefit).
4.	ADVOCACY – joining together to create a stronger and more effective voice for whatever change is desired.
5.	RESEARCH – identifying and addressing current and emerging issues for councils around tourism by developing an evidence base. Using the evidence to inspire further collaboration, innovation and leadership.

	WHAT ISSUES COULD BE ADDRESSED?
1.	Financial / funding stress on councils with significant tourism versus rate payer ratio. This includes the need for State/Fed government funding towards some of the infrastructure used by visitors (both domestic and international).
2.	Opportunities to recover costs from tourists and/or tourism related businesses: <ul style="list-style-type: none"> • AirBnB (they already add a tax decided by the destination to their booking system in 23 places around the world – why not in our most needy areas?) • Other online booking agency opportunities (Stayz etc) • Hotel / bed tax (as achieved in much of Europe). • Voluntary and involuntary contribution schemes.
3.	The need for greater State/Fed investment in a range of tourism related services directly impacting domestic and international visitors in regional areas. <ul style="list-style-type: none"> • Transport infrastructure including regional airports, roads, rail, jetties • Toilets and other basic visitor services • Boardwalks, interpretative walks and signage • Cultural infrastructure including galleries and interpretative centres • Strategic Planning / Masterplans.
4.	Inequities in State Government funding based on ABS Census data. When planning for services and infrastructure for regional councils, State Government needs to take into account in their planning and funding arrangements the need for coastal/regional councils to accommodate peak demand requirements - in places where the permanent population can increase by 50% in any given year.
5.	Inequities in the Financial Assistance Grants (FAGs) criteria
6.	Rates issues and the complexities around Special Rates Variations. This includes impacts from rate-pegging and outdated rating provisions in the Local Government Act.
7.	The need for greater State/Fed investment in Visitor Services and Visitor Centres – especially in areas where council cannot financially assist.
8.	The impact of tourism on housing availability and housing affordability in regional areas (with the explosion of AirBnB).
9.	The challenge of ‘freedom camping’ on local populations
10.	Others (as identified by the group)

GOVERNANCE FOR THE ALLIANCE***Structure***

5 It is recommended that an alliance structure is used in the initial stages of the group. A smaller
scale 'alliance' structure could be facilitated using a Management Agreement model which would
be set up by the instigating Council (the lead/administrative Council) and as agreed to by the
member councils. A similar approach is already used by Byron Shire Council for a range of cross-
council programs/services including the North East Weight of Loads Group (NEWLOG) and the
10 Richmond Tweed Library Service.
If it chooses to, and the Alliance wishes to grow its membership base over time, it may choose to
create an Incorporated Association. This would require funding (auspicing or from State
Government or another parent body) to run the association and meet the legal and insurance
requirements.

Membership

Unlike other regional advocacy groups, membership of the proposed Tourism Councils Advocacy
Alliance membership would not be defined solely by geographical location.

Who can join?

Members of the proposed Tourism Councils Advocacy Alliance would need to share common
characteristics and impediments in managing Tourism. Ideally, members would be from areas
experiencing:

- Substantial visitor numbers year round (strong growth over the last 2 -5 years) – and a
consistent transient population.
- Substantial visitor numbers and disproportionate numbers of rate payers, resulting in community
concerns and lack of funding for infrastructure and services.
- Unwanted or undesirable types of Tourism.
- Issues with holiday let, AirBnB and housing affordability relating to tourism.
- Frustration caused by the lack of recognition of transient populations in State and Federal
Government funding /grant criteria.

Membership Options

It is recommended that an inclusive approach is taken in regards to membership with all councils,
Australia-wide, invited to participate in the Alliance.

It is recommended that the purpose and objectives of the Alliance are clearly communicated so
that invitees can consider the value of joining.

The membership process

A letter of invitation for membership would be sent to all council Mayors and/or General Managers
Australia-wide – to be signed by both the Byron Shire Mayor and General Manager.

Meeting structure

- The Alliance would meet virtually (video/teleconference) or convene as an adjunct to an already established forum – such as the Australian Local Government Association national congress or Local Government NSW annual conference (depending on timing, this might not coincide with the Alliance's first meeting).
- The agenda would be called for in advance with papers circulated prior to the meeting. The chair would be the BSC Mayor.
- At least two meetings would be held per year – recognising the time and cost of travel for member councils.
- The establishment of regular methods of communication (in lieu of more regular meetings) would be developed – for example teleconferences, e-bulletins, emails, member hub where members can share information or a closed online group (Google docs or similar) or social media platform.

Advocacy Strategies or Advocacy Action Plans would be developed by the Alliance – enabling member councils to complete set actions and tasks in between meetings.

Documentation

The following item/s would need to be developed:

- Terms of Reference for the Alliance
- An MoU, if deemed necessary by the Alliance.

Should a constitution be required for the group, it would be developed at a later stage.

When establishing an Alliance, it is important to have a clear charter and key priorities in mind, noting that the initial stage is to form the group and build relationships and allegiance.

	ACTIONS	YEAR 1
STEP 1	An invitation to all Australian councils from the Mayor of Byron Shire Council and the General Manager to become part of a new, voluntary Alliance that will address tourism-related issues.	WRITTEN INVITATION
STEP 2	A meeting with interested councils to put forward a proposed Alliance Model/Structure and to solidify the group's Vision, Objectives and Terms of Reference.	MEETING / TELECONFERENCE

Resources and Costs

It is envisaged that Byron Shire Council will initially absorb the cost of the secretariat function. Depending on meeting frequency and outcomes, it is envisaged that this would be 0.1FTE. This could be accommodated within Governance Services with the assistance of other business units including Economic and Sustainable Development.

Signed: Cr Simon Richardson

NOTICES OF MOTION

Notice of Motion No. 9.1 Review of Traffic and Roadworks for Ewingsdale Road
File No: I2017/1073



5

I move:

- 1. That Council review its plans for traffic management and for roadwork's along Ewingsdale Road and the access into Byron town centre.**
- 2. That staff undertake an assessment of future needs for Ewingsdale Road and access into Byron town centre in light of all relevant available data including, but not limited to:**

 i) the MR545 study;
 ii) the Byron Town Centre Masterplan;
 iii) the findings of the Access and Movement Strategy of (ii), and
 iv) any other credible studies or data.
- 3. That Council reiterates its commitment to reducing traffic in Byron Town Centre and creating opportunities for more public transport, pedestrians and bicycles.**

Attachments:

- 10 1 MR545 Strategic Study. Pacific Highway (Ewingsdale) Interchange to the Byron/ Ballina Shire Boundary (Broken Head), E2017/79201 
- 2 Cardno Brief for MR545 Traffic Study, E2017/80404 

15

Signed: Cr Cate Coorey

Councillor's supporting information:

- 20 Whilst Council is committed to improving traffic management into and around Byron Town Centre, there appears to be no overarching strategy for works that have taken place – eg the Sunrise Boulevard roundabout – or for works that are due to take place, notably the Butler Street Bypass and the roundabout at Ewingsdale Road and Bayshore Drive. There is also an assumption that Ewingsdale Road must become 4 lanes. Some of these assumptions are based on the findings of
- 25 the MR545 Study.

Whilst it is likely that some roadworks are necessary, there is still a lack of information as to the future needs and uses of transport in and around town. This gap in knowledge needs addressing before we proceed with major infrastructure projects.

30

The community, when consulted, has consistently conveyed a desire to reduce traffic into town. Given the noted increase of day trippers, the increase in population and the likely significant increases due with the building of West Byron and as developments such as Habitat on Bayshore Drive come online, there is a pressing need for a coordinated approach to road traffic and other forms of transport coming into and moving around town. The development of West Byron makes the management of Ewingsdale Road a major priority for Council and the community.

35

At this point we have no aggregated data that is recent and yet we need this to make future plans. We are all aware of the increased traffic volumes on this road. Strategies to manage bikes, buses and public transport on this important corridor must be considered with the latest data and the expectations of the community to reduce traffic numbers.

Staff comments by Christopher Soulsby, Developer Contributions Officer , Infrastructure Services:

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

Council staff engaged Cardno Consulting on 26 June 2017 to undertake a desktop review of the existing traffic studies and to then prepare a brief to undertake the work outlined in point 2 of this NOM. A first draft of this work is expected by 21 August 2017. A full copy of the brief to Cardno is provided as an attachment to this report (with the commercial in confidence sections removed).

The following is a summary of the key points of the brief:

- 1 Consider the Byron Bay Town Centre Masterplan;
- 2 Take into consideration the new Access and Movement Strategy;
- 3 Options for improving public transport;
- 4 Options for Park and Ride to reduce traffic on MR 545;
- 5 Improved cycling and footpath networks to reduce traffic on MR 545.
- 6 Options for relocation of car parking in the Byron Bay town centre to the edges of town.
- 7 A road network analysis centred around MR 545 and the Byron Bay town centre;
- 8 Intersection analysis of the major intersections on the MR 545 network;
- 9 The modelling associated with items 7 and 8 will take into account the following scenarios:
 - A Base case as at 2017;
 - B Base case plus growth at 2027 and 2037;
 - C Base case plus the outcomes of each of the preferred options as identified in in items 3, 4 and 5 and all three combined plus growth at 2027 and 2037.
- 10 Infrastructure required to support the outcomes required as a result of items 3, 4 and 5 and the required road network upgrades.
- 11 This study will inform the updated bike plan and PAMP.

In addition to this study staff have been working with Dr Maree Lake and Engineering students at Southern Cross University who will be undertaking a micro simulation model of intersections in the Byron Bay town centre the Byron Bay town centre (intersections of Shirley/Butler, Lawson/Jonson, Lawson Fletch and Lawson Middleton). This modelling will take into account parking changes resulting for the Masterplan and traffic volume changes due to the bypass.

Financial/Resource/Legal Implications:

There are no additional financial implications as this project is currently underway and is already budgeted for.

Is the proposal consistent with any Delivery Program tasks?

The project is already underway.

Notice of Motion No. 9.2 Renewal of the Tourism Advisory Committee
File No: I2017/1074

I move:

- 1. That Council confirm its commitment to sustainable tourism in Byron Shire as per the Tourism Management Plan 2008-2018**
- 2. That staff prepare a report on the progress of the objectives of the Tourism Management Plan 2008-2018;**
- 3. Council create a new Tourism Advisory Committee to provide guidance for sustainable tourism in Byron Shire, and**
- 4. That advertisements are placed in the paper by XXX (earliest possible date) TBA**

5

Signed: Cr Cate Coorey

10

Councillor's supporting information:

The sustainable management of tourism in the Shire is lacking oversight.

- 15 In 2009 Council adopted a Tourism Management Plan that was to end in 2018. The last annual report of the TAC was for the years 2012-2013 and there has not been a TAC since the 2012 Council elections. With 2018 soon upon us, we need to be looking at the tourism in Byron Shire into the future.

- 20 From the Tourism Management Plan Annual Report 2012-2013:

The purpose of the Tourism Advisory Committee (TAC - established 2009) is to:

1. lead and implement the strategies and actions of the TMP
- 25 2. foster links and engagement between Council, industry and community interests
3. work cooperatively with local, state and regional government departments and agencies, local tourism and business organisations, environmental stakeholder organisations and the community
- 30 4. advise Byron Shire Council on the sustainable development, marketing and management of tourism, including events and other cultural initiatives, representing the interests of both the tourism industry and resident communities across the Shire, with regard for the social, environmental and economic benefit of the Byron Shire community
5. act as an external focal point and forum for tourism businesses, organisations and individuals involved in the tourism industry in the Byron Shire Council area
- 35 6. be aware of industry trends and statistics across local, regional, domestic and international platforms
7. provide direction to the various sub-committees established by the Tourism Advisory Committee to work on individual areas.

As there was a local government election in September 2012, the initial Tourism Advisory Committee was disbanded at the end of the Council period in accordance with the TAC Constitution (Terms of Reference). The newly elected Council re-established the Tourism Advisory Committee, with an induction for the new Committee held in December 2012.

5

Staff comments by General Manager:

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

10

The Tourism Advisory Committee operated until mid 2016 when it was superseded by the Sustainable Economy Panel (SEP). Staff comments which were incorporated into the report recommending the establishment of the SEP are still current.

Financial/Resource/Legal Implications:

15

Nil

Is the proposal consistent with any Delivery Program tasks?

No

Notice of Motion No. 9.3 Progress of Council's Resolutions
File No: I2017/1075

I move:

1. That Council receive an update on the progress to date of resolutions of Council.
2. That Council hereafter receive a monthly progress report on the implementation of council resolutions.

5

Signed: Cr Cate Coorey

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Staff comments by Anna Vinfield, Manager Governance Services, Corporate and Community Services:

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

15 Council currently receive a quarterly report on the status of Council resolutions which details completed resolutions for the previous quarter and provides a list of outstanding resolutions. This review process allows Council to close resolutions which are encompassed within other resolutions or are unable to be delivered due to resourcing or other constraints. Council is scheduled to receive a review for the period 1 April – 30 June 2017 at its Ordinary Meeting on 21 September 2017.

20

A list of resolutions is also available for Councillors on the Hub and senior staff are available to provide information on specifics projects or resolutions should Councillors have any queries.

25 Staff are reviewing the how Council (and community) are informed about the status of resolutions to ensure that this is provided in a more timely, transparent and easily understood format. As part of this review staff will review the regularity of these reports.

Financial/Resource/Legal Implications:

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Should the Council resolve to move from quarterly to monthly reporting, additional staff resources would be needed to be allocated to generate these reports, and the financial impact considered.

Is the proposal consistent with any Delivery Program tasks?

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Council's adopted Delivery Program includes an action (CM1.2.3) to monitor decision making to ensure alignment with corporate documents as adopted or endorsed by Council

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Notice of Motion No. 9.4 Change of Council Ordinary Meeting Date
File No: I2017/1085

I move that Council change the date for the October Council Ordinary meeting from 19 October 2017 to 26 October 2017.

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Signed: Cr Simon Richardson

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Councillor's supporting information:

15 A scheduling mix up has ensured the I am scheduled to miss both September and October Ordinary Council Meetings. After checking with staff, it seems that moving the October meeting back one week will have little to no impact on other scheduled meetings or Councillor duties. Thus, it would be appreciated if Councillors considered it acceptable to move a meeting to allow me to attend and chair the meeting.

20 **Staff comments by Mark Arnold, Director Corporate and Community Services:**
(Management Comments must not include formatted recommendations – resolution 11-979)

The Code of Meeting Practice enables the Council to set the date of an Ordinary Council meeting by a Resolution of Council.

25 Rescheduling from 19 to 26 October would have the least impact as there are no Committee meetings that would be impacted.

Community will be notified by way of public notice, e-news and social media posts.

30 Financial/Resource/Legal Implications:

The public notice is included within existing budget allocations.

Is the proposal consistent with any Delivery Program tasks?

35

No

Notice of Motion No. 9.5 Support for a Tourism Accommodation Levy
File No: I2017/1086

I move that Council:

- 1. Reiterates its support for a bed tax/tourism accommodation levy.**
- 2. Write to the State Government, requesting that if it falls short of supporting a bed tax/visitor accommodation levy, it establishes an expressions of interest process seeking submissions from Local Government Areas to act as trial locations for the implementation and management of a trial bed tax/ visitor accommodation levy.**
- 3. Nominate itself for such a trial should this process be forthcoming**
- 4. Supports in principal:**
 - a. a 2 or 3 level levy system, whereby accommodation providers with rates are determined according to varying per night price thresholds.**
 - b. a length of trial of between 2-5 years**
 - c. providing Shire's participating within the trial the authority to determine the allocation of levy revenue**
- 5. Write to all local representatives seeking their support, and to all political party leaders also seeking support.**
- 6. Write to NSW councils seeking support to participate in the trial.**
- 7. Prepare a position paper to form the basis of a Council submission to the NSW Government Short Term Holiday Letting Options Paper to reiterates its support for a bed tax/tourism accommodation levy and to call for short term holiday letting accommodation providers to be subject to such a levy**

5

Signed: Cr Simon Richardson

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Councillor's supporting information:

15 The question of installing a bed tax has rarely been far from community thoughts. Each year, Byron Shire (Byron Bay) welcomes a growing number of Australian and international visitors to our beautiful surf beaches, seaside villages and hinterland to 'smile, slow down and chill out' in our sub-tropical climate. In 2016, visitor numbers swelled to an all time record of almost 2 million people.

20 Though grateful for the jobs and economic opportunities that this tourism provides; for a Shire with only 32,000 residents and just 15,000 ratepayers, Council and our community are straining under the enormous weight of an extra 2 million people a year (and greater growth expected to come).

25 We need to explore revenue raising options not currently available to us; as what is currently on the table is insufficient for our needs and fails our community. We need to explore and implement processes to raise revenue that go beyond simply requesting locals pay more. The recent special rate variation ensured locals were required to pay more for our infrastructure improvements as this is fair-to a point. The problem with raising the funds through special rate variations though, is once

more our base community is funding all of the infrastructure upgrade and renewal. Council had no alternative but to seek revenue from locals, now, we need to obtain more financial support from the visitors who use our infrastructure to assist the community to work on Council's infrastructure back-log of \$40M.

5 A bed tax, or tourism levy has been used around the world for decades as a way to raise revenue from visitors in order to fund the infrastructure impacts from the visitation.

10 The State government would be wise to accept that this is a universally accepted and expected levy that will have minimal negative impact on either visitation numbers or visitation expenditure. Currently, State legislation currently does not enable LGAs in NSW to introduce such a tax. It is time that Australia joined the rest of the world in enabling its tourist hotspots to benefit from a Bed Tax and to alleviate the stress placed on our local communities.

15 Many tourist centres around the world are finding themselves in a similar position.

20 Most of the islands in the Caribbean have had to incorporate 'bed' type taxes into their income calculations. In recent years a number of cities in Europe have all had to introduce bed taxes. These include large tourist venues such as Venice, Florence, Rome and Barcelona as well as a number of boutique holiday destinations in Switzerland and Germany (eg. Cologne). In North America bed taxes have been introduced in New York, Vancouver and other North American Cities, especially in California and Florida. Dubai has recently introduced such a tax. Levy levels fluctuate around the world, in America this is clearly so: Boston adds 6% to the bill, Washington DC: 14.5%, Las Vegas 16% and Miami 6%. See the table below for more examples globally.

		million residents	International visitors in millions	International visitors per resident	bed tax	rate
London	England	8.67	20.12	2.3	yes	£1
New York	USA	8.49	17.37	2.0	yes	5.88%
Paris	France	10.6	16.61	1.6	yes	€2.48 for 3 star
Seoul	South Korea	10.2	15.24	1.5	yes	10%
Singapore	Singapore	5.6	14.65	2.6	yes	1%
Barcelona	Spain	4.7	13.86	2.9	yes	€1.5-2
Bangkok	Thailand	8.2	12.36	1.5	yes	7%
Kuala Lumpur	Malaysia	7.2	12.02	1.7	yes	RM5-30
Dubai	Dubai	2.6	11.68	4.5	yes	£3.5 / room
Istanbul	Turkey	14.03	9.37	0.7	no	
Taipei	Taiwan	9.1	9.28	1.0	yes	5%
Tokyo	Japan	37.8	8.44	0.2	yes	¥100-200
Hong Kong	China	7.03	7.44	1.1	no	
Los Angeles	USA	18.68	7.36	0.4	yes	12%
Madrid	Spain	6.5	7.13	1.1	yes	€1.5-2
Miami	USA	6	6.4	1.1	yes	6%

Sydney	Australia	4.4	6.15	1.4	no	
Munich	Germany	5.8	5.57	1.0	no	
Rome	Italy	4.3	5.29	1.2	yes	€4-7
Berlin	Germany	3.6	5.22	1.5	yes	5%

Do visitors complain about the Bed Tax when they visit Paris or Barcelona or Rome? Perhaps some do, but many also understand that there is a price to pay for tourism – many support the idea of empowering the special destinations we all love to visit, to protect what it is that makes them truly special. In terms of designing a Bed Tax that is suitable for NSW (and Byron Shire), there is much to be learnt by reviewing the practises and models employed overseas. A recent *Options for a Tourism Levy for London Working Paper, A publication for the London Finance Commission* (written by Matthew Daley, January 2017) provides an excellent summary of how Tourism Taxes are working around the world.

All Byron is asking of government is a fair go – our regional and State economy will then continue to reap the dividends of a thriving and sustainable Byron.

In the 2014 LEGISLATIVE COUNCIL (General Purpose Standing Committee No. 3) report: *Tourism in Local Communities*, it was acknowledged that, “Adequate infrastructure is an essential component of growing the visitor economy and ensuring a positive visitor experience,” noting that “all community infrastructure, encompassing roads, parking, water, sewerage, parks, public toilets and other public spaces, services the needs of visitors and is impacted by their use, particularly where visitation rates are high. As such, community infrastructure plays a crucial role in the visitor economy.”

It also acknowledged the deficiencies within the current tourism funding regime-with the Regional Visitor Economy Fund ostensibly being for new developments, whilst existing assets that require investment and upgrades are not eligible. Thus, we can get some money for new things, but can’t for upgrading or maintaining existing things.

This can have the added impact of deterring future visitors as tourism expert Cameron Arnold explained, “If the infrastructure is failing and people are not coming or the quality of the tourist is decreasing then you are not going to get that spend, you are not going to achieve that goal, so therein lies the issue. If a town or accommodation outlet is starting to decrease in its value then people are not going to come back.” Clearly then, ongoing funding should be made available so that they [existing tourism assets] can be maintained at a high standard.

We are not alone. The Tourism Snowy Mountains [TSM] submission to the enquiry outlined that in 2013, “there was over \$2.8 million visitor nights within the Snowy Mountains. A \$1 levy would raise \$2.8 million. Say you allow 10 per cent for collection that is about \$2.5 million that the RTO would have available to them for their budgeting, their operations and their marketing. From a council perspective we would argue that you make it \$2 and the other \$2.5 million can come to council to help maintain the infrastructure that we have to maintain to support tourism such as the appearance of our parks and the appearance of our public toilets.”

Moving into this financing regime via a trial could be advantageous in the ability to adjust and research and quantify impacts of a bed tax. It could be argued that Byron Shire (and indeed Australia as a whole) would benefit from research into how price changes (such as adding a bed tax) and different price structures might influence tourism behaviour. This extra research could provide a better understanding of the actual impact of imposing an additional tax on accommodation. With so many other countries and cities already operating successful bed tax schemes, Australia (and the Byron Shire) is in a position to take advantage of the lessons learnt.

An evidence-based 'bed tax' scheme could take advantage of the best models, achieving the greatest balance (and having the least impact on visitor numbers if this is the desired outcome) and systems of collection and administration.

5 **Staff comments by General Manager:**

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

Proposal supported.

10 Financial/Resource/Legal Implications:

Nil

Is the proposal consistent with any Delivery Program tasks?

15

Yes

PETITIONS

Petition No. 10.1 **Repair and Resurfacing Coolamon Avenue Mullumbimby**

Directorate: Infrastructure Services

Report Author: Dominic Cavanough , Contract Engineer
Susan Sulcs, Administration Officer
Phillip Holloway, Director Infrastructure Services

File No: I2017/924

Theme: Community Infrastructure
Roads and Maritime Services

At Council's Ordinary meeting held on 22 June Cr Richardson tabled a petition containing 14 signatures which states:

"Repair and Resurfacing Coolamon Avenue Mullumbimby"

Comments from Director Infrastructure Services:

Staff have met with the resident to discuss his concerns about the road and the works being undertaken. Minor works will be completed throughout the year as needed, however, more substantial works will need a separate budget for capital renewal works.

Council funds for these types of works have been allocated for 2017/18. The capital renewal works on this section of road will be investigated and included for consideration for future years budgets as part of the development of the 2018/19 Budget and Capital Works Program.

RECOMMENDATION:

1. **That the petition regarding Repair and Resurfacing Coolamon Avenue Mullumbimby be noted.**


Attachments:

- 1 Petition - Repair and Resurfacing Coolamon Avenue, Mullumbimby, S2017/11778 

SUBMISSIONS AND GRANTS**Report No. 11.1 Byron Shire Council Submissions and Grants as at 2 August 2017****Directorate:** Corporate and Community Services**Report Author:** Jodi Frawley, Grants Co-ordinator**File No:** I2017/1019**Theme:** Corporate Management
Governance Services**Summary:**

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

RECOMMENDATION:**That Council note the report.****Attachments:**

- 1 Byron Shire Council Current Submissions and Grants as at 2 August 2017, E2017/80406 

Report

This report provides an update on grant submissions including funding applications submitted, potential funding opportunities and those awaiting notification.

5

Funding Applications – Successful

- Northern Byron Coastal Creeks Flood Study (Floodplain Grants Scheme, NSW and Australian Government) - \$130,000
- 10 • Upgrade of 11 Byron Shire bus shelters (Country Passengers Transport Infrastructure Grant, NSW Government) - \$110,000
- Bayshore Drive Roundabout (Building Better Regions Fund Infrastructure Stream, Australian Government) - \$2,640,254

15 Funding opportunities identified for consideration by staff

- 622 Bangalow Road Safety Treatments, Safer Roads including Black Spot Funding (Roads and Maritime Services, NSW Government)
- 20 • Pedestrian Access Management Plan, Active Transport (Roads and Maritime Services, NSW Government)
- Byron Shire Bike Plan, Active Transport (Roads and Maritime Services, NSW Government)
- Cycle/walking paths, Broken Head road (Suffolk Park to Byron Bay), Active Transport (Roads and Maritime Services, NSW Government)
- 25 • Cycle/walking paths, Lismore Road, Active Transport (Roads and Maritime Services, NSW Government)
- Cycle/walking paths, Ewingsdale Road, Active Transport (Roads and Maritime Services, NSW Government)
- Cycle/walking paths, Balemo Road, Active Transport (Roads and Maritime Services, NSW Government)
- 30 • Shared Zones for Lateen and Bay Lanes, Byron Bay Active Transport (Roads and Maritime Services, NSW Government)
- Byron Bay Bypass, Fixing Country Roads (Restart NSW, NSW Government)
- Bridges for the Bangalow Agricultural Area, Fixing Country Roads (Restart NSW, NSW Government)
- 35 • Replacement of the Blindmouth Creek Crossing, Fixing Country Roads (Restart NSW, NSW Government)
- Clarks Beach Amenities, Stronger Country Communities Fund (Regional Growth Fund, NSW Government)
- Ocean Shore Community Centre upgrade, Stronger Country Communities Fund (Regional Growth Fund, NSW Government)
- 40 • Active Recreation Waterlily Park, Ocean Shores, Stronger Country Communities Fund (Regional Growth Fund, NSW Government)
- Refurbishment of Sandhills Childcare Centre, Stronger Country Communities Fund (Regional Growth Fund, NSW Government)
- 45 • Brunswick Library renovation and extension, Regional Cultural Fund (Regional Growth Fund, NSW Government)
- Brunswick Harbour Boat Ramp, NSW Boating Now (RMS, NSW Government)

50 Funding submissions submitted and awaiting notification

- Fishing Platform Brunswick River (Recreational Fishing Trust, NSW Government)
- Building capacity in Byron's Community Halls (Building Better Regions Fund Community Investments, Australian Government)

- Blindmouth Creek Crossing replacement (Bridges Renewal Programme, Australian Government)
- Replacement of the Southern Shire Bridges (Bridges Renewal Programme, Australian Government)
- 5 • 3D Mapping Tool (Smart Cities and Suburbs, Australian Government)
- Byron Bay Bypass, Regional Jobs and Investment Package for North Coast NSW (Australian Government)
- Shark Smart Alert and Advice System, Shark Management Strategy Program (NSW Government)

Additional information on the grant submissions made and or pending is provided in Attachment 1 – Grants report as at 2 August 2017

Financial Implications

If Council is successful in obtaining the identified grants more than \$18 million would be achieved which would provide significant funding for Council projects. Some of the grants require a contribution from Council (either cash or in-kind) and others do not. Council's contribution is funded. The potential funding and allocation is noted below:

Requested funds from funding bodies	\$11,382,238
Council cash contribution	\$7,170,490
Council in-kind contribution	\$93,025
Funding applications submitted and awaiting notification (total project value)	\$18,645,733

Statutory and Policy Compliance Implications

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

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.1 Richmond Tweed Regional Library Deed of Agreement

Directorate: Corporate and Community Services

Report Author: Sarah Ford, Manager Community Development

File No: I2017/960

Theme: Society and Culture

Public Libraries

Summary:



This purpose of this report is to detail the development of the Richmond Tweed Regional Library Deed of Agreement and gain Council endorsement of the Deed of Agreement as the governance structure for the library service.

RECOMMENDATION:

That in relation to the Richmond Tweed Regional Library Deed of Agreement, Council:

- a) Adopt the Deed of Agreement**
- b) Delegate the General Manager to finalise and execute the Deed**
- c) Appoint Lismore City Council as the Executive Council of the Richmond Tweed Regional Library**
- d) Appoint two Councillors to the Richmond Tweed Regional Library Committee members and one alternate Committee Member once notice has been given that the Committee has been formed.**

Attachments:

- 1 RTRL Planning and Reporting Framework 2017_27 April 2017_V3, E2017/71017** 
- 2 RTRL DOA Version 13_ 28 Jul 2017 FINAL, E2017/78186** 

Report

The Richmond Tweed Regional Library (RTRL) service was established in 1973 and consists of four member Councils including Lismore City Council, Tweed Shire Council, Ballina Shire Council and Byron Shire Council. A simple Agreement, signed in 1978, formed the basis of the governance structure for the RTRL service, for which Lismore City Council was appointed the Executive Council responsible for the delivery of library services on behalf of member Councils.

The original Agreement was to be reviewed after five years. A number of attempts to review the Agreement have occurred, however consensus between member Councils as to a new Deed of Agreement was unable to be reached. Lismore City Council continued as the Executive Council, delivering library services on behalf of member Councils with little input from member Councils into the planning and evaluation of services.

In February 2016, senior staff from the RTRL member Councils agreed to meet bi-monthly to improve cooperation and collaboration. The senior leadership group identified the first priority was to develop a governance structure that supported participatory strategic planning and service delivery.

The senior leadership group engaged the University of Technology Sydney (UTS) to undertake consultation with member Councils including branch staff, managers, General Managers and Councillors, and develop a Deed of Agreement that reflected the aspirations of the member Councils.

UTS completed a literature review and analysis of all cooperative library agreements in NSW. It is noted that in order to meet the legislative requirements of the Library Act 1939, and for the RTRL to continue to be eligible for State Library NSW funding, there are significant constraints on the content of the Agreement.

Consultation included four Charettes with staff and Councillors, and a number of follow-up workshops with General Managers and the senior leadership group in order to refine the Deed of Agreement.

The Draft Deed of Agreement was tabled at the 12 May RTRL Committee Meeting. The RTRL Committee endorsed the Draft Deed of Agreement subject to a number of changes including standardising terminology and removal of inconsistent language; and review by Lindsay Taylor Solicitors. The changes have been incorporated and the Deed of Agreement reviewed by Lindsay Taylor Solicitors, with the Senior Leadership Group finalising the Deed of Agreement on Thursday 27th July.

Key points of the Deed of Agreement are outlined below:

Term of the Agreement

The Deed of Agreement will be for a period of four years from execution of the Agreement,

Clear lines of reporting and accountability

The RTRL Deed of Agreement clearly articulates the roles and responsibilities of:

- Member Councils
- Executive Council
- RTRL Committee
- Senior Leadership Group
- Executive Officer
- RTRL Manager

The addition of a formal Senior Leadership Group opens the way for joint strategic planning and evaluation by member Councils and adds an additional layer of transparency.

5 Development of joint Delivery Plan and Service Level Agreement

An RTRL Delivery Plan is to be developed jointly by each member Council, RTRL Manager and Area Librarian to include:

- Collection development
- 10 • Development and delivery of library services
- Staff training and development
- Staff performance appraisal including evaluation criteria and performance measures
- Maintenance and improvement of Branch library premises and other buildings used in connection with RTRL
- 15 • Analysis of LGA demographics for the purposes of planning and improving library services
- Formulation of annual performance measures relating to the delivery of library services

Provision for long term financial planning and asset management

- 20 The agreement provides certainty for long term financial planning (10 years) to occur, including an agreed formula for member Council financial contributions, and clauses regarding entry of new member Councils and retirement of existing member Councils. The Agreement also specifies the development of an asset register for existing assets, as well as any future assets acquired by the membership to protect member Council investments.

25 **Staffing arrangements**

- 30 Under the current Agreement, Lismore City Council is responsible for employment of all staff across the RTRL, including branch staff. The new Deed of Agreement makes provision for a review of current staffing arrangements within two years, in order to determine whether branch staff should be employed by member Councils, or remain employed by Lismore City Council. Further, the Deed of Agreement provides for the Senior Leadership Group to be involved in the structure and appointment of staff to RTRL Headquarters, including recruitment and selection.

- 35 In summary, the RTRL Deed of Agreement provides a formal governance structure that improves transparency, collaboration and long term strategic planning. The Agreement provides the foundation upon which the member Councils can work together to continue to deliver high quality library services across the region, and more specifically understand the needs of local communities and plan accordingly.

40 **Financial Implications**

- 45 Member Council contributions will continue to be based on population as the most reliable, consistent and equitable formula. Should any change to the formula be proposed, full consultation with member Councils will occur.

Statutory and Policy Compliance Implications

- 50 The Deed of Agreement is governed by the Library Act 1939

Report No. 13.2 **Electricity Procurement**
Directorate: Corporate and Community Services
Report Author: Bronwyn Challis, Strategic Procurement Co-ordinator
File No: I2017/990
5 **Theme:** Corporate Management
 Governance Services

Summary:

10 Council's three electricity contracts (large sites, small sites and street lighting) expire on 31
December 2018. In the past, Council has procured its electricity through the Local Government
Procurement (LGP) aggregated tender process. However, as a result of Council's desire to get the
15 best value from its own electricity generation, as well as changes in the electricity retailing market,
it is proposed that Council run its own electricity procurement process with the assistance of
specialist consultants. This will enable Council to request more flexibility and innovation (eg Local
Electricity Trading) in its electricity contracts than would traditionally have been the case.

20 Lismore City Council is also pursuing local electricity generation and is interested in exploring the
ability to undertake local electricity trading between its buildings. Lismore City Council has
expressed an interest in joining Byron Shire Council in this innovative electricity procurement
project. The inclusion of Lismore City Council will significantly increase our buying power and offer
the benefits of volume aggregation.

RECOMMENDATION:

1. **That Council endorse the procurement strategy set out in this report, in particular that Council runs a two-stage procurement process to the open market and that the scope includes Council's essential business requirements, the ability to purchase Green Power, and Local Electricity Trading.**
2. **That Council delegates short-listing of Expression of Interest respondents and acceptance of tenders to the General Manager as provided for under Section 377 of the Local Government Act 1993.**

Report

Council has traditionally procured its electricity through the Local Government Procurement (LGP) aggregated tender process using LGP's panel of prequalified electricity retailers. This means that, when running electricity tenders on behalf of councils, LGP only sends the request for tender to the five retailers on the panel.

Byron Shire Council is continuing to invest in ways to generate its own electricity and is now at the point where it requires the market to be more flexible and innovative in response to Council's needs. The traditional LGP procurement process is not able to accommodate Council's requirements for electricity innovation such as local electricity trading.

Opportunity for change

Council has committed to becoming 100% net zero carbon emissions by 2025 and as a result a suite of projects are being pursued. Additionally, Council resolved as part 5 of resolution 17-086 that "Council commit itself to source 100% of its energy through renewable energy within 10 years." To achieve both of these goals, the following projects are underway:

- Development of a Zero Emissions Reduction Strategy to extend the Low Carbon Strategy;
- Solar installation on Council assets (2017 – Byron Library, Sandhills Childcare Centre, Myocum Landfill)
- Inclusion of Local Electricity Trading in energy procurement process
- Energy efficiency at the Mullumbimby Library
- Ground mounted solar farm investigation
- Bioenergy generation facility prefeasibility
- Power purchase agreement investigation
- Battery use at Sewage Treatment Plant investigation
- Solar car park shading investigation
- Solar monitoring of all Council's solar assets.

To complement Council's own electricity generation, it is proposed that Council use its electricity procurement process to request local electricity trading as part of its electricity contracts. This will provide Council with a way to improve the value it obtains from its investment in solar electricity.

Traditionally, excess electricity generated is sold back to the grid at a lower value than the cost of the electricity purchased from the grid which does not allow Council to take full advantage of the economic benefits of the electricity generation. Our current electricity supply contracts do not provide any feed-in tariff for excess electricity generation, further eroding the value Council currently obtains from its electricity generation.

Local Electricity Trading is an innovative method of enabling Council to get value from the electricity it generates. Local Electricity Trading is an arrangement whereby generation of electricity at one site is "netted off" at another site. This means that Site 1 is essentially "selling" or assigning generation to nearby Site 2. It is specifically for the energy portion of an electricity cost and doesn't include or affect the network charges the Council will still be liable to pay.

The objectives of Local Electricity Trading are to:

1. Attribute the value of exported electricity from one asset to the consumption of another asset.
2. Show the "netted off" value of electricity on the invoice or equivalent billing statement.
3. Appropriately value decentralised electricity exported to the grid.

Although electricity retailers can offer Local Electricity Trading they are yet to do so for a number of reasons. In the competitive and rapidly changing energy market of Australia, the ability of a retailer

to secure large customers with excellent credit ratings is paramount. The Local Government sector offers both of these qualities. Local Government is rapidly investing in decentralised energy generation and is keenly seeking retailers that can offer flexible and innovative solutions to the emerging needs of this new energy system. A retailer investing in the ability to provide Local Electricity Trading will set itself apart from other retailers and will be uniquely appealing to the Local Government sector.

Requirements of the new electricity contracts

Byron Shire Council has a number of requirements that any electricity retailer will need to be able to fulfil if they want to secure Council's contract. Most importantly, the retailer will need to fulfil Council's existing business requirements, including:

- Provide continuity of electricity supply for essential community services
- Support Council's continued use of Planet Footprint for emissions monitoring and reporting
- Provide exceptional customer service and be responsive to Council's needs
- Provide invoices in both electronic and paper format

In addition to the mandatory business requirements, the electricity retailer will also need to be able to support Council in moving towards a low carbon/zero emissions future. This will include the ability for Council to purchase Green Power as well as enable local electricity trading. Council will also be expecting the successful retailer to provide only a minimal, or no, penalty for decreased electricity use over the term of the contract.

Risks

As of 1 July 2017, the cost of electricity is anticipated to increase by up to 20% for the whole market. This increase will not affect Council immediately due to the current contracted price continuing until 31 December 2018 but will be evident in the prices sought for the new contract.

There are a number of risks associated with stepping away from traditional electricity procurement methods as discussed below.

By not aggregating our electricity procurement with a number of other councils, there is a considerable risk that the cost to purchase electricity may increase more than if we use the LGP procurement process. The proposed procurement process will allow us to evaluate if a contract with local electricity trading provides acceptable value for money compared with a traditional aggregated procurement process.

There is also a risk that, since local electricity trading has real or perceived barriers to implementation by the retailers, the market may not respond to our request for local electricity trading. However, this may be offset by the desire for some electricity retailers to be the first retailer to offer local electricity trading to the local government sector. This may be particularly desirable for Tier 2 and "boutique" suppliers looking to differentiate themselves in a somewhat crowded market.

The proposed procurement strategy discussed in the next section will help to mitigate these risks.

Procurement Strategy

It is recommended that a two-stage procurement process be implemented to establish a contract for the supply of Council's electricity. The first stage will be an Expression of Interest to the open market to determine the market's capacity, capability and willingness to implement local electricity trading as part of Council's electricity supply contract as well as their ability to meet Council's essential business requirements. If, during this stage, it is determined that the market cannot fulfil Council's requirements then the process can be discontinued and Council would then be able to

undertake its usual electricity procurement process to establish a traditional contract (including the opportunity to purchase Green Power and provision of a solar feed-in tariff).

- 5 If the market responds positively and it is apparent that the market can fulfil Council's requirements then a short-list of capable suppliers will be established. These suppliers will then be invited to respond to a selective request for tender to ultimately decide the successful supplier. It is at the selective tender stage that proponents will be requested to provide details of their pricing structure.

- 10 It is proposed that the procurement will be carried out by a third party with the required expertise in both the electricity market and procurement. Both Local Government Procurement and Procurement Australia have indicated an interest in conducting this work on behalf of Council. Outsourcing the procurement to a third party will significantly decrease the probity risks caused by potential or actual conflicts of interest of staff and the elected Council.

- 15 The role of the electricity procurement consultant will be to lead and coordinate the procurement process on behalf of Council.

Acceptance of Tenders

- 20 Due to the volatility of the electricity market, tender validity periods are generally very short. The tender validity period refers to the time within which a tender must be accepted after tenders close. Once the tender validity period expires, the offer lapses. Electricity tenders typically have a tender validity period of only a few days (often only 72 hours). This means that it is not feasible to have the elected Council consider the tender results at a Council meeting. It is recommended that
- 25 Council delegate the acceptance of tenders following both the Expression of Interest and Selective Tender stages to the General Manager in accordance with Section 377 of the Local Government Act 1993. A report can be provided to Councillors following evaluation of Expression of Interest to advise of the results of the EOI.

30 Project Timeframes

As previously noted Council's current electricity contracts expire on 31 December 2018. The complex nature of this project means that time is of the essence to ensure this project is delivered on time. The following table provides an indicative timeline for the project's major milestones:

35

Milestone	Completion Date
Electricity procurement consultant engaged	August 2017
Expression of Interest released to the market	October 2017
EOI evaluation complete	November 2017
Selective request for tender released to the market	February 2018
Selective request for tender evaluation complete	March 2018
Contract entered into with successful tenderer	April/May 2018

These timelines are indicative only and will be confirmed with the electricity procurement consultant.

- 40 It is important that the project is completed as soon as possible so that, if the project is unsuccessful, sufficient time is left to complete a traditional electricity procurement process.

Financial Implications

The cost of engaging the electricity and procurement consultant to lead and coordinate the procurement process has been included in the 2017-18 budget.

5

The financial implications of any resultant electricity contract will be assessed as part of the procurement process.

Statutory and Policy Compliance Implications

10

The proposed procurement process will fulfil the requirements of Sections 55 and 377 of the Local Government Act 1993.

Report No. 13.3**Election of Deputy Mayor 2017-2018****Directorate:**

Corporate and Community Services

Report Author:

David Royston-Jennings, Corporate Governance and Strategic Planning Officer

5

File No:

I2017/1104

Theme:Corporate Management
Councillor Services10 **Summary:**

In accordance with Section 231 of the Local Government Act 1993:

15

(1) *The councillors may elect a person from among their number to be the deputy mayor.*

(2) *The person may be elected for the mayoral term or a shorter term.*

20

(3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

25

(4) *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Normal practice for Byron Shire is to elect their Deputy Mayor for a period of 12 months at the first meeting in September each year.


RECOMMENDATION:

1. **That Council elect a Deputy Mayor for the period from 21 September 2017 until the first meeting of Council in September 2018.**

2. **That the method of election of the Deputy Mayor be by way of ordinary ballot.**

30

Attachments:

1 Byron Shire Council Nomination Form Deputy Mayor 2017, E2017/80797 

35

Report

In accordance with Section 231 of the Local Government Act 1993, a council may elect a Deputy Mayor to assist the Mayor in the performance of their duties.

Section 231 (3) states that:

- (3) *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*

Term of the Deputy Mayor

Section 231 (2) of the Local Government Act states: “*The person may be elected for the mayoral term or a shorter term*” such as:

1. For a period of 12 months
2. For the period of the Mayoral Term
3. For another period determined by Council

Returning Officer

Schedule 7(1) of the Local Government (General) Regulation 2005 states that the “*General Manager (or a person appointed by the General Manager) is the Returning Officer.*”

Nomination

Schedule 7(2) of the Local Government (General) Regulation 2005 states that:

- (1) *A councillor may be nominated without notice for election as mayor or deputy mayor.*
- (2) *The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.*
- (3) *The nomination is to be delivered or sent to the returning officer.*
- (4) *The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.*

Nomination forms have been provided as an attachment to this business paper. Any completed nomination forms should be handed to the General Manager prior to the commencement of the Council meeting.

Election

Schedule 7(3) of the Local Government (General) Regulation 2005 states:

- (1) *If only one councillor is nominated, that councillor is elected.*
- (2) *If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot; or by open voting.*

(4) *The election is to be held at the Council meeting at which the Council resolves the method of voting.*

(4) *In this clause:*

***"ballot"** has its normal meaning of secret ballot;*

***"open voting"** means voting by a show of hands or similar means.*

Traditionally this Council has determined that the election for Deputy Mayor should be by ordinary ballot. The following additional information is provided in respect to an election by preferential ballot and by ordinary ballot.

Preferential ballot – as per its normal interpretation, the ballot papers are to contain the names of all candidates and Councillors mark their votes 1, 2, 3 and so on against the various names, so as to indicate their order of preference for all of the candidates.

Ordinary ballot – this is the usual method adopted in New South Wales. Ballots are secret with only one candidate's name written on a ballot paper.

Where there are two candidates, the person with the most votes is elected. If the ballots for the two candidates are tied, the one to be elected is to be chosen by lots, with the first name out being declared elected.

Where there are three or more candidates, the person with the lowest number of votes is eliminated and the process started again until there are only two candidates. The determination of the election would then proceed as if the two were the only candidates. In the case of three or more candidates where a tie occurs, the one to be excluded will be chosen by lot.

Choosing by Lot – to choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen, on the basis detailed above.

Financial Implications

On 12 June 2014, Council resolved **(14-304)** in part 3: *"That Council in accordance with its current practice not determine a fee payable to the Deputy Mayor."*

Section 249(5) of the Local Government Act 1993 states:

(5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

Therefore the Deputy Mayor when acting in the role of Mayor, in instances where the Mayor has leave of absence endorsed by Council, would be paid a fee calculated on a pro-rata basis of the annual Mayoral allowance, which would be deducted from the amount of the monthly Mayoral allowance paid to the Mayor, in accordance with Section 249 of the Local Government Act 1993.

Statutory and Policy Compliance Implications

5 The Deputy Mayor will undertake the Mayor's role at the request of the Mayor and in situations where the Mayor is prevented by illness, absence or other reasons from exercising the functions of the position. The role of the Mayor is defined by Section 226 of the Local Government Act 1993. Section 226 states that:

The role of the mayor is:

- 10 • *to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council*
- *to exercise such other functions of the council as the council determines*
- 15 • *to preside at meetings of the council*
- *to carry out the civic and ceremonial functions of the mayoral office.*

Report No. 13.4 **Carryovers for Inclusion in the 2017/18 Budget**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2017/1005
5 **Theme:** Corporate Management
 Financial Services

Summary:

10 This report is prepared for Council to consider and to adopt the carryover Budget allocations for works and services, either commenced and not completed, or not commenced in the 2016/2017 financial year for inclusion in the 2017/2018 Budget Estimates.

15 Each year Council allocates funding for works and services across all programs. For various reasons, some of these works and services are incomplete at the end of the financial year. The funding for these works is restricted at the end of the financial year, and is carried over as a budget allocation revote to the following year, to fund the completion of the work or service.


20 This report identifies all the works and services recommended to be carried over from the 2016/2017 financial year to the 2017/2018 Budget Estimates. The report also identifies the funding for each recommended budget allocation carryover.

25 In compiling this report, the Financial Sustainability Plan (FSPP) 2016/2017, namely Part 7 regarding 'Policy and Decision Making' has also been considered.

RECOMMENDATION:

That the works and services, and the respective funding shown in Attachment 1 (#E2017/77527) be carried over from the 2016/2017 financial year and that the carryover budget allocations be adopted as budget allocation revotes for inclusion in the 2017/2018 Budget Estimates.

Attachments:

30 1 Carryovers and funding for inclusion in the 2017/2018 Budget, E2017/77527 

Report

Each year Council allocates funding for works and services across all programs. For various reasons, some of these works and services are incomplete at the end of the financial year. The funding for these works and services is restricted at the end of the financial year to be carried over to the following year for completion.

This report identifies all the works and services to be carried over to the 2017/2018 Budget Estimates and the respective funding of each, relating to works and services not completed during the course of the 2016/2017 financial year. The specific details of all carryover works and services subject of this report are outlined for General, Water and Sewer Funds in Attachment 1.

Financial Implications

The works and services included in Attachment 1 are fully funded and have no impact on the Unrestricted Cash Result of Council or the 2017/2018 Budget Estimates result. As in previous years there is a significant amount of carryovers to be brought forward to the current financial year. Table 1 below provides a history of the value of carryovers in recent years with the proposed total carryovers for 2017/2018 \$5,571,900 more than the carryovers related to the 2016/2017 financial year. Council may recall that there was also an earlier assessment of carryovers that was conducted before finalisation of the 2017/2018 Budget Estimates with these being included at that point.

Table 1 - Value of budget carryovers 2013/14 – 2017/18

Fund	2013/14 (\$)	2014/15 (\$)	2015/16 (\$)	2016/17 (\$)	2017/18 (\$)
General	6,181,100	12,863,500	10,550,300	5,022,100	7,102,100
Water	1,150,300	586,200	1,671,900	729,900	2,770,100
Sewer	1,703,700	877,100	1,929,000	600,100	2,051,800
Total	9,035,100	14,326,800	14,151,200	6,352,100	11,924,000

General Fund

The value of works carried over to 2017/2018 for the General Fund are more (\$2,080,000) than that carried over for the 2016/2017 year. Of the \$7,102,100 of General Fund carryovers, approximately 53% (\$3,792,800) is attributable to Local Roads and Drainage projects not completed in 2016/2017 to be carried forward to 2017/2018.

Water and Sewer Funds

Carryovers for the Water and Sewer Funds have increased by \$2,040,200 and \$1,451,700 respectively compared to the carryover applicable for the 2016/2017 financial year.

The following table outlines the project status of Local Roads & Drainage capital works carryovers for Councillors information where works are in progress or contracts awarded at the time this report has been prepared:

Table 2 – Schedule of Carryover works current status

Project	Carryover \$	Project Status
Marvel St, Byron Bay - northern side Tennyson St to Middleton St	\$60,000	Works not able to be commenced in last quarter of 2016/17 and will commence in 2017/18
Replacement of damaged Kerb and Gutter	\$2,400	Works substantially completed

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		in 2016/17. Carryover funding will be included with 2017/18 budgets and expended throughout 2017/18
2008/09 Bridge - O'Meara's	\$217,800	A detailed design has been completed and a tender will be progressed for the replacement of 5 bridges
Bridges Capital Renewal Miscellaneous	\$50,000	Work continues to be progressed including the South Arm footway at Brunswick Heads
Bridge - James	\$40,100	A detailed design has been completed and a tender will be progressed
Tweed Street Master Plan (Design Only)	\$20,000	Planning and investigation works in progress and will be in 2017/18
Lighthouse Road, Byron Bay	\$20,000	Planning and investigation works not able to be commenced in last quarter of 2016/17 and will be completed in 2017/18
Federal Drive, Goonengerry, pavement upgrade	\$55,000	Works completed in July 2017
22 Bangalow Road - Resolve Stormwater FI	\$59,900	Works not able to be commenced in last quarter of 2016/17 and will be completed in 2017/18
Project Investigation & Planning	\$66,600	Ongoing budget to allow planning and investigation works for projects in 2017/18 ahead of likely construction in current or future financial years.
Bay lane overland flow path and system applification	\$7,900	Planning and investigation works in progress and will be completed in 2017/18
8 Jubilee Ave - resolve flooding in front yard and nature strip	\$4,500	Planning and investigation works in progress and will be completed in 2017/18
Massey Green Caravan Park Stormwater infrastructure renewal	\$15,000	Planning and investigation works not able to be commenced in last quarter of 2016/17 and will be completed in 2017/18
16 Leslie Street - prevent flooding under house	\$7,600	Works in progress at end of 2016/17 and will be completed in August 2017.
Byron St	\$601,400	Planning and investigation works in progress and actual works will be completed in 2017/18 in stages outside peak visitor periods.
Belongil Bridge Pile Repairs	\$282,600	Work will be completed in August

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Settlement Rd	\$11,000	Planning and investigation works in progress and will be completed in 2017/18
Orana Road, Ocean Shores	\$57,000	Works completed in July 2017
Coomburra Crescent, Ocean Shores	\$260,300	Works in progress at end of 2016/17. Now complete
Ewingsdale Rd/Sunrise Boulevard Roundabout	\$1,442,200	Works in progress at end of 2016/17 and estimated completion will be October 2017.
Fowlers Lane Causeway	\$131,200	
Main Arm Road - Blind Mouth Causeway Upgrade	\$38,200	Grant application submitted to the NBRP and tenders will be called in late 2017
Clifford St intersection with Broken Head	\$19,200	Planning and investigation works in progress and will be completed in 2017/18
Grays Lane, Tyagarah, pavement upgrade	\$10,000	Planning and investigation works in progress and will be completed in 2017/18
Balemo Dr O/S shared path Orana Dr to Pacific Hwy	\$10,400	Planning and investigation works in progress and will be completed in 2017/18. Actual construction in 2017/18 is dependant upon receipt of a grant from the Roads & Maritime Service (RMS).
Broken Head Rd, B/Bay shared path Golf Club to Clifford St	\$36,700	Planning and investigation works in progress and will be completed in 2017/18. Actual construction in 2017/18 is dependant upon receipt of a grant from the RMS.
Byron St, Bangalow shared path near the Feros Village	\$40,900	Works not able to be commenced in last quarter of 2016/17 and will be completed in August 2017
Traffic Study Strategic Network Analysis	\$197,300	Request for Quotation process completed and consultant engaged for desktop review of existing study and preparation of Request for Tender (RFT) for new study. RFT invitations anticipated in early October 2017.
McGettigans / Ewingsdale Road R/about investigations	\$27,600	Planning and investigation works in progress and will be completed in 2017/18. Actual construction in 2017/18 is dependant upon receipt of a grant from the RMS.
Total	\$3,792,800.00	

Whilst Council in accordance with Clause 211 of the Local Government (General) Regulation 2005 conducted its annual meeting to approve expenditure and voting of money on 22 June 2017 via

Resolution **17-268**, the expenditure items subject of this report were not included in the 2017/2018 Budget Estimates but now need to be. The intent of this report is to seek Council approval to revote the carryovers from the 2016/2017 financial year and to adopt the budget allocation carryovers for inclusion in the 2017/2018 adopted Budget Estimates.

The Strategic Planning Committee at its meeting held on 28 March 2013 considered Report 4.3 on the Council's financial position for the 2012/2013 financial year. The recommendations from this meeting were adopted by Council at its Ordinary Meeting held on 18 April 2013 through resolution **13-164**. Committee recommendation SPC 4.3 in part 5 included the following process to be applied to the consideration of any amount identified as a carryover to the 2013/14 and future Budgets and funded from general revenues:

That Council determines that any general revenue funded allocated expenditure, not expended in a current financial year NOT be automatically carried over to the next financial year before it is reviewed and priorities established.

Resolution **13-164** has also been incorporated into Part 7 – 'Policy and Decision Making' of the Financial Sustainability Plan (FSP) 2016/2017 considered by Council at its Ordinary Meeting held on 2 February 2017 (Resolution **17-011**).

This report was also considered by the Finance Advisory Committee at its Meeting held on 17 August 2017.

Statutory and Policy Compliance Implications

Clause 211 of the Local Government (General) Regulation 2005 outlines the requirements of Council relating to authorisation of expenditure. Specifically the Clause 211 states:

(1) *A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:*

(a) has approved the expenditure, and

(b) has voted the money necessary to meet the expenditure.

(2) *A council must each year hold a meeting for the purpose of approving expenditure and voting money.*

Council resolution **13-164**

Part 7 – 'Policy and Decision Making' of the Financial Sustainability Plan (FSP) 2016/2017.

Report No. 13.5
Directorate:
Report Author:
File No:
Theme:

Council Investments July 2017
Corporate and Community Services
James Brickley, Manager Finance
I2017/1007
Corporate Management
Financial Services

Summary:

This report includes a list of investments and identifies Council's overall cash position for the month of July 2017 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 31 July 2017 be noted.

Report

In relation to the investment portfolio for the month of July 2017, Council has continued to maintain a diversified portfolio of investments. At 31 July 2017, the average 90 day bank bill rate (BBSW) for the month was 1.71%. Council's performance to 31 July 2017 is 2.63%. Council's 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 and purchasing floating rate notes with attractive interest rates.

- 10 The table below identifies the investments held by Council as at 31 July 2017:

Schedule of Investments held as at 31 July 2017

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Ethical ADI	Type	Interest Rate Per Annum	Current Value
24/03/17	1,000,000	NAB Social Bond (Gender Equality)	N	AA-	24/03/22	N	B	3.44%	1,011,100.17
28/10/16	650,000	Teachers Mutual Bank	P	BBB+	28/10/19	Y	FRN	3.17%	653,642.89
31/03/17	1,000,000	CBA Climate Bond	N	AA-	31/3/22	N	FRN	3.25%	1,000,000.00
18/04/17	2,000,000	NAB	P	AA-	23/08/17	N	TD	2.53%	2,000,000.00
07/04/17	2,000,000	NAB	N	AA-	08/08/17	N	TD	2.55%	2,000,000.00
03/07/17	1,000,000	NAB	N	AA-	09/10/17	N	TD	2.44%	1,000,000.00
06/03/17	2,000,000	NAB	N	AA-	30/08/17	N	TD	2.58%	2,000,000.00
06/04/17	2,000,000	Bank of Queensland	P	BBB+	08/08/17	Y	TD	2.50%	2,000,000.00
01/02/17	2,000,000	Police Credit Union	P	NR	02/08/17	U	TD	2.70%	2,000,000.00
05/04/17	2,000,000	ME Bank	N	BBB	15/08/17	Y	TD	2.50%	2,000,000.00
01/06/17	2,000,000	Beyond Bank	P	BBB	03/10/17	Y	TD	2.65%	2,000,000.00
10/05/17	2,000,000	Beyond Bank	N	BBB	13/09/17	Y	TD	2.65%	2,000,000.00
07/07/17	2,000,000	ME Bank	N	BBB	07/10/17	Y	TD	2.55%	2,000,000.00
08/03/17	2,000,000	ME Bank	P	BBB	08/08/17	Y	TD	2.55%	2,000,000.00
04/07/17	1,000,000	Bananacoast Credit Union	P	NR	04/01/18	Y	TD	2.70%	1,000,000.00
16/03/17	2,000,000	AMP Bank	P	A	18/09/17	N	TD	2.75%	2,000,000.00
09/06/17	2,000,000	NAB	N	AA-	08/09/17	N	TD	2.50%	2,000,000.00
27/04/17	2,000,000	ME Bank	N	BBB	30/08/17	Y	TD	2.55%	2,000,000.00
04/04/17	1,000,000	Bank of Queensland	N	BBB+	27/09/17	Y	TD	2.60%	1,000,000.00
04/07/17	2,000,000	Beyond Bank	N	BBB	04/10/17	Y	TD	2.65%	2,000,000.00
13/06/17	1,000,000	Auswide Bank Ltd	N	BBB-	13/10/17	Y	TD	2.60%	1,000,000.00
05/07/17	1,000,000	Police Credit Union	N	NR	05/10/17	U	TD	2.60%	1,000,000.00
03/02/17	1,000,000	Mystate Bank	P	BBB	09/08/17	Y	TD	2.75%	1,000,000.00
17/05/17	2,000,000	ME Bank	N	BBB	20/09/17	Y	TD	2.55%	2,000,000.00
16/02/17	1,000,000	Bank of Queensland	N	BBB+	15/08/17	Y	TD	2.70%	1,000,000.00
24/05/17	1,000,000	Beyond Bank	N	BBB	24/08/17	Y	TD	2.65%	1,000,000.00
01/03/17	1,000,000	Bananacoast Credit Union	N	NR	06/09/17	Y	TD	2.75%	1,000,000.00

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	Ethical ADI	Type	Interest Rate Per Annum	Current Value
03/03/17	1,000,000	Bananacoast Credit Union	N	NR	06/09/17	Y	TD	2.75%	1,000,000.00
06/03/17	1,000,000	The Capricornian Credit Union	P	NR	23/08/17	Y	TD	2.70%	1,000,000.00
19/07/17	2,000,000	Beyond Bank	N	BBB	30/10/17	Y	TD	2.65%	2,000,000.00
23/03/17	1,000,000	Police Credit Union	N	NR	27/09/17	U	TD	2.80%	1,000,000.00
03/04/17	2,000,000	Police Credit Union	N	NR	04/10/17	U	TD	2.80%	2,000,000.00
03/04/17	1,000,000	Beyond Bank	N	BBB	13/09/17	Y	TD	2.70%	1,000,000.00
02/05/17	1,500,000	Beyond Bank	N	BBB	16/08/17	Y	TD	2.65%	1,500,000.00
03/05/17	1,500,000	Auswide Bank Ltd	P	BBB-	08/11/17	Y	TD	2.68%	1,500,000.00
05/05/17	2,000,000	Beyond Bank	N	BBB	16/08/17	Y	TD	2.65%	2,000,000.00
10/05/17	1,000,000	Auswide Bank Ltd	N	BBB-	15/11/17	Y	TD	2.70%	1,000,000.00
17/05/17	1,000,000	Maitland Mutual Building Society	P	NR	27/09/17	Y	TD	2.60%	1,000,000.00
31/05/17	2,000,000	Beyond Bank	N	BBB	31/08/17	Y	TD	2.65%	2,000,000.00
02/06/17	1,500,000	ME Bank	N	BBB	04/12/17	Y	TD	2.67%	1,500,000.00
05/06/17	1,000,000	Intech Bank Ltd	P	NR	05/12/17	Y	TD	2.80%	1,000,000.00
08/06/17	2,000,000	ME Bank	N	BBB	08/12/17	Y	TD	2.65%	2,000,000.00
13/06/17	1,000,000	Bananacoast Credit Union	N	NR	13/10/17	Y	TD	2.60%	1,000,000.00
29/06/17	2,000,000	Community Alliance Credit Union	P	NR	29/09/17	U	TD	2.65%	2,000,000.00
05/07/17	1,500,000	Hunter United Employees Credit Union	P	NR	06/11/17	U	TD	2.85%	1,500,000.00
05/07/17	1,000,000	Police Credit Union	N	NR	17/10/17	U	TD	2.60%	1,000,000.00
10/07/17	1,000,000	Hunter United Employees Credit Union	N	NR	10/10/17	U	TD	2.65%	1,000,000.00
17/07/17	1,000,000	Police Credit Union	N	NR	17/11/17	U	TD	2.65%	1,000,000.00
28/07/17	2,000,000	ME Bank	N	BBB	30/10/17	Y	TD	2.45%	2,000,000.00
N/A	2,060,473	CBA Business Online Saver	N	A	N/A	N	CALL	1.40%	2,060,473.10
Total	74,710,473						AVG	2.63%	74,725,216.16

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

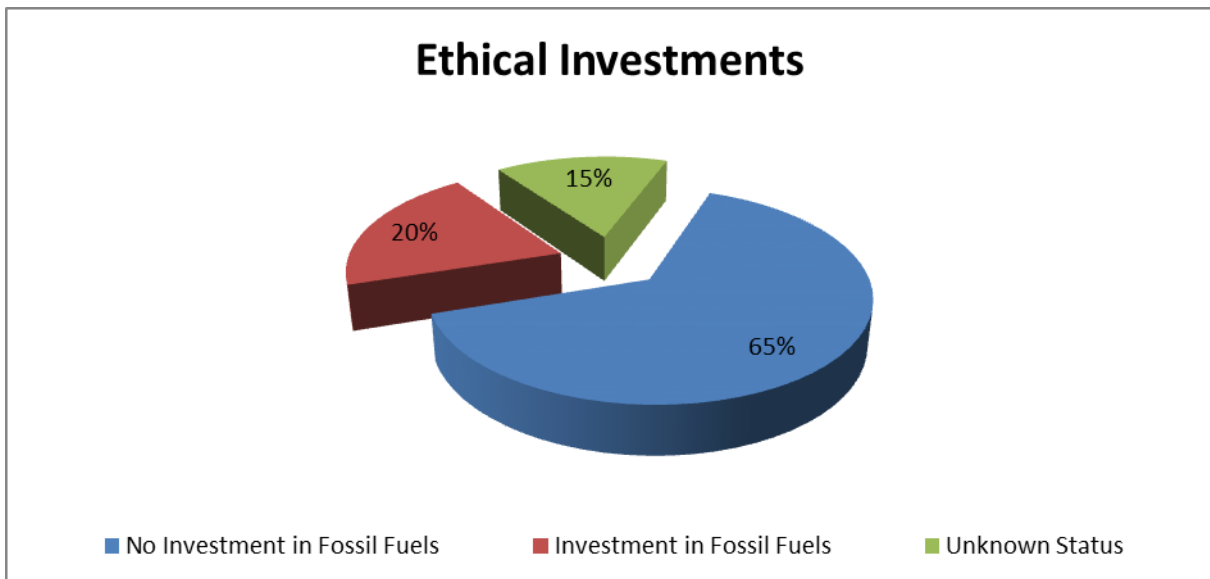
Note 3.	Type	Description	
	B	Bonds	Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.
	FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
	TD	Term Deposit	Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment term.
	CALL	Call Account	Principal varies due to cash flow demands from deposits/withdrawals, interest is payable on the daily balance.

Environmental and Socially Responsible Investing

5

An additional column has been added to the schedule of Investments above, to identify if the financial institution holding the Council investment, has been assessed as an “Ethical” institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Councils total investment portfolio.

10



15

For the month of July 2017, as indicated in the table below, there is a dissection of the investment portfolio by investment type:

Dissection of Council Investment Portfolio as at 31 July 2017

Principal Value (\$)	Investment Linked to:-	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
70,000,000.00	Term Deposits	70,000,000.00	0.00
1,650,000.00	Floating Rate Note	1,653,642.89	3,642.89
2,060,473.10	Business On-Line Saver (At Call)	2,060,473.10	0.00
1,000,000.00	Bonds	1,011,100.17	11,100.17
74,710,473.10		74,725,216.16	14,743.06

5 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.

10 The table below provides a reconciliation of investment purchases and maturities for month of July 2017 on a current market value basis.

Movement in Investment Portfolio – 1 to 31 July 2017

Item	Current Market Value (at end of month) \$
Opening Balance at 30 June 2017	78,220,518.60
Add: New Investments Purchased	15,500,000.00
Add: Call Account Additions	0.00
Add: Interest from Call Account	4,697.56
Less: Investments Matured	19,000,000.00
Less: Call Account Redemption	0.00
Less: Fair Value Movement for period	0.00
Closing Balance at 31 July 2017	74,725,216.16

15 **Investments Maturities and Returns – 1 to 31 July 2017**

Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000.00	NAB	TD	03/07/17	90	2.53%	6,238.36
3,000,000.00	Bank of Queensland	TD	04/07/17	181	2.75%	40,910.96
1,000,000.00	Bananacoast Credit Union	TD	04/07/17	181	2.75%	13,636.99
2,000,000.00	Beyond Bank	TD	04/07/17	181	2.75%	27,273.97
1,000,000.00	Police Credit Union	TD	05/07/17	201	2.87%	15,804.66
2,000,000.00	NAB	TD	07/07/17	121	2.56%	16,973.15
2,000,000.00	ME Bank	TD	07/07/17	91	2.45%	12,216.44
2,000,000.00	NAB	TD	12/07/17	140	2.57%	19,824.67
2,000,000.00	Beyond Bank	TD	19/07/17	134	2.65%	19,457.53

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Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000.00	AMP Bank	TD	19/07/17	180	2.80%	13,808.22
1,000,000.00	Bank of Queensland	TD	26/07/17	187	2.80%	14,345.21
1,000,000.00	Beyond Bank	TD	26/07/17	114	2.65%	8,276.71
19,000,000.00						208,766.87

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 July 2017 the table below identifies the overall cash position of Council as follows:

5

Dissection of Council Cash Position as at 31 July 2017

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	70,000,000.00	70,000,000.00	0.00
Floating Rate Note	1,650,000.00	1,653,642.89	3,642.89
Business On-Line Saver (At Call)	2,060,473.10	2,060,473.10	0.00
Bonds	1,000,000.00	1,011,100.17	11,100.17
Total Investment Portfolio	74,710,473.10	74,725,216.16	14,743.06
Cash at Bank			
Consolidated Fund	2,317,691.34	2,317,691.34	0.00
Total Cash at Bank	2,317,691.34	2,317,691.34	0.00
Total Cash Position	77,028,164.44	77,042,907.50	14,743.06

10 Financial Implications

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

Statutory and Policy Compliance Implications

15

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.

20 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.

25

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.

- 5 Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.
- 10 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.

Report No. 13.6 **Council Budget Review - 1 April 2017 to 30 June 2017**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2017/1013
5 **Theme:** Corporate Management
 Financial Services

Summary:

This report is prepared in accordance with the format required by Clause 203 of the Local Government (General) Regulation 2005 to inform Council and the Community of Council's estimated financial position for the 2015/2016 financial year, reviewed as at 30 June 2017.

The Quarterly Budget Review for the June 2017 Quarter has been prepared by staff even though it is not statutory requirement to assist Council with its Policy and decision making on matters that could have short, medium and long term implications on Councils financial sustainability.

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 Attachments 1 and 2 for Council's consideration and authorisation.

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

The report also provides an indication of the financial position of the Council at 30 June 2017. It should be noted that the figures provided are subject to completion and audit of the Council's Financial Statements for 2016/2017. Any major variances to the estimated financial position for the 2016/2017 financial year will be included as part of the report adopting the financial statements during October 2017.




RECOMMENDATION:

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2017/79490) which includes the following results in the 30 June 2017 Quarterly Review of the 2016/2017 Budget:**

General Fund - \$0 change in Unrestricted Cash Result

- a) **General Fund - \$12,866,200 increase in reserves**
- b) **Water Fund - \$5,528,900 increase in reserves.**
- c) **Sewerage Fund - \$4,959,400 increase in reserves**

Attachments:

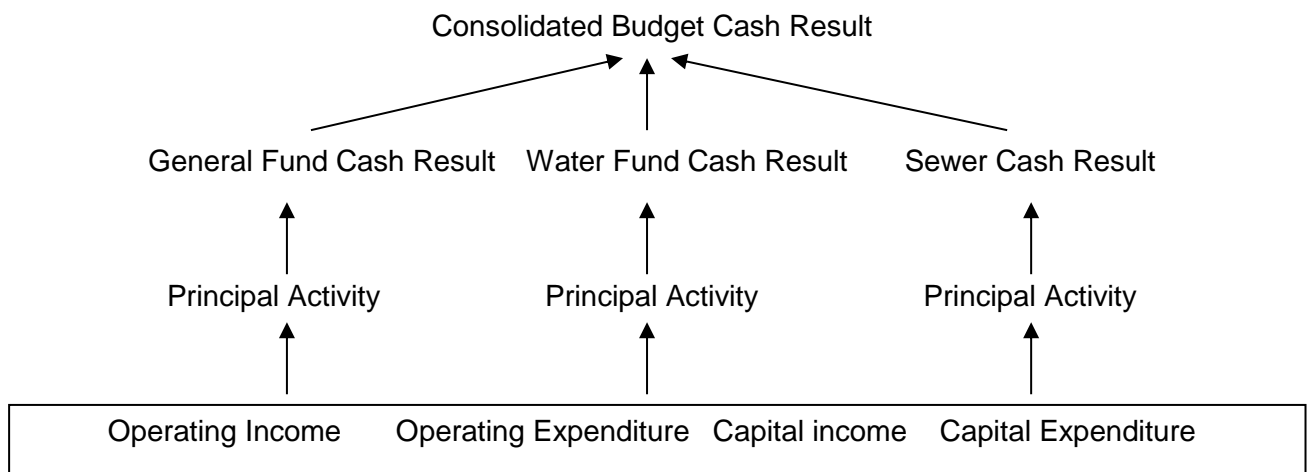
- 1 Budget Variations for General, Water and Sewerage Funds, E2017/79487 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2017/79490 
- 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statement, E2017/79489 

Report

Council adopted the 2016/2017 budget on 29 June 2016 via Resolution **16-348**. It also considered and adopted the budget carryovers from the 2015/2016 financial year, to be incorporated into the 2016/2017 budget at its Ordinary Meeting held on 25 August 2016 via Resolution **16-446**. Since that date, Council has reviewed the budget taking into consideration the 2015/2016 Financial Statement results and progress through the first three quarters of the 2016/2017 financial year. This report considers the June 2017 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 29 June 2016 plus the adopted carryover budgets from 2015/2016 followed by the resolutions between July and September, the September review, resolutions between October and December, the December review, resolutions between January and March, the March review, resolutions between April and June and the revote (or adjustment for this review) and then the revised position projected for 30 June 2017.

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 2017 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

The above components are included in Attachment 3:-

30 **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 the last six pages of Attachment 1.

35 **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.

40 **Cash and Investments Budget Review Statement** – This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 30 June 2017 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.

45 **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.
- 50 • **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
- **Asset Renewals Ratio** – This assesses the rate at which assets are being renewed relative to the rate at which they are depreciating.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.6

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

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

CONSOLIDATED RESULT

- 10 The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds budget movements for the 2016/2017 financial year projected to 30 June 2017.

2016/2017 Budget Review Statement as at 30 June 2017	Original Estimate (Including Carryovers) 1/7/2016	Adjustments to June 2017 including Resolutions*	Proposed June 2017 Review Revotes	Revised Estimate 30/6/2017
Operating Revenue	75,503,200	2,371,800	4,187,200	82,062,200
Operating Expenditure	76,715,900	2,337,300	(1,746,900)	77,306,300
Operating Result – Surplus/Deficit	(1,212,700)	34,500	5,934,100	4,755,900
Add: Capital Revenue	19,841,900	(9,209,700)	2,416,800	13,049,000
Change in Net Assets	18,629,200	(9,175,200)	8,350,900	17,804,900
Add: Non Cash Expenses	12,515,100	0	0	12,515,100
Add: Non-Operating Funds Employed	1,673,000	0	(1,638,100)	34,900
Subtract: Funds Deployed for Non-Operating Purposes	(60,072,800)	12,030,400	17,241,700	(30,800,700)
Cash Surplus/(Deficit)	(27,255,500)	2,855,200	23,954,500	(445,800)
Restricted Funds – Increase / (Decrease)	(27,293,100)	2,892,800	23,954,500	(445,800)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	37,600	(37,600)	0	0

GENERAL FUND

- 15 In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 30 June 2017:

Opening Balance – 1 July 2016	\$1,145,200
Plus original budget movement and carryovers	\$37,600
Council Resolutions July – September Quarter	0
September Review – increase/(decrease)	0
Council Resolutions October – December Quarter	0

December Review – increase/(decrease)	(40,900)
Council Resolutions January – March Quarter	0
March Review – increase/(decrease)	3,300
Council Resolutions April – June Quarter	0
Recommendations within this Review – increase/(decrease)	0
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2017	0
Estimated Unrestricted Cash Result Closing Balance – 30 June 2017	\$1,145,200

The General Fund financial position overall has not changed as a result of this budget review. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

There were no Council resolutions during the April to June 2017 quarter that impacted the overall 2016/2017 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:

Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
General Manager	0	0	0
Corporate & Community Services	1,776,500	1,827,100	(50,600)
Infrastructure Services	(7,445,600)	(7,486,700)	41,100
Sustainable Environment & Economy	(433,600)	(443,100)	9,500
Total Budget Movements	(6,102,700)	(6,102,700)	0

Budget Adjustment Comments

Within each of the 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 with the majority of budget revotes proposed to reflect actual results achieved.

The major consideration with this budget review is the reduction in expenditure associated with projects not completed and under expenditure. Council will also be considering a report to this same Ordinary Council Meeting regarding carryover items from the 2016/2017 financial year not completed to be added to the 2017/2018 Budget Estimates. This report also considers the implications of that report.

As a consequence of these revisions, there is a significant proposed increase to Council's restricted funds given the cash position overall for the financial year ended 30 June 2017 increased significantly compared to the anticipated reduction in cash expected. Council was expecting to see a reduction of \$27.255 million in its cash position for the 2016/2017 financial year as per the original adopted budget estimates, however current indications are that the June 2017 Quarter Budget Review in conjunction with previous Quarterly Budget Reviews is requiring a \$23.355 million transfer back to reserve funds.

Specific Cash Position

Upon reconciling Council's total cash and investment position at 30 June 2017 compared to the reserve movements outlined in this Budget Review, there is an indication that Council will have total unrestricted cash and investments of \$1,252,500. Council commenced the 2016/2017 financial year with unrestricted cash of \$1,145,200 which was an attainment of one of Council's short term financial goals. If Council chooses to maintain this balance at 30 June 2017, it therefore indicates there is a further \$107,300 that could be allocated to reserve in addition to the movement contained in the Budget Review. The actual amounts that will be eventually allocated will be contingent upon finalisation of the 2016/2017 financial statements yet to be finalised and subject to external audit and further reporting to Council.

WATER FUND

After completion of the 2015/2016 Financial Statements the Water Fund as at 30 June 2016 has a capital works reserve of \$2,723,000 and held \$10,549,100 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2017, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2016	\$2,723,000
Plus original budget reserve movement	1,553,000
Less reserve funded carryovers from 2015/2016	(346,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(53,700)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(289,700)
Resolutions January - March Quarter – increase / (decrease)	(250,000)
March Quarterly Review Adjustments – increase / (decrease)	356,600
Resolutions April - June Quarter – increase / (decrease)	
June Quarterly Review Adjustments – increase / (decrease)	1,251,800
Forecast Reserve Movement for 2016/2017 – Increase / (Decrease)	2,221,200
Estimated Reserve Balance at 30 June 2017	\$4,944,200

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2016	\$10,549,100
Plus original budget reserve movement	(7,794,000)
Less reserve funded carryovers from 2015/2016	(383,100)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,270,000
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(1,740,900)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	514,000
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	4,277,100
Forecast Reserve Movement for 2016/2017 – Increase / (Decrease)	(3,856,900)
Estimated Reserve Balance at 30 June 2017	\$6,692,200

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$5,528,900 from this Review.

SEWERAGE FUND

- 5 After completion of the 2015/2016 Financial Statements the Sewer Fund has a capital works reserves of \$5,153,600 and plant reserve of \$827,800. It also held \$8,760,300 in section 64 developer contributions.

Capital Works Reserve

Opening Reserve Balance at 1 July 2017	\$5,153,600
Plus original budget reserve movement	(814,200)
Less reserve funded carryovers from 2015/2016	131,500
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,071,600
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(427,100)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	1,668,500
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	604,000
Forecast Reserve Movement for 2016/2017 – Increase / (Decrease)	2,234,300
Estimated Reserve Balance at 30 June 2017	\$7,387,900

Plant Reserve

Opening Reserve Balance at 1 July 2016	\$827,800
Plus original budget reserve movement	0
Less reserve funded carryovers from 2015/2016	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
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2016/2017 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2017	\$827,800

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2016	\$8,760,300
Plus original budget reserve movement	(2,785,400)
Less reserve funded carryovers from 2015/2016	(503,200)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	1,074,700
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(2,449,800)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	1,131,800
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	4,355,400
Forecast Reserve Movement for 2016/2017 – Increase / (Decrease)	823,500
Estimated Reserve Balance at 30 June 2017	\$9,583,800

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$4,959,400 from this review.

5 Legal Expenses

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

The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis to June 2017.

Total Legal Income & Expenditure as at 30 June 2017

Program	2016/2017 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	0	0%
Total Income	0	0	0%
Expenditure			
General Legal Expenses	200,000	100,400	50.2%
Total Expenditure General Fund	200,000	100,400	50.2%

Note: The above table does not include costs incurred by Council in proceedings after 30 June 2017 or billed after this date along with legal costs incurred with the Byron Bay Bypass project that have currently been charged to the project.

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

Legal Reserve

Opening Reserve Balance at 1 July 2016	\$692,300
Less Legal Service Officer	(65,300)
Less Road Reconstruction Works (Various – Original Budget)	(175,000)
Add unspent budget from 2016/17	62,800
Estimated Reserve Balance at as at 30 June 2017	\$514,800

Financial Implications

The 30 June 2017 Quarter Budget Review of the 2016/2017 Budget Estimates forecasts no change to the estimated budget attributable to the General Fund assuming all revotes of income and expenditure reported for Council's consideration are approved. Overall, the short term financial position of Council still needs to be carefully monitored on an ongoing basis. Maintaining this result through the financial year is a further achievement for Council.

It is expected also given the level of reserve funds compared to total cash and investments at 30 June 2017, Council is likely to have maintained an unrestricted cash balance currently estimated at least \$1,145,200. This is another achievement for Council maintaining this result throughout the financial year.

Notwithstanding that Council has maintained during the year its short term funding liquidity goal, Council certainly still has bigger issues in the longer term regarding its financial sustainability such as the provision of adequate funding for the maintenance and renewal of infrastructure assets.

The outcomes associated with this Budget Review need to be considered in context that they are indicative financial outcomes for the 2016/2017 financial year. Council is yet to finalise its financial statements for the year ended 30 June 2017 which will be subject to external independent audit.

- 5 It is expected that Council will receive a report to adopt its financial statements for the year ended 30 June 2017 at its Ordinary Meeting to be held on 19 October 2017 where the final financial results for the year will be presented.

- 10 This report was also considered by the Finance Advisory Committee at its meeting held on 17 August 2017.

Statutory and Policy Compliance Implications

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

- 20 *(1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*

(2) A budget review statement must include or be accompanied by:

- 25 *(a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*

- 30 *(b) if that position is unsatisfactory, recommendations for remedial action.*

(3) A budget review statement must also include any information required by the Code to be included in such a statement.

Statement by Responsible Accounting Officer

- 35 This report indicates that the short term financial position of the Council is satisfactory for the 2016/2017 financial year, having consideration of the original estimate of income and expenditure at the 30 June 2017 Quarter Budget Review.

- 40 This opinion is based on the estimated Unrestricted Cash Result position and the maintenance overall of a balanced budget result for the 2016/2017 financial year overall.

Report No. 13.7 **Community Strategic Plan review**
Directorate: Corporate and Community Services
Report Author: Anna Vinfield, Manager Governance Services
File No: I2017/1042
5 **Theme:** Corporate Management
 Governance Services

Summary:

10 The Community Strategic Plan is a collective document that is facilitated by Council in collaboration with the community and other partners. It outlines our collective vision, priorities and aspirations for the future.

Council will facilitate the development of a new plan during 2017/18 through an extensive community engagement strategy. The engagement strategy will seek to reach all sectors of the
15 community and provide a range of touch-points for people to collaborate. The aim is to create an aspirational community-owned plan which articulates our collective vision for the future of Byron Shire.


This paper outlines the proposed project plan and engagement strategy for Council endorsement.

20

RECOMMENDATION:

That Council endorse the Community Strategic Plan review project plan and engagement strategy.

Attachments:

1 project plan - community strategic plan 2028 review- for Council adoption, E2017/80411 
25

Report

Integrated Planning and Reporting (IP&R) provides a framework that sets out community's main priorities and aspirations for the future and outlines how these will be achieved. The framework is led by the Community Strategic Plan and supported by a series of plans and strategies.

- 5 Council undertook a minor review of its suite of IP&R documents during 2016/17 (following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election). It was noted as part of this review that Council would undertake a major review during 2017/18.

- 10 Council will seek to create an aspirational community-owned plan which articulates our collective vision for the future of Byron Shire. The plan will be developed in collaboration with the community by providing a range of touch points and multiple avenues for input and leveraging trusted channels and spokespeople. Through a range of strategies, Council will seek to reach and partner with all sectors of the community, as well as linking with Federal and State agencies to establish priority areas.

- 15 The review will be undertaken in four distinct phases – initiation (July – August 2017), engagement (September – November 2017), development (November 2017 – April 2018) and adoption (June 2018).

- 20 Using the International Association of Public Participation (IAP2) spectrum as a guide, the principles of involve and collaborate will underpin the engagement. Additionally Council will utilise the principles from the 'Future of Local Government' declaration in empowering communities. Proposed engagement activities include:

- Linking with existing guidance groups
- Leveraging established and trusted community networks
- Hosting open workshops and focus groups
- 25 • Undertaking quantitative survey (telephone/online)
- Hosting online platform for discussion
- Running photo competition to generate interest
- Hosting information stalls (markets, shops, pop-ups etc)
- Presenting at business and community roundtables
- 30 • Meeting with state agencies
- Providing information through range of outlets (website, social media, customer service, points of contact, media releases, e-news, advertisements)

- 35 As part of the review Council will work with community to develop a wellbeing framework to inform decision making as well as reporting back to the community. An analysis of leading wellbeing and happiness frameworks (both nationally and internationally) will provide the basis for a locally relevant framework that will improve outcomes for the community.

The attached project plan outlines the proposed approach to undertake the review and supporting engagement strategy.

Financial Implications

Council's 2017/18 budget includes an allocation for integrated planning and reporting.

5 Statutory and Policy Compliance Implications

NSW local governments are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005 and supported by the Integrated Planning and Reporting Manual and Guidelines.

10

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.8 Power Up - Northern Rivers Electric Vehicle Strategy

Directorate: Sustainable Environment and Economy

Report Author: Alana Barry, Environmental Support Officer

File No: I2017/508

Theme: Ecology
Planning Policy and Natural Environment

Summary:

Byron Shire Council and Tweed Shire Council in consultation with regional partners have co-created the ground breaking 'Power Up – Northern Rivers Electric Vehicle Strategy' (the Strategy). The Strategy includes commitments and incentives to increase Electric Vehicle (EV) ownership in Byron Shire.

Endorsement of the Strategy will assist to achieve objectives of the Low Carbon Strategy and will align with Council's Zero Emissions Target. These actions will demonstrate Byron Shire Council's leadership in encouraging EV use for a cleaner future.

RECOMMENDATION:

That Council:

1. **Endorse the Strategy and investigate incentives such as the following:**
 - a) **Provide EV incentives in Council Parking Policies, such as providing free annual parking permits for local residents for the first year after purchasing a EV (new or second hand); and**
 - b) **Support local businesses that provide free public EV charging infrastructure in public areas**

Attachments:

- 1 Northern Rivers Electric Vehicle Strategy , E2017/76135 

Report

‘Power Up – Northern Rivers Electric Vehicle Strategy’ (the Strategy) has been jointly authored by Byron and Tweed Shire Councils with the aim of encouraging the installation of EV fast charging stations throughout the Northern Rivers, creating an integrated network.

The Strategy aims to inform local decision-makers about the current and emerging EV scene in the Northern Rivers, Australia and globally. It draws on local, domestic and international experiences and industry advances, along with expert peer review. The Strategy also provides a comprehensive review of EV use and outlines a set of actions that local and state governments, business and community can take to encourage EV use in the Northern Rivers.

The Strategy addresses five key actions under the Low Carbon Strategy (LCS), including;

- Action 23 – Install electric vehicle charging stations throughout the shire
- Action 22 – Investigate opportunities for the use of EVs for parking officer/ranger/inspectors where applicable along with the potential for an integrated charge station network
- Action 37 – Review Council’s fleet policy to ensure fuel efficiency (in L/km) and safety are the predominant factors in fleet decisions
- Action 60 – Support renewable energy projects throughout the Byron Shire where possible
- Action 24 – Implement priority/designated car parking spaces for carpooling and electric/hybrid vehicles

EVs (especially when powered by renewable energy) are considered the best form of motorised passenger vehicle transport for reducing impacts on the environment. As increased use of EVs within the region will contribute to significant emissions reductions, the Strategy also aligns with Council’s Zero Emissions Target (Council Resolution 17-086).

Furthermore, the recently announced ‘EV super highway’, from Cairns to the Gold Coast, demonstrates growth in EV infrastructure and provides a unique and timely opportunity for the Northern Rivers region to connect with interstate initiatives to increase EV use.

Council is a leader in encouraging EV uptake in the Northern Rivers, as demonstrated by the installation of the first regional NSW fast charge station at the Byron bay Library. Additionally, Council staff are currently investigating a solar car park and public EV charge stations in Mullumbimby Council car park.

To address some of the key barriers to EV uptake in the Northern Rivers, there are key actions that Council should commit to undertake. These actions should be announced at a launch of the Strategy, to increase community awareness.

These key actions include:

- a. Provide EV incentives in Council Parking Policies, such as providing free annual parking permits for local residents for the first year after purchasing a EV (new or second hand); and
- b. Support local businesses that provide free public EV charging infrastructure in public areas.

Consultation:

This Strategy has been co-authored by Robyn Fitzroy (consultant), and Sustainability Officers at Tweed Shire Council and Byron Shire Council. It has been comprehensively peer-reviewed by Bryce Gaton from the Australian Technology Association and Robert Rosen, a local EV advocate. It has also been peer reviewed by Sustain Northern Rivers Energy Group.

Financial Implications

The associated costs of providing incentives will be considered in line with investigating their feasibility.

5

Statutory and Policy Compliance Implications

Nil

Report No. 13.9 **Report of the Planning Review Committee Meeting held on 20 June, 2017**

Directorate: Sustainable Environment and Economy

Report Author: Chris Larkin, Manager Sustainable Development

File No: I2017/832

Theme: Ecology
Development and Approvals

Summary:

This report provides the outcome of the Planning Review Committee Meeting held on 20 June, 2017.

RECOMMENDATION:

That Council note the report.

Report:

The meeting commenced at 1.05pm and concluded at 1:45pm.

- 5 Present: Crs, Hackett, Martin, Cameron, Hunter (arrived 1:30pm)
 Staff: Chris Larkin (Manager Sustainable Development).
 Apologies: Crs Spooner,

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

10

DA No.	Applicant	Property Address	Proposal	Exhibition Submissions	Reason/s Outcome
10.2017.198.1	Northern Rivers Land Solutions Pty Ltd	9 Station Street Bangalow	Mixed Use Development for Three (3) Commercial Tenancies (for use as Shop, Restaurant or Cafe or Office Premises) and Six (6) Shop Top Housing Dwellings	Level 2 1/6/17 to 21/6/17 15 Submissions	The perceived public significance of the application Council to determine

Council determined the following original development applications. The Section 96 application to modify these development consents are referred to the Planning Review committee to decide if the modification applications can be determined under delegated authority.

15

DA No.	Applicant	Property Address	Proposal	Exhibition Submissions	Reason/s Outcome
5.1998.146.5	Planners North	951 Broken Head Rd Broken Head	S96 to delete approval for camping ground	Level 0	Delegated Authority
10.2013.600.4	Planners North	951 Broken Head Rd Broken Head	S96 to delete conditions 16 & 12 of approved consent	Level 0	Delegated Authority
10.2011.162.3	Planners North	Bayshore Drive Byron Bay	S96 to include landscaping Plan	Level 2 25/5/17 to 7/6/17 No submissions	Delegated Authority

Report No. 13.10 PLANNING - Report update on Council resolution 17-121 Tyagarah Airstrip - 26.2015.1.1

Directorate: Sustainable Environment and Economy

Report Author: Rob Van Iersel, Consultant Planner

File No: I2017/989

Theme: Ecology
Development and Approvals

Summary:

Council considered Notice of Motion No. 9.6 Review of Tyagarah Airstrip Planning Proposal at the Ordinary Meeting 20 April 2017 and resolved as follows:

17-121 Resolved:

1. *That Council considers progressing the Tyagarah Airstrip Planning Proposal after the following have been completed:*
 - a) *a Social Impact Assessment (SIA) associated with any expansion and intensification of commercial uses at the Tyagarah Airfield;*
 - b) *an assessment of noise impacts associated with any expansion and intensification of commercial uses at the Tyagarah Airfield*
 - c) *a strategic floodplain risk management plan for the future management of the Simpsons Creek floodplain, as per advice from the Office of Environment and Heritage*
 - d) *a Councillor workshop to consider other uses for the site that do not involve increased aircraft activity.*
 - e) *community consultation to include all affected stakeholders.*
 - f) *a report on the cumulative ecological impacts of tree clearing required for the airfield and in the interim cease any tree clearing not associated with current airstrip safety.*
2. *The Council does not support, and thus, removes any reference to commercial helicopter operations or activities operating at Tyagarah Airfield, including construction of a heliport.*

This report discusses part 1(c) of the resolution above, clarifying the nature of a 'strategic floodplain risk management plan', as advised by the Office of Environment and Heritage. Such a management plan is likely to take in the order of two years to complete. This report suggests an alternative, interim, approach to flood assessment that would allow the Tyagarah Airstrip Planning Proposal to continue in accordance with the resolution of Council.

The interim approach would be to engage flood consultants BMT WBM to update their previous Tyagarah Airstrip Flood Impact Assessment, following the identification of concept plans for the land, which would be prepared following the Councillor workshop and preliminary community consultation (parts 1(d) & (e) above).

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:

1. **That Council considers progressing the Tyagarah Airstrip Planning Proposal after the**

following have been completed:

- a) a Social Impact Assessment (SIA) associated with any expansion and intensification of commercial uses at the Tyagarah Airfield;**
 - b) an assessment of noise impacts associated with any expansion and intensification of commercial uses at the Tyagarah Airfield**
 - c) an updated flood impact assessment associated with any expansion and intensification of commercial uses at the Tyagarah Airfield**
 - d) a Councillor workshop to consider other uses for the site that do not involve increased aircraft activity.**
 - e) community consultation to include all affected stakeholders.**
 - f) a report on the cumulative ecological impacts of tree clearing required for the airfield and in the interim cease any tree clearing not associated with current airstrip safety.**
- 2. The Council does not support, and thus, removes any reference to commercial helicopter operations or activities operating at Tyagarah Airfield, including construction of a heliport.**

Report

Council considered Notice of Motion No. 9.6 Review of Tyagarah Airstrip Planning Proposal at the Ordinary Meeting 20 April 2017. This report addresses part 1(c) of the resolution of Council at that meeting:

1. *That Council considers progressing the Tyagarah Airstrip Planning Proposal after the following have been completed:*

(c) *a strategic floodplain risk management plan for the future management of the Simpsons Creek floodplain, as per advice from the Office of Environment and Heritage*

The advice from the Office of Environment and Heritage (OEH) was contained in their letter dated 8 March 2017, which responded to the notification of the Tyagarah Airfield Planning Proposal. It followed the submission of a range of supporting information, including the report prepared by BMT WBM titled "Tyagarah Airstrip Flood Impact Assessment", dated February 2017.

In the letter, OEH *"acknowledges from the consultant's flood impact assessment that it conservatively assumed that the site is completely filled with the exception of the airstrip itself and the immediate apron areas around it, and that it concluded that the proposed commercial development is acceptable because the flood impact is minor"*.

From a review of the assessment report, OEH concluded *"we concur that there is scope for the commercial development provided it is designed in the knowledge of the conditions it will experience and that the proposal is limited in scale and flood compatible in its design"*.

Clearly, therefore, OEH were satisfied that the Planning Proposal could proceed, based on the results of the Flood Impact Assessment report.

In the wider context, however, they noted that further land use decisions in the Simpsons Creek floodplain would benefit from a "strategic floodplain risk management plan".

Discussions with OEH officers following Council's resolution of 20 April confirms the conclusion above, that they have no objection to Council proceeding with the Planning Proposal for the Tyagarah airfield. Their suggestion for the floodplain risk management plan is made in respect to the wider catchment.

It is noted that Council staff have been liaising with OEH regarding the preparation of a North Byron Floodplain Risk Management Study & Plan, which would be prepared in accordance with the NSW Floodplain Development Manual 2005. Council expects to hear shortly from OEH about State Government funding for that work.

Consideration of the Simpsons Creek catchment could be included in the scope of that work, thereby providing the 'strategic floodplain risk management plan' required by Resolution 17-121.

However, given the work and extensive process required to undertake the North Byron Floodplain Risk Management Study & Plan, it is anticipated that the timeframe for completion will be in the order of 18 months to 2 years.

Based on the current wording of the resolution, the Tyagarah Airfield Planning Proposal could not proceed until then.

The Gateway Determination for the proposal, issued by the Department of Planning and Environment requires that the planning proposal be finalised by 1 January 2018.

An alternative approach is suggested that would allow the planning proposal to proceed, in accordance with the terms of Resolution 17-121, by providing an updated Flood Impact Assessment report as an interim measure while the wider North Byron Floodplain Risk Management Study & Plan continues to be prepared, including assessment of the wider Simpsons Creek catchment.

Based on Resolution 17-121, staff are working toward compiling sufficient background information for a Councillor Workshop (resolution part 1(d)) and community consultation (resolution part 1(e)). The intended outcome of that work would be the development of a Concept Master Plan for the site, which would then allow the preparation of the Social Impact Assessment (resolution part 1(a)), a Noise Impact Assessment (resolution part 1(b)), and a detailed ecological assessment (resolution part 1(f)).

Given the above, it is suggested that Council amend Resolution 17-121 to confirm that an updated flood impact assessment be required to enable progress of the Planning Proposal, rather than a strategic floodplain risk management plan

Financial Implications

As indicated above, Council expects to shortly hear from OEH regarding funding that will allow commencement of the North Byron Floodplain Risk Management Study & Plan. This work will continue regardless of the resolution in relation to the Tyagarah Airfield Planning Proposal.

In relation to the Planning Proposal, Council will need to engage consultants to progress the work required by Resolution 17-121. Quotations are in the process of being obtained, but will depend on the outcome of Council's consideration of this report.

Statutory and Policy Compliance Implications

As per comments in the report.

Report No. 13.11 Expressions of Interest for membership of Northern Villages Guidance Group**Directorate:** Sustainable Environment and Economy**Report Author:** Sharyn French, Manager Environmental and Economic Planning**File No:** I2017/991**Theme:** Ecology
Planning Policy and Natural Environment**Summary:**

Expressions of Interest (EOI) were invited from community members to be a part of the Northern Villages Guidance Group, as part of the next phase of preparing the final Residential Strategy.

This report presents the twenty (20) Expressions of Interest received and requests Council to appoint community representatives to the Northern Villages Guidance Group.

RECOMMENDATION:**That Council:**

1. **Select the community members for the Northern Villages Guidance Group from the respondents at Confidential Attachment 1 (E2017/76365).**
2. **Nominate Councillors to be members of the Northern Villages Guidance Group.**

Attachments:

- 1 Confidential - Expressions of Interest for Northern Villages Guidance Group, E2017/76365

Report

At the 15 June 2017 Residential Strategy workshop, Councillors agreed that it would be beneficial to undertake more consultation with local communities as part of the next phase of preparing the final Residential Strategy. It was acknowledged that community guidance groups were already in place for Bangalow, Byron Bay and Mullumbimby and agreed to work within this framework.

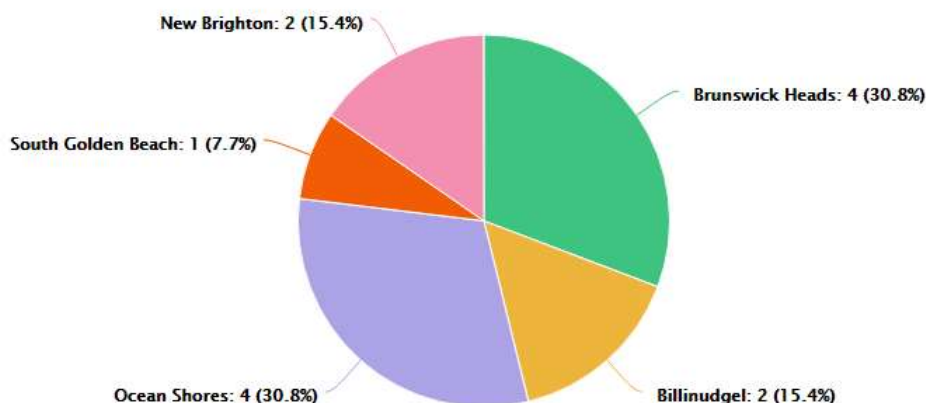
However, as village master planning has yet to be undertaken for the northern villages of the Shire there is no structured guidance group to represent this area. In the absence of such a group (or groups) it was decided to facilitate the formation of one representative group for the northern villages of the Shire.

Ideally the group formed should comprise of 15 to 20 members with one or more representatives from each of the following northern villages: Brunswick Heads, Billinudgel, Ocean Shores, South Golden Beach, and New Brighton who have an interest in housing/residential matters.

A call for Expressions of Interest (EOI) was advertised on 5 and 6 July 2017 in the Byron Shire News and Echo newspapers, seeking community representatives interested in being on the Guidance Group, with a deadline of 28 July for responses. Information was posted on Council's website and emails were sent to community groups.

Twenty (20) community members lodged EOIs to be a part of the Northern Villages Guidance Group representing Brunswick Heads, New Brighton, Ocean Shores and New Brighton.

What is your village area of interest?



Their details and responses to the selection criteria are at Confidential Attachment 1.

Councillors are also invited to join the group. It is anticipated the group will hold their first meeting in September/October where the terms of reference and meeting schedule will be confirmed.

Financial Implications

The administrative functions associated with the group will be undertaken using existing staff resources. Potential costs associated with group meetings including meeting facilitation, catering and room hire can be met through the Residential land Strategy account 2605.107, for that purpose.

Statutory and Policy Compliance Implications

Nil

Report No. 13.12 Report of the Planning Review Committee Meeting held on 1 August, 2017

Directorate: Sustainable Environment and Economy

Report Author: Chris Larkin, Manager Sustainable Development

File No: I2017/1029

Theme: Ecology
Development and Approvals

Summary:

This report provides the outcome of the Planning Review Committee Meeting held on 1 August, 2017.

RECOMMENDATION:

That Council note the report.

Report:

The meeting commenced at 1.10pm and concluded at 1:15pm.

- 5 Present: Crs, Martin, Cameron , Hunter
 Staff: Chris Larkin (Manager Sustainable Development).
 Apologies: Crs Ndiaye

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

- 10 *Council determined the following original development applications. The Section 96 application to modify these development consents are referred to the Planning Review committee to decide if the modification applications can be determined under delegated authority.*

DA No.	Applicant	Property Address	Proposal	Exhibition Submissions	Reason/s Outcome
10.2014.404.3	Byron Shire Council	70-90 Station Street Mullumbimby	S96 to modify staging of development and provision of infrastructure	Level 2 27/7/17 to 9/8/17	Under Delegated Authority

15

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.13 Bangalow Parking Strategy**Directorate:** Infrastructure Services**Report Author:** Susan Sulcs, Administration Officer
Joshua Winter, Civil Engineer**File No:** I2017/349**Theme:** Community Infrastructure
Local Roads and Drainage**Summary:**

Council resolved on 23 February 2017 under Resolution 17-055 to undertake investigation and community consultation regarding the possible implementation of a revised parking management strategy and/or a pay parking scheme in the Bangalow Town Centre.

The initial investigation prepared by Traffic and Parking Systems Group (TPS) considered the current demand and potential alternative arrangements including alternative time restrictions and the potential implications of introducing a pay parking system.

Council staff performed community consultation in combination with the movement and parking review intended to inform the Bangalow Village Plan. The following key points have been extracted from the online parking review survey (187 responses), which generally aligns with the discussions throughout the consultation:

- 56% of respondents currently have a Byron Shire E-Permit Exemption (Q9)
- 61.5% of respondents would support the 1 Hour zones identified in the TPS Report (Q10)
- 69.5% of respondents would support the 2 Hour zones identified in the TPS Report (Q11)
- 62% of respondents would *not* support a pay parking system in Bangalow (Q12) *however*;
- 61.5% of respondents would support pay parking if funds were spent in Bangalow (Q13)
- Respondents ranked pedestrian/cycle paths as the highest priority for funding (Q14)
- Respondents ranked roads as the second highest priority for funding (Q14)
- 46% of respondents stated that the proposed changes would not affect the way they access Bangalow, *however* 17% of respondents stated that the proposed changes would cause them to no longer visit Bangalow (Q15)

Based on the survey and consultation feedback, it is proposed that the majority of the Bangalow community would be supportive of the parking time limits changing in line with the TPS report, however the majority would *not* be supportive of paid parking, unless if the generated funds were earmarked for projects in the Bangalow locality. The Bangalow Village Plan process is proposed to be the source identifier for projects that paid parking funds can be spent on. This process will be finalised prior to the first year of funds being generated from paid parking and can therefore identify the critical projects to be funded.



RECOMMENDATION:

1. That Council endorse the implementation of the changes to the parking time limits in the Bangalow town centre, as depicted in the proposed parking times in Figure 1, being 1P throughout Byron Street and part of Station Street, with 2P in the remainder of Station Street.
2. That Council endorse the introduction of a Bangalow Town Centre Pay Parking

Scheme, which is in line with the existing Byron Bay town centre parking scheme.

- 3. That the Bangalow Town Centre Pay Parking Scheme:-**
 - **applies a unilateral parking charge of \$4 per hour; and**
 - **incorporates annual exemptions in accordance with Council's approved fees and charges.**
- 4. That a pay parking area be endorsed as depicted in Figure 2, which covers:**
 - a) Byron Street, from the roundabout crossing Granuaille Road to Market Street; and**
 - b) Station Street, excluding the all day car park to the south.**
- 5. That Roads and Maritime Services (RMS) concurrence be sought prior to the implementation of the Bangalow Town Centre Pay Parking Scheme.**
- 6. That Council approve a budget of \$75,000 to implement the paid parking scheme and revised parking time limits, from the Pay Parking Reserve.**
- 7. That Council receive a report after twelve (12) months of the Bangalow Pay Parking Scheme being in operation, to review:-**
 - **operational costs;**
 - **revenue;**
 - **effect on the Bangalow Village and locality; and**
 - **projects funded by the scheme.**
- 8. That Council agree to dedicate all net revenue received from pay parking in Bangalow to infrastructure projects identified by the Bangalow Village Plan Guidance Group and in Council's asset management plan and that those projects be incorporated into the annual Council budgetary process.**

Attachments:

- 1 23 February 2017 Council Report Bangalow Parking Management Strategy, E2017/62469 
- 5 2 Attachment 2 – Outcomes of Parking Survey Component of Bangalow Village Plan Movement and Parking Review PDF, E2017/62446 

Report

Council Resolution 17-055 dated 28 February 2017 resolved as follows:-

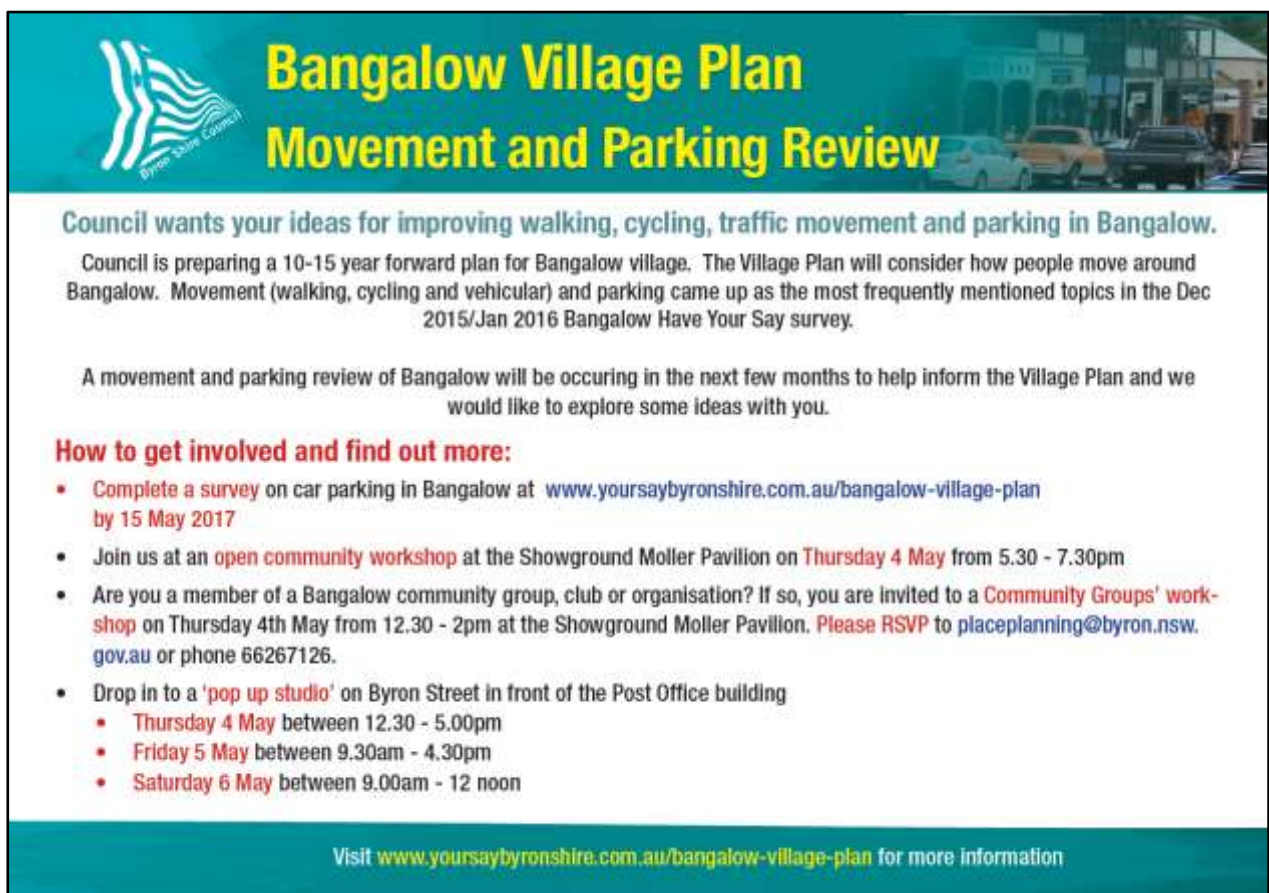
17-055 Resolved

1. That Council support the Bangalow Town Centre Parking Management Strategy (E2016/80882) prepared by Traffic and Parking Systems Group (TPS) as a basis for community engagement.
2. That Council endorse investigation and community consultation with the Bangalow community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre in conjunction with traffic and movement issues identified in the master plan process.
3. That a budget of \$15,000 is allocated from the Pay Parking Reserve to perform the investigation and community consultation with the Bangalow community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.
4. That Council consider the results of the investigation and community consultation, along with the recommendation from the Local Traffic Committee at the 22 June 2017 meeting in determining its adoption of a possible revised parking management strategy/pay parking scheme.

5

As per resolution item number 1, the TPS Group report was used to develop a diagram detailing the proposed parking changes, which was then placed on a flyer that was sent to all residents of postcode 2479. This flyer directed the recipients to the community engagement activities as well as the online survey. A copy of this flyer is shown below;

10



**Bangalow Village Plan
Movement and Parking Review**

Council wants your ideas for improving walking, cycling, traffic movement and parking in Bangalow.

Council is preparing a 10-15 year forward plan for Bangalow village. The Village Plan will consider how people move around Bangalow. Movement (walking, cycling and vehicular) and parking came up as the most frequently mentioned topics in the Dec 2015/Jan 2016 Bangalow Have Your Say survey.

A movement and parking review of Bangalow will be occurring in the next few months to help inform the Village Plan and we would like to explore some ideas with you.

How to get involved and find out more:

- Complete a survey on car parking in Bangalow at www.yoursaybyronshire.com.au/bangalow-village-plan by 15 May 2017
- Join us at an open community workshop at the Showground Moller Pavilion on Thursday 4 May from 5.30 - 7.30pm
- Are you a member of a Bangalow community group, club or organisation? If so, you are invited to a Community Groups' workshop on Thursday 4th May from 12.30 - 2pm at the Showground Moller Pavilion. Please RSVP to placeplanning@byron.nsw.gov.au or phone 66267126.
- Drop in to a 'pop up studio' on Byron Street in front of the Post Office building
 - Thursday 4 May between 12.30 - 5.00pm
 - Friday 5 May between 9.30am - 4.30pm
 - Saturday 6 May between 9.00am - 12 noon

Visit www.yoursaybyronshire.com.au/bangalow-village-plan for more information

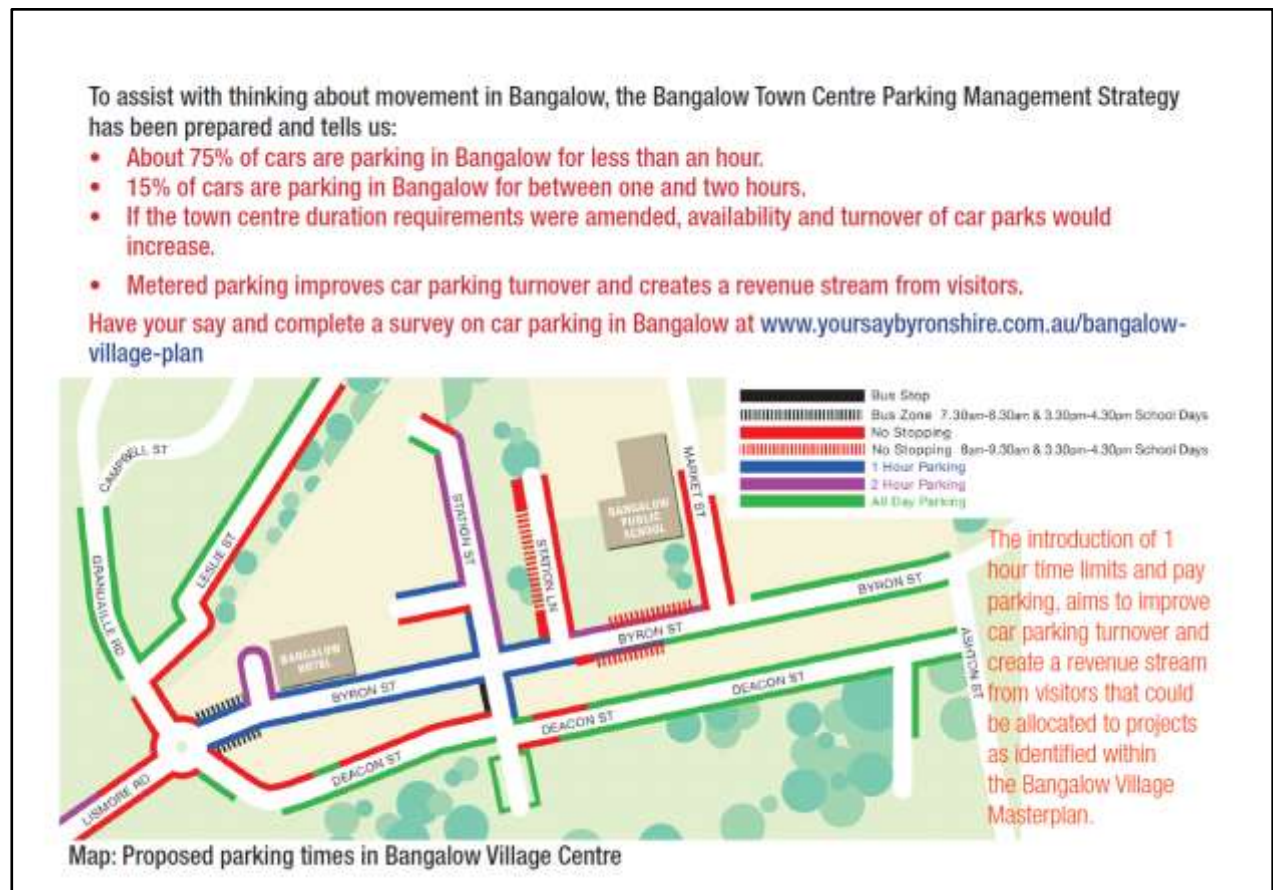


Figure 1 – Bangalow Township Consultation Flyer

As per resolution item numbers 2 and 3, Council staff performed community consultation in combination with the movement and parking review intended to inform the village plan. The following community consultations were held:

- Workshop with the Bangalow Village Plan Guidance Group
Friday 21 April 2017 from 10am - 2pm
- Community presentation & workshop at the Showground Moller Pavilion
Thursday 4 May 2017 from 5.30 - 7.30pm
- Trader's Breakfast at the Showground Moller Pavilion
Friday 5 May 2017 from 7.30 - 9.00am
- Bangalow CBD property owners' workshop at the Showground Moller Pavilion
Friday 5 May 2017 from 10.00am - 12.00pm
- Bangalow Community Groups' workshop at the Showground Moller Pavilion
Friday 5 May 2017 from 12.30 - 2.00pm
- A 'pop up studio' on Byron Street in front of the Post Office building
Thursday 4 May 2017 between 12.30 - 5.00pm
Friday 5 May 2017 between 9.30am - 4.30pm
Saturday 6 May 2017 between 9.00am - 12 noon
- Online Parking Review Survey
25th April – 19th May 2017

Results of Consultation

As per resolution item number 4, staff have developed this report to inform Council of the results of the community engagement and online survey, in order to provide a recommendation to move forward.

(Summary of community engagement and online survey is provided below "Excerpt from MRCagney Issues and Needs Analysis for Bangalow and within Attachment 2 - Online Survey Results & Feedback".

Excerpt from MRCagney Issues and Needs Analysis for Bangalow

The following excerpt has been provided by MRCagney, who were engaged by Council to consult with the Bangalow community around Movement and Parking. MRCagney have provided their Issues and Needs Analysis Report for Bangalow in June 2017, excerpt of which is shown below.

"Car parking was not the dominant issue raised by the community during consultation, however some of the recent discussion surrounding paid parking that Council has been having with the community nonetheless spilled over into Immersion process, particularly at the parklet. This feedback is certainly welcome and informative, although the intent was always to unpack the community's deeper preferences and aspirations for the community.

The overarching message from the Immersion process in terms of parking was that there is generally not a parking supply issue, and it is usually possible to find reasonably convenient parking in town. The community's attitudes towards sacrificing some parking convenience in order to support better active travel outcomes, urban form and main street vibrancy are reasonably mature in comparison to our experience in some other similarly sized towns, and while there are some concerns amongst the community regarding parking on busy market days, the consensus seems to be that this is simply part of life in such a characterful, well visited small town. Any intrusive changes to cater for peak demand will not be supported by the community and will not be appropriate.

Priced parking was understandably an issue that caused some angst amongst some community members. Naturally, the most common responses were negative, however there was a not-insignificant contingent who supported paid parking as a means of raising some much-needed revenue to fund basic infrastructure improvement in town or to manage demand for parking from tourists.

Council's approach to managing parking in Bangalow should in the first instance ensure that their adopted policies support a vibrant, prosperous, and active town. Purely from this parking management perspective it is not clear that paid parking is warranted in town, particularly in the absence of recent parking occupancy data. Our observation is that parking occupancy on the main street and adjacent streets would be unlikely to exceed 85% for a sufficient proportion of a typical day to make priced parking necessary to support accessibility, however further parking surveys will of course be required to confirm this.

Notwithstanding this, it is understood that Council may well wish to pursue priced parking in order to capture some revenue from the significant numbers of tourists who visit Bangalow from outside the LGA, putting significant pressure on road and other infrastructure maintenance. Such revenue would certainly be welcome, and could contribute to a better public realm for the people of Bangalow.

However, the absolutely crucial prerequisite should Council choose to pursue priced parking is that some more genuine, honest and transparent conversation is entered into with the community. Council will need to be upfront with the community about why priced parking is being proposed for Bangalow, and genuinely engage with the community to reach a consensus on what initiatives

priced parking revenue will be used for in town. The community already has some misgivings about Council's management and contribution to their town (which is not to say it is deserved), and Council cannot risk undermining the community's trust and good will towards any further engagement in the future.

5 Council should also be wary of the elasticity of demand for parking where Council is proposing to charge for parking (which is understood to be simply the main street from Deacon Street to Station Street and some side streets). Other than on event and market days, it may very well be that even minimal rates will simply push demand for parking outside of priced streets. While encouraging peripheral parking is certainly a positive outcome, the impact on revenue projections should be carefully considered.

15 Ultimately, some further data and community engagement is required before priced parking can be unequivocally supported. There are however some actions that will be beneficial in the interim. For example, way finding signage for off-street parking areas supported by improved footpaths would support peripheral parking behaviour. Some improvements to the supply of quality, well located equal access parking spaces is also sorely needed."

20 **While it is understandable that many Bangalow residents might prefer that pay parking not be introduced, this is not unusual when such a proposal is first flagged. However, our experience in Byron Bay has shown that initial opposition dissipates when people find that after the introduction of pay parking available parking spaces are more prevalent and previously unfunded community infrastructure projects are able to proceed. As in Byron Bay it is expected that the bulk of pay parking revenue will be derived from visitors and tourists with most residents realising the value inherent in the resident parking which offers locals all year parking for \$55.**

Other issues raised relevant to the introduction of a Pay Parking Scheme

30 The following issues raised by the community and the Bangalow Village Plan Guidance Group during consultation are pertinent to Council's consideration of this matter:

- A number plate analysis of the origin of cars parked in the centre has been requested several times by the community, to determine whether Pay Parking will be effective in generating sufficient funds to make its introduction worthwhile. There is a view that the majority of people parking in the village centre at most times reside in the shire or work in Bangalow (and therefore will have Pay Parking exemption permits) , and thus not much revenue would be generated from people parking in the village from outside of the shire.

40 In response to this:

- The revenue from the introduction of a Pay Parking Scheme will not only be generated from Pay Parking fees and permit fees, it will also be generated from potentially increased fines from the increased enforcement of the Pay Parking time limits. Enforcement fines will apply to anyone who overstays the time limit, whether they are residents or workers exempt from the Pay Parking Scheme or not.
- The estimated cost to engage a consultant to prepare a number-plate analysis is \$10,000.
- There is concern that local people who use Bangalow as their closest functional centre for services and are located just over the LGA border in Ballina Shire will not be allowed an e-permit exemption. There is a community request to allow for residents within a certain isochrone (trip time length) to be allowed to apply for an e-permit exemption.

Staff are of the view that this would increase administration and equity matters would need to be considered. The exemption scheme in place for Byron is for the benefit of Byron Shire residents and ratepayers and for workers who are employed in the Parking Scheme Area

5 **Staff Recommendation**

It is noted that the Local Traffic Committee (LTC) do not need to provide a recommendation regarding the implementation of a revised parking layout and/or pay parking scheme however the LTC will be notified of Council's resolution at their 18th July 2017 meeting if required.

Based on the recommendations from the TPS Report (Attachment 1) and Council Resolution 17-055, staff performed community consultation in combination with the movement and parking review intended to inform the village plan. The following key points have been extracted from the online parking review survey (187 responses), which generally aligns with the discussions throughout the consultation:

- 56% of respondents currently have a Byron Shire E-Permit Exemption (Q9)
- 61.5% of respondents would support the 1 Hour zones identified in the TPS Report (Q10)
- 69.5% of respondents would support the 2 Hour zones identified in the TPS Report (Q11)
- 62% of respondents would *not* support a pay parking system in Bangalow (Q12) *however*;
- 61.5% of respondents would support pay parking if funds were spent in Bangalow (Q13)
- Respondents ranked pedestrian/cycle paths as the highest priority for funding (Q14)
- Respondents ranked roads as the second highest priority for funding (Q14)
- 46% of respondents stated that the proposed changes would not affect the way they access Bangalow, *however* 17% of respondents stated that the proposed changes would cause them to no longer visit Bangalow (Q15)

Based on the survey and consultation feedback, it is proposed that the majority of the Bangalow community would be supportive of the parking time limits changing in line with the TPS report, however the majority would *not* be supportive of paid parking, unless the generated funds were earmarked for infrastructure projects in the Bangalow locality. The Bangalow Village Plan process is proposed to be the source identifier for projects that paid parking funds can be spent on. This process will be finalised prior to the first year of funds being generated from paid parking and can therefore identify the critical projects to be funded. These projects are likely to include activation of the Bangalow rail corridor, improved pedestrian and cycling routes, upgraded road and drainage infrastructure, improved public amenities, new street tree strategies and landscaping outcomes, and greater pedestrian/cycle connectivity between key residential zones and local school and recreation grounds. With at least \$1M per year anticipated to be derived from pay parking in Bangalow this recurrent funding source will be instrumental in progressively transforming public spaces in the township and enhancing quality of life for Bangalow residents.

On this basis the following is recommend:-

1. That Council endorse the implementation of the changes to the parking time limits as depicted in the proposed parking times Figure 1 being 1P throughout Byron Street and part of Station Street, with 2P in the remainder of Station Street.
2. That Council endorse the introduction of a Bangalow Town Centre Pay Parking Scheme, which is in line with the existing Byron Bay town centre parking scheme.
3. That Pay Parking Scheme:-
 - applies a unilateral parking charge of \$4 per hour; and
 - incorporates an annual exemptions in accordance with Council's approved fees and charges.

4. Incorporates a paid parking area as per Figure 1, which covers:

- a) Byron Street, from the roundabout crossing Granuville Road to Market Street; and
- b) Station Street, excluding the all day car park to the south.

5. That Council does not consider the inclusion of residents in Ballina Shire within a certain trip time length for the Pay Parking e-permit exemption.

6. That Roads and Maritime Services (RMS) concurrence be sought prior to the implementation of the Bangalow Town Centre Pay Parking Scheme.

7. That Council approve a budget of \$75,000 to implement the paid parking scheme and revised parking time limits, from the Pay Parking Reserve.

8. That Council receive a report after twelve (12) months of the Bangalow Pay Parking Scheme being in operation, to review:-

- operational costs;
- revenue;
- effect on the Bangalow Village and locality; and
- projects funded by the scheme.

9. That Council agree to dedicate all net revenue received from pay parking in Bangalow to infrastructure projects identified by the Bangalow Village Plan Guidance Group and in Council's asset management plan and that those projects be incorporated into the annual Council budgetary process.



Figure 2 – Bangalow Township Proposed Pay Parking Area

Subject to Council endorsement, the following actions will be required to move forward:

- If adopted, notify the Local Traffic Committee at meeting on 19th September 2017 regarding Council's resolution.

- If adopted, seek concurrence from RMS to implement revised parking layout and pay parking scheme.
- Advise the Bangalow Chamber and Bangalow Village Plan Guidance Group of the outcome of this report.

- 5
 - Implement revised time zones (as per Figure 1)
 - Implement paid parking scheme (as per Figure 2)

Statutory and Policy Compliance Implications

- 10 As was reported in Council report 13.16 (attached); the following information details the requirements for Council to implement a pay parking scheme.

RMS guidelines contain details where Council must either comply or consider them, and specifies where RMS concurrence or approval is needed. Both guidelines are available online:

- 15 <http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/payparkingv4.pdf>
<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/permit-parking.pdf>

- 20 The guidelines are assumed to be current despite having reference to the now repealed *Road Transport (Safety and Traffic Management) Regulation 1999* which has been replaced by the *Road Transport (General) Regulation 2013* which within Part 5 details parking schemes:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+367+2013+cd+0+N>

- 25 The RMS guidelines empowers a parking authority (i.e. Council) to establish and operate a parking scheme, be it a meter, ticket, phone or coupon system employed, noting the model discussed within this report is akin to a Meter Parking Area system based on 'pay by plate'. This is possible as follows.

- 30 At s61 within "Subdivision 1 Metered Parking Schemes" the following is stated:

A parking authority may set aside the whole or any part of a road in its area of operations as a metered parking area.

- 35 **Note.** Rules 207–1 and 207–2 of the *Road Rules 2014* make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207–1.

As for 'pay by plate' this appears confirmed at s62 Parking Meters which states:

- 40 (1) *The parking meter for a metered parking space must indicate:*

....
 (d) *in the case of a metered parking space for a registration metered parking area—that the registration number of the vehicle must be entered for use of the parking space.*

- 50 Similarly, the guidelines and regulation allow Council to fix fees for parking in metered parking spaces by resolution of the Council and to charge different fees for different areas, days or times of day should they wish. Nevertheless Council need to adhere to the RMS guidelines where they are mandatory; and where they are not they are considered good practice and recommended.

- 55 To date Council have worked with the RMS through the LTC as per the guidelines to establish the pay parking scheme in the Byron Bay town centre and Marine Parade. This will need to continue if Council wish to proceed with the parking scheme described, including exemptions, noting that the Pay Parking guideline states Council as a parking authority:

...is not entitled to provide or to charge for parking in pay parking spaces if it fails to comply with the RMS guidelines.

- 5 RMS guidelines have to date been met and no objection received from the RMS. However no approval or concurrence will be forthcoming from RMS until Council conclude and refer a completed parking study to them. The recommendation made in this report seeks to provide staff such opportunity and avoid a continuous feedback loop between Council and RMS.
- 10 As for a Resident Parking Permit scheme, it is intended this be employed with the same arrangements as the previously employed schemes for Byron Bay in residential streets for those that reside in that street (and their guests) to be exempt through provision of a resident's scheme permit (preferably based on registration plate as well).
- 15 As for enforcing a Metered Parking Area (i.e. pay parking scheme) Rule 207 Road rules 2014 applies and reads as follows:

(6) Driver must pay relevant parking fee for ordinary metered parking area

- 20 A driver must not park in a metered parking space for an ordinary metered parking area without paying the relevant parking fee for the space for at least the minimum period of time for which parking in the space must be paid for.

(8) Driver must enter registration number and pay relevant parking fee for registration metered parking area

A driver must not park in a metered parking space for a registration metered parking area without:

- 25 (a) entering the registration number of the vehicle into the parking meter for the space, and
 (b) paying the relevant parking fee for the space for at least the minimum period of time for which parking in the space must be paid for.

- 30 As Part (6) states, the driver must pay and while Part (8) requires the registration plate to be entered and pay the relevant fee. In Council's scenario of providing an exemption to "paying the relevant parking fee" a pre-registered registration plate entered at the meter would be akin to paying the fee. However, if the registration was not entered, no payment would be made and the offence of "Park without paying meter fee" would be committed.

- 35 As for enforcing a Resident Parking Permit area the offence is typically aligned with parking beyond the signed time limit, which of course does not apply to those exempt.

Financial Implications Moving Forward

- 40 It is estimated that a budget of \$20,000 will be required to implement the revised parking layout, consisting of new and revised signage to clearly identify revised parking time limits. This simply allows for modifying the existing signs designating the existing time zones.

- 45 Subject to a detailed investigation of the existing arrangement and to implement a paid parking scheme, it is estimated that an *additional* \$120,000 will be required. This allows for parking signage to satisfy the RMS standard for a paid parking scheme, installation of parking meters, line marking and new signs.

- 50 \$185,000 is estimated as the capital cost to implement the pay parking scheme if Council were to buy the meters. However, Council has entered into a contract for the lease of the parking meters and this contract allows for the number of pay parking meters to be increased if Council decides to introduce pay parking into other areas, such as Bangalow, and this spreads the cost of the meters over a 3-5 year period.

- 55 The operating costs of the system including operating and enforcement costs, is expected to be \$220,000 per year. The estimated revenue outlined in the TPS report (based on \$3/hr) from the meter system and enforcement is expected to be approximately \$930,000 per year. Therefore the

estimated return on implementing the scheme will be approximately \$710,000/pa. This estimate does not include the revenue gained from the purchase of resident scheme annual permits or the increase in paid parking rates from \$3/hour to \$4/hour as per resolution 17-023 (2 February 2017).

- 5 As part of Council's consideration and adoption of the Special Rate Variation, Council resolved to apply a 7.5% rate increase annually over the 4 years to assist Council in addressing its infrastructure backlog requirements. This decision was complimented by Res 17-023 to increase paid parking rates to increase revenue. (To meet Council's *Fit for the Future* and adopted Financial Sustainability Plan Targets)

- 10 Based on \$4/hour, the expected approximate return will be \$1,020,000 and it is expected the upfront capital costs will be recouped in the first full year the scheme operates.

Report No. 13.14 **Draft Plan of Management - Byron Bay Recreation Ground**
Directorate: Infrastructure Services
Report Author: Nikki Bourke, Project Officer
File No: I2017/429
5 **Theme:** Community Infrastructure
 Open Space and Recreation

Summary:

10 The purpose of this report is to gain Council approval to advertise the draft Plan of Management for the Byron Bay Recreation Ground for a period of no less than 28 days to enable Community submissions.

RECOMMENDATION:

1. **That in relation to the draft Plan of Management for Byron Bay Recreation Ground:**
- a) **It be advertised for 28 days and if any submissions are received be brought back to Council for further consideration**
 - b) **That if no submissions are received, that the Plan of Management be adopted as exhibited.**

Attachments:

- 20 1 Draft Plan of Management Byron Bay Recreation Grounds V5, E2017/80412 

Report

A draft Plan of Management has been prepared for the Byron Bay Recreation Ground.

- 5 If adopted, this plan would supersede the Plan of Management for Byron Bay Recreation Ground adopted that was on 20 May 2003 (DM403354).

The purpose of this report is to gain Council approval to advertise the draft Plan of Management for the Byron Bay Recreation Ground to enable Community submissions.

Financial Implications

There are no financial implications from the development and adoption of the Byron Bay Recreation Ground Plan of Management.

Proposed actions consistent with an adopted plan of management may generate income and expenditure opportunities that Council will have to consider when they are presented.

Statutory and Policy Compliance Implications

Local Government Act 1993

38 Public notice of draft plans of management

- (1) A council must give public notice of a draft plan of management.
 (2) The period of public exhibition of the draft plan must be not less than 28 days.
 25 (3) The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
 (4) The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood

40 Adoption of plans of management

- (1) After considering all submissions received by it concerning the draft plan of management, the council may decide to amend the draft plan or to adopt it without amendment as the plan of management for the community land concerned.
 (2) If the council decides to amend the draft plan it must either:
 35 (a) publicly exhibit the amended draft plan in accordance with the provisions of this Division relating to the public exhibition of draft plans, or
 (b) if it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the plan of management for the community land concerned.
 (2A) If a council adopts an amended plan without public exhibition of the amended draft plan, it
 40 must give public notice of that adoption, and of the terms of the amended plan of management, as soon as practicable after the adoption.
 (3) The council may not, however, proceed to adopt the plan until any public hearing required under section 40A has been held in accordance with section 40A.

40A Public hearing in relation to proposed plans of management

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36 (4).
 (2) However, a public hearing is not required if the proposed plan would merely have the effect of
 50 altering the categorisation of the land under section 36 (5).

- (3) A council must hold a further public hearing in respect of the proposed plan of management if:
- (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36 (4) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

41 Amendment of plans of management

A council may amend a plan of management adopted under this Division by means only of a plan of management so adopted.

42 Revocation and cessation of plans of management

(1) A plan of management for community land may be revoked by a plan of management adopted under this Division by the council.

(2) A plan of management ceases to apply to land if:

- (a) the land is reclassified as operational land, or
- (b) in the case of land that is not owned by the council—the land ceases to be controlled by the council.

Report No. 13.15 **Review of Pay Parking for Byron Bay**
Directorate: Infrastructure Services
Report Author: Evan Elford, Team Leader Infrastructure Planning
File No: I2017/164
5 **Theme:** Community Infrastructure
 Local Roads and Drainage

Summary:

10 The following review of the Byron Bay Pay Parking Scheme has been prepared to update Council on the scheme's performance to date. This report has been prepared in consideration of the various reporting criteria as referenced in Council Resolution 16-178 where appropriate.

RECOMMENDATION:

15 **That Council endorses the review of Pay Parking in Byron Bay and the following recommendations:**

- a. That tighter business rules be developed and implemented around E-permit access and eligibility, noting that resource levels need to be able to meet demand required for verification, and it is preferred that E-permits are obtained online and there be a review of the E-permit data and system, including online portal and management.
- b. That a review be undertaken of E-permits in regard to the number of permits on issue to specific households and businesses and the financial implications of maintaining and / or modifying this aspect of the pay parking system.
- c. That consistent hourly rate charges remain across all zones.
- d. That current time limits within the scheme remain unchanged until such time future reviews or audits identify need for change.
- e. That a five year objective be to increase the use of credit cards to represent no less than 50% of all transactions in order to minimise future cash collection costs.
- f. That an audit of the Pay Parking scheme be carried out no later than December 2018 and thereafter every three years. The audit report to be presented to Council for endorsement and a copy to be forwarded to the RMS within one month of endorsement in accordance with statutory requirements.
- g. That Council receive a performance review report annually in relation to the e-permit and pay parking scheme together with a separate performance report on infringement and enforcement.

Report**1.0 - Background**

- 5 Byron Bay Pay Parking scheme consist of three main components as follows:
- on-street metered parking system involving 131 meters, 1,659 car parking spaces with varying time limits
- 10 • E-permit exemption parking system, both residential and business
- residential parking permits in non-metered, timed parking residential areas, adjacent to the metered areas
- 15 Figure 1 identifies the applicable areas for both the pay parking and residential parking permit schemes as implemented to date.
- The scheme was introduced to the Byron Bay township and has been operational since December 2015.
- 20 The meter registration pay parking scheme in Byron Bay was introduced in three (3) distinct stages:
- | | | |
|----|-------------------------|---|
| 25 | Stage 1 – December 2015 | 1-hour (1P) and 2-hour (2P) commenced |
| | Stage 2 – January 2016 | four-hour (4P) and all day (P) sites included |
| | Stage 3 – March 2016 | start of credit card payment at the meter |

Figure 1. Byron Bay Township Parking Schemes



This report provides Council with an update on the system performance and has been prepared generally in accordance with the requirements set out in item 1 of Council resolution 16-178 of 7 April 2016 as outlined below.

16-178 Resolved:

1. That the following criteria be applied in the 6-month review:
 - a) e-PERMITs (i.e. pay parking exemptions): total; type; postcode and registration analysis; use/occupancy; method of obtainment and proof; plus provide audit at 6-month review to determine fraudulent use/ineligibility, and where applicable, consider restricting the postcode options on the online application form to Byron shire only.

- Consider implications of extending e-permits (at a non resident business rate) for those with licenses showing residences in Lennox Head, Clunes, Newrybar and Rosebank/ Repentance Creek.

- Consider implications of not requiring e-permit holders to use meters.

- 5 b) *METER: turnover/use; permit (free) Vs paid use; merchant fees; use/demand of printing tickets; faults and complaints; revenue - cash Vs card; additional costs beyond contract; value of comprehensive maintenance agreement (as per tender) versus actual hours/duties, e.g. calls to fault line, number of automated faults, response times, time to fix a fault, etc. Language selected and issue of 'sleeping' meters to save battery.*
- 10 c) *INFRINGEMENTS: review pre and post pay parking infringement type, number issued and revenue; types of meter infringements; Road Rules and related implications (if any).*
- d) *TIME LIMITS: review adequacy and mix; survey/review areas that are subject of requests received; consider changes in holistic fashion not via ad-hoc changes with report to Local Traffic Committee/Council.*
- 15 e) *PARKING CHANGES: for example dedicated motorcycle spots, use/demand/options for Butler Street Reserve and other all day areas, such as change from 4P to all day at Lawson Street south and north car parks.*
- f) *Consideration of additional paid parking areas within the Byron Bay parking envelope.*
- 20 g) *PERIPHERY: consider the impact of paid parking on non-metered areas on the periphery of the scheme*
- h) *RESIDENT PERMITS: Effectiveness and geographical footprint*

2.0 - E-permits – Residential and Business

2.1 – Background

The Exempt Permit scheme (E-permit) can be broken up into permit types, as detailed in table 2.1 (below). This also provides a comparison on the number of permits as at February 2016 and February 2017.

Table 2.1 - E-Permits on Issue at February 2016 and 2017

Permit Type	2016	2017
Residents	6,903	7,672
Pensioners	3,027	2,821
Worker	178	247
Business	56	298
Commercial	52	236
Other	-	8
Total	10,216	11,282

2.2 - Revenue Losses Associated with Exemption Permit Holders etc

What is the cost of the exemption scheme?

The transaction analysis has been undertaken using data taken from the system in the first 204 days of operation in 2016. During this period any person who was the holder of an exemption permit (E-permit) was required to register their vehicle at the meter in the normal manner applying to all other parkers. This requirement was discontinued in the later part of 2016.

Table 2.2 - Estimated Revenue Cost/Year due to Exemption Scheme (at 2016 parking price rates)

Locality	Boundary		Foreshore		Perimeter		Town Centre		Total	
	E-permit Demands	\$Value	E-permit Demands	\$Value	E-permit Demands	\$Value	E-permit Demands	\$Value	E-permit Demands	\$Value
Demands & Value	38636	\$155,848	120563	\$584,354	34369	\$161,349	541571	\$1,729,391	735139	\$2,741,143
Percent of Total	5%	6%	16%	21%	5%	6%	74%	63%	100%	100%
Assumed Revenue/Transaction		\$4.03		\$4.85		\$4.69		\$3.19		\$3.73

Note : Estimates are based on 204 days of operation during which Exemption Permit holders were required to register at the meter.

- 5 The estimates indicate that the E-permit system is reducing meter system revenue by approximately \$2.75 million dollars per annum, based on 2016 parking fee rates. The majority (63%) of this revenue loss is occurring in the town centre, where E-permit parking demands represent approximately 53% of all parking demands.
- 10 It is understood that approximately 11,300 E-permits have now been issued to residents / ratepayers, pensioners and other groups as described below:
- workers, whose place of employment is a fixed address within the pay parking area
- 15
- registered business, commercial and volunteer organizations that have a fixed address within the pay parking area, on the proviso they have a self managed online account, and obtain E-permits for their paid staff or registered volunteers only
- 20 Table 2.3 shows the number of permits issued and the annual revenue gained from E-permit sales at the current rate of issue.

Table 2.3 - E-Permits on Issue at February 2017

Permit Type	No.	Price/Permit	PA Revenue
Residents	7672	\$50	\$383,600
Pensioners	2821	\$0	\$0
Worker	247	\$100	\$24,700
Business	298	\$100	\$29,800
Commercial	236	\$100	\$23,600
Other	8	\$100	\$800
Total	11,282		\$462,500

- 25 Based on all the above data and analyses, it is estimated that the current E-permit system is currently resulting in a loss of approximately \$2.25M per annum in parking system revenue. That is, \$2.75M loss of revenue at meters less approximately \$0.5M of revenue gained from E-permit sales.
- 30 A spot check review of business and commercial permits identified that there are currently 131 self managed accounts. Self managed accounts may have more than one vehicle registration attaching to it. Of these, based purely on the address registered, only 38% of them are eligible according to the relevant Terms and Conditions, being that the company must have a fixed address within the Pay Parking area. In addition, 31% of the account holders are businesses outside the Shire.
- 35

Self managed business account details are as follows:

within pay parking area	50
within Byron Bay locality	9
within Industrial Estate of Byron Bay	16
within Shire	15
outside Shire	41

Please note that these accounts have not been audited against whether they have provided the required supporting documentation, purely on the address they have registered.

5 2.3 - Management of the Scheme

Are there any management issues and / or areas in need of review or change?

10 The following issues have been identified which require attention and review and will be addressed for ongoing management and maintenance of the scheme.

- review business rules and policy regarding eligibility criteria
- 15 • there is potential for some 'rorting' of the E-permit system. Management of the scheme needs to ensure there is no rorting by controlling matters such as persons obtaining permits to which they are not entitled and / or obtaining permits on behalf of others who are not entitled
- there are concerns that the online portal system is inefficient in terms of data management and reporting and this should be reviewed in consultation with APARC.

20

2.4 – E-permit Recommended Actions

Based on the above issues, a review of the E-permit scheme management systems and procedures should be carried out on a regular basis to ensure that:

25

- existing integration between pay parking administration, customer service and field / enforcement officers continues to occur on a regular basis
- 30 • business rules around E-permit access and eligibility continue to be developed and implemented. Note that resource levels need to be able to meet demand required for verification, and as Council preference is that E-permits are obtained online, a review of the E-permit data and system including online portal and management is needed
- 35 • Council is able to review E-permits in regard to the number of permits on issue to specific households and businesses, the financial implications of maintaining and / or modifying this aspect of the parking

3.0 - Meters & Pay Parking

40 3.1 - Actual Revenues vs Original Expectations

Is the system performing to expectation?

45 The following estimates of current revenues and transactions for the meter system have been made based on data obtained for the 232 days period between 14 July 2016 and 1st February 2017. This period immediately following the termination of a requirement for E-permit holders to register their vehicle at the meter when parking.

50

Table 3.1 - Estimated Meter System Revenues & Transactions

No. Meters	131
Off-Street Meters	433
On-Street Meters	1,226

Total Metered Spaces	1,659
Avg Spaces/meter	12.66
Revenues (232 days to 1/2/2017)	\$1,927,938.11
Transactions (232 days to 1/2/2017)	556,995
Data Days	232
Estimated Transactions PA	876,307
Estimated Revenue PA	\$3,033,178.49
Avg Rev PA/Trans	\$3.46
Avg Rev PA/Meter	\$23,154.03
Avg Rev PA/Space	\$1,828.32

The estimates indicate that currently approximately 560,000 transactions per year are occurring, yielding revenue of approximately \$3.05M/year. This represents an average transaction revenue of nearly \$3.50 / transaction and an average revenue of approximately \$23,150 / meter from 131 meters.

These transactions (and revenues) do not include parking data and revenues associated with E-permit holders, which yield a revenue approaching \$0.5M / year. This gives as total system revenue of approximately \$3.50M / year.

All the above estimates etc are based on the parking rates applying in 2016, which were generally set at \$3 / hr, with a maximum of \$20 applying to all-day parking.

Table 3.2 shows revenues based on formula and relationships applied by TPS in the original TPS report of 2015. The table has been adjusted to reflect the actual number of spaces (1,659) and meters (131) in the now operating system.

Table 3.2 - Estimated Meter System Revenues Projection

Revenues / Week (Ex GST)	
Sun	\$12,231.408
Mon	\$9,173.61
Tues	\$9,173.61
Wed	\$9,173.61
Thurs	\$9,173.61
Fri	\$10,702.54
Sat	\$12,231.48
per week	\$71,859.92
per mth	\$311,392.97
per annum	\$3,736,715.67

Revenues / Meter (Ex GST)	
p.w.	\$548.55
p.m.	\$2,377.05
p.a.	\$28,524.55

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The estimates above suggest that the current meter system could be generating revenues of approximately \$3.7M per annum.

3.2 - Performance Analysis

Which zones are yielding highest / lowest revenues and what rationale may exist to vary price rates to maximise revenues? Should seasonal differential pricing be considered?

Table 3.3 shows estimated revenues by day of week for the period between July 2016 and early 2017. A check of data from the period between December 2015 and July 2016 provides an almost identical distribution of revenues and transactions between days of week.

The estimates indicate that Saturday and Sunday provide slightly in excess of one-third of all meter revenues, with each weekday contributing approximately one-eighth of weekly revenue. This analysis probably underscores the importance of tourism activities in the parking system and the probable tendency for E-permit holder demands to be concentrated into weekdays.

Table 3.3 - Meter Revenue x Day of Week - 14th July 2016 - 1st Feb 2017

Day	\$ Revenue	% Revenue	No. Transactions	% Transactions
Sunday	\$ 345,076.59	18%	88,042	16%
Monday	\$ 252,317.10	13%	76,244	14%
Tuesday	\$ 235,147.84	12%	71,661	13%
Wednesday	\$ 237,876.60	12%	71,638	13%
Thursday	\$ 248,974.43	13%	77,609	14%
Friday	\$ 275,608.05	14%	83,027	15%
Saturday	\$ 332,937.50	17%	88,774	16%
Total	\$ 1,927,938.11	100%	556,995	100%

Table 3.4 shows revenues and transactions for the system for Australia Day 2017 and for three days (Thursday, Friday, Saturday) in August 2016. The estimates indicate that more revenue was received on Australia Day than over the three day period in the "low" season in August 2016. This again highlights the significance of tourism in overall meter system revenues.

Table 3.4 - Estimated Seasonal Variations in Demands & Revenues

Locality	PEAK PERIOD (Australia Day) - 26/01/2017-29/01/2017					LOW PERIOD - 18/08/2016-21/08/2016				
	\$Revenue	%	Transactions	%	Avg \$/Transaction	\$Revenue	%	Transactions	%	Avg \$/Transaction
Bay St	\$ 6,020.82	11.9%	1190	9.8%	\$5.06	\$ 4,665.00	15.2%	1060	11.1%	\$4.40
Buttler St	\$ 444.31	0.9%	93	0.8%	\$4.78	\$ 228.30	0.7%	66	0.7%	\$3.46
Byron St	\$ 2,778.44	5.5%	752	6.2%	\$3.69	\$ 1,982.34	6.4%	747	7.8%	\$2.65
Byron St Car Park	\$ 606.66	1.2%	115	0.9%	\$5.28	\$ 223.30	0.7%	68	0.7%	\$3.28
Carlyle St	\$ 378.41	0.7%	103	0.9%	\$3.67	\$ 231.67	0.8%	118	1.2%	\$1.96
Clarks Beach Car Park	\$ 2,868.97	5.7%	613	5.1%	\$4.68	\$ 1,415.31	4.6%	335	3.5%	\$4.22
Fletcher St	\$ 4,901.92	9.7%	1156	9.5%	\$4.24	\$ 3,033.67	9.9%	890	9.3%	\$3.41
Jonson St	\$ 4,512.50	8.9%	1816	15.0%	\$2.48	\$ 3,715.44	12.1%	1929	20.2%	\$1.93
Kingsley St	\$ 14.20	0.0%	5	0.0%	\$2.84	\$ 6.80	0.0%	11	0.1%	\$0.62
Lawson North Car Park	\$ 3,258.35	6.4%	618	5.1%	\$5.27	\$ 2,469.65	8.0%	584	6.1%	\$4.23
Lawson South Car Park	\$ 1,233.60	2.4%	257	2.1%	\$4.80	\$ 936.39	3.0%	273	2.9%	\$3.43
Lawson St	\$ 6,365.92	12.6%	1947	16.1%	\$3.27	\$ 3,549.14	11.5%	1383	14.4%	\$2.57
Main Beach Car Park	\$ 5,056.07	10.0%	914	7.5%	\$5.53	\$ 4,386.80	14.3%	977	10.2%	\$4.49
Marvell St	\$ 2,785.20	5.5%	713	5.9%	\$3.91	\$ 1,443.85	4.7%	521	5.4%	\$2.77

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Middleton Car Park	\$ 2,765.99	5.5%	480	4.0%	\$5.76	\$ 1,352.16	4.4%	264	2.8%	\$5.12
Middleton St	\$ 2,144.73	4.2%	384	3.2%	\$5.59	\$ 910.20	3.0%	263	2.7%	\$3.46
Shirley St	\$ 140.53	0.3%	33	0.3%	\$4.26	\$ 84.65	0.3%	42	0.4%	\$2.02
Somerset St	\$ 39.90	0.1%	18	0.1%	\$2.22	\$ 39.30	0.1%	23	0.2%	\$1.71
Wategos	\$ 4,236.18	8.4%	891	7.4%	\$4.75		0.0%		0.0%	
Wordworth St	\$ 34.00	0.1%	9	0.1%	\$3.78	\$ 64.30	0.2%	16	0.2%	\$4.02
Other	\$ 5.00	0.0%	1	0.0%	\$5.00	\$ 10.00	0.0%	1	0.0%	\$10.00
Total	\$ 50,591.70	100.0%	12108	100.0%	\$4.18	\$ 30,748.27	100.0%	9571	100.0%	\$3.21

All the above data and estimates serve to highlight that the current meter system revenues etc are highly sensitive to parking demands associated with tourism. This finding is unsurprising in the context of the E-permit scheme which operates in the system.

Table 3.5 shows an identical analysis for the 2016 Easter period and a "low" season period in June 2016.

Table 3.5 - Estimated Seasonal Variations in Demands & Revenues

Locality	EASTER - 25/03/2016-28/03/2016					LOW PERIOD - 16/06/2016-19/06/2016				
	\$Revenue	%	Transactions	%	Avg \$/Transaction	\$Revenue	%	Transactions	%	Avg \$/Transaction
Bay St	\$ 6,422.25	10.5%	1617	8.2%	\$3.97	\$ 3,003.40	14.3%	1017	7.7%	\$2.95
Buttler St	\$ 486.72	0.8%	94	0.5%	\$5.18	\$ 139.43	0.7%	107	0.8%	\$1.30
Byron St	\$ 3,658.38	6.0%	1550	7.9%	\$2.36	\$ 1,534.76	7.3%	1481	11.2%	\$1.04
Byron St Car Park	\$ 1,002.04	1.6%	322	1.6%	\$3.11	\$ 171.70	0.8%	187	1.4%	\$0.92
Carlyle St	\$ 943.84	1.5%	423	2.2%	\$2.23	\$ 281.40	1.3%	377	2.8%	\$0.75
Clarks Beach Car Park	\$ 3,546.74	5.8%	1218	6.2%	\$2.91	\$ 875.56	4.2%	429	3.2%	\$2.04
Fletcher St	\$ 5,004.12	8.2%	1660	8.4%	\$3.01	\$ 2,505.28	11.9%	1196	9.0%	\$2.09
Jonson St	\$ 5,513.54	9.1%	3311	16.9%	\$1.67	\$ 2,984.51	14.2%	3111	23.5%	\$0.96
Kingsley St	\$ 121.70	0.2%	39	0.2%	\$3.12	\$ 10.00	0.0%	39	0.3%	\$0.26
Lawson North Car Park	\$ 4,807.17	7.9%	1217	6.2%	\$3.95	\$ 1,340.65	6.4%	636	4.8%	\$2.11
Lawson South Car Park	\$ 2,022.40	3.3%	614	3.1%	\$3.29	\$ 518.83	2.5%	429	3.2%	\$1.21
Lawson St	\$ 10,410.03	17.1%	3333	17.0%	\$3.12	\$ 2,227.53	10.6%	1603	12.1%	\$1.39
Main Beach Car Park	\$ 6,047.98	9.9%	1410	7.2%	\$4.29	\$ 3,103.32	14.8%	978	7.4%	\$3.17
Marvell St	\$ 3,959.07	6.5%	1165	5.9%	\$3.40	\$ 1,305.27	6.2%	855	6.5%	\$1.53
Middleton Car Park	\$ 3,032.65	5.0%	613	3.1%	\$4.95	\$ 316.20	1.5%	148	1.1%	\$2.14
Middleton St	\$ 3,202.57	5.3%	824	4.2%	\$3.89	\$ 567.95	2.7%	475	3.6%	\$1.20
Shirley St	\$ 373.16	0.6%	74	0.4%	\$5.04	\$ 50.96	0.2%	84	0.6%	\$0.61
Somerset St	\$ 103.70	0.2%	15	0.1%	\$6.91	\$ 29.00	0.1%	67	0.5%	\$0.43
Wategos	\$ 242.24	0.4%	147	0.7%	\$1.65	\$ 4.60	0.0%	25	0.2%	
Wordworth St	\$ -	0.0%	0	0.0%		\$ -	0.0%	0	0.0%	
Other	\$ -	0.0%	0	0.0%		\$ -	0.0%	0	0.0%	
Total	\$ 60,900.30	100.0%	19646	100.0%	\$3.10	\$ 20,970.35	100.0%	13244	100.0%	\$1.58

The above table again highlights that revenues during a "high" period such as Easter are approximately three times the rate for a "low" tourism period. However, the analysis indicates that the relatively high rate of revenue in a "high" period is not reflected in the difference in transaction rates between the two periods. Some care should be exercised in considering the transaction data, as we are not confident regarding how this data reflects E-permit demands.

For January - April 2017, uptime availability of the meters is 99.84%, with cumulated downtime 0.156%. Note the downtime calculation provided by APARC includes nine meters located at Wategos Beach and one at Tyagarah Air Strip.

3.3 - Transactions - Card & Cash vs Industry Expectation

Can card use rates be increased to minimise cash collection costs?

The following analysis of transaction type has been undertaken based on data taken from the system in the first 204 days of operation in 2016. During this period any person who was the holder of an E-permit was required to register their vehicle at the meter in the normal manner applying to all other parkers. This requirement was discontinued in the later part of 2016.

The analysis indicates that approximately 50% of all parking demands across the system are associated with E-permit holders. Tables 3.6 and 3.7 show the proportion of transactions by type including and excluding E-permit holders.

5 Table 3.6 - Meter Transactions x Type x Locality (204 days of Operation in 2016) - All Demands

Pay Medium	Boundary		Foreshore		Perimeter		Town Centre		Total	
	No.	\$Amount	No.	\$Amount	No.	\$Amount	No.	\$Amount	No.	\$Amount
Card - Pay Wave	2%	12%	7%	14%	4%	14%	3%	9%	4%	11%
Card - Insert	4%	25%	11%	23%	7%	25%	5%	15%	7%	18%
Coins	19%	63%	45%	64%	27%	61%	38%	76%	38%	70%
FREE	74%	0%	37%	0%	62%	0%	53%	0%	51%	0%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Note : Data taken from 204 days of operation during which Exemption Permit holders were required to register at the meter.

10 Table 3.7 - Meter Transactions x Type x Locality (204 days of Operation in 2016) - Only Paid Demands

Pay Medium	Boundary		Foreshore		Perimeter		Town Centre		Total	
	% No.	% \$Amount	% No.	% \$Amount	% No.	% \$Amount	% No.	% \$Amount	% No.	% \$Amount
Card - Pay Wave	8%	12%	11%	14%	10%	14%	7%	9%	8%	11%
Card - Insert	17%	25%	18%	23%	18%	25%	12%	15%	14%	18%
Coins	75%	63%	71%	64%	72%	61%	81%	76%	78%	70%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Revenue/Transaction		\$4.03		\$4.85		\$4.69		\$3.19		\$3.73

Note : Data taken from 204 days of operation during which Exemption Permit holders were required to register at the meter.

Amongst those who were required to pay at the meters, approximately 22% paid using a credit card. This varied between 25% and 30% in the boundary, foreshore and perimeter localities; it was 19% in the town centre.

These results reflect the industry experience that motorists are more likely to use credit cards as the total parking duration and associated parking fee increases. This is evident in the above tables. For example, whilst credit cards represent 22% of all paid transactions, they represent 29% of transaction value in the parking system. However, in the boundary area, credit cards make up 25% of transactions but 37% of transaction value.

These rates of payment by credit card compare with industry experience at airports and hospitals etc, where in excess of 75% of payments are by credit card, to CBD on-street meter systems such as Brisbane where credit card transactions typically make up about 50% of transactions.

Based on the industry experience there is a considerable potential to increase the degree to which motorists use credit cards to pay parking fees in the system. However, at this stage it would appear that credit card use is not high enough to practically contemplate converting meters to only accept credit card payments.

Council should pursue a five year objective to increase the use of credit cards to represent no less than 50% of all transactions in order to minimise future cash collection costs.

3.4 - Hourly rate increase to \$4/hr and \$12 max. in 4P zone.

What will be the impact on future revenues?

On-street parking demands have historically shown a very low medium-long price elasticity when rates are varied within the range of \$2 to \$4 per hour. However, price elasticity in the short term is evident, but only for a period of months following the price increase.

This would suggest that at least in the medium to long term an increase in the general parking rate from \$3 to \$4 will result in a proportional increase in revenues from the system. That is, notwithstanding a short term reduction in demands in a period of months following the rate increase, system revenues should increase from by approximately \$1.0M / annum with little or no associated increase in system operating costs other than credit card transaction fees.

The above expectation that the medium-short price elasticity is likely to be low is supported by the finding that approximately half of all parking demands currently occurring in the system are associated with holders of an E-permit who are not required to pay a meter fee.

3.5 - Infringements

What is the nature and profile of parking infringement across the meter system?

During the past 12 months the enforcement team has issued 10,289 parking infringements.

A typical month would see parking officers alone write in the order of 500 infringements for a value of approximately \$84,000.00.

Reporting on parking infringement enforcement activities is complex as enforcement officers usually are undertaking a number of enforcement activities simultaneously and as a consequence it is recommended a more detailed report on infringement and enforcement actions be prepared and presented to Council..

3.6 - Time Limits

Do different zones perform different functions? Should duration limits be changed?

Detailed investigations have not been carried out to date. Anecdotal evidence and estimates of average length of 'paid' stay in each zone would suggest that the current time limits appear to be appropriate and of the right magnitude. Therefore, no change to timed limits is required at this stage.

3.7 - Parking Changes and Periphery

The introduction of the Pay Parking system in the township has had some impacts on peripheral areas such as Wategos Beach, Tennyson Street (North) and Belongil Beach, from spillover parking.

As a consequence, Pay Parking and a Residential Parking Permit scheme, consistent with the Byron Bay township scheme, has been introduced at Wategos Beach on 16 December 2016 with 9 meters installed along the beach front in Marine Parade with a residential parking scheme being implemented for the balance of Wategos.

Investigations and reporting has been carried out to extend the Pay Parking system into Tennyson Street (North). On 23 February 2017, Council endorsed the extension of the Pay Parking scheme (Resolution 17-039) in Tennyson Street north of the intersection with Marvel Street. Staff are currently preparing to undertake the necessary site works, including parking delineation, signage and meter installation to implement the Pay Parking system. This system became operational on 15 June 2017.

17-039 Resolved:

1. *That Council endorses the extension of the pay parking scheme to Tennyson Street North of Marvel St intersection.*

2. *That four hour time limited parking be adopted for Tennyson Street North of Marvel Street intersection subject to the support of the Local Traffic Committee.*

5 Staff are currently investigating parking requirements and the implementation of timed and / or pay parking to the Belongil Spit area and will report this matter to Council in due course.

Council has also resolved to increased hourly parking rate to \$4 commencing 1 July 2017, the impacts of which have been previously addressed in the report.

3.8 – Pay Parking Recommended Actions

In relation to the Pay Parking scheme, the recommended actions are as follows:

- that Council maintain consistent hourly rate charges across all zones.
- that Council retain the current time limits within the scheme until such time future reviews or audits identify need for change
- that Council pursue a five year objective to increase the use of credit cards to represent no less than 50% of all transactions in order to minimise future cash collection costs
- that Council receive a performance review report annually in relation to the e-permit and pay parking scheme together with a separate performance report on infringement and enforcement.
- that an audit of the Pay Parking scheme be carried out no later than December 2018 and thereafter every three years. The audit report to be presented to Council for endorsement and a copy to be forwarded to the RMS within one month of endorsement in accordance with statutory requirements.

Financial Implications

Funding remains available in the budget for 2017/18, which was set aside for implementing Pay Parking. This will be used if extra costs are incurred, but these are expected to be minimal for this financial year.

Statutory and Policy Compliance Implications

NSW Road Rules and regulation as related to a Meter Registration Parking Scheme is relevant and needs to be considered in any changes that may arise from this review. As for the review itself, it is recommended it also incorporates the criteria of the RMS Pay Parking guidelines including submission of the completed review to the RMS after Council has received it in June 2016.

The current version of the RMS Pay Parking Guideline is available online:
<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/payparkingv4.pdf>

Section 17 – Effectiveness Audit is most relevant to Council’s review. On page 2, the guidelines state the purpose of such an audit is to:

“...ensure the appropriateness and effectiveness of pay parking schemes implemented by parking authorities and also assist in the planning and implementation of future schemes.”

More specifically Section 17 states the “benefits of monitoring and conducting” an audit, which includes:

- 5 • determine if the objectives of the scheme are achieved, including RMS own objectives as outlined at Section 3 of their guidelines, the most relevant believed to be:
- safety and traffic efficiency gains in the context of travel demand management;
- provide equitable access to parking spaces; and
- where demand exceeds supply, ration parking areas to allow short and medium parking during business hours, ;
- 10 • ensure that a pay parking scheme remains the appropriate parking control solution;
- Provide a valuable supplement to the studies carried out before establishing the scheme;
- Identify any unexpected or unacceptable impacts that warrant modification/s;
- Provide objective information to the road users on the effectiveness of the scheme.
- 15 • Provide information on the performance of the scheme or individual elements of the scheme which may be useful to the parking authority and RMS for future schemes.
- Provide information for RMS to assist with any future updating of the policies and guidelines in this document or amendments.

Section 17 of the RMS guideline also states that:

- 20 ...the term ‘audit’ is intended to be used as a formal examination of the scheme and its performance rather than an informal system of spot checks and assessment. A typical audit, besides being a formal examination of the scheme and its performance, would also include a questionnaire with feedback from the road users and all the relevant stakeholders (ie. the NSW
- 25 Police Force, Local Government and Shires Association, councils and declared organisations).

Initially, while a self-audit is proposed, RMS reserves the right to undertake an independent audit of any scheme.

- 30 The ‘measure of effectiveness’ of a scheme is defined as the means of quantitatively or qualitatively determining the success as well as the appropriateness of the scheme.

To this end the RMS guideline provides the following “check list” which:

- 35 “...should be used as a minimum when conducting the effectiveness audit:
- Appropriateness of the scheme in meeting the objectives listed in Section 3 of these guidelines.
 - Appropriateness of the location/s.
 - 40 • Utilisation levels / occupancy of parking spaces.
 - Level of parking turn over.
 - Level of illegal parking (e.g.. over stay, not paying the parking fee, meter feeding etc.).
 - Improvements to traffic flows, traffic speeds and traffic safety.
 - Level of enforcement and number of penalty notices issued.
 - 45 • Improvement to the environment.
 - A questionnaire survey of road users and stakeholders”

- 50 With regard to the audit, the RMS guideline also states that within one month of conducting the audit, the completed audit report is to be submitted to the RMS. RMS recommend that audits be undertaken on a three year rolling basis. Therefore, the first full ‘audit’ will be due to be completed December 2018.

- 55 The following criteria is used by RMS for evaluating new schemes, consideration of these matters in the ongoing management of the scheme by Council will assist in any future audit the RMS may themselves undertake:

A.1 Meter parking

5 The following criteria will be used in the evaluation of parking meters and the means of, and schemes for, payment of parking fees in meter parking schemes:

- Ease of use and understanding of the operation of the machine by the motorists including clear and readable instructions on the machine in ambient lighting conditions.
- Acceptance of coins of various denominations.
- 10 • Ability to use other payment methods such as smart cards, credit cards, and mobile phones in addition to cash (notes or coins or both).
- Ease of enforcement.
- Administrative simplicity.
- Maintenance aspects.
- 15 • Environmental friendliness.
- Vandal and fraud proof aspects.
- How quality is to be assured over a long period of time.

Report No. 13.16 **Mullumbimby Parking Management Strategy**
Directorate: Infrastructure Services
Report Author: Joshua Winter, Civil Engineer
File No: I2017/416
Theme: Community Infrastructure
 Local Roads and Drainage

Summary:

Council engaged Traffic and Parking Systems Group (TPS) to prepare a parking management strategy for the Mullumbimby town centre to consider current demand and alternative arrangements, including alternative time restrictions and the potential implications of introducing a pay parking system.


The strategy detailed in the report recommends immediately modifying the time restrictions throughout the town centre, followed by close monitoring of parking demand and infringements, to quantify the appropriateness of the time restrictions and the number of infringements throughout the town centre. If the number of infringements persists, it is recommended to consider introducing a pay parking system to the one-hour parking duration zones in Burringbar Street to increase turnover and efficiency. It also recommends monitoring infringements in Dalley Street, Stuart Street and Station Street and that if infringement rates cannot be reduced to below 5%, metering could also be introduced to these areas.

\$10,000 is estimated as the capital cost for the investigation and community consultation for the proposed parking scheme.

RECOMMENDATION:

1. **That Council endorse the Mullumbimby Town Centre Parking Management Strategy (E2016/80919) prepared by Traffic and Parking Systems Group (TPS) as a basis for community engagement.**
 2. **That consultation be undertaken with the Mullumbimby community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.**
 3. **That a budget of \$10,000 is allocated from the Pay Parking Reserve to perform the investigation and community consultation with the Mullumbimby community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.**
 4. **That Council consider the results of the investigation and community consultation at the 23 November 2017 meeting in determining its adoption of a possible revised parking management strategy and pay parking scheme.**
-

Attachments:

- 1 Mullumbimby Town Centre Parking Management Strategy from TPS Traffic and Parking Systems, E2016/80919 

Report

5 Council engaged Traffic and Parking Systems Group (TPS) to prepare a parking management strategy for the Mullumbimby town centre to consider current demand and alternative arrangements, including alternative time restrictions and the potential implications of introducing a pay parking system. The study area of the report is detailed in Figure 1.

Figure 1: Mullumbimby parking management strategy study area



Fig 1.1 Mullumbimby Town Centre Study Area

10

15 Council has been successful in managing demand for public car parking in the past, having introduced a pay parking system in the Byron Bay town centre and Marine Parade in Wategos Beach. Using a mix of time restrictions, with an allowance for residential permits has been demonstrated in both of these projects to increase the turnover of visitors to the area, aiding in the number of vacant car parks available for use.

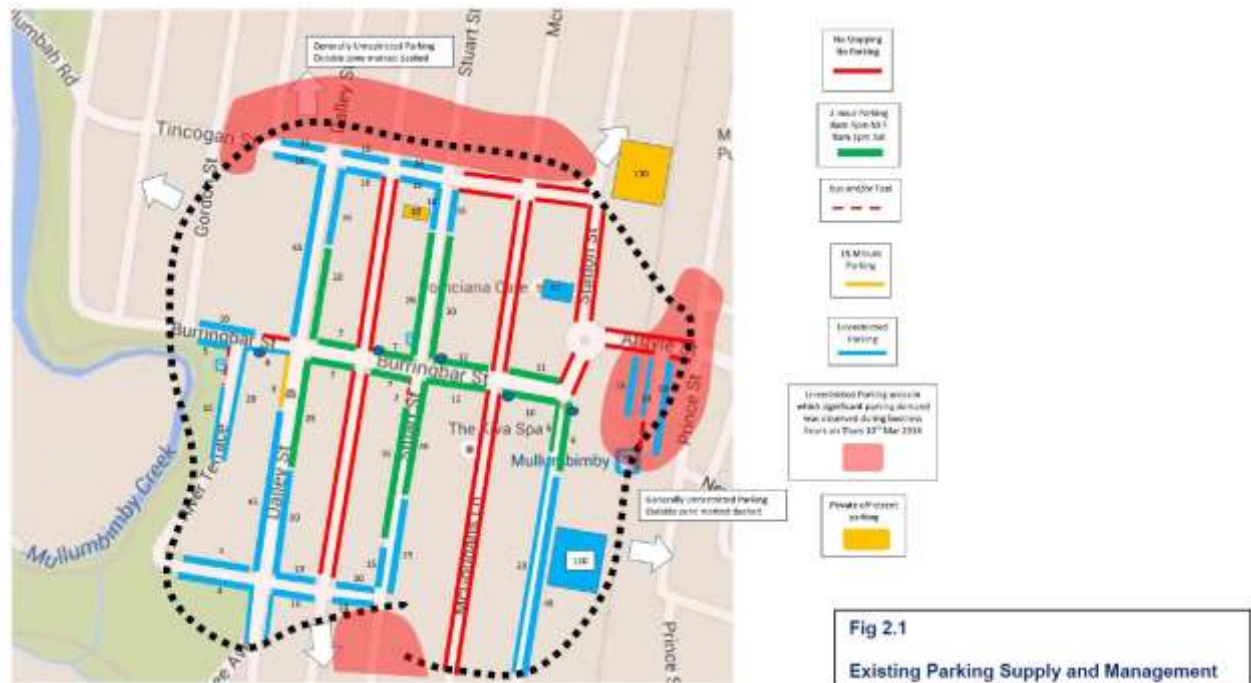
20 The strategy detailed in the TPS report recommends immediately modifying the time restrictions throughout the town centre, followed by close monitoring of parking demand and infringements, to quantify the appropriateness of the time restrictions and the number of infringements throughout the town centre. If the number of infringements persists, it is recommended to consider introducing a pay parking system to the one-hour parking duration zones in Burringbar Street to increase turnover and efficiency. It also recommends monitoring infringements in Dalley Street, Stuart Street and Station Street and that if infringement rates cannot be reduced to below 5%, metering could also be introduced to these areas.

25

Current and Proposed Parking Supply

The current parking arrangement in the Mullumbimby town centre is shown in Figure 2 below.

5 Figure 2: Existing Mullumbimby parking supply and management



10 The proposed distribution is vastly different to the current supply, as outlined in Table 1 below. Data indicated that there is a need to consider converting approximately 434 unrestricted spaces and 8 2P spaces to medium term parking (4P) and short term parking (2P).

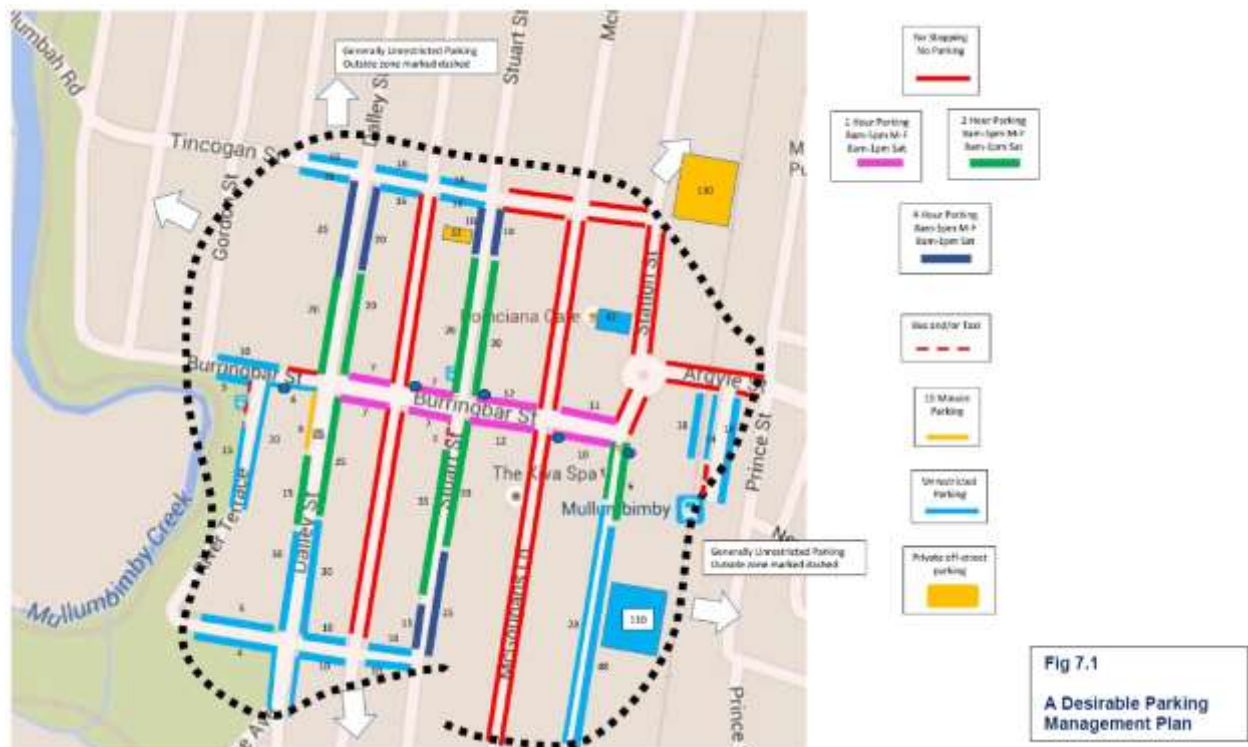
15 Table 1: Appropriate and current supply of car parks in Mullubimby town centre

Typical Town Centre Parking Supply (Approx)

Duration Limit	Appropriate Supply		Current Supply	
	%	Spaces	%	Spaces
1P (or Less)	25%	250	1%	8
2P	25%	250	23%	258
4P	20%	200		
All Day	30%	300	62%	734
Total		1000		1000

20 The proposed parking supply arrangement is outlined in the TPS report and has been calculated based on previous experience in provincial centres. It is indicated that 30% of parking should be allocated to employee and other long term parking demands, 20% to medium term parking (generally between 3 - 6 hours), with the remaining 50% to be split between 1 and 2 hour duration limits. The layout of this distribution is shown in Figure 3 below.

Figure 3: Proposed Mullumbimby parking management plan



Statutory and Policy Compliance Implications

The following details the requirements for Council to implement a pay parking scheme. RMS guidelines contain details where Council must either comply or consider them, and specifies where RMS concurrence or approval is needed. Both guidelines are available online:

<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/payparkingv4.pdf>

<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/permit-parking.pdf>

The guidelines are assumed to be current, despite having reference to the now repealed *Road Transport (Safety and Traffic Management) Regulation 1999*, which has been replaced by the *Road Transport (General) Regulation 2013* which within Part 5 details parking schemes:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+367+2013+cd+0+N>

The RMS guidelines empower a parking authority (ie Council) to establish and operate a parking scheme, be it a meter, ticket, phone or coupon system employed, noting the model discussed within this report is akin to a Meter Parking Area system based on 'pay by plate'. This is possible as follows.

At s61 within "Subdivision 1 Metered Parking Schemes" the following is stated:

A parking authority may set aside the whole or any part of a road in its area of operations as a metered parking area.

Note. Rules 207-1 and 207-2 of the *Road Rules 2014* make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207-1.

As for 'pay by plate' this appears confirmed at s62 Parking Meters which states:

(1) *The parking meter for a metered parking space must indicate:*

5

(d) in the case of a metered parking space for a registration metered parking area—that the registration number of the vehicle must be entered for use of the parking space.

10 Similarly, the guidelines and regulation allow Council to fix fees for parking in metered parking spaces by resolution of the Council and to charge different fees for different areas, days or times of day should they wish. Nevertheless Council need to adhere to the RMS guidelines where they are mandatory; and where they are not they are considered good practice and recommended.

15 To date Council has worked with the RMS through the LTC as per the guidelines to establish the pay parking scheme in the Byron Bay town centre and Marine Parade. This will need to continue if Council wish to proceed with the parking scheme described, including exemptions, noting that the Pay Parking guideline states Council as a parking authority:

20 *...is not entitled to provide or to charge for parking in pay parking spaces if it fails to comply with the RMS guidelines.*

25 RMS guidelines have to date been met and no objection received from the RMS. However no approval or concurrence will be forthcoming from RMS until Council concludes and refers a completed parking study to them. The recommendation made in this report seeks to provide staff such opportunity and avoid a continuous feedback loop between Council and RMS.

30 As for a Resident Parking Permit scheme, it is intended this be employed with the same arrangements as the previously employed schemes for Byron Bay in residential streets for those that reside in that street (and their guests) to be exempt through provision of a resident's scheme permit (preferably based on registration plate as well).

35 As for enforcing a Metered Parking Area (ie pay parking scheme) Rule 207 Road rules 2014 applies and reads as follows:

(6) **Driver must pay relevant parking fee for ordinary metered parking area**

A driver must not park in a metered parking space for an ordinary metered parking area without paying the relevant parking fee for the space for at least the minimum period of time for which parking in the space must be paid for.

40 (8) **Driver must enter registration number and pay relevant parking fee for registration metered parking area**

A driver must not park in a metered parking space for a registration metered parking area without:

(a) entering the registration number of the vehicle into the parking meter for the space, and

(b) paying the relevant parking fee for the space for at least the minimum period of time for which parking in the space must be paid for.

45 As Part (6) states, the driver must pay and Part (8) requires the registration plate to be entered and pay the relevant fee. In Council's scenario of providing an exemption to "paying the relevant parking fee" a pre-registered registration plate entered at the meter would be akin to paying the fee. However, if the registration was not entered, no payment would be made and the offence of
50 "Park without paying meter fee" would be committed.

As for enforcing a Resident Parking Permit area the offence is typically aligned with parking beyond the signed time limit, which of course does not apply to those exempt.

Financial Implications

An amount of \$197,000 is estimated as the capital cost to implement the parking scheme if Council were to buy the meters. However, Council has entered into a contract for the lease of the parking meters and this contract allows for the number of pay parking meters to be increased if Council decides to introduce pay parking into other areas, such as Mullumbimby. An amount of \$10,000 will be required for investigation and community consultation with the Mullumbimby community regarding the implementation of a revised parking layout and pay parking scheme in the town centre.

The operating costs of the system, including enforcement costs, is expected to be \$177,000 per year. The estimated revenue of the meter system and enforcement is expected to be approximately \$308,000 per year. Therefore the estimated profit of implementing the scheme will be approximately \$131,000. This estimate does not include the revenue gained from the purchase of resident scheme annual permits, or a proposed increase in paid parking rates from \$3 / hour to \$4 / hour as per resolution 17-023 (2 February 2017). If factoring in the revenue change to \$4 / hour, it is estimated the revenue may be in the order of \$410,000, equalling approximately \$233,000 revenue for Council after operating costs.

Based on the estimated costs and revenue (based on \$3 / hour, which was applicable when the TPS report was completed), it is expected the upfront capital costs will be recouped in the first two full years the scheme operates.

Table 2: Estimate revenue and costs of metered parking in Mullumbimby town centre

Capital Costs (Ex GST)	
No. Meters	16
Meter (inc. Installation)	\$160,000.00
Incidental Costs @ 20%	\$32,000.00
Enforcement Technology	\$5,000.00
Total Capital Cost	\$197,000.00

Meter System Operating Profit p.a. (Ex GST)	
Meter Revenues	\$205,598.95
Meter Comprehensive Maintenance	\$48,000.00
Management	\$20,000.00
Credit Card costs	\$11,993.27
Finance on Capital @ 6%	\$11,820.00
Total Costs	\$91,813.27
Operating Profit p.a.	\$113,785.68

Enforcement Operating Profit p.a. (Ex GST)	
Enforcement Revenues	\$102,799.48
Staff & Vehicle etc. costs	\$75,000.00
Processing & Legal costs	\$10,279.95
Total Costs	\$85,279.95
Operating Profit p.a.	\$17,519.53

Parking System Operating Profit p.a. (Ex GST)	
Meter system	\$113,785.68
Enforcement	\$17,519.53
Operating Profit p.a.	\$131,305.21

Preliminary Consultation

Preliminary community consultation was undertaken as part of the Mullumbimby Masterplan consultation process. As Council had not yet resolved to investigate parking time limit changes and/or paid parking, the consultation was in the form of informal discussions with the public as part of the general movement and parking review component of the Masterplan.

The informal discussions revealed, in general, that the majority of the community would not support paid parking being implemented, unless the funds were directed to Mullumbimby Masterplan projects. The report from TPS has indicated that these funds may not be significant however may still be worth investigating. Further community consultation with the aim of discussing parking time limits and paid parking directly will be required prior to any action being taken.

Recommended Actions

The following actions will be required to commence the process of implementing the Mullumbimby parking scheme:

1. Council endorse the Mullumbimby Town Centre Parking Management Strategy (#E2016/80919) prepared by Traffic and Parking Systems Group (TPS) for community consultation.
2. Council to allocate budget for investigation and consultation with the Mullumbimby community regarding the proposed changes to the parking layout and the introduction of a pay parking scheme to the town centre
– Budget of \$10000 – 2 months
3. Council to consider consultation report at meeting on 23 November 2017.
4. If the resolution was to proceed with the revised parking layout and a pay parking scheme, then;
 - a. Notify Local Traffic Committee at meeting on 16 January 2018 that Council has resolved to implement revised parking layout and potentially the pay parking scheme.
 - b. Seek concurrence from RMS to implement revised parking layout and potentially the pay parking scheme
 - c. Provide a budget for the implementation of the revised parking layout and pay parking scheme
 - i. Capital Budget for the meters included into the contract for the lease of the pay parking meters
 - ii. Revised and new signage and linemarking.
 - iii. Supply time of new meters from overseas is approximately 4 months.

Report No. 13.17 **Brunswick Heads Parking Management Strategy**
Directorate: Infrastructure Services
Report Author: Joshua Winter, Civil Engineer
File No: I2017/1030
Theme: Community Infrastructure
 Local Roads and Drainage

Summary:

Council engaged Traffic and Parking Systems Group (TPS) to prepare a parking management strategy for the Brunswick Heads town centre to consider current demand and alternative arrangements, including alternative time restrictions and the potential implications of introducing a pay parking system.

The strategy detailed in the report recommends immediately modifying the time restrictions throughout the town centre, followed by close monitoring of parking demand and infringements, to quantify the appropriateness of the time restrictions and the number of infringements throughout the town centre. If the number of infringements persists, it is recommended to consider introducing a pay parking system to the core area in the town centre to increase turnover of car parking. It is noted that the report does not address South Beach Road as a potential area for paid parking. It is recommended that this area is included in the consultation and considered to be included in the paid parking area.

\$15,000 is estimated as the capital cost for the investigation and community consultation for the proposed parking scheme.

RECOMMENDATION:

1. **That Council endorse the Brunswick Heads Town Centre Parking Management Strategy (E2016/80884) prepared by Traffic and Parking Systems Group (TPS) as a basis for community engagement.**
2. **That consultation be undertaken with the Brunswick Heads community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.**
3. **That a budget of \$15,000 is allocated from the Pay Parking Reserve to perform the investigation and community consultation with the Brunswick Heads community regarding the possible implementation of a revised parking layout and pay parking scheme in the town centre.**
4. **That Council consider the results of the investigation and community consultation at the 23 November 2017 meeting in determining its adoption of a possible revised parking management strategy and pay parking scheme.**

Attachments:

- 1 Brunswick Heads Town Centre and Beachside Parking Management Strategy by TPS Traffic and Parking Systems Pty Ltd, E2016/80884 

Report

Council engaged Traffic and Parking Systems Group (TPS) to prepare a parking management strategy for the Brunswick Heads town centre to consider current demand and alternative arrangements, including alternative time restrictions and the potential implications of introducing a pay parking system. The study area of the report is detailed in Figure 1.

Figure 1: Brunswick Heads parking management strategy study area

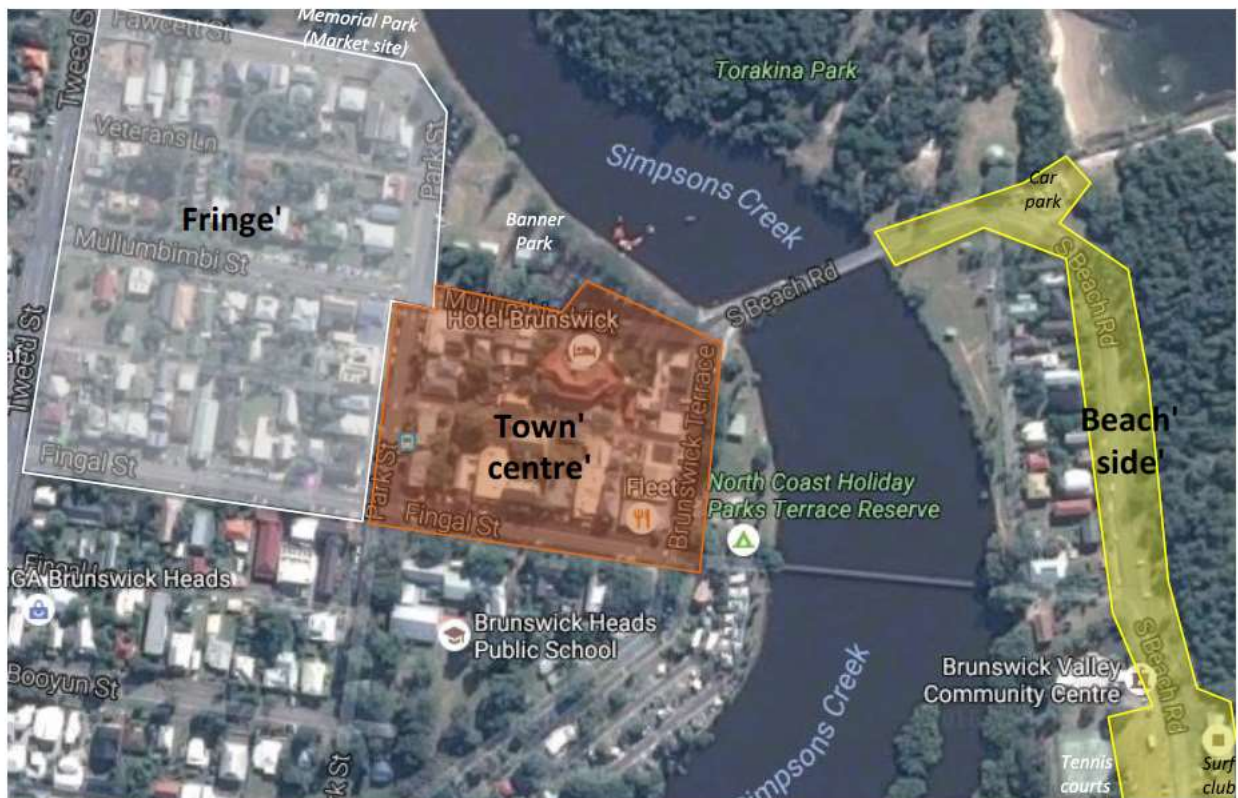


Fig 1.1 The Brunswick Heads Study Area

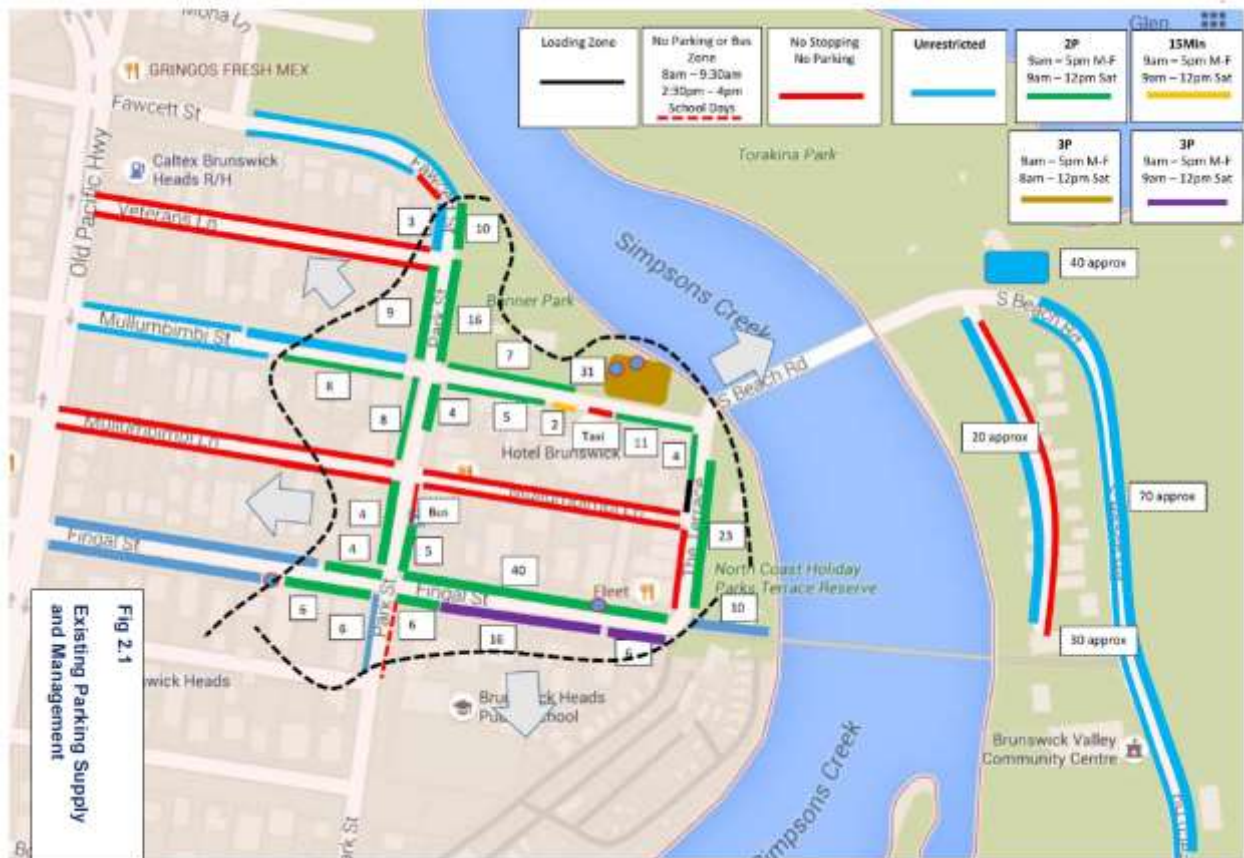
Council has been successful in managing demand for public car parking in the past, having introduced a pay parking system in the Byron Bay town centre and Marine Parade in Wategos Beach. Using a mix of time restrictions, with an allowance for residential permits has been demonstrated in both of these projects to increase the turnover of visitors to the area, aiding in the number of vacant car parks available for use.

The strategy detailed in the TPS report recommends immediately modifying the time restrictions throughout the town centre, followed by close monitoring of parking demand and infringements, to quantify the appropriateness of the time restrictions and the number of infringements throughout the town centre. If the number of infringements persists, it is recommended to consider introducing a pay parking system to the core area in the town centre to increase turnover of car parking.

Current and Proposed Parking Supply

The current parking arrangement in the Brunswick Heads town centre is shown in Figure 2 below.

5 Figure 2: Existing Brunswick Heads parking supply and management



10 The proposed distribution is vastly different to the current supply, as outlined in Table 1 below. Data indicated that there is a need to consider converting approximately 80 or more unrestricted spaces to medium term parking (4P), and also approximately 160 spaces to 1P.

Table 1: Appropriate and current supply of car parks in Brunswick Heads town centre

Duration Limit	Appropriate supply		Current supply	
	%	Spaces	%	Spaces
1P or less	25%	164	0.6%	4
2P	25%	164	25.6%	168
3-4P	20%	130	8.1%	53
All day (UR)	30%	197	65.6%	430
Total		655		655

15 The proposed parking supply arrangement is outlined in the TPS report and has been calculated based on previous experience in provincial centres. It is indicated that 30% of parking should be allocated to employee and other long term parking demands, 20% to medium term parking (generally between 3 - 6 hours), with the remaining 50% to be split between 1 and 2 hour duration limits. The layout of this distribution is shown in Figure 3 below.

20

Figure 3: Proposed Brunswick Heads parking management plan



5

Statutory and Policy Compliance Implications

The following details the requirements for Council to implement a pay parking scheme. RMS guidelines contain details where Council must either comply or consider them, and specifies where RMS concurrence or approval is needed. Both guidelines are available online:

<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/payparkingv4.pdf>

<http://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/technical-manuals/permit-parking.pdf>

15 The guidelines are assumed to be current, despite having reference to the now repealed *Road Transport (Safety and Traffic Management) Regulation 1999*, which has been replaced by the *Road Transport (General) Regulation 2013* which within Part 5 details parking schemes:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+367+2013+cd+0+N>

20 The RMS guidelines empower a parking authority (ie Council) to establish and operate a parking scheme, be it a meter, ticket, phone or coupon system employed, noting the model discussed within this report is akin to a Meter Parking Area system based on 'pay by plate'. This is possible as follows.

25 At s61 within "Subdivision 1 Metered Parking Schemes" the following is stated:

A parking authority may set aside the whole or any part of a road in its area of operations as a metered parking area.

30 **Note.** Rules 207-1 and 207-2 of the *Road Rules 2014* make provision for parking in metered parking areas. Clause 3 (1) defines a **metered parking area** and **metered parking space** to have the same meanings as in rule 207-1.

As for 'pay by plate' this appears confirmed at s62 Parking Meters which states:

- (1) *The parking meter for a metered parking space must indicate:*

5

(d) in the case of a metered parking space for a registration metered parking area—that the registration number of the vehicle must be entered for use of the parking space.

10 Similarly, the guidelines and regulation allow Council to fix fees for parking in metered parking spaces by resolution of the Council and to charge different fees for different areas, days or times of day should they wish. Nevertheless Council need to adhere to the RMS guidelines where they are mandatory; and where they are not they are considered good practice and recommended.

15 To date Council has worked with the RMS through the LTC as per the guidelines to establish the pay parking scheme in the Byron Bay town centre and Marine Parade. This will need to continue if Council wish to proceed with the parking scheme described, including exemptions, noting that the Pay Parking guideline states Council as a parking authority:

20 *...is not entitled to provide or to charge for parking in pay parking spaces if it fails to comply with the RMS guidelines.*

25 RMS guidelines have to date been met and no objection received from the RMS. However no approval or concurrence will be forthcoming from RMS until Council concludes and refers a completed parking study to them. The recommendation made in this report seeks to provide staff such opportunity and avoid a continuous feedback loop between Council and RMS.

30 As for a Resident Parking Permit scheme, it is intended this be employed with the same arrangements as the previously employed schemes for Byron Bay in residential streets for those that reside in that street (and their guests) to be exempt through provision of a resident's scheme permit (preferably based on registration plate as well).

35 As for enforcing a Metered Parking Area (ie pay parking scheme) Rule 207 Road rules 2014 applies and reads as follows:

(6) Driver must pay relevant parking fee for ordinary metered parking area

40 A driver must not park in a metered parking space for an ordinary metered parking area without paying the relevant parking fee for the space for at least the minimum period of time for which parking in the space must be paid for.

(8) Driver must enter registration number and pay relevant parking fee for registration metered parking area

A driver must not park in a metered parking space for a registration metered parking area without:

- 45 (a) entering the registration number of the vehicle into the parking meter for the space, and
(b) paying the relevant parking fee for the space for at least the minimum period of time for which parking in the space must be paid for.

50 As Part (6) states, the driver must pay and Part (8) requires the registration plate to be entered and pay the relevant fee. In Council's scenario of providing an exemption to "paying the relevant parking fee" a pre-registered registration plate entered at the meter would be akin to paying the fee. However, if the registration was not entered, no payment would be made and the offence of "Park without paying meter fee" would be committed.

55 As for enforcing a Resident Parking Permit area the offence is typically aligned with parking beyond the signed time limit, which of course does not apply to those exempt.

Financial Implications

An amount of \$281,000 is estimated as the capital cost to implement the parking scheme if Council were to buy the meters. However, Council has entered into a contract for the lease of the parking meters and this contract allows for the number of pay parking meters to be increased if Council decides to introduce pay parking into other areas, such as Brunswick Heads. An amount of \$15,000 will be required for investigation and community consultation with the Brunswick Heads community regarding the implementation of a revised parking layout and pay parking scheme in the town centre.

The operating costs of the system, including enforcement costs, is expected to be \$142,000 per year. The estimated revenue of the meter system and enforcement is expected to be approximately \$621,000 per year. Therefore the estimated profit of implementing the scheme will be approximately \$479,000. This estimate does not include the revenue gained from the purchase of resident scheme annual permits, or a proposed increase in paid parking rates from \$3 / hour to \$4 / hour as per resolution 17-023 (2 February 2017). If factoring in the revenue change to \$4 / hour, it is estimated the revenue may be in the order of \$639,000, equalling approximately \$497,000 revenue for Council after operating costs.

Based on the estimated costs and revenue (based on \$3 / hour, which was applicable when the TPS report was completed), it is expected the upfront capital costs will be recouped in the first year the scheme operates.

Table 2: Estimate revenue and costs of metered parking in Brunswick Heads town centre

Capital Costs (Ex GST)	
No. Meters	23
Meter (inc. Installation)	\$230,000.00
Incidental Costs @ 20%	\$46,000.00
Enforcement Technology	\$5,000.00
Total Capital Cost	\$281,000.00

Profit / Loss p.a (Ex GST)	
Meter Revenue	\$621,270.00
Operating Costs	-\$142,100.75
Profit p.a.	\$479,169.25
Enforcement Revenue	\$310,635.00
Enforcement Operating costs	\$106,063.50
Net Profit	\$683,740.75

Meter System Operating Profit p.a. (Ex GST)	
Meter Revenues	\$621,270.00
Meter Comprehensive Maintenance	\$69,000.00
Management	\$20,000.00
Credit Card costs	\$36,240.75
Finance on Capital @ 6%	\$16,860.00
Total Costs	\$142,100.75
Operating Profit p.a.	\$479,169.25

Enforcement Operating Profit p.a. (Ex GST)	
Enforcement Revenues	\$310,635.00
Staff & Vehicle etc. costs	\$75,000.00
Processing & Legal costs	\$31,063.50
Total Costs	\$106,063.50
Operating Profit p.a.	\$204,571.50

Parking System Operating Profit p.a. (Ex GST)	
Meter system	\$479,169.25
Enforcement	\$204,571.50
Operating Profit p.a.	\$683,740.75

Recommended Actions

- 5 The following actions will be required to commence the process of implementing the Brunswick Heads parking scheme:
1. Council endorse the Brunswick Heads Town Centre Parking Management Strategy (#E2016/80884) prepared by Traffic and Parking Systems Group (TPS) for community consultation.
 - 10 2. Council to allocate budget for investigation and consultation with the Brunswick Heads community regarding the proposed changes to the parking layout and the introduction of a pay parking scheme to the town centre
 – Budget of \$15,000 – 2 months
 - 15 3. Council to consider consultation report at meeting on 23 November 2017.
 4. If the resolution was to proceed with the revised parking layout and a pay parking scheme, then;
 - a. Notify Local Traffic Committee at meeting on 16 January 2018 that Council has resolved to implement revised parking layout and potentially the pay parking scheme.
 - 20 b. Seek concurrence from RMS to implement revised parking layout and potentially the pay parking scheme
 - c. Provide a budget for the implementation of the revised parking layout and pay parking scheme
 - 25 i. Capital Budget for the meters included into the contract for the lease of the pay parking meters
 - ii. Revised and new signage and linemarking.
 - iii. Supply time of new meters from overseas is approximately 4 months.

Report No. 13.18 **Event - Chincogan Charge 2017 - Road Closure - 16 September 2017**
Directorate: Infrastructure Services
Report Author: Dominic Cavanough , Contract Engineer
File No: I2017/1043
5 **Theme:** Community Infrastructure
 Local Roads and Drainage

Summary:

10 Council has received an event application and Traffic Management Plan (TMP) and Traffic Control Plan (TCP) for Chincogan Charge 2017 to be held on Saturday 16 September 2017.

RECOMMENDATION:

1. That Council endorse the Chincogan Charge 2017 Traffic Management Plan to be held on Saturday 16 September 2017 that requires actions to control traffic on Mullumbimby roads between 8:00am and 5:30pm, subject to conditions at:
 - a. Jubilee Avenue - Mullumbimby Swimming Pool to Dalley Street
 - b. Dalley Street - Jubilee Avenue to Burringbar Street
 - c. Burringbar Street - Dalley Street to Brunswick Terrace
 - d. Brunswick Terrace - Burringbar Street to Murwillumbah Road
 - e. Murwillumbah Road - Brunswick Terrace to Coolamon Scenic Drive
 - f. Coolamon Scenic Drive – House 1913 to Murwillumbah Road
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
 - d. the event be notified on Council's webpage
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns
 - ii. undertake consultation with emergency services and any identified issues addressed
 - iii. hold \$20m public liability insurance cover which is valid for the event
 - iv. paying Council's Road Event Application Fee prior to the event
 - v. provide a debrief of the event to the Traffic and Transport Planner within two weeks of the conclusion of the event

Report

5 The “Chinny Charge” originally started in 1960 with up to 500 runners going from the Mullumbimby Swimming Pool to the top of Mount Chincogan then returning to the finishing line at the Mullumbimby Post Office. The Mullumbimby Chamber of Commerce wants to restart this community event which was last run in 2001.

10 The event organiser has been very slow to produce the required quality of documentation to seek Councils approval of this event. Recommendation from the Local Traffic Committee has been requested out of session due to the late provision of documentation. Council approval will be reported to the next Council meeting, however, this will be post the event.

Financial Implications

15 The event organisers will be invoiced the following fees (Fees & Charges 2017/18):

- \$361.00 Approval of Road Events pursuant to S144 of the Roads Act (Advertising of event and staff time to process)
- \$450.00 Development Certification fees – Section 138

20

Statutory and Policy Compliance Implications

25 The event organiser has held events previously in Mullumbimby using RFS officers to control traffic, this contrary to legislation.

25

Under the NSW Rural Fire Service - Service Standard 1.3.2, Powers of Officers (19 March 2013) Version Number 3.2;

30 *Clause 2.2 An Officer may:*

(b) if he or she is the officer in charge of a brigade or group of brigades, close any street or public place in the vicinity of a fire, incident or other emergency to traffic;

35 This event is not classified as an emergency therefore the RFS Volunteers will not be able to use the powers outlined in the service standard above. To legally control traffic each RFS volunteer traffic controller will require a RMS issued ‘Traffic Control’ ticket. The RFS volunteer traffic controller supervisor must have a RMS issued ‘Implement Traffic Control Zone’ ticket to set out signage as per the Traffic Control Plan.

Report No. 13.19 **Mullumbimby Skate Park Lighting Options**
Directorate: Infrastructure Services
Report Author: Michael Matthews, Manager Open Space and Resource Recovery
File No: I2017/1088
5 **Theme:** Community Infrastructure
 Open Space and Recreation

Summary:

10 This report provides an assessment of the feasibility of providing after dusk lighting of the Mullumbimby Skate Park.

15 The use of 90 watt LED lighting and upgrades of existing power circuits is the preferred design.

A split circuit with separate timers is preferred to provide a 'soft' shut down of lighting at 8pm.

RECOMMENDATION:

That Council approve the installation of skate park lighting and upgrade of existing lighting and that:-.

1. **Additional consultation be undertaken with local residents and the skating community**
2. **\$30,000 is allocated from s94 funds for the project.**

Report

- 5 The feasibility of lighting of the Mullumbimby skate has been assessed by consulting electrical engineers. The recommended design utilises 6 by 90 watt LED lights on 4.5m poles. This layout will achieve lumen levels of 100 Lux, the recommended lighting levels for skating users.

At time of writing this report the full detailed design is incomplete, however will be available to councillors prior to the meeting.

- 10 The existing supply to the netball courts is 2 Phase with 32A supply on each phase. It has been identified that the most economical lighting solution is to utilise one of these circuits. To allow use of this circuit, it is recommended to replace existing metal halide lamps with LED technology. This will ensure sufficient wattage to service the skate park lights.
- 15 A sub meter is also proposed at the control box to allow monitoring of skate park power use.
- It is proposed to install two timer circuits to control the times in which the skate park is able to be used. Cut off time is recommended as 8pm Monday to Sunday.
- 20 On/off weather proof switch for users control located at the control box.

To create a 'soft' shut down of lighting at the nominated cut off time, it is recommended that the lights operate on timers offset by 30 seconds and signage advising that the Skate Park is not to be in use between the hours of 8pm and sunrise.



General arrangement of lighting and location of upgrades

Financial Implications

5

There is provision at this facility for a sound shell within the Contribution Plan that has an allocation of \$50,000 (derived from the Cultural Plan). It is believed that some of these funds could be

allocated through reasonable substitution. Subject to the final detailed design a budget of \$30,000 is believed adequate to complete the project as described.

Statutory and Policy Compliance Implications

5

This site is Council Managed Crown Land subject to a Plan of Management. The works are consistent with the Plan of Management and development is considered exempt development under the Infrastructure SEPP.

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 2 March 2017

Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1026
Theme: Society and Culture
 Community Development

Summary:

The Arakwal MoU Advisory Committee met on 2 March 2017 to discuss the progress in implementing the identified projects from the Arakwal MoU in the 2016/17 reporting period and to identify the key projects for inclusion in the implementation plan for 2017/18, the Arakwal area at the Byron Bay Cemetery and the Byron Shire Aboriginal Cultural heritage Study.

RECOMMENDATION:

1. That Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 2 March 2017.

2. That Council adopt the following Committee Recommendation:

Report No. 4.1 Arakwal Mou Implementation Plan 2017/18
 File No: I2017/218

Committee Recommendation 4.1.1

1. That the Arakwal MoU Advisory Committee recommend that Council note the progress on the implementation of the Arakwal Memorandum of Understanding for the reporting period 2015-16.
2. That the Arakwal MoU Advisory Committee recommend that Council endorse the Arakwal Memorandum of Understanding Implementation Plan 2017-18 and identify the priority projects from the Arakwal MoU for implementation in 2017-18, as being:
 - Emphasis on protecting wetlands and estuaries, including Belongil, Tallow Beach, Clarkes Beach, West Byron, Cumbebin Swamp, and adjacent to the Island Quarry.
3. That a meeting be convened with the Arakwal Corporation and Council to discuss matters relating to Sandhills Estate (MoU No. 5.2.3).
4. That the Committee note a meeting is being held next week with the Office of Environment and Heritage, Council and the NCHPT on stormwater issues from Clarkes Beach Holiday Park (MoU No. 4.2.2).
5. That the Manager Utilities be invited to the next meeting to provide an update on works being carried out within the Belongil catchment and Clarkes Beach midden, and to also discuss the appointment of an Arakwal representative on the Waste, Water and Sewer Advisory Committee.

3. That Council adopt the following Committee Recommendation:**Report No. 4.2 Arakwal Area at the Byron Bay Cemetery Update**

File No: I2017/219

Committee Recommendation 4.2.1

1. That the Arakwal Memorandum of Understanding Advisory Committee recommend that Council note the progress on this project and provide further direction for the next stage of this project.
2. That a working party be formed to determine how the Arakwal section of the Byron Bay Cemetery will operate.

4. That Council adopt the following Committee Recommendation:**Report No. 4.3 Byron Shire Aboriginal Cultural Heritage Study**

File No: I2017/220

Committee Recommendation 4.3.1

That the Arakwal MoU Advisory Committee recommend that Council note the progress of the Aboriginal Cultural Heritage Study 2017.

5. That Council adopt the following Committee Recommendation:**Report No. 4.4 Aboriginal Cultural Events in the Byron Shire**

File No: I2017/221

Committee Recommendation 4.4.1

That the Arakwal Memorandum of Understanding Advisory Committee recommend that Council note the development and delivery of cultural activities and events for this reporting period.

5

Attachments:

- 1 Minutes of the Arakwal MoU Advisory Committee Meeting held on 2 March 2017, I2017/245 

10

Report

5 The attachment to this report provides the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting of 2 March 2017 for determination by Council. The agenda for this meeting can be located on Council's website at:

http://byron.infocouncil.biz/Open/2017/03/AMUAC_02032017_AGN_614_AT.PDF

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

Financial Implications

15 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 2 March 2017.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 2 March 2017.

Report No. 14.2 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 June 2017

Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1072
Theme: Society and Culture
Community Development

Summary:

The Arakwal MoU Advisory Committee met on 15 June 2017 to discuss the key projects from the implementation plan of the Arakwal MoU including an update on the Aboriginal Services Coalition, the Arakwal area at the Byron Bay Cemetery and the Byron Shire Aboriginal Cultural Heritage Study.

RECOMMENDATION:

1. **That Council note the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 15 June 2017.**

2. **That Council adopt the following Committee Recommendation:**

Report No. 4.1 Aboriginal Cultural Heritage Consultation - Position Statement
File No: I2017/668

Committee Recommendation 4.1.1

That Council adopt the Aboriginal Cultural Heritage Statement, subject to a presentation to the next Councillor Strategic Planning Workshop, prior to this matter being reported to Council.

3. **That Council adopt the following Committee Recommendation:**

Report No. 4.2 Aboriginal Services Coalition Update
File No: I2017/672

Committee Recommendation 4.2.1

1. That Council note the progress of the Aboriginal Services Coalition's project to increase Aboriginal Service delivery in the Byron Shire.
2. That Council commend the Aboriginal Services Coalition Working Group for their efforts.

4. **That Council adopt the following Committee Recommendation:**

Report No. 4.3 Arakwal Section at the Byron Bay Cemetery Progress Report
File No: I2017/669

Committee Recommendation 4.3.1

1. That the report be noted.
2. That Council consider the wavering of fees in conjunction with an agreement with the Arakwal Corporation for the care and maintenance of the site.
3. That Council investigate funding options for the development of the Arakwal Section at the Byron Bay Cemetery.

5. That Council adopt the following Committee Recommendation:

Report No. 4.4 Aboriginal Cultural Heritage Study Update

File No: I2017/689

Committee Recommendation 4.4.1

That the report be noted.

6. That Council adopt the following Committee Recommendation:

Report No. 4.5 Flying Fox Management Plan Consultation

File No: I2017/690

Committee Recommendation 4.5.1

That the presentation be noted.

5

Attachments:

- 1 Minutes 15 06 2017 Arakwal Memorandum of Understanding Advisory Committee, E2017/80428 

10

Report

5 The attachment to this report provides the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting of 15 June 2017 for determination by Council. The agenda for this meeting can be located on Council's website at:

http://byron.infocouncil.biz/Open/2017/06/AMUAC_15062017_AGN_615.PDF

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

Financial Implications

15 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 15 June 2017.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 15 June 2017.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Local Traffic Committee Meeting held on 18 July 2017**
Directorate: Infrastructure Services
Report Author: Shannon Manning, Traffic and Transport Administration Assistant
File No: I2017/1004
Theme: Community Infrastructure
 Roads and Maritime Services

Summary:

This report contains the recommendations of the Local Traffic Committee from the meeting as held on the 18 July 2017.

RECOMMENDATION:

1. That Council note the minutes of the Local Traffic Committee Meeting held on 18 July 2017.
2. That Council adopt the following Committee Recommendation(s):

Report No. 6.1 **Traffic – Lucky Lane, Billinudgel – Regulatory Signage - Stop to Give Way**
File No: I2017/595

Committee Recommendation 6.1.1

That Council

1. revise the intersection at Lucky Lane and Bonanza Drive, Billinudgel from stop to give way, which includes bringing the hold line forward and signage, when funding is available.
2. inspect vegetation at the intersection of Lucky Lane and Bonanza Drive, Billinudgel to insure appropriate line of sight is available for vehicles and, if required, undertake trimming of vegetation.

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

Report No. 6.2 **Traffic - Stuart Street 152 - Regulatory Signage - No Parking 1:00am to 6:00am at Mullumbimby Community Garden**
File No: I2017/654

Committee Recommendation 6.2.1

That Council regulate parking at the Mullumbimby Community Gardens, located at 152 Stuart Street, Mullumbimby; including installing 'No Parking 1:00am to 6:00am' signage, when funds become available.

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

Report No. 6.3 Traffic - Main Arm Road 911 - Regulatory signage - No Stopping - Main Arm Rural Fire Service

File No: I2017/930

Committee Recommendation 6.3.1

That Council

1. note that it is an offence to park across a driveway.
 2. advise the Main Arm Rural Fire Service to install 'No Parking' signage on the gate and the Rural Fire Service building.
5. That Council adopt the following Committee Recommendation(s):

Report No. 7.1 Traffic - Old Bangalow Road 86 - Advisory sign - Wildlife Sign request

File No: I2017/617

Committee Recommendation 7.1.1

That Council install two Koala wildlife signs near 19 and 162 Old Bangalow Road, Byron Bay, when funds become available in 2017/2018.

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

Report No. 7.2 Traffic - Office of Transport Safety Investigations (OTSI) - Informal Bus Stops - Findings and Recommendations

File No: I2017/626

Committee Recommendation 7.2.1

That Council

1. note the Local Traffic Committee comments.
 2. provide the Local Traffic Committee comments to the Council's Traffic and Transport Planner.
7. That Council adopt the following Committee Recommendation(s):

Report No. 7.3 Traffic - Lateen Lane - Regulatory Signage - Proposed Shared Zone

File No: I2017/829

Committee Recommendation 7.3.1

1. That Council note the Local Traffic Committee comments.
2. That Council supports Lateen Lane becoming a shared zone, in principal, should it meet RMS warrants.
3. That further investigation be undertaken, including consideration of the

installation of traffic calming devices where warranted.

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

Report No. 7.4 Traffic - Bay Lane - Regulatory Signage - Proposed Shared Zone
File No: I2017/951

Committee Recommendation 7.4.1

- 1. That Council note the Local Traffic Committee comments.**
- 2. That Council supports Bay Lane becoming a shared zone, in principal, should it meet RMS warrants.**
- 3. That further investigation be undertaken, including consideration of the installation of traffic calming devices where warranted.**

9. That Council does not adopt Committee Recommendation(s) 8.1 as shown in the attachment to this report, but instead adopts the Management Recommendation(s) as follows:

Report No. 8.1 DA - Byron Writers Festival 2017 - Road Closure - 4 August to 6 August 2017

File No: I2017/659

Management Recommendation 8.1.1

- 1. That Council note that the Byron Bay Writers Festival and Ideas Market have an existing development consent approval (DA 10.2016.251.1) for an annual event for the years 2016, 2017 and 2018, which includes approved Traffic Control Plan numbers 160606-16297TCP1, 160606-16297TCP2, 160606-16297TCP3 and 160606-16297TCP4.**
- 2. That Council note Traffic Control Plan numbers 160606-16297TCP1, 160606-16297TCP2, 160606-16297TCP3 and 160606-16297TCP4, as approved in 2016 by the development consent approval (DA 10.2016.251.1), were utilised for the Byron Bay Writers Festival and Ideas Market 2017, held Friday 4 August to Sunday 6 August 2017.**
- 3. That Council endorse, in principal, the updated Traffic Management Plan (TMP) and Spinifex Recruiting Traffic Control Plans (TCPs) for the Byron Bay Writers Festival and Ideas Market (attached), as reviewed by the Local Traffic Committee, subject to:**
 - a) the TMP and TCPs being modified to include provision for a formalised central crossing point for pedestrians between the event site and the designated car park, including fencing to direct pedestrian to the centralised crossing point and restrict random pedestrian crossing of Bayshore Drive.**
 - b) approval to modify DA 10.2016.251.1 consent is obtained to reflect the updated TMP and TCPs prior to implementation.**

- c) separate approvals by NSW Police and RMS being obtained.
- d) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.
- e) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
- f) the event be notified on Council's webpage.
- g) the event organiser:
 - i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii) undertake consultation with emergency services and any identified issues addressed.
 - iii) hold \$20m public liability insurance cover which is valid for the event.

4. That the event organisers be advised that prior to implementation of any modified TMPs and/or TCPs a separate Section 96 application to be lodged with Council, to amend the existing development consent approval (DA 10.2016.251.1).






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

Report No. 8.2 DA - Festival of the Stone 2017 - Road Closure - Sunday 11 June 2017
 File No: I2017/785

Committee Recommendation 8.2.1

That Council note the Traffic Control and Traffic Management Plans, as attached, which were utilised for the Festival of the Stone 2017, held Sunday 11 June 2017.

5 Attachments:

- 1 Minutes 18 07 2017 Local Traffic Committee, E2017/80440 
- 2 Writers Festival 2017 - TMP, E2017/76260 
- 3 Writers Festival 2017 - TCP, E2017/69715 
- 10 4 Festival of the Stone 2017 - TMP, E2017/61515 
- 5 Festival of the Stone 2017 - TCP(s), E2017/61516 

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 18 July 2017 for determination by Council. The agenda for this meeting can be located on Council's website at:

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

Committee Recommendation 8.1.1

1. That Council endorse the Traffic Management Plan for the Byron Bay Writers Festival 2017 to be held on Friday 4 August to Sunday 6 August 2017, that includes the installation of temporary regulatory signage including No Stopping, No Parking and Disability Parking Signs between 8:00am and 6:00pm, subject to conditions at:
 - a) Bayshore Drive, Byron Bay
2. That the approval provided in Part 1 is subject to:
 - a) separate approvals by NSW Police and RMS being obtained
 - b) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation
 - c) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
 - d) the event be notified on Council's webpage
3. the event organiser:
 - i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns
 - ii) undertake consultation with emergency services and any identified issues addressed
 - iii) hold \$20m public liability insurance cover which is valid for the event
 - iv) modify the Traffic Management Plan to include provision for a formalised central crossing point for pedestrians between the event site and the designated car park, including fencing to direct pedestrian to the centralised crossing point and restrict random pedestrian crossing of Bayshore Drive.

Management Comments

Management do not agree with the Committee recommendation for the reasons given below and alternatively recommend that Council:

1. That Council note that the Byron Bay Writers Festival and Ideas Market have an existing development consent approval (DA 10.2016.251.1) for an annual event for the years 2016, 2017 and 2018, which includes approved Traffic Control Plan numbers 160606-16297TCP1, 160606-16297TCP2, 160606-16297TCP3 and 160606-16297TCP4.
2. That Council note Traffic Control Plan numbers 160606-16297TCP1, 160606-16297TCP2, 160606-16297TCP3 and 160606-16297TCP4, as approved in 2016 by the development consent approval (DA 10.2016.251.1), were utilised for the Byron Bay

Writers Festival and Ideas Market 2017, held Friday 4 August to Sunday 6 August 2017.

3. That Council endorse, in principal, the updated Traffic Management Plan (TMP) and Spinifex Recruiting Traffic Control Plans (TCPs) for the Byron Bay Writers Festival and Ideas Market (attached), as reviewed by the Local Traffic Committee, subject to:

a) the TMP and TCPs being modified to include provision for a formalised central crossing point for pedestrians between the event site and the designated car park, including fencing to direct pedestrian to the centralised crossing point and restrict random pedestrian crossing of Bayshore Drive.

b) approval to modify DA 10.2016.251.1 consent is obtained to reflect the updated TMP and TCPs prior to implementation.

c) separate approvals by NSW Police and RMS being obtained.

d) implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation.

e) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.

f) the event be notified on Council's webpage.

g) the event organiser:

i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns.

ii) undertake consultation with emergency services and any identified issues addressed.

iii) hold \$20m public liability insurance cover which is valid for the event.

4. That the event organisers be advised that prior to implementation of any modified TMPs and/or TCPs a separate Section 96 application to be lodged with Council, to amend the existing development consent approval (DA 10.2016.251.1).

A development consent approval, DA 10.2016.251.1, was issued in 27 June 2016 for the Byron Writers Festival for the years 2016, 2017 and 2018. This consent specifically referenced Traffic Management Plans (TMPs) and Traffic Control Plans (TCPs) to be implemented during these events.

The TMP and TCPs, reviewed by the Local Traffic Committee (LTC) on the 18 July 2017 and associated recommendations differ from those previously approved and accordingly the existing development consent will require modification prior to implementing the new plans.

Modifications to the existing consent as well as reporting and adoption of the LTC recommendations prior to the holding of the 2017 event were not possible due to reporting deadlines.

The above alternative recommendations maintain the LTC recommendations whilst making provision for the necessary planning approval modifications to be effected prior to the new TMP and TCPs being implemented.

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

Financial Implications

- 10 As per the Reports listed within the Local Traffic Committee Meeting of 18 July 2017.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 18 July 2017.