



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 28 February 2019

held at Council Chambers, Station Street, Mullumbimby
commencing at 9.00am

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

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL

ORDINARY MEETING

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS

2. APOLOGIES

3. REQUESTS FOR LEAVE OF ABSENCE

4. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

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

6. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 6.1 Byron Shire Reserve Trust Committee held on 31 December 2018
- 6.2 Ordinary Meeting held on 31 December 2018
- 6.3 Ordinary Meeting held on 31 December 2018

7. RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

8. MAYORAL MINUTE

9. NOTICES OF MOTION

Nil

10. PETITIONS

- 10.1 The rezoning of 156 Stuart Street (Lot 22) Mullumbimby to R1 and reclassification to operational.6

11. SUBMISSIONS AND GRANTS

- 11.1 Byron Shire Council Submissions and Grants as at 31 January 20197

12. DELEGATES' REPORTS

13. STAFF REPORTS

General Manager

- 13.1 Lease over Byron Bay tennis courts to Andrew Bates Tennis Pty Ltd.....10
- 13.2 Railway Park rotunda location18
- 13.3 Former Byron hospital project update.....29
- 13.4 Crown Lands Transition - Additional information R65234, Federal34

Corporate and Community Services

- 13.5 Report of the Public Art Panel meeting 29 November 2018.....39
- 13.6 National General Assembly of Local Government 201943
- 13.7 Investments - 29 November to 31 December 201846
- 13.8 Section 355 Management Committees - resignations and appointments.....54
- 13.9 Council Resolutions Quarterly Review - 1 October to 31 December 2018.....57

BYRON SHIRE COUNCIL

ORDINARY MEETING

13.10	Delivery Program 6-monthly Report and 2018/19 Operational Plan Second Quarter Report - Q2 - 1 July to 30 December 2018	59
13.11	Budget Review 1 October 2018 to 31 December 2018	62
13.12	Investments - 1 January to 31 January 2019	72
13.13	Bayshore Drive Roundabout Public Art	80
13.14	2018-2019 Loan Borrowings	86

Sustainable Environment and Economy

13.15	Byron Shire Council's Emissions Reporting 2017/18	91
13.16	Compliance Priorities Program Report - 2018	105
13.17	Sustainable Agriculture and Agribusiness Project update	113
13.18	Sustainability and Emissions Reduction Projects - Update	116
13.19	Reflections Holiday Parks - exhibition of draft Plans of Management for Ferry Reserve and Massy Greene Reserve, Brunswick Heads	120

Infrastructure Services

13.20	Butler Street Reserve Access During Byron Bay Bypass Construction	128
13.21	Results of the Public Exhibition of the Byron Bay to Suffolk Park Cycleway Investigation Report	133
13.22	Proposal for Naming Maslen Arboretum - Results of Public Exhibition	142
13.23	Byron Bay Memorial Recreation Grounds Draft Plan of Management	145
13.24	Parking Options for Teachers and Staff at Byron Bay Public School	151

14. REPORTS OF COMMITTEES

Corporate and Community Services

14.1	Report of the Audit, Risk and Improvement Committee Meeting held on 15 November 2018	157
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Infrastructure Services

14.2	Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 November 2018	162
14.3	Report of the Coastal Estuary Catchment Panel Meeting held on 29 November 2018	164
14.4	Report of the Water, Waste and Sewer Advisory Committee Meeting held on 31 January 2019	168
14.5	Report of the Local Traffic Committee Meeting held on 8 February 2019	173
14.6	Report of the Local Traffic Committee Meeting held on 29 January 2019	175
6.1	Byron Bay Transport Interchange - Regulatory Signage	173
6.2	Railway Hotel and Lawson Street South Carparks - Regulatory Signage	173
6.1	Council Resolution 18-626 - Free Motor Bike Parking in Byron	175
6.2	Bayshore Drive Roundabout Project - Traffic Management	176
6.3	Signage requests from Compliance Team - Lighthouse Road and No Name Lane, Byron Bay	176
6.4	Byron Bay Transport Interchange - Regulatory Signage	176
6.5	Railway Hotel and Lawson Street South Carparks - Regulatory Signage	176
7.1	Adoption of Constitution for Local Traffic Committee	177

15. QUESTIONS WITH NOTICE

BYRON SHIRE COUNCIL

ORDINARY MEETING

Responses to Questions on Notice are now available on www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice

16. CONFIDENTIAL REPORTS

Infrastructure Services

16.1	CONFIDENTIAL - Tender 2018-0058 Railway Park Upgrade.....	179
16.2	CONFIDENTIAL - Supply and Delivery of Modular Bridge Componentry (Tender 2019-0001).....	180

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.

PETITIONS

Petition No. 10.1 **The rezoning of 156 Stuart Street (Lot 22) Mullumbimby to R1 and reclassification to operational.**

5 **Directorate:** Sustainable Environment and Economy
Report Author: Sharyn French, Manager Environmental and Economic Planning
File No: I2019/112

10 At Council's Ordinary meeting held on 28 February Mayor Simon Richardson tabled a petition containing 351 signatures which states:

15 *"We, the undersigned support the comments made In the attached document concerning the Byron Shire Council's planning proposal for rezoning and reclassifying Lot 22 DP 1073165, 156 Stuart St, Mullumbimby;"*


Comments from Director Sustainable Environment and Economy:

20 The matters raised in the submission will be considered along with all other submissions received during the exhibition period of the planning proposal. A public submissions report will be presented to Council at a future meeting for consideration.

RECOMMENDATION:

1. That the petition regarding the rezoning of 156 Stuart Street (Lot 22) Mullumbimby to R1 and reclassification to operational be noted.
2. That the petition be referred to the Director Sustainable Environment and Economy.

25 **Attachments:**

- 1 26.2017.4.1 - Petition / Submission From Mullumbimby Residents Association - Planning Proposal Lot 22 Mullumbimby, S2018/15073 

30


SUBMISSIONS AND GRANTS**Report No. 11.1 Byron Shire Council Submissions and Grants as at 31 January 2019****Directorate:** Corporate and Community Services**Report Author:** Anna Vinfield, Manager Corporate Services**File No:** I2019/153**Theme:** Corporate Management
Corporate Services**Summary:**

Council has 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 notes the report and attachment (#E2019/9845) for the Byron Shire Council Submissions and Grants as at 31 January 2019.

Attachments:

1 Grants register as at 31 January 2019, E2019/9845 

Report

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

5 Successful Applications

- Refill Here Drinking Fountain Program, Stronger Communities Programme (SCP) Round 4, Department of Industry, Innovation and Science.
- 10 • NE Hinterland Regional Koala Project, Saving our Species Iconic Koala, Office of Environment & Heritage.
- Byron Bay Town Centre Bypass, Growing Local Economies, NSW Government Regional Growth Fund.
- Flying Improvements, Environmental Trust - Restoration and Rehabilitation, NSW Office of Environment and Heritage.
- 15 • The Redevelopment for Far-North Coast Fire Control Centre, Infrastructure Grants - Emergency Preparedness Stream, NSW Liquor and Gaming.
- Mullumbimby Gateway Repair and Renew, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- 20 • Refurbishment War Widow's Cottage for youth activities, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- Refurbishment CWA Building Brunswick Heads, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- Byron Shire Flood Warning Network, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- 25 • Resurfacing Booyong Tennis Courts, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- Construction of Amenities Building, with Associated Infrastructure at the Eureka Public Recreation Reserve, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- 30 • Connecting Suffolk Park's Cyclists to Byron Bay, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- Refurbishment Brunswick Valley Historical Society Mullumbimby Museum, Stronger Country Communities Fund Round 2, NSW Department of Premier and Cabinet.
- 35 • Tweed Byron Resilience Coordination Project, Community Resilience Innovation Program, NSW Emergency Services.

Unsuccessful Applications

- 40 • Advancing Digital Co-creation for Brunswick Heads Library, Regional Cultural Fund, NSW Government Regional Growth Fund

Submitted

- 45 • Refill Here Drinking Fountain Program, Stronger Communities Programme (SCP) Round 4, Commonwealth Department of Industry, Innovation and Science.
- Capacity Building for New & Lifestyle Land Managers, National Landcare Program Smart Farms Small Grants Round 2, Department of Agriculture and Water Resources.
- Byron Bay to Suffolk Park Cycleway, Cycling Towns, NSW Roads and Maritime Services.
- Byron Bay to Suffolk Park Cycleway, Priority Cycleways, NSW Roads and Maritime Services.
- 50 • Balemo Drive Stage 2 Shared Pathway, Connecting Centres, NSW Roads and Maritime Services.
- Kolora Way Redgate Road Bike Path design, Connecting Centres, NSW Roads and Maritime Services.

- Lismore-Bangalow Road Shared Path design, Priority Cycleways, NSW Roads and Maritime Services.

Additional information on the grant submissions is provided in Attachment 1 – Submissions and Grants report as at 31 January 2019.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.12	Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.4	Provide governance for grants management

Legal/Statutory/Policy Considerations

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

Financial Considerations

If Council is successful in obtaining the identified grants, more than \$11 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	11,075,454
Council cash contribution	4,804,736
Council in-kind contribution	42,750
Other contributions	19,373,150
Funding applications submitted and awaiting notification (total project value)	35,296,090

Consultation and Engagement

In relation to the Stronger Country Community Grants, Council has been actively engaging with the Community Groups that were successful in obtaining grants, to ensure delivery of the projects.

Cross-organisational consultation has occurred in relation to the submission of grants, and the communication of successful and unsuccessful grants. Where grants were unsuccessful, internal stakeholders sought and received feedback from the grant funding body

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Lease over Byron Bay tennis courts to Andrew Bates Tennis Pty Ltd**
Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2018/2402

Summary:

Council resolved (18-606) to place on public exhibition for 28 days, the proposal to grant Andrew Bates Tennis Pty Ltd a five year lease with a further five year option to renew for the operation and management of the Byron Tennis courts. Council received two submissions from the public exhibition, both submissions objected to the grant of the proposed lease.

Council must now consider submissions received before determining whether or not to grant the proposed lease.

As a result of objecting submissions being received, Council is required to seek the consent from the NSW Minister for Local Government to permit the grant of the proposed lease to Andrew Bates Tennis Pty Ltd and satisfy the Minister that it has considered the objecting submissions.

Council resurfaced all four tennis courts and carried out other works to the facility prior to the commencement of a new lease.



Refurbishment works were carried out between 3 January and 1 February 2019 inclusive and required full closure of the tennis facility.

It is recommended that Council waive the following rent payable by Andrew Bates Tennis Pty Ltd during the period of full closure being 3 January to 1 February 2019 (30 days) inclusive (a total rent of \$1,758 (inc GST)).

RECOMMENDATION:

1. That Council, having considered all submissions received, in accordance with s47(5)(a) and s46 of the *Local Government Act 1993*, Council grant a five year lease with a five option to renew to Andrew Bates Tennis Pty Ltd for the operation and management of the Byron tennis courts being part of the Byron Bay Recreation Grounds.
2. That Council make an application for the consent of the NSW Minister for Local Government for the lease proposed in point one above.
3. That Council authorise the waiving of \$1,758 (inclusive of GST) in rent payable by Andrew Bates Tennis Pty Ltd, being 30 days between 3 January to 1 February 2019, inclusive, during which period the full closure of the Byron tennis courts was required for refurbishment works by Council.

Attachments:

- 1 Submission opposing lease to Andrew Bates Tennis Pty Ltd by M Singleton, J Nicholson, D Kydd, H Theodore & C Moyles, E2018/116389 
- 2 Submission opposing lease to Andrew Bates Tennis by Andrea Monks., E2018/116391 

REPORT

Council at its 24 September 2018 Ordinary Meeting resolved (**18-606**):

- 5 1. *That Council resolves to grant a five (5) year lease with a five (5) year option to renew for the operation and management of the Byron tennis courts in folio 444/28/758207 and located at the corner of Tennyson and Carlyle Streets Byron Bay to Andrew Bates Tennis Pty Ltd.*
- 10 2. *That Council authorise the publication of the proposed grant of a five (5) year lease with a five (5) year option to renew for the operation and management of the Byron tennis courts to Andrew Bates Tennis Pty Ltd for a period of 28 days seeking public comment.*
- 15 3. *That in the event no comments objecting to the grant of the lease are received, that Council delegate to the General Manager the authority to consider all submissions and enter into the lease referred to in 1 above.*
- 20 4. *That in the event that objecting comments are received then Council make an application for the consent from the NSW Minister for Local Government for the lease, referred to in 1, to be granted.*

Section 47(4) of the *Local Government Act* 1993 (NSW) requires Council to consider all submissions duly made before granting the proposed lease.

25 Submissions received from the public exhibition:

Council publicly advertised the proposed lease to Andrew Bates Tennis Pty Ltd from 4 October to 1 November 2018, in accordance with section 47(1) of the *Local Government Act* 1993 (NSW) and received two submissions objecting to the grant of the proposed lease.

30 Objections are summarised below:

Objection	Council response	Reason for decision
Concerned that the tennis courts are a community resource and should be run in the best interest of the community.	Council has previously determined that tennis courts are best run via formal tenant agreements. A lease is expressly authorised by the Plan of Management for the land.	The entering into formal tenant agreement was an outcome of an audit conducted by Council. Formal agreements allow Council to enforce compulsory reporting, ensure access to facilities by persons with a disability and non-members and require the tenant to become less reliant on financial assistance from Council.
Concerned that commercialisation of the tennis courts denies meaningful community input into how the courts are run.	Council has previously determined that formal tenant agreements may only be entered into following a competitive and transparent process.	A competitive tender process was run by Council in July 2018. That process ensured Council engaged the most suitable candidate to operate and manage the tennis facility. The tender was open to the public and five submissions were received.
Concerned that	A formal tenant agreement will	The Plan of Management requires

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.1

Objection	Council response	Reason for decision
community access to the tennis courts is denied or restricted by Andrew Bates Tennis Pty Ltd ('ABT') by the setting of membership and court hire fees significantly higher in comparison to the a neighbouring community club managed tennis facility.	require the holder to provide a minimum level of service.	that terms and conditions of any lease need to reflect the interests of Council, the public and ensure proper management and maintenance.
Concerned that profits come before community needs as demonstrated by ABT denying access to free court hire in evenings and restricting access to shower amenities to non-members.		<p>The proposed lease will set a minimum service level:</p> <ul style="list-style-type: none"> - a variety of memberships with flexible payment options; - a court hire option for non-members; and - a coaching service that provides equal access for all persons.
Issue of graffiti on shade cloth attached to outer fencing of the tennis courts.	Council is working with local police and social services to address graffiti within the shire.	Council aims to prevent graffiti through education.
Issue size, colour and location of signage attached to the tennis courts.	Council is investigating the signage and will take necessary action if non-compliant.	To improve the amenities for all residential premises surrounding the tennis courts.
Issue of noise and privacy from patrons using the tennis kiosk facility.	Council will investigate ways in which to reduce noise emanating from the tennis courts kiosk.	
Lawfulness of signage on footpath.	Council has requested that all A-frame signage is removed from public footpath in front of the Byron Tennis courts.	
The facility should be a child secure area.	Council will request that the tennis facility entrance gate is self closing.	
Use of tennis facility for permitted uses only.	The proposed lease provides that the facility may only be used for the purpose of tennis related activities.	

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.1

Objection	Council response	Reason for decision
Issue of the effect of floodlighting on neighbouring residences.	Council is reviewing lighting of the tennis courts and will take into account the impact of lighting on surrounding residents in that review.	
Issue of staff and patron parking.	Lawful parking on the road reserve is permitted. Issues of damages to the road reserve and dust will be investigated by Council's Works Unit.	
Mess at the Tennis building and need for greater responsibility for upkeep of courts, fencing and screening	Council will investigate reported mess and take necessary action. The proposed lease formalises parties' responsibilities for maintenance to the tennis courts.	
Issue of court hire fees and management of fees.	As a commercial leasing agreement, the Lessee has discretion to set court hire fees.	Council aims to improve the condition and appearance of the Byron Tennis courts to attract greater community involvement in tennis.
No community advantage in granting a ten year lease.	Council considers the advantage of a ten-year lease terms is to allow the Lessee to implement its business plans and to recoup the cost of capital expenditure required to bring the tennis courts up to a standard required by NSW Tennis during the term of the lease.	

Council must now consider all submissions made, together with Council's response to each concern in determining whether or not to grant of the proposed five year lease with a five year option to renew to Andrew Bates Tennis Pty Ltd.

5 Should Council determine to grant the proposed lease to Andrew Bates Tennis Pty Ltd, the resolution together with other required information, including that submissions were considered, must be forwarded to the NSW Minister for Local Government seeking the Minister's consent to grant the proposed lease.

10 Consent from the Minister is required because Council received two objecting submissions opposing the grant of the proposed lease to Andrew Bates Tennis Pty Ltd.

15 In seeking Ministerial consent Council is required to submit a statement setting out the manner in which and the extent to which the public interest would, in the Council's opinion, be affected by the granting of the proposed lease. The following matters are pertinent in this regard:

1. The granting of the lease to a commercial operator may adversely affect the public interest in the operations of tennis courts on community land. The extent to which public interest would be adversely affected is dependent on the availability of the courts for public access.
2. The manner in which the needs of Byron Bay with respect to the proposed lease over the tennis courts on community land may be adversely affected is by the failure by the Lessee to maintain the tennis facility. The extent to which public interest would be adversely affected is dependent on terms of the lease.

In determining whether the public interest and needs of the Byron community in regard to the community land is adversely affected by the granting of the proposed lease to Andrew Bates Tennis Pty Ltd, the following advantages and disadvantages are relevant:

- Advantages
 - To promote public access and inclusion to the Byron Tennis courts through:
 - Terms of the lease that requires:
 - Public access by non-members;
 - A variety of membership options with flexible payment options;
 - Coaching services that provides for equal access for all persons or all ages and disabilities; and
 - Options for persons with a disability to bring a personal coach during public access to the courts.
 - To provide services and tennis development opportunities to the Byron community through:
 - Recommending the Lessee is affiliated with NSW Tennis, participates in Tennis Australia coaching courses and offers NSW Tennis club programs and development opportunities to tennis club members.
 - To improve the condition and appearance of the Byron Tennis courts to attract greater community involvement through:
 - Terms of the lease gives greater clarity in responsibilities for upgrades and maintenance;
 - Rent under the lease will enable Council to financially assist with asset renewals; and
 - Monitoring under the lease will ensure the Lessee's planned maintenance and capital improvement works are carried out.
 - To create self sufficiency in the Lessee and less reliance on Council's financial assistance through:
 - Security provided by the lease gives eligibility to the Lessee to apply for grants;
 - The term of the lease will allow the Lessee to implement his business plans; and
 - Permit the facility to be hired.
- Disadvantages
 - The Lessee has discretion to determine times for public access to the courts and facilities, the types of membership options, hire fees and coaching services and the Lessee's decisions may not suit everyone's needs.
 - Lessee's affiliation with NSW Tennis provides no assurance that services, programs and development opportunities will meet the tennis needs of the Byron community.
 - A self-sufficient Lessee will likely prioritise his business actions for commercial gain rather than community needs.

- Council's priorities for asset renewals within the Byron Tennis court facility may differ from the Lessee's priority.

The advantages of granting the proposed lease outweigh the disadvantages because the new lease provides a means for Council to improve the condition and appearance of the Byron Tennis courts to attract greater involvement by the community in tennis.

Operation and refurbishment of the Byron tennis courts

Andrew Bates Tennis Pty Ltd will continue to manage the Byron tennis courts under a temporary licence agreement until a decision regarding consent is provided by the NSW Minister for Local Government.

In tendering for the operation and management of the Byron tennis courts, Council disclosed that it would be resurfacing all four tennis courts and carrying out other works to the facility prior to the commencement of a new lease.

Refurbishment works were carried out between 3 January and 1 February 2019 inclusive and required full closure of the tennis facility.

A resolution of Council is sought to waive the following rent payable by Andrew Bates Tennis Pty Ltd during the period of full closure of the Byron tennis courts being:

- Period 3 January to 1 February 2019 (30 days) inclusive at total rent of \$1,758 (inc GST).

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.9	Develop capital upgrades, renewal and enhancements works program for buildings- including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)	1.2.9.3	Consult with user groups to establish user agreements, leases, licenses and Plans of Management

Legal / Statutory / Policy Considerations

Local Government Act 1993 (NSW)

446A Means of granting leases, licences and other estates

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

(3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.

47 Leases, licences and other estates in respect of community land—terms greater than 5 years

(1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:

- (a) give public notice of the proposal (including on the council's website), and
- (b) exhibit notice of the proposal on the land to which the proposal relates, and
- (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land, and
- (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

(2) A notice of the proposal must include:

- information sufficient to identify the community land concerned
- the purpose for which the land will be used under the proposed lease, licence or other estate
- the term of the proposed lease, licence or other estate (including particulars of any options for renewal)
- the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
- a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

(3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.

(4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.

(5) The council must not grant the lease, licence or other estate except with the Minister's consent, if:

- (a) a person makes a submission by way of objection to the proposal, or
- (b) in the case of a lease or licence, the period (including any period for which the lease or licence could be renewed by the exercise of an option) of the lease or licence exceeds 21 years.

(6) If the council applies for the Minister's consent, it must forward with its application:

- a copy of the plan of management for the land
- details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision
- a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
- a copy of the public notice of the proposal
- a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
- if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21 years
- a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.

(7) On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.

(8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:

- (a) subsections (1), (2) and (6) have been complied with, and
 - (b) such consent would not contravene section 46, and
 - (c) in all the circumstances, it is desirable to grant consent,
- may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

(8AA) The Minister may consent to a lease or licence referred to in subsection (5) (b) only if the Minister is satisfied that there are special circumstances that justify the period of the lease or licence exceeding 21 years.

- 5
- (8A) *On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).*
 - (9) *The Minister's consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).*
 - (10) *For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:*

10

Financial issues

As set out in the report.

Report No. 13.2 **Railway Park rotunda location**
Directorate: General Manager
Report Author: Claire McGarry, Place Manager - Byron Bay
File No: I2019/46
Theme: General Manager
 General Manager

Summary:

In 2019, Council is upgrading Railway Park in Byron Bay. The landscape plans for the upgrade include the relocation of a rotunda, currently occupied by the Byron Environment Centre, to meet design and safety objectives of the park redesign.

Council has active resolutions to:

- a) Seek Crown Lands approval to temporarily relocate the rotunda to Main Beach during Railway Park construction;
- b) Seek agreement on the long-term ownership, location and management of the rotunda; and
- c) Undertake an Expression of Interest process for the use of the rotunda by community groups.

The Byron Environment Centre:

- a) Forbid the relocation of the rotunda to Main Beach;
- b) Assert that the rotunda is owned by the BEC; and
- c) Request a Memorandum of Understanding between Council and the BEC formally donating the rotunda to the BEC and providing them with tenure for the rotunda in Railway Park.





This report seeks Council resolution regarding:

- a) The temporary location of the rotunda during Railway Park construction;
- b) The permanent location of the rotunda post-construction; and
- c) Ownership and occupation of the rotunda.

RECOMMENDATION:

- 1. That Council relocate the rotunda to the road reserve at Wordsworth St during the Railway Park construction period.
- 2. That Council nominate the permanent location of the Railway Park rotunda post-construction as [INSERT HERE].
- 3. That Council sign a Memorandum of Understanding between Byron Shire Council and the Byron Environment Centre that:
 - a) Nominates the permanent location for the rotunda; and
 - b) Provides tenure for the BEC's occupation of the rotunda for a period of X years, following amendment to Plan of Management.
- 4. That staff follow the relevant process(es) and gain the necessary approvals to facilitate the permanent location and BEC tenure of the rotunda.

Attachments:

- 1 Letter from Byron Visitors Centre - response to rotunda temporary location (E2019/7261), E2019/7261 
- 5 2 BEC Engagement re Rotunda Vote 23.08.18 Ord Meeting.pdf, E2019/10984 
- 3 Plan of Management - Railway Park, Byron Bay - Post Exhibition Version (E2018/78998),
E2018/78998 
- 4 Independent report - structural integrity of Railway Park rotunda December 2018 (E2019/7281),
E2019/7281 
- 10

REPORT

Background

Construction in Railway Park is scheduled to begin in April 2019.

This report addresses three issues related to the rotunda located in Railway Park, to be resolved prior to construction:

1. Temporary location;
2. Permanent location; and
3. Ownership and occupation.

The background to these issues are addressed separately below.

1. Temporary location

This report addresses four options for temporary relocation of the rotunda:

- a) Relocation to Main Beach
- b) Remaining in place in Railway Park
- c) Relocation to Visitors Centre Reserve
- d) Relocation to the road reserve at Wordworth St

A) Relocation to Main Beach

At its 23 August 2018 meeting, Council resolved **(18-540)** to:

1. Seek approval from Crown Lands to relocate the Rotunda to Apex Park until agreement is reached as to the ownership, location and management of the facility until the redevelopment work of Railway Park is completed, and

2. That if approval is obtained the costs of the relocation of the rotunda be reported to Council for identification of funding sources.

Staff have sought approval from Crown Lands and the Office of Local Government to temporarily relocate the rotunda to Apex Park and have been advised that under Section 44 of the *Local Government Act*, Council is not legislatively permitted to change the nature and use of Apex Park before a Plan of Management is adopted for the land. The Office of Local Government further clarifies that "this means that Council cannot... grant a lease, licence or other estate over the land until a plan of management is in place."

Before a PoM can be adopted, Council has to make an application for and receive Crown Lands' authorisation for categorisation of the land under the Crown Lands Management Act 2016. Those applications are currently being prepared in accordance with Resolution 18-759 from 26 November 2018 meeting but the length of time Crown Lands will need to assess and reply to the applications is not known.

This advice from Crown Lands means that Part 1 of Resolution 18-540 cannot be actioned until a Plan of Management is adopted for Apex Park – timeframe unknown however a deadline of 30 June 2021 applies.

- 5 Further, in face-to-face meetings and written correspondence with the Byron Environment Centre (BEC), they have stated that they:

10 “expressly forbid Council from moving the rotunda to Main Beach. We have previously conveyed our concerns on the beach front’s harsh salt laden winds adversely impacting on the BEC’s funded Arakwal-painted rotunda murals, and have provided a reasonable suggestion of an alternate site on the adjacent Visitors Centre Reserve. We note your threat of acting in the face of our opposition and reiterate that we will protect our interest in the rotunda, and of our ownership and management of the culturally sensitive Arakwal murals.”

15

B) Rotunda remains in Railway Park

20 The BEC’s strong preference is for the rotunda to remain in its current location during construction with protective fencing around it. Project managers advise that option is not viable in the context of the broader project, because of the impact this would have on services, earthworks, site preparation and paving. It adds complexities to the job and presents risks to both the structure itself and to project costs and timeframes.

25 C) Relocation to Visitors Centre Reserve

If the rotunda remaining in situ during construction is not viable, the BEC request that the rotunda be temporarily relocated to the Visitors Centre reserve, in the location shown below.



The Visitors Centre is on a separate parcel of land that is classified as community land and is subject to a Plan of Management (PoM). Under the *Local Government Act 1993* (LG Act), community land can only be used in accordance with the PoM applying to the land. The existing PoM for the Visitors Centre reserve does not include the rotunda's operation as an objective for the land. As a result, the rotunda could not be relocated to the Visitors Centre land without the PoM first being amended.

Subject to community feedback, the PoM could be amended to allow the location of the rotunda on the reserve although it is unlikely that this would be achievable by the Railway Park construction commencement date of April 2019, due to public notice requirements for amending PoMs under the LG Act, which include public exhibition and submissions periods of at least 42 days.

Assuming the community did not object to amending the PoM for the Visitors Centre land to allow for the relocation of the rotunda on to that site, if Council were to pursue this option, the earliest date for a report to Council for adoption of a revised PoM would be May 2019. This option would delay the construction start date for Railway Park and the outcome of the community feedback cannot be assumed. This is particularly so, given that the lessees of the Byron Visitors Centre building have indicated their objection to the temporary relocation of the rotunda on to the Visitors Centre Reserve (attachment 1). Specifically, they note:

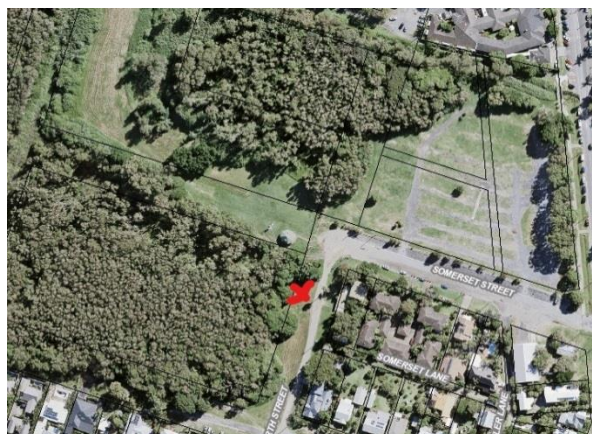
- The impact this would have on visibility and access to the Visitors Centre and potential confusion created; and
- The work that has been done with local police and Council to address antisocial behaviour on the Reserve.

The BEC believe relocation to the Visitors Centre Reserve would not require an amendment to the Plan of Management, just requiring a temporary exempt consent to be issued. While moving the rotunda to the visitors' centre land might be permissible under the planning law (eg as exempt or complying development), the Local Government Act prohibits the rotunda's relocation to the reserve without the PoM first being amended.

Ultimately, a temporary relocation to either Apex Park or the Visitors Centre Reserve will require a Plan of Management to be amended, or created, depending on the reserve. This would not be possible prior to April 2019.

D) Relocation to the road reserve at Wordsworth St

The BEC have suggested that if options b) and c) above are not considered viable, their preference would be for the rotunda to be relocated to the road reserve adjacent to Wordsworth St – see site map below.



This location is part road reserve and part Crown Land already managed by the Byron Environment Centre, so would be considered the preferred option by staff.

It would require a Section 68 Roads Act approval to install a temporary structure on land.

5

A summary of the above options is outlined in the table below.

TEMPORARY LOCATION	BEC RESPONSE	STAFF RECOMMENDATION	IMPLICATIONS
a) Relocation to Apex Park	Not acceptable due to potential damage to the rotunda.	Not recommended	Adoption of a Plan of Management by 30 June 2021 – likely significant delays to the Railway Park upgrade.
b) Remain in Railway Park	First preference	Not recommended	Increased risk to rotunda structure, project costs, project timeframes and quality of park upgrade.
c) Relocation to Visitors Centre Reserve	Second preference	Not recommended	Would require an updated Plan of Management, which would delay the construction commencement date for Railway Park. Conflicts with other licencees on the reserve.
d) Relocation to Wordsworth Street	Third preference	Preferred option	Railway Park upgrade progresses without additional risk to project costs or timeframes. Rotunda sits adjacent to Crown Reserve already managed by the Byron Environment Centre.

10

2. Permanent location

The BEC's strong preference is for the rotunda's permanent location to be its existing site in Railway Park.

5 At the 23 August 2018 meeting, Councillors were presented with four options (A, B, C and D on map below) for the location of the rotunda in Railway Park, but did not resolve on a final permanent location.

10 The BEC request that the permanent location of the rotunda be in Railway Park at location A, C or D shown on the map.



15 An excerpt of the 23 August 2018 report is copied below which details the arguments for / against each of the locations, noting that location B is the preferred landscape architectural outcome.

The below table outlines the potential rotunda locations alongside commentary on the suitability of each location in the context of the overarching park design. The 'design implications' advice has been provided by Plummer and Smith – landscape architects engaged to design the Railway Park upgrade.

5

#	LOCATION	RATIONALE FROM BEC	DESIGN IMPLICATIONS
A	Existing location	<ul style="list-style-type: none"> • High visibility • Close to street and thoroughfares • Cultural statement 	<p>Undesirable because:</p> <ul style="list-style-type: none"> • Impedes view lines into and across the park – safety implications • Results in a visual and physical barrier on the front edge of the park • A key public gathering and street front location within the park is lost to locked 'private' space • Covers prime lawn locations
B	North-Eastern corner between tree stump and Jonson Street	<p>Undesirable to BEC because:</p> <ul style="list-style-type: none"> • Lack of visibility • Close to bank wall • Not close to thoroughfares 	<ul style="list-style-type: none"> • Utilises a currently under-utilised part of the park • Places structure in an area where lawn areas may struggle due to aspect • Opens view lines into and across the park • Retains tree stump in situ • Allows for tree plantings along bank wall • Central cottonwood trees remain the focus of the park for pedestrians crossing Jonson Street
C	A few metres north-east of existing location	<ul style="list-style-type: none"> • High visibility • Close to street and thoroughfares • Central cottonwood trees remain focus of the park for pedestrians crossing Jonson Street 	<p>Undesirable because:</p> <ul style="list-style-type: none"> • Results in a visual and physical barrier on the front edge of the park • A key public gathering and street front location is lost to locked 'private' space • Covers prime lawn locations
D	South-Eastern corner close to existing public phones	<ul style="list-style-type: none"> • Allows space for events • Close to Jonson Street • View throughout the park • Indigenous art complements public art space 	<ul style="list-style-type: none"> • Impedes view lines into park – safety implications • Results in a visual and physical barrier on the front edge of the park- we are removing the toilet block from this location in an effort to

			<p><i>open the park edge up and create a welcoming space</i></p> <ul style="list-style-type: none"> • <i>A key public gathering and street front location within the park is lost to locked 'private' space</i> • <i>Depending on the location it may be covering prime lawn locations</i>
--	--	--	--

Please note that tender documentation for the upgrade reflects Site B as the permanent location for the rotunda, as this was the optimum location identified by the designer and the location in the concept plan adopted by Council.

5

Sites A, C and D will not have the necessary conduits in place so would require a tender variation if they were determined to be Council's preferred option – cost implications unknown.

10

Additionally, if site A was to be chosen as the permanent location, a redesign of paving and associated tender variation would be required. Sites C or D would not require paving or planting re-design.

3. Ownership and occupation

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In a November 2017 report to Council (see https://byron.infocouncil.biz/Open/2017/11/OC_23112017_AGN_612_WEB.htm item 13.35), staff outlined the history of the rotunda and the BEC's occupation of it. This history goes to a strongly arguable position that the rotunda is not owned by the BEC but by Council, given that it was constructed on Council land without authorisation or approval of a Plan of Management. Council does not make claim to ownership of the panels that were subsequently affixed to the rotunda by the BEC.

20

In subsequent correspondence (Attachment 2), the BEC objected to these claims and outlined its views on the history of the rotunda, including their claim to ownership, and stating it was built in accordance with Council's regulations.

25

As a way forward, the BEC have requested a Memorandum of Understanding between Byron Shire Council and the BEC which requires:

30

- Council to consign any interest that the BSC has in the rotunda to the BEC as a donation;
- Council to agree to the permanent siting of the rotunda on one of the proposed 3 sites within Railway Park (A, C or D on map above); and
- Provides a BSC tenure agreement with the BEC for the rotunda's occupation on BSC land in Railway Park.

35

Staff recommend retaining the rotunda as Council property, rather than donating it to the BEC because Australian law doesn't recognise splitting the ownership of a building from the land it sits on. If the rotunda is going to be permanently located in Railway Park, it would need to be owned by Council with a lease or licence to the Byron Environment Centre.

If Council were to pursue a Memorandum of Understanding with the BEC addressing items b) and c) above, the Railway Park Plan of Management, adopted in October 2018, would need to be amended for reasons outlined below.

5 At its 26 June 2018 meeting, Council resolved **(part 18-423)**:

4. *That if Council determines the rotunda remains within Railway Park the Plan of Management to include provision for an Expression of Interest process for use of the rotunda by community groups.*

10

At its 18 October 2018 meeting, Council adopted the Railway Park Plan of Management (Attachment 3) which includes an action to '*Undertake an Expression of Interest process for the use of the rotunda by community groups*'.

15 If Council were to agree to the BEC's request to provide them with tenure for the rotunda in Railway Park, the adopted Plan of Management (2018) would need to be amended to remove the 'Expression of Interest' process and nominate the BEC as tenants for a period of up to 21 years.

Key considerations

20

1. Viability of rotunda relocation based on structural integrity

On 22 December 2018, local building company Quadracon were engaged by Council to conduct an assessment of the structural integrity of the rotunda to determine whether it was possible for it to be relocated.

25

Quadracon's report (Attachment 4) concludes that "with careful consideration and due diligence to both the design of the proposed steel support cradle and lifting techniques we believe that the rotunda structure has been adequately constructed to with stand a careful relocation."

30 An estimate of relocation costs by Quadracon is \$16,000 - \$18,000. In order to facilitate the return of the rotunda to its permanent location, staff have factored in \$36,000 in relocation costs.

2. Timing

35 The rotunda has to be relocated by April 2019 to enable the upgrade of Railway Park as per the tender process.

Options

The recommended option is that Council:

- 40 - Temporarily relocate the rotunda to Wordsworth St during the construction period;
- Nominate a permanent location for the rotunda in Railway Park;
- Amend the Plan of Management for Railway Park; and
- Formalise the permanent location and BEC tenure of the rotunda through an MoU between

45

Next steps

Subject to Council resolution, staff will:

1. Notify the Byron Environment Centre of the temporary location for the rotunda during Railway Park construction.
2. Negotiate a Memorandum of Understanding with the BEC formalising the permanent location and BEC tenure of the rotunda.
- 5 3. Amend the Plan of Management for Railway Park
4. Engage Quadracon or other suitably qualified company to relocate the rotunda prior to construction date for Railway Park.
5. If necessary, adjust park designs and tender documentation to incorporate the permanent rotunda location.
- 10 6. Arrange for the return of the rotunda to its permanent location once Railway Park construction is completed.

15

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.5	Maintain Public Open space in a safe and efficient way that provides for both active and passive recreation (SP)	2.3.5.1	Plan and deliver Open Space works programs based on defined levels of service

20 *Legal/Statutory/Policy Considerations*

Local Government Act Section 41, 44 and 46A
Crown Land Management Act 2016
Railway Park Plan of Management 2018

25

Financial Considerations

The rotunda relocation costs can be covered within the Railway Park upgrade project budget.

30 *Consultation and Engagement*

The General Manager, Mayor and staff have met with the Byron Environment Centre eight times over the past year in an attempt to reach agreement on the rotunda location, ownership and occupation. There has also been regular written correspondence on the same.

35

BEC representatives addressed Council during Public Access on 2 occasions during 2018 to speak on the same. BEC representatives also presented at the public hearing during the Railway Park Plan of Management process and provided written submissions on the same.

40 Additional consultation has also been undertaken with Crown Lands in relation to Apex Park, and the Byron Visitors Centre in relation to their reserve.

Report No. 13.3 **Former Byron hospital project update**
Directorate: General Manager
Report Author: Claire McGarry, Place Manager - Byron Bay
File No: I2019/71
5 **Theme:** General Manager
 General Manager

Summary:

10 In June 2018, Byron Shire Council, on behalf of the community, submitted a proposal to the NSW Department of Premier and Cabinet to return the Byron hospital to the local community to “provide vital and currently lacking welfare, social, cultural and educational services” for the Byron community.

15 In November 2018, the NSW Government accepted this proposal and announced that Council could purchase the site from the State Government for \$1. At the time of writing, a draft sales contract has not been received so conditions of sale are unknown.


20 While NSW Health have been drafting up a sale contract, staff have been working with the original community Steering Committee to begin project planning, beginning with identifying potential governance models.

25 This report provides an update on the work undertaken to date to progress the project, and outlines next steps subject to conditions of sale of the site.

RECOMMENDATION:

1. That Council note the work undertaken to date to progress the Byron hospital project.
2. That staff continue to work with the Steering Committee to progress the operational lease model identified from the range of models available.
3. That Council continue to receive progress updates on the project including:
 - Proposed site uses
 - Financial modelling
 - Detailed governance model implications
 - Proposed lease terms
4. That staff work with NSW Health to negotiate sale conditions that meet the project objectives adopted by Council and submitted to the State Government.

Attachments:

- 1 Draft Governance Model Options for former Byron Bay Hospital - Version 1, E2019/10988 

REPORT

In June 2018, Byron Shire Council, on behalf of the community, submitted a proposal to the Department of Premier and Cabinet to return the Byron hospital to the local community (Attachment 1) “providing vital and currently lacking welfare, social, cultural and educational services”.

In November 2018, Ben Franklin MLC and Minister for Health Brad Hazzard announced that the proposal had been accepted and that Council could purchase the site from the State Government for \$1.

In December 2018, Council resolved (**18-826**) to:

1. *Note the effectiveness and success of the old Byron Bay Hospital Community Steering Committee to develop and submit the successful application to the NSW Department of Health to obtain ownership of the old Byron Bay Hospital by the community*
2. *Work with the steering committee to provide a report that provides recommendations as to establishing a Community Board to manage the operations within the old hospital site*
3. *Receive this report at the first Ordinary Council meeting of 2019*
4. *Write to the Minister of Health, the Hon. Brad Hazard, the local MP, the Hon Tamara Smith and to the Hon. Ben Franklin MP thanking them for their support of the Byron Bay community and for their efforts to ensure the hospital remains a facility of and for the community*

This report addresses Part 2 of the above resolution.

Staff have begun preliminary investigations into governance model options for the project to ascertain which model(s) the Steering Committee and Council would consider workable for this project, and what the processes / requirements are to establish them.

Staff have identified at least 11 governance models that could be considered for this project. Each has varying levels of:

- impost on Council (cost, resourcing and risk)
- degree of community involvement
- process complexity and
- level of autonomy and decision-making power.

Governance model options are outlined in the attached Research Paper (Attachment 1). In December 2018, the committee were provided with this research paper for consideration and further investigation. In order to determine the most appropriate model, a number of project objectives were developed, outlined below.

Project objectives

The steering committee’s objectives for any governance structure include:

1. Maximise opportunities to harness grant, public and philanthropic funds.
2. Maintain capacity to access low interest loans to part-fund re-development.
3. Enable employment of staff.
4. Minimise red tape.
5. Ensure high level of transparency and medium-high level of autonomy.
6. Enable the generation of income (for-profit) that can be redistributed to community services associated with the project.

In addition, Council's objectives for any governance structure include:

1. Continuation of leadership by the community steering group.
2. Demonstration of Council's leadership and commitment to Community Led Governance Principles including supporting co-design, co-delivery and optimising use of public spaces.
- 5 3. Transparency, accountability, effectiveness (including sound risk management) and efficiency (including cost-effectiveness).
4. Statutory compliance.

In addition, a shared objective of State Government, Steering Committee and Council is:

- 10 1. That the governance model be as replicable as possible, as this appears to be a first in NSW.

Options

15 Staff developed a Research Paper outlining 11 governance model options for consideration for this project. Models included:

- Direct service delivery
- Section 355 committee
- Lease of operational land
- 20 • Lease of community land
- Service contract
- Public Private Partnership
- Incorporated Association (owned by Council)
- Company limited by guarantee (Ltd)
- 25 • Company limited by shares (Pty Ltd)
- Company Limited by guarantee – charitable foundation
- Company limited by shares – full private ownership

These models have varying degrees of risk and liability for Council.

30 Of the 11 models presented, the steering committee initially considered a model whereby Council would set up a management committee to run the facility on their behalf – essentially a 355 committee. The research paper indicates this model not being a preferred model for Council. The scale and complexity of the site and project is beyond Council's expertise to manage and under a 355 committee model would present a high level of risk.

35 Subsequently, the group have recommended an operational lease model whereby:

1. The Steering Committee establish an incorporated association for charitable purposes, in which all profits must be put back into the association's activities
2. Council provide the incorporated association with a lease of the facility to use and operate as per the terms of the lease.
- 40

Examples of this model include Fletcher Street (Golden Breed), ACE Mullumbimby, Katia Nursery.

The attached research paper outlines some key factors for consideration in this model, including:

- Level of transparency
- 45 - Approval requirements
- Risk responsibility
- Establishment and ongoing costs

The benefits of this model are that it:

1. Meets the objectives of all three groups
2. Has the capacity to provide a dividend to Council via a lease
- 5 3. Does not present a significant amount of process complexity
4. Enables Council to build facility management requirements into lease terms and conditions
5. Enables the establishment of a skills-based community board
6. Enables the Board to make tenancy decisions
- 10 7. Enables a reinvestment of rent per year back in to community services associated with the facility

The risks of this model are:

1. Community concerns over lack of competitive process – this can be mitigated through communication and engagement and an adherence to the proposal presented to and
15 accepted by the State Government
2. Risk of failed project – the success of the Steering Committee to date in securing the site for community use is evidence in favour of proceeding with the steering committee who have the skills and experience to deliver a project of this type and scale. Additionally, if the project fails the liability lies with the incorporated association running it – Council's role is essentially as a
20 landlord.
3. Competing interests in the community – the proposed uses for the site, as detailed in the proposal to State Government, form clear parameters for the project. Additionally, lease conditions could include the publication of Association's documentation to ensure transparency of decision-making regarding tenancies
25

Next steps

Staff have been working with NSW Health to finalise a contract of sale for the site. At the time of writing, a draft contract has not been received by NSW Health so the proposed terms and
30 conditions are not known at this stage. It is anticipated that a draft contract will be received prior to the 28 February Council meeting date, and staff comments will be provided to Councillors in a memorandum prior to the meeting.

Simultaneously, staff will continue to work with the steering committee to progress the operational
35 lease model, and return to Council with further detail on how this model would work and how it meets the objectives of Council, the steering committee and the broader community.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.7	Optimise Council's property portfolio (SP)	1.2.7.3	Investigate Byron Bay Hospital development options

Legal/Statutory/Policy Considerations

Local Government Act Section 55
Council's Partnership Policy

5

Financial Considerations

Progression of the proposal for a governance model for the project can be done within existing staff resources.

10

Future progress reports to Council on this project will include detailed financial modelling and considerations regarding building repair and maintenance, as well as ongoing holding costs.

Consultation and Engagement

15

Staff have been working closely with the community steering committee and will continue to do so. A communications and engagement plan for the broader project will be developed to ensure the broader community is informed and consulted on relevant project elements.

20

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.4

Report No. 13.4 **Crown Lands Transition - Additional information R65234, Federal**
Directorate: General Manager
Report Author: Shannon McKelvey, Executive Officer
File No: I2019/135

5

Summary:

10 On 22 November 2018 a report outlining the first steps in the transition of management of Crown
Reserves in the Shire was provided. Council resolved to apply for classifications and
categorisations for most reserves and to defer consideration of some reserves pending further
enquiries. Initial desktop enquiries have been completed for Reserve R65234 at Federal and this
15 report provides updated information and recommendations for that reserve.

15

RECOMMENDATION:

**That Council for Reserve R65234 at Keyes Bridge Federal, apply to the Minister
administering the Crown Lands Management Act for a Community classification and
Natural Area, Bushland categorisation.**

20

REPORT

A report outlining the first steps in the transition of management of Crown Reserves in the Shire was provided to the [22 November 2018](#) meeting at which time Council resolved, in part (**Res 18-757**):

1. *That Council resolve to apply to the Minister administering the Crown Lands Management Act for initial classifications and categorisations set out in Attachments ... with the exception of the following parcels of land: ...*

ii) *Reserve 65234 Rubbish depot, be noted that further review is required*

....

This report includes additional information following a desktop review of available information for Reserve 65234.

Extent of Reserve

Reserve R65234 is adjacent to Keyes Bridge, on Coorabell Road near Federal. It is popular with locals as a point of access to the river and bush regeneration works have been undertaken on it and adjoining Crown reserve.

Council was gazetted Trust Manager for Reserve 65234 (shown red with yellow edge below) in 1935, however, it was not identified as a Council managed reserve in the mapping supplied to Council by NSW Department of Industry – Crown Lands (DOI-CL) recently.



Local Lands Services (LLS), an arm of Department of Primary Industries, are responsible for management of the adjoining Reserve R65234 (shown in green with purple edge above), which is gazetted for the purpose of a travelling stock route. LLS issued a Grazing Stock Permit to Federal Park Landcare in 2015 for R65234.

As a matter of practicality, in future it may be preferable to regularise the two reserves but that is not something that Council can do now for a variety of reasons. For now, Council's priority is to

classify and categorise the one reserve under its gazetted management R65234 and the adjoining reserve can be considered as part of the land program, the start date of which hasn't been set yet.

Further Enquiries

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As per Resolution **18-757**, further desktop enquiries into R65234 have been carried out including:

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- Trove data base for historical government gazettes;
- Council document, CRM and property management databases;
- NSW Environmental Protection Agency (EPA) contaminated land databases;
- EPA – Protection of the Environment Operations Act licenced and former licensed activities database;
- NSW Department of Primary Industries – Cattle dip and buffer database;
- NSW Local Land Services permit records;
- Historical aerial photographs of the reserve.

15

Beyond the original gazettal that identified its future use as a rubbish tip, no documents have been found so far that indicate that the site has been for that purpose. It is not unusual for Crown Reserves to have been gazetted for a future purpose that did not eventuate.

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The historical aerial photographs of the Reserve do not appear to show storage of material or opening up of the ground within the reserve and appear to show either relatively even coverage of grass, and later vegetation, at the time of the photos. Other than the position of the river, which has changed over time, there does not appear to been any significant changes in the nature or use of the reserve between aerial photographs until recent times which show bush regeneration.

25

The reserve is located on the outside of the bend in the river in an area that could be affected by high velocity flows during flooding events, with potential for any sub-surface material to be exposed during events. Also, over recent years, bush regeneration activities have been carried out on the site and a path across the reserve is heavily used to access the river near the reserve. Council's Customer Request Management system does not contain any records of anyone reporting issues of potential contamination, unearthed materials, pollutants or odours and no requests for site clean-up post floods at the reserve.

30

The information identified by the desktop review is not evidence that the Reserve was not historically used for dumping of rubbish, however, there is nothing currently available to indicate that it was used for that purpose.

35

It would be unusual to incur additional costs on more detailed enquiries when there is nothing available to indicate that the site was actually used for the originally gazetted purpose. If the desktop enquiries are satisfactory, Council can proceed to resolve to apply to the Minister to seek classification of the land.

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Classification and Categorisation

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Approximately 1/3rd of the reserve is identified as wildlife corridor in the Biodiversity Conservation Strategy. That part of the reserve is required to be categorised as Natural Area under s36C of the Local Government Act.

50

If the land were Council owned land, staff would recommend part categorisation as Natural Area and part Categorisation as Park. However, under the transitional arrangements DOI-CL are allowing councils to allocate only one category where there was only one gazetted purpose. Therefore the Reserve must, according to DOI-CL's requirements and the Act, be initially categorised as Natural Area and it is recommended that it be allocated a sub-category of Bushland.

55

The core objectives of land categorised as Natural Area are conservation, maintenance of land in a natural state and community use/access to the land in ways that minimise or mitigate disturbance caused by human intrusion. The objectives of a Bushland subcategory include:

- environmental protection and enhancement;
- protection of recreational and educational values of the land;
- management that protects and enhances values and facilities public enjoyment in a way that minimises or mitigates disturbance.

Categorisation as Natural Area – Bushland, will generate the need for a site-specific Plan of Management (PoM) which will need to either be prepared in-house when staff resources permit or at cost to Council by a consultant. There is no immediate proposal to change any current uses on the reserve so the preparation of the required Plan of Management (PoM) not urgent, particularly compared to a number of other reserves where projects may become stalled until the required PoMs are prepared.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.8	Meet requirements for the transition of management of Crown Land to Council under the Crown Lands Management Act 2018	2.3.8.1	Complete required applications to Minister for initial classification and categorisation of applicable reserves and one-off applications
	2.3	Provide accessible, local community spaces and facilities	2.3.8	Meet requirements for the transition of management of Crown Land to Council under the Crown Lands Management Act 2018	2.3.8.2	Plan prioritisation, resourcing and timetables for Plans of Management for Crown Reserves

Legal/Statutory/Policy Considerations

As set out in the report above.

Financial Considerations

The site has largely been maintained recently as a volunteer bush regeneration site and partly as a road reserve area. There are no current proposals to change those uses or the way the site is maintained that would generate a need for a budget allocation at this stage.

The required applications under the Crown Lands Management Act are being prepared with existing staff resources. Once those applications are determined by the Minister, preparation of

Plans of Management will occur either using existing staff resources, as time permits, or using consultants at Council cost. Council received \$30,000 funding from DOI-CL to prepare Plans of Management, which staff estimate will be inadequate to cover the actual cost of that work for all reserves.

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Consultation and Engagement

Staff met with some Federal community members briefly for guidance on which long standing locals we could speak with to make further enquiries if that became necessary but that need has not eventuated.

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Report of the Public Art Panel meeting 29 November 2018

Directorate: Corporate and Community Services

Report Author: Joanne McMurtry, Community Project Officer

File No: I2018/2400

Theme: Corporate Management
Community Development

Summary:

A Public Art Panel meeting was held on 29 November 2018 to consider a progress report on the Public Art Strategy and the revised designs for the 'Elevate' sculpture proposed for Mullumbimby Sculpture Walk.

RECOMMENDATION:

1. That Council:

I) Notes the report of progress of the Public Art Strategy since its adoption in August 2018.

II) Endorses the projects for 2019, being:

a) Review the Public Art Guidelines and Criteria considering the updated Public Art Policy, new Public Art Strategy and noting these Guidelines were last reviewed in 2014.

b) Develop a conservation and maintenance framework for existing Council-owned public artworks across the Shire including listing these as assets of Council on Council's Asset Management System.

c) Undertake a priority public art commission as outlined in the Strategy once budget allocation and capital works programs have been confirmed.

2. Approves the new sculpture for Mullumbimby Sculpture Walk, 'Elevate' by Ellen Ferrier and requests the final engineering and construction drawings be circulated to the Panel prior to fabrication and construction.

3. Notes two resignations from the Public Art Panel from Kellie O'Dempsey and Kelly Reiffer.

REPORT

A Public Art Panel (PAP) meeting was held on 29 November 2018 to consider a progress report on the Public Art Strategy (refer information below) and the revised designs for the 'Elevate' sculpture proposed for Mullumbimby Sculpture Walk.

A copy of the Agenda for the Public Art Panel meeting of 29 November 2018 can be found at https://byron.infocouncil.biz/Open/2018/11/PAP_29112018_AGN_824_AT_WEB.htm. The Panel made recommendations to Council as described in the recommendations of this report.

Recommendation 1.II.c will be reviewed with the PAP following the lessons learned from the Bayshore Drive Roundabout public art project.

Council is asked to note that two resignations have been received from Public Art Panel members: Kellie O'Dempsey (resigned 4/12/18) and Kelly Reiffer (resigned 1/2/19).

Public Art Strategy - Progress Report

The Public Art Strategy was developed during 2017/18 following consultation with the Public Art Panel (PAP). The Strategy was adopted by Council in August 2018. Progress for the Strategy actions is provided below.

The Public Art Strategy provides a framework for Council's planning and decision making in relation to the commissioning and acquisition of public art, as well as its ongoing care and maintenance.

The vision articulated in the strategy is to position Byron Shire as an arts and cultural capital of Northern NSW with vibrant, contemporary public art through an innovative program that reflects and promotes the unique character and lifestyle of the region.

It provides a framework for:

1. Focal areas for public art, with priority projects – Bayshore Drive Roundabout; Bangalow Weir; Suffolk Park Education Land; water/sewer infrastructure and Ocean Shores town entry.
2. Integrating art into public works, for example, public amenities upgrades
3. Pooling funds to deliver high quality permanent artworks
4. Strong curatorial direction & project management.
5. Building strength into the Development Control Plan
6. Partnerships with community
7. Conservation and maintenance
8. Advocacy and education
9. Deferment of gifts

Progress

The Strategy articulates a clear direction for Council which has resulted in a productive year of public art outcomes. At the time of meeting the following projects were underway:

Focal areas for public art – commissions

Bayshore Drive Roundabout public art commission

Artist: Corey Thomas
Artwork: The Lighthouse
Value: \$55,000

Completion date: December 2018

Railway Park public art commission

- 5 Artist: Giovannie Veronesi
 Artwork: Memento Aestates
 Value: \$80,000
 Completion date: October 2019 (TBC)

10 **Integrating art into public works**

Bus Shelters artistic treatment

- 15 Artist: to be determined
 Artwork: design to be purchased and incorporated into durable material to replace glass panels in bus shelters
 Value: to be determined
 Completion date: tbc

20 **Public Art Chapter in Development Control Plan**

A review has been conducted by the Public Art Panel, an amendment drafted and Councillors have received a presentation at a Strategic Planning Workshop. Steps to completion are outlined below.

Final draft of amendment reported to Council	13 December
Preparation for exhibition with a minimum 28 day public exhibition period	Submissions close March in preparation for April reporting
Review of submissions, required amendments & Report to Council	April meeting 2019

- 25 Developments that have come to the Public Art Panel for feedback in the past year include:

- 30
 - YHA Byron Bay renovations
 - Habitat development
 - Mercato development

Partnerships with the Community

35 1. Partnership with Creative Mullumbimby

- The MOU between Council and Creative Mullumbimby has resulted in the following deliverables from the Public Art Strategy:
- 40
 - REVIVE sculpture launched as part of the Mullumbimby Sculpture Walk
 - Elevate sculpture in process of being assessed with Public Art Panel members included on assessment committee with Creative Mullumbimby
 - Two day public art course delivered with Council to potential artists. This meets the education and advocacy area of the Strategy with the course outlining what it takes to deliver high quality public art outcomes.

- 45 The MOU provides a point of reference for Council and Creative Mullumbimby to work together in achieving public art outcomes in Byron Shire.

50 2. Brunswick Nature Sculpture Walk

Council provided financial assistance for the Brunswick Nature Sculpture Walk 2018 of \$10,000 to:

- 5 • Enable established interstate artists to provide workshops for local sculptors and community
- Acquire a permanent sculpture for Brunswick Heads
- Curate sculptures

10 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

15 ***Legal / Statutory / Policy Considerations***

Public Art Policy
Public Art Strategy
Public Art Guidelines and Criteria

20 ***Financial Considerations***

There are no financial implications to this report.

25 ***Consultation and Engagement***

This report provides the minutes of the Public Art Panel, made up of 6 community representatives, 2 invited members and 2 councillors.

Report No. 13.6 National General Assembly of Local Government 2019**Directorate:** Corporate and Community Services**Report Author:** Heather Sills, Corporate Governance Officer**File No:** I2019/3

5 **Theme:** Corporate Management
Councillor Services

Summary:

10

The National General Assembly of Local Government will be held from 16 to 19 June 2019 in Canberra. The Call for Motions Discussion Paper requires that motions from Councillors are to be lodged by 29 March 2019.

15 This report is provided in accordance with Council's Policy Councillor Expenses and Facilities 2018, Clause 6.36 "*A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate*"

20

RECOMMENDATION:**That Council:**

1. **Authorises two Councillors (_____) to attend the 2019 National General Assembly of Local Government to be held at the National Convention Centre in Canberra from 16 to 19 June 2019 and nominates Cr (_____) as the voting delegate.**
2. **Considers endorsement of any motions for submission to the National General Assembly, at its Ordinary meeting scheduled for Thursday, 28 March 2019, to meet the lodgement deadline with ALGA of Friday, 29 March 2019.**

25

REPORT

Council has received the program and registration details for the National General Assembly of Local Government (NGA) to be held in Canberra from 16 to 19 June 2019. The theme for the 2019 NGA is 'future focused', acknowledging that the Assembly will be held after a federal election and the sector needs to come together to deliver in collaboration for our communities.

Council's Policy Councillor Expenses and Facilities 2018, Clause 6.36 states "*A resolution of Council is required to authorise attendance of Councillors at...b) National General Assembly of Local Government as a voting delegate*"

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

Conference Motions

The Councillor Expenses and Facilities 2018 Policy also states at clause 6.40 that "*Submission of motions to the ... National General Assembly for consideration by Council will be done by notice of motion, which can be considered during the year.*"

As motions to the NGA are to be received by the Australia Local Government Association (ALGA) no later than 11:59pm on 29 March 2019. and must first be endorsed by Council prior to submission, a memo was provided to Councillors informing them of the above deadline.

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

Call for Motions

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

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

The full discussion paper is available from the following link:

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

Conference Details

Where: National Convention Centre, Canberra, ACT
Dates: Sunday 16 June to Wednesday 19 June 2019

Costs:

(per delegate)	Registration Fee (early bird received by 11 May 2019)	\$989.00
	Accommodation (approx) (4 nights)	\$1,000.00
	Travel (approx.)	\$800.00
	Total:	\$2,789.00

Next steps

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

- 5
- be relevant to the work of local government nationally
 - be consistent with the themes of the NGA
 - complement or build on the policy objectives of your State and Territory local government association
- 10
- be submitted by a council which is a financial member of its State or Territory local government association
 - propose a clear action and outcome
 - not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not
- 15
- directly relevant to the work of, or in the national interests of, local government.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All Motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the Motion, and endorsement of Council.

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Motions should be received by ALGA no later than 11:59pm on Friday 29 March 2019, electronically in the prescribed format.

STRATEGIC CONSIDERATIONS

25 ***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.11	Maintain effective relationships with key stakeholders, neighbouring local governments, government representatives and government agencies	5.6.11.2	Engage with government representatives and agencies

Legal/Statutory/Policy Considerations

30 In accordance with Council's Policy Councillor Expenses and Facilities 2018 "A resolution of Council is required to authorise attendance of Councillors at ...b) Australian Local Government Association National General Assembly as a voting delegate."

Financial Considerations

35 Council has an allocation for conferences of \$19,400 within the 2018/19 budget (2145.004). There is sufficient funding remaining to cover the cost of sending two delegates to the NGA.

Report No. 13.7 Investments - 29 November to 31 December 2018

Directorate: Corporate and Community Services

Report Author: James Brickley, Manager Finance

File No: I2019/28

5 **Theme:** Corporate Management
Financial Services

Summary:

10 This report includes a list of investments and identifies Council's overall cash position for the period 29 November to 31 December 2018 for Council's information.

15 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 December 2018 be noted.

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Report

In relation to the investment portfolio for the period 29 November to 31 December 2018, Council has continued to maintain a diversified portfolio of investments. At 31 December 2018, the average 90 day bank bill rate (BBSW) for the month of December was 2.02%. Council's performance to 31 December 2018 is 2.72%. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits, bonds and purchasing floating rate notes with attractive interest rates.

- 10 The table below identifies the investments held by Council as at 31 December 2018:

Schedule of Investments held as at 31 December 2018

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
24/03/17	1,000,000	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	N	B	3.25%	1,014,155.00
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,019,374.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,030,440.00
28/10/16	650,000	Teachers Mutual Bank	Y	BBB+	28/10/19	Y	FRN	3.17%	651,492.40
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	3.25%	1,000,597.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	2.63%	748,512.75
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	N	FRN	3.20%	500,573.50
30/05/18	1,000,000	AMP Bank	Y	A	25/02/19	N	TD	2.80%	1,000,000.00
23/07/18	1,000,000	AMP Bank	N	A	21/01/19	N	TD	2.80%	1,000,000.00
01/08/18	1,000,000	Defence Bank	Y	BBB	30/01/19	Y	TD	2.75%	1,000,000.00
03/08/18	2,000,000	AMP Bank	N	A	30/01/19	N	TD	2.80%	2,000,000.00
06/08/18	2,000,000	NAB	Y	AA-	05/01/19	N	TD	2.67%	2,000,000.00
07/08/18	2,000,000	ME Bank	Y	BBB	04/02/19	Y	TD	2.70%	2,000,000.00
08/08/18	1,000,000	AMP Bank	N	A	08/02/19	N	TD	2.80%	1,000,000.00
27/08/18	1,000,000	Suncorp	Y	A+	25/01/19	Y	TD	2.65%	1,000,000.00
03/09/18	1,000,000	Bank Vic	Y	NR	07/01/19	Y	TD	2.76%	1,000,000.00
04/09/18	1,000,000	Suncorp	N	A+	01/03/19	Y	TD	2.70%	1,000,000.00
06/09/18	1,000,000	Bananacoast Credit Union	Y	NR	06/03/19	Y	TD	2.70%	1,000,000.00
06/09/18	1,000,000	Suncorp	N	A+	05/03/19	Y	TD	2.70%	1,000,000.00
12/09/18	1,000,000	Bankwest	Y	AA-	10/01/19	N	TD	2.65%	1,000,000.00
12/09/18	2,000,000	Suncorp	N	A	08/02/19	Y	TD	2.70%	2,000,000.00
17/09/18	1,000,000	The Capricornian Credit Union	Y	NR	17/01/19	Y	TD	2.80%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
19/09/18	1,000,000	Maitland Mutual Building Society	Y	NR	17/01/19	Y	TD	2.80%	1,000,000.00
21/09/18	1,000,000	ME Bank	N	BBB	05/02/19	Y	TD	2.67%	1,000,000.00
21/09/18	1,000,000	Police Credit Union Limited (SA)	Y	NR	21/01/19	Y	TD	2.80%	1,000,000.00
24/09/18	1,000,000	Bankwest	N	AA-	22/01/19	N	TD	2.65%	1,000,000.00
28/09/18	1,000,000	Police Credit Union Limited (SA)	N	NR	02/01/19	Y	TD	2.85%	1,000,000.00
02/10/18	1,000,000	Police Credit Union Limited (SA)	N	NR	03/01/19	Y	TD	2.80%	1,000,000.00
03/10/18	2,000,000	Police Credit Union Limited (SA)	N	NR	04/01/19	Y	TD	2.80%	2,000,000.00
03/10/18	1,000,000	NAB	N	AA-	31/01/19	N	TD	2.66%	1,000,000.00
03/10/18	1,000,000	Hunter United Employees Credit Union	N	NR	01/04/19	Y	TD	2.80%	1,000,000.00
03/10/18	1,000,000	NAB	N	AA-	31/01/19	N	TD	2.66%	1,000,000.00
04/10/18	1,000,000	NAB	N	AA-	04/04/19	N	TD	2.70%	1,000,000.00
04/10/18	1,000,000	Australian Military Bank	Y	NR	03/04/19	Y	TD	2.80%	1,000,000.00
10/10/18	1,000,000	NAB	N	AA-	07/02/19	N	TD	2.66%	1,000,000.00
15/10/18	1,000,000	Suncorp	N	A	15/04/19	Y	TD	2.65%	1,000,000.00
15/10/18	1,000,000	Australian Military Bank	N	NR	15/02/19	Y	YD	2.77%	1,000,000.00
17/10/18	1,000,000	Police Credit Union Limited (SA)	N	NR	14/02/19	Y	TD	2.85%	1,000,000.00
25/10/18	1,000,000	NAB	N	AA-	22/02/19	N	TD	2.67%	1,000,000.00
29/10/18	1,000,000	Maitland Mutual Building Society	N	NR	14/02/19	Y	TD	2.80%	1,000,000.00
29/10/18	2,000,000	NAB	N	AA-	29/03/19	N	TD	2.69%	2,000,000.00
30/10/18	1,000,000	Australian Military Bank	N	NR	30/04/19	Y	TD	2.90%	1,000,000.00
30/10/18	2,000,000	Australian Military Bank	N	NR	28/02/19	Y	TD	2.87%	2,000,000.00
31/10/18	1,000,000	B & E Ltd (Bank of Us)	Y	NR	29/04/19	Y	TD	2.90%	1,000,000.00
31/10/18	2,000,000	NAB	N	AA-	29/03/19	N	TD	2.70%	2,000,000.00
02/11/18	1,000,000	B & E Ltd (Bank of Us)	N	NR	01/05/19	Y	TD	2.85%	1,000,000.00
02/11/18	1,000,000	NAB	N	AA-	04/03/19	N	TD	2.66%	1,000,000.00
12/11/18	1,000,000	B & E Ltd (Bank of Us)	N	NR	11/02/19	Y	TD	2.84%	1,000,000.00
15/11/18	1,000,000	Police Credit Union Limited (SA)	N	NR	14/05/19	Y	TD	2.70%	1,000,000.00
19/11/18	1,000,000	Summerland Credit Union	Y	NR	20/05/19	Y	TD	2.90%	1,000,000.00
26/11/18	1,000,000	Suncorp	N	A	27/05/19	Y	TD	2.70%	1,000,000.00
28/11/18	1,000,000	Maitland Mutual Building Society	N	NR	27/03/19	Y	TD	2.92%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
28/11/18	1,000,000	B & E Ltd (Bank of Us)	N	NR	27/03/19	Y	TD	2.95%	1,000,000.00
28/11/18	1,000,000	Suncorp	N	A+	28/05/19	Y	TD	2.65%	1,000,000.00
29/11/18	2,000,000	NAB	N	AA-	29/04/19	N	TD	2.75%	2,000,000.00
03/12/18	1,000,000	Illawarra Credit Union	Y	NR	08/03/19	Y	TD	2.85%	1,000,000.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
13/12/18	1,000,000	Summerland Credit Union	N	NR	13/12/19	Y	TD	3.01%	1,000,000.00
18/12/18	2,000,000	Beyond Bank Australia	Y	BBB	18/06/19	Y	TD	2.80%	2,000,000.00
N/A	2,890,350	CBA Business Online Saver	N	AA-	N/A	N	CALL	1.40%	2,890,350.67
12/01/18	1,519,852	NSW Treasury Corp	N	AAA	N/A	Y	CALL	2.40%	1,520,121.27
Total	73,308,552						AVG	2.72%	73,375,616.59

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

Note 2. No Fossil Fuel ADI
Y = No investment in Fossil Fuels
N = Investment in Fossil Fuels
U = Unknown Status

Note 3.

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

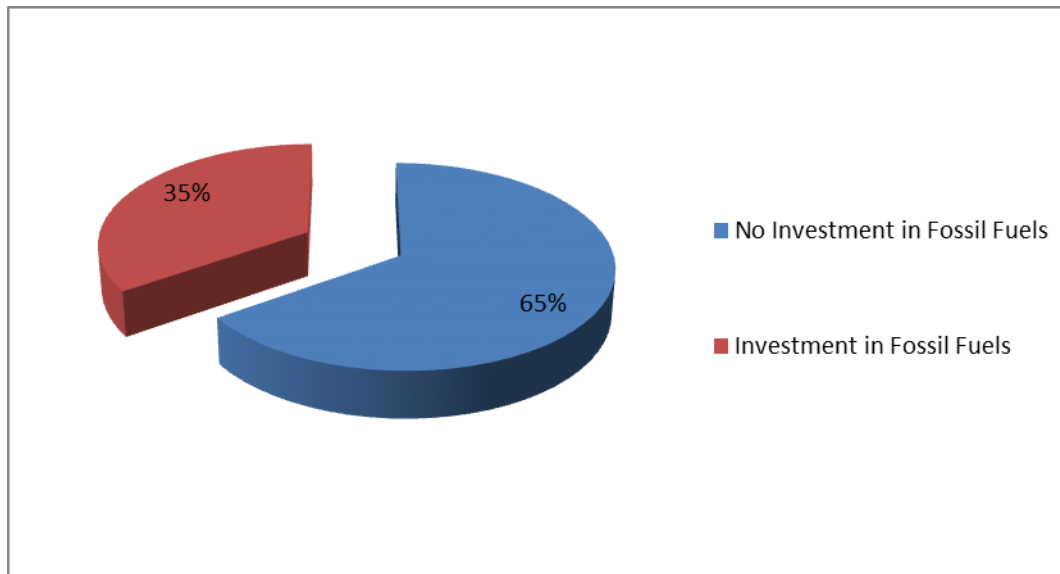
Environmental and Socially Responsible Investing

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 a 'No Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

10

The notion of Environmental and Socially Responsible Investing is much broader than whether a financial institution as rated by 'marketforces.org.au' invests in fossil fuels or not. Council's current

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



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

1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.

Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	44%	Meets policy
A+ to A-	A1	60%	7%	Meets policy
BBB to NR	A2,NR	40%	49%	Does not meet policy

The above table identifies compliance with Council's Investment Policy by the proportion of the investment portfolio invested with financial institutions, along with their associated credit ratings compared to parameters in the Investment Policy. The parameters are designed to support prudent short and long-term management of credit risk and ensure diversification of the investment portfolio. Unfortunately the financial institutions currently offering investments in the 'ethical' area are mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

Associated Risk

Progressively moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and continue to increase the organisation's credit risk (i.e. exposure to potential default). To monitor this issue the 'Investment Policy Compliance' table will now be produced for each monthly Investment Report to Council.

Currently Council is exceeding its policy benchmark for the proportion of the investment portfolio invested in financial institutions with low credit ratings or no credit rating (9% above tolerance).

This means a greater proportion of Council's investments have a higher level of exposure to credit risk than Council has determined via policy. To redress this risk, Council would need to invest more of the portfolio with institutions with higher credit ratings but this will reduce the percentage of the investment portfolio invested ethically. Over time it is likely that institutions with higher credit ratings will move more into the ethical investment space and this will continue to be monitored closely.

The investment portfolio is outlined in the table below by investment type for the period 29 November to 31 December 2018:

Dissection of Council Investment Portfolio as at 31 December 2018

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
63,000,000.00	Term Deposits	63,000,000.00	0.00
2,900,000.00	Floating Rate Note	2,901,175.65	1,175.65
2,890,350.67	Business On-Line Saver (At Call)	2,890,350.67	0.00
1,519,852.21	NSW Treasury Corp (T Corp)	1,520,121.27	269.06
2,998,350.00	Bonds	3,063,969.00	65,619.00
73,308,552.88		73,375,616.59	67,063.71

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

The table below provides a reconciliation of investment purchases and maturities for the period of 29 November to 31 December 2018 on a current market value basis.

Movement in Investment Portfolio – 31 December 2018

Item	Current Market Value (at end of month) \$
Opening Balance at 29 November 2018	76,324,748.85
Add: New Investments Purchased	8,000,000.00
Add: Call Account Additions	3,500,000.00
Add: Interest from Call Account	4,326.37
Less: Investments Matured	14,000,000.00
Add: T Corp Additions	1,000,000.00
Add: Interest from T Corp	2,278.45
Less: Call Account Redemption	1,500,000.00
Less: T Corp Redemption	0.00
Add: Fair Value Movement for period	44,262.92
Closing Balance at 31 December 2018	73,375,616.59

Investments Maturities and Returns – 29 November to 31 December 2018

Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
2,000,000.00	Suncorp	TD	29/12/18	90	2.65%	13,068.49
2,000,000.00	NAB	TD	14/12/18	106	2.63%	15,275.62
2,000,000.00	Beyond Bank	TD	18/12/18	183	2.75%	27,575.34
2,000,000.00	ME Bank	TD	07/12/18	182	2.84%	28,322.19
1,000,000.00	Hunter United Employee Credit Union	TD	17/12/18	91	2.80%	6,980.82
1,000,000.00	Gateway Credit Union	TD	07/12/18	122	2.78%	9,292.05
1,000,000.00	Gateway Credit Union	TD	18/12/18	183	2.90%	14,539.73
1,000,000.00	Beyond Bank	TD	10/12/18	154	2.75%	11,602.74
1,000,000.00	The Capricornian	TD	17/12/18	91	2.80%	6,980.82
1,000,000.00	Bank Vic	TD	10/12/18	88	2.78%	6,702.47
14,000,000.00						140,340.27

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 for operational purposes. In this regard, for the month of December 2018 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 31 December 2018

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	63,000,000.00	63,000,000.00	0.00
Floating Rate Note	2,900,000.00	2,901,175.65	1,175.65
Business On-Line Saver (At Call)	2,890,350.67	2,890,350.67	0.00
NSW Treasury Corp (T Corp)	1,519,852.21	1,520,121.27	269.06
Bonds	2,998,350.00	3,063,969.00	65,619.00
Total Investment Portfolio	73,308,552.88	73,375,616.59	67,063.71
Cash at Bank			
Consolidated Fund	1,707,330.60	1,707,330.60	0.00
Total Cash at Bank	1,707,330.60	1,707,330.60	0.00
Total Cash Position	75,015,883.48	75,082,947.19	0.00

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.5	Identification of ethical investment opportunities with environmental and social inclusion outcomes

5 **Legal/Statutory/Policy Considerations**

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

10 The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. The current Council Meeting cycle does not always allow this to occur, especially as investment valuations required for the preparation of the report are often received after the deadline for the submission of reports. Endeavours are being made to achieve a better alignment and for some months this will require reporting for one or more months.

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

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

25 **Financial Considerations**

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

Report No. 13.8 Section 355 Management Committees - resignations and appointments

Directorate: Corporate and Community Services

Report Author: Joanne McMurtry, Community Project Officer

File No: I2019/31

Theme: Society and Culture

Community Development

Summary:

This report updates Council on recent resignations and proposed appointments to Section 355 committees.

RECOMMENDATION:

1. That Council considers a new Councillor appointment to the Lone Goat Gallery Board of Management, and appoints Councillor _____.
2. That the resignation of Melissa Tonnet from the South Golden Beach Hall Management Committee be accepted and that a letter of thanks be provided.

Report

This report details resignations and proposed new appointments for Section 355 committees where nominations have been received.

Lone Goat Gallery Board of Management

A resignation has been received from Cr Jan Hackett from the Lone Goat Gallery Board.

Current members on this Board of Management are:

Councillors

- Cr Simon Richardson (alternate)

Community Representatives:

- Margaret White
- Maureen Lightfoot (Treasurer)
- Denise Napier (Chair)
- Faye Dorczak (Secretary)

Management Recommendation:

That Council considers a new Councillor appointment to the Board.

South Golden Beach Hall

A resignation has been received from Melissa Tonnet from the South Golden Beach Hall Management Committee.

Current members on this Management Committee are:

Councillors

- Cr Basil Cameron
- Cr Sarah Ndiaye (alternate)

Community Representatives

- Lotte Boer
- Zerina Millard (Chair)
- Jennifer Parenteau
- Gabrielle Ranaldi (Secretary)
- Maureen Lightfoot (Treasurer)
- Tony Horrigan (bookings)
- Ana Mantuaneli
- Melissa Tonnet

Management Recommendation

That the resignation from Melissa Tonnet from the South Golden Beach Hall Management Committee be accepted and that a letter of thanks be provided.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.9	Develop capital upgrades, renewal and enhancements works program for buildings- including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)	1.2.9.1	Deliver program in consultation with community groups, s355 committees, Council asset managers and Plans of Management

5 Legal / Statutory / Policy Considerations

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

3.2 Committee Membership

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

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

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

Financial Considerations

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

Consultation and Engagement

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

Report No. 13.9 Council Resolutions Quarterly Review - 1 October to 31 December 2018

Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Governance Officer
File No: I2019/64
Theme: Corporate Management
 Governance Services

Summary:

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

Council should note that 169 resolutions were completed during the period 1 October to 31 December 2018. This is an increase of 65 resolutions compared with the same time period in 2017.



There were 91 active resolutions as at 31 December 2018. This is an increase of 19 resolutions compared with the previous reporting period as at 30 September 2018, on which date there were 72 active resolutions.

Resolutions could be active or overdue as a result of budget constraints, staff resourcing, extended negotiations with stakeholders, or other reasons.

RECOMMENDATION:

- 1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2019/4388).**
- 2. That Council notes the completed Resolutions in Attachment 2 (#E2019/4390).**

Attachments:

- 1 Active Resolutions as at 31 December 2018, E2019/4388 
- 2 Completed Resolutions - 1 October to 31 December 2018, E2019/4390 

Report

This report provides a quarterly update on the status of Council Resolutions to 31 December 2018.

As at 31 December 2018:

- 169 resolutions were completed since 1 October 2018
- 91 resolutions remained active
- 65 of the active resolutions were overdue

The active Council resolutions per Council terms are provided below:

- 89 active Council Resolutions from current Council (2016-2020)
- 2 active Council Resolutions from previous Council (2012-2016)

Details of completed resolutions for the period are provided at Attachment 2 (E2019/4390).

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.10	Use business insights and strategic business planning to continuously improve (SP)	5.6.10.2	Support development of performance measures for council services

Legal / Statutory / Policy Considerations

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

Financial issues

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

**Report No. 13.10 Delivery Program 6-monthly Report and 2018/19 Operational Plan
Second Quarter Report - Q2 - 1 July to 30 December 2018****Directorate:** Corporate and Community Services**Report Author:** Heather Sills, Corporate Governance Officer**File No:** I2019/65**Summary:**

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



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

This is an important component of the reporting cycle, focusing on the higher level commitments that the Councillors have made to the community for the duration of their term and also outlines the progress towards the recommendations from the 2018 Community Solutions Panel on infrastructure priorities. It provides an opportunity to reflect on whether the specific activities being undertaken are still working toward these priorities.

RECOMMENDATION:

1. That Council notes the Delivery Program 6-monthly Report and 2018/19 Operational Plan Second Quarter Report for the period ending 30 December 2018 (Attachment 1 #E2019/2528).
2. That Council adopts the proposed amendments to the Operational Plan 2018/19 outlined in Attachment 2 (#E2019/10091).

Attachments:

- 1 Delivery Program 6-monthly Report and Operational Plan Quarter Report - Q2 - to 31 December 2018, E2019/2528 
- 2 Quarter 2 Report - Proposed Amendments to Operational Plan, E2019/10091 

Report

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

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

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

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

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

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

This report details Council's progress towards achieving the activities in the 2018-2019 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions may be delayed or reprioritised.

The report (Attachment 1 #E2019/2528) is structured by the five 'Our Byron, Our Future' Community Strategic Plan 2028 objectives:

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

Each section notes the progress against the activities including:

- Activity
- Responsible directorate
- Measure
- Timeframe
- Comments
- Status
 - On track – Indicates that an activity is currently on track, taking into account the timeframe, measures, and budget
 - Needs attention – Indicates that the scope of the activity may need to be reviewed in line with constraints such as timeframe/budget
 - Not commenced – The activity is not due to have commenced or has not commenced
 - Critical – The activity will not be delivered on time and/or on budget

- Completed – The activity has been completed in accordance with the prescribed measures

Key issues

5

It should be noted that this report is at 31 December 2018 and therefore since collation of the report, actions may have progressed.

10

Each quarter, amendments required to be made to the original Operational Plan are to be endorsed and adopted by Council. These amendments are provided in detail in Attachment 2 (#E2019/10091). The proposed amendments include:

- new actions
- changes to proposed timeframes

15

Proposed new activities are a result of:

- revised priority
- new legislation
- conclusions of activity
- omission from original plan, or
- generated by resolutions of Council

20

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.1	Provide timely, accessible and accurate information to the community	5.2.1.3	Report on progress of Delivery Program actions

25

Legal/Statutory/Policy Considerations

30

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

Financial issues

35

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

Consultation and Engagement

40

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

45

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

Report No. 13.11 **Budget Review 1 October 2018 to 31 December 2018**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/101

5

Summary:

10 This report is prepared to comply with Regulation 203 of the *Local Government (General) Regulation 2005* and to inform Council and the community of Council's estimated financial position for the 2018/2019 financial year, reviewed as at 31 December 2018.

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




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

RECOMMENDATION:

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2019/9717) which include the following results in the 31 December 2018 Quarterly Review of the 2018/2019 Budget:**
 - a) **General Fund – \$20,000 increase to the Estimated Unrestricted Cash Result**
 - b) **General Fund - \$835,300 increase in reserves**
 - c) **Water Fund - \$515,600 increase in reserves**
 - d) **Sewerage Fund - \$2,149,000 increase in reserves**

2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$1,145,200 for the 2018/2019 financial year as at 31 December 2018.**

Attachments:

- 25 1 Budget Variations for General, Water and Sewerage Funds, E2019/9752 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2019/9717 
- 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statement, E2019/9716 

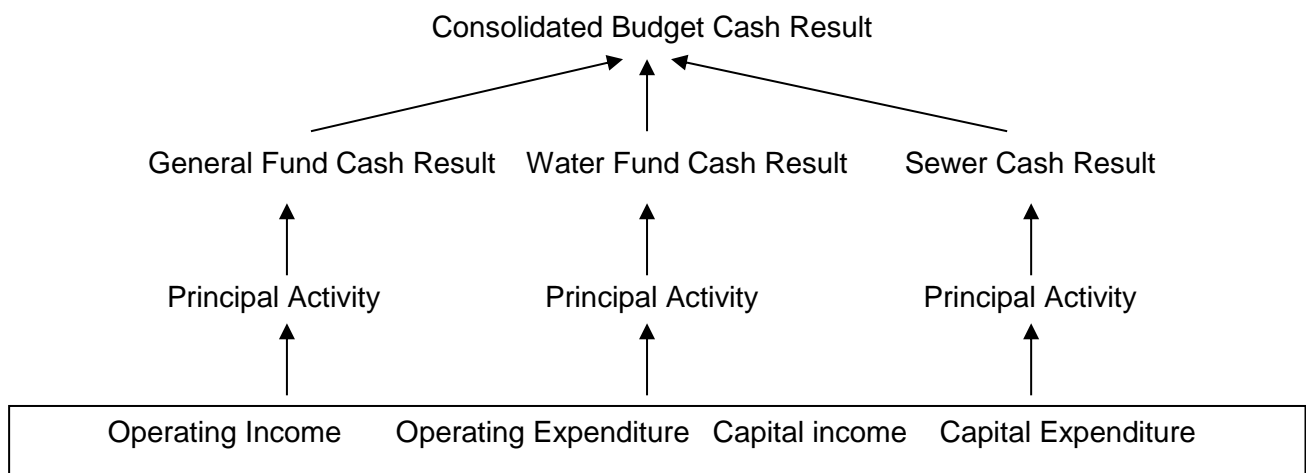
30

REPORT

Council adopted the 2018/2019 budget on 28 June 2018 via Resolution **18-429**. It also considered and adopted the budget carryovers from the 2017/2018 financial year, to be incorporated into the 2018/2019 budget at its Ordinary Meeting held on 23 August 2018 via Resolution **18-522**. Since that date Council has reviewed the budget, taking into consideration the 2017/2018 Financial Statement results and progress through the first half of the 2018/2019 financial year. This report considers the December 2018 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.

Attachment 1 has the following reporting hierarchy:



The pages are presented (from left to right) showing the original budget as adopted by Council on 28 June 2018 plus the adopted carryover budgets from 2017/2018, followed by the resolutions between July and September, the September budget review, resolutions between October and December, the re-vote (or adjustment for this review) and then the revised position projected for 30 June 2019 as at 31 December 2018.

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 corresponds to the notes at the end of the Attachment which explain the variation.

There is also information detailing restricted assets (reserves) to show Council estimated balances as at 30 June 2019 for all Council's reserves.

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

Office of Local Government Budget Review Guidelines:-

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

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

- 5 Since the introduction of the new planning and reporting framework for NSW Local Government, it is now a requirement for Councils to provide the following components when submitting a Quarterly Budget Review Statement (QBRs):-
- 10 • A signed statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRs
 - Budget review income and expenses statement in one of the following formats:
 - Consolidated
 - By fund (e.g General, Water, Sewer)
 - 15 ○ By function, activity, program etc to align with the management plan/operational plan
 - Budget Review Capital Budget
 - Budget Review Cash and Investments Position
 - 20 • Budget Review Key performance indicators
 - Budget Review Contracts and Other Expenses
- 25 The above components are included in Attachment 3:-

Income and Expenditure Budget Review Statement by Type – This shows Council's income and Expenditure by type. This has been split by Fund. Adjustments are shown, looking from left to right. These adjustments are commented on through the last 12 pages of Attachment 1.

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

Cash and Investments Budget Review Statement – This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 31 December 2018 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.

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

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

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

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

5 CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds budget movements for the 2018/2019 financial year projected to 30 June 2019 and revised as at 31 December 2018.

10

2018/2019 Budget Review Statement as at 31 December 2018	Original Estimate (Including Carryovers) 1/7/2018	Adjustments to 31 Dec 2018 including Resolutions*	Proposed 31 Dec 2018 Review Revotes	Revised Estimate 30/6/2019 at 31/12/2018
Operating Revenue	81,580,000	142,700	1,276,000	82,998,700
Operating Expenditure	86,541,800	4,618,000	678,200	91,838,000
Operating Result – Surplus/Deficit	(4,961,800)	(4,475,300)	597,800	(8,839,300)
Add: Capital Revenue	25,396,200	67,800	(9,807,900)	15,656,100
Change in Net Assets	20,434,400	(4,407,500)	(9,210,100)	6,816,800
Add: Non Cash Expenses	13,678,900	925,700	0	14,604,600
Add: Non-Operating Funds Employed	3,899,000	4,634,000	(1,000,000)	7,533,000
Subtract: Funds Deployed for Non-Operating Purposes	(63,028,000)	(4,421,400)	13,730,000	(53,719,400)
Cash Surplus/(Deficit)	(25,015,700)	(3,269,200)	3,519,900	(24,765,000)
Restricted Funds – Increase / (Decrease)	(25,031,500)	(3,233,400)	3,499,900	(24,765,000)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	15,800	(35,800)	20,000	0

GENERAL FUND

In terms of the General Fund projected Unrestricted Cash Result, the following table provides a reconciliation of the estimated position as at 31 December 2018:

15

Opening Balance – 1 July 2018	\$1,145,200
Plus original budget movement and carryovers	15,800
Council Resolutions July – September Quarter	(53,000)
Recommendations September Budget Review – increase/(decrease)	37,200
Council Resolutions October – December Quarter	(\$20,000)
Recommendations within this Review – increase/(decrease)	20,000

Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2019	0
Estimated Unrestricted Cash Result Closing Balance – 30 June 2019	\$1,145,200

The General Fund financial position overall has increased by \$20,000 as a result of this budget review, bringing the forecast cash result back to zero. The cash result after the September budget review but before the December budget review was showing a \$20,000 deficit due to the two Council resolutions below:

Council Resolutions

Council has passed the following resolutions in the October to December quarter that have had an effect on the cash result:

- Resolution **18-710 part 2** Matter of Urgency - Support for Drought Relief:

“Allocate a budget of \$10,000 in the 2018/2019 financial year, with approval for the trips to be delegated to the General Manager, and funded from unallocated revenue in 2018/19”.

- Resolution **18-836 part 1** Funding for Tyagarah Beach Cameras:

“That the \$10,000 funding required for the Tyagarah Reserve cameras and related signage be immediately allocated from Council’s unrestricted reserve funds”.

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

Budget Adjustments

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

	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
Budget Directorate			
General Manager	212,800	212,800	0
Corporate & Community Services	2,000	(53,300)	55,300
Infrastructure Services	(10,538,100)	(10,472,000)	(66,100)
Sustainable Environment & Economy	48,500	17,700	30,800
Total Budget Movements	10,274,800	10,294,800	20,000

Budget Adjustment Comments

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

General Manager

- In the General Manager’s program it is proposed to increase the Legal Services budget by \$104,000 to allow for the anticipated increase in legal costs prior to the end of the financial year. This can be funded from the Legal Services reserve and legal fees recovered. It is also

proposed to add an income budget of \$10,400 for documentation preparation and legal fees. This is not a new budget but has been moved from the Corporate Services program.

- 5 • In the People & Culture program, it is proposed to increase revenue by \$98,400 for the annual WHS incentive payment (\$27,700) and a Hindsight Performance payment (\$70,700) and restrict the funds in the WHS Incentive reserve and People & Culture reserve respectively.

Corporate and Community Services

- 10 • In the Information Services program it is proposed to increase revenue and expenditure by \$39,400 due to the second instalment of the grant for the Smart Cities & Suburbs 3D Modelling Solutions project. It is proposed to increase revenue by a further \$3,000 due to an increase in actual revenue received for document enquiries. It is also proposed to decrease operating expenditure for Authority maintenance (\$20,000), Document Management maintenance
- 15 (\$8,000), data systems maintenance (\$7,900) and lease payments for hardware, as actual expenditure will be under the current allocated budgets. These adjustments against revenue and expenditure are offset through support services costs allocated to other budget programs.
- 20 • In the Corporate Services Program the document preparation and legal fee budget has been moved to the General Manager's program (\$10,400). It is proposed to decrease the budget for the Business Continuity program (\$30,000) as the project will not be finalised this financial year and decrease insurance premiums for the Carriers Liability (\$700) and Environmental Impairment Liability (\$23,100) as the insurance premiums have been allocated to the Sewerage Fund.
- 25 • In the Community Development program, it is proposed to decrease operating expenditure by \$37,400 for the Tyagarah Recreation Club Lease. This has an offsetting revenue budget in the Open Space & Recreation program that has also decreased.

30 Infrastructure Services

- In the Projects & Commercial Development program, it is proposed to decrease capital expenditure due to various works unlikely to be completed in the 2018/2019 financial year.
- 35 • In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 16 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fourth page of Attachment 2 under the budget program heading Local Roads and Drainage.
- 40 • In the Roads and Maritime Services program (RMS) it is proposed to transfer \$872,600 from capital revenue to operating revenue for the correct revenue recognition recording of Natural Disaster funding.
- 45 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 18 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fifth page of Attachment 2 under the budget program heading Open Space & Recreation.
- 50 • In the Waste & Recycling program it is proposed to increase the budget for the expansion of the Resource Recovery Centre (\$317,000), increase the budget for the purchase of a loader (\$100,000) and create a budget for the Solar Farm Project Initiation (\$120,000). These adjustments are funded through the Other Waste Management reserve.

- In the Cavanbah Centre program, it is proposed to decrease capital expenditure by \$85,000 for Trophy Cabinets (\$15,000), Additional Building Storage (\$20,000) and Grandstands (\$50,000) as grant funding is not available for these projects.

5 Sustainable Environment and Economy

- In the Planning Policy & Natural Environment program, it is proposed to increase revenue by \$37,400 due to a grant amendment for \$5,000 for Beach Scraping, grant revenue for Byron Habitat Corridors (\$18,200) and a grant instalment for the Flying Foxes program.

10 WATER FUND

After completion of the 2017/2018 Financial Statements the Water Fund as at 30 June 2018 has a capital works reserve of \$6,923,500 and held \$3,857,800 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2019, and forecast in this Quarter Budget Review, are derived as follows:

20 Capital Works Reserve

Opening Reserve Balance at 1 July 2018	\$6,923,500
Plus original budget reserve movement	(2,627,400)
Less reserve funded carryovers from 2017/2018	(375,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	89,900
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	515,600
Forecast Reserve Movement for 2018/2019 – Increase / (Decrease)	(2,397,600)
Estimated Reserve Balance at 30 June 2019	\$4,525,900

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2018	\$3,857,800
Plus original budget reserve movement	(746,400)
Less reserve funded carryovers from 2017/2018	(503,800)
Resolutions July - September Quarter – increase / (decrease)	(430,000)
September Quarterly Review Adjustments – increase / (decrease)	74,000
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2018/2019 – Increase / (Decrease)	(1,606,200)
Estimated Reserve Balance at 30 June 2019	\$2,251,600

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$515,600 from the 31 December 2018 Quarter Budget Review.

30 SEWERAGE FUND

After completion of the 2017/2018 Financial Statements the Sewer Fund as at 30 June 2018 has a capital works reserve of \$8,706,800 and plant reserve of \$704,400. It also held \$9,051,600 in section 64 developer contributions.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

Capital Works Reserve

Opening Reserve Balance at 1 July 2018	\$8,706,800
Plus original budget reserve movement	(3,480,800)
Less reserve funded carryovers from 2017/2018	(1,454,800)
Resolutions July - September Quarter – increase / (decrease)	(1,330,000)
September Quarterly Review Adjustments – increase / (decrease)	258,600
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	2,099,000
Forecast Reserve Movement for 2018/2019 – Increase / (Decrease)	(3,908,000)
Estimated Reserve Balance at 30 June 2019	\$4,798,800

Plant Reserve

5

Opening Reserve Balance at 1 July 2018	\$704,400
Plus original budget reserve movement	0
Less reserve funded carryovers from 2017/2018	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2018/2019 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2019	\$704,400

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2018	\$9,051,600
Plus original budget reserve movement	(27,900)
Less reserve funded carryovers from 2017/2018	(1,018,700)
Resolutions July - September Quarter – increase / (decrease)	(1,020,000)
September Quarterly Review Adjustments – increase / (decrease)	(50,400)
Resolutions October - December Quarter – increase / (decrease)	(856,000)
December Quarterly Review Adjustments – increase / (decrease)	50,000
Forecast Reserve Movement for 2018/2019 – Increase / (Decrease)	(2,923,000)
Estimated Reserve Balance at 30 June 2019	\$6,128,600

- 10 Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$2,149,000 from the 31 December 2018 Quarter Budget Review.

Legal Expenses

15

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.

- 20 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 31 December 2018.

25

Total Legal Income & Expenditure as at 31 December 2018

Program	2018/2019 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	4,000	0%
Total Income	0	4,000	0%
Expenditure			
General Legal Expenses	202,600	185,290	91.46%
Total Expenditure General Fund	202,600	185,290	91.46%

Note: The above table does not include costs incurred by Council in proceedings after 31 December 2018 or billed after this date. At the time of writing this report, Council has incurred an additional \$7,135 of expenditure in January 2018 with a further commitment of \$7,836. It is proposed to transfer an additional \$100,000 from the Legal Services Reserve within this review to cover additional legal expenses expected this financial year. This will leave an estimated balance of \$126,600 in the Legal Services reserve at 30 June 2019.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.1	Financial reporting as required provided to Council and Management

Legal/Statutory/Policy Considerations

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

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

Financial Considerations

This report indicates that the short term financial position of the Council is still satisfactory for the 2018/2019 financial year, having consideration of the original estimate of income and expenditure at the 31 December 2018 Quarter Budget Review.

- 5 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2018/2019 outlined in this Budget Review remains for the remainder of the 2018/2019 financial year. It is also noted that Council will need to address the current level of the Legal Services Reserve.

10

Report No. 13.12 **Investments - 1 January to 31 January 2019**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/159

5

Summary:

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

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

15

RECOMMENDATION:

That the report listing Council's investments and overall cash position as at 31 January 2019 be noted.

20

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.12

REPORT

5 In relation to the investment portfolio for the period 1 January to 31 January 2019, Council has continued to maintain a diversified portfolio of investments. At 31 January 2019, the average 90 day bank bill rate (BBSW) for the month of January was 2.07%. Council's performance to 31 January 2019 is 2.76%. This is largely due to the active ongoing management of the investment portfolio, maximising investment returns through secure term deposits, bonds and purchasing floating rate notes with attractive interest rates.

10 The table below identifies the investments held by Council as at 31 January 2019:

Schedule of Investments held as at 31 January 2019

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
24/03/17	1,000,000	NAB Social Bond (Gender Equality)	Y	AA-	24/03/22	N	B	3.25%	1,014,155.00
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,019,374.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,030,440.00
28/10/16	650,000	Teachers Mutual Bank	Y	BBB+	28/10/19	Y	FRN	3.17%	651,492.40
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	N	FRN	3.25%	1,000,597.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	2.63%	748,512.75
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	N	FRN	3.20%	500,573.50
30/05/18	1,000,000	AMP Bank	Y	A	25/02/19	N	TD	2.80%	1,000,000.00
07/08/18	2,000,000	ME Bank	Y	BBB	04/02/19	Y	TD	2.70%	2,000,000.00
08/08/18	1,000,000	AMP Bank	N	A	08/02/19	N	TD	2.80%	1,000,000.00
04/09/18	1,000,000	Suncorp	Y	A+	01/03/19	Y	TD	2.70%	1,000,000.00
06/09/18	1,000,000	Bananacoast Credit Union	Y	NR	06/03/19	Y	TD	2.70%	1,000,000.00
06/09/18	1,000,000	Suncorp	N	A+	05/03/19	Y	TD	2.70%	1,000,000.00
12/09/18	2,000,000	Suncorp	N	A	08/02/19	Y	TD	2.70%	2,000,000.00
21/09/18	1,000,000	ME Bank	N	BBB	05/02/19	Y	TD	2.67%	1,000,000.00
03/10/18	1,000,000	NAB	N	AA-	01/04/19	N	TD	2.70%	1,000,000.00
03/10/18	1,000,000	Hunter United Employees Credit Union	Y	NR	01/04/19	Y	TD	2.80%	1,000,000.00
04/10/18	1,000,000	NAB	N	AA-	04/04/19	N	TD	2.70%	1,000,000.00
04/10/18	1,000,000	Australian Military Bank	Y	NR	03/04/19	Y	TD	2.80%	1,000,000.00
10/10/18	1,000,000	NAB	N	AA-	07/02/19	N	TD	2.66%	1,000,000.00
15/10/18	1,000,000	Suncorp	N	A	15/04/19	Y	TD	2.65%	1,000,000.00
15/10/18	1,000,000	Australian Military Bank	N	NR	15/02/19	Y	YD	2.77%	1,000,000.00
17/10/18	1,000,000	Police Credit Union Limited (SA)	Y	NR	14/02/19	Y	TD	2.85%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.12

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
25/10/18	1,000,000	NAB	N	AA-	22/02/19	N	TD	2.67%	1,000,000.00
29/10/18	1,000,000	Maitland Mutual Building Society	Y	NR	14/02/19	Y	TD	2.80%	1,000,000.00
29/10/18	2,000,000	NAB	N	AA-	29/03/19	N	TD	2.69%	2,000,000.00
30/10/18	1,000,000	Australian Military Bank	N	NR	30/04/19	Y	TD	2.90%	1,000,000.00
30/10/18	2,000,000	Australian Military Bank	N	NR	28/02/19	Y	TD	2.87%	2,000,000.00
31/10/18	1,000,000	B & E Ltd (Bank of Us)	Y	NR	29/04/19	Y	TD	2.90%	1,000,000.00
31/10/18	2,000,000	NAB	N	AA-	29/03/19	N	TD	2.70%	2,000,000.00
02/11/18	1,000,000	B & E Ltd (Bank of Us)	N	NR	01/05/19	Y	TD	2.85%	1,000,000.00
02/11/18	1,000,000	NAB	N	AA-	04/03/19	N	TD	2.66%	1,000,000.00
12/11/18	1,000,000	B & E Ltd (Bank of Us)	N	NR	11/02/19	Y	TD	2.84%	1,000,000.00
15/11/18	1,000,000	Police Credit Union Limited (SA)	N	NR	14/05/19	Y	TD	2.70%	1,000,000.00
19/11/18	1,000,000	Summerland Credit Union	Y	NR	20/05/19	Y	TD	2.90%	1,000,000.00
26/11/18	1,000,000	Suncorp	N	A	27/05/19	Y	TD	2.70%	1,000,000.00
28/11/18	1,000,000	Maitland Mutual Building Society	N	NR	27/03/19	Y	TD	2.92%	1,000,000.00
28/11/18	1,000,000	B & E Ltd (Bank of Us)	N	NR	27/03/19	Y	TD	2.95%	1,000,000.00
28/11/18	1,000,000	Suncorp	N	A+	28/05/19	Y	TD	2.65%	1,000,000.00
29/11/18	2,000,000	NAB	N	AA-	29/04/19	N	TD	2.75%	2,000,000.00
03/12/18	1,000,000	Illawarra Credit Union	Y	NR	08/03/19	Y	TD	2.85%	1,000,000.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
13/12/18	1,000,000	Summerland Credit Union	N	NR	13/12/19	Y	TD	3.01%	1,000,000.00
18/12/18	2,000,000	Beyond Bank Australia	Y	BBB	18/06/19	Y	TD	2.80%	2,000,000.00
02/01/19	1,000,000	Police Credit Union Limited (SA)	N	NR	01/07/19	Y	TD	3.05%	1,000,000.00
03/01/19	1,000,000	Police Credit Union Limited (SA)	N	NR	13/03/19	Y	TD	2.94%	1,000,000.00
04/01/19	2,000,000	Police Credit Union Limited (SA)	N	NR	20/03/19	Y	TD	2.94%	2,000,000.00
05/01/19	2,000,000	NAB	N	AA-	06/01/20	N	TD	2.75%	2,000,000.00
07/01/19	1,000,000	Bank Vic	Y	NR	07/04/19	Y	TD	2.76%	1,000,000.00
10/01/19	1,000,000	Bankwest	Y	AA-	10/04/19	N	TD	2.60%	1,000,000.00
16/01/19	2,000,000	Suncorp	N	A	16/04/19	Y	TD	2.75%	2,000,000.00
18/01/19	1,000,000	Westpac	N	AA-	16/01/20	N	TD	2.73%	1,000,000.00
21/01/19	1,000,000	Police Credit Union Limited (SA)	N	NR	22/07/19	Y	TD	2.95%	1,000,000.00
23/01/19	1,000,000	Bank Vic	Y	NR	24/07/19	Y	TD	2.76%	1,000,000.00
23/01/19	2,000,000	NAB	N	AA-	06/01/20	N	TD	2.75%	2,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.12

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
25/01/19	1,000,000	Suncorp	N	A	24/05/19	Y	TD	2.70%	1,000,000.00
30/01/19	1,000,000	Defence Bank	Y	BBB	30/01/20	Y	TD	2.85%	1,000,000.00
30/01/19	2,000,000	AMP Bank	N	A	30/07/19	N	TD	2.85%	2,000,000.00
N/A	1,393,384.68	CBA Business Online Saver	N	AA-	N/A	N	CALL	1.40%	1,393,384.68
12/01/18	1,523,431.52	NSW Treasury Corp	N	AAA	N/A	Y	CALL	2.40%	1,523,431.52
Total	72,815,166.20						AVG	2.76%	72,881,960.85

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

Note 2. No Fossil Fuel ADI
 Y = No investment in Fossil Fuels
 N = Investment in Fossil Fuels
 U = Unknown Status

Note 3.

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

Environmental and Socially Responsible Investing

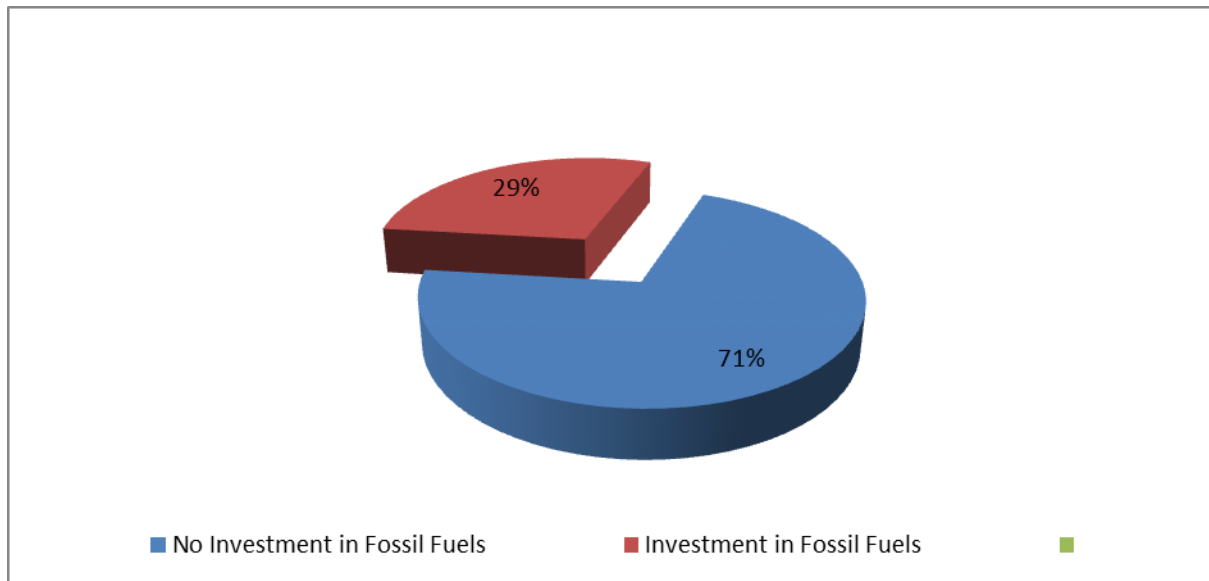
5

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 a 'No Fossil Fuel' investing institution. This information has been sourced through www.marketforces.org.au and identifies financial institutions that either invest in fossil fuel related industries or do not. The graph below highlights the percentage of each classification across Council's total investment portfolio in respect of fossil fuels only.

10

The notion of Environmental and Socially Responsible Investing is much broader than whether a financial institution as rated by 'marketforces.org.au' invests in fossil fuels or not. Council's current Investment Policy defines Environmental and Socially Responsible Investing at Section 4.1 of the Policy which can be found on Council's [website](#)

15



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

1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.

Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	47%	Meets policy
A+ to A-	A1	60%	5%	Meets policy
BBB to NR	A2,NR	40%	48%	Does not meet policy

The above table identifies compliance with Council's Investment Policy by the proportion of the investment portfolio invested with financial institutions, along with their associated credit ratings compared to parameters in the Investment Policy. The parameters are designed to support prudent short and long-term management of credit risk and ensure diversification of the investment portfolio. Unfortunately the financial institutions currently offering investments in the 'ethical' area are mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

Associated Risk

Progressively moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and continue to increase the organisation's credit risk (i.e. exposure to potential default). To monitor this issue the 'Investment Policy Compliance' table is now produced for each monthly Investment Report to Council.

Currently Council is exceeding its policy benchmark for the proportion of the investment portfolio invested in financial institutions with low credit ratings or no credit rating (8% above tolerance). This means a greater proportion of Council's investments have a higher level of exposure to credit risk than Council has determined via policy. To redress this risk, Council would need to invest more of the portfolio with institutions with higher credit ratings but this will reduce the percentage of the

investment portfolio invested ethically. Over time it is likely that institutions with higher credit ratings will move more into the ethical investment space and this will continue to be monitored closely.

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

Dissection of Council Investment Portfolio as at 31 January 2019

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
64,000,000.00	Term Deposits	64,000,000.00	0.00
2,900,000.00	Floating Rate Note	2,901,175.65	1,175.65
1,393,384.68	Business On-Line Saver (At Call)	1,393,384.68	0.00
1,523,431.52	NSW Treasury Corp (T Corp)	1,523,431.52	0.00
2,998,350.00	Bonds	3,063,969.00	65,619.00
72,815,166.20		72,881,960.85	66,794.65

- 10 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.
- 15 The table below provides a reconciliation of investment purchases and maturities for the period of 1 January to 31 January on a current market value basis.

Movement in Investment Portfolio – 31 January 2019

Item	Current Market Value (at end of month) \$
Opening Balance at 1 January 2019	73,375,616.59
Add: New Investments Purchased	19,000,000.00
Add: Call Account Additions	0.00
Add: Interest from Call Account	3,034.01
Less: Investments Matured	18,000,000.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	3,310.25
Less: Call Account Redemption	1,500,000.00
Less: T Corp Redemption	0.00
Add: Fair Value Movement for period	0.00
Closing Balance at 31 January 2019	72,881,960.85

Investments Maturities and Returns – 1 January to 31 January 2019

Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000.00	Police Credit Union Limited (SA)	TD	02/01/19	96	2.85%	7,495.89
1,000,000.00	Police Credit Union Limited (SA)	TD	03/01/19	93	2.80%	7,134.25
2,000,000.00	Police Credit Union Limited (SA)	TD	04/01/19	93	2.80%	14,268.49
2,000,000.00	NAB	TD	05/01/19	152	2.67%	22,404.39
1,000,000.00	Bank Vic	TD	07/01/19	126	2.76%	9,527.67
1,000,000.00	Bankwest	TD	10/01/19	120	2.65%	8,712.33
1,000,000.00	The Capricornian	TD	17/01/19	122	2.80%	9,358.90
1,000,000.00	Maitland Mutual Building Society	TD	17/01/19	120	2.80%	9,205.48
1,000,000.00	AMP	TD	21/01/19	182	2.80%	13,961.64
1,000,000.00	Police Credit Union	TD	21/01/19	122	2.80%	9,358.90
1,000,000.00	Bankwest	TD	22/01/19	120	2.65%	8,712.33
1,000,000.00	Suncorp	TD	25/01/19	120	2.65%	8,712.33
1,000,000.00	Defence Bank	TD	30/01/19	182	2.75%	13,712.33
2,000,000.00	AMP	TD	30/01/19	180	2.80%	27,616.44
1,000,000.00	NAB	TD	31/01/19	120	2.66%	8,745.21
18,000,000.00						178,926.58

- 5 Council's overall 'cash position' is not only measured by what funds Council has invested but also by what funds Council has retained in its consolidated fund or bank account for operational purposes. In this regard, for the month of January 2019 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 31 January 2019

10

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	64,000,000.00	64,000,000.00	0.00
Floating Rate Note	2,900,000.00	2,901,175.65	1,175.65
Business On-Line Saver (At Call)	1,393,384.68	1,393,384.68	0.00
NSW Treasury Corp (T Corp)	1,523,431.52	1,523,431.52	0.00
Bonds	2,998,350.00	3,063,969.00	65,619.00
Total Investment Portfolio	72,815,166.20	72,881,960.85	66,794.65
Cash at Bank			
Consolidated Fund	2,098,259.69	2,098,259.69	0.00
Total Cash at Bank	2,098,259.69	2,098,259.69	0.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.12

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Total Cash Position	74,913,425.89	74,980,220.74	66,794.85

STRATEGIC CONSIDERATIONS

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.5	Identification of ethical investment opportunities with environmental and social inclusion outcomes

Legal/Statutory/Policy Considerations

- 5 In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer of Council must provide Council with a monthly report detailing all monies Council has invested under section 625 of the *Local Government Act 1993*.
- 10 The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. The current Council Meeting cycle does not always allow this to occur, especially as investment valuations required for the preparation of the report are often received after the deadline for the submission of reports. Endeavours are being made to achieve a better alignment and for some months this will require reporting for one or more months.
- 15 Council's investments are made in accordance with section 625(2) of the *Local Government Act 1993* and Council's Investment Policy. The *Local Government Act 1993* allows Council to invest money as per the Minister's Order – Forms of Investment, last published in the Government Gazette on 11 February 2011.
- 20 Council's Investment Policy includes the objective of maximising earnings from authorised investments and ensuring the security of Council Funds.

Financial Considerations

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

Report No. 13.13 **Bayshore Drive Roundabout Public Art**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/163

5

Summary:

10 The Bayshore Drive Roundabout public art commission is the first large scale public art commission undertaken by Council and supported by the Public Art Panel (PAP). It is an ambitious, high profile commission.

15 Since its installation in late December 2018, the art work has received wide ranging media attention and feedback from the community. Having considered the end-to-end project process, there are clear learnings and improvements to be implemented.

20 Secondly, three main options for the future of the installation are outlined in the report for Council's consideration. In summary they are:

- Leave as is
- Carry out further work
- Decommission

25 The Public Art Panel has been consulted and its recommendations are included.

RECOMMENDATION:

That Council:

1. **Implements the learnings and improvements to the Public Art process identified in this report via a review of the Public Art Guidelines and Criteria.**
2. **Resolves on its preferred way forward for the sculpture.**
3. **Resolves to fund its preferred option accordingly.**
4. **Notes that due to the priority work associated with implementing the learnings and improvements identified in this report, work on the Arts and Culture Policy as per resolution 18-450, will be deferred until Q2 of 2019/20**

30 **Attachments:**

- 1 Minutes 31/01/2019 Public Art Panel Extraordinary, I2019/126 

35

REPORT

The Bayshore Drive Roundabout public art commission is the first large scale public art commission undertaken by Council and supported by the Public Art Panel (PAP). It is an ambitious, high profile commission.

Since its installation in late December 2018, the art work has received wide ranging media attention and feedback from the community. Having considered the end-to-end project process, learnings and improvements can be broken into three distinct stages of the commissioning process:

- Calls for Expressions of Interest
- Design and Construction
- Installation

The report covers learnings and improvements first, and then discusses the various options for the Bayshore Drive roundabout public art.

Councillors are asked to note that due to the priority work associated with implementing the learnings and improvements identified in this report, work on the Arts and Culture Policy as per resolution **18-450** will be delayed until Q2 of 2019/20 (likely October 2019).

LEARNINGS AND IMPROVEMENTS***Stage 1 - Calls for Expressions of Interest***

A clear and robust set of guidelines and criteria for commissioning, and a shared understanding by stakeholders of the desired outcome is paramount. It is evident that further improvements are required to Council's commissioning process.

Areas of focus including providing further clarity at the Expressions of Interest (EOI) stage of the commissioning process with a focus on documentation, budget, timeframe for delivery and risk mitigation.

Key issues:

- The total budget for the project was \$60,000. Given that the annual Public Art budget is \$16,900, a commissioning budget of this size seemed significant. However further research suggests that \$60,000 is a very limited public art budget and that upwards of \$100,000 is more realistic for a major installation.
- The timeframes for tender, response and decision were extremely tight in order to fit in with the broader delivery of the Bayshore Drive Roundabout infrastructure project

Stage 1 Improvements

1. Revise EOI documentation (guidelines, assessment criteria, EOI & Contract) taking account of best practice public art commissioning documentation *prior* to any further public art commissions with specialist public art legal advice, input and guidance from the PAP
2. Review the cost of public art commissions across metro and regional Australia and develop a commissioning budget benchmark that will ensure the best possible public art outcomes in the Shire. Review each term of Council.
3. Consider in future commissioning one major installation per term of Council (apart from the smaller projects) and accumulating funds (including Developer Contributions) to facilitate this.
4. De-couple the installation of public art from broader infrastructure or other project timeframes. Public Art project commissions require clear and direct oversight and should stand on their own.

5. Develop realistic delivery timeframes for public art based on best practice
 6. Ensure that a comprehensive risk analysis is undertaken by Council at the project planning stage
 7. Consider appointing an experienced public art consultant to facilitate and project manage high profile public art commissions from the EOI stage through to installation.
- PAP Comment:** *the Public Art Panel acknowledged this was likely to be the most affordable means of providing professional arts project management but nevertheless noted its interest in Council employing an Arts Officer.*

Stage 2 – Design and Construction

The design and construction phase requires strong project management and ongoing communication with all stakeholders to ensure that milestones are met and potential issues are identified and mitigated early. Issues to be considered in the design and constructions stage include roles and responsibilities, design documentation, project management and communications planning.

Key issues:

- The Panel is advisory in nature and the current Constitution does not provide for an operational function. **PAP Comment:** *at its meeting on 31st January 2019 the Public Art Panel said that the project management expectations that had been placed on it were not realistic and re-affirmed its advisory role.*
- Requirements and expectations for design documentation were not clarified
- Absence of end-to-end specialist project management capacity.

Stage 2 Improvements

1. Reiterate the Constitution to ensure all stakeholders have a clear understanding of the role of PAP and any sub-committees
2. Ensure meeting processes and schedules for PAP and PAP subcommittees are clearly defined and agreed and sufficient for the business to be transacted
3. Amend Public Art guidelines:
 - to include a design development phase after commissioning and ensure the project timeframe allows for this to be done in a considered manner
 - to ensure that design documentation is provided including final drawings and final budget
 - to provide formal reporting pathway and hold point for PAP comment for any variation to the project, including material or design changes
4. Ensure there is a stand alone communications plan for public art commissions

Stage 3

The installation of a significant, high profile public art commission has three main elements which are site installation, communications management and evaluation.

Key issues:

- The installation was timed to coincide with the completion of the Bayshore Drive Roundabout project
- The artist suffered significant public backlash on site while the installation was taking place.

Stage 3– Improvements

1. Ensure the Contract explicitly covers all NSW State requirements for safety and materials handling required by the artist to access the site.

2. Clearly articulate roles and responsibilities of project stakeholders
3. Ensure media and communications responsibilities are clearly articulated and planned, noting that the Chair of the Public Art Panel is the media spokesperson for the Public Art Panel
- 5 4. Develop a formal evaluation process including all project stakeholders within one month of completion.

OPTIONS FOR THE FUTURE OF THE SCULPTURE

10 Options for the future of the Bayshore Drive Roundabout sculpture are outlined below.

The principal options are:

- Facilitate further work on the sculpture
- Leave as is
- 15 • Remove
 - Remove to storage for possible relocation
 - Remove and dismantle

20 The Public Art Panel held an Extraordinary Meeting on Thursday 31st January and did not support decommissioning.

Option 1: Further Work

25 The artist has offered to return as he views the work as incomplete and would like to finesse the presentation. He has indicated there are around 800 birds that could be added.

Public Art Panel Recommendations:

30 At its meeting on 31st January 2019 the Public Art Panel did not support decommissioning of the Byron Bay Roundabout artwork. Overall the Panel believed the artist should have the opportunity to complete the work.

If Council were minded to offer the artist the opportunity to complete his work, the Public Art Panel recommends:

- 35 • That the artist be asked to provide images (Photoshop photos and/or drawings) for the Panel to consider, showing what the work will look like when complete
- That final go ahead is subject to the Panel being satisfied that the proposed work will deliver an improved outcome

40 •
Costs: Refer to Financial Considerations section of the report.

Risks:

45 One traffic lane will have to be closed to enable works to be carried out safely. If Councillors are minded to pursue this option the work may be best scheduled outside the peak holiday period (i.e. after Easter).

Option 2: Leave As Is

50 The sculpture has received positive comment as well as negative. Over time it may come to be accepted as part of the landscape. Very few, if any, artworks are universally loved.

Costs: Nil

Risks:

Council continues to receive adverse public comment for a period.

Option 3: Removal

- 5 Removal of the sculpture has been raised as an option. In considering removal there are associated costs to take into account.

- Costs would include:
 - Works required to safely dismantle and remove the artwork to storage at Council's main Depot
 - Removal of footings and restoration/remediation of landscaping to roundabout
 - Potential reconstruction of artwork at alternative site (without traffic control)

Costs:

- 15 The following figures are provided as a base estimate only:

1. \$16,000-\$20,000 Removal to storage
2. \$20,000-\$25,000 Reinstatement of roundabout
3. \$60,000-\$70,000 Reconstruction at alternative site (no traffic control)

Risks:

20 The cost to remove and relocate the Bayshore Drive public art and rehabilitate the roundabout has an approximate price tag of \$96,000-\$120,000, which is a significant further financial impact.

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

Legal/Statutory/Policy Considerations

Public Art Policy

Public Art Strategy:

Adopted by Council in August 2018, key relevant strategies include:

1. Funding and resourcing public art
3. Identification of priority sites and locations
4. integrating art into landscape and streetscape elements
5. innovation and curatorial direction

Public Art Guidelines and Criteria – outlines the acquisition process for public art.

Financial ConsiderationsCosts associated with Option 1 - Further Work:

Although the artist is prepared to cover his own living costs, an estimated \$32,000-\$45,000 will be required to complete the work. The estimate assumes completion takes 5 days and includes traffic

control, site safety and supervision, elevated work platform and contingencies. The upper estimate range includes the cost of an experienced arts consultant. The estimate assumes work is completed during normal working hours (not overnight).

- 5 Note that the artist believes he can complete the work in 3 days, however the extra 2 have been added to the estimate as a contingency in case of unforeseen delays (e.g. adverse weather).

- 10 This funding cannot come from S7.12 as that is now fully committed (Railway Square). However it has been identified that funding would be able to be drawn from either the Byron Bay town centre reserve or the Rural South Catchment reserve by resolution of Council.

Costs associated with Option 3 - decommission

- 15 Funding of up to \$120,000 to decommission/relocate the sculpture has not yet been identified, however it could conceivably be drawn from the two reserves identified above.

Consultation and Engagement

- 20 The Public Art Panel was consulted for this report. The minutes of its meeting on 31st January are attached (Attachment 1)

Report No. 13.14 **2018-2019 Loan Borrowings**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/171

5

Summary:

10 The purpose of this report is to seek authorisation from Council to undertake loan borrowings for the 2018/2019 financial year in accordance with the 2018/2019 Budget Estimates. Total loan borrowings for 2018/2019 required are for the General Fund and amount to \$7,669,000.

15 A resolution of Council is required to authorise the borrowing of money given it is a function that cannot be delegated to the General Manager in accordance with Section 377(1)(f) of the Local Government Act 1993.

RECOMMENDATION:

1. **That Council authorises the General Fund borrowings of \$7,669,000 for the 2018/2019 financial for the purposes outlined in this report and amends the 2018/2019 Budget Estimates to reflect this resolution.**
2. **That following an Expression of Interest process, Council authorises the General Manager to accept loan offer(s) that represent the best financial outcome for Council.**
3. **That Council authorises the affixing of the Council Seal to any documents to execute the loan borrowings that are the subject of this report should it be required.**

20

REPORT

The purpose of this report is to seek authorisation from Council to undertake loan borrowings for the 2018/2019 financial year in accordance with the 2018/2019 Budget Estimates. Total loan borrowings for 2018/2019 required are for the General Fund amounting to \$7,669,000.

A resolution of Council is required to authorise the borrowing of money given it is a function that cannot be delegated to the General Manager in accordance with Section 377(1)(f) of the Local Government Act 1993.

The 2018/2019 Budget Estimates prior to the consideration of the 31 December 2018 Quarter Budget Review (subject to a separate report to this Ordinary Meeting of Council) provide that Council is to borrow the following loan funds and their related purposes in the 2018/2019 financial year:

Loan Purpose	Amount \$
Bridges/Causeways	
James Bridge Renewal	655,000
Main Arm Rd Causeway #7	400,000
Main Arm Causeway #12	450,000
Main Arm Causeway #14	300,000
Causeway, Culvert and Bridge Renewal Investigations	100,000
Eureka Bridge Collapse Rectification	550,000
Settlement Road Causeway (Durrumbul Rd #1)	164,000
Johnsons Lane Causeway	110,000
Upper Wilsons Creek #10 Causeway Replacement	170,000
Gittoes Lan Causeway Replacement	150,000
Blackbean Road Causeway Replacement	350,000
Tweed Valley Way Rural Major Culvert Replacement	500,000
Total Bridges/Causeways	3,899,000
Council Facilities	
Mullumbimby Hospital Demolition (Res 18-569)	3,334,000
Total Council Facilities	3,334,000
Total Loan 2018-2019 Loan Borrowings	7,233,000

Council may recall as part of the 2017/2018 Special Rate Variation (SRV) application process, it indicated that it would also borrow a total of \$6,000,000 to fund asset renewal works for Bridges/Causeways. This did not include any proposed borrowings as identified in the table above for the Mullumbimby Hospital Demolition.

Of the \$3,899,000 proposed borrowings for 2018/2019 for the renewal of Bridge/Causeway assets, it is likely that (as indicated in the 31 December 2018 Quarter Budget Review) the projects outlined in the table below, are now **not** expected to be completed in the 2018/2019 financial year:

Loan Purpose	Amount \$
Bridges/Causeways	
Main Arm Rd Causeway #7	400,000
Main Arm Causeway #12	450,000
Main Arm Causeway #14	300,000
Total Bridges/Causeways	1,150,000

This would mean that Council could reduce its overall loan borrowing requirements for 2018/2019 by \$1,150,000 and then transfer these borrowings to the 2019/2020 financial year as indicated in the table below:

5

	\$
Overall loan borrowing program	6,000,000
Less loan borrowings 2017/2018	(1,665,000)
Less proposed loan borrowings 2018/2019	(3,899,000)
Add loan borrowings 2018/2019 not required	1,150,000
Residual loan borrowings 2019/2020	1,586,000

Whilst the overall loan borrowing scenario for 2018/2019 could be changed, given Council has committed to borrow \$6,000,000 for asset renewal, it is worth considering the merits of borrowing the whole of the \$6,000,000 this financial year and reserving the unexpended portion for expenditure in 2019/2020. Considerations are:

10

1. Whilst interest rates have not been altered by the Reserve Bank and a change is considered unlikely, due to funding costs banks have been increasing loan interest rates independent of the Reserve Bank.
- 15 2. Central Banks globally are reducing liquidity and buying back financial instruments issued during the Global Financial Crisis, thus reducing the supply of money.
3. Uncertainty around global events such as Brexit and the trade war with the US and China.
4. If the Reserve Bank did cut interest rates again (currently 1.50%) there is no guarantee banks would pass the rate cut on given their funding costs are reported as increasing.
- 20 5. There has been (albeit slow) increasing creep in the Bank Bill Swap Rate (BBSW) due to increased funding costs.

The NSW Treasury Corporation very recently released analysis on Australian interest rates noting that the Reserve Bank has not altered the cash rate in Australia since August 2016 and that loan borrowings interest rates are currently at historically low levels. Considering returns on 10 year bonds, NSW Treasury Corporation considers loan borrowing to be presently 'cheap'.

25

Therefore to lock in a potential low interest rate as soon as practicable, it is proposed that the remainder of the overall \$6,000,000 borrowings associated with the SRV be completed in this financial year.

30

This would mean total loan borrowings for 2018/2019 would be \$7,669,000 with unexpended loan funds at 30 June 2019 to be reserved for expenditure in 2019/2020 being currently estimated at \$1,586,000.

35

The overall intent of undertaking all committed loan borrowings this financial year is to secure loan borrowings at the best possible lowest interest rate given current information indicating interest rates may be more likely to increase than to decrease further in the longer term.

- 40 The Reserve Bank has very recently (as of 6 February 2019) indicated its view on interest rates is now considered 'neutral' i.e., interest rates could increase or decrease. An increase would possibly negatively impact Council in terms of securing the lowest interest rate if rates increase but if interest rates fell, there is no certainty Council would gain any benefit given the loan market where Council's borrowings are sourced and the lack of clarity about whether any official reduction would be passed on.
- 45

The proposed loan borrowing amounts and ideal borrowing terms are identified in the Financial Implications section of this report, although the actual outcome Council will need to consider will depend upon responses received from the Expression of Interest process.

5 Options

Council could determine not to borrow any loan funds in 2018/2019 but it would need to provide alternate funding sources to complete the works currently underway that are budgeted for the 2018/2019 financial year to be financed from loan borrowings.

Next steps

Loan borrowings are exempt from the requirements of tendering in accordance with Section 55(1)(f) of the Local Government Act 1993. However, Council must ensure it undertakes a process to obtain the best financial outcome associated with the required loan borrowings. To facilitate this, Council will conduct an Expression of Interest (EOI) process with financial institutions should the required 2018/2019 loan borrowings be authorised by Council.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.4	Treasury functions of Council managed to maintain cash flow and maximise return on invested funds

Legal/Statutory/Policy Considerations

Section 55 of the Local Government Act 1993 outlines the requirements for tendering. Specifically Section 55(1)(h) states:

(1) A council must invite tenders before entering into any of the following contracts:

(f) a contract for the provision of services to the council (other than a contract for the provision of banking, borrowing or investment services),

Section 377 of the Local Government Act 1993 outlines the general power of Council to delegate. Section 377(1)(f) concerns the delegation power in respect of loan borrowings:

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council under this or any other Act, other than the following:

(f) the borrowing of money,

Regulation 400(4) of the Local Government (General) Regulation 2005 outlines the use of the Council Seal as follows:

(4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.

5 Council's Loan Borrowing Policy 09/006 as required in Section 4.1 states:

4.1 The targeted term of a loan will be determined by the service life of the asset for which it is borrowed and wherever possible matched to a loan facility as near as practicable in the then current market.

10

Financial Considerations

Should Council authorise the loan borrowings subject of this report, it is proposed to undertake the loan borrowing process late in the 2018/2019 financial year which would mean loan repayments would not commence until the 2019/2020 financial year. Accordingly, Council will need to ensure that the loan repayments applicable to the loan borrowings subject of this report are included in the 2019/2020 Budget and for future financial years whilst the loan repayments are required.

Council will endeavour to secure the 2018/2019 loan borrowings in accordance with Loan Borrowing Policy 09/006 which requires that the loan term should correlate as much as possible to the life of the asset being financed via the borrowings. In this regard the loan borrowings will be sought as two loans on the following basis:

Loan Purpose and Amount \$	Loan Term
Bridges/Causeways \$4,335,000	25 years with a fixed interest rate including repayments six monthly inclusive of principal and interest.
Mullumbimby Hospital \$3,334,000	5 years with a variable interest rate including repayments six monthly on an interest only basis. Principal repayments will be made at any time funds become available as the development of the Mullumbimby Hospital site progresses.

25 The financial performance ratios expect that Councils will have a level of debt via loan borrowings. This also fits the concept of intergenerational equity in respect of long lived assets.

The consolidated debt service cover ratio for Council at 30 June 2018 was 2.61 with the acceptable benchmark being greater than 2.

30 Based on the Draft 2018-2028 Long Term Financial Plan, the Debt Service Cover Ratio will grow to around 5.00 in 2019/2020, approximately twice the current ratio as a consequence of these loan borrowings which is still acceptable.

35 As always, it's important to bear in mind that while the debt service cover ratio may indicate Council has the capacity to borrow, the ability to fund loan repayments amongst all other activities undertaken by Council needs to be managed.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.15

Byron Shire Council's Emissions Reporting 2017/18

Directorate:

Sustainable Environment and Economy

Report Author:

Hayley Briggs, Sustainability and Emissions Reduction Officer

File No:

I2018/2130

Theme:

Sustainable Environment and Economy
Planning Policy and Natural Environment

Summary:

Council has been actively implementing emissions reduction activities and reporting on emissions since 2004. This report details the emissions profile of Council for the 2017/18 financial year and provides analysis against the baseline year of 2015/16 and previous year 2016/17.

Using the National Greenhouse and Energy Reporting (NGER) methodology, emissions were calculated across Council's six sectors for scope 1 (e.g. direct emissions such as burning diesel and unleaded fuels) and scope 2 emissions (e.g. indirect emissions that come from using electricity produced by the burning of coal at another facility). From 2016/17 to 2017/18, Council experienced a net decrease of emissions moving from 18,797 tonnes to 17,453 tonnes of equivalent carbon dioxide (t CO₂e).

In the process of preparing the 2017/18 emissions report, a beneficial error was discovered in the calculation of fugitive emissions from sewage treatment plants in 2015/16 and 2016/17. Correction of the error resulted in a drastic reduction of fugitive emissions for both years (from 8,190 to 1,264 t CO₂e in 2015/16 and 8,955 to 1,387 t CO₂e in 2016/17). Fugitive emissions now comprise only 6.5% of Council's overall emissions profile, as opposed to previously comprising 34%. The reductions consequently decreased Council's overall emissions profile for each of those years (from 25,586 to 18,660 t CO₂e in 2015/16 and 26,365 to 18,797 t CO₂e in 2016/17). This report has incorporated the revised and corrected baseline.

In March 2017, Council committed (**Resolution 17-086**) to achieving 100% net zero emissions by 2025 in collaboration with Zero Emissions Byron (ZEB), and to sourcing 100% of its energy through renewable sources within the next 10 years (2027). These goals increased Council's ambition from the previous emission reduction target of 30%. The corrected calculation error detailed above has had a positive impact on Council's emissions baseline.

In order to deliver on Resolution 17-086, an emissions reduction strategy is being developed. The draft, *Net Zero Emissions Strategy for Council Operations 2025*, will replace the previous *Low Carbon Strategy* and will go out for six weeks of public exhibition on 25 February 2019 (**Resolution 18-841**).

RECOMMENDATION:

That Council note the Emissions Report 2017/18.

REPORT

Byron Shire Council adopted the *Low Carbon Strategy* in 2014, with the target of reducing Council emissions by 30% from the 2003/04 levels by 2020. The *Low Carbon Strategy* identified ways for Council to pursue opportunities for a low carbon, less oil-reliant future. It contained 87 project actions that were to be completed over the life of the strategy (ending on 30 June 2018). Actions covered the areas of energy efficiency, transport, staff and community engagement, waste, peak oil and water. As of 30 June 2018, 82% (or 71) of the action items were complete or in progress. The remaining actions have been considered in the new emissions reduction strategy *Net Zero Emissions Strategy for Council Operations 2025* (the draft of which will go out for six weeks of public exhibition on 25 February 2019).

Net Zero Emissions Target

On 23 March 2017, Council resolved (**Res. 17-086** relevant parts):

3. *That Council commits to achieving a 100% Net Zero Emissions Target by 2025 in collaboration with Zero Emissions Byron (ZEB).*

5. *That Council commit itself to source 100% of its energy through renewable energy within 10 years (2027).*

6. *That Council supports the goals of Zero Emissions Byron for a Net Zero Emissions Shire in the areas of building, energy, land use, transport and waste.*

Adoption of baseline and National Greenhouse and Energy Reporting (NGER) methodology

To align with the Zero Emission Byron (ZEB) ambition, a base line of 2015/16 and a target year of 2025/26 were assigned for Council's emission profile. To align with a national methodology for monitoring and reporting emissions that provides all relevant calculations and processes for a local government, the "National Greenhouse and Energy Reporting" (NGER) methodology was implemented. ZEB has advised that the NGER methodology is compatible with their emissions profiling of the Byron Shire community. As explained in the report summary, the 2015/16 baseline year and 2016/17 profile have been revised downwards due to the correction of the calculation error for fugitive emissions from sewage treatment plants.

Scope of Monitoring and Reporting

In line with the NGER methodology Council will be monitoring and reporting on Scope 1 and 2 emissions:

- **Scope 1** greenhouse gas emissions are the emissions released to the atmosphere as a direct result of an activity at a facility level. Scope 1 emissions are sometimes referred to as direct emissions. Scope 1 emissions from Council operations include:

- a) fleet emissions (from the burning of diesel or unleaded fuel in vehicles);
- b) bottled gas emissions; and
- c) fugitive emissions from landfill and sewage treatment plants.

- **Scope 2** greenhouse gas emissions are the emissions released to the atmosphere from the indirect consumption of an energy commodity. For example, 'indirect emissions' come from the use of electricity produced by the burning of coal in another facility. Scope 2 emissions from Council operations include electricity for general operations and streetlights.

Apart from scope 1 and 2 emissions, there also exist scope 3 emissions in the running of any business. Scope 3 emissions come from indirect sources other than electricity. Some examples include contracted services and flying on a commercial airline by a person from another business.

Scope 3 emissions will not be reported as part of Council's emissions profile due to the significant staff resourcing cost involved in trying to procure the data, and in some instances the lack of data available to report.

When Council made its first commitment to reducing greenhouse gas emissions in 2004 the *NGER Act 2007* did not exist. Hence emission sectors such as landfill and sewage treatment plant fugitive emissions were not included. Fugitive emissions are emissions of gases or vapours from pressurised equipment due to unintended or irregular releases of gases. Now with greater understanding of how emissions are created, Council has been able to calculate and include fugitive emissions in its profile to more holistically describe its emissions impact. The scope of Council's emission sectors will be categorised as follows:

- a) General Electricity
- b) Streetlights
- c) Fleet
- d) LPG Bottled Gas
- e) Landfill Fugitive Emissions
- f) Sewage Treatment Plant Fugitive Emissions.

Emissions Sectors of Byron Shire Council

Figures 1 and 2 below show the percentage make up of each sector and the total emissions in tonnes for the three reporting years respectively. Together they show the significant contribution to Council's emissions profile from fugitive emissions escaping from landfill and from general electricity.

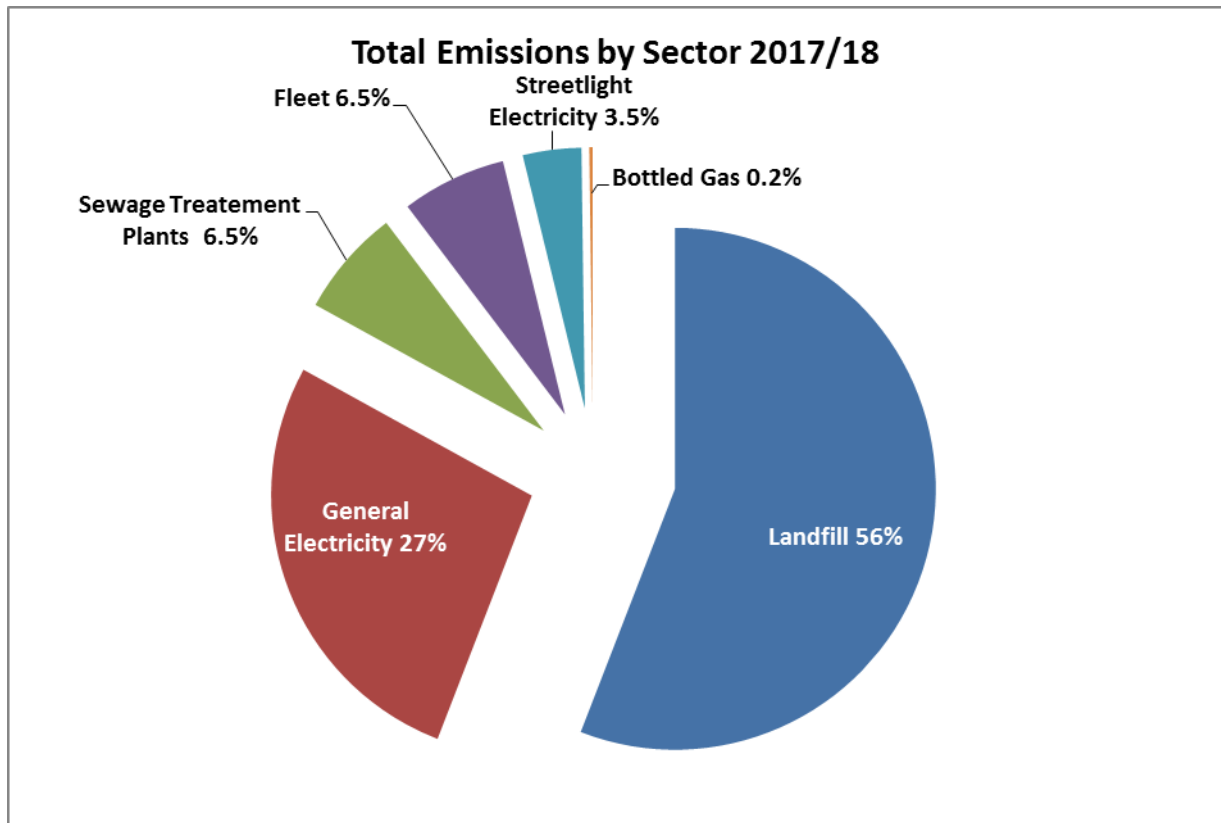


Figure 1: Total Emissions by Sector 2017/18

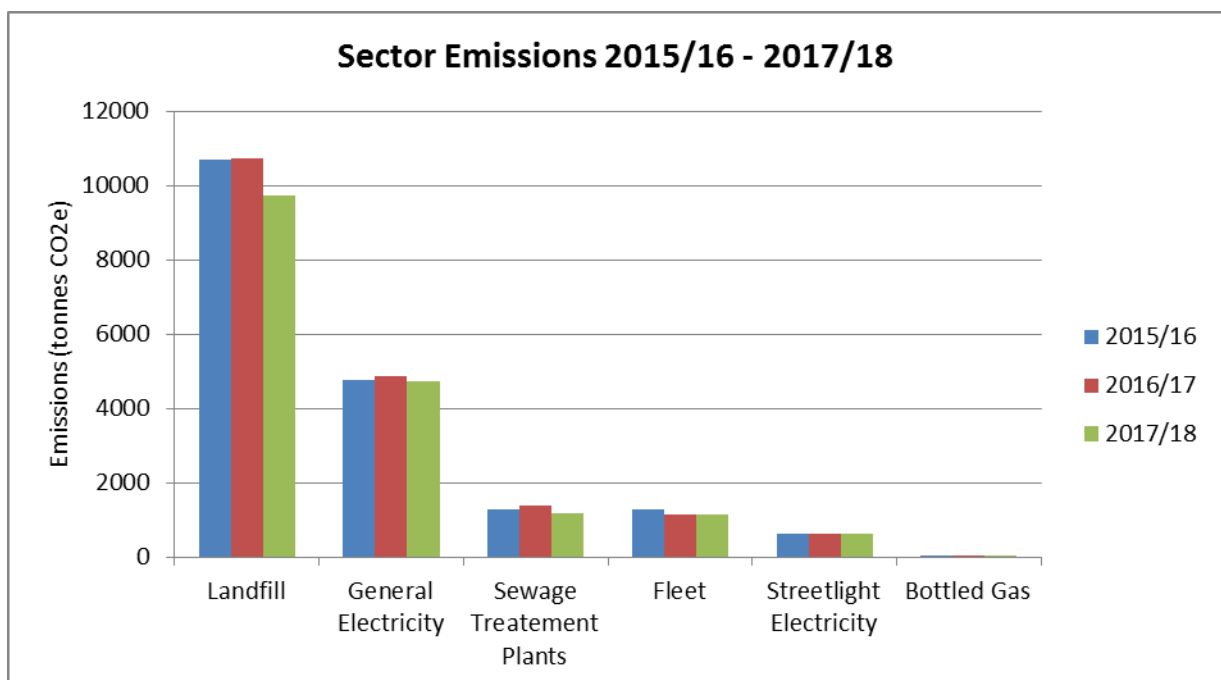


Figure 2: Sector Emissions 2015/16 – 2017/18

From the 2015/16 baseline to 2017/18, Council has experienced a net 6.5% decrease in emissions moving from 18,660 tonnes to 17,453 tonnes of equivalent carbon dioxide (t CO₂e).

- 10 Table 1 below summarises the percentage change per sector between 2016/17 and 2017/18, with a brief explanation for each increase or decrease. For more detailed information on each sector refer to the relevant section in the report.

Table 1: Sector percentage changes & explanations – 2016/17 to 2017/18

Sector	Percentage change 2016/17 to 2017/18	Explanation
Electricity	-2.7%	The decrease is due to minor incremental decreases across various assets, plus the lowering of the national emissions factor for grid purchased electricity due to more renewable energy being on the national network generally.
Streetlight Electricity	-0.3%	There was a slight increase in kWh consumption due to new subdivisions, however the lowering of the national emissions factor for grid purchased electricity due to more renewable energy being on the national network generally resulted in a slight decrease in emissions.
Fleet	0.6%	The increase is attributed to four long term hire vehicles being added to Council's fleet.
Bottled Gas	-7.0%	The decrease is attributed to decreased consumption at the Suffolk Park and First Sun Holiday Parks.
Landfill	-9.2%	Fugitive emissions from landfill naturally decrease as the landfill ages.
Sewage Treatment Plants	-16.2%	The decrease is due to two factors: changing the fugitive emission calculation method from previous years, and a reduction in annual flow between years.

- 5 Figure 3 below displays the decrease in the context of the zero net emissions target. In all instances throughout this report the projections towards the zero net target has been displayed as linear. This is not to say that Council's journey towards the target will in fact be linear. At this stage it is impossible to accurately project the reduction path because the key major projects that support the draft *Net Zero Emissions Strategy for Council Operations 2025* are still being developed and
- 10 time lined. This report does not seek to outline in depth how the target will be reached but rather provides the inventory of emissions for the baseline and current emissions profile so that such planning can occur meaningfully.

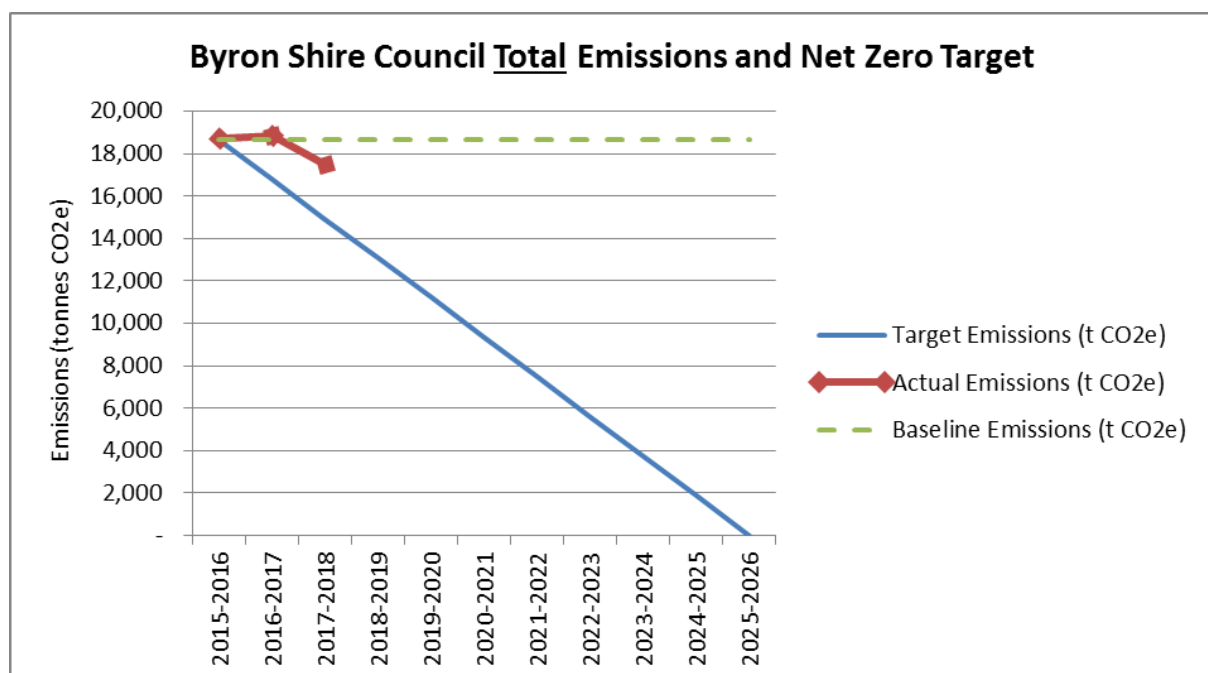


Figure 3: Byron Shire Council total emissions and net zero target

a) General Electricity

- 5 The general electricity sector is the second largest emissions generating sector for Council. It decreased by approximately 19,800 kWh, or 0.3%, from 2016/17 to 2017/18. The decrease is due to numerous incremental decreases across various Council assets and cannot be attributed to one particular significant decrease. Emissions decreased by 132 tonnes due to the decrease in kWh usage plus lowering of the national emissions factor for grid purchased electricity due to more renewable energy being on the national network generally.
- 10 This has resulted in being 933 tonnes above the projected target of 3,800 tonnes for 2017/18. See Figure 4 and Table 2.

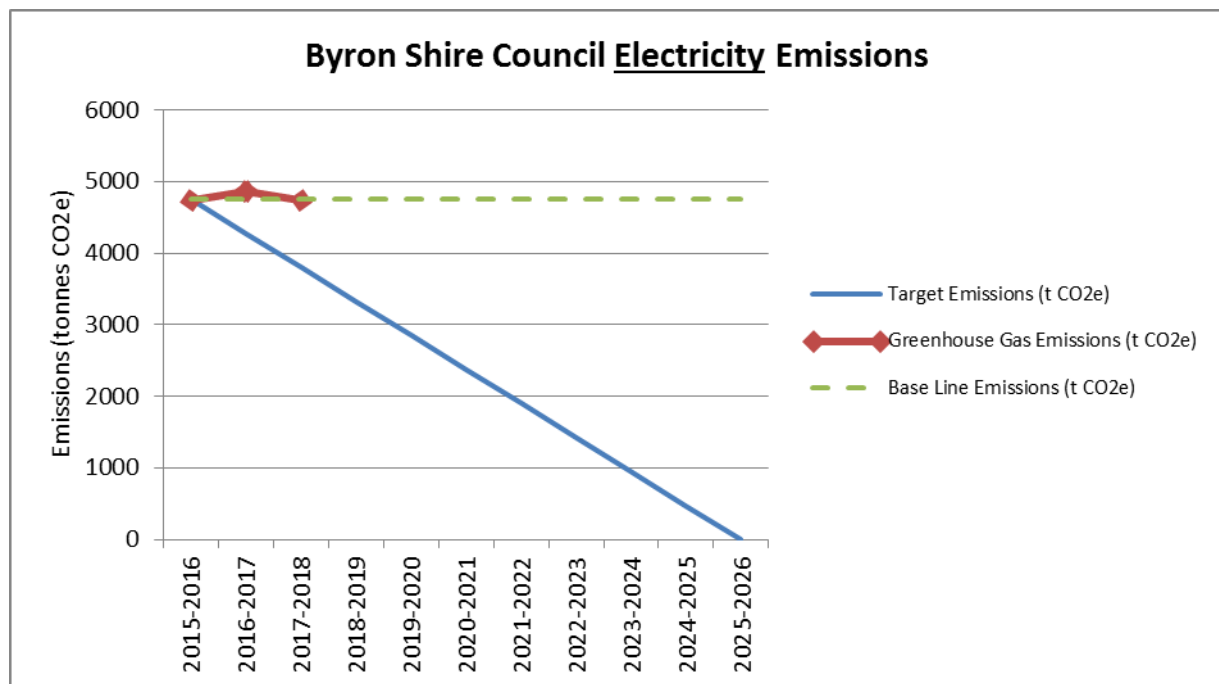


Figure 4: Byron Shire Council Electricity Emissions

Table 2: Electricity Emissions

	2015-2016	2016-2017	2017-2018
Consumption (kWh)	5,654,481	5,791,542	5,771,739
Cost (\$)	\$1,155,601	\$1,205,135	\$1,275,600
Base Line Emissions (t CO2e)	4,750	4,750	4,750
Target Emissions (t CO2e)	4,750	4,275	3,800
Greenhouse Gas Emissions (t CO2e)	4,750	4,865	4,733
Trending (t CO2e)	0	+590	+933

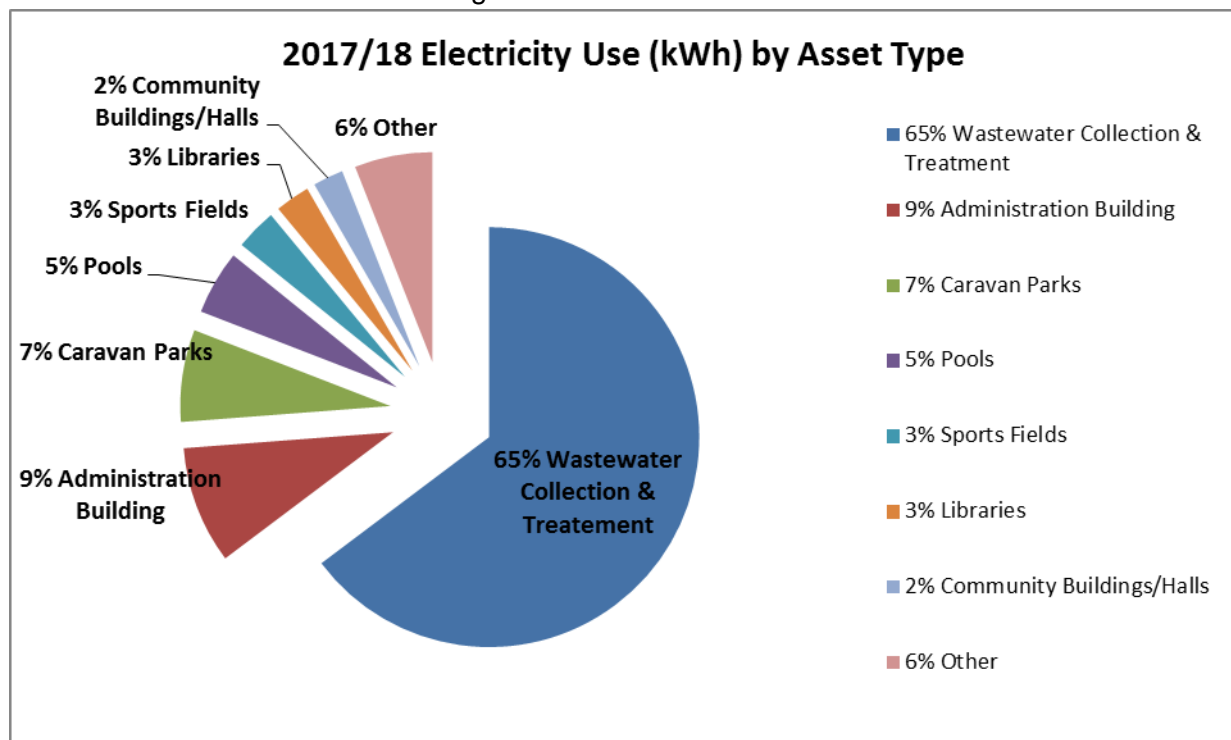
Table 3 below shows the cost of electricity used across each Council asset type to put into perspective the cost of the emissions.

Table 3: Cost of Electricity by Asset Type

Asset Type	2017/18 Cost (\$)	% of total
Wastewater Collection & Treatment	750,441	59%
Administration Building	108,861	9%
Caravan Parks	81,031	6%
Pools	53,204	4%
Sports Fields	57,088	4%
Water Supply	39,608	3%
Libraries	44,770	4%
Community Buildings/Halls	44,908	4%
Other	95,689	8%

***NB Costs and consumption are not directly related due to the impact of demand charges and fees. (eg The water pumping infrastructure makes up 3% of Council's costs but not 3% of its electricity use).*

Figure 5 below shows the proportion of electricity used from each asset type with the waste water collection and treatment sector using 65% of the total.

**Figure 5: 2017/18 Electricity Use by Asset Type**

Energy efficiency measures continued to be implemented across Council in 2017/18. Solar photovoltaic systems were installed on the Byron Bay Library (60 kW), the Sandhills Childcare Centre (12.5 kW), and at the Myocum Resource Recovery Centre (15 kW). Unfortunately, energy savings were not as high as expected at the Library and Sandhills due to installation and maintenance issues. A smart meter has been installed at the Library and both systems are now functioning as expected; greater savings for these assets should be seen in 2018/19.

While the above projects are important, the significance of the waste water sector dominates the energy story for Council and savings created in the waste water collection and treatment sector are

of high priority going forward. There will always be a need for large energy consumption in this sector and a move to renewable energy sources will be a necessity to meet the zero net emissions target. Resolutions have been passed by Council to install solar on the Bangalow, Brunswick Valley and West Byron Sewage Treatment Plants. These systems should be installed in 2019 and energy savings are expected in the 2019/20 financial year.

A detailed analysis of Council's available feedstocks for Bioenergy was undertaken in early 2017 which showed there are enough resources to warrant a facility in the Shire. In late 2018 a Request for Tender sought responses from proponents for a feasibility-level engineering design and estimation of the total installed costs for one turnkey Bioenergy Facility. The Facility is based on the anaerobic digestion of various biomass sources to produce biogas, and the generation of electricity from the combustion of biogas to power on-site generators at the West Byron Sewage Treatment Plant.

Due to the small amount of available information for related projects of this nature in Australia, the Tender Evaluation Panel recommended contracting two of the four respondents to each prepare a competitive Bankable Feasibility Study and a Business Case. The Evaluation Panel believed that, by progressing two technical processing concepts through to preliminary engineering design – and with the accompanying capital and operating expenditure estimates that will be produced – Council will realise maximum value from the pre-feasibility and Expression of Interest exercises conducted to date. Council will then be in the most informed position to select a proponent and technology for detailed design and construction. Once completed, the Bioenergy Facility will be a critical part of the waste water collection and treatment sector's transition towards net zero emissions.

Council's second largest consumer of electricity is the Administration Building in Mullumbimby. A solar carpark structure is scheduled to be installed in the car park adjacent to the Administration Building and should offset the building's energy use by approximately 20%. The solar structure should be in place by 30 September 2019 and energy savings are expected in the 2019/20 financial year.

Further, Council is at the Project Inception stage for a nominal 5MW capacity solar farm at Dingo Lane, Myocum. Buffer land to the Myocum Resource and Recovery Centre is being considered for a large scale ground-mounted solar farm. A site feasibility assessment identified that the proposed site is suitable for a photo-voltaic solar facility of up to 7MW. This solar farm could offset Council's and potentially community emissions.

b) Streetlights

The streetlight sector is a significant user of electricity and is highly regulated via a service agreement with Essential Energy. The 6,672 kWh, or 0.9%, increase is attributed to a number of streetlights being installed in new subdivisions in Bangalow, Mullumbimby and Suffolk Park. As urban areas expand it will be important to ensure the most energy efficient option is chosen wherever possible.

Planned reduction measures in this sector include the consideration of a recent offer by Essential Energy to conduct a bulk replacement of streetlights to LED technology for Category P (low traffic residential) areas. Works are projected to achieve energy savings of around 200,000 kWh annually.

Figure 6 and Table 4 show the emissions profile of the streetlight sector. Council is trending at 124 tonnes above the target emission of 509 tonnes CO₂e for the 2017/18 financial year. The slight two tonne reduction in actual emissions, despite the increased consumption of kWh, is due to the lowering of the national emissions factor for grid purchased electricity due to more renewable energy being on the national network generally.

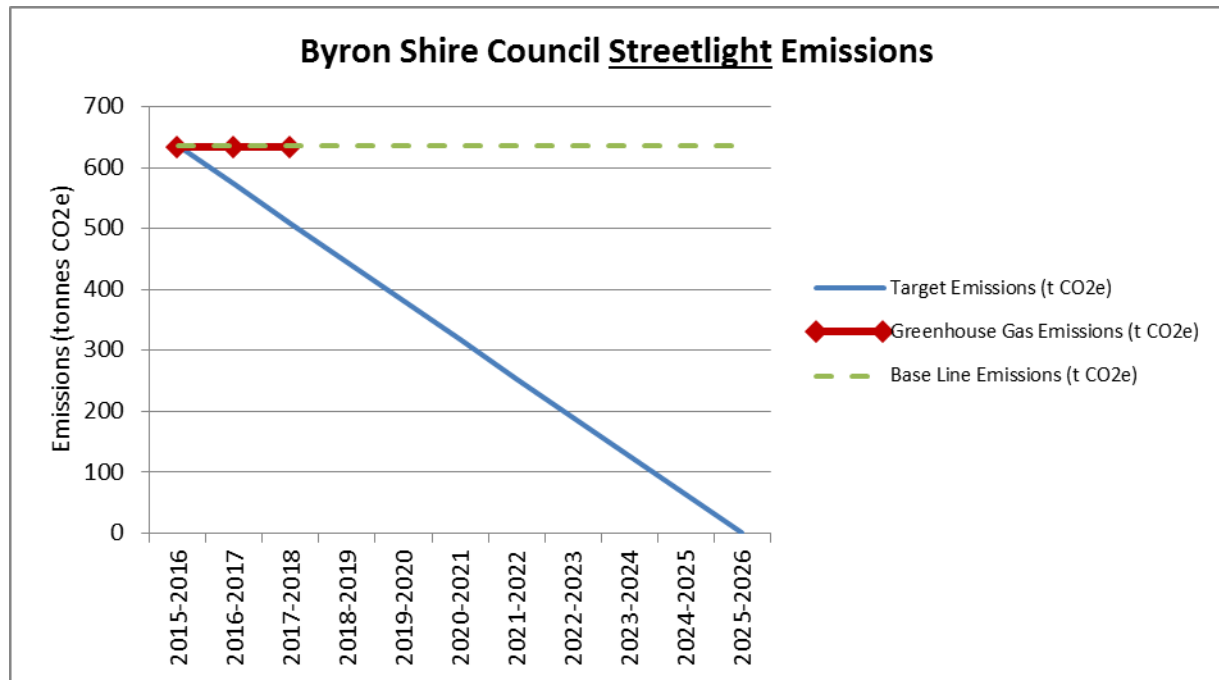


Figure 6: Byron Shire Council Streetlight Emissions

Table 4: Streetlight Emissions

	2015-2016	2016-2017	2017-2018
Consumption (kWh)	756,699	764,912	771,584
Cost (\$)	\$314,425	\$336,809	\$315,504
Base Line Emissions (t CO ₂ e)	636	636	636
Target Emissions (t CO ₂ e)	636	572	509
Greenhouse Gas Emissions (t CO ₂ e)	636	635	633
Trending (t CO ₂ e)	0	+63	+124

c) Fleet

Emissions from Council's fleet sector includes all diesel and unleaded petrol consumed from both the bulk fuel stores at the depot, quarry and landfill and the fuel used in the passenger vehicles issued via star cards at commercial fuel stations.

Total litres delivered increased by 8003 L (8 kL), or 2%, from 2016/17 to 2017/18. The increase is attributed to four long term hire vehicles being added to Council's fleet. Fleet emissions increased from 1,128 tonnes to 1,134 tonnes. This 7 tonne increase places this sector 111 tonnes above the target projection for the 2017/18 financial year, refer to Figure 7 and Table 5.

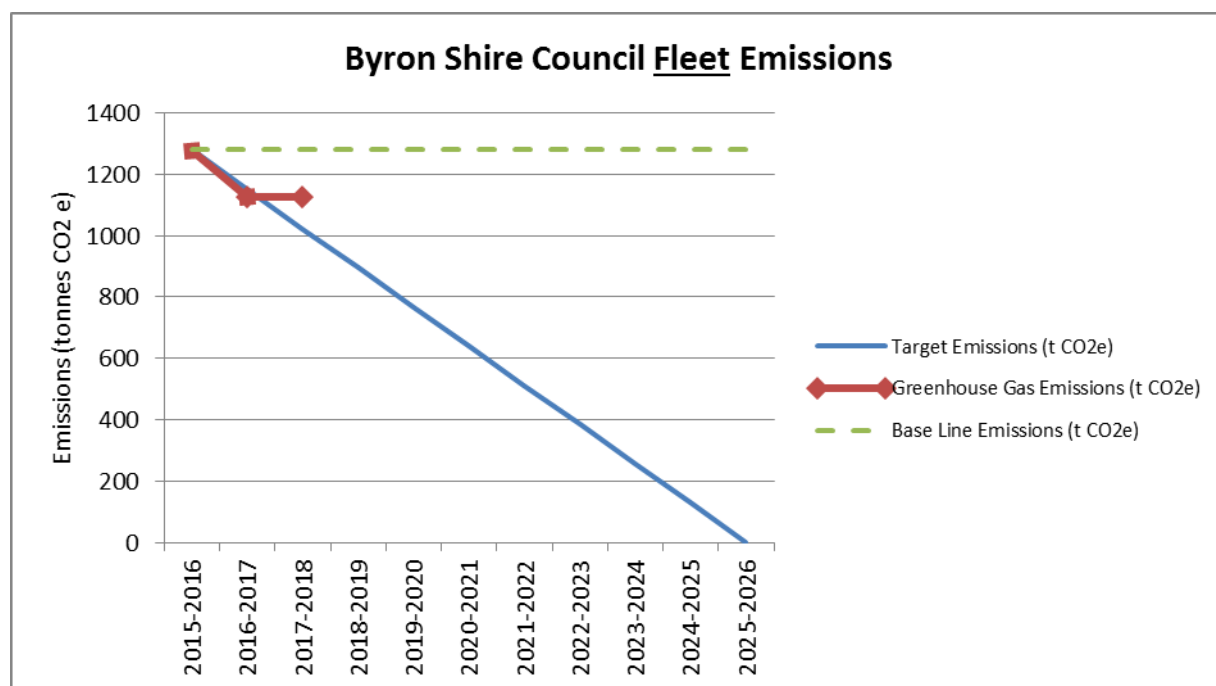


Figure 7: Byron Shire Council Fleet Emissions

Table 5: Fleet Emissions

	2015-2016	2016-2017	2017-2018
Consumption (kL)	482	427	435
Cost (\$)	482,922	438,480	523,606
Base Line Emissions (t CO2e)	1,279	1,279	1,279
Target Emissions (t CO2e)	1,279	1,151	1,023
Greenhouse Gas Emissions (t CO2e)	1,279	1,128	1,134
Trending (t CO2e)	0	-23	+111

5

d) LPG Bottled Gas

Byron Shire Council uses LPG bottled gas in both its holiday parks and at Sandhill's Child Care Centre. Consumption decreased by 1,751 L, or 7%, from 2016/17 to 2017/18. The decrease is attributed to decreased consumption at the Suffolk Park and First Sun Holiday Parks. The emissions impact was 39 tonnes in the 2016/17 financial year, reducing to 36 tonnes in 2017/18 as shown in Figure 8 below. Despite the reduction it was not quite enough to meet the projected target of 33 tonnes for the 2017/18 financial year.

The primary user of bottled gas is the First Sun Holiday Park which accounts for 77% of the total. Bottled gas is used for boosting the solar hot water system at the amenities block (installed 2014) and as instantaneous gas hot water heating in all the cabins. Water saving shower heads have already been installed and there are minimal other efficiencies to be gained.

For the minimal cost to Council for the gas and the minimal emissions impact of this sector, it is recommend that this sector be offset by the other renewable energy projects Council is pursuing.

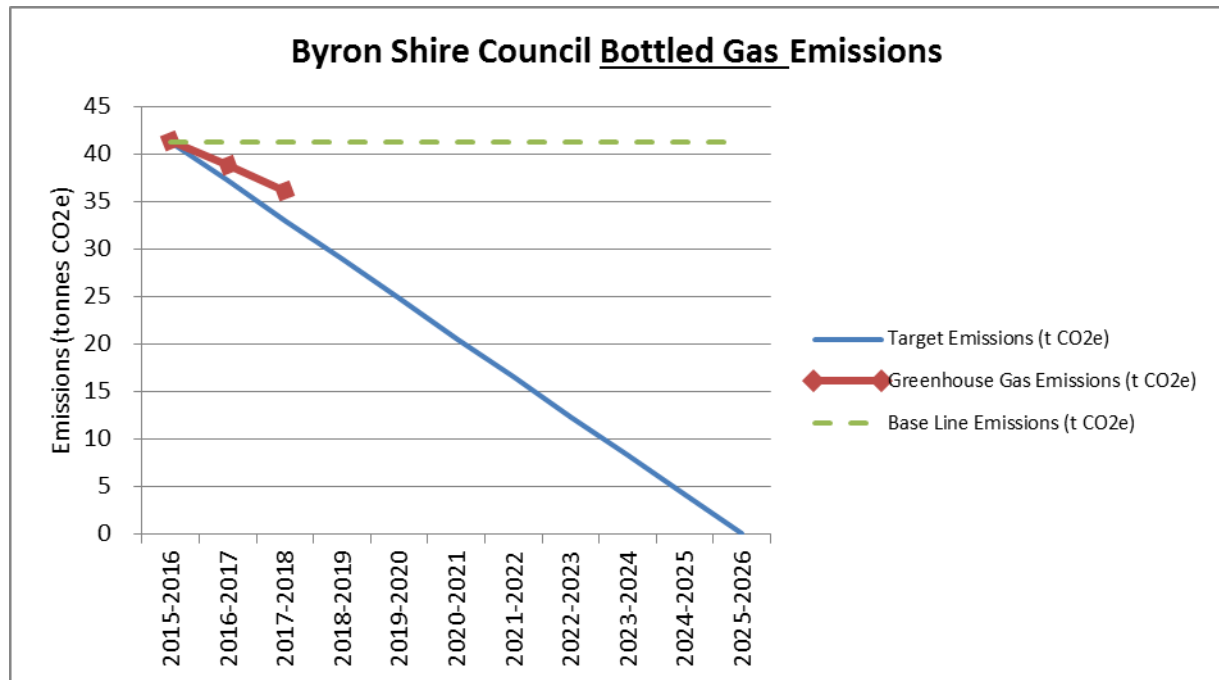


Figure 8: Byron Shire Council Bottled Gas Emissions

Table 6: Bottled Gas Emissions

	2015-2016	2016-2017	2017-2018
Consumption (L)	26,541	24,905	23,154
Cost (\$)	17,913	14,931	12,342
Base Line Emissions (t CO2e)	41	41	41
Target Emissions (t CO2e)	41	37	33
Greenhouse Gas Emissions (t CO2e)	41	39	36
Trending (t CO2e)	0	+2	+3

5

e) Landfill Fugitive Emissions and Flare

Emissions from Council's landfill are now being included in Council's emissions inventory. The fugitive emissions from the landfill are only the emissions released by the landfill itself. Emissions from running the landfill such as fuel in the heavy plant, or electricity to run pumps and lighting have been attributed to other sectors of the emissions inventory. The landfill fugitive emissions are significant at over 10,000 tonnes per annum which is greater than the electricity, streetlight, fleet and bottled gas sectors combined.

Council's landfill is not currently operational and has an interim cap applied to the most recently operated Southern Expansion cell (the remainder of the older landfill has had a final cap applied). Municipal residual waste is currently disposed of outside the Shire by a third party and therefore was not considered inside the definition of "operational control" of Council. The emissions from this waste are not monitored or reported on by Council. The NGER methodology was used to calculate the landfill's fugitive emissions out to the target year of 2025/26 because the landfill is closed. This is shown by the orange line in Figure 9.

Council operates a landfill gas capture and flare system at the Myocum landfill to minimise odour and reduce emissions. In 2015 Council entered into a Carbon Abatement Contract with the Australian Federal Government through the Carbon Farming Initiative to supply accredited carbon offsets from landfill gas flaring operations. This was part of the Australian Government's "direct

action” plan to meet the national emission reduction targets of the Paris Climate Agreement. Council entered into a reverse auction contract to supply carbon offsets until 2022. Council can count the emission reduction made by the flare for the Myocum landfill for its own emissions target so long as it is clearly understood that this reduction is also being attributed to meeting the national target. That is to say, the flare related emission reduction is not additional to the national emissions reduction target, it is part of it.

The primary way of reducing the fugitive emissions is by way of methane capture and flaring. With the flare already installed and no plans to expand the capture system the amount of emissions able to be flared will reduce in line with the reducing fugitive emissions naturally occurring as the landfill ages. Large scale projects either through carbon sequestration (tree planting) or renewable energy projects will be necessary to offset the emissions from the landfill to achieve a zero net emissions target by 2025/26.

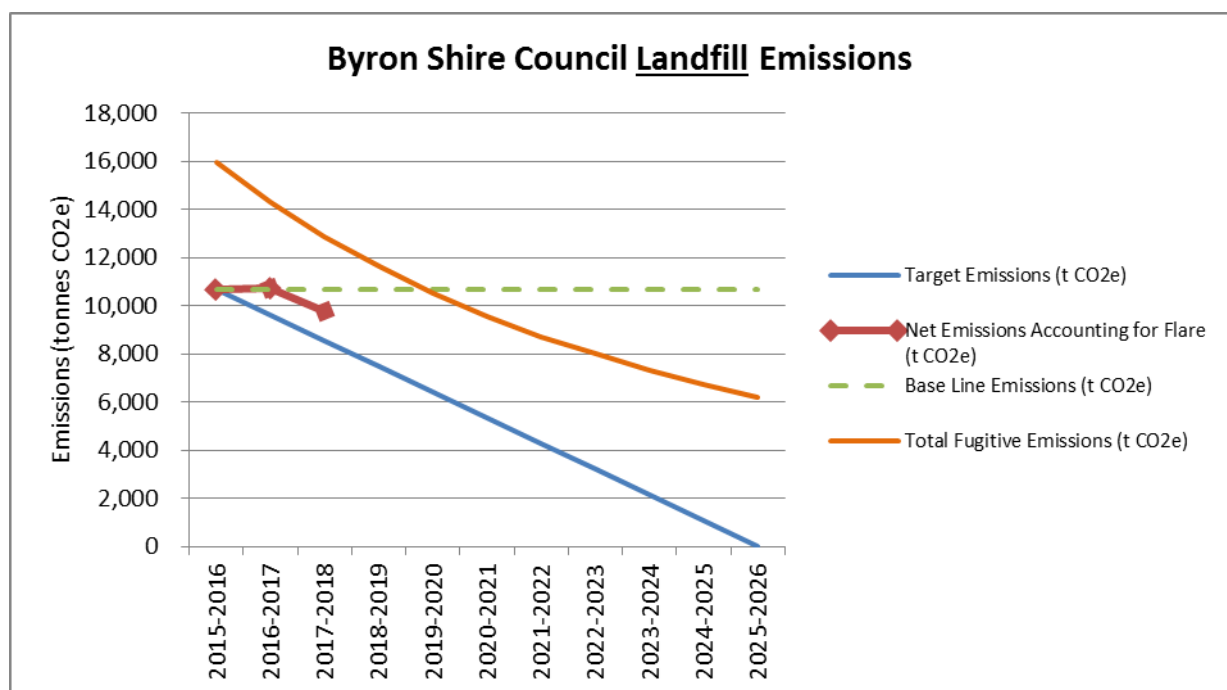


Figure 9: Byron Shire Council Landfill Fugitive Emissions

Table 7: Landfill Fugitive Emissions

	2015-2016	2016-2017	2017-2018
Total fugitive emissions from landfill (t CO2e)	15,931	14,283	12,852
Emissions abated from flaring (t CO2e)	5,241	3,539	3,097
Base Line Emissions (t CO2e)	10,690	10,690	10,690
Target Emissions (t CO2e)	10,690	9,621	8,552
Net Emissions (t CO2e)	10,690	10,744	9,755
Trending (t CO2e)	0	+1123	+1203

f) Sewage Treatment Plants – Fugitive emissions

Byron Shire Council owns and operates four sewage treatment plants. The treating of waste water is energy intensive as outlined previously in the electricity section of this report. In addition to the energy needed to run the facility, other emissions known as ‘fugitive emissions’ also occur. These

fugitive emissions occur as a result of the organic matter in the waste water decomposing in the ponds as it is being treated.

The fugitive emissions of a facility are highly dependent on the volume of flow treated and the treatment methods used. Table 8 below shows that the fugitive emissions from the sewage treatment plants are the third largest contributor to Council's emissions profile at 1,162 t CO₂e in 2017/18. As outlined earlier, the Bankable Feasibility Study into Bioenergy potential at Council's sewage treatment plants will be critical in reducing and offsetting emissions from this sector by 2025/26. Additionally, the next planned upgrade of the West Byron Sewage Treatment Plant is in 2025 where it will be upgraded to a covered anaerobic treatment system to capture biogas directly from the plant itself. By capturing the emissions directly from the ponds significant savings can be made.

There are two things to note when analysing the STP data in Figure 10 and Table 7 below:

- As explained in the report summary, an error was discovered in the calculation of fugitive emissions from sewage treatment plants in 2015/16 and 2016/17. Correction of the error resulted in a drastic reduction of fugitive emissions for both years (from 8,190 to 1,264 t CO₂e in 2015/16 and 8,955 to 1,387 t CO₂e in 2016/17). Given this, this report should be taken as a stand alone document and not analysed against previous years' reports as the comparison would be meaningless.
- In 2015/16 and 2016/17 the emissions calculations were completed using an alternative methodology; IPCC emissions factors was used to prepare an indicative estimate of emissions for those years. In 2017/18 the fugitive emissions were calculated using the adopted NGER methodology. The NGER calculation tools make no allowance for emissions from a number of small, non-critical STP emissions and as such NGER calculations will generally produce slightly lower emissions results than IPCC calculations. While the two methods cannot be directly compared, it is still helpful to include the 2015/16 and 2016/17 data in this report to establish a baseline and demonstrate a general trend over the years. The GHG decrease of 225 t CO₂e from 2016/17 to 2017/18 can therefore be attributed to both the changing of calculation methods as well as the reduction in annual flow between years.

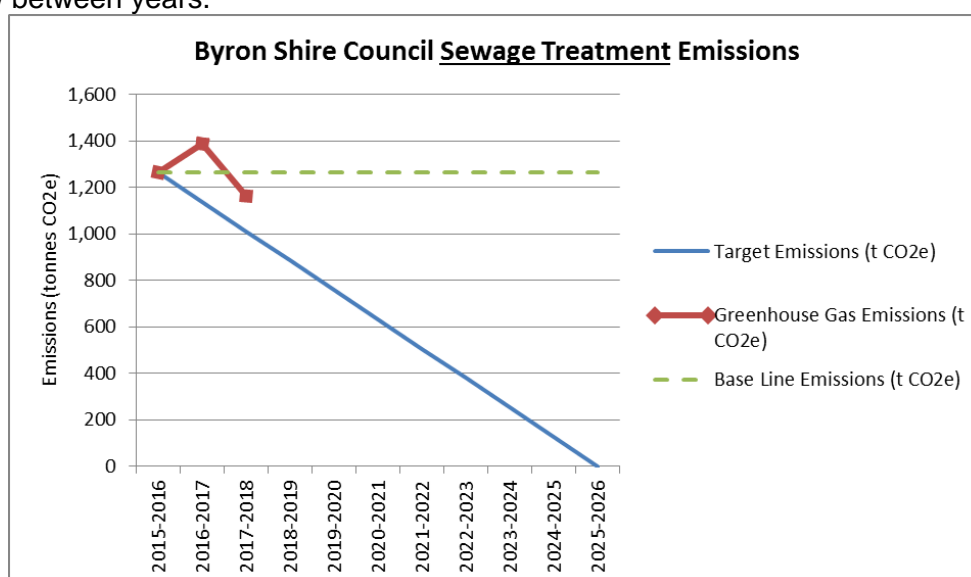


Figure 10: Byron Shire Council Sewage Treatment Fugitive Emissions

Table 8: Sewage Treatment Fugitive Emissions

	2015-2016	2016-2017	2017-2018
Total annual flow processed (kL)	3,254,852	3,541,529	3,349,182

Base Line Emissions (t CO2e)	1,264	1,264	1,264
Target Emissions (t CO2e)	1,264	1,138	1,011
Greenhouse Gas Emissions (t CO2e)	1,264	1,387	1,162
Trending (t CO2e)	0	+249	+151

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.1	Prepare Emissions Reduction Strategy
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.4	Implement actions to achieve zero emissions by 2025

5

Legal/Statutory/Policy Considerations

Council has no statutory obligations to report its emissions inventory.

10

Financial Considerations

Emissions reduction can both cost and save Council depending on the project and as such will need to be assessed on a case by case basis as part of the implementation of Council's *Net Zero Emissions Strategy for Council Operations 2025*.

15

Consultation and Engagement

Infrastructure Services Directorate

Report No. 13.16 **Compliance Priorities Program Report - 2018**
Directorate: Sustainable Environment and Economy
Report Author: Belinda McShane, Short Term Holiday Letting Support Officer
Shannon Burt, Director Sustainable Environment and Economy
5 **File No:** I2019/93

Summary:

10 This report details activities undertaken to meet the adopted 2018 Compliance Priorities Program, and seeks adoption of a Compliance Priorities Program for 2019.

15 It is recommended that Council continues to focus on those priorities listed as Very High and High and as resources permit, on priorities listed as Medium and Low with the aim that all matters will ultimately be addressed in a timely manner.

RECOMMENDATION:

1. **That Council note the report on the Compliance Priorities Program 2018.**
2. **That Council adopt the proposed Compliance Priorities Program for 2019 as provided in Attachment 1 (E2018/109234).**

Attachments:

- 20 1 2019 Compliance Priorities Program, E2018/109234 

REPORT

Compliance activities and statistics addressing the 2018 Compliance Priorities Program and the Byron Shire Council Operational Plan have been reported on in half yearly and annual reports to Council.

https://byron.infocouncil.biz/Open/2018/06/OC_28062018_AGN_894_AT_EXTRA.PDF

<https://www.byron.nsw.gov.au/Council/Our-Byron-Our-Future/Our-progress/Annual-Reports>

Between 1 December 2017 to 1 November 2018 (the reporting period), the Community/Parking Enforcement Team received **3913** Customer Request Management ("CRM's") which are tabulated as follows:

	2017 RECEIVED	2018 RECEIVED	2017 COMPLETED	2018 COMPLETED
ILLEGAL WORKS	704	819	893	735
SHORT TERM HOLIDAY LET	-	*187	-	*185
ANIMALS	892	814	902	787
VEHICLE (includes Camping)	1346	1631	1204	1557
NOISE	153	138	140	134
OVERGROWN	40	86	40	71
DDD (dead dying, dangerous tree requests)		*26		*25
FIRE	5	3	4	4
FOOTPATH (Busking footpath dining etc.)		*66		*64
POLLUTION (excl noise)		*58		*57
SIGNS		*49		*47
TREES (illegal tree removal)		*20		*20
WASTE		*16		*18
TOTAL	3140	3913	3183	3704

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

*Some new categories have been included in this table not previously isolated for analysis, so there is no comparative data available on these areas. The CRM database is currently under review in a bid to better define the type of work generated, provide Council with more meaningful metrics and to streamline processes.

It should be noted that this report was intended to be presented as part of Council's December 2018 meeting agenda, and as such data was extracted from 1 December 2017 to 1 November 2018 for this purpose.

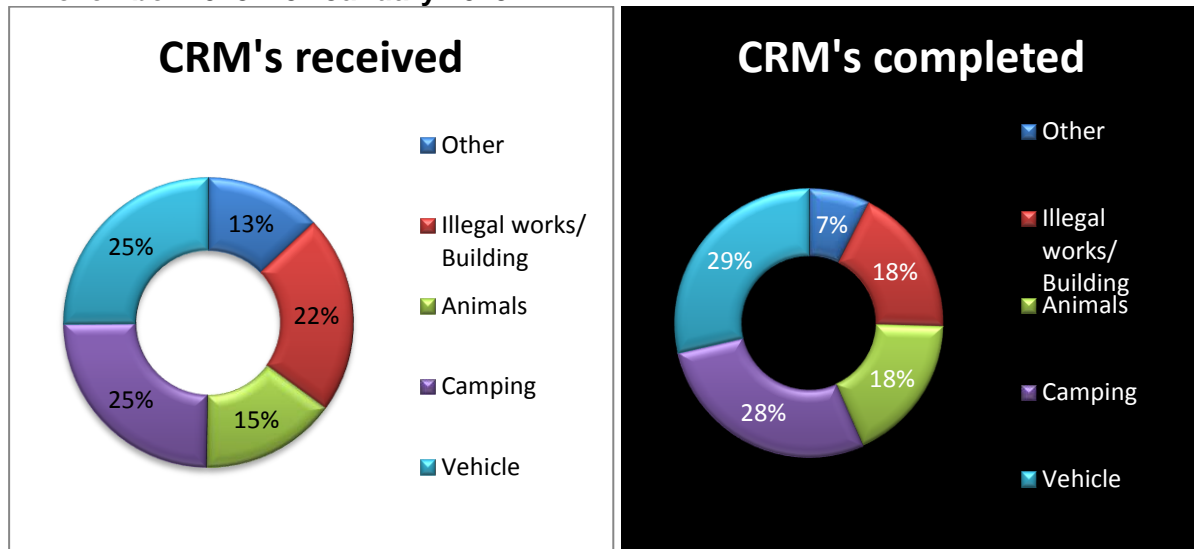
Given the time delay in reporting, an additional data extract has now been taken to allow for a current quantum view of CRM's managed from the original reporting period end to the end of January 2019.

1 November 2018 – 31 January 2019

- Total CRM's Received: 1254
- Total CRM's Completed: 1108

As can be seen in the following graphic the vast majority of work during this period was dominated by camping and vehicle complaints, with a considerable number of illegal work complaints also being registered during this time.

1 November 2018 – 31 January 2019



By way of comment, it was an unprecedented busy and dry end of year throughout the Shire (and the north coast generally).

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

A discussion with councillors about the above and expectations of compliance/enforcement management is to be scheduled early this year.

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

Year end results

The following information is provided on the implementation and specific actions taken in relation to the adopted 2018 Compliance Priorities Program.

Very High Priorities:

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

In the reporting period Council received 819 CRMs relating to illegal works and has concluded 735 (including other previously received CRMs).

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

Under the terms of the Environmental Planning and Assessment Act, Council served 187 notices of entry to inspect premises in relation to unauthorised building works, activities and uses.

1.2 Significant environmental and public health incidents.

In the reporting period Council:

- issued 74 notices and orders under the Local Government Act, Environmental Planning and Assessment Act and Protection of the Environment Operations Act.
- issued 18 penalty infringement notices under the Environmental Planning and Assessment Act with a total value of \$55,500.
- issued 15 pollution and littering related penalty infringement notices under the Protection of the Environment Operations Act, with a total value of \$3,750.
- successfully finalised 1 Environmental Planning and Assessment Act prosecution in the local court for development without consent. Fines were imposed totalling \$1500.
- obtained 3 successful convictions from the local court in relation to littering. In total Council was awarded fines and costs of \$5960.

1.3 Dangerous and/or menacing dogs.

In the reporting period, there were approximately 695 customer requests made in relation to dogs. These include:

Customer Request Management Received	2018
Dogs Attacks	62
Dogs Barking	182
Dogs Found	178
Dogs Nuisance	273
Dogs Restricted	0
TOTAL	695

In the reporting period Council:

- served 7 Intentions to Declare a Menacing or Dangerous dog and issued 5 Orders relating to Menacing or Dangerous dogs under the Companion Animals Act
- completed regular patrols Council issued 37 Companion Animal related penalty infringement notices (between 1 January 2018 and 1 November 2018) to the value of \$17,710.
- successfully finalised 1 local court prosecution in relation to a dog. Fines and costs were awarded to Council totalling \$7,600.

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

In the reporting period Council:

- issued 998 camping related penalty infringement notices with a total value of \$109,780.
- obtained 31 successful convictions from the local court in relation to traffic, parking and unauthorised camping offences. In total Council was awarded fines and costs of \$7,951.00.
- issued 8,709 penalty infringement notices in relation to parking with a total value of \$1,384,304.00.
- issued 52 penalty infringement notices in relation to abandoned vehicles with a total value of \$28,600.

- completed regular coordinated patrols with Police, NPWS, Crown on various coastal lands where camping and camps were known to be causing community and environmental impacts.

5 1.5 Asbestos containing material (ACM) being illegally dumped on public land.

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

High Priorities:

10

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

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

2.2

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

While Council awaits the outcome of the Rural Weddings and Events planning control review, Officers have continued to attend to reports of unauthorised events in conjunction with local Police.

25 <https://www.byron.nsw.gov.au/Services/Building-development/Planning-in-progress/Rural-weddings-and-events-planning-controls>

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

30 In the reporting period, 138 noise complaints were received with over 20% related to holiday letting and parties.

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

In the reporting period, Council resolved to develop a '*Dogs in Public Spaces Strategy*' in response to feedback gathered through our Community Strategic Plan engagement consultation about dogs on public land. A further report is due to go to Council this year as resources permit.

40 <https://www.byron.nsw.gov.au/Council/Media-centre/Media-Releases/Council-emBARKing-on-a-new-approach-to-managing-dogs-in-our-public-spaces?BestBetMatch=dogs%20in%20public%20spacesId13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

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

Enforcement action in relation to short term holiday let properties is considered by Council on a case-by-case basis and is investigated in accordance with policies and applicable legislation, specifically ensuring robust evidence is in place to support legal proceedings. Council must also take into account any planning legislation changes put in place by the State Government at the time.

50

Medium Priorities:

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

In the reporting period, non-compliance with consent conditions were routinely picked up during the course of the abovementioned 187 formal inspections in relation to unauthorised building works, activities and uses.

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

In the reporting period, Council impounded 17 unauthorised banners and signs.

Routine Priorities:

4.1

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

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

Achievements 2018

- The ongoing deployment of a structured School and Bus Zone program for the ongoing enforcement of school and bus zones.
- Continued focus in carrying out well planned targeted operations in relation to unauthorised camping, littering, alcohol free zones, busking, parking enforcement, unauthorised activities and development.
- Ongoing engagement of a signage and regulatory infrastructure process between Infrastructure Services and the Community Enforcement Team.
- Educating the community and improving parking compliance including the re-launch of Council *Where can I camp?* Brochure.
- The redesign of Development Investigation Lead position within Enforcement team to better support investigation activity relating to illegal development and use.
- Ongoing engagement of a process between the Parking Enforcement Team and Council's Events Coordinator to ensure that the highest and best use of Parking Enforcement resources during the course of events.
- Staff attendance at various regional forums and training sessions to develop greater collaboration within our area and develop skills and competencies within the team.
- Review of Busking Policy and Commercial Use of Road Reserve Policy

Draft 2019 Compliance Priorities Program

1. Very High Priorities:

- 5 1.1 Developments, actions, works, activities or uses that places people's lives at immediate risk or that cause or are likely to cause a significant risk of environmental harm or pollution;
- 1.2 Significant environmental and public health incidents;
- 10 1.3 Dangerous and/or menacing dogs;
- 1.4 Traffic, parking and unapproved camping activity. Camping enforcement with an emphasis on environmentally sensitive areas.
- 15 1.5 Asbestos containing material (ACM) being illegally dumped on public land

2. High Priorities

- 20 2.1 Provide education or workshops and undertake compliance enforcement programs for; places of shared accommodation (commercial and non commercial) and improving compliance standards for unapproved dwellings.
- 2.2 (a) unauthorised events, including unapproved dwellings, wedding receptions, parties, 'doof and 'rave' parties;
- 25 (b) Responses to complaints about recurring noise disturbance, public nuisance from premises, maintenance of alcohol free zones
- (c) Uncontrolled dogs and/or cats including those kept on land where Policy or Development consent prohibits it.
- 30 (d) Development without consent, or not in accordance with consent, of the nature of Short Term Holiday Letting.

3. Medium Priorities

- 35 3.1 Development or activities without consent, or non-compliance with consent, permit or licence conditions where these appear to pose no immediate threat to life, property, public health or the environment;
- 40 3.2 Non-compliant signage (07-550, 06-204).

4. Routine Priorities

- 45 4.1 (a) Companion Animals with a high emphasis on high visibility enforcement and public education. (15-465)
- (b) Safe procedures for handling and disposal of Asbestos Containing Materials
- (c) Seasonal public health issues and community preparedness including issuing a minimum of two media releases.
- (d) Swimming pool safety including legislative requirements
- 50 (e) Onsite sewage management systems (including CERC project)
- (f) Food Safety Inspections
- (g) Awareness of current public health requirements
- (h) Livestock on public roads

55

Other key observations

- During the reporting period, 187 complaints were lodged relating to short term holiday let premises, and an additional 138 noise complaints made, many emanating from holiday letting situations. These figures support the growing concern of our community about the amenity impacts of holiday lets in local neighbourhoods.
- The decrease in the completion rate of CRM's this year can be associated with staff changeovers, and an increase of CRM's received impacting on time required to investigate and respond. Many of these CRM's are duplicates or reports containing limited information. Anecdotal Officers and administrative staff have identified several recurrent complainants who provide unsubstantiated complaints on a variety of lower priority matters, or issues outside of Byron Shire Council's control, which impact resources. A procedural approach to manage this is being developed and will be implemented as part of the CRM system review and other process / staff and community educational improvements throughout the year.
- A significant increase in complaints relating to illegal camping activity has occurred over the last 6 months. A current review of how the team manages this activity is underway. The outcome will be discussed with Councillors in March.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.1	Monitor, investigate and resolve complaints in relation to community safety, land use and the environment

Legal/Statutory/Policy Considerations

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

- Companion Animals Act 1998
- Environmental Planning and Assessment Act 1979
- Food Act 2003
- Impounding Act 1993
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Roads Act 1993
- Swimming Pools Act 1992

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

Financial Considerations

The 2019 Compliance Priorities Program is managed within the existing budget allocations.

Report No. 13.17 **Sustainable Agriculture and Agribusiness Project update**
Directorate: Sustainable Environment and Economy
Report Author: Tania Crosbie, Economy and Sustainability Coordinator
File No: I2019/100

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Summary:

- 10 The Sustainable Agriculture and Agribusiness project was last reported to Council in June 2018. A key action of this project was the appointment of an agricultural extension officer. The Farm Liaison Officer commenced in October 2018 and since this time has been able to accelerate the delivery of the projects actions.
- 15 This report provides an update on the actions undertaken to date and includes the following completed actions:
- Inviting membership on the Agriculture Cluster Group
 - Completing a funding application for engagement and education material
 - Engaging with the community and agricultural stakeholders and establishing an issues
- 20 database.

RECOMMENDATION:

1. **That Council endorse the Byron Shire Agricultural Cluster Group Terms of Reference (Attachment 1 – E2018/90392).**
2. **That interested Councillors nominate to be appointed to the Agricultural Cluster Group.**

25 **Attachments:**

- 1 Agricultural Cluster Group Terms of Reference, E2018/90392 

30

REPORT

A key action in the Sustainable Agriculture and Agribusiness project was the appointment of an agricultural extension officer. In October 2018, Council appointed the Farm Liaison Officer on a two year contract. This positions objective is to elevate our farming community's profile to ensure the future of sustainable farming in Byron Shire, to be the main point of contact for farming enquiries and to develop plans and systems to support our farming community.

The officer has gained quick acceptance and successfully engaged with farmers, producers and the industry stakeholders. Since starting they have completed a number of the actions originating from the Sustainable Agriculture and Agribusiness project as [reported](#) to council on 23 November 2017, including:

- Establishing the role and engaging with the farming sector through visits and communications. In order to evaluate the types of interactions and enquiries, a database of issues has been established, as well as a database of local farmers and producers.
- Inviting membership on the Agricultural Cluster Group (ACG) that aims to act as an industry sounding board into Council and scope possible projects to improve social, economic and environmental outcomes within the agricultural industry. Sector representatives met informally to review the draft terms of reference and outcomes on the 4 February 2019. The sector representatives are:
 - Rex Harris – Macadamias
 - Joe Harvey-Jones – Sustainable Timber
 - Mike Shea – Hemp
 - Johan Kortenhurst – Grazing
 - Lindsay Murray – Grazing
 - Kevin Archibald – Sugarcane
 - Liz Gray – Organic produce
 - Mark Napper – Horticulture
 - Sheia Kalima Kironn – Small lot farming
 - Steve Toneguzzo – Organic produce

The draft Terms of Reference have been reviewed by identified ACG members and are included in **Attachment 1** for Council's consideration including nomination of any interested Councillor representatives.

- Funding Application submitted for the Small Farms – Small Grants a Federal Government Grant in January 2019. The application was to deliver a capacity building package for our new rural and lifestyle landowners; a publication and education in collaboration with Landcare, Department of Primary Industry and Local Land Services.
- Commenced the re-vamp of the Council publication "Farmers Farm... and Cows DO Moo". This publication will be completed by 30 June 2019.
- Representing Council on the Northern Rivers Young Farmers Alliance Leadership Board to support and build the capacity of farmers aged under 40 working in the Shire.
- Supporting and exploring options for farmers to value-add or diversify through food and agritourism on farm.
- Exploring proof of concept for the delivery of a Byron Shire agriculture industry forum.

- Liaising with, and acting as a conduit into Council for landholders who are seeking to make amendments to our LEP, to help empower new farming entrants and reduce their barriers to entry. Such projects would see affordable leasing arrangements for small scale farmers as well as providing on-farm living arrangements (i.e. Lighthouse Organics/Conscious Grounds and The Walker Farm Project).

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.4	Support and secure our farming future	3.4.1	Develop and implement strategies to support agriculture, agri-business and farmers	3.4.1.2	Continue to develop partnerships with other LGs, State and Federal Government and Agri-business organisations to facilitate education, mentoring, advocacy and investment in agriculture

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

Nil

Consultation and Engagement

Staff including customer service; planning; development support; biodiversity; sustainability; water; and waste.

Industry including individual farmers and agricultural and agribusiness organisations.

Report No. 13.18 **Sustainability and Emissions Reduction Projects - Update**
Directorate: Sustainable Environment and Economy
Report Author: Hayley Briggs, Sustainability and Emissions Reduction Officer
File No: I2019/107

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Summary:

10 This report provides a short update on the key sustainability and emissions reduction projects across Council.

RECOMMENDATION:

That Council note the report on key sustainability and emissions reduction projects.

15

REPORT**Resource Recovery Key Projects****5 Dingo Lane, Myocum Solar Farm project**

- Presentation of preliminary business case findings to November Councillor SPW
- Detailed network enquiry by Essential Energy has been completed and the report issued in late January 2019. The report findings are currently being reviewed by Staff and Consultants.
- The initial project preliminary business case and internal OLG Capital Expenditure Review internal Business Case Analysis will be updated with results from the Essential Energy detailed network enquiry.
- Report to Council with recommended next steps based on above in March/April 2019

15 Utilities Key Projects**Bioenergy Project**

Tender documents are being prepared for a Bankable Feasibility Study and Business Case. Key project dates are:

20

Tender Received	April 2019
Under Review	May 2019
Council Contract Decision	Aug 2019
Council Decision re Design & Construct Bioenergy Plant	Aug 2019
Design and Construct Contract Award	Sept 2019
Bioenergy Plant Operation Start up	Dec 2020

Brunswick Valley Sustainability Centre

- Work is underway to proceed with the rehabilitation of the on-site nursery to facilitate the occupation of the Big Scrub Reforestation team and other community groups.
- Meetings with Council's Community Services and Governance teams have taken place to start up a rigorous community consultation/participation process.
- The project has slowed in recent months. The project management team is being reorganised to speed up this process.
- The Community Solar Farm Expression of Interest has been prepared. Decision and report pending regarding the land rent charged for the use of sewage treatment plant land for the community solar farm.

35 Sewage Treatment Plant Solar Farms

- Request for Tender 2018-0020 – *Design, Construct and Install of Solar PV at 3 Byron Shire Council STP sites namely Bangalow, Byron Bay and Brunswick STP's* received and reviewed. Tender Evaluation report will be completed shortly with GM approval pending and tender award date set for the 7 February 2019.

Sustainability Team Key Projects

Emissions Reduction Strategy

- 5 • The draft Emissions Reduction Strategy, *Net Zero Emissions Strategy for Council Operations 2025*, was endorsed for public exhibition at the Ordinary Council Meeting of 13 December 2018. The draft Strategy exhibition will go for six weeks from 25 February to the 8 April 2019.
- Public responses will be collated and incorporated into the draft where relevant in April and May, with the final version of the Strategy to go to the Council Planning Meeting of 20 June 2019 for endorsement.
- 10 • Staff are in the process of engaging a consultant to run scenario trajectory projections for Council to achieve net zero emissions by 2015. The work produced from that project (scenario trajectory graphs etc.) will be included in the final version of the Strategy.

Solar Gardens

- 15 • Staff attended a final workshop with COREM to explore feasibility and viability of Cavanbah Centre Model and potential for a partnered approach to larger scale models (such as Vallances Rd).
- It was determined that a Council-led community solar garden is not feasible at this time, but that Council will explore opportunities to support community groups in community-led solar gardens.
- 20

Mullumbimby Administration Building Solar Carpark

- This project is being jointly delivered by Sustainable Environment & Economy and Infrastructure Services.
- 25 • The Request for Tender closed on 29 January 2019. Four submissions were received.
- The Tender Evaluation Panel is meeting on 05 February 2019 to make a decision on the submissions. A report to Council to this meeting to award a the contract.

Sustainable Events Toolkit

- 30 • The Toolkit is a collaboration between the Events Team and the Sustainability Team. The draft Toolkit will be aimed at community events held in the Shire and should be completed by 30 June 2019.

New Electricity Contract including 100% GreenPower

- 35 • Completed.

STRATEGIC CONSIDERATIONS

40 *Community Strategic Plan and Operational Plan*

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.5	Provide continuous urban water and sewerage services within the Shire	1.5.1	Increase the energy efficiency of Sewerage treatment Plants	1.5.1.1	Expand solar farms at Bangalow; Byron and Brunswick Valley Sewage Treatment plants
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.1	Prepare Emissions Reduction Strategy
Community Objective 3: We protect and enhance our natural	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.2	Prepare Bioenergy Project Plan

environment

Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero- emissions target	3.2.1.3	Build community Solar Farms at Brunswick Valley STP
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero- emissions target	3.2.1.4	Implement actions to achieve zero emissions by 2025
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.1	Provide environmental and sustainability information
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.2	Encourage and support environmental and sustainable community activities and groups

Legal/Statutory/Policy Considerations

Recycled Water Management Strategy 2017-27

5 *Net Zero Emissions Strategy for Council Operations 2025*

Financial Considerations

10 This is a project update report only. Financial considerations for individual projects have been or will be considered on a case by case basis. Sustainability and emissions reduction projects have the potential to either cost or save Council money.

Consultation and Engagement

15 Water Sewer Systems Environment Officer, Infrastructure Services
Team Leader Resource Recovery and Quarry, Infrastructure Services
Civil Engineer, Infrastructure Services

Report No. 13.19 **Reflections Holiday Parks - exhibition of draft Plans of Management for Ferry Reserve and Massy Greene Reserve, Brunswick Heads**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/124

Summary:

Reflections Holidays Park (on behalf of NSW Crown Holiday Parks - the land manager) notified Council of the start of the exhibition of Draft Plans of Management (POM) for Ferry Reserve and Massy Greene holiday parks, Brunswick Heads on 19 November 2018.

Council considered an urgency motion at its meeting 13 December 2018 on the above and resolved as follows:

Resolved **18-845** that Council write to NSW Crown Holiday Parks (trading as Reflections Holiday Parks) to request an extension to the exhibition period of the Draft Plans of Management for Ferry Reserve and Massy Greene Reserve, Brunswick Heads from 6 January 2019 until after the first council meeting in February with a view to:

- a. enable a review and formal submission to be made by Council; and
- b. improve the opportunity for community input given the exhibition period falls in part in the summer holiday period, when many residents are away.

The exhibition period was extended, and concluded on 17 January 2019.

By email Reflections Holiday Parks was advised by Council that given the above, a formal submission from Byron Council would not be able to be submitted until after the scheduled ordinary meeting in 2019, which is February 28.

The purpose of this report is to advise Council on the POMs and their compliance with Resolution 17-184, to inform whether or not a council submission to their exhibition is required.

RECOMMENDATION:

- 1. That Council note the report on the exhibition of the draft Plans of Management for Ferry Reserve and Massy Greene Reserve, Brunswick Heads and that compliance with Resolution 17-184 is achieved from a staff perspective.**
- 2. That Reflections Holiday Parks be advised in writing of 1 above.**

REPORT

Council previously considered Notice of Rescission Motion No. 9.1 Brunswick Heads Caravan Park (Resolution 17-120) at the ordinary meeting 25 May 2017, and resolved as follows:

17-184 Resolved that Council:

1. Notes the following Concept Plans for the purposes of the public exhibition of the Crown Reserve Plans of Management:

- a) Revised Concept Plan for Ferry Reserve Holiday Park as shown at Attachment 1.
- b) Revised Concept Plan for Massy Greene Holiday Parks as shown at Attachment 2.
2. a) Supports NSWCHPT in seeking Ministerial approval to exhibit the proposed changes to the PoM for Ferry Reserve as per 1a hereof and it notes that it shows proposed road layout, formalised public access to the Boat Ramp and 10 meter setback from the Brunswick River.
- b) Supports NSWCHPT in seeking Ministerial approval to exhibit the proposed changes to the PoM for Massy Green as per 1b hereof and notes that it shows proposed road layout, formalised public car parking, open public space in lot 7005 including a children's play area and public access to light craft ramp and 10 meter setback from the Brunswick River.
3. a) Impose a condition on any Approval to Operate issued by Council in respect of the applications in 1a and 1b that the operation of the caravan park/camping ground and any building or work associated with its operation must comply with all applicable standards imposed by the Local Government (Manufacture Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005, and;
- b) where there is any non-compliance with the Local Government (Manufacture Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005 NSWCHPT commit to doing all acts and things necessary to resolve the non-compliance issues as part of the development and works programme of the relevant Holiday Park in accordance with the timing schedule and staging plan known as SCHEDULE OF COMPLIANCE WORKS AND ACTIVITIES which will form part of the Approval to Operate.
4. In order to enable the development and works program set out in the SCHEDULE OF COMPLIANCE WORKS AND ACTIVITIES as per 3b and included as a condition in any Approval to Operate, the Approval to Operate be issued for a period of three (3) years.
5. Defer consideration of the Revised Concept Plan for Terrace Reserve Holiday Park until the June Ordinary meeting and schedule in early June a further workshop with representatives from the NSWCHP Trust, Council, Long Term Park Residents and the Community to consider the two (2) Revised Concept Plan options presented to the Councillor Strategic Planning Workshop on 11 May 2017 and working together to negotiate a suitable park design that :-
 - a) achieves compliance with the Local Government (Manufacture Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005, and
 - b) recognises the historical public significance of cypress pines area
 - c) provides a suitable setback of 10 meters from the Brunswick River to allow public access (includes the Trust continuing to negotiate with park residents to achieve the 10 meter setbacks adhered to in other areas of the Brunswick foreshore), and
 - d) provides a design which includes a vegetation plan of management which will at protect the foreshore and Cyprus Pines.

Copy of the revised Concept Plan Ferry Reserve



5

Copy of the revised Concept Plan Massey Greene



Key issues

- 10 A comprehensive review of the Crown Land POMs for Ferry Reserve and Massey Green Holiday Parks including the operational areas and site boundaries has been undertaken by NSW Crown Holiday Park Trust. This review has included previous community and Council consultation, site inspections and meetings.
- 15 This review was initiated by the NSW Crown Holiday Park Trust to address the concerns of the community about the park operations and boundaries that has been ongoing since the adoption of the previous Plans of Management; and also to ensure that the Holiday Parks can achieve compliance and Approvals to Operate for each of the Holiday Parks under the Local Government

Act and Regulation. Previously they have relied on savings provisions and Ordinance 70 for this. Both Parks now have current Approvals to Operate.

A summary of the key elements included in each of the POMs follows:

Ferry Reserve

<https://reflectionsolidayparks.com.au/ferry-reserve-draft-pom/>

The Ferry Reserve POM has four (4) Management Precincts illustrated below:

Foreshore Precinct – will be allocated and managed to preserve the opportunity for public pedestrian access along the foreshore of the Brunswick River and to support recreational use of the Brunswick River.

Eastern Precinct – is proposed as predominantly a cabin precinct. The precinct provides a new site access and Managers Residence and office. Public access will be available through this precinct to access the boat ramp and foreshore area. Parking for cars and boat trailers will also be provided. Vegetation in the south-east corner of this precinct will be protected.

Central Precinct – will provide short term sites for caravan and camping and Holiday Park facilities.

Southern Precinct – will provide long-term sites for the Park's existing residents.



A summary of the key actions proposed in each precinct follows:

Actions for Foreshore Precinct

- Define the caravan park boundary along the northern edge of the precinct to provide adequate setback and improved amenity for users of the foreshore area;
- Provide additional landscaping and provide controlled access locations to and from the caravan park to the foreshore area; and
- Provide improved facilities for users of the foreshore precinct including seating, picnic tables and other facilities.

Actions for Eastern Precinct

- Construct a new access road so that it becomes the new park entry and provides public access to the boat launching ramp and foreshore reserve;
- Provides adequate manoeuvring space for vehicles including those with trailers to access the boat ramp;
- Provide fencing along site boundary;
- Provide landscaping around proposed cabins to soften impact;
- Upgrade the existing building located in north- east corner of the site as an office and managers residence;
- Provide an area of open space including children's play area;
- Establish an off leash dog exercise area.

Actions for Central Precinct

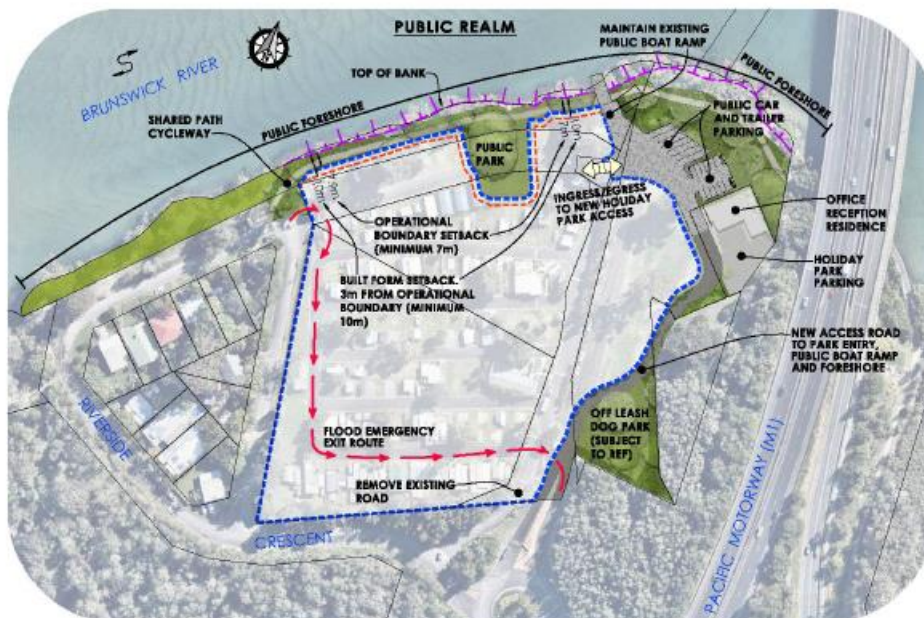
- Continue to provide short term caravan and camping sites.

Actions for Southern Precinct

- Consolidate long term sites into south part of the park; and
- Ensure compliance with Regulations.

The public realm is also a key consideration for council and the community. The plan below illustrates how the land outside the park operational boundaries will be accessible to the general public.

The public realm areas will be established and maintained by Reflections Holiday Parks subject to development approval or the concurrence of Council.



Massy Greene

<https://reflectionsolidayparks.com.au/massy-greene-draft-pom/>

The Massy Greene Reserve POM has six (6) Management Precincts illustrated below:

Foreshore Management and Public Access Precinct - will be allocated and managed to preserve the opportunity for public pedestrian access along the foreshore of the Brunswick River and boat harbour and to support public recreational use;

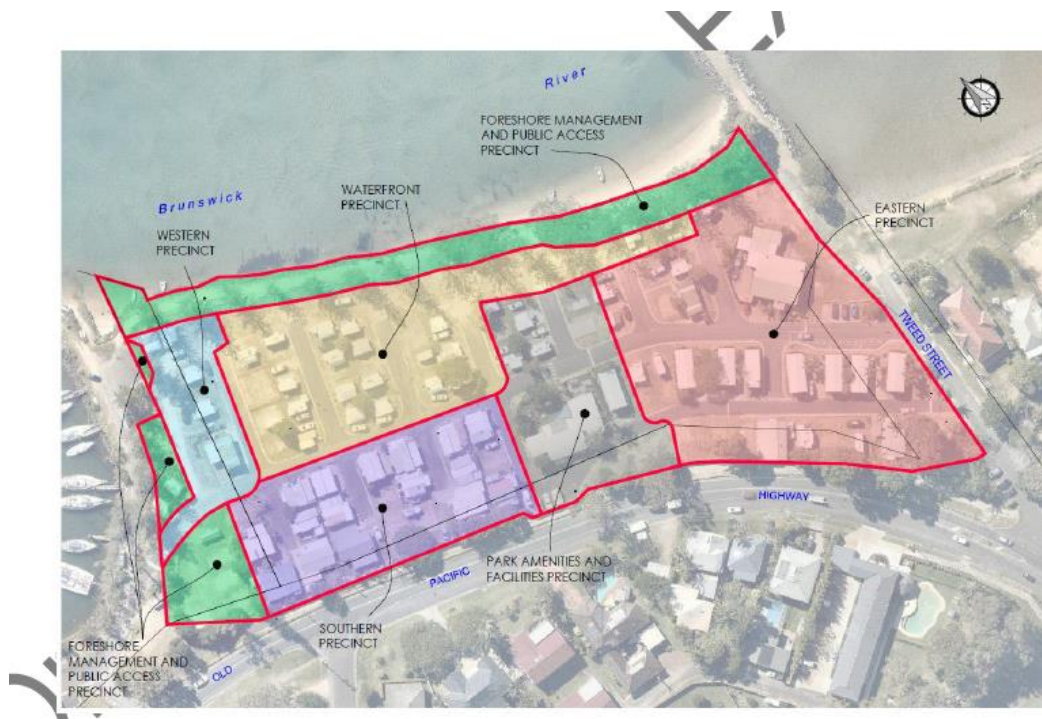
- 5 Waterfront Precinct - will continue to provide short-term powered sites suitable for traditional foreshore camping and caravanning adjacent to the foreshore access precinct;

Eastern Precinct – will support sites for camping and caravanning, as well as a cabin precinct;

- 10 Western Precinct – will provide short term sites and Holiday Park facilities and will be improved to establish an appropriate interface with the Marina, Boat Harbour and foreshore areas to the west of the Holiday Park;

Southern Precinct - will continue to provide long-term sites for the Park's existing residents; and

- 15 Park Amenities and Facilities Precinct – will support the principal central communal amenities and recreational facilities required for the Park's residents and guests.



- 20 A summary of the key actions proposed in each precinct follows:

Actions for Foreshore Precinct

- 25
 - Define the caravan park boundary along the southern edge of the precinct to provide adequate setback and improved amenity for users of the foreshore area
 - Provide improved facilities for users of the foreshore precinct including seating, picnic facilities;
 - Link the foreshore pathway to Tweed Street to improve access.

30 Actions for Waterfront Precinct

- 35
 - Redefine site areas and depth to allow landscaping within the setback between the foreshore area and caravan park sites;
 - Provide a new access road to service the waterfront sites and provide pedestrian links to the foreshore;

- No cabins are to be placed within the Waterfront Precinct.

Actions for Eastern Precinct

- 5
 - Remove existing managers residence and office;
 - Amend existing access road so that it becomes an exit only;
 - Provide fencing along site boundary;
 - Provide landscaping around proposed cabins to soften impact.

10 Actions for Western Precinct

- Upgrade the existing access road to function as the new park entry;
 - Provide a new office at the relocated park entry;
- 15
 - Provide an area of public open space including children's play area and car parking adjacent to the site entry;
 - Establish a cabin precinct (short term sites) within the caravan park adjacent to the access to the small craft launching area. Provide landscaping to soften visual impact;
 - Work with the operators of the Brunswick Heads Boat Harbour to ensure a pedestrian linkage is provided between the boat harbour and the foreshore access pathway and ensure the redesign of the access to the small craft launching area provides adequate manoeuvring space for vehicles;
- 20
 - Provide public accessible toilets.

Actions for Southern Precinct

- 25
 - Consolidate long term sites into south west corner of park; and
 - Ensure compliance with Regulations.

Park Amenities and Facilities Precinct

- 30
 - A range of facilities including camp kitchen, clothes drying, amenities and laundry facilities may be provided.

35 The public realm is also a key consideration for council and the community. The plan below illustrates how the land outside the park operational boundaries will be accessible to the general public.



The provision of more foreshore open space, removal of encroachments or potential encroachments from foreshore open space areas, improved layout and design for park occupants, and environment and vegetation protection is supported.

5

In this regard compliance with Resolution 17-184 is achieved from a staff perspective.

STRATEGIC CONSIDERATIONS

10 ***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.5	Enhance access and availability of information to the community	5.2.5.2	Provide statutorily required information

Legal/Statutory/Policy Considerations

15 If a Plan of Management is prepared it must be done in accordance with the legal requirements of the Crown Land Management Act 2016 as specified in Division 3.6 of the Act.

20 The purpose of a Crown Land Plan of Management is to address the relevant statutory requirements of the Crown Land Management Act 2016 and to establish objectives, strategies and actions and the means the NSW Crown Land Manager will employ to achieve the desired outcomes.

Financial Considerations

25 Not applicable.

Consultation and Engagement

Not applicable.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.20 **Butler Street Reserve Access During Byron Bay Bypass Construction**

Directorate: Infrastructure Services

Report Author: Joshua Winter, Civil Engineer
 Claire McGarry, Place Manager - Byron Bay

File No: I2019/47

Theme: Infrastructure Services
 Projects and Commercial Development

Summary:

Construction of the Byron Bay Bypass in the area around the Butler Street Reserve poses some issues relating to safety, traffic management, physical constructability, amenity for users of the reserve and the impact on the markets that are held within the reserve.

It is proposed to close the Butler Street Reserve while the contractor is working adjacent to it, as the most effective measure to mitigate these issues during construction. The biggest impacts associates with this proposal is relocation of markets and a reduction in parking availability in Byron Bay.

Council staff have been working with the market managers to identify temporary relocation options in the event of a closure, however there will also need to be communications and notifications to the wider community of this closure so that alternative arrangements can be made for parking during this time.

RECOMMENDATION:

1. That Butler Street Reserve be closed to the public while the section of the Byron Bay Bypass (including the Somerset Street Roundabout and its western and southern legs and the area of works within Butler Street north of the roundabout) is constructed.
2. That lockable steel gates be installed at the entry points to the Reserve to restrict vehicle access during the closure period and during the 'no parking' periods overnight.
3. That staff provide market managers with any information available regarding viability of other potential relocation sites identified by the markets, including planning approvals required.
4. That staff ensure The Cav has all relevant approvals in place to host markets during the closure period, should that be required, and provide details to market managers regarding power and water access, amenities and traffic management plans for the site.
5. That the Butler Street Reserve be made available as a site compound for the Contractor for the duration of the closure and one (1) week after this section is constructed and open to traffic, to allow relocation of the site compound.
6. That staff continue to liaise with market managers to facilitate the return of markets to Butler Street Reserve once relocation of the site compound has occurred.

REPORT

The Byron Bay Bypass has been in progress for over thirty years, with an extensive history of options selection, feasibility studies and a recent court case after the Joint Regional Planning Panel initially approved the project. The Land and Environment Court (LEC) subsequently issued approval for the project in 2017.

Council has since been proceeding towards construction by completing the relevant conditions including setting up a Biobanking agreement, obtaining heritage approval and progressing the license with Transport for NSW over their land encroachments. In late 2018, the state government announced \$9.5M of funding within the Growing Local Economies grants program, meaning the project is fully funded and is currently out for tender.

Construction of the project and the staging required to construct it as quickly and efficiently as possible will be determined after tenders have been assessed and awarded later this year. The issues of constructability in the area around the Butler Street Reserve is the subject of this report. The issues include safety, traffic issues, constructability issues and the impact to the reserve users including the farmers and community markets.

Key issues

1. Safety

Safety is the number one priority with any construction project. A key risk that has been identified is the interaction with the Butler Street Reserve while the Bypass is under construction in that area, both during market times and otherwise, due to the ongoing high usage of the reserve.

The best form of risk mitigation is Elimination. Therefore the best outcome is to eliminate the option for the high levels of pedestrian movements looking to traverse from the Butler Street Reserve into town.

2. Traffic

For the general public during a construction project, the most frustrating component is typically the additional traffic generated due to reduced travel speeds and congestion. With the significant number of patrons to the markets in the reserve and in general, it is likely that this would cause significant congestion in the adjacent area whilst under construction.

This could quickly lead to traffic congestion back to and including the Shirley/Lawson Street roundabout and cause traffic both inbound and outbound of Byron Bay town centre significant delays and distress.

3. Physical Constructability

The physical constraints relating to the construction of this section of road lends itself to being most effective with stop-go (contraflow) traffic control. This would not be possible with the additional users attempting entry to the reserve. Hence if the reserve was closed, stop-go traffic may be a feasible option, meaning constructing this section would be faster and less impact to the local residents.

4. Amenity for users – dust, noise, etc

Aside from the previous points raised, the reality of using the Butler Street Reserve whilst construction is occurring adjacent to it is not ideal. There would be significant noise, possible dust issues (although dust suppression will be a mandatory requirement of the construction contract), and general visual amenity issues.

5. Impact on markets

Farmers Markets are held on Butler Street Reserve every Thursday from 7am – 11am. Community Markets are held on Butler Street Reserve on the first Sunday of every month, with an addition of the third Sunday of the month in December and January.

The proposed closure of the Reserve will mean the markets cannot be held on this site during the closure period. Staff have met with market managers to discuss temporary relocation options. While managers of both markets would prefer to stay on the Reserve, they are also open to considering alternative locations as a temporary measure if necessary. Alternative site options are outlined below.

Options

Options for closure of the Reserve

The below table outlines three options for use of the Reserve during the construction of the bypass, with varying degrees of impact on the community and users of the Reserve.

To enable the closure of the Reserve, lockable steel gates would need to be installed at the vehicular entry points. The immediate benefit of the installation of gates would be that the existing 'no parking' periods on the Reserve could be more easily enforced as the gates could be locked overnight. This would help address some of the existing challenges on the Reserve that are contributing to its degradation.

Options for closure are as follows:

Option	Duration	Implications
1. Closure of the Reserve for the full duration of the bypass construction	Up to 18 months	<ul style="list-style-type: none"> • Longer-term relocation for markets • Longer-term removal of all day parking in the town centre • Potential 'circuit-breaker' for illegal overnight camping on the Reserve and associated issues • Allows time to plan for the future of the Reserve to manage competing uses – markets, parking and open space / passive recreation
2. Closure of the Reserve for the duration of the northern stage of the bypass	Up to 6 months	<ul style="list-style-type: none"> • Reduced timeframe for market relocation • Opportunity to reinstate free all-day parking on the Reserve sooner • Potential 'circuit-breaker' for illegal overnight camping on the Reserve and associated issues • Allows time to plan for the future of the Reserve to manage competing uses – markets, parking and open space / passive recreation

<p>3. Keep the Reserve open for use as parking and market site during bypass construction</p>	<p align="center">-</p>	<ul style="list-style-type: none"> • Safety issues associated with pedestrian access through a live worksite • Traffic issues associated with extensive usage of the reserve, especially around the market times • Causing longer construction time (and cost) of this stage due to maintaining two way traffic • Amenity issues due to construction being completed immediately adjacent to the reserve.
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Options for market relocation – based on Reserve closure from August 2019 – January 2020

Staff have met with managers of both the Community and Farmers Markets to discuss the proposed closure and options for temporary relocation for both markets.

5

The Community Markets would prefer to relocate, and three options have been discussed / presented, which are now being considered and further investigated by market managers.

The three options which have been discussed are:

10

1. The Cavanbah Centre
2. The beachfront
3. Private land.

The community markets will investigate the viability of these options, and if facilitation, input or approval is required from Council it is intended that this will be reported to the April or May meeting to enable relocation planning to occur prior to site establishment for bypass construction.

15

The Farmers Market acknowledge the impacts on the reserve during construction, including noise, dust, amenity, safety and traffic, but their strong preference is to remain on the reserve during the construction period. They would be more open to considering temporary relocation options if they were able to return to an 'improved' reserve – particularly in relation to the surface under the market's footprint.

20

Separate to the bypass construction and proposed reserve closure, Council is conducting ongoing monitoring and investigation regarding contamination on the reserve, with a report expected in May 2019 detailing any remediation required, and the type and extent of works that could occur on the reserve. This report will inform a broader master planning exercise for the reserve that addresses existing site issues including competing uses that create issues for the markets.

25

Staff can commit to working with the markets once the contamination report is received to plan improvements to the reserve to better meet their requirements and facilitate the return of the markets to an improved reserve once bypass construction is completed.

30

Staff will continue to work closely with both groups to identify and where possible, assist to facilitate the next steps.

35

Next steps

1. Communicate planned Reserve closure to the community
2. Ensure The Cav has all relevant approvals in place to host markets during the closure period to ensure this remains a viable option for temporary relocation, and provide details to market managers regarding power and water access, amenities and traffic management plans for the site.
3. Assist with viability investigations for other relocation options identified by market managers.
4. If necessary, report preferred options and implications for Council to April 2019 Council meeting

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.5	Deliver road network new works program	1.1.5.4	Continue construction of the Byron Bay Bypass

Legal/Statutory/Policy Considerations

Council Policy 15/007 Sustainable Community Markets.

Consultation and Engagement

Ongoing liaison with Market managers.

**Report No. 13.21 Results of the Public Exhibition of the Byron Bay to Suffolk Park
Cycleway Investigation Report****Directorate:** Infrastructure Services**Report Author:** Daniel Strzina, Project Engineer**File No:** I2019/125**Summary:**

The Byron Bay (Browning Street) to Suffolk Park (Clifford Street) Cycleway Investigation Report including Preferred Option Concept Design was placed on public exhibition for comment by formal submission for a period of 28 days from 16 November 2018 to 14 December 2018.

This report summarises the procedure, details the outcomes of the public exhibition process and makes recommendations for future actions to progress the detailed design / development of this cycleway to allow staged implementation to occur.

A total of 118 submissions were received, all of which are confidential attachments to this report. In summary, 95% of the submissions support the Concept Design, 5% object and 48% of submissions support naming the cycleway after Ben Donohoe.

RECOMMENDATION:

1. That the results of the public exhibition of the Byron Bay to Suffolk Park Cycleway Investigation be noted.
2. That the public submissions, which are confidential attachments to the report, be noted and replies provided advising of Council's decision.
3. That Council:-
 - a) Proceed with the Proposed Option Concept Design as the basis for development of the Byron Bay to Suffolk Park Cycleway.
 - b) Proceed with Option 2B for the Northern Section, noting that:-
 - i) Parking, impact to resident access and safety is carefully considered during the development of the detailed design.
 - ii) Option 4 should continue to be considered as a potential option for additional future works beyond the upgrade of the study corridor.
 - c) Consider each of the suggestions submitted as part of the public exhibition process during the development of the detailed design, and implement/include in the design if suitable and feasible.
 - d) Undertake consultation with The Byron Bay General Store during the development of the detailed design and further progress of the project.
 - e) Endorse the proposed naming of the of the cycleway, as the 'Ben Donohoe Memorial Cycle Way'.

Attachments:

- 1 Confidential - 24.2018.45.1 - Byron Bay to Suffolk Park Cycleway Public Exhibition - Email and Mail Submissions, E2019/2138
- 5 2 Confidential - 24.2018.45.1 - Byron Bay to Suffolk Park Cycleway Public Exhibition - Survey Submissions, E2019/2139

REPORT

The Byron Bay (Browning Street) to Suffolk Park (Clifford Street) Cycleway Investigation Report including Preferred Option Concept Design was placed on public exhibition for comment by formal submission for a period of 28 days from 16 November 2018 to 14 December 2018.

The Report and its Appendices can be viewed at the following link (includes indicative plans of the proposed cycleway),

<https://www.byron.nsw.gov.au/Home/Tabs/Public-notice/Public-Exhibition-Byron-Bay-to-Suffolk-Park-Cycleway>

The purpose of placing these documents on public exhibition was:-

- To promote the development of the Byron Bay (Browning St) to Suffolk Park (Clifford St) Cycleway Investigation Report and Preferred Option Concept Design.
- To communicate to the community on the findings of the investigation and the proposed Concept Design.
- To engage with the community in effective consultation and invite formal submissions on the findings and outcomes of the investigation and the proposed Concept Design.

Members of the public were invited to review the document and make a formal submission by mail, email or survey via a HaveYourSay page. This page was created to:-

- Inform about the project and proposed funding streams.
- Provide answers to FAQ on the project and proposed concept design.
- Provide a link to the document for download.
- Provide locations where hardcopies of the document can be accessed.
- Provide information on how to make a formal submission
- Provide a link to the formal submission survey.

The HaveYourSay page and the invitation to make a submission was publicised via:

- Weekly advertisements in the Echo and BSN newspapers.
- Social media posts and advertisements.
- Emails to relevant stakeholder groups.
- Letters sent to residents and businesses along the affected road corridor.
- A page on the 'Public Notices' section of Council's website.

The formal submission survey included the following questions:

- Have you read the Byron Bay to Suffolk Park Cycleway Investigation Report and Appendices?
- Do you support the preferred option concept design?
- What do you like about the preferred option concept design?
- What do you dislike about the preferred option concept design?
- Is there anything you would change about the Preferred Option Concept Design?
- Do you have any other comments on the Byron Bay to Suffolk Park Cycleway Investigation Report and Preferred Option Concept Design?

Results

A total of 118 submissions were received. This consisted of 104 survey responses, 13 emails and one letter. The majority of submissions were from residents and two (2) were from businesses;
5 The Byron Bay General Store and The Bower Byron Bay.

The submissions have been collated and are confidential attachments to this report.

A summary of the submissions is as follows:-

- 10 • 112 out of 118 (95%) supported the Preferred Option Concept Design.
- 6 out of 118 (5%) objected to the Preferred Option Concept Design.
- 8 out of 118 (7%) specified a preference for Option 4 (rail trail) for the Northern Section.
- 57 out of 118 (48%) support a proposal to name the cycleway after Ben Donohoe.
- 15 • 4 out of 118 (3%) supported the Preferred Option Concept Design as long as considerations were made with respect to the detailed design of the area around The Byron Bay General Store. These considerations are detailed in the 'Support and Suggestions' section of this report.

Objections

20

A summary of the reasons for objection to the Preferred Option Concept Design are as follows:

- Bangalow Road cannot afford to lose parking.
- Many houses on the west side of Bangalow Road have only a single lane driveway close to the road, making reversing onto Bangalow Road the only way to exit the property - very
25 unsafe, particularly because drivers speed along this section of road.
- The northern section of the cycleway should be off-road, not on-road for safety reasons and for traffic flow reasons.
- Closing part of the road to accommodate the bike is not safe, sensible or reasonable.
- Use the money instead to fix the roads and maintain the cycle ways and footpaths.
- 30 • The plan shows no consideration for residents with respect to parking loss and impact to residents.
- There is already a cycle lane on the east side of Bangalow Road that is rarely used.
- There has been no consultation with the affected residents regarding this matter or any suggestions for vehicular traffic management to allow residents to access their properties.

35

One business (The Bower Byron Bay) objected to the Preferred Option Concept Design (Northern section specifically) with a submission that made the following points:

- Concerned about parking loss to The Bower Byron Bay and impact to business.
- The on-road cycleway will be more dangerous to cyclists, pedestrians and motorists.
- 40 • Option 4 (rail trail) for the Northern section should be reconsidered.

Support and Suggestions

45 The following suggestions were included in submissions from residents who supported the Preferred Option Concept Design:

- More off-road cycling rather than on-road.
- Priority should be given to cyclists over cars along the route.

- Speed inhibitors should be considered at intersections on side streets.
- More bike racks along the route.
- Tree planting along the route for shade.
- Retain existing trees for shade wherever possible.
- 5 • A crossing from the Paddy Bugden aged care facility on Broken Head Rd over to the Suffolk Park pub and shops for elderly residents; the current route is not clear.
- A convex mirror or similar to make safe the blind corner of the shared path at Clifford St.
- Incorporate parts of Option 4 so that the off road track past the old sewerage works to Alcorn St and from old Bangalow road along rail corridor could be used as cycle ways.
- 10 • Driver behaviour, cyclist behaviour, maintenance of verges, overhead/underpass crossings need to be targeted and considered for safer cycle ways.
- Bike lane should be between kerb and parked cars in northern section for rider safety.
- The Browning St roundabout bike path should run the whole way around the roundabout.
- The existing bikeway on the shared footpath on the south eastern corner of the Browning St roundabout needs to be adjusted as it is a blind corner.
- 15 • The blind corner at the southern end of the high schools sports field needs adjustment.
- Where the off road cycle way crosses roads the road should be marked in green paint to alert all road users of the crossing point.
- The use of the rail corridor should be explored as a scenic off-road route for all non motorised transport.
- 20 • Extend the cycle way through to Broken Head and Lennox.
- Extend the cycleway through to Byron CBD in the future as funds become available.
- Crossings at Old Bangalow Road and St Finbarrs need to be made safe for less confident users.
- 25 • Safe pedestrian movements must also be addressed.
- Line of sight and interactions of bike path with residential driveways must be carefully considered during detailed design.
- Section from Golf Course to Byron@Byron should be prioritised due to risk of cyclist/vehicle interaction.
- 30 • Section from Golf Course to Byron@Byron needs physical barrier/separator from traffic.
- Safety must be prioritised during detailed design.
- Physical separation between cycle ways and vehicles is preferred.
- Crossing with cycle refuge at Byron@Byron is necessary.
- Crossing with cycle refuge opposite caravan park is necessary.
- 35 • The cycle lane widths in the Northern section are shown as 1.5m but actually are only 1.1m plus gutter up to the kerb. There is no guarantee that gutters are safe for travel. Guidelines state cycle lane widths to be between minimum 1.2 to 1.5m, and adjacent to kerb; but kerb actually refers to kerb and gutter.
- Northern section parking lanes shown at <2.3m width will cause door conflict for cycle lane south. Reduce adjacent vehicle lane width to 3.2m minimum.
- 40 • Northern section, Cooper Street intersection: Cycle lane north will still have to traverse footpath for a short section due to lack of width/room outside road corner.
- Northern section, Section S-S: turning lane must be 3.0m width due to a squeeze point for cycle lane north. Reconfigure turning bays and existing shared path south separated with a raised castellated kerb.
- 45

The following suggestions were made by three residents and one business (The Byron Bay General Store), who supported the Preferred Option Concept Design as long as the following suggestions are considered in the development of the detailed design:

- 5 • That sufficient parking (at least 6 spaces) be added on the eastern side of Bangalow road immediately to the north of Wollumbin St for patrons of The Byron Bay General Store to compensate for the loss of the 6 spaces lost directly out the front.
- That the bus stop in this location be relocated to allow for this parking.
- That the current parking spaces opposite the shop (just south of Wollumbin St) on the eastern side remain.
- 10 • That it be carefully considered to retain and add as many parking spots as possible in the close proximity of the shop that the design allows on the East or West side of the road.
- That if all of the Western side parking directly out the front is to be removed, The Byron Bay General Store are able to partake in foot path dining with the fees waived and the ability to beautify the shopfront and the enhance the streetscape with additional plants and greenery.
- 15 • That there be a safe pedestrian crossing or pedestrian island directly in front of the store for people who parked across Bangalow Rd as it can be extremely busy and daunting to cross.
- That the 3 nearby side streets (Wollumbin St, Keats St, Constellation Cl) continue to be available for patrons to park in.
- That The Byron Bay General Store be included in the discussion as the final design progresses.
- 20

A total of 57 out of 118 (47%) of the submissions proposed that the new Byron to Suffolk cycle way be named after Ben Donohoe, a well known local boy tragically killed in an accident in 2010 near the Roadhouse Café. The idea behind the proposal is to raise awareness of safe road and cycleway use, and function as a memorial to a loved member of the community. The idea was first proposed in May 2018, with subsequent and more numerous requests being received as part of the Bike Plan consultation. During the Byron to Suffolk Cycleway Investigation public exhibition, a Facebook group with 966 members was formed in support of the proposal. Both the Echo and The Northern Star have published stories about the initiative.

30 *“Ben was a popular young man that had grown up in Byron Bay. He and a friend hitched a ride home late at night after work, the lack of transport options propelled him to make this fateful decision, and was killed within seconds of getting in to the car... We asked family and friends to mention in their submissions their support for the 'Ben Donohoe Memorial Cycleway,' and a school friend of Ben's started a Facebook page. It grew to over 400 members in 24 hours. By the time the submissions closed it had grown to close to almost 1000 members. We believe the great response was indicative of the sense of community and connection the people of Byron Shire.*

40 *We also feel that naming the cycleway in Ben's honour will strengthen this sense of connection and make it much more than just (much needed and appreciated) infrastructure. It will serve to remind people that Byron is a caring and strong community. To visitors and tourists who use the cycleway, 'Ben Donohoe' will be just a name, but to the locals it will mean much more.” – Melissa Armstrong, proponent.*

45 **Options**

1. **Whether or not to proceed with the Proposed Option Concept Design as the basis for development of the Byron Bay to Suffolk Park Cycleway.**

Overwhelming support for the Proposed Option Concept Design with minimal objection to the proposal (especially the Central and Southern Sections) generally suggests that the facility in its current conceptual form is fit for purpose and endorsed by the community. The majority of objecting submissions made comments only relevant to the Northern Section, and so this section should be considered separately.

Recommendation: Proceed with the Proposed Option Concept Design as the basis for development of the Byron Bay to Suffolk Park Cycleway.

2. Whether to proceed with Option 2B or Option 4 (rail trail) for the Northern Section of the Byron Bay to Suffolk Park Cycleway.

Only a small proportion of the submissions (7%) specified a preference for Option 4 (rail trail) over Option 2B for the Northern Section. The primary reasons for this preference were the loss of parking, impacts to resident access and perceived safety issues associated with Option 2B.

The following facts must be considered:

- Utilisation of the rail corridor as a cycleway is not yet guaranteed as a feasible option due to the requirement of land acquisition and the possibility that other projects may be undertaken on the land.
- Option 4 was considered during the investigation and identified as a potential option for additional future works beyond the upgrade of the study corridor.
- Option 2B was developed during the investigation and considered by the working group (TIAC) to be the most suitable option.
- A parking study was conducted during the investigation and it was found that parking along Bangalow Rd is currently under-utilised, and that sufficient parking exists for Option 2B to not have a significant impact to resident parking.
- Impacts to residents and safety issues can be minimised through careful and well thought-out detailed design of the Northern Section.

Recommendation: Proceed with Option 2B for the Northern Section, and that parking, impact to resident access and safety be carefully considered during the development of the detailed design to minimise issues. Option 4 should continue to be considered as a potential option for additional future works beyond the upgrade of the study corridor.

3. Whether or not to adopt each of the suggestions made during the public exhibition process, including the suggestions made by The Byron Bay General Store.

These suggestions must be considered during the development of the detailed design and implemented if suitable and feasible.

Recommendation: Consider each of the suggestions submitted as part of the public exhibition process during the development of the detailed design, and implement/include in the design if suitable and feasible. Undertake consultation with The Byron Bay General Store during the development of the detailed design and further progress of the project.

4. Whether or not to name the cycle way the 'Ben Donohoe Memorial Cycle Way'.

There is strong community backing for this proposal, with nearly half (48%) of the submissions including a statement indicating their support.

Recommendation: Name the cycle way the 'Ben Donohoe Memorial Cycle Way'.

Next steps

Following public exhibition, Council needs to consider the submissions received and resolve on the above options and the future actions.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.4	Update Bike Plan and Pedestrian and Access Mobility Plan (PAMP)

Legal/Statutory/Policy Considerations

There are no negative legal, statutory or policy implications at this time.

Financial considerations

The Byron Bay to Suffolk Park Cycleway project as a whole is not entirely funded.

The detailed design and construction of Stages 1, 2 & 5 (minimum scope, 1.5m shared paths) is currently underway, funded as follows:

- \$110,000 Council funds (allocated)
- \$500,000 Stronger Country Communities Fund R2 grant (awarded)

An RMS Active Transport Cycling Towns grant of \$3,000,000 over 3 years, starting in 2019/20, has been applied for to fund the detailed design and construction of the following stages:

- Stages 1, 2 & 5 (additional scope to provide full width shared paths)
- Stages 3, 4, 6 & 7 (including connections to Sandhills and Town Centre via the Butler St Bypass.

An RMS Active Transport Connecting Centres grant of \$996,271 for 2019/20 has been applied for to fund the following in the case that the Cycling Towns grant above is not awarded:

- Stages 1, 2 & 5 (additional scope to provide full width shared paths)
- Stage 3

This would require further Council contributions of \$356,271 to come from S94 and Council reserves.

Announcements of award of RMS Active Transport grants are expected before the end of the 2018/19 financial year. Until then, Stages 1, 2, and 5 will proceed with the expectation that the scope could be increased if either of the RMS Active Transport grants are awarded.

5 *Consultation and Engagement*

Further consultation and engagement will be undertaken during and after the development of the detailed design for each stage as the project progresses if and when required. Consultation will also take place prior to and during construction to ensure residents are well aware of the works.

10

Report No. 13.22 **Proposal for Naming Maslen Arboretum - Results of Public Exhibition**
Directorate: Infrastructure Services
Report Author: Andrew Erskine, Open Space Technical Services Officer
File No: I2019/127

5

Summary:

10 As per Resolution **18-733** the proposal to name a section of Heritage Park, Mullumbimby the Maslen Arboretum was exhibited for a period of 28 days.

Two submissions were received with no objections to the renaming but with some suggestions on sign style and dog management.

15

The report seeks approval from Council to submit the new name with the NSW Geographical Names Board for approval.

RECOMMENDATION:

1. That Council adopt the name 'Maslen Arboretum' for the western section of Heritage Park
2. That staff submit an application to the NSW Geographical Names Board to formalise this naming of a place.

20

Attachments:

- 1 Confidential - Letter from June Grant - Submission of Objection - Name Proposal - Western Section of Heritage Park, MULLUMBIMBY, S2019/389
- 25 2 Confidential - Email from Linda Maslen, Brenda Jarret and Peter Maslen - Submission - Park Name Proposal Maslen Arboretum - Western Section of Heritage Park MULLUMBIMBY, E2019/10544

REPORT

While only 2 submissions were received they both contain provisos; the first of these has concerns regarding dogs off-leash for this section of the park, the author feels that fauna attracted to the available habitat are under threat from dogs off-lead.

In Council's Policy (Companion Animal Exercise Areas 5.31) Heritage Park is designated as an off-lead area (dogs are excluded from within 10m of the children's play area). Later this year a report looking at "dogs in Public spaces" is planned to be reported to Council. This report will be looking at current off lead /on lead DEA's within the shire. It is believed that the public will be able to make comment on the contents of the report.

The second submission is from the Maslen Family who support the nomination but have recommendations on the style of signage to be displayed at the entrance to the park;

In naming the arboretum section of the park it would be appreciated if the entrance sign was amended to the original full name of the park, namely "Brunswick Valley Heritage Park".



This is the current sign; it can be modified to include Brunswick Valley above it. The Maslen Arboretum sign would appear separately once the visitor had proceeded beyond this gateway.

Next steps

1. Staff to submit application to the Geographical Names Board requesting the renaming is formalised.
2. Staff order new signage to be made.
3. Signage installed and the Maslen family and community invited to attend a dedication ceremony officiated by an interested Councillor.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.1	Partner to protect and enhance our biodiversity, ecosystems and ecology	3.1.2	Restore degraded areas and habitats that have or provide significant or high environmental and or community value	3.1.2.4	Identify new high profile sites for restoration works

Legal/Statutory/Policy Considerations

We will be following the guidelines of the Geographical Naming Board

5

Financial Considerations

\$2,500 to allow for the manufacture and installation of new signage from Parks and reserves maintenance Mullumbimby Crown.

10

Consultation and Engagement

The proposal for this naming was advertised for a period in excess of 28 days via Council's block advertising and website.

15

Report No. 13.23 **Byron Bay Memorial Recreation Grounds Draft Plan of Management**
Directorate: Infrastructure Services
Report Author: Darren McAllister, Acting Open Space and Facilities Coordinator
File No: I2019/136

5

Summary:

10 A revised draft Plan of Management for the Byron Recreation Grounds (PoM) has been prepared in accordance with previous Council resolutions and requirements of the Local Government Act 1993 and associated regulations.

15 This report seeks Council endorsement to undertake the next step to publicly exhibit the PoM in accordance with the requirements of the Act and to undertake a Public Hearing after the completion of the exhibition period.

RECOMMENDATION:

1. That Staff arrange for the public exhibition of the draft Plan of Management, in accordance with the requirements of the *Local Government Act 1993*; including arrangements for an independently chaired Public Hearing at the completion of the exhibition period.
2. That a post-exhibition report be brought to Council, including conclusions and recommendations from the Public Hearing, to allow the adoption of a Plan of Management for the Byron Bay Memorial Recreation Grounds.

20

Attachments:

- 1 E2019 6134 Draft Plan of Management Byron Bay Memorial Recreation Grounds V6, E2019/6134
25 2 Byron Memorial Recreation Ground Plan of Management Stakeholder Workshop 26 April 2018
Minutes, E2018/35758

REPORT

At a series of Council meetings since August 2017, Council has considered a draft Plan of Management for the Byron Recreation Grounds and resolved as follows:

Res **17-370**, 24 August 2017

Resolved that this matter be deferred so that information be shared at the next available Strategic Planning Workshop and at this workshop other Plans of Management in the Byron Shire areas and examples of other shire's plans are shared.

Res **17-458**, 26 October 2017

Resolved 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.*

Res **17-693**, 14 December 2017

- 1. *Withdraw the draft Plan of Management for the Byron Bay Memorial Recreation Grounds currently on public exhibition.*
- 2. *Write to residents who have already lodged submissions on this draft, informing them of this decision, thanking them for their engagement and submission and informing them that their submission will be considered as part of the new draft to be exhibited in the new year or new submissions will be gratefully accepted.*
- 3. *Consider the 2015 draft Plan of Management, completed as part of the Byron Bay Town Centre Master Plan process, the preferred document to be exhibited in the new year for possible adoption.*
- 4. *Convene a council workshop and a workshop with stakeholders to consider and inform the draft document prior to its exhibition.*

Res **18-080**, 1 February 2018

- 1. *Note that the Version 1 (2015) was used as the basis for preparation of the final draft PoM but that it contained draft content that was inconsistent with Council Resolution 16-294.*
- 2. *Identify the following stakeholders to be invited to a workshop/s with Councillors under Part 4 of Resolution 17-693 as: current user groups of the Recreation Grounds, the Byron Bay Community School and Byron Bay Public School, representatives from the Event/Festivals Industry, Byron Bay Community Centre and Community Service representatives, representatives from local adjoining property owners, Byron Bay RSL and Feros Aged Care, fitness industry representatives.*
- 3. *Confirm that the draft Plan of Management will facilitate only those alternative community or commercial uses that:*
 - a) *are compatible both with the categorisation of the facility and the current sporting uses at the Grounds; and*
 - b) *that do not interfere with the scheduled use of the sporting fields nor degrade fields or facilities utilised by sporting users.*

4. *Clarify that:*

- a) *as required, any revised draft PoM, will have to be prepared having regard to feedback from all previous and any new consultation;*
- b) *the “preferred document” status of the 2015 draft PoM stated in Resolution 17-693 (Part 3) will need to be reviewed when Council next considers this matter, so that Council’s discretion to consider all community input is not fettered.*

All items of **Resolution 18-080** are now complete and a revised draft Plan of Management (attachment 1) has been developed by staff in consultation with representatives of stakeholders. The document has been reviewed and endorsed by representatives of the current users of the grounds, who now consider the 2017 format, with revised land categories, to be the preferred format. Key issues of previous drafts have been resolved with stakeholders.

The current draft is consistent with Open Space and Recreation Needs Assessment and Action Plan as adopted 13 December 2018 – **Resolution 18-843**. Minutes of workshop as per item 2 of **Resolution 18-040** can be found at attachment 2.

Progress to Date

August 2015

During development of the Byron Bay Town Centre Masterplan, the recreation grounds were identified as significant open space to the town centre and subsequently identified as 1 of 6 catalyst sites.

Feedback received during the Master Plan consultation phase informed the draft Plan of Management (PoM) for the Grounds. Running parallel with the Masterplan development, the consultants were asked to prepare a first draft Plan of Management (2015 PoM) for the Grounds.

In terms of format, the first draft PoM (2015) followed a very traditional format, making it bureaucratic and long. At nearly 50 pages, it was not particularly reader-friendly meaning it would be unlikely to be read by many in the community.

This Council has made a commitment to using ‘Plain English’, ‘keeping it simple’ and making sure Council’s plans are living documents that everyone can understand and use.

The draft PoM included an Action Plan with a list of actions that included many requests from the sports user groups along with some community requests.

An Action Plan in a PoM is a promise by Council to the community to deliver each of the actions in the plan within 10 years. So, when consultants prepare draft PoM’s, the draft provided to a council is a ‘work in progress’ and then it is up to the council to consider the requested actions, assess them (cost feasibility, compatibility with surrounding area, approval requirements, site constraints, competing community requests, equity and access etc.) and determine what can actually be delivered.

August to November 2016

After adoption of the Masterplan, a consultant was retained to review the draft PoM.

The consultant proceeded to survey users of the Grounds and prepared a revised draft with an updated list of requested actions.

January to February 2017

An independent community survey was conducted (the same as had been conducted to inform Council's adoption of the 2002 PoM for the Byron Bay Memorial Recreational Grounds).

The survey confirmed the outcomes of previous consultation namely that the highest level of appeal for activities at the Grounds were:-

1. Events at 78%
2. Organised Sport at 77%
3. Passive Recreation also at 77%
4. Entertainment at 76%.

The results of the survey, with all the previous feedback, were used to prepared the final 2017 draft PoM (referred as Version 5), including the recommended re-categorisation to enable uses compatible with active sport to also occur, as per the community feedback.

The 2017 draft PoM was developed using a 'Plain English' format that is more enabling rather than restrictive and bureaucratic.

The draft PoM was placed on exhibition between 9 November and 14 December 2017. During that period Council received 14 submissions. Of them, 1 was supportive and 1 only sought clarification about a particular part. Of the remaining 12, some requested maintenance current or increasing either the active sport or passive recreation use, a number raised concerns about 'commercialisation' and importance of the Grounds for use by young people, children and schools was reconfirmed.

At Council's 14 December 2017 meeting the draft Plan of Management for the Byron Bay Memorial Recreation Grounds that was on public exhibition was withdrawn.

At Councils 1 February 2018 meeting, the following was resolved

Note that the Version 1 (2015) was used as the basis for preparation of the final draft PoM but that it contained draft content that was inconsistent with Council Resolution 16-294.

4. *Identify the following stakeholders to be invited to a workshop/s with Councillors under Part 4 of Resolution 17-693 as: current user groups of the Recreation Grounds, the Byron Bay Community School and Byron Bay Public School, representatives from the Event/Festivals Industry, Byron Bay Community Centre and Community Service representatives, representatives from local adjoining property owners, Byron Bay RSL and Feros Aged Care, fitness industry representatives.*

5. *Confirm that the draft Plan of Management will facilitate only those alternative community or commercial uses that:*

- a) *are compatible both with the categorisation of the facility and the current sporting uses at the Grounds; and*
- b) *that do not interfere with the scheduled use of the sporting fields nor degrade fields or facilities utilised by sporting users.*

4. *Clarify that:*

- c) *as required, any revised draft PoM, will have to be prepared having regard to feedback from all previous and any new consultation;*

- d) *the “preferred document” status of the 2015 draft PoM stated in Resolution 17-693 (Part 3) will need to be reviewed when Council next considers this matter, so that Council’s discretion to consider all community input is not fettered.*

February 2018 to February 2019

Following consideration at a Strategic Planning Workshop, the 2017 draft PoM was again considered by Council on 1 February 2018.

The draft was subsequently revised by staff and representatives from the Grounds users following a stakeholder workshop at the Cavanbah Centre in April 2018. It was during this period that stakeholders identified the 2017 format as preferred.

A final draft was completed in February 2019.

Key differences between the first draft (2015) and current draft (2019)

It is important to confirm up front that all 3 draft PoM’s for the Grounds contained objectives that the Ground be used for local sport, passive recreation, general community use and compatible forms of commercial activity.

The main differences between the first (2015) and current draft are:-

1. *Categorisation of the Land*

The 2015 draft carried forward the existing categorisation of predominantly Sportsground and only a small part General Community Use. The 2017 draft classified the entire land parcel as General Community Use. The current draft increases (from 2015 draft) the amount of the General Community Use categorisation to all areas outside of existing and defined sports ground. (See page 5 of Attachment 1 for further clarification.)

This is consistent with the community feedback and with the stated objectives of the PoM to provide for “diverse passive and active leisure and recreation activities” and with other content, including some parts of the Action Plan. Recent consultation with existing sporting clubs, as primary users, has confirmed their agreement of retaining existing Sportsground categorisation whilst increasing their opportunities to raise revenue from the Grounds usage to reinvest back into the Grounds through expanding the General Community Use area.

2. *New format*

During 2018 stakeholders identified the 2017 format as the preferred template. The current draft was developed using a ‘Plain English’ format that is more enabling rather than the restrictive and bureaucratic template used in the 2015 draft.

3. *Action Plan*

The Action Plan in the 2015 draft was a ‘work in progress’ considered to form a ‘wish list’ of actions that still required reality checking to ensure that any actions contained in the Plan could actually be delivered. With some exceptions the actions were also prescriptive, so in future if an action was not listed, Council would not have been able to carry it out without having to first review the PoM.

In contrast, the Action Plan in the final draft contain no specific actions and are broad and enabling, designed so that if a new opportunity arose, e.g. through grant funding, it could be acted on without the long process of reviewing the PoM for having to occur first.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.5	Maintain Public Open space in a safe and efficient way that provides for both active and passive recreation (SP)	2.3.5.1	Plan and deliver Open Space works programs based on defined levels of service

5 *Legal/Statutory/Policy Considerations*

The Local Government Act and Regulations prescribe the process, and minimum content, for preparing Plans of Management. Council's Legal Counsel provided advice that the revised template satisfied the statutory requirements for content.

10 The prescribed process governing development of and consultation on a Plan of Management, including the requirement to hold a public hearing for a change in categorisation, must continue to be followed by Council.

15 *Financial Considerations*

Public Hearing and advertising costs that can be funded from existing operational budgets.

Consultation and Engagement

20 *Workshop 26 April 2018 – Cavanbah Centre*
 Invitations to: Councillors, current user groups of the Recreation Grounds, the Byron Bay Community School and Byron Bay Public School, representatives from the Event/Festivals Industry, Byron Bay Community Centre and Community Service representatives, representatives from local adjoining property owners, Byron Bay RSL and Feros Aged Care, fitness industry representatives.

Present:
 Scott Walker – Ross Planning
 30 Michael Matthews – Byron Shire Council
 Darren McAllister – Byron Shire Council
 David Royston-Jennings – Byron Shire Council
 Cr Sarah Ndiaye – Byron Shire Council
 Cr Paul Spooner – Byron Shire Council
 35 Andrew Bates – Byron Bay Tennis
 John McKay – Byron Bay Football Club
 Stephen Eakin – Byron Bay Basketball

Draft Review

40 John McKay – Sportsground User Representative
 Rob Kempnich – Byron Bay Football Club

Report No. 13.24 **Parking Options for Teachers and Staff at Byron Bay Public School**
Directorate: Infrastructure Services
Report Author: Evan Elford, Team Leader Infrastructure Planning
 Andrew Pearce, Traffic Engineer
5 **File No:** I2019/182

Summary:

10 This report deals with the issue of parking and school permits for parking which has been on hold since early August 2018, after Council received concerns from the Byron Bay Public School teachers in relation to the implementation of the interim parking scheme and the impacts on teaching staff.

15 A number of options are available for teachers and staff to park within the school precinct, including an area of free parking, however there is reluctance from teachers to pay for any form of permit.

20 Staff recommend extending the existing Interim Permit Scheme to include a Byron Bay Public School Parking Scheme for teachers and staff.

RECOMMENDATION:

1. **That Council introduce a Byron Bay Public School parking permit scheme with permits for teachers and staff at Byron Bay Public School based on Council's existing Interim Permit Scheme**
2. **That the Byron Bay Public School permits apply only to the car spaces designated on the permit between the hours 9am and 6pm on gazetted school days.**

REPORT

On 22 March 2018 Council received a report and recommendations for Council to implement an interim parking permit scheme to enable shire residents and workers, who do not fully meet the requirement necessary to obtain a permit under the existing parking schemes, to apply for an interim parking permit to avoid being disadvantaged while Council staff continue to review and develop parking scheme permit criteria generally.

Council has a requirement to ensure that residential and pay parking schemes meet RMS requirements and any relevant statutory obligations.

Council resolved as follows :-

Resolved (18-132) that Council:

1. *Implement an interim parking permit scheme for shire residents and workers that do not meet the current criteria to obtain a permit under the existing pay parking and residential parking scheme requirements.*
2. *Require a resident to prove that they reside within a pay parking or residential parking scheme and that there are no options available for the resident to park within the private property space of their residence in order to obtain an interim permit noting that the permit will specify the location to which the permit will apply.*
3. *Require a worker to prove that they work at a business or organisation located within a residential parking scheme and that there are no options available for the worker to park within the private property space of their place of work in order to obtain an interim permit noting that the permit will specify the location to which the permit will apply.*
4. *Apply the existing pay parking permit fees of \$55 for residents and \$110 for workers for interim parking permits until such time as the criteria is reviewed and new fees and charges for the interim permits are adopted.*
5. *Restrict the number of permits to one per resident or worker with permits being valid for a maximum period of 12 months noting that a valid permit will require to be displayed within the vehicle and contain the registration number of the vehicle to be valid.*
6. *Receive a report within 12 months to review the performance of the interim parking permit scheme.*

Byron Bay Public School had in the past received resident parking permits free of charge.

Conversion to the interim parking permit scheme was considered necessary as workers did not meet the necessary requirements for resident permits as outlined in the RMS requirements.

After receiving Interim Parking Permit application forms and associated terms and conditions, teachers expressed concerns in relation to Council requiring payment for interim parking permits noting that school staff would commence a media campaign if not resolved in their favour.

Accordingly, the issue of interim permits to teachers was placed on hold while parking and permit options were investigated by staff. The plan below identifies the current parking restriction locations in place around the Public School area.

- 5
- No Parking
 - - - - - No Parking or Bus Zone - 8-9.30 am and 2.30-4pm school days (unrestricted at other times)
 - Unrestricted Parking
 - Open (all day – no time limit) Metered Pay Parking
- 10
- 4P Timed Residential Precinct Parking
 - - - - - 2P Timed Residential Precinct Parking



There is a limited amount of free parking on the western side of Tennyson Street and some free parking in Carlyle Street although it would not be possible to park at this location all day due to school morning and afternoon pickup time restrictions (free from 9.30am to 2.30pm).

- 5 The majority of the available parking in the immediate area is metered pay parking although non time restricted.

Staff at the School have always had the ability to apply for e-permits to park in these areas as either a shire resident (cost \$55) or as a worker whose place of work is in the pay parking scheme area (cost \$110).

15 The fact that school staff were given free permits previously has probably lead them to believe they are always going to be entitled to free permits when they are in the same situation as any other worker who has to purchase their permits.

The introduction of the interim parking permit enables the school staff to apply for a workers interim permit for use in the Residential Parking Scheme area that abuts the School. This has increased the area in which staff are now able to park where previously they were ineligible.

- 20 None of the permits guarantee that a parking space will be available but the interim permits have now increased the number of parking spaces where teachers can park.

The investigations revealed the options for school teachers for car parking in accordance with signed parking and permit schemes terms and conditions being operated by Council are:

- 25
1. Park in the all day parking free of charge in the Unrestricted Parking area in Tennyson St.
 2. Park in the unrestricted parking areas free of charge outside of time restrictions that apply only on school days in Carlyle St.
 - 30 3. Park in the unrestricted parking areas outside of "Bus Zone" time restrictions that apply only on school days in Kingsley Streets. Note the Kingsley St area is within Council's "School Precinct Residential Parking Scheme" area and accordingly an interim Parking Permit would be required for this area. Unless a resident of the Precinct, teachers would be required to purchase a workers Interim Parking Permit - Cost for this option would be \$110.
 - 35 4. Park in the 4P "School Precinct Residential Parking Scheme" area. An interim Parking Permit would be required for all day parking 9am to 6pm. Teachers would need to purchase a worker Interim Permit – Cost for this option would be \$110.
 - 40 5. Park in the Open (all Day no time limit) metered pay parking in Marvel, Carlyle and Middleton Streets. This area will require those parking to pay by the hour or to have prepaid via Council's e-permit parking scheme which applies to all Council's Byron Bay pay parking areas. Teachers, if a resident of Byron Shire could purchase an e-permit for \$55. As the
 - 45 School is a place of work, teachers who reside outside of the shire could be eligible to purchase a workers e-permit at a cost of \$110. All applications need to comply with supporting documentation requirements as outlined in Council's e-permit scheme terms and

conditions. This option has always been available for teachers to take up since the introduction of pay parking in these areas.

5 The Interim Parking Permit scheme only applies to residents who reside within a pay parking scheme area or workers in a residential parking scheme area whose place of work is within the precinct. The School abuts both pay and residential parking scheme areas and it is therefore appropriate to consider applications for workers permits in the residential scheme. As outlined above, teachers may already be eligible for e-permits for the pay parking area.

10 Interim Permits only apply to parking areas of 4P or greater duration as noted in the terms and condition. Accordingly, the permit does not apply to the southern side of Kingsley Street as this area is designated 2P.

15 Council advises all applicants that the issue of a permit does not guarantee availability of parking.

Currently, the school staff are continuing to use their current exemptions which will need to be brought to a decision point.

Accordingly, Council can:

- 20
- Continue to provide an ad-hoc exemption to staff (not recommended by Council staff)
 - Impose the Interim Parking Scheme and enforce
 - Provide a limited amount of Interim Permits to the school (not recommended by Council staff due to issues associated with management and enforcement)

25 Providing parking permits to teachers at Byron Bay Public School can be achieved through including them within the existing Interim Permit System as approved by Council. The existing Interim Permit is a printed permit system that identifies the location for parking and any other applicable restrictions relating to the use of the permit.

30 Applicants are required to complete an application form and provide support information for assessment by Council staff. Provided the application is successful, a printed permit is then issued to the applicant. For an application to be successful the applicant would need to provide information that verifies employment at the school and of course all other required information about their vehicle, etc. In the case of Byron Bay Public School, the parking could be restricted to a maximum of 60 identified parking spaces to be mapped by Council staff.

35

The permit would not be valid for any other parking areas within Council's existing permit scheme areas and would only provide for parking between the hours of 9am and 6pm on designated school days, which would cover afternoon meetings, etc, however Council may choose to waive this fee for teachers.

40

Interim permits can be applied for via existing forms and processed as per existing interim permits procedures and consideration should be given to extending this to non teaching staff at the school to avoid any sense of discrimination.

45

Interim permits cost applicants \$110 which will offset any costs associated with additional time on behalf of Councils Parking Officers and administration staff to process permits, maintain the database on an ongoing bases and monitor the system in the field. Council staff management of

the system is essential to ensure the permit scheme performance and impacts can be monitored and compliance with permit regulations are being adhered to.

- 5 Utilising and modifying the existing interim permit scheme is the quickest way to facilitate permits and for the Byron Bay Public School permit scheme to be up and running.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.3	Promote and support local business development, education and employment opportunities	4.3.1	Facilitate and support sustainable development of our business community	4.3.1.2	Continue to provide support to local business

10

Legal/Statutory/Policy Considerations

There are no legal, statutory or policy implications as the interim permit system has already been established by Council.

15

Financial Considerations

The cost associated with implementing the Byron Bay Public School Parking Scheme should be relatively minor as they form a natural extension to works already being carried out. The \$110 application fee should offset any additional cost.

20

Consultation and Engagement

Staff will consult directly with Byron Bay Public School following Council's determination of recommendation

25

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES**Report No. 14.1 Report of the Audit, Risk and Improvement Committee Meeting held on 15 November 2018**

Directorate: Corporate and Community Services
Report Author: Mila Jones, Corporate Governance Coordinator
File No: I2019/38
Theme: Corporate Management
Corporate Services

Summary:

The attachment to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting held on 15 November 2018 for determination by Council.

RECOMMENDATION:

1. That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 15 November 2018.

2. That Council adopts the following Committee Recommendation:

Report No. 4.1 Audit, Risk and Improvement Committee Constitution Review
File No: I2018/1655

Committee Recommendation 4.1.1

That the Audit, Risk and Improvement Committee adopt the updated Constitution (E2018/71315).

3. That Council adopts the following Committee Recommendation:

Report No. 4.2 2017/2018 Financial Statements
File No: I2018/2139

Committee Recommendation 4.2.1

That the Audit, Risk and Improvement Committee notes the report on the 2017/2018 Financial Statements and the Draft 2018 Client Service Report received from the NSW Audit Office.

4. That Council adopts the following Committee Recommendation:

Report No. 5.1 Fraud and Corruption Control
File No: I2018/1752

Committee Recommendation 5.1.1

That the Audit, Risk and Improvement Advisory Committee:

1. Endorse the Fraud and Corruption Control Policy (E2018/71390) and Strategy (E2018/71426).

2. **Recommend that Council place the Fraud and Corruption Control Policy (E2018/71390) on public exhibition for a period of 28 days, and in the event:**
 - a) **that any submissions are received on the draft policy those submissions be reported back to Council prior to the adoption;**
 - b) **that no submissions are received the draft policy be adopted.**
3. **Note the Internal Investigations Procedure.**
5. **That Council adopts the following Committee Recommendation:**

Report No. 5.2 Internal Audit Progress Report - November 2018
File No: I2018/1581

Committee Recommendation 5.2.1

That the Audit, Risk and Improvement Advisory Committee:

1. **Note the Internal Audit Activity Report – November 2018 (E2018/89644)**
 2. **Endorse the completion of recommendations as per table 1**
 3. **Endorse the revised Internal Audit Plan**
6. **That Council adopts the following Committee Recommendation:**

Report No. 5.3 External Audit Progress Report - November 2018
File No: I2018/1582

Committee Recommendation 5.3.1

That the Audit, Risk and Improvement Advisory Committee:

1. **Note the progress of Council's External Audit Recommendations**
 2. **Endorses the completion of those noted in Table 1 and items 2, 14 and 18 in Table 2.**
7. **That Council adopts the following Committee Recommendation:**

Report No. 5.4 Risk Management Framework
File No: I2018/1754

Committee Recommendation 5.4.1

That the Audit, Risk and Improvement Advisory Committee endorse the Risk Management Framework (E2018/51599, E2018/61724 and E2018/83700).

8. **That Council adopts the following Committee Recommendation:**


Report No. 5.5 Information Security Management System
File No: I2018/1983

Committee Recommendation 5.5.1

That the Audit Risk and Improvement Committee note the update provided in the report on the Information Security Management System.

Attachments:

5

- 1 Minutes 15/11/2018 Audit, Risk and Improvement Committee, I2018/2224 

Report

The attachment to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 15 November 2018 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2018/11/ARIC_15112018_AGN_796_AT_WEB.htm

Report No. 4.1 Audit, Risk and Improvement Committee Constitution Review

Council's internal auditors OCM recommended as part of their review into Council's fraud and corruption prevention controls to review and update the Audit, Risk and Improvement Committee's Constitution regarding fraud and corruption.

Report No. 4.2 2017/2018 Financial Statements

This item provided the Audit, Risk and Improvement Committee with a report on the external audit for the financial year ended 30 June 2018. It covered the financial results for Council for the 2017/2018 financial year and provides the opportunity to consider the Draft 2018 Engagement Closing Report in respect of the audit provided by the NSW Audit Office.

The 2017/2018 Financial Statements were to be considered by the Audit, Risk and Improvement Committee on 11 October 2018 but as the audit was not finalised by this date, the Meeting was cancelled. Council adopted the 2017/2018 Financial Statements at its Ordinary Meeting held on 18 October 2018 through resolution **18-678** and presented them to the public at the Ordinary Meeting to be held on 22 November 2018.

Report No. 5.1 Fraud and Corruption Control

This provided the Audit, Risk and Improvement Advisory Committee with a draft Fraud and Corruption Control Policy, Strategy and Internal Investigation Procedure for its consideration and endorsement.

Report No. 5.2 Internal Audit Progress Report - November 2018

This report presented the Internal Audit Activity Report - November 2018 prepared by the Internal Auditor, O'Connor Marsden and Associates (OCM).

Report No. 5.3 External Audit Progress Report - November 2018

This report provided the Committee with an update on the status of Council's active external audit recommendations

Report No. 5.4 Risk Management Framework

This report provided the Audit, Risk and Improvement Advisory Committee with the draft components of an enterprise-wide Risk Management Framework for its consideration and endorsement.

Following the Committee Meeting on 15 November 2018, all staff were consulted on the Risk Management Framework and asked to provide feedback. In order to allow for this consultation period, this Report of Committee was not able to be reported to Council in December 2018. The exhibition period is now over and no feedback was received from staff.

Report No. 5.5 Information Security Management System

5 This report provided an update to the Audit, Risk and Improvement Committee on the activities to date, and those planned, in relation to a Council information security management system (ISMS) and IT business continuity management system (BCMS).

Financial Implications

10 As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 15 November 2018.

Statutory and Policy Compliance Implications

15 As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 15 November 2018.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 November 2018

Directorate: Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2019/2
Theme: Infrastructure Services
 Emergency Services and Flood Management

Summary:

The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 29 November 2018 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Byron Shire Floodplain Risk Management Committee Meeting held on 29 November 2018.**

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

Report No. 4.1 North Byron Floodplain Risk Management Study - Update
 File No: I2018/1954

Committee Recommendation 4.1.1

1. That the committee note the report.
2. That Council recognise the weakness of service provided by the consulting company which prepared the Flood Study and consider that in future engagements.
3. That the combination of ocean outlets and dredging is considered as another mitigation option.

Attachments:

- 1 Minutes 29/11/2018 Byron Shire Floodplain Risk Management Committee, I2018/2297 

Report

5 The attachment to this report provides the minutes of the Byron Shire Floodplain Risk Management Committee Meeting of 29 November 2018 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2018/11/BSFRM_29112018_AGN_928_AT.PDF

Committee Recommendation

10

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

Financial Implications

15

As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 29 November 2018.

Statutory and Policy Compliance Implications

20

As per the Reports listed within the Byron Shire Floodplain Risk Management Committee Meeting of 29 November 2018.

Report No. 14.3 Report of the Coastal Estuary Catchment Panel Meeting held on 29 November 2018

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2019/131

Summary:

Council's Coastal Estuary Catchment Panel meeting was held on 29 November 2018.

The recommendations coming from this meeting are provided for Council's consideration and recommendation.

Additionally consideration of changing the Coastal Estuary Catchment Panel to a Council Committee has been requested by the Panel.

RECOMMENDATION:

1. That Council note the minutes of the Coastal Estuary Catchment Panel Meeting held on 29 November 2018.

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

Report No. 4.1 Coastal Projects and Update

File No: I2018/2002

RECOMMENDATION:

That the Coastal and Estuary Catchment Panel note the Coastal Projects update.

Note: Alternative Flowpath Project Updated to be included in next Agenda

3. That Council does not adopt Committee Recommendation(s) 4.2 as shown in the attachment to this report, but instead adopts the Management Recommendation(s) as follows:

That Council continues the current format of the Coastal Estuary Panel and continue to report the recommendations of the Panel to Council for consideration for the remainder of the term of this Council.

Attachments:

1 Draft Constitution of Coastal Estuary Catchment Committee drafted by Panel Members, E2019/11167



2 Revised Draft Byron Catchment Constitution drafted by Council staff, E2018/107347



3 Minutes 29/11/2018 Coastal Estuary Catchment Panel, I2018/2214



Report

The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting of 29 November 2018 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2018/11/CECP_29112018_AGN_814_AT.PDF

Committee Recommendation

1. *That Council convert the current Panel to Advisory Committee, appoint current community representatives and Councillors to the Committee and advertise for new members if required.*
2. *That Council endorse a constitution as discussed on 29 November 2018*

Management Comments

Management do not fully agree with the Panel's recommendations or the Constitution presented by the Panel, for the reasons given below.

Council have many and varying Committee's already. Some of the subjects considered by the Coastal Estuary Catchment Panel to date are already being considered by other Committee's of Council. However, there could be merit in having a Committee which has a more holistic view of catchment management issues.

The current Coastal and Estuary Catchment Panel Constitution (E2016/91593) – is brief and there are no terms of reference. There is a small purpose statement and no other detail in relation to the Panel's objectives.

Previously, Report No.4.3 (I2016/925) from 29 September 2016 - 'Determination of Councillor Representatives on Advisory Committees' – recommended that the:-

'Belongil Estuary Catchment Panel' be re-named to the present Coastal Estuary Catchment Panel. Also at this meeting the Belongil Creek Floodplain Risk Management Committee and the North Byron Coastal Creeks Floodplain Risk Management Committee merged to form the new Byron Shire Floodplain Risk Management Committee.

Some scope creep has occurred since the original Belongil Estuary Catchment Panel. The Coastal Estuary Catchment Panel's role/responsibilities, and/or parameters around information to be reported to the Panel and the conversation and topics covered has evolved and grown.

Coast, estuary and catchment issues encompass a very large subject area that involving subjects and themes covered by other Committees of Council. However, as previously noted, having a Committee with a more holistic view of catchment issues has some merit. One solution to manage this could be to have a catchment based Committee which looks at individual catchments within the shire. For example the proposed committee could aim to only consider the Belongil catchment initially.

Considering the reasons and comments above, management propose the following options:

1. No Change:

- 5 Keep the Coastal Estuary Catchment Panel as is for the remaining term of Council and review the Panel as part of the general revision of all Panel/Committees in 2020. This option would involve the present situation of staff reporting recommendations up to Council.
- 10 Reason: There is only a short amount of time left till the end of the Council term. A general review will be completed prior to the end of term and this option will save staff time and resources.

2. Streamline and Re-purpose the Panel as an Advisory Committee:

- 15 The topics covered by this Panel appear to be centralised and focussed on the Belongil catchment. The recent amendments made by Panel members to the present constitution for an advisory Committee to enable the Panel to make recommendations to Council on plans and strategies impacting on the Coastal Catchments. Should this amendment be accommodated this would ultimately mean that the group would make recommendations on plans/strategies for any part of
- 20 the entire spatial extent of Byron Shire (as ultimately the majority of Byron Shire is within a coastal catchment).

Based on the topics of interest for the current group members, the discussions tend to revolve around issues within the Belongil catchment such as Acid Sulphate Soils, flooding, drainage, entrance opening, water quality and estuary health.

Attachment 1 is a constitution drafted up by Panel Members and Attachment 2 is a recommended revised draft of the constitution, should Council wish to proceed with the establishment of an Advisory Committee.

Reason: The original intention of renaming the previous 'Belongil Estuary Catchment Panel' to the present Coastal Estuary Catchment Panel, is unknown, however, it appears the present conversations are still focussed on the Belongil catchment. The Panel could be renamed and the purpose outlined more to focus on the Belongil Issues Study and Catchment Plan presently in development. However, morphing back into the 'Belongil Estuary Catchment Panel' may not be supported by the current panel members.

3. Dissolve Panel:

40 There appears to be a cross-over/overlap with this Panel's role and other Council Panels and/or Committees. The majority of themes and topics of interest considered by this Panel could be considered by other groups including the Water, Waste and Sewer Advisory Committee; Biodiversity Advisory Committee and the Byron Shire Floodplain Risk Management Advisory Committee.

45 Reason: Due to the duplication/cross over of roles/responsibility, refer current issues being considered to other established advisory committees either as agenda topics or as working groups within the advisory committees to reduce overlap.

Recommendations

- 5 1. Management recommends that Council endorse Option #1 'No Change' or Option #2
 'Streamline and Re-purpose the Panel as an Advisory Committee' in response to the
 Panel's request to become an Advisory Committee.
- 10 2. The remainder of 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 Coastal Estuary Catchment Panel Meeting of 29 November
 2018.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Coastal Estuary Catchment Panel Meeting of 29 November
 2018.

Report No. 14.4 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 31 January 2019

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

File No: I2019/160

Summary:

The attachment to this report provides the minutes of the Water, Waste and Sewer Committee Meeting held on 31 January 2019 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 31 January 2019.**
2. **That Council does not adopt the following Committee Recommendation(s) 4.1 as detailed in the Report , but instead adopts the Management Recommendation(s) as follows**

Report No. 4.1 Murtagh Wetlands Report Update

File No: I2019/10

Management Recommendation 4.1.1

1. That Council note the report State and performance of Byron Bay STP Constructed Wetlands and 24 Ha (E2019/4107) and undertake the recommendations of the report.
2. That Council also consider monitoring phosphorus level in the soil of the Wetland area in order to monitor sequestration of phosphorus over future years.
3. That Council note the report Belongil Water Cycle Study, Scoping Brief -BSC E2019/3137 and undertake the recommendations of the report
4. That Council note the report Sandmining drain/track status and impact on Belongil catchment E2019/3138 and undertake the recommendations of the report
5. That Council consider to undertake piezometric monitoring along the track in preparation for in depth hydrological studies to determine the possible role or impact of the mining drain in the upper Belongil catchment as part of an Integrated Belongil Catchment Management Plan.

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

Report No. 4.2 Mullumbimby Inflow and Infiltration Update

File No: I2019/11

Committee Recommendation 4.2.1

That the Committee note the report

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

Report No. 4.3 Items Requested by Duncan Dey

File No: I2019/12

RECOMMENDATION:

That Council note that the Committee meeting ran over time and this item has been not discussed and have been referred to a meeting of this Committee as the first item in the Agenda.

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

Report No. 4.4 Update on alternate flow path for treated effluent from West Byron STP

File No: I2019/14

Committee Recommendation 4.4.1

1. That Council consider further options for the Additional Flow Path due to the fact that the one currently being considered (Option 2) cannot be used during moderate to heavy rainfall periods.
2. That the options could include (but not limited to) the creation of biodiversity stewardship sites on private property, seeking contributions from developments to strategic environmental repair in locations confirmed as the highest priority for the catchment, an environmental levy and grant funding.

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

Report No. 4.5 The remediation & rehabilitation of the Myocum Quarry Landfill

File No: I2019/17

Committee Recommendation 4.5.1

That WWSC receive further information on the status and obligations of rehabilitation on Council's quarry and other quarries.

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

Report No. 4.6 Make the Switch Program - Six Month Report

File No: I2019/59

Committee Recommendation 4.6.1

That the Council note the December 2018 - Six Month progress report for the Plastic Free

Byron Make the Switch program and communicate successes to key stakeholders.

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

Report No. 4.7 Illegal Dumping and Litter Education and Enforcement Plan
File No: I2019/66

Committee Recommendation 4.7.1

That Council endorse the implementation of the Illegal Dumping and Litter Education and Enforcement Plan 2019.

5

9. Report No 4.8 Frequency of the WWSC meetings.

Committee Recommendation 4.8.1

That Council consider holding a minimum of 5 committee meetings per year.

Attachments:

10 1 Minutes 31/01/2019 Water, Waste and Sewer Advisory Committee, I2019/99 

Report

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 31 January 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/01/WWWSAC_31012019_AGN_1017_AT.PDF

Committee Recommendation

The committee recommendations 4.2; 4.3; 4.4; 4.5; 4.6; 4.7; and 4.8 are supported by management and are provided in the attachment to this report.

Committee recommendation 4.1.1 is not supported by management.

Committee Recommendation 4.1.1

1. That Council note the report State and performance of Byron Bay STP Constructed Wetlands and 24 Ha (E2019/4107) and undertake the recommendations of the report.
2. That Council also consider monitoring phosphorus level in the soil of the Wetland area in order to monitor sequestration of phosphorus over future years.
3. That Council note the report Belongil Water Cycle Study, Scoping Brief -BSC E2019/3137 and undertake the recommendations of the report
4. That Council note the report Sandmining drain/track status and impact on Belongil catchment E2019/3138 and undertake the recommendations of the report
5. That Council undertake piezometric monitoring along the track in preparation for in depth hydrological studies to determine the possible role or impact of the mining drain in the upper Belongil catchment.

Management Comments

Management do not agree with the Committee recommendations 4.1. for the reasons given below and alternatively recommended:

1. *That Council note the report State and performance of Byron Bay STP Constructed Wetlands and 24 Ha (E2019/4107) and undertake the recommendations of the report.*
2. *That Council also consider monitoring phosphorus level in the soil of the Wetland area in order to monitor sequestration of phosphorus over future years.*
3. *That Council note the report Belongil Water Cycle Study, Scoping Brief -BSC E2019/3137 and undertake the recommendations of the report*
4. *That Council note the report Sandmining drain/track status and impact on Belongil catchment E2019/3138 and undertake the recommendations of the report*
5. *That Council **consider** to undertake piezometric monitoring along the track in preparation for in depth hydrological studies to determine the possible role or impact of the mining drain in the upper Belongil catchment as part of an Integrated Belongil Catchment Management Plan.*

The reasons for the suggested change in point 5 of the recommendation is as follows:-

- 5 a) No previous studies, reports, EIS, models etc. have supported to undertake piezometer (piezo) monitoring along the track to determine the possible role or impact of the mining drain in the upper Belongil catchment.
- 10 b) Evidence of location, dimensions, design of the mining drain is minimal therefore insufficient to support a piezo monitoring system.
- c) Uncertainty of the above two points does not provide support to undertake piezo monitoring in the short term.
- 15 d) Staff recommend that part of Integrated Belongil Catchment Management Plan investigation and modelling scenarios include all the available information concerning the possible role or impact of the mining drain and evaluate the possibility to undertake piezo monitoring.

20

Financial Implications

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 31 January 2019.

25

Statutory and Policy Compliance Implications

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 31 January 2019.

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Report No. 14.5 Report of the Local Traffic Committee Meeting held on 8 February 2019**Directorate:** Infrastructure Services**Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services**File No:** I2019/179**Summary:**

The attachment to this report provides the minutes of the Extraordinary Local Traffic Committee Meeting held on 8 February 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Local Traffic Committee Meeting held on 8 February 2019.

2. That Council adopt the following Committee Recommendation(s):
Report No. 6.1 Byron Bay Transport Interchange - Regulatory Signage
File No: I2019/121

Committee Recommendation 6.1.1

That Council adopt the Line Marking and Signage Plan for the Byron Bay Transport Interchange as per Attachment 1 (#E2019/5213).

3. That Council adopt the following Committee Recommendation(s):
Report No. 6.2 Railway Hotel and Lawson Street South Carparks - Regulatory Signage
File No: I2019/122

Committee Recommendation 6.2.1

That Council adopt the Line Marking and Signage Plan for the Railway Hotel and Lawson Street South Carparks as per Attachment 1 (#E2019/9818);

Attachments:

1 Minutes 08/02/2019 Local Traffic Committee Extraordinary, I2019/169 

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 8 February 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/02/LTC_08022019_AGN_1062_AT_EXTRA.PDF

Management Comments

In accordance with the Committee Recommendation for Report 6.1, Management provide the following additional information:

That management support a request to Transport NSW to consider extension of the arc of the northern shared path within Transport NSW land

Financial Implications

As per the Reports listed within the Local Traffic Committee Meeting of 8 February 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 8 February 2019.

Report No. 14.6 Report of the Local Traffic Committee Meeting held on 29 January 2019**Directorate:** Infrastructure Services**Report Author:** Dominika Tomanek, Executive Assistant Infrastructure Services**File No:** I2019/193**Summary:**

10 This report contains the recommendations of the Local Traffic Committee from the meeting held on 29 January 2019.

Council's action on the LTC advice will be:

- 15 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- 20 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 25 c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- 30 d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RMS and the NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 35 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RMS and NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the RTC.

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

RECOMMENDATION:

1. **That Council note the minutes of the Local Traffic Committee Meeting held on 29 January 2019.**

- 45 2. **That Council adopt the following Committee Recommendation(s):**
Report No. 6.1 Council Resolution 18-626 - Free Motor Bike Parking in Byron
File No: I2018/2413

Committee Recommendation 6.1.1

That Council endorse modifications to regulatory parking signage and line marking in Byron Bay and Wategos Beach area deemed necessary to implement the proposed motorcycle parking identified in Council Resolution 18-626.

- 3. That Council adopt the following Committee Recommendation(s):**
Report No. 6.2 Bayshore Drive Roundabout Project - Traffic Management
File No: I2019/48

Committee Recommendation 6.2.1

- 1. That the signs at Melaleuca Drive remain permanently as No U-Turn until such time as the entrance to Melaleuca Drive and the formation of Ewingsdale Road is upgraded or modified as part of the Ewingsdale Road duplication project.**
 - 2. That the No Parking at the entrance to Banksia Drive remain in place until such time as the entrance to Banksia Drive is upgraded or modified as part of the Ewingsdale Road duplication project.**
 - 3. That both of these locations are monitored and reviewed as part of the Ewingsdale Road duplication project to ensure the relevancy of the traffic control measures in place as the project progresses.**
 - 4. That the businesses with road frontage that has been directly affected by the No Parking on Banksia Drive be notified of the permanency of the arrangement.**
- 4. That Council adopt the following Committee Recommendation(s):**
Report No. 6.3 Signage requests from Compliance Team - Lighthouse Road and No Name Lane, Byron Bay
File No: I2019/52

Committee Recommendation 6.3.1

That Council install “No Stopping” signs and yellow line marking where considered appropriate in Lighthouse Road and No Name Road Byron Bay to improve road safety.

- 5. That Council note the following Committee Recommendation(s):**
Report No. 6.4 Byron Bay Transport Interchange - Regulatory Signage
File No: I2019/83

RECOMMENDATION:

Item to be deferred to an extraordinary Local Traffic Committee meeting on 8th February 2019.

- 6. That Council note the following Committee Recommendation(s):**
Report No. 6.5 Railway Hotel and Lawson Street South Carparks - Regulatory Signage
File No: I2019/86

RECOMMENDATION:

Item to be deferred to an extraordinary Local Traffic Committee meeting on 8th February 2019.

- 7. That Council adopt the following Committee Recommendation(s):**
Report No. 7.1 Adoption of Constitution for Local Traffic Committee
File No: I2019/50

Committee Recommendation 7.1.1

That Council adopt the Constitution for the Local Traffic Committee as amended.

5 Attachments:

- 1 Minutes 29/01/2019 Local Traffic Committee, I2019/89 

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Report

- 5 The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 29 January 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/01/LTC_29012019_AGN_1044_AT.PDF

Financial Implications

- 10 As per the Reports listed within the Local Traffic Committee Meeting of 29 January 2019.

Statutory and Policy Compliance Implications

- 15 As per the Reports listed within the Local Traffic Committee Meeting of 29 January 2019.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2018-0058 Railway Park Upgrade**

Directorate: Infrastructure Services

Report Author: Phil Warner, Manager Assets and Major Projects

File No: I2019/60

Theme: Infrastructure Services
Asset Management Planning

Summary:

On 7 November 2018, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2018-0058 Railway Park Construction Works.

The Request for Tender was advertised from 9th November 2018 to 14th December 2018. Tenders were received from the following organisations:

- Bland2Brilliant
- Greenwood Landscape Management

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005. This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2018-0058.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Railway Park Upgrade.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

Tender information is commercial and confidential

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

RECOMMENDATION:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Railway Park Upgrade are to be treated as confidential as they relate to matters specified in s10A(2)(d)i of the Local Government Act 1993.
2. That Council adopt the recommendation set out on the final page of the Report.

Attachments:

- 1 Confidential - 2018-0058 - Railway Park Construction Works - Evaluation Report, E2019/9638

Report No. 16.2 **CONFIDENTIAL - Supply and Delivery of Modular Bridge Componentry (Tender 2019-0001)**

Directorate: Infrastructure Services

Report Author: Joshua Provis, Road and Bridge Engineer

5 Daniel Strzina, Project Engineer

File No: I2019/130

10 **Summary:**

On 9 January 2019 the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0001 – Supply and Delivery of Modular Bridge Componentry.

15 The Request for Tender was advertised from 14 January 2019 to 5 February 2019.

Tenders were received from the following organisations:

- 20
 - InQuik Pty Ltd
 - Waeger Group

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005. This report summarises the background and assessment of the tenders and provides a recommendation to appoint the tenderers to the panel for Standing Offer Contract 2019-0001.

25 There is no initial requirement or commitment for initial funding associated with the award of this panel contract.

30

RECOMMENDATION:

35 1. That pursuant to Section 10A(2)(c) and (d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Supply and Deliver of Modular Bridge Componentry (Tender 2019-0001).

2. That the reasons for closing the meeting to the public to consider this item be that the report contains:

- 40 a) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- b) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it

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

Confidential commercial information relating to the tender process.

50

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

RECOMMENDATION:

- 5
1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Supply and Deliver of Modular Bridge Componentry (Tender 2019-0001) are to be treated as confidential as they relate to matters specified in s10A(2)(c) and s10A(2)(d)i of the Local Government Act 1993.
 2. That Council adopt the recommendation set out on the final page of the Report.

Attachments:

- 10
- 1 Confidential - 2019-0001 - Supply and Delivery of Modular Bridge Componentry - Tender Evaluation Report Signed, E2019/10292