



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 18 April 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

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3. REQUESTS FOR LEAVE OF ABSENCE

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

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

NOTICES OF MOTION

Notice of Motion No. 9.1 **Consider removal of 'Rural Cabin' provisions and amendment to 'Farm Stay' provisions in Rural Zones**
File No: I2019/526

I move:

That Council:

1. Proceed with the preparation of a planning proposal to remove the 'rural cabin' provisions from, and restrict the 'farm stay' provisions in both Local Environmental Plan 1988 and Local Environmental Plan 2014 for submission to the Department of Planning and Environment for gateway determination.
2. Proceed with any consequential amendments to Development Control Plan 2010 and Development Control Plan 2014 necessary to align provisions with the amendments to the Local Environmental Plans the result of 1 above.

Signed: Cr Michael Lyon

Councillor's supporting information:

There has been a notable increase in applications for rural cabins and farm stay accommodation in our rural areas. This has resulted in the further fragmentation (by built form) of our valuable farm land, a rise in land use conflict, visual impacts, and an increase demand on local services and infrastructure from visitor numbers to our hinterland and rural areas. Notably, these development types do not generate additional rates for or pay contributions to Council.

A 'rural cabin' is a form of Tourist and Visitor Accommodation and designed to enable rural cabins as a form of tourist accommodation not attached to a working farm.

The genesis of rural cabin development is Local Environmental Plan (LEP) 1988, where provisions still remain in place for those rural lands known as 'deferred matters' under Local Environmental Plan (LEP) 2014. In LEP 1988 specific requirements for this type of development are in place under the definition of a 'rural tourist facility'; these being supported also by Development Control Plan 2010 provisions.

The other definition for rural Tourist and Visitor Accommodation in the Local Environmental Plan 2014 is 'farm stay'.

The 2014 definition of 'farm stay' follows:

Farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

Clause 5.4 of the LEP 2014 permits 12 bedrooms.

The rural zone objectives in the LEPs indicate that rural cabins and farm stay development should only be considered where 'small-scale' and associated with the primary production and environmental conservation of the land consistent with the rural character of the locality. The current controls within the LEPs and DCPs however do not reinforce this objective cogently enough.

Perversely, a rural land owner under the current LEP and DCP provisions could conceivably make a development application for a dwelling house, secondary dwelling, dual occupancy dwelling, farm stay and rural cabins on land that meets relevant lot size and permissibility criteria. This has the potential to enable 14 plus buildings for habitation / tourist use on a single lot / holding without a specified minimum lot size in LEP 2014. Different provisions apply to land in LEP 1988 including a 20 hectare minimum lot size requirement. The DCPs provide further controls which although different, fortunately up until now have been upheld by Council (and the Land and Environment Court when challenged).

Notwithstanding the above, more recently due to the advent of online platforms like Airbnb, many farm stays and rural cabins are being listed as 'short term holiday lets' in their own right without a host and without any bona-fide primary production being undertaken on the land. Some are also conducting weddings and events (currently prohibited in rural zones), to supplement and or in a majority of cases provide the primary income from the use of the land. This is generally in direct contravention of approvals in place.

To address this anomalous situation, Council needs to have consistent and effective controls for all its rural lands to restrict approval of rural cabins and farm stay development to where they can legitimately provide a (minor) secondary source of income for a working farm. To do this we should consider removing the rural cabins provisions from and reviewing the farm stay provisions in both LEP 1988 and 2014 and DCP 2010 and 2014.

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

Council's Rural Land Use Strategy Actions 10 and 13 provide for the local planning framework to be updated to reinforce the need to support only low scale rural tourism opportunities, particularly those directly associated with primary production and / or improved conservation outcomes on rural land. This action supports the sentiment of the notice of motion.

As such there are five steps in the Planning Proposal process which staff will observe:

The Planning Proposal – the planning proposal authority prepares the planning proposal. The planning proposal authority is usually the local council; however the Minister can appoint the Secretary of the Department of Planning and Environment, a regional planning panel or a Sydney planning panel to be the planning proposal authority.

Gateway – the Minister (or delegate) decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearings, agency consultation and time frames. A planning proposal does usually not proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.

Community Consultation – the proposal is publicly exhibited as required by the Minister. A person making a submission may also request a public hearing be held.

Assessment – the planning proposal authority reviews public submissions. Parliamentary Counsel then prepares a draft local environmental plan.

- 5 The Making of the LEP – with the Minister's (or delegate's) approval the local environmental plan is published on the NSW legislation website and becomes law.

Amendments to the Development Control Plans will be done in concert with the Planning Proposal including exhibition as required by the Environmental Planning and Assessment Act 1979.

- 10 Financial/Resource/Legal Implications:

Task to be managed within existing financial / legal and resource allocations.

- 15 Is the proposal consistent with any Delivery Program tasks?

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	3.4.1.1 Implement priority actions of the Rural Land Use Strategy
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Notice of Motion No. 9.2 Boundary Adjustment for 5 Deacon Street Bangalow
File No: I2019/539

I move:

That Council agree to a boundary adjustment of 1.5 meters for the southern boundary of Lot 7 section 10 DP 4974 at 5 Deacon Street, Bangalow to regularise a building encroachment in a heritage area of Bangalow.

5

Attachments:

- 1 Attachments to Notice of Motion - Boundary Adjustment - 5 Deacon Street Bangalow, E2019/25459
- 10 2  New Cost structure and process for Road Closures September 2018, E2018/77428 

Signed: Cr Alan Hunter

15 Councillor's supporting information:

There has been a history of uncertainty of the exact locations of lot boundaries in the vicinity since establishment early last century and as a result confusion has led to some small and relatively insignificant addition of this home has in part encroached onto public land.

20 The relatively small and incidental renovations to this residence over the years has not impacted on the neighbouring lots and is not likely to in the future.

25 The reason for now necessitating the need to allow the boundary adjustment has been a simple issue of compliance.

The owner/resident has agreed and is currently in the process of removing a recently erected garage encroaching on the same boundary.

30 This common sense agreement and the removal of the garage would settle the compliance issue for Council and the resident and have no effect on neighbouring properties.

35 The resident has been a good custodian of the adjoining public land and in return the costs of this boundary adjustment should be shared equally between the Council and the resident.

Staff comments by Evan Elford, Infrastructure Planning Coordinator, Infrastructure Services:

40 Following receipt of a complaint from a local resident, the owner of the property, 5 Deacon Street Bangalow, Ms Aisha Pelmore, was notified by letter from Council's Compliance Officer that it had been drawn to Council's attention that recent additions to the dwelling had potentially encroached on the adjoining road reserve. The correspondence also noted that the extension and renovation works were carried out without Council approval.

45 Ms Pelmore contacted Council wanting to obtain building approval to keep the works that were carried out and now in place without being required to remove them. Ms Pelmore had a survey undertaken to determine the extent of any encroachment. (Refer Figure 1)

Whilst desiring to work with Council to resolve the matter, Ms Pelmore initially requested to lease the area of road reserve, the subject area of encroachment but subsequently undertook to commence the process to close the road reserve and purchase the land once closed.

- 5 Road closure processes can be complex and recent legislative changes determine how Council can act in these matters.

From 1 July 2018, councils now have the power to close council public roads. Councils no longer need to apply to NSW Department of Industry—Lands & Water (the department) to close council public roads.

Part 4 Division 3 of the *Roads Act 1993* (the Roads Act) outlines the new legislative requirements for councils.

- 15 The vesting of Council roads on closure remains unchanged by the *Roads Act 1993* amendments.

It is important to understand the construction status of the public road as this will determine what Council may or may not do with the land and if any income derived from a sale vests with Council or the Crown.

When a constructed council public road is closed, it remains vested in council as council land. Councils may facilitate the subsequent sale of the council land and receive the proceeds of sale.

The department no longer has the power to close unconstructed council public roads.

However, should Council determine to close an unconstructed council public road, Council will be required to process the closure even though the roads will vest in the Crown upon closure. Councils are not able to facilitate the sale of an unconstructed council road or receive the proceeds of any subsequent sale.

Before proposing to close a council road, Councils should complete preliminary checks on road status and construction. The preliminary checks prevent Councils spending unnecessary time and resources on proposals that cannot be processed by councils or do not fit with council plans and strategies. For proposals that progress to notification stage, council's road status report and road construction declaration demonstrates to the department that Council is the roads authority and the road will remain vested with council upon closure. Councils must provide the department with evidence to confirm that the road proposed for closure is opened or dedicated as a council public road and contains council constructed formation if Council wishes to sell the closed portion and benefit from the sale.

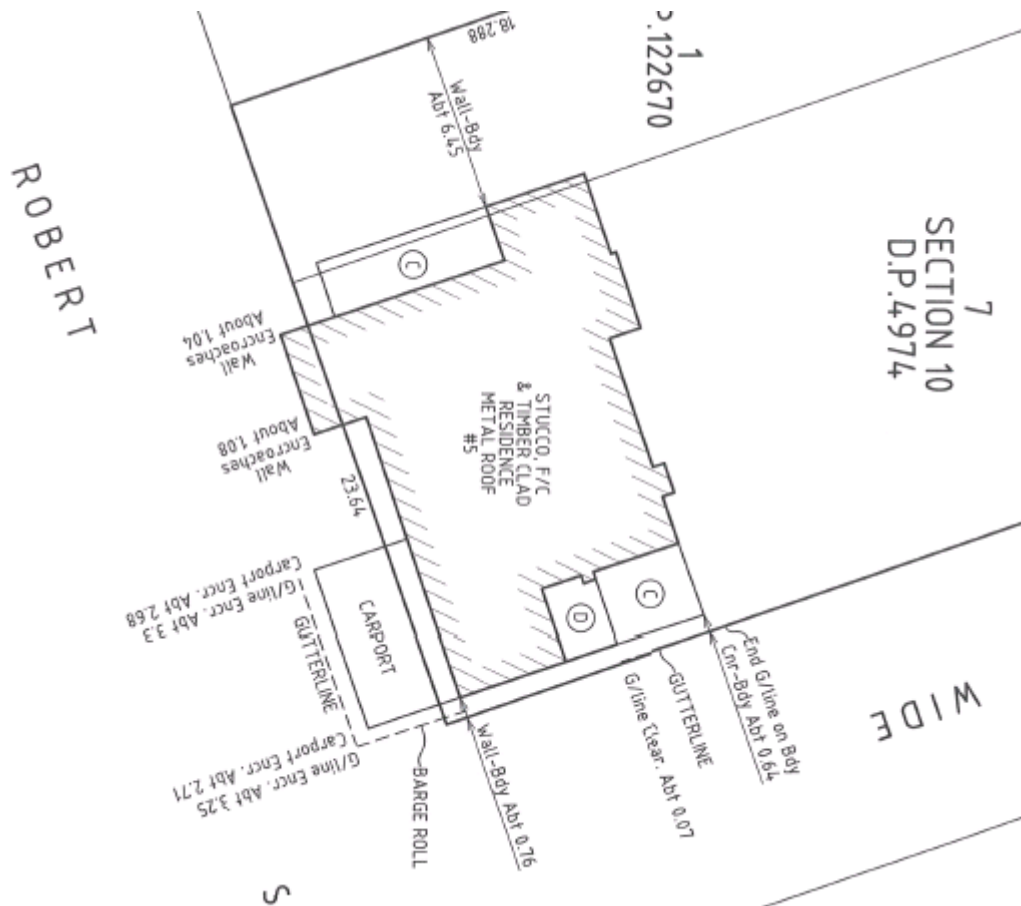
For these checks to be completed, research has to be carried out on the road and adjoining parcels of land. Research times and complexity varies.

Council's adopted fees and charges note that road closure fees are POA. This is because each case must be assessed on an individual basis and the final fee will need to allow for the initial investigation report to determine road status, staff processing and application management time, advertising costs, post closure boundary adjustment development application and subdivision fees, valuation reports, legal costs, preparation of contracts for sale, surveyor and plan registration costs. Quotations are obtained for this work with all costs to be the responsibility of the applicant with Council only commissioning work once pre-payment has been received from the applicant to manage Council's risk and financial exposure. This process is the same for both constructed and unconstructed council public roads. Attached **E2018/77428** is Council's cost structure and process for Council Road Closures.

To manage this process for the 5 Deacon Street, Bangalow closure would involve staff time to the approximate value of \$2,100 as a minimum with the closure process taking anywhere from 6 to 12 months.

- 5 As indicated in the image below, the area suggested for road closure appears to be an unconstructed council public road. Therefore, should Council wish to proceed with this closure, Council could not facilitate the sale of the closed portion of road nor benefit from the proceeds of any such sale.

10



- 15 Figure 1 – Extract of Surveyors plan of encroachment into Robert Street, Bangalow

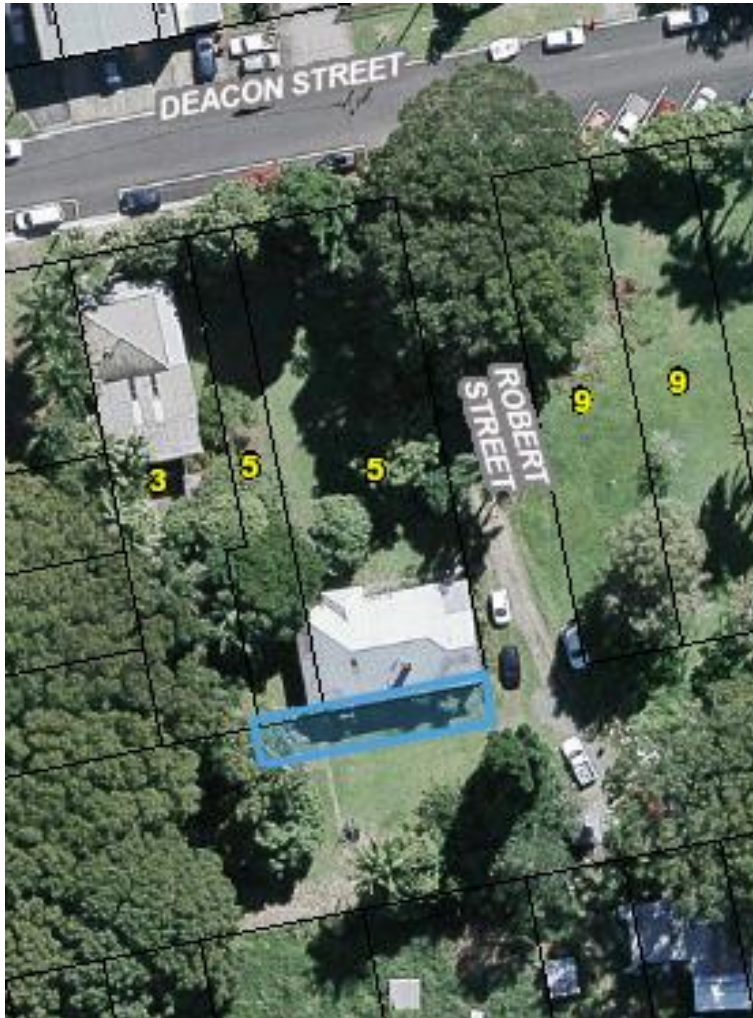


Figure 2 - 5 Deacon Street – possible road closure area – 1.5m in width across rear of DP 122670 and DP4974 (known as 5 Deacon Street)

5

Financial/Resource/Legal Implications:

10 The full cost of road closures is the responsibility of the applicant. There is no identified budget allocation to undertake this work on any other basis.

Is the proposal consistent with any Delivery Program tasks?

15 No.


SUBMISSIONS AND GRANTS**Report No. 11.1 Byron Shire Council Submissions and Grants as at 25 March 2019****Directorate:** Corporate and Community Services**Report Author:** Alexandra Keen, Grants Coordinator**File No:** I2019/451**Theme:** Corporate Management
Corporate Services**Summary:**

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

RECOMMENDATION:

That Council notes the report and attachment (#E2019/21570) for the Byron Shire Council Submissions and Grants as at 25 March 2019.

Attachments:

1 Grants register as at 25 March 2019, E2019/21570 

Report

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

5 Successful Applications

- Develop governance models to facilitate the delivery of housing, Building Better Regions Fund – Communities Investments Stream (round 3), Commonwealth Department of Industry, Innovation and Science

10

Unsuccessful Applications

- Maintaining the Vibe: Byron Bay Bypass, Building Better Regions Fund – Infrastructure Projects Stream (round 3), Commonwealth Department of Industry, Innovation and Science
- Gaggin Park Playspace, Everyone Can Play Grant 2018-19, NSW Department of Planning and Environment

15

Submitted

- Paddy's Creek Flying-fox Camp Management, Flying Fox Grant Program 2019 – Implementation Stream 3, Local Government NSW and NSW Office of Environment and Heritage
- Butler Street Reserve Concept Plan, Crown Reserves Improvement Fund, NSW Department of Industry
- Byron Bay Foreshore Concept Plan, Crown Reserves Improvement Fund, NSW Department of Industry
- Bush Regeneration (weed eradication), Crown Reserves Improvement Fund, NSW Department of Industry

25

30 Additional information on the grant submissions is provided in Attachment 1 – Submissions and Grants report as at 25 March 2019.

STRATEGIC CONSIDERATIONS

35 *Community Strategic Plan and Operational Plan*

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.6	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

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

45

Financial Considerations

- 5 If Council is successful in obtaining the identified grants, more than \$6 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	\$6,085,151
Council cash contribution	\$2,799,352
Council in-kind contribution	\$177,785
Other contributions	\$688,905
Funding applications submitted and awaiting notification (total project value)	\$9,751,193

Consultation and Engagement

- 10 Cross-organisational consultation has occurred in relation to the submission of grants, and the communication of successful and unsuccessful grants.
- 15 During March 2019, the NSW Government was in caretaker, which may have impacted the grant funding opportunities and outcomes announced during the period 1 – 24 March 2019.

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 Licence to Mullumbimby Sustainability Education and Enterprise Development Inc

Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2019/436

Summary:

The licence held by the Mullumbimby Sustainability Education and Enterprise Development Inc ('Mullum SEED') to occupy part of Lot 22 DP 1073165 for the purpose of a community garden expires on 31 August 2019.

Council resolved **(18-766)** to undertake a review of the Plan of Management – Mullumbimby Sport Fields and Policy No 14/008 Byron Shire Council Community Garden. Until both reviews are finalised and all outstanding building compliance issues are resolved by Mullum SEED, it is recommended that Council grant a temporary one month licence with monthly holding over provisions to Mullum SEED following mandatory public notification and consideration of all submissions received.

RECOMMENDATION:

1. That Council authorise the General Manager to negotiate a temporary licence with Mullumbimby Sustainability Education and Enterprise Development Inc for occupation of part of Lot 22 DP 1073165 known as the Mullumbimby Community Gardens on the following terms:
 - a) term one (1) month with monthly holding;
 - b) for the purpose of a community garden as defined in Policy No. 14/008 Byron Shire Community Gardens;
 - c) rent payable monthly at the value of one twelfth of the minimum Crown rent as determined by clause 38 of the *Crown Land Management Regulations 2017* (NSW);
 - d) the Licensee to pay outgoings of water, contents and building insurances; and
 - e) the Licensor to pay outgoings of the value of general land rates (if payable).
2. That Council authorise the publication of the proposed temporary one (1) month licence with monthly holding over to the Mullumbimby Sustainability Education and Enterprise Development Inc for a period of 28 days seeking public comment.
3. That in the event no submissions are received, that Council delegate to the General Manager the authority to enter into the licence referred to in 1 above.
4. That if submissions are received that a new report be reported to Council at its June 2019 meeting.

REPORT

5 The Mullumbimby Sustainability Education and Enterprise Development Inc's ('Mullum SEED') licence to occupy part of Lot 22 DP 1073165 for the purpose of a community garden will expire on 31 August 2019. Mullum SEED has requested a new licence.

The land:

10 Lot 22 DP 1073165 is Council owned land classified as community land. The Plan of Management – Mullumbimby Sport Fields, ('the Plan of Management') categorises part of the land for general community use. Core objectives of general community use - to promote, encourage and provide use of the land for a community garden - is a purpose for which a licence may be granted.

15 The Plan of Management expressly authorises the grant of maximum five year licence over the whole of the land available for a community garden or the grant of individual licences to community garden members. Council resolved **(14-394)** to grant a five year licence over the whole of the community garden to Mullum SEED.

The Policy:

20 Policy No 14/008 Byron Shire Council Community Garden Policy ('the Policy') guides the establishment, operations and the closing of a community garden on Council owned community land.

25 Mullum SEED has requested that Council undertake a review of the Policy to allow for expanded uses of the land in addition to use of the land for a community garden. Additional uses of the land are constrained by the RE1 public recreation land zoning and the prescribed purposes in s46 (5) of the *Local Government Act 1993* (NSW) for which a licence may be granted.

30 Council resolved **(18-766)** to review both the Plan of Management and the Policy to allow the community to consider further uses and application for further sheds. The review of both the Plan of Management and the Policy requires mandatory public consultation and will take some time to complete.

35 As a result, this report recommends that Council grant a temporary licence to Mullum SEED for continued occupation of part of Lot 22 DP 1073165 after 31 August 2019.

Temporary licence:

40 a) Purpose:

The proposed temporary licence must be granted in accordance with the current Policy and be for the purpose of a community garden. The Policy defines a community garden as a not-for-profit community run venture to grow food on Council owned land by individual members for themselves
45 or by a collective of members to share or both. As a result the proposed temporary licence provides no authority to the licensee to serve or sell food to the general public in the licensed area.

b) Building compliance:

50 Council undertook a building compliance inspection 10 October 2018 of all buildings erected within the community garden licensed area. That inspection identified a number of structures that require additional planning or other approvals by Council. At the time of writing this report, Mullum SEED had not obtained all necessary approvals for all structures identified in the building compliance
55 inspection.

c) Term:

The proposed temporary licence is for a term of one (1) month with a monthly holding over for a maximum period of five (5) years. On completion of the proposed reviews to the Plan of Management and the Policy and on Mullum SEED obtaining full building compliance for all structures erected in the licenced area a separate report will be brought to Council for Council to consider a new longer-term licence

d) Rent:

The proposed temporary licence will require rent to be paid monthly at the value on one twelfth of the value of minimum Crown plus GST for the term of the licence and all holding over.

e) Special conditions:

The proposed licence will contain the following special conditions:

- i. The Licensee must comply with the Policy at all times;
- ii. The Licensee must comply with the Mullumbimby Community Gardens Composting Toilet Operations Manual; and
- iii. The Licensee must not extend the community garden beyond the fenced boundary.

f) Public notification:

In accordance with s47A of the *Local Government Act 1993* (NSW), Council must publically advertise the proposed licence for at least 28 days seeking public submissions. Should Council receive submissions a separate report will be brought to Council in accordance with s47(4) of the *Act* so that Council may consider all submissions duly made before the granting the temporary licence.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.2	Support access to a wide range of services and activities that contribute to the wellbeing of all members of the Byron Shire community	2.2.1	Develop and maintain collaborative relationships with government, sector and community	2.2.1.2	Participate in and inform community planning

Legal/Statutory/Policy Considerations

s47 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.*
- 5 (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)*
 - 10 *• 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.*
 - 15 (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:*
 - 20 (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.*
 - 25 (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*
 - 30 *• 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*
 - 35 *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*
 - 40 *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.*
 - 45 (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,*
 - 50 *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.*
 - 55 (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).*
 - 60 (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:*

s47A Leases, licences and other estates in respect of community land—terms of 5 years or less

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
 - (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
 - (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
 - (b) section 47 (9) has effect with respect to the Minister's consent.

Financial Considerations

Mullum SEED will pay annual rent to the value of one twelfth of the minimum Crown rent as provided by clause 38 of the *Crown Lands Management Regulations* 2018 for the term of the Licence and holding over. The Licensee must pay outgoings of water and must obtain own contents and building insurances. The Licensor outgoing is limited to the value of annual general land rates (if payable).

Consultation and Engagement

Council must publically advertise the proposed licence for at least 28 days calling for public submissions. Council must consider all submissions duly made before granting the proposed temporary licence.

Report No. 13.2 **Sub-Licence to The Ranch Byron Bay for equestrian activities through Crown Land Lot 428 DP 729272**
Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2019/445

Summary:

The current sub-licence held by the Trustee for the McIvor Family Trust trading as The Ranch Byron Bay ('the Ranch Byron Bay') for access through Lot 428 DP 729272 in Reserve R82780, for the purpose operating a commercial horse riding business on Tyagarah beach authorised by a Cape Byron Marine Park will expire on 22 April 2019.

Council may grant a sub-licence to the Ranch Byron Bay for access through Lot 428 DP 729272 under Crown licence R1564194. The term of that sub-licence must be limited to six (6) months in accordance Council resolution 19-144.

RECOMMENDATION:

1. That Council authorise the General Manager to grant a sub-licence to The Trustee for the McIvor Family Trust, trading as The Ranch Byron Bay ('the Ranch Byron Bay') for a term of six (6) months for the purpose of access through part of Lot 428 DP 729272 being Reserve R81780 on conditions that:
 - a) The Ranch Byron Bay hold a current permit with Cape Byron Marine Park for the term of the sub-licence; and
 - b) The Ranch Byron Bay takes all steps necessary to ensure all horse droppings are removed from the sub-licensed area during and at the end of each access session.
2. The sub-licence fee for the term be set at one half of the Sub-licence Beach Access Commercial Horse Riding as set in Council's current Fees and Charges.

REPORT

On 28 March 2019 Council as a Crown Land Manager resolved 19-144:

2. As Crown Land Manager, investigate the options for handling of horses, parking and associated issued as part of development of a precinct plan for the South Beach area.

3. That in order to avoid prejudice to the sub-licensees while the matter raised in this report to be investigated and reported to Council, Council as the Crown Land Manager, recommend that Council issue each sub-licensee, on expiry of their current sub-licence, a six (6) month sub-licence for access through Crown land for commercial equestrian activities.

The current sub-licence held by the McIvor Family Trust trading as The Ranch Byron Bay ('the Ranch Byron Bay') will expire on 22 April 2019. The Ranch Byron Bay has requested a new twelve month sub-licence for access through Lot 428 DP 729272 for commercial horse riding guided tours to commence 23 April 2019.

In accordance with resolution 19-144, Council may only enter into a six (6) month sub-licence with the Ranch Byron Bay.

Sub-Licensed land

Lot 428 DP 729272 is wholly within Reserve R82780 being land not managed by Council. Council has authority under Crown licence RI 564194 to grant sub-licences for low impact commercial recreational activities on areas which that include Reserve R82780.

In accordance with Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves, ('the Policy'), a resolution of Council is required to grant a sub-licence for access through Lot 428 DP 729272.

Sub-Licensed area

Access to Lot 428 DP 729272 is via a Council managed Crown Road approximately 300 metres south of the end of bitumen on South Beach Road and just before the gate preventing access into National Parks and Wildlife Services lands as shown in orange below. In accessing this land, Council will require that the sub- licensee takes all steps necessary to prevent and remove all horse droppings in the sub-licensed area.



Parking and handling of horses

In accordance with resolution 19-144 Council must investigate the handling of horses and parking as part of a precinct plan for the South Beach area of Brunswick Heads. Until the investigation is completed, the sub- licensee will be required to legally park its horse float and truck on South Beach Road and to handle all horses in public areas in a safe manner.

Essential Sub-Licence terms:

The term of the sub-licence is for maximum of 6 months. Rent will be set by Council fees and charges and for the term of the sub-licence will be \$800 excluding GST. The sub- licensee will be required to concurrently hold a valid permit issued by the Cape Byron Marine Park to ride horses in the inter-tidal zone of Tyagarah Beach.

Land zoning:

Lot 428 DP 729272 is zoned No 7 (1f) (Coastal Land Zone) in the Byron 1988 Local Environmental Plan. The zoning prohibits all activities except:

Agriculture (other than animal establishments); beach and coastal restoration works; building of levees, drains or clearing of land; bushfire hazard reduction; clearing of land; community buildings; drainage; environmental facilities; forestry; home industries; markets; roads; primitive camping grounds; surf lifesaving facilities; utility installations.

Essentially, all commercial recreational type activities for example equestrian activities or commercial water based activities are prohibited in the zone 7 (f1) (Coastal Land Zone). Clause 48(1) of the Byron 1988 LEP does permit temporary use of land zoned 4(f1) for development not being designated development, for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year only if:

- a) such land is vested in the Crown, a Minister of the Crown or the Council, and
- b) the development does not involve the erection of permanent structures ancillary to the use of that land.

Lot 428 DP 729272 is vested in the Crown or a Minister of the Crown and access through Lot 428 DP 729272 does not require the construction of any permanent structures.

In summary, although equestrian activities is a prohibited activity in zone 7 (f1), clause 48(1) of the LEP 1988 allows temporary use of the land for equestrian activities.

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	1.2.5	Provide active and passive recreational Community space that is accessible and inclusive for all (SP)	1.2.5.1	Delivery of beach accessibility program

Legal/Statutory/Policy Considerations

Zone No 7 (f1) (Coastal Land Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify and protect environmentally sensitive coastal land,*
- (b) to enable development for certain purposes where such development does not have a detrimental effect on the habitat, landscape or scenic quality of the locality,*
- (c) to prevent development which would adversely affect, or be adversely affected by, coastal processes, and*

(d) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

2 Without development consent

Nil.

3 Only with development consent

Agriculture (other than animal establishments); beach and coastal restoration works; building of levees, drains or clearing of land; bushfire hazard reduction; clearing of land; community buildings; drainage; environmental facilities; forestry; home industries; markets; roads; primitive camping grounds; surf lifesaving facilities; utility installations.

48 Temporary use of certain land

(1) Despite any provision of this plan, a person may, without the consent of the Council, carry out development on land for any purpose (not being designated development) within Zone No 6 (a) or 7 (f1) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if:

- (a) such land is vested in the Crown, a Minister of the Crown or the Council, and
- (b) the development does not involve the erection of permanent structures ancillary to the use of that land.

(2) Despite any other provision of this plan, a person may, but only with the consent of the Council, carry out development on the following land for any purpose (not being designated development) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if the development does not involve the erection of permanent structures ancillary to the use of that land:

Lot 1, DP 201626 and Lot 2, DP 542178, Ewingsdale Road, Ewingsdale

Lot 358, DP 704247, Bangalow Road, Byron Bay.

Financial Considerations

Rent under the sub-licence will be \$800 as set by Council's fees and charges.

Consultation and Engagement

Nil.

Report No. 13.3 **Temporary relocation of Byron Farmers Market**
Directorate: General Manager
Report Author: Claire McGarry, Place Manager - Byron Bay
Michael Matthews, Manager Open Space and Resource Recovery
5 **File No:** I2019/468

Summary:

10 On 28 February 2019, Council resolved to temporarily close Butler Street Reserve for a period of 6 months while the northern section of the Byron Bay Bypass is constructed. This closure will require the temporary relocation of the weekly Byron Farmers Market and monthly Community Market to an alternative site.

15 This report addresses the proposed relocation of the Byron Farmers Market to the Cavanbah Centre from July 2019 – January 2020.

20 The report details the approvals in place for the Cavanbah Centre, as well as recommendations regarding:

- Administrative support to assist with relocation;
- Ancillary infrastructure required at the Cavanbah Centre to accommodate market operations; and
- Request from the Markets for additional support for infrastructure and promotion.

25 In summary, of the \$127,789 identified in costs to temporarily relocate the Byron Farmers Market from Butler Street Reserve, it is recommended that Council provide support to the value of \$69,969, noting that 79% of this cost is towards the improvement of a Council asset (the Cav).

RECOMMENDATION:

1. That Council apply for approval to amend the existing consent for The Cavanbah Centre to accommodate the Byron Farmers Market from July 2019.
2. That Council provide administrative support as detailed in Table 1 to assist with market relocation including the waiving of stall fees at The Cav to the amount of \$4,914.00 (based on fees for 51-100 stalls once per week for six months).
3. That Council install ancillary infrastructure as noted in Table 2 that:
 - a) accommodates the Byron Farmers Markets relocation and operations; and
 - b) increases the ability of the Cavanbah Centre to attract complementary markets and events in future.
4. That Council acknowledge that construction of the Byron Bay Bypass requires the temporary suspension of the Byron Farmers Market's existing licence for Butler Street Reserve and shall abate rent payable for a period of six months.
5. That Council offers the market managers \$5,000 towards relocation costs during the bypass construction period.

REPORT

5 On 28 February 2019, Council resolved:

1. *That Butler Street Reserve be closed to the public after the 7 July Community Market for a period of 6 months 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.*

Following an investigation of relocation options, the Cavanbah Centre (The Cav) has been determined as the most viable option for the temporary relocation of the Byron Farmers Market during the construction of the Byron Bay bypass. Staff have been working with the Byron Farmers Market managers to detail the approvals, services and amenities required for the Cav to host the market during this closure period.

- The report details the approvals in place for the Cavanbah Centre, as well as recommendations regarding:
- Administrative support to assist with relocation;
 - Ancillary infrastructure required at the Cavanbah Centre to accommodate market operations; and
 - Request from the Markets for additional support for infrastructure and promotion.

In considering this report, it is important to note that the closure of Butler Street Reserve will also require the temporary relocation of the monthly Byron Community Market to an as-yet-undetermined location. It is anticipated that a similar request for financial assistance will be submitted to Council, and the staff recommendation in this report aims to ensure that a consistent and equitable approach is taken to support the temporary relocation of both markets.

Cavanbah Centre Approval to Host Markets

The Cav has Development Approval to host markets and primitive camping (10.2017.399.1). An excerpt is included below, detailing consent conditions.

Staff have engaged a consultant to apply for approval to amend the existing consent conditions to enable the Farmers Markets to be hosted at The Cav from July 2019.

Excerpt from Development Consent

1. Development is to be in accordance with approved plans

The development is to be in accordance with plans listed below:

Plan No.	Description	Prepared by	Dated:
Appendix A	Cavanbah Centre Proposed Primitive Camping Sites	Byron Shire Council	6/07/2017
Appendix B	Cavanbah Centre Proposed Market Locations	Byron Shire Council	6/07/2017

The development is also to be in accordance with any changes shown in red ink on the approved plans or conditions of consent.

- 5 The approved plans and related documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Number of Stalls Permitted

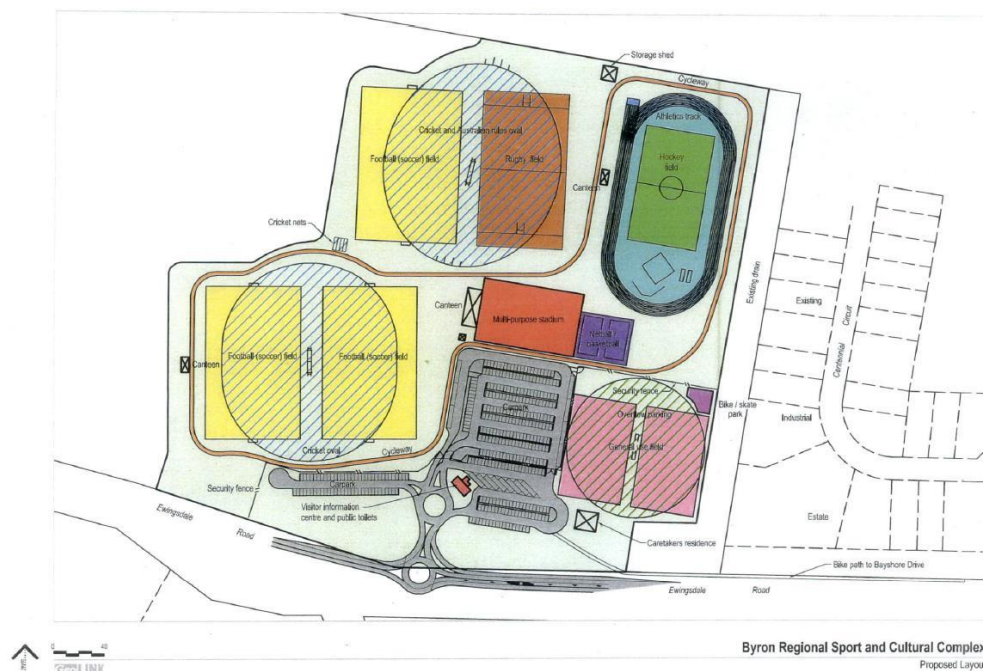
When any stall is located within the existing bitumen sealed car park, a maximum of 55 stalls are permitted.

- 10 When no stall is located within the existing bitumen sealed car park a maximum of 90 stalls are permitted.

These Development Consent figures are based on a figure of 2.5 car spaces per stall ratio for customers plus 1 car space for stall holder outside of the stall footprint.

- 15 Advice received from the Farmers Markets operator is that all stall holder vehicles are contained within the stall footprint for the duration of the market. This indicates that for this particular Market, sufficient car parks would be available for customer parking for 80 stalls at a 2.5 car spaces per stall ratio. An amendment to the existing consent could be sought on this basis.

- 20 Additional overflow parking is also able to be established as shown on the below image in the South West corner.



Approved Market Use locations 'A' and 'B'



3. Car Parking spaces are to be available for the approved use

When any stall is located within the existing bitumen sealed car park, a minimum of 192 car parking spaces are to be provided and maintained for the exclusive use of the markets, together with all necessary access driveways and turning areas, to the satisfaction of Council.

When no stall is located within the existing bitumen sealed car park a minimum of 315 car parking spaces are to be provided and maintained for the exclusive use of the markets, together with all necessary access driveways and turning areas, to the satisfaction of Council.

Staff and patrons of the markets must have unrestricted access to the car parking spaces for the duration of the market operating hours.

No car parking spaces are to be reserved (generally or specifically) for any staff or patron.

4. Restricted hours of operation

Markets are not permitted to operate:

- While the Cavanbah Centre, associated sport facilities, sports ovals or primitive camping are in use. Nor are the markets permitted to operate within an hour of the Cavanbah Centre, associated sport facilities, sports ovals or primitive camping beginning or finishing operation.
- At any time that coincides with the Byron Bay Community Markets and Byron Farmers Market.

Council Support to Assist With Relocation

The below section details the support requested by the Byron Farmers Market to assist with relocation, and the ancillary infrastructure required at The Cav to accommodate the market.

Administrative support

As an acknowledgement that the closure of Butler Street Reserve requires the suspension of the Byron Farmers Market's existing licence, it is recommended that administrative support be provided to market managers to assist with temporary relocation during this period.

The proposed support to be provided by Council is detailed in Table 1 below, with a total value of **\$9,414**.

Table 1: Administrative support from Council

SUPPORT FROM COUNCIL	COST / VALUE
Waiving of stall fees at The Cav for 51-100 stalls	\$4,914 Based on fees for 51-100 stalls once per week for six months.
Amendment to existing Development Consent to enable Farmers Market in preferred location on site.	\$3,000 Amendment to Market component of existing DA.
Advertising and promotion through Council <ul style="list-style-type: none"> - Media releases - Social media - Mailing list - Council notices - Promotion in foyer 	\$1,500 Staff time. Based on market hourly rate and estimated advertising costs.
Advertising and promotion using electronic signage on site free of charge for a 3 month period. Reaches an audience of approximately 20,000 vehicles per day.	Currently provided free of charge to users of the facility. Additional air time can be provided by GM delegated authority.
Relocation of skip bins from current location so they are not within the market footprint. Important function of the reverse vending machine (RVM). Minor relocation possible. The restricted access to the RVM during Market days will require community consultation.	N/A
TOTAL VALUE	\$ 9,414

Ancillary infrastructure required to accommodate the Byron Farmers Market

In order to accommodate the Byron Farmers Market on site at The Cav, ancillary infrastructure and services are required to be installed on site – at a cost to Council or to the market managers.

The Cavanbah Centre is considered a 'financially constrained facility' and as such is trying to attract complimentary markets / events to this site to improve the facility's bottom line.

The Farmers Market temporary relocation provides an opportunity to improve the visibility and viability of the site to attract future markets that are complimentary to, not in competition with, existing established markets in the Shire.

It is therefore recommended that the ancillary infrastructure detailed in Table 2 below be installed at The Cav at Council's cost – to improve the site's viability as a host site for future events and markets, and to provide supporting infrastructure for the Byron Farmers Markets' temporary relocation from Butler Street Reserve.

5

The total value of this additional infrastructure is **\$55,555**.

Table 2: Ancillary infrastructure for The Cav

ANCILLARY INFRASTRUCTURE	COST
4 x power boxes (10 and 15 amps) with a minimum of 20 outlets spread around market footprint	\$35,000 Requires the establishment of a 3 phase 80A feed from the Main switch board to four (4) sub boards
Bin cage area to store 9 wheely bins and staff assistance to return bins to cage after collection each Friday morning.	\$ 3,000
4x water outlets spread around market footprint. Install 32mm tapping band and meter box Supply and install approximately 180 metres of poly pipe to service 4 x hose cocks Supply and install 3 x anti vandal hose cocks on timber posts	\$12,555
Provision of 1 x 20ft shipping container to be stored on southern grassed area of 'Market Area B' facing Ewingsdale Road to store market chairs, tables, signs, merchandise	\$ 5,000
TOTAL	\$ 55,555

10

The provision of this ancillary infrastructure will improve the attractiveness of The Cav to host future complementary markets and events, and is considered as an improvement to a Council asset that will attract future revenue from use of the site.

15 ***Additional support requested by Byron Farmers Market***

In addition to the upgrades to The Cav and additional support detailed above, the managers of the Farmers Markets have requested support from Council in terms of infrastructure / logistics and advertising to support their relocation.

20

The request from the Farmers Market is attached - excerpt below.

Byron Farmers Market has been operating in Butler St Reserve for the past 17 years. In that time we have established ourselves as the weekly shopping source for many Byron Shire residents as well as a gathering place for the local community to connect. We are also a popular local attraction for visitors to the region.

25

On top of this – and just as importantly – we support more than 80 local farming families who rely on the weekly market for their livelihood.

30

Moving from our well-established location after such a long time will have a negative impact on the market itself, as well as our individual local farming families.

- 5 *As such we are seeking financial support from council regarding the relocation in an effort to reduce the negative impacts of the move as much as possible and to ensure our market and its farmers remain viable, both in the immediate and long-term future.*

Additional infrastructure / logistics requests

ITEM	COST	STAFF COMMENT
Reintroduction of Ewingsdale Rd bus lane on market mornings so a shuttle can be run from town to the market.	Unknown	Costs unknown at this time – staff investigating previous approvals
Bus collection point in town for shuttle bus to transport people to and from the market. Use of Council banner poles.	\$3,000	Based in costs from previous Park and Ride project. Covers signage and safety fencing / barriers.
Use of VMS boards east and west of The Cav on market mornings.	\$7,200	Based on \$75/day x 2 days per week x 24 weeks x 2 signs.
Signage at Butler St Reserve indicating new market location.	\$1,500	Manufacture and installation of two signs.
Semi-permanent signs at entrance to The Cav promoting the market.	\$1,500	Manufacture and installation of two signs. Signage would need to be within The Cav rather than on the road reserve.
TOTAL	\$13,200	

10 Advertising

Correspondence from the Farmers Market management included the below request for assistance with advertising and promotion costs, totalling **\$49,620**.

- 15 *We are putting money aside so we can launch a media campaign about the relocation, however as a not-for-profit community organisation we don't have enough funds to accommodate this alone.*

- 20 Request for financial assistance for a 5 week advertising campaign leading up to the move and coverage for the first couple of weeks.

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BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

13.3

Television	\$18,000
Bay FM	\$ 1,800
Echo	\$11,000
Flush Media	\$ 2,000
Social Media	\$ 2,000
Ad production and creation of relocation campaign material	\$10,000
TOTAL	\$44,800

Request to replace existing signage and approval for temporary corflute signs to be erected at various points leading in to and out of Byron and the Cavanbah Centre

Marquees – 1 replacement cover	\$ 1,100
Corflute signs	\$ 1,000
Banners for Council poles	\$ 1,320 (4x \$330 each)
Teardrop signs for entry to market	\$ 1,400 (4x \$350)
TOTAL	\$ 4,820

5 **Recommendation**

Staff acknowledge the long history of the Farmers Market, the significant economic and social contribution it makes, and the strong support it has from the local community and visitors to the area.

10 Firstly, it is recommended that Council support the market's temporary relocation to the Cavanbah Centre by providing administrative support to the value of **\$9,414 (Table 1)**. This covers the costs of venue hire waiver, Section 96 application, in-house communications support.

15 Secondly, it is recommended that the ancillary infrastructure required to accommodate the Byron Farmers Market at The Cav be installed at Council's cost as it improves Council's asset that will attract future revenue for the site. The estimated value of these works is **\$55,555 (Table 2)**.

20 Finally, it is recommended that of the \$62,820 requested by the Byron Farmers Market in additional infrastructure and promotional support, **\$5,000** in additional funds be offered towards relocation costs.

25 In summary, of the \$127,789 identified in costs to temporarily relocate the Byron Farmers Market from Butler Street Reserve, it is recommended that Council provide support to the value of **\$69,969**, noting that 79% of this cost is towards the improvement of a Council asset (the Cav).

30 It is important to note that the temporary closure of Butler Street Reserve will also require the temporary relocation of the monthly Byron Community Market to an as-yet-undetermined location. It is anticipated that a similar request for financial assistance will be submitted to Council, and the staff recommendation above aims to ensure consistency and equitable support for both markets.

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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	2.1.1	Support a range of inclusive events that encourage broad community participation and promote social inclusion	2.1.1.1	Participate in, promote or enable a range of community events
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	4.3.1.3	Promote Byron as the place to invest and do business

5 *Legal/Statutory/Policy Considerations*

This project complies with Council's Sustainable Community Markets Policy.

10 *Financial Considerations*

As relocation of these Markets is a direct result from the Butler Street Bypass project, all costs associated with the relocation should be borne by the Butler Street Bypass project.

15 *Consultation and Engagement*

Ongoing liaison with Market managers.

Report No. 13.4 Brunswick Valley Woodchop and Entertainment Committee request for sub-licence for market stalls

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2019/482

Summary:

The Brunswick Valley Woodchop and Entertainment Committee Inc ('the Committee') operates monthly community markets in Memorial Park Brunswick Heads. The Committee has requested a sub-licence from Council for an additional 50 market stalls on Part Lot 7307 DP 1167806.

The Committee has been operating the 50 stalls on Part Lot 7307 DP 1167806 as part of the community markets and initially sought a directly negotiated licence from Crown lands. Crown lands have recently disclosed that it would not grant a licence because a licence could be granted by Byron Shire Council.


Lot 7307 DP 1167806 is Crown land included in licence RI564194 held by Council for business purposes (low impact commercial recreational activities). In accordance with the licence Council may grant a sub-licence for markets on Lot 7307 DP 1167806.

RECOMMENDATION:

That Council delegate to the General Manager the authority to enter into a sub-licence with the Brunswick Valley Woodchop and Entertainment Committee Inc for a market licence over Part of Lot 7307 DP1167806 on the following:

- a) **Term of 30 months;**
- b) **rent to be set in accordance with Council Fees and Charges;**
- c) **conditional that the sub- licensee holds a Trust licence for community markets on the adjacent land; and**
- d) **all special conditions in the Trust licence to be replicated in the sub-licence.**

Attachments:

- 1 Letter from Joy Slater on behalf of Brunswick Valley Woodchop & Entertainment Committee Inc - Request for Sub-Licence, S2019/2645 

REPORT

The Brunswick Valley Woodchop and Entertainment Committee Inc ('the Committee') holds a five year market licence to operate a community market in part of Reserve R80349 known as Memorial Park Brunswick Heads on the first Saturday of each month. The market licence was awarded following a competitive process and commenced on 1 November 2016.

The market licence limits the licenced area to accommodate approximately 170 stalls. Rent is calculated on the average number of stalls trading in the licensed area during a year.

Request for sub-licence:

The Committee has requested an additional sub-licence, to be granted by Council, over approximately 570m² of Crown land being Part Lot 7307 DP 1167806 adjacent to the market licensed area to operate a further 50 market stalls. The Committee has been operating stalls on this land in conjunction with its market licence.

The Committee originally applied to Crown lands to directly negotiate a temporary licence over part of Lot 7307 DP 1167806 however no licence was issued. After multiple attempts by the Committee to secure a Crown licence, the Department of Industries Crown Lands recently disclosed that it would not grant a licence because the licence could be granted by Byron Shire Council.

Grant of sub-licence:

Lot 7307 DP 1167806 is included in Crown licence RI564194 held by Council for business purposes (low impact commercial recreational activities). In accordance with licence RI564194 Council has the authority to grant a sub-licence for the purpose of a market on Part Lot 7307 DP 1167806.

Clause 64(e) of licence RI564194 does require Council to undertake some form of competitive process to grant a sub-licence. The proposed sub-licence area of 570m² is considered too small to operate a viable stand alone market. Should Council grant a sub-licence for markets on the land then only the Committee is in a viable position to be granted that sub-licence.

Essential Sub-licence terms:

1. Rent:

The Committee has requested that should Council grant a sub-licence over part of Lot 7307 DP 1167806 then rent payable under the sub-licence should be set at the value determined by Council's fees and charges in the same way the market licence rent is calculated.

Council's 2018/19 fees and charges for markets on Crown land provides rent payable on 50 stalls at \$126 inclusive of GST per market. Under the market licence the Committee currently pays \$316 inclusive of GST per market totalling \$3792 inclusive of GST per annum.

2. Term:

The Committee has not requested a term for the sub-licence. As the sub-licence will only be used in conjunction with the current market licence, the term of the sub-licence should correspond with the market licence. The market licence will expire on 31 October 2021; therefore the term of a sub-licence should be 30 months or 2.5 years.

3. Purpose:

The sub-licence would be granted for the purpose of a market on Part Lot 7307 DP 1167806 to be held on the first Saturday of each month in conjunction with community markets. Full compliance with Council's Sustainable Markets Policy and Market Regulatory Codes and all other conditions in the market licence to apply to the sub-licensee.

Native Title

In accordance with Licence RI564194 Council may only grant sub-licences for low impact future acts that exclude any form of excavation, vegetation clearing, mining and construction, hazardous disposals onto the land or the right of exclusive possession.

The proposed sub-licence for community markets is a type of low impact future act that has been validated as a future act by Crown lands. However, should a future Native Title determination find that native title does exist on Part Lot 7307 DP 1167806 then Licence RI564194 and any sub-licence granted over the land will terminate.

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	2.3.6	Ensure Shire wide assessment of the current and future needs of the community for active and passive recreation is integrated into Open Space works programs (SP)	2.3.6.1	Update Open Space work programs in alignment with an adopted Recreational Needs assessment

Legal/Statutory/Policy Considerations

Nil.

Financial Considerations

Rent under the proposed sub-licence will commence at \$126 inclusive of GST per market and increase with Councils published fees and charges.

Consultation and Engagement

Council is not required to notify Native Title claimants or NTS Corp of the proposed sub-licence.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Heritage House Bangalow - Disband Section 355 Management Committee and Grant a Lease

5 **Directorate:** Corporate and Community Services
 Report Author: Joanne McMurtry, Community Project Officer
 Paula Telford, Leasing and Licensing Coordinator
 File No: I2017/811
 Theme: Society and Culture
 10 Community Development

Summary:

15 This report recommends that Council grants a five (5) year lease to the Bangalow Historical Society Incorporated for the purpose of a not-for-profit museum and associated tea rooms and that the difference between minimum crown rent and the market rent value be provided through a Section 356 donation from Council.

20

RECOMMENDATION:

1. **That Council terminates the Delegated Authority under Section 377 of the Local Government Act 1993 for a Section 355 Management Committee to manage the Heritage House and Tennis Courts Bangalow.**

2. **That Council delegates to the General Manager the authority to negotiate a five (5) year lease, for the purpose of a Not-For-Profit Museum and Associated Tea House Rooms, to the Bangalow Historical Society Incorporated over the whole of Lot 1 DP 1249921 being 4 Ashton Street Bangalow on the following terms:**
 - a) commencement date 1 June 2019;
 - b) term five (5) years and with no holding over provision;
 - c) initial rent to be set at the value of minimum Crown rent as determined by clause 38 of the *Crown Land Management Regulations 2017* (NSW).

3. **That the \$5,000 bank float provided to the Section 355 Management Committee for Heritage House be donated to the Bangalow Historical Society to cover the costs of transitioning from a Council committee structure to a lease.**

4. **That on granting of the lease, Council:**
 - a) subsidises the rent by way of a Section 356 donation from Council to the Bangalow Historical Society Inc. to the value of \$3,110 to be provided for in the 2019/2020 Budget, and the forward Long Term Financial Plan; and
 - b) advertises the Section 356 donation proposed to be made.

5. **That Council authorises the publication of the proposed five (5) year lease to Bangalow Historical Society Incorporated for a period of 28 days seeking public comment.**

6. **That in the event no submissions are received, Council delegates to the General Manager the authority to enter into the lease referred to in 2 above.**

6. **That if submissions are received, a new report be brought back to Council at its June**

meeting.

5 Report

The Bangalow Historical Society Inc. currently occupies Heritage House in Alcorn Street, Bangalow. Until 2016, the Bangalow Heritage House Section 355 Management Committee managed the Heritage House facility on behalf of Council, with the aim of maximising the use of the facility and undertaking day-to-day management, including organising maintenance and minor repairs.

The Bangalow Heritage House Section 355 Management Committee was made up of members of the Bangalow Historical Society. Some conflicts of interest had emerged and been discussed with committee members.

No nominations for the Bangalow Heritage House Section 355 Committee were received following the Local Government elections in September 2016 when committees were re-established. Council staff have been working with the Bangalow Historical Society Inc. to establish an effective governance mechanism that meets the needs of Bangalow Historical Society Inc., Council and the community. A Section 355 Committee has not been in place during this interim period.

An agreement has been reached with Bangalow Historical Society Inc. to enter a lease which addresses the concerns raised and has a number of other benefits in making Heritage House easier to manage for the volunteer not-for-profit committee. In acknowledgement of the investments of the Bangalow Historical Society Inc. into the building over the period of time where there was no Section 355 Committee, it is proposed to provide the \$5,000 float that had been allocated to the Section 355 Committee to Bangalow Historical Society Inc. This would be a one-off allocation and would also cover costs associated with the transition to lease arrangements.

Land information

Lot 1 DP 1249921, 4 Ashton St, Bangalow NSW 2479 known as the Heritage House and Bangalow Museum and Teahouse is Council owned land classified as community land and categorised for general community use under the Generic Plan of Management for Community Land Categorised as General Community Use – Community Facilities, ('Plan of Management').

Purpose of Lease

The Plan of Management expressly authorises the grant of a lease that encourages the principles of multi and shared use of community facilities.

The Bangalow Historical Society is a not-for-profit organisation that is run as an incorporated entity under the control of a Management Committee. The Bangalow Historical Society requests a new lease for the purpose of operating a historical museum and ancillary tea-house rooms.

Core objectives of general community use to promote, encourage and provide use of the land for a community museum and ancillary tea house is a purpose for which a lease may be granted. The dual uses of the facility encourage multi and shared uses of the community facility as required by the Plan of Management.

The Bangalow Historical Society has received a number of financial grants for the purposes of maintaining and improving the building from other organisations in the past.

Proposed Term of Lease

It is proposed to offer a new lease for a term of five (5) years over the whole of Lot 1 DP 1249921.

Market Rent

The market rent reasonably expected to be paid for the Premises during the term of the lease has been calculated at \$3,600 per annum. This value has been derived by the agreed formula of 6 per cent of the Valuer-General's Unimproved Capital Land Value published on 1 July 2015, which was \$60,000.

Subsidised Rent

The Bangalow Historical Society is a registered not-for-profit organisation with an ABN. The Society requested a Section 356 donation from Council towards the rent of \$3,600 ex GST per year. Based on the minimum crown rent, Council will charge the Bangalow Historical Society \$490 ex GST per annum rent and request a donation of \$3,110 be recorded as an annual Section 356 donation.

The \$5,000 float provided to all Section 355 Committees to enable cash flow is proposed to be provided to Bangalow Historical Society to cover the costs of transitioning from a Council committee structure to a lease. The Society also requested a donation for lease preparation fees of \$517 as stated in Council's 2018/2019 fees and charges. However, this is considered to be a cost associated with transitioning from a Council committee structure to a lease and, as such, constitutes part of the proposed \$5,000 donation.

Total subsidised benefit to the Society in the first year of the lease is \$3,110 ex GST with subsequent years' rent annually increased by CPI in its budget and long-term financial planning.

Rates

Heritage House Bangalow is listed in the Policy 12/008 – Section 356 Donations Rates, Water and Sewerage Charges to receive a 100% donation of its General Rates and fixed Water and Sewer charges under Section 356 of the Local Government Act 1993.

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

s47 Leases, licences and other estates in respect of community land—terms greater than 5 years

- 5 (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)
- 10 • 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.
- 15 (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:
- 20 (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.

25 **s47A Leases, licences and other estates in respect of community land—terms of 5 years or less**

- (1) This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.
- 30 (2) If a council proposes to grant a lease, licence or other estate to which this section applies:
- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and
 - (b) the provisions of section 47 (3) and (4) apply to the proposal, and
 - (c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47 (5)–(9) are to apply to the proposal.
- 35 (3) If the Minister, under subsection (2) (c), determines that the provisions of section 47 (5)–(9) are to apply to the proposal:
- (a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47 (1)–(8), and
- 40 (b) section 47 (9) has effect with respect to the Minister's consent.

Financial Considerations

45 The Bangalow Historical Society is a registered not-for-profit organisation with an ABN (88625199635). Based on minimum crown rent, Council will charge the Bangalow Historical Society \$490 per annum rent and request a donation of \$3,110 be recorded as an annual Section 356 donation. Subsequent years' rent would increase annually by CPI for the additional 4 year period.

50 **Consultation and Engagement**

Bangalow Historical Society

Report No. 13.6 **Lone Goat Gallery - request for support**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/280

5

Summary:



- 10 The Lone Goat Gallery operates in a dedicated space at the Byron Library and provides a contemporary community based art gallery. It is managed as a Section 355 Committee of Council.
- 15 The Gallery has implemented its Strategic Plan (2016-2019) and noted a number of achievements. The Gallery board has developed a business case for the ongoing growth of the Gallery.
- 15 This report seeks Council endorsement for one of the funding models – including the continuation of a dedicated paid Gallery Coordinator position.

RECOMMENDATION:**That Council:**

1. **Notes the achievements of the Lone Goat Gallery in implementing the Lone Goat Gallery Strategic Plan 2016-2019.**
2. **Decides on the preferred option for future funding provided to the Gallery.**

20

Attachments:

- 1 Lone Goat Gallery Business Case - final, E2019/22344 
- 2 Lone Goat Gallery letter of Support Peter Wood, E2019/21136 

25

REPORT

The Lone Goat Gallery operates in a dedicated space at the Byron Library and provides a contemporary community based art gallery. It is managed as a Section 355 Committee of Council.

The Lone Goat Gallery Board has successfully implemented its Strategic Plan (2016-2019). Members of the Lone Goat Gallery Board of Management presented a summary of achievements over the strategic plan period to the March Councillor strategic planning workshop, and also provided a business case for ongoing funding of the Gallery.

The key highlights provided to the March workshop include:

- Increased gallery revenue
- Increased visitation and audience engagement
- Employment of a dedicated paid gallery coordinator (Gallerist) resulting in efficiencies including a new sales and inventory system
- Improved collaboration with industry partners has increased the profile of the gallery locally and in the region
- Development of a new brand and improved promotion including a new website, social media presence and broad representation in industry publications such as the Byron Arts Magazine
- Improved diversity of exhibitions and audience development as a result of a transparent exhibition process

The Gallery provides important cultural outcomes to the Byron Shire community that assist Council to meet its commitment to the community as outlined in the Community Strategic Plan. The Community Strategic Plan includes the goal 'to cultivate and celebrate our diverse cultures, lifestyle and sense of community which arises from the community wish to 'foster the arts and cultural activities'. In 2017, over 12,000 people visited the Lone Goat Gallery.

Future plans for Lone Goat Gallery

In order to build on the successes of the Strategic Plan, the Lone Goat Gallery Board has researched current best practice both locally and nationally in the community and regional gallery space, and has developed a business plan for the Lone Goat Gallery to grow over the next 5 years.

Current vision – short term: Lone Goat Gallery

Over the next 5 years, the Board will continue overseeing the programming and development of exhibitions and public programs at Lone Goat Gallery, with the Gallery remaining a permanent, community focused contemporary art gallery. They will build the capability and capacity of the Lone Goat Gallery and community and will work collaboratively with Council and the community towards achieving the vision of a new, ambitious, purpose built Contemporary Arts Centre to complement the Lone Goat Gallery.

Future Vision – Medium to long term: Byron Contemporary Arts Centre

The Lone Goat Gallery Board has an ambitious vision for the creation of a new purpose built independent Contemporary Art Gallery in the Byron Shire Region with a focus on ambitious works and new exhibitions by Northern Rivers based artists, alongside Australian and international artists. A new purpose built gallery would be a catalytic space focused on raising the profile and professional development of local contemporary artists - an exporter of culture, not an importer.

New model/management structure

A model currently being explored by the Board is to transition the Lone Goat Gallery to an incorporated association which will have the benefits of needing less Council-staff resourcing, providing more flexibility and opening up more grant opportunities (available to not-for-profits).

- 5 Council is considered to be a key partner in the incorporated association with an allocated Board position and a formal agreement with the Gallery that it continues to provide the high level of service to the Byron Shire community that it currently does, while allowing the Gallery to grow and achieve a greater reach into the community and into the Australian arts sector.
- 10 In order to achieve the vision outlined above, the Lone Goat Gallery continues to need support from Council, particularly the funding of a Gallerist position. As such, the Lone Goat Gallery Board requests five years' funding to provide the Gallery with time to implement its vision. Arts Northern Rivers identifies the Lone Goat Gallery as an important part of the Byron Shire's cultural landscape and has provided a letter of support for the continuation of funding for the Gallery (attachment 2).

15 ***Funding options***

The current funding for the Gallery Coordinator position ceases on 30 June 2019. The Board request per year is \$96,000 and includes:

- 20
- \$69,000 full time gallerist
 - \$13,000 operational costs including but not limited to software, licenses, fees, website, maintenance, promotion
 - \$14,000 contracted administration and bookkeeper assistance

- 25 The Lone Goat Gallery Board of Management has provided supporting documentation in attachment 1 outlining the business case for future funding of the Gallery Coordinator position.

Option 1 – no future funding

- 30 If this option is selected, the paid position of Gallery Coordinator (Gallerist) will not continue beyond 30 June 2019. There is a risk that some of the professionalism brought to the Gallery since the commencement of the position will be lost. The Board would have the option to recruit a Gallerist from income raised from Gallery operations; however this is unlikely to be more than one day per week.

- 35 **Option 2 – fund the Gallery Coordinator position for three days per week, as previously resolved by Council. The draft 2019/20 Budget includes an allocation of \$57,100 for the Gallerist position at three days per week.**

- 40 **Option 3 – fund the Gallery Coordinator position as requested by the Lone Goat Gallery Board. A total of \$96,000 is sought, leaving a shortfall of \$38,900 in the Draft 2019/20 budget.**

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	2.1.2	Provide meaningful and inclusive opportunities for volunteering	2.1.2.1	Provide accessible training, support and capacity building to s355 committee volunteers

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 the Public Art Strategy. Note Council resolution 18-450 to develop a new Arts and Cultural Policy.
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Legal/Statutory/Policy Considerations

- 5 Section 355 Committees are provided with a Delegation of Authority by resolution of Council. In addition, Council adopted the current Terms of Reference and Halls and Venue Guidelines for Section 355 Management Committees and Boards.

Financial Considerations

- 10 The Draft 2019/20 Budget has an allocation of \$57,100 for a three day per week Gallerist position.
- The Lone Goat Gallery Board of Management has requested \$96,000 for Gallery operations over a five year period as outlined under Funding Options.
- 15 A shortfall of \$38,900 for the 2019/20 budget would need to be met.
- The total cost to Council over 5 years is \$480,000.

Consultation and Engagement

- 20 The Lone Goat Gallery Board of Management has provided a business case and supporting documentation. The Board presented to Councillors at their March Strategic Planning Workshop.
- 25 Arts Northern Rivers has been engaged on the future of the Gallery and provided their support for continued funding.

Report No. 13.7 Section 355 Management Committees - resignations and appointments**Directorate:** Corporate and Community Services**Report Author:** Joanne McMurtry, Community Project Officer**File No:** I2019/398**Summary:**

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

RECOMMENDATION:

1. That the resignation of Dianne Burke from Brunswick Heads Memorial Hall Management Committee is accepted and a letter of thanks provided.
2. That the nominee in the confidential attachment be appointed to the Brunswick Heads Memorial Hall Management Committee.
3. That the resignation of Leah Kapral from Ocean Shores Community Centre Management Committee is accepted and a letter of thanks provided.
4. That the resignation of Liz Poynton from Marvell Hall Management Committee is accepted and a letter of thanks provided.
5. That the nominee in the confidential attachment be appointed to the Bangalow Parks (Showground) Management Committee.
6. That the nominees listed in the confidential attachment be appointed to the Lone Goat Gallery Board of Management.
7. That the resignation of Ana Mantuaneli from South Golden Beach Hall Management Committee is accepted and a letter of thanks provided.

Attachments:

- 1 Confidential - Confidential attachment to report to 18 April Council meeting - additional community members for Section 355 committees, E2019/20322

REPORT

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

5

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

- Bangalow Showground
- Brunswick Heads Memorial Hall
- 10 • Brunswick Valley Community Centre
- Ocean Shores Community Centre

Advertising for new members was conducted recently for a month, closing on 29 March 2019. Staff utilised the new Love Byron Halls marketing materials via social media to augment the standard Council Notices advertising to encourage fresh membership.

15

Brunswick Heads Memorial Hall

A resignation from the Brunswick Heads Memorial Hall Management Committee has been received from Dianne Burke.

20

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

25 Current members of this Management Committee are:

Councillors

- Cr Simon Richardson

30 *Community Representatives*

- Stephen Bond (leave of absence)
- Marj Trimble (Secretary/ Treasurer)
- Beverley Rahill
- Ann Burnett
- 35 • Leah Schinagl
- Melinda Bennett (Bookings)
- Trudy Ashworth (Chair)

Management Recommendation

40

That the resignation of Dianne Burke is accepted and a letter of thanks provided.

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

45

Ocean Shores Community Centre

A resignation has also been received from Leah Kapral after an extended leave of absence.

50 Current members of this Management Committee are:

Councillors

- Cr Michael Lyon
- Cr Cate Coorey (alternate)

Community Representatives

- Gail Fuller (Chair/ bookings)
- Wendy Smith (Treasurer)
- Susan Cubis (Secretary)

Management Recommendation

That the resignation of Leah Kapral is accepted and a letter of thanks provided.

Marvell Hall

A resignation has also been received from Liz Poynton.

Current members of this Management Committee are:

Councillors

- Cr Cate Coorey
- Cr Jan Hackett (alternate)

Community Representatives

- Margaret Robertson (Bookings)
- Caroline Lloyd
- Jim Beatson (Chair)
- Nancy English (Secretary)
- Maureen Lightfoot (Treasurer)
- Christine Willmot

Management Recommendation

That the resignation of Liz Poynton is accepted and a letter of thanks provided.

Bangalow Parks (Showground)

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

Current members of this Management Committee are:

Councillors

- Cr Simon Richardson

Community Representatives

- Neville Maloney (Treasurer)
- Peter Hill
- Murray Hand (Secretary)
- Ian Grissell
- Jan Hulbert (Chair)
- Toni Appleton
- Troy Delaney (Caretaker/ bookings)
- Stephen Jarrett
- Michael Omeara
- Jed Patterson

Management Recommendation

That the nominee in Confidential Attachment 1 be appointed to the Bangalow Parks (Showground) Management Committee.

Lone Goat Gallery

Council resolved (18-328) to advertise for the appointment of three visual arts representative members to The Lone Goat Gallery Board (355 Committee), to ensure a balanced representation and a diversity of skills on the governing management committee. Advertisements were placed in Council Notices and supported by social media and distributed by email to several networks for a month, closing on 29 March 2019.

Nominations have been received for the Lone Goat Gallery Board of Management. Details of the nominees can be found in confidential Attachment 1.

Current members of this Board of Management are:

Councillors

- Cr Michael Lyon
- Cr Simon Richardson (alternate)

Community Representatives

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

Management Recommendation

That the nominees in confidential Attachment 1 be appointed to the Lone Goat Gallery Board of Management.

South Golden Beach Hall

A resignation from the South Golden Beach Hall Management Committee has been received from Ana Mantuaneli.

Current members of 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)

Management Recommendation

That the resignation of Ana Mantuaneli is accepted and a letter of thanks provided.

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	2.1.2	Provide meaningful and inclusive opportunities for volunteering	2.1.2.1	Provide accessible training, support and capacity building to s355 committee volunteers
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.3	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

5

Legal/Statutory/Policy Considerations

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

10

3.2 Committee Membership

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

15

20

Whilst no particular qualifications are necessary (notwithstanding 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 Management Committees and Boards as relevant

Report No. 13.8 **Australia Day 2019 Review and Future Planning**
Directorate: Corporate and Community Services
Report Author: Deborah Stafford, Community and Cultural Development Coordinator
File No: I2019/409

5

Summary:

10 This report provides a review of the planning and delivery of Council's Australia Day 2019 activities. It is recommended that the Australia Day 2019 Project Reference Group (PRG) be disbanded following the completion of its objectives.

15 This report also outlines key issues for consideration and provides two options for Australia Day activities in 2020: establishing a 2020 PRG; or contributing to diverse Australia Day events through a range of support activities. A Council decision is sought regarding a future approach.

RECOMMENDATION:**That Council:**

1. **Notes this report on Australia Day 2019 activities and disbands the Australia Day Project Reference Group effective 18 April 2019.**
2. **Writes to the members of the Australia Day 2019 Project Reference Group advising of this resolution and thanking the participants for their assistance.**
3. **Participates in the Australia Day Council Ambassador Program for 2020 Australia Day activities.**
4. **Decides on a preferred option for moving forward with Australia Day 2020 activities.**

20

REPORT

Review of Australia Day 2019

5 Planning and preparation

In accordance with resolution 18-273, Council invited organisations to nominate representatives to be a member on the Australia Day 2019 Project Reference Group (PRG). Of the 9 organisations invited, 2 declined on the basis that Council's Australia Day celebrations were no longer aligned with their community's values.

Input was sought from traditional custodians via the Arakwal MoU Committee regarding how Council could celebrate its Australia Day event in a culturally appropriate way. At its meeting on 13 September 2018, the Arakwal MoU Committee recommended:

1. *That input provided by the Arakwal MoU Committee informs the planning and delivery of Council's Australia Day 2019 activities.*
2. *That, in the event the date of the official Council celebrations change, that it be recognised that it is a Council decision, not one by the Arakwal Corporation.*
3. *That Council continue to support the Byron Reconciliation Group Survival Day events.*

At the Council meeting on 20 September 2018, Council resolved (18-613) to:

1. *Hold its Australia Day event on 25 January*
2. *Invite local custodians to assist in the development and management of the event*

All above items were actioned by staff and informed planning for Council's Australia Day 2019 event and activities.

The PRG met on 3 occasions prior to Australia Day. Additional discussion and correspondence was undertaken as required in order to confirm arrangements for the various community events.

35 Event delivery

Council held its Australia Day event on 25 January with invited guests and a small number of spectators.

Award nominations were received for the categories listed below, with the recipient noted:

- Citizen of the Year (Anne Goslett)
- Senior Citizen of the Year (Sybil Johnston)
- Volunteer of the Year (Lynn Smith)
- Creative Artist of the Year (Will Gammon)
- Sportsperson of the Year (Chris Layland)
- Environmental Project of the Year (Rotary Club of Mullumbimby – Rainforest Park)
- Community Event of the Year (Mullumbimby Agricultural Show)

A Welcome to Country was sought, however Council was strongly advised by stakeholders that this could not be supported or provided.

5 While previous Australia Day official ceremonies had been co-hosted by Council and a PRG member group (on a rotational basis), no PRG member group was available to co-host the 2019 ceremony and therefore the event was coordinated by Council staff.

10 Due to the federal government stipulation that Australia Day citizenship ceremonies must occur on 26 January, a separate citizenship ceremony was held on 26 January 2019.

Other Australia Day events were planned and delivered by community groups with the details of these events noted below.

15 *Brunswick Heads Breakfast in the Park (Rotary Club of Mullumbimby representing the Combined Services Clubs):* This event was held at Banner Park. 560 breakfasts were served to community and additional community members were also in attendance.

20 *Byron Bay Breakfast in the Park (Rotary Club of Byron Bay):* This event was held in Apex Park with small numbers of people attending over a longer duration event and all aspects of the day proceeding well.

25 *Celebration of the Survival of Aboriginal and Torres Strait Islander Peoples and Culture (Sisters for Reconciliation):* This event was held at Apex Park and included Indigenous speakers, performers and a range of activities. The event went well with several hundred people attending over the course of the event.

30 *Ocean Shores Family Afternoon (Ocean Shores Community Association):* This event was held at the Ocean Shores public school and included the popular mullet throwing competition. Approximately 100 people attended.

Bangalow BBQ Breakfast (Bangalow Red Cross): This inaugural event worked well with 150 attendees enjoying a program provided by the combined local service clubs.

At the PRG debrief meeting in February 2019, members noted that:

- 35
- attendance at the awards ceremony by PRG members was positive;
 - the Ambassador was well received by all;
 - awards preparation, including a review of awards criteria, should commence by mid-2019 in order to maximise participation for Australia Day 2020; and
 - some theft/vandalism had been targeted at the Brunswick Heads event signage.
- 40

The objectives outlined in the PRG's Constitution have been met. These objectives are generally described as:

- 45
1. Organise Australia Day events
 2. Australia Day Address – local resident
 3. Local Australia Day Awards
 4. Australia Day Ambassador – participation in the program

Key issues

Conflicting views

- 5 There are diverse views amongst the community on Australia Day in Byron Shire. Unfortunately, at a local level, these divergent views have not always been expressed from a position of mutual respect and have resulted in vandalism/theft of community property (community event signage) and offensive communication on social and other media platforms.
- 10 Additionally, while Council has resolved to change the date of the local Australia Day awards ceremony, it has not changed, and does not have delegation to change, the date of Australia Day itself. Feedback from the community indicates that this distinction has not been consistently understood in informal community discussion and debate.

15 Council's role

Changes to how and when Council conducts its Australia Day event and related activities mean that Council's role now consists of:

- 20 1. Administering the Australia Day awards
 2. Planning for and hosting the Australia Day awards event on 25 January
 3. Securing someone to give a local Australia Day address
 4. Participating in the Australia Day Ambassador program
 5. Subsidising community events coordinated by PRG member organisations
- 25 6. Seeking and processing community event applications by PRG member organisations
 7. Ordering and distributing materials (hand waver flags and bunting) for distribution at community events

A significant number of additional administrative, planning and communication tasks are also completed by staff in the lead up to local events.

Options moving forward

Option 1: Establish an Australia Day 2020 Project Reference Group

35 This option is based on Council's historic approach to delivering Australia Day activities in the community, which sees a PRG created and disbanded every year. Given that the roles of Council and the PRG have changed, the Constitution would be amended to reflect:

- a scaled back scope of activities for the PRG, and
- consideration and involvement of traditional owners in the planning and management of activities.

If this option is endorsed, an Australia Day 2020 PRG Constitution would be drafted and brought to the May 2019 meeting of Council for adoption. Note however that some organisations may be less willing to participate in a PRG than previously.

Option 2: Contribute to diverse Australia Day 2020 events through a range of support activities

This option would be a departure from Council's historic approach to delivering Australia Day activities in the community. In this model, Council would continue to deliver actions 1-4 identified above, namely, administer the Australia Day awards program, host an awards event on 25 January 2020, secure a local Australia Day address, and participate in the Australia Day Ambassador program.

Key points of difference would be in actions 5-7, specifically:

- Council would make the allocated funding available to subsidise community events based on a transparent and equitable application process and assessment of any and all applications
- Council would process community event applications in accordance with existing procedures for external community events
- Organisations seeking to purchase materials (hand waver flags and bunting) for distribution at community events would do so independently, in alignment with their own budget and event priorities

If this option is endorsed, Australia Day event funding guidelines would be developed to ensure that any subsidised events met minimum standards of accountability and were aligned with community values. In accordance with resolution 18-657, Council would continue to support the Byron Reconciliation Group Survival Day event.

An award nominations evaluation process would also be developed, including establishing an evaluation panel consisting of 2 former award recipients, a Councillor and a staff member.

This option has been benchmarked against the approach of other Councils which includes administering the awards program and hosting an awards presentation. This may be a relevant consideration moving forward.

Additionally, it is felt that this option would improve transparency and equity while encouraging a culturally diverse range of community activities and events. As such, it potentially offers greater alignment with Council's stated values and objectives.

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	2.1.1	Support a range of inclusive events that encourage broad community participation and promote social inclusion	2.1.1.1	Participate in, promote or enable a range of community events

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

The budget for 2019 was \$13,400 with \$11,696 expended. A budget of \$13,400 is allocated in the draft budget for delivery in 2020.

5

If a PRG is not established, funding of up to \$5,000 would be made available to diverse local community events through the Australia Day event application process.

Consultation and Engagement

10

Social and Cultural Planning Team

Events Team

Executive Team

15

Report No. 13.9 **Investments - 1 March 2019 to 31 March 2019**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/437

5

Summary:

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

20

REPORT

Council has continued to maintain a diversified portfolio of investments. At 31 March 2019, the average 90 day bank bill rate (BBSW) for the month of March 2019 was 1.84%. Council's performance to 31 March 2019 is 2.77%. 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.

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

Schedule of Investments held as at 31 March 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	Y	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	Y	FRN	3.25%	1,010,710.00
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	Y	FRN	3.20%	500,573.50
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	1,000,000.00
03/10/18	1,000,000	NAB	Y	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
15/10/18	1,000,000	Suncorp	Y	A	15/04/19	Y	TD	2.65%	1,000,000.00
30/10/18	1,000,000	Australian Military Bank	N	NR	30/04/19	Y	TD	2.90%	1,000,000.00
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
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
15/11/18	1,000,000	Police Credit Union Limited (SA)	Y	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	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
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
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
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	Y	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	N	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
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	Y	A-	30/07/19	N	TD	2.85%	2,000,000.00
04/02/19	1,000,000	Summerland Credit Union	N	NR	04/02/20	Y	TD	2.95%	1,000,000.00
05/02/19	2,000,000	MyState Bank	Y	NR	06/08/19	Y	TD	2.85%	2,000,000.00
05/02/19	1,000,000	Credit Union SA	Y	NR	07/05/19	Y	TD	2.80%	1,000,000.00
07/02/19	1,000,000	NAB	N	AA-	08/05/19	N	TD	2.65%	1,000,000.00
08/02/19	2,000,000	Suncorp	N	A	08/11/19	Y	TD	2.75%	2,000,000.00
08/02/19	1,000,001	AMP Bank	N	A-	07/08/19	N	TD	2.80%	1,000,001.00
11/02/19	1,000,000	B & E Ltd (Bank of Us)	N	NR	12/08/19	Y	TD	2.88%	1,000,000.00
13/02/19	1,000,000	B & E Ltd (Bank of Us)	N	NR	15/05/19	Y	TD	2.82%	1,000,000.00
14/02/19	1,000,000	Police Credit Union Limited (SA)	N	NR	21/05/19	Y	TD	2.80%	1,000,000.00
14/02/19	1,000,000	Maitland Mutual Building Society	Y	NR	15/05/19	Y	TD	2.82%	1,000,000.00
25/02/19	1,000,000	AMP Bank	N	A	26/08/19	N	TD	2.80%	1,000,000.00
28/02/19	2,000,000	Australian Military Bank	N	NR	01/06/19	Y	TD	2.78%	2,000,000.00
28/02/19	1,000,000	AMP Bank	N	A-	29/08/19	N	TD	2.80%	1,000,000.00
28/02/19	1,000,000	ME Bank	Y	BBB	27/06/19	Y	TD	2.68%	1,000,000.00
01/03/19	1,000,000	Suncorp	N	A+	29/07/19	Y	TD	2.60%	1,000,000.00
04/03/19	1,000,000	Maitland Mutual Building Society	N	NR	03/06/19	Y	TD	2.77%	1,000,000.00
05/03/19	1,000,000	Australian Military Bank	N	NR	04/09/19	Y	TD	2.77%	1,000,000.00
05/03/19	1,000,000	Suncorp	N	A+	05/06/19	Y	TD	2.55%	1,000,000.00
06/03/19	1,000,000	Bananacoast Credit Union	Y	NR	04/03/20	Y	TD	2.90%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
06/03/19	1,000,000	AMP Bank	N	A-	04/06/19	N	TD	2.65%	1,000,000.00
12/03/19	1,000,000	Summerland Credit Union	N	NR	01/06/19	Y	TD	2.75%	1,000,000.00
27/03/19	1,000,000	Maitland Mutual Building Society	N	NR	21/06/19	Y	TD	2.70%	1,000,000.00
29/03/19	2,000,000	NAB	N	AA-	27/06/19	N	TD	2.45%	2,000,000.00
29/03/19	2,000,000	NAB	N	AA-	12/06/19	N	TD	2.43%	2,000,000.00
N/A	796,470.67	CBA Business Online Saver	N	AA-	N/A	N	CALL	1.40%	796,470.67
12/01/18	3,530,548.27	NSW Treasury Corp	N	AAA	N/A	Y	CALL	2.28%	3,530,548.27
Total	75,225,369.94						AVG	2.77%	75,302,277.59

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 (ESRI)

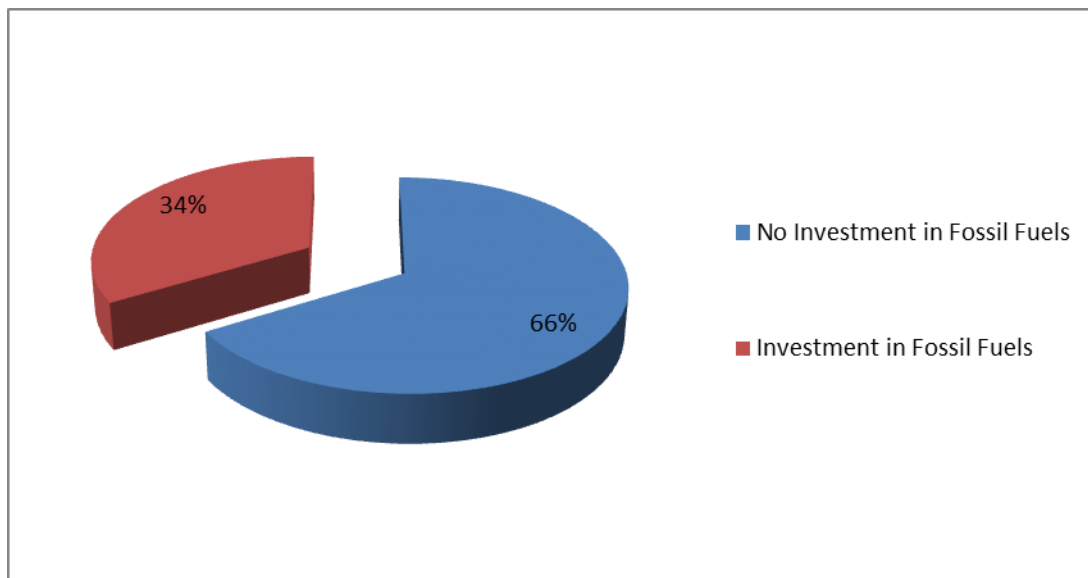
5

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

10

15

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 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.

New ESRI opportunity secured – National Housing Finance and Investment Corporation

During March 2019, Council was able to secure an investment bond issued by the National Housing Finance and Investment Corporation (NHFIC). This organisation was formed on 30 June 2018 by the Commonwealth Government to provide grants and or loans for the provision of Affordable Housing in Australia. The bond issue by the NHFIC was seeking funding of \$350million from investors but offers of over \$1billion were received. Council sought and was lucky to receive a \$1million allocation with the investment settling on a fixed interest rate of 2.38% with a maturity date in March 2029. The investment is guaranteed in full by the Commonwealth Government which therefore provides the investment with a AAA credit rating.

Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	46%	Meets policy
A+ to A-	A1	60%	8%	Meets policy
BBB to NR	A2,NR	40%	46%	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

- 5 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.
- 10 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. Although this has reduced, it is still 6% 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 for suitable investment opportunities.

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

Dissection of Council Investment Portfolio as at 31 March 2019

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
64,000,001.00	Term Deposits	64,000,001.00	0.00
2,900,000.00	Floating Rate Note	2,911,288.65	11,288.65
796,470.67	Business On-Line Saver (At Call)	796,470.67	0.00
3,530,548.27	NSW Treasury Corp (T Corp)	3,530,548.27	0.00
3,998,350.00	Bonds	4,063,969.00	65,619.00
75,225,369.94		75,302,277.59	76,707.65

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

30

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

Movement in Investment Portfolio – 31 March 2019

5

Item	Current Market Value (at end of month) \$
Opening Balance at 1 March 2019	74,887,254.57
Add: New Investments Purchased	13,000,000.00
Add: Call Account Additions	0.00
Add: Interest from Call Account	1,589.53
Less: Investments Matured	14,000,000.00
Add: T Corp Additions	2,000,000.00
Add: Interest from T Corp	3,320.49
Less: Call Account Redemption	600,000.00
Less: T Corp Redemption	0.00
Add: Fair Value Movement for period	10,113.00
Closing Balance at 31 March 2019	75,302,277.59

Investments Maturities and Returns – 1 March to 31 March 2019

Principal Value (\$)	Description	Type	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000	Police Credit Union SA	TD	13/03/19	69	2.94%	5,557.81
2,000,000	Police Credit Union SA	TD	20/03/19	75	2.94%	12,082.19
1,000,000	Bananacoast Community Credit Union	TD	06/03/19	181	2.91%	14,430.41
1,000,000	B & E Ltd (Bank of Us)	TD	27/03/19	119	2.95%	9,617.81
1,000,000	Suncorp	TD	01/03/19	178	2.70%	13,167.12
1,000,000	Suncorp	TD	05/03/19	180	2.70%	13,315.07
2,000,000	NAB	TD	29/03/19	151	2.69%	22,256.99
2,000,000	NAB	TD	29/03/19	149	2.70%	22,043.84
1,000,000	NAB	TD	04/03/19	122	2.66%	8,890.96
1,000,000	Maitland Mutual Building Society	TD	27/03/19	119	2.92%	9,520.00
1,000,000	Illawarra Credit Union	TD	08/03/19	95	2.85%	7,417.81
14,000,000						138,300.01

- 10 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 March 2019 the table below identifies the overall cash position of Council as follows:

Dissection of Council Cash Position as at 31 March 2019

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	64,000,001.00	64,000,001.00	0.00
Floating Rate Note	2,900,000.00	2,911,288.65	11,288.65
Business On-Line Saver (At Call)	796,470.67	796,470.67	0.00
NSW Treasury Corp (T Corp)	3,530,548.27	3,530,548.27	0.00
Bonds	3,998,350.00	4,063,969.00	65,619.00
Total Investment Portfolio	75,225,369.94	75,302,277.59	76,907.65
Cash at Bank			
Consolidated Fund	692,549.08	692,549.08	0.00
Total Cash at Bank	75,917,919.02	75,994,826.67	
Total Cash Position		75,994,826.67	0.0

5 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

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

15 The Report must be presented at the next Ordinary Meeting of Council after the end of the month being reported. 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.

20 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.

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

Financial Considerations

5

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

Report No. 13.10 **NSW Crime Prevention funded project - Improved Street Lighting**
Jonson St, Byron Bay
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
5 **File No:** I2019/443

10 **Summary:**


Council was successful in an application for grant funds to mitigate assault (non-domestic violence) within the entertainment precinct of Byron Bay. The funds are for an upgrade to community safety lighting/street lighting in Jonson St, Byron Bay.

15 Some desire for a more creative design solution has been communicated to staff rather than the normal generically designed street lights. Investigations were made around the options and information was provided by a qualified and accredited lighting designer with a recommendation to not install private lighting in this situation.

20 **RECOMMENDATION:**

That Council notes the intention in the report to progress the NSW Crime Prevention funded project for Improved Street Lighting in Jonson St, Byron Bay by installing standard street lighting that meets Australian Standards, also noting that the funds are required to be acquitted by October 2019.

Attachments:

25 1 Map proposed improved street lighting Jonson Street Byron Bay, E2019/15550 

REPORT

Each year, Byron Shire Council is invited to apply for NSW Crime Prevention Funds because it has a current *Safer Community Compact*. The *Safer Community Compact* follows a format developed by the NSW Department of Justice and provides an evidence-based approach to identifying and responding to the top two priority crimes for the Byron Shire. The annual grant is to fund projects from the *Safer Community Compact* to mitigate these crimes.

Council was successful in an application for 2018/19 round for \$75,000 to mitigate assault (non-domestic violence) within the entertainment precinct of Byron Bay, with the Funding Agreement signed in October 2018. The funds are for an upgrade to community safety lighting/street lighting in Jonson St, Byron Bay.

Some desire for a more creative design solution has been communicated to staff rather than the normal generically designed street lights.

The following information was provided by a qualified and accredited lighting designer:

"There are several advantages and disadvantages to private lighting:

"Advantages:

- Can use any style of column, fitting and any architectural style you like*
- With this flexibility, the lighting can be integrated in to a redevelopment of the streetscape.*

"However,

- Essential Energy will not allow any non standard columns to be connected direct to their network. Hence if private lighting is chosen then a centrally located Switchboard and metering point needs to be established and private cabling (not connected to Essential Energy poles) needs installing. This means excavating the footpath.*
- Essential Energy will not allow any columns to be mounted under their overhead mains. They have no issues with private lighting and would simply remove their lights.*

"Disadvantages

- All maintenance and repairs will be BSC responsibility including replacing lights and remediating vandalism. What tends to happen is that over time the fittings and columns become unavailable and repairs end up costly and difficult to carry out. With Essential Energy lights all maintenance is their responsibility.*

"There are several pedestrian crossings in the affected area and maintenance of lighting standards is very important.

"At this site because of overhead mains on one side of the street, Council cannot use private columns of the necessary height to light the street.

"General comments

I know of one Council (Narrabri CBD) who many years ago installed private lights with unusual architectural columns and fittings. Eventually none of the lights were working due to maintenance issues and for several years the whole main street had no lighting. As it was private, Essential Energy refused to help. This Council has just completed a project to install Essential Energy lights in the whole CBD at considerable expense.

"My experience is that installing private lighting seems like a good idea at the time but maintenance and repairs become a long term burden. As all the mains in Jonson Street are overhead at the moment and there is no project to underground them, the location of private

lights will be difficult and in all likelihood the existing lights would need to remain to maintain lighting standards.”

5 Based on this information, project planning has been initiated with standard design in order to meet the timeline to implement and acquit the grant money twelve months from receipt (October 2019).

10 Council's Inspections Officer advises that existing street light poles along Jonson Street can be used and therefore the available funds will likely be able to improve the street lighting all the way from Byron Street to Browning Street or nearby. Attached is a map of the area.

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	2.4.2	Support community driven safety initiatives	2.4.2.1	Implement Council's Safe Community Compact

15 *Legal/Statutory/Policy Considerations*

20 As stated in the *Byron Shire Safer Community Compact*, “Byron Shire has a proven and ongoing commitment to improving community safety, and reducing crime, making the Byron Shire an even safer place to live, work and visit. Council recognises that crime reduction and prevention is more effective when a collaborative approach is taken, using a combination of measures that are tailored to local circumstances.”

Financial Considerations

25 Grant funded project.

Consultation and Engagement

30 Social & Cultural Development
Operations
External expert advice sought

Report No. 13.11**Policy Review 2019****Directorate:**

Corporate and Community Services

Report Author:

Mila Jones, Corporate Governance Coordinator

File No:

I2019/465

5

Summary:




- 10 This report outlines Council's policy review project and recommends that Council endorses the first tranche of identified policies for repeal, update and public exhibition; and that it notes that one policy will be converted to a procedure.

15

RECOMMENDATIONS:

1. **That Council:**
 - **repeals the Award Restructuring 1994, Business and Commercial Activities 2012 and Corruption Prevention 2011 policies.**
 - **endorses the Councillor Expenses and Facilities policy 2019 for public exhibition.**
 - **endorses the conversion of Councillors' Access to Information policy 2001 to a procedure.**
2. **That Council endorses the policies listed above being placed on public exhibition for a period of 28 days. Following the exhibition period:**
 - **should no submissions be received, that the policies be repealed and/or amended as listed above.**
 - **should submissions be received, that the submissions be provided in a further report to Council.**

Attachments:

- 20
- 1 Policies for repeal, E2019/14556 
 - 2 Draft Policy - Councillor Expenses and Facilities 2019, E2019/14566 
 - 3 Convert to procedure - Councillors' Access to Information 2001, E2019/14558 

REPORT

5 A policy review was identified as required by Council's internal auditors (OCM) in November 2017 as part of their Audit of Corporate Compliance and Policy Management, as well as by Council in September 2017 (**17-419**). The project has been delayed until now due to resourcing issues.

A preliminary review of all 139 policies has been undertaken to identify which policies may be redundant, updated, aggregated, or moved to a procedure or guideline.

10 Twenty-four policies are current and therefore need no further action.

15 Over the coming months, staff will be reviewing the remaining policies and providing reports to Council recommending relevant actions, similar to this report. To avoid a large number of policies being presented to Council at once, and to manage the workload, this is being done in stages. A number of policies may be required to be presented to Advisory Committees or Panels for input prior to being reported to Council for decision.

20 Policies will be assessed as to whether the policy is current, redundant, requires updating, can be aggregated with another policy or may be converted to a Standard, Procedure or Guideline. As part of the review, distinctions have been made between policy (Council approval), standard (Executive Team approval), procedure and guideline.

Policies for repeal

25 The following three policies have been reviewed and identified as redundant for the following reasons:

Policy	Last Reviewed	Reason for Repeal
Award Restructuring 1994	1994	The information contained in this Policy is covered by the Local Government (State) Award 2017.
Business and Commercial Activities 2012	2012	<ol style="list-style-type: none"> 1. It was developed in 1994 and is out of date 2. It refers to a methodology for distribution of profits from business and commercial activities to three different reserves. Two of the reserves listed are no longer maintained by Council and have been superseded. Council also establishes this methodology in setting its annual budget so a separate policy is not needed. 3. Policy objective 1.1 is a given and happens as a matter of course without the need for it to be written down. 4. Policy Objective 1.2 is covered by Council's Business Ethics Policy so it is not needed. 5. Policy Objective 1.3 is covered via any business case development undertaken by Council when considering a new proposal. Council also now has a Business Analyst on staff doing this. 6. Policy Objective 1.4 is superseded as single use plastic bags are now banned.
Corruption Prevention 2011	2011	Replaced by Council's Fraud and Corruption Control Policy 2018

The above policies are shown at Attachment 1.

Amended policy

A draft Councillor Expenses and Facilities Policy 2019 has been prepared which provides minor updates (shown as track changes) in Attachment 2.

These updates include an amendment to clause 6.43.1(c) in response to a resolution from Cr Coorey's Notice of Motion (Res **18-748**) in relation to making Councillor contact details public. The amended sentence now reads "*c) Councillors can choose to have either; a mobile number, or a landline number, or their official email address made public as their means of contact.*"

Policy converted to procedure

The Councillors' Access to Information Policy 2001 is now covered by the Code of Conduct and therefore no longer required as a separate document. It is proposed that this Policy will be converted to a procedure in consultation with Councillors and staff at an upcoming workshop. The current Policy is shown at Attachment 3.

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	5.2.3	Provide access to publicly available corporate registers	5.2.3.4	Council's policies are updated online

Legal/Statutory/Policy Considerations

Council is required to comply with a varying suite of corporate compliance obligations originating from sources such as:

- Federal and State Based legislation, such as the Local Government Act 1993;
- Council's own internal policies and procedures; and
- Obligations which Council has elected to comply with (e.g., contracts).

Financial Considerations

There are no financial implications with this project.

Consultation and Engagement

Consultation has been held with the Executive Team, Managers and relevant Document Development Officers. Public exhibition of various policies will take place as required and in accordance with the Local Government Act 1993.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.12 **Land Matters - Byron Bay Bypass**
Directorate: Infrastructure Services
Report Author: Deanna Savage, Roads and Property Officer
File No: I2019/382

Summary:




This report is being presented to Council to advise of the land requirements at the southern end of the Byron Bay Bypass project.

To facilitate the project, Council must endorse the closure of part of the road reserve adjoining Lot 6 Sec 51 DP 758207, being 3 Browning Street, Byron Bay as per **Figure 1**. Council must also endorse a gazettal notice to dedicate Council Operational Land, being Lot 7 on DP 258071 and Lot 8 on DP 818197 as road reserve.

RECOMMENDATION:

1. That Council endorse the closure of part road reserve adjoining Lot 6 Sec 51 DP 758207, being 3 Browning Street Byron Bay and road widening as per Final Deposited Plan *Attachment 3 (E2019/18815)* in order to facilitate the works for the Byron Bay Bypass as per Figure 1.
2. That Council endorse the dedication of Council Operational Land, being Lot 7 on DP 258071 and Lot 8 on DP 818197 as road reserve, and for staff to submit a Gazettal Notice to formalise this.
3. That Council authorise the execution of all documents necessary to affect the road closure and dedication.

Attachments:

- 1 Submission from adjoining land owners Part Road Reserve Closure 3 Browning Street Byron Bay Lot 6 Sec 51 DP 758207, E2019/18769 
- 2 Submissions from authorities Part Road Reserve Closure 3 Browning Street Byron Bay Lot 6 Sec 51 DP 758207, E2019/18770 
- 3 Final Deposited Plan and Administration Sheets Plan of subdivision of Lot 6 Sec 51 in DP 758207 first tile creation and road closing under the roads act 1993, E2019/18815 

REPORT

In August 2014 GHD was contracted to carry out the Design and Approval of Byron Bay Bypass. It was identified in the design stage that to facilitate works for the bypass there would need to be some negotiation with the land owner of Lot 6 Sec 51 DP 758207, being 3 Browning Street, for a land exchange agreement, with an area to be acquired for road widening and an equal amount of land (road reserve) being closed and consolidated into the land owner's Lot (**Figure 1**).

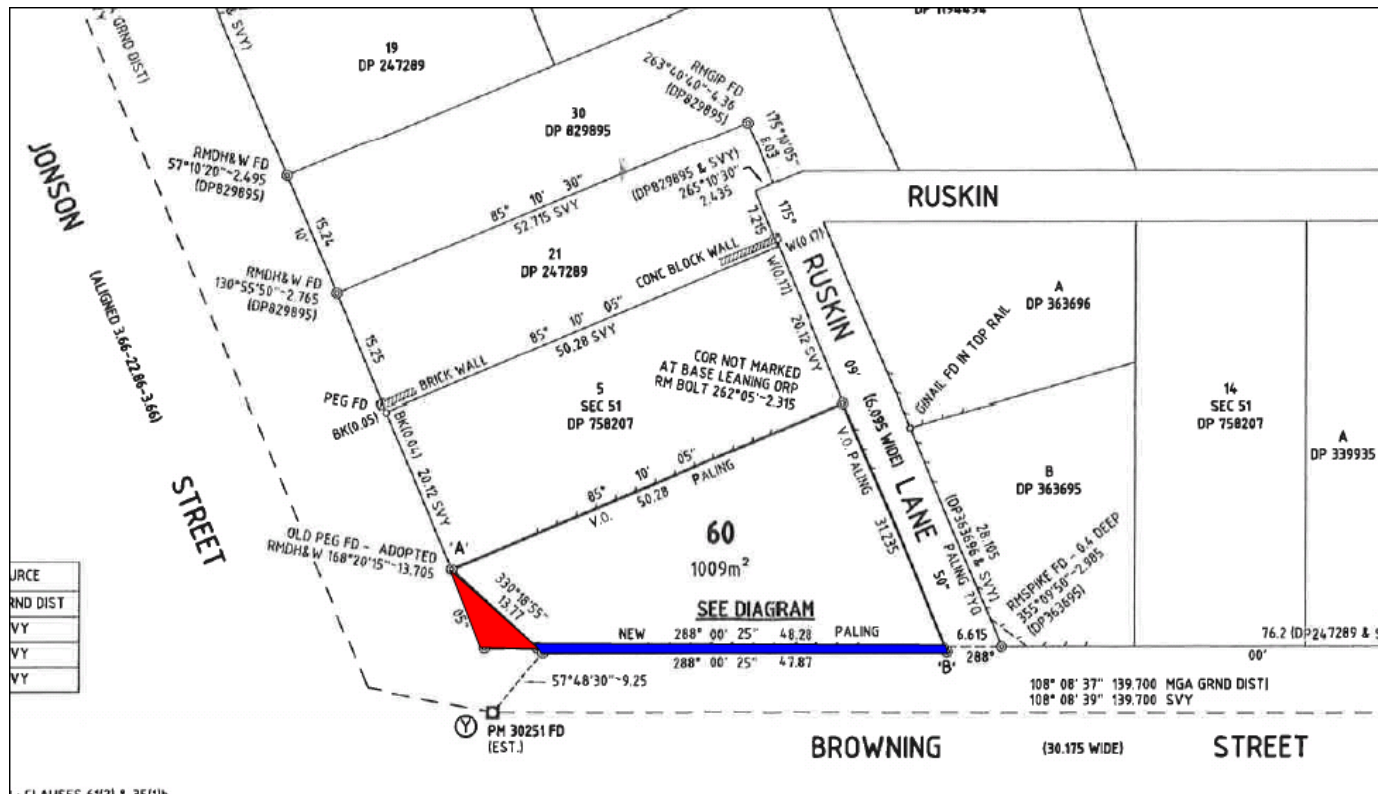


Figure 1

- Land acquired from Lot 6 Sec 51 DP 758207 for road widening
- Road closure, land to be consolidated into Lot 6 Sec 51 DP 758207

Council identified as per the **Roads Act 1993 (Part 4 Division 3 Closing of council public roads by council 38A When council may close council public road)**, that this part road area would not be reasonably required as a road for public use (whether for present or future needs). This part road area is not required to provide continuity for an existing road network, and the part road does not impede vehicular access to particular land.

A Notice was placed in *The Byron Echo* on 7 February 2019 and notifications went out to adjoining land owners and all authorities advising the closure of part Browning Street identified in **Figure 1** as per **Roads Act 1993 Part 4 Division 3 Closing of council public roads by council 38B Notification of proposal to close council public road**.

There was a 28 day submission period with no submissions of objection given by either adjoining land owners or authorities. All submissions can be viewed in *Attachments 1 (E2019/18769)* and *2 (E2019/18770)*

A resolution of Council is required to finalise the road closure process. The plans will be registered with Land Registry Services. *Attachment 3 (E2019/18815)* contains the plans to be registered with Land Registry Services.

- 5 Lot 7 DP 258071 and Lot 8 DP 818197 as shown in **Figure 2** below (highlighted in green) are currently Council Operational Land and will need to be dedicated as road by way of Notice in Government Gazette to facilitate construction of the Bypass.



Figure 2

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

Roads Act 1993

Part 2 Opening of public roads ***Division 1 Methods of opening public roads***

8 Opening of public roads

(1) A public road may not be opened otherwise than in accordance with the provisions of this or some other Act.

(2) This section does not bind the Crown.

9 Public road created by registration of plan

(1) A person may open a public road by causing a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road (including a temporary public road) to be registered in the office of the Registrar-General.

10 Land held by RMS or by councils

(1) RMS or a council may, by notice published in the Gazette, dedicate any land held by it (including land acquired by it under Division 1 of Part 12) as a public road.

(2) On the publication of the notice, the land is dedicated as a public road.

Part 4 Closing of public roads

Division 3 Closing of council public roads by councils

38A When council may close council public road

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

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

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

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

38B Notification of proposal to close council public road

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

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

(b) to be given to:

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

(ii) all notifiable authorities, and

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

(2) The notice:

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

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

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

38C Public submissions and formal objections

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

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

Note.

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

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

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

(a) affirm the objection, or

(b) set aside the objection.

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

38D Decision of proposal

(1) After considering any submissions that have been duly made with respect to the proposal, the council may, by notice published in the Gazette, close the public road concerned.

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

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

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

38E Effect of notice of closure

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

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

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

(2) The land comprising a former road:

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

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

38F Appeals to Land and Environment Court against closure decision

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

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

(a) affirm the closure, or

(b) set aside the closure.

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

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

Financial Considerations

All costs associated with the road closure, and dedication of land as road to be covered by Byron Shire Council. Funds are to come out of the Byron Bay Bypass budget, which has identified this requirement and allowed for the costs within the overall project budget.

Consultation and Engagement

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

Report No. 13.13 **Coastal Estuary Catchment Panel Minutes - 14 March 2019**
Directorate: Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2019/438

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Summary:

10 The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting held on 14 March 2019 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Coastal Estuary Catchment Panel Meeting held on 29 November 2019.**
2. **That Council adopt the following Panel Recommendation(s):**

Report No. 4.1 Water Sensitive Urban Design Policy and Strategy Update
File No: I2019/132

Panel Recommendation 4.1.1

1. That the Draft Water Sensitive Urban Design policy and strategy be presented to a Council Strategic Planning Workshop.
 2. That prior to presentation the document be updated with the following changes:
 - a) To consider mandating through planning instruments minimum pervious areas on development sites and at land-use area scale.
 - b) To integrate with Council's Climate Change Emergency Declaration including sea level rise as will occur over the lifetime of the device.
 3. That following the presentation to the Strategic Planning Workshop, the Draft Water Sensitive Urban Design policy and strategy be endorsed for public exhibition and submissions invited.
3. **That Council adopt the following Panel Recommendation(s):**
- Report No. 4.2 Belongil Creek Entrance Opening Strategy - Update**
File No: I2019/273
- Panel Recommendation 4.2.1**
1. That Council support finalisation of the Options Assessment (E2019/15408) with minor changes as noted and proceed to Public Exhibition for 28 days of the Draft Belongil Creek Entrance Opening Strategy.
 2. The results from the Public Exhibition process be reported to extraordinary meeting of the Coastal Estuary Catchment Panel and then to Council.
4. **That Council adopt the following Panel Recommendation(s):**
- Report No. 4.3 Item for the Panel Requested by Duncan Dey - review Council's Policy**

14/006 on Climate Change

File No: I2019/370

Panel Recommendation 4.3.1

This item was not discussed and has been referred to a future extraordinary meeting of this Panel on a date to be determined.






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

NEW Item: Guidelines for all consultants submitting reports

Panel Recommendation 4.3.1

1. That Council consider guidelines for all consultants submitting reports that:-
 - b) Pages have margins no bigger than 20 mm
 - c) Font no smaller than 12 point
 - d) File sizes no bigger than 30 MB (split documents if necessary, compress pictures)
2. That Council ensure that documents presented in committee agendas be readable (font size) and searchable

Attachments:

- | | |
|---|--|
| 5 | 1 Minutes 14/03/2019 Coastal Estuary Catchment Panel, I2019/400 
2 Updated Attachment Byron Shire Council WSUD Policy and Strategy to Report No 1 of Coastal
Estuary Catchment Panel Agenda - 14 March 2019 (BMT Global), E2019/24195 
3 Updated Attachment "Belongil Creek Entrance Opening Strategy Draft V01" to Report No 2 of Coastal
Estuary Catchment Panel Agenda 14 March 2019, E2019/24200 
4 Attachment A Belongil Creek Entrance Opening Strategy Initial Findings Report Final Draft V01,
E2019/24202 
5 Attachment B Belongil EOS Ecology Report Draft, E2019/24203  |
|---|--|

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Report

The attachment to this report provides the minutes of the Coastal Estuary Catchment Panel Meeting of for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/03/CECP_14032019_AGN_1029_AT.PDF

Panel Recommendation

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

Financial Implications

As per the Reports listed within the Coastal Estuary Catchment Panel Meeting of .

Statutory and Policy Compliance Implications

As per the Reports listed within the Coastal Estuary Catchment Panel Meeting of .

Report No. 13.14 **Part Road Reserve Closure and Dedication Dingo Lane Coorabell**
Directorate: Infrastructure Services
Report Author: Deanna Savage, Roads and Property Officer
File No: I2019/466

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Summary:






10 This report is being presented to Council to endorse the concept plan shown in Figure 1 *Attachment 1 E2018/115487* which has been agreed upon and signed by all adjoining land owners by way of Deed of Agreement.

15 Parts of road reserve Dingo Lane will be closed and parts of adjoining land owner parcels will be dedicated as road reserve by way of Plan of Subdivision.

RECOMMENDATION:

1. That Council endorse the concept plan shown in Figure 1 and *Attachment 1 E2018/115487* consisting of the closure of parts road reserve Dingo Lane adjoining Lot 1 DP 627510, Lot 2 DP 775802 and Lot 5 DP 608260 and consolidation of the closed road into the corresponding adjoining parcel and the dedication of Part of Lot 5 DP 608260 and part of Lot 1 DP 627510 as road reserve by way of Plan of subdivision.
2. That Council authorise the execution of all documents necessary to affect the road closure, consolidation and dedication.

20 Attachments:

- 1 Concept plan for Dingo Lane encroachments HM16033-3A DRAFT-road closure plan - 978A Coolamon Scenic Drive, E2018/115487 
- 2 Survey - Encroachments Lot 1 DP 627510 Dingo Lane 978 Coolamon Scenic Drive Coorabell, E2019/2984 
- 25 3 Response to letter dated 4 April 2016 owner re encroachment of driveway dingo lane road reserve on their property at lot 1 dp 627510 978 Coolamon Scenic Drive Coorabell, E2019/26226 
- 4 Email Dave Carney to DSavage Inspection report with attached photos Dingo Lane Lot 2 DP 775802 , Lot 1 DP 627510 and Lot 4 DP 594103 encroachments, E2019/3089 
- 30 5 All Submissions Authorities Dingo Lane PDF for report to Council 18 April 2019, E2019/21904 

REPORT

Council was originally approached by the owners of Lot 1 DP 627510 978 Coolamon Scenic Drive Coorabell back in March 2016. They were concerned that the adjoining neighbour at Lot 2 DP 775802 978A Coolamon Scenic Drive Coorabell would apply to have Dingo Lane closed and that a survey they conducted had found that Dingo Lane, the bitumen driveway access to Lot 2 DP 775802, encroached onto their property. Survey seen *Attachment 2 E2019/2984*. Council's response, *Attachment 3 E2016/25918*, was to have the 2 property owners come to an amicable agreement between them.

Over the next 2 years Council responded to a number of letters between both property owners wanting the owners to try and come to an amicable arrangement. Council conducted meetings with both parties however a resolution was not found and the owners of Lot 2 DP 775802, engaged legal representation to try and resolve the issue of encroachment. An impending Law Suit was spoken about involving Council and past approvals that were given. The owners of Lot 1 DP 627510 had started to block the only access Lot 2 DP 775802 had to their property along the access road being Dingo Lane.

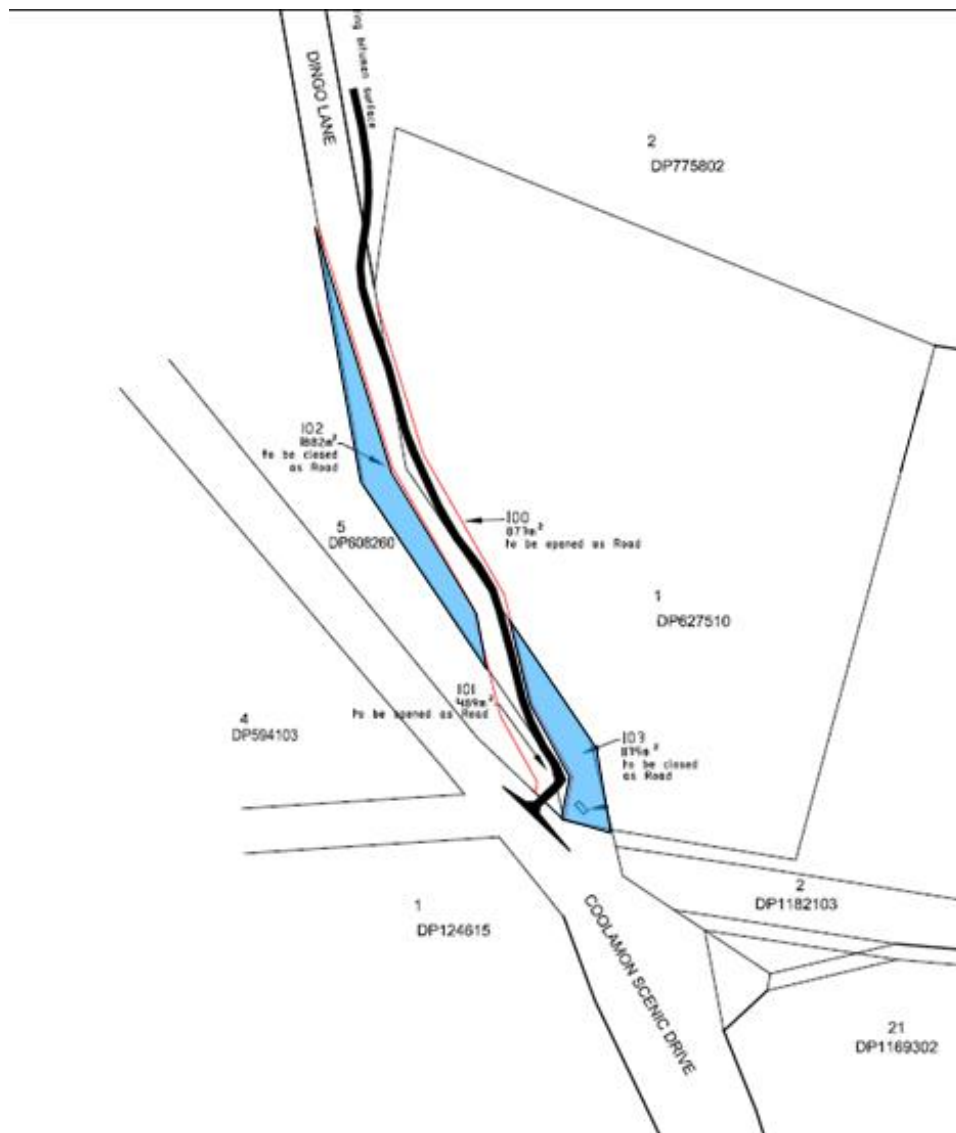


Figure 1

A concept Plan was developed **Figure 1** (*full plan Attachment 1 E2018/115487*) where all property owners involved agreed. Through private engagement of Solicitors a Deed of Agreement was signed agreeing to the concept plan with the final approval needed by Council to move forward as the Asset owner of the road reserve. The concept plan would formalise the existing bitumen road 'Dingo Lane' and rectify all encroachments.

Staff inspected the area which has been pegged out with new survey marks where new boundary lines will be. Report from Dave Carney *Attachment 4 E2019/3089*.

Apart from the entrance into Dingo Lane where the shipping container sits, the embankments along the road are highly vegetated and would serve no advantage to Council as part of the road reserve. The concept plan also stipulates that the road reserve would be 15 metres wide and of variable width with the edge of the road boundary to be about 2 metres from the bitumen on the eastern side. This is not a common circumstance however is existing and serves its purpose for the property owners.

It is noted that there is a discrepancy with how much road reserve is being added to adjoining properties compared to that being dedicated as road. As stipulated in Dave Carney's report the changes are only minimal on the ground and extra land being given to adjoining land owners does not affect existing access and most is steep terrain. Council does not maintain this road and all expenses for the closure and dedication of land as road will be born by the applicant.

A preliminary report, introducing the concept plan, was endorsed by the Executive team and in endeavouring to work with the applicants the road closure process was started.

Council identified as per the **Roads Act 1993** (*Part 4 Division 3 Closing of council public roads by council 38A When council may close council public road*), that this part road area would not be reasonably required as a road for public use (whether for present or future needs). This part road area is not required to provide continuity for an existing road network, and the part road does not impede vehicular access to particular land.

A Notice was placed in The Byron Echo on 13 February 2019 and notifications went out to adjoining land owners and all authorities advising the closure of parts of Dingo Lane identified in **Figure 1** as per **Roads Act 1993 Part 4 Division 3 Closing of council public roads by council 38B Notification of proposal to close council public road**.

There was a 28 day submission period with no submissions of objection given by either adjoining land owners or authorities. All submissions *Attachment 5 E2019/21904*

A resolution of Council is required to finalise the road closure process. The final plans, plan of subdivision when completed, will be registered with Land Registry Services. A plan of consolidation will also need to be drawn up and registered with Land Registry Services.

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	1.1.2	Develop maintenance levels for road network infrastructure in line with Community Solutions Panel values (SP)	1.1.2.7	Undertake detailed road condition assessment and revaluation

Legal/Statutory/Policy Considerations

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Roads Act 1993

Part 2 Opening of public roads

Division 1 Methods of opening public roads

10

8 Opening of public roads

(1) A public road may not be opened otherwise than in accordance with the provisions of this or some other Act.

(2) This section does not bind the Crown.

15

9 Public road created by registration of plan

(1) A person may open a public road by causing a plan of subdivision or other plan that bears a statement of intention to dedicate specified land as a public road (including a temporary public road) to be registered in the office of the Registrar-General.

20

10 Land held by RMS or by councils

(1) RMS or a council may, by notice published in the Gazette, dedicate any land held by it (including land acquired by it under Division 1 of Part 12) as a public road.

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(2) On the publication of the notice, the land is dedicated as a public road.

Part 4 Closing of public roads

Division 3 Closing of council public roads by councils

30

38A When council may close council public road

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

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

35

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

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

38B Notification of proposal to close council public road

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

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

(b) to be given to:

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

(ii) all notifiable authorities, and

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

(2) The notice:

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

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

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

38C Public submissions and formal objections

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

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

Note.

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

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

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

(a) affirm the objection, or

(b) set aside the objection.

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

38D Decision of proposal

(1) After considering any submissions that have been duly made with respect to the proposal, the council may, by notice published in the Gazette, close the public road concerned.

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

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

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

38E Effect of notice of closure

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

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

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

(2) The land comprising a former road:

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

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

38F Appeals to Land and Environment Court against closure decision

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

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

(a) affirm the closure, or

(b) set aside the closure.

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

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

10 Financial Considerations

All costs associated with the road closure and dedication of land as road by way of Plan of Subdivision will and have been born by the Applicant.

15 Consultation and Engagement

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

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Report No. 13.15 **Electric vehicle transport forum - waive of fees - section 356 for Cavanbah Centre**

Directorate: Infrastructure Services

Report Author: Michael Matthews, Manager Open Space and Resource Recovery

File No: I2019/535

Summary:

Zero Emissions Byron Limited (ZEB) has invited Council to participate in an electric vehicle transport forum.

ZEB's preferred location and timing for the forum is at the Cavanbah Centre in late May 2019.

In addition to this invitation, ZEB has asked if Council would contribute the following:-

- Discounted hire price at the Cavanbah (quoted at \$4,000 for the day).
- Speakers to present Councils public transport strategy
- Any other form of contribution such as financial support, in-kind support

The request of waiving or reduction of fees for the Cavanbah centre is not supported by Council staff as this would impact the centres bottom line.

As this initiative is proposed for this Financial Year and is in alignment within Councils Community Strategic Plan, Delivery Plan and Operational Plan, namely OP activities 3.2.1.4, 3.2.2.1 and 3.2.2.2 (Refer Strategic Considerations), a financial contribution from Council by way of a Section 356 contribution is supported by staff.

RECOMMENDATION:

1. **That Council make a S356 contribution of \$4,000 to Zero Emissions Byron Limited (ZEB) for the payment of hire fees at the Cavanbah Centre for the electric vehicle transport forum.**
2. **That funding of this contribution is considered as part of the 31 March 2019 Quarterly Budget review.**

REPORT

Zero Emissions Byron Limited (ZEB) has invited Council to participate in an electric vehicle transport forum. ZEB's preferred location and timing for the forum is at the Cavanbah Centre in late May.

In addition to this invitation, ZEB has asked if Council would contribute the following:

- Discounted hire price at the Cavanbah (quoted at \$4,000 for the day).
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- Any other form of contribution such as financial support, in-kind support

The request of waiving or reduction of fees for the Cavanbah centre is not supported by Council staff as this would impact the centres bottom line.

As this initiative is proposed for this Financial Year and is in alignment within Councils Community Strategic Plan, Delivery Plan and Operational Plan, namely OP activities 3.2.1.4, 3.2.2.1 and 3.2.2.2 (Refer below Strategic Considerations), a financial contribution from Council by way of a Section 356 contribution is supported by staff.

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	3.2.1.4	Implement actions to achieve zero emissions by 2025
	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
	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

Section 356 of the Local Government Act.

Financial Considerations

Funding of this contribution to be considered as part of the 31 March 2019 Quarterly Budget review.

Consultation and Engagement

Council staff to directly engage with Zero Emissions Byron in preparing and contributing to the forums agenda, papers and Council speakers.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY**Report No. 14.1 Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 14 March 2019**

Directorate: Sustainable Environment and Economy
Report Author: Michelle Chapman, Project Support Officer
File No: I2019/421

Summary:

This report provides the minutes of the Sustainability and Emissions and Reduction Advisory Committee Meeting held on 14 March 2019.

RECOMMENDATION:

1. That Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 14 March 2019.

2. That Council adopt the following Committee Recommendations:

Report No. 4.1 2019 Meeting dates
File No: I2019/43

Committee Recommendation 4.1.1

1. That the Sustainability and Emissions Reduction Advisory Committee note the 2019 meeting dates.
2. That the Sustainability and Emissions Reduction Advisory Committee hold an extra meeting on 3 June 2019 (after 3.30pm)

3. That Council adopt the following Committee Recommendations as follows:

Report No. 4.4 Council's Climate Change Adaptation Processes - discussion
File No: I2019/252

Committee Recommendation 4.4.1

1. That the Sustainability and Emissions Reduction Advisory Committee note the report Council's Climate Change Adaptation Processes - Update Report (Attachment 1 – I2019/25).
2. That the Sustainability and Emissions Reduction Advisory Committee note that there is currently no resourcing allocated to updating Council's Climate Change Adaptation Implementation Plan, and that any requests for funding will be considered against other Council priorities as part of the preparation of the draft 2019/20 Operational Plan and Budget.
3. That a further update on Council's Climate Adaptation response as per item 2 be added to the agenda of next available Sustainability and Emissions Reduction

Advisory Committee Meeting.

4. That Council adopt the following Committee Recommendations:

Report No. 4.6 Update from Cr Coorey - climate change issues

File No: I2019/286

Committee Recommendation 4.6.1

- 1. That the Sustainability and Emissions Reduction Advisory Committee note Cr Coorey's update on climate change issues.**
- 2. That the Sustainability and Emissions Reduction Advisory Committee support the proposal for the Climate Emergency Working Group to become a working group reporting to the Sustainability and Emissions Reduction Advisory Committee.**

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Attachments:

- 1 Minutes 14/03/2019 Sustainability and Emissions Reduction Advisory Committee, I2019/401** 

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Report

5 The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 14 March 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/03/SERAC_14032019_AGN_1026_AT.PDF

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

Financial Implications

15 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 14 March 2019.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 14 March 2019.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.2 Report of the Local Traffic Committee Meeting held on 15 March 2019

Directorate: Infrastructure Services

Report Author: Stephanie Tucker, Infrastructure Planning Support Officer

File No: I2019/467

Summary:

This report contains recommendations from the extra Local Traffic Committee meeting held electronically between 15 March 2019 and 22 March 2019.

Council's action on the LTC advice will be:

- 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.
- b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise 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).
- 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.

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.

Committee and management comments on LTC matters are contained within the attached minutes.

RECOMMENDATION:

- 1. That Council note the minutes of the extra electronic Local Traffic Committee Meeting held between 15 March 2019 and 22 March 2019.
- 2. That Council adopt the following Committee Recommendation(s):

**Report No. 6.1 Events - Bangalow Billycart Derby 2019 - Byron Street Road Closure
19 May 2019**

File No: I2018/1935

Committee Recommendation 6.1.1

1. That Council endorse the Bangalow Billy Cart Derby to be held on Sunday 19 May 2019, that includes the temporary road closure below:
 - a. Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on Sunday 19 May 2019.
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - d. the event be notified on Council's webpage.
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.

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

Report No. 7.1 Parking at Nelson Lane, Brunswick Heads

File No: I2019/120

Committee Recommendation 7.1.1

1. That Council's parking compliance team monitor Nelson Lane, Brunswick Heads and report their findings and recommendations back to Infrastructure Planning by 3rd June 2019.
2. That the petitioners be notified of the recommendation to monitor the situation

and encourage them to engage in friendly communication with their neighbours to amicably resolve their concerns.

3. That, subject to the recommendations and outcomes of points 1 and 2 above and an appropriate budget being identified, install no stopping and/or yellow line marking on both sides of Nelson Lane, Brunswick Heads.
4. That Council adopt the following Committee Recommendation(s):
Report No. 7.2 Speed Zone Review - Main Arm Road
File No: I2019/236

Committee Recommendation 7.2.1

That LTC note the content of the report and note the local residents request to RMS for a speed zone review of Main Arm Road extending from Main Arm Road / The Pocket Rd intersection through to Palmwoods Road.

5. That Council adopt the following Committee Recommendation(s):
Report No. 8.1 Events - 2019 Splendour in the Grass Music Festival
File No: I2019/189

Committee Recommendation 8.1.1

1. That Council endorse the Splendour in the Grass 2019 TMP/TCP to be held 17-22 July, 2019. This includes:
 2.
 - a. The installation and enforcement of No Camping and No Stopping signs between 6am and 6pm, subject to conditions at Tweed Valley Way, Brunswick Valley Way and Yelgun Road.
 - b. The relocation of the Brunswick Heads pick up and drop off Bus Zone to Fawcett St, between Mona Lane and the War Memorial,
 - c. The installation and enforcement of Brunswick Head Bus Zone signage and associated works within the Fawcett St road reserve as part of Roads Act application 51.2018.1029.1.
2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained, noting that the event is on a state road or may impact the state road network;
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plans, including the use of signed detours, as designed and implemented by those with appropriate accreditation;
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.

- d. the event be notified on Council's webpage.
- e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns.
 - ii. undertake consultation with emergency services and any identified issues addressed.
 - iii. holding \$20m public liability insurance cover which is valid for the event.
 - iv. paying Council's Road Event Application Fee prior to the event.
 - v. the holding of an event debrief within a month following the festival which includes but not limited to Council, RMS and Police;
- 3. Councils Parking Enforcement be invited to assist the event in compliance of no stopping areas within the Road Reserve.
- 6. That Council adopt the following Committee Recommendation(s):
Report No. 8.2 Events - Byron Writers Festival 2019 - Road Closure
File No: I2019/190

Committee Recommendation 8.2.1

- 1. That Council endorse the Byron Bay Writers Festival 2-4 August 2019, that includes the installation of temporary regulatory signage including No Stopping, No Parking and Disability Parking Signs between 8am and 6pm, subject to:
 - a. The traffic control plan is to operate Thursday 1st August to Sunday 4th August.
 - b. West bound event traffic arriving from Byron Town Centre is to be directed down Sunrise Blvd, as a contingency, if eastbound traffic on Ewingsdale Rd is queued back onto the Motorway.
 - c. Document who can change and approve the TCP on the day for unforeseen circumstances.
- 2. That the approval provided in Part 1 is subject to:
 - a. separate approvals by NSW Police and RMS being obtained
 - b. implementation of the approved Traffic Management Plan and Traffic Control Plan, including the use of signed detours, as designed and implemented by those with appropriate accreditation
 - c. that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints

- d. the event be notified on Council's webpage
 - e. the event organiser:
 - i. undertake consultation with community and affected businesses including adequate response/action to any raised concerns
 - ii. undertake consultation with emergency services and any identified issues addressed
 - iii. hold \$20m public liability insurance cover which is valid for the event
7. That Council adopt the following Committee Recommendation(s):
Report No. 8.3 Bus Stop & Street Signage Relocation - Bonanza Drive, Billinudgel
File No: I2019/198

Committee Recommendation 8.3.1

That Council supports the relocation of the existing bus stop and regulatory signage subject to:

- The cost of the works being the responsibility of the developers,
- Approval being obtained from Transport for NSW by the developer,
- The bus stop relocation to be in accordance with relevant Australian Standards, Transport for NSW and RMS requirements.

Report

5 The minutes of the extra electronic Local Traffic Committee Meeting of 15 March 2019 are available from https://byron.infocouncil.biz/Open/2019/03/LTC_15032019_MIN_1070.PDF for determination by Council.

The agenda for this meeting can be located on Council's website at:
https://byron.infocouncil.biz/Open/2019/03/LTC_15032019_AGN_1070_AT.PDF

10 **Financial Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 15 March 2019.

15 **Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 15 March 2019.

CONFIDENTIAL REPORTS - INFRASTRUCTURE SERVICES

Report No. 16.1 **CONFIDENTIAL - Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments**
Directorate: Infrastructure Services
Report Author: Joshua Winter, Civil Engineer
File No: I2019/469

Summary:

On 30 January 2019, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0005 – Byron Bay Bypass Noise Consultancy – Design and Implementation of At-Property Treatments.

The Request for Tender was advertised from 5 February 2019 to 8 March 2019. Tenders were received from the following organisations:

- Renzo Tonin Associates NSW Pty Ltd
- SLR Consulting Australia Pty Ltd

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 2019-0005.

RECOMMENDATION:

1. That pursuant to Section 10A(2)(d)i of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments.
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:

Disclosure would reveal commercial information supplied by potential contractors which could prejudice Council entering into a contract.

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

RECOMMENDATION:

1. That pursuant to Section 11(3) of the Local Government Act, 1993, resolve that the Annexures to the report, Tender 2019-0005 - Byron Bay Bypass Noise Consultancy - Design & Implementation of At-Property Treatments 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:

5

- 1 Confidential - 24.2018.83.1 - Byron Bay Bypass - 2019-0005 - Evaluation Report SIGNED, E2019/22098