



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 28 November 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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

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.

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 of the provisions in the Code of Conduct (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 that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL

ORDINARY MEETING

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS

2. APOLOGIES

3. REQUESTS FOR LEAVE OF ABSENCE

4. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

5. TABLING OF PECUNIARY INTEREST RETURNS (CL 4.9 CODE OF CONDUCT FOR COUNCILLORS)

6. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

6.1 Ordinary Meeting held on 24 October 2019

7. RESERVATION OF ITEMS FOR DEBATE AND ORDER OF BUSINESS

8. MAYORAL MINUTE

8.1 Brunswick Heads to Mullumbimby Cycleway Investigation Report and Preferred Option Concept Design5

9. NOTICES OF MOTION

9.1 Urgent bird protection from dogs at Tallow Creek.....6
9.2 Establishing a Natural Burial Ground in Byron Shire8

10. PETITIONS

11. SUBMISSIONS AND GRANTS

11.1 Grants submissions as at 1 November 2019 10

12. DELEGATES' REPORTS

12.1 IAP2 Conference held 30 October 2019 in Sydney 13

13. STAFF REPORTS

General Manager

13.1 Sub-license to Zephyr Horses and Cape Byron Seahorses Riding Centre for access through Crown Land..... 14
13.2 Variation of Byron Farmers Market licence for temporary change of market day 18
13.3 Draft Council Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves.....21

Corporate and Community Services

13.4 Budget Review - 1 July 2019 to 30 September 201925
13.5 Meeting schedule 202034
13.6 Presentation of 2018/2019 Financial Statements39
13.7 Section 355 Management Committees - resignations, appointments42

BYRON SHIRE COUNCIL

ORDINARY MEETING

13.8	Community Initiatives Program - 2019/20 Round 2 applications	45
13.9	North Byron Parklands Regulatory Working Group - Community Representatives	47
13.10	Investments - 1 October 2019 - 31 October 2019	50
13.11	Operational Plan 2019/20 - First Quarter Report - Q1 - 1 July to 30 September 2019	57

Sustainable Environment and Economy

13.12	Blues Festival Regulatory Working Group- Expressions of Interest	60
-------	--	----

Infrastructure Services

13.13	A Community Proposal to name land at Suffolk Park as Linda Vidler Memorial Park ..	62
13.14	Land Acquisition for Dedication as Road Reserve at Butler, Shirley, Lawson and Jonson Streets Byron Bay	67
13.15	Broken Head Reserve Road and Seven Mile Beach Road Update	71
13.16	Dingo Lane Solar Farm - Project Update and Tendering Process for the Design, Construct, Operation and Maintenance of a Solar Farm at Dingo Lane, Myocum	82
13.17	Brunswick Heads Parking Scheme Performance Review - Update	91
13.18	Multi Use of Byron Shire Rail Corridor - Next Steps	94
13.19	Renaming Thomas Street, Bangalow, as an extension of Charlotte Street	102
13.20	Road Safety Officer - Notice of Motion Response	106
13.21	RFT: 2019-0049 SPS1003 and SPS2000 Refurbishment Works	113
13.22	Safe Beaches and Leg Rope Campaign	117

14. REPORTS OF COMMITTEES

Sustainable Environment and Economy

14.1	Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 8 August 2019	121
14.2	Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 31 October 2019	123

Infrastructure Services

14.3	Report of the Water, Waste and Sewer Advisory Committee Meeting held on 14 November 2019	125
------	---	-----

15. QUESTIONS WITH NOTICE

Questions with Notice: A response to Questions with Notice will be provided at the meeting if possible, that response will be included in the meeting minutes. If a response is unable to be provided the question will be taken on notice, with an answer to be provided to the person/organisation prior to the next Ordinary Meeting and placed on Councils website www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice

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

MAYORAL MINUTE

Mayoral Minute No. 8.1 Brunswick Heads to Mullumbimby Cycleway Investigation Report and Preferred Option Concept Design

5 **File No:** I2019/1894

I move:

1. **That Council undertake an Investigation Report and Preferred Option Concept Design for a Brunswick Heads to Mullumbimby Cycleway.**
2. **That the preferred option design consider: continuous cycleway with *safe* crossings, continuous cycleway on *one* side of the road, and continuous cycleways on *both* sides of the road.**
3. **That actions in 1, and funding identification and allocation occur upon funding being secured for the Byron Bay (Browning Street) to Suffolk Park (Clifford Street) Cycleway.**

10

Background Notes:

15 A safe, well maintained and properly designed cycleway that links Brunswick Heads and Mullumbimby would be significant transport route in the Shire. More broadly, as the opening sentence within the Bike Plan extolls, 'Cycling is a healthier, cheaper, more enjoyable and environmentally-friendly alternative to private vehicle use. It has the potential to address transport equity issues that arise due to the high costs of car ownership, to improve user and environmental health and wellbeing and also to increase vibrancy and localised economic activity within towns and villages. "

20

Establishing this vital active transport link aligns with the Byron Shire Community Solutions Panel recommendations embedded in the Delivery Program. It meets its' Key Considerations to be 'proactive, not reactive', and 'that the development of transport alternatives to cars is essential. '

25 The cycleway aligns with all of the CSP's values of: Safety, community wellbeing, connectivity, equity, environmental consciousness, and excellence in design. Finally, it responds to the final recommendation (1) that, "Risk and safety is the first priority across all infrastructure types."

Whether it be our youth wishing to cycle to school or to connect with friends, or workers wishing to access either township without the need of a car, the use of a cycleway that links these two townships would be undeniably significant. Upon final funding being secured for the Byron to Suffolk Park cycleway, this should be the next priority cycleway for the Shire.

30

Within the Bike Plan, the inter town route is categorised as Priority A.

35

Signed: Cr Simon Richardson

NOTICES OF MOTION

Notice of Motion No. 9.1 **Urgent bird protection from dogs at Tallow Creek**
File No: I2019/1882

5

I move:

1. **That Council moves to urgently enact stricter dog compliance measures in bird breeding and hatching areas around the Tallow and Belongil Estuaries by committing increased ranger patrols and enforcing compliance and fines against off-leash breaches;**
2. **That Council changes the dog access path to the Tallows Beach off leash area, confining dogs and their walkers to the sealed path that starts at Broken Head Road;**
3. **That the present grassy access path be clearly marked as a dogs-prohibited path;**
4. **That Council consults with NPWS and Byron Bird Buddies and any other stakeholders to erect signage on the tracks regarding the altered dog access arrangement, and**
5. **That Council contact the Ingenia Caravan Park requesting that they inform park visitors of the change and assist them in communicating the impacts of dogs on bird life and the value of the site for access to bird watching in the area.**
6. **That Council publicise these changes via traditional and social media.**

10

Signed: Cr Cate Coorey

Councillor's supporting information:

15 In a bird survey at Tallow Creek carried out by Byron Bird Buddies on Wednesday 23rd October 2019, 77 bird species were counted, mostly at the old South Byron STP site. On that morning there were several dogs not on leads, and one on its own no lead, no collar.

20 It would advance the protection of birds in the present breeding season to urgently implement measures in bird breeding areas around the Tallow and Belongil Creeks Estuaries before the holiday season where many residents and visitors will be taking their dogs to beach exercise areas.

25 The Ingenia Caravan Park is on the edge of the Tallow Creek Estuary ICOLL, and presently markets itself as dog friendly. There has been a marked increase of foot traffic from the direction of the park over the past year, much of it with dogs.

30 Bird breeding has declined substantially in recent years in Byron generally, particularly the migratory shore-birds. We must do what we can to arrest this decline.

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

35 The area in and around Tallow Creek has multiple land owners.

Council Enforcement Officers undertake dog patrols in the areas that are under Council control at Tallow Creek.

- 5 Generally speaking, the Officers approach is more on encouraging dog owner behavioural change and education rather than 'strict' enforcement by fines.

- 10 For areas adjacent to Tallow Creek, most of the land is not under Council control. As such contact with the respective land owners which includes Ingenia Caravan Park should be made to develop a collaborative management approach to educating dog owners about responsible dog ownership, and promoting local wildlife/birds of the area in an effort to protect bird breeding and hatching areas.

- 15 Educational/interpretive signage is also supported as part of the management approach. Consultation with relevant stakeholders should also occur. Signage could be located at the erosion spot on the Creek. The content of the signage could include details of the natural/cultural value of the Creek, birds and wildlife that people may see. By promoting the natural environment and increasing awareness of the bird breeding and hatching areas, officers believe this would have a greater impact in the longer term on dog owner behaviour, than issuing fines and or restricting access to this area generally.

- 20 The same approach is recommended for Belongil.

Financial/Resource/Legal Implications:

- 25 Not a currently funded project in the FY 19/20 OP.

This would require a budget bid for FY 2020/21 OP as follows:

- 30
- OP line item – Educational Campaign and Signage for Tallow and Belongil Creek
 - Form a good relationship with Ingenia Holiday Park – educational material for park visitors (and residents), and potentially a 'Dog Friendly' event such as recent 'Bow Wow Look at Me Now'.
 - Estimate \$15,000 (Project officer and Signage/Educational Material).

- 35 **Is the proposal consistent with any Delivery Program tasks?**


No

Notice of Motion No. 9.2 Establishing a Natural Burial Ground in Byron Shire
File No: I2019/1898

I move that Council look to establish a Natural Burial Ground within Byron Shire and pursuant to this:

- 1. Identify a suitable parcel of Council land for the purposes of establishing a Natural Burial Ground for the community.**
- 2. Call for Expressions of Interest from landholders within Byron Shire to provide a space for a Natural Burial Ground.**
- 3. Report back to Council on the above and any protocols required from Council to implement such a project.**

Attachments:

- 1 Burials - Exemptions from Public Health Regulation 2012 for Community and Religious Reasons, E2019/83904** 

Signed: Cr Michael Lyon and Cr Jeanette Martin

Councillor's supporting information:

In late 2016 a group of local residents got together to try and promote a Natural Burial Ground for Byron Shire. They were motivated to do this for many different reasons but with two unifying factors – the desire to be reconnected to the earth at the end of their lives with a green burial – and to be buried, in a natural setting, with their tribe – the community they feel deeply connected to. They were also encouraged by the fact that Lismore Council had pioneered one of the first 'Bush Burial' grounds in Australia in 2009 adjacent to its Cemetery.

In 2019 it has now become apparent that the way our bodies are disposed of has also become a critical point of discussion due to climate change, with a suggestion that current cremation and traditional burial practices are unsustainable. This is coupled with the fact that we are running out of space in our cemeteries for traditional burials.

Staff comments by Michael Matthews, Manager Open Space and Resource Recovery, Infrastructure Services:

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

Two relatively nearby natural burial bushland cemeteries exist at Lismore and the Gold Coast.

There have been 24 natural burials and 12 reservations at Lismore since commencement in 2009.

Currently more than 70% of deaths result in Cremations in Australia with staff's current focus has been consideration of offering more options for cremated remains interments.

The establishment of a natural burial cemetery at Lismore in 2009 was operationally beneficial to Lismore as the area could not be cleared due to Koala Habitat and was permissible as the land was already designated as a cemetery.

Burials of this nature must comply with NSW Health policy directive *Burials - Exemptions from Public Health Regulation 2012 for Community and Religious Reasons Policy*

The following mandatory requirements apply in NSW:

- *A person who wishes to bury the body of a deceased person without a coffin or casket in a general case or in a particular case must seek the approval of the Chief Health Officer or delegates including the Director Health Protection or the Public Health Unit Director or Public Health Officer of the Public Health Unit of the Local Health District.*
- *Applicants must submit an application on the prescribed template and clearly identify if they are applying for exemption in a general or a particular case; the relationship to the deceased or position in the community; reason for the exemption; whether an agreement has been negotiated and the name of the cemetery and cemetery manager where the body is to be buried.*
- *Wrapping of the body must be in at least four layers of cotton/linen sheeting which is able to prevent the leakage of any body exudates or substances.*
- *The body must be contained in a coffin until the body is placed into a grave*
- *The body of a deceased person who is known or is reasonably believed to be infected with a prescribed infectious disease must be buried in a coffin for public health reasons*
- *The body must be prepared in a mortuary registered with the NSW Ministry of Health*

Planning Information

Cemetery is defined in the Byron LEP 2014 as:

'a building or place used primarily for to internment of deceased persons or pets or their ashes, whether or not it contains and associated building for conduction memorial services'

Cemetery permissibility is limited in the LEP to the RU2 Rural Zone and the SP2 Infrastructure Zones with consent.

Financial/Resource/Legal Implications:

Operational costs of an established natural Burial ground, typically of a bushland nature, will need to be considered on a site basis. Typical maintenance costs for such a site may include access maintenance, bush regeneration services and maintenance and renewal of any ancillary infrastructure that Council provides.

It is to be noted that *Burials - Exemptions from Public Health Regulation 2012 for Community and Religious Reasons Policy Directive* from NSW Health applies to Natural Burials.

Is the proposal consistent with any Delivery Program tasks?

No

SUBMISSIONS AND GRANTS**Report No. 11.1 Grants submissions as at 1 November 2019****Directorate:** Corporate and Community Services**Report Author:** Alexandra Keen, Grants Coordinator**File No:** I2019/1863**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 1 (E2019/81749) for the Byron Shire Council Submissions and Grants as at 1 November 2019.

Attachments:

1 Attachment 1 - Council Grants Report, E2019/81749 

REPORT

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

5 Successful applications

Council was successful in receiving \$20,000 for weed control works to be undertaken in Stuart Park under the Crown Reserves Improvement Fund. It should be noted that the original application sought \$125,000 for weed control, but only \$20,000 has been awarded.

10 Unsuccessful applications

Two applications under the Crown Reserves Improvement Fund, for Main Beach and Butler Street Reserve, respectively, were unsuccessful.

15 Applications submitted

Four applications were submitted by Council for funding under the NSW Government's Fixing Country Roads Program 2019. This grant funding is targeted towards roads which form part of freight routes or experience significant heavy vehicle traffic. The four projects were as follows:

1. Upgrade to Bayshore Drive;
2. Upgrade to part of Booyong Road;
3. Upgrade to part of Myocum Road; and
- 25 4. Renewal of Byron Creek Bridge (which has already received partial funding from the Australian Government under the Bridges Renewal Program Round 4).

Upcoming grant opportunities

30 There are a number of applications Council proposes submit for funding under the NSW Government's Fixing Country Roads 2019 program round 2, including re-submitting three of previous round 1 applications in their current form (as round 1 outcomes are unlikely to be known until after round 2 closes). In addition, Council is also working towards submitting applications for:

- 35
 - Everyone Can Play grant fund for Bangalow Parklands and Federal Parklands;
 - Clubsgant – Infrastructure Grant Program Round 2;
 - Fixing Local Roads Program 2019.

40 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

- 45 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.

5 ***Financial Considerations***

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

The potential funding and allocation is noted below:

Requested funds from funding bodies	\$15,938,446
Council cash contribution	\$1,429,708
Council in-kind contribution	\$361,032
Other contributions	\$700,000
Funding applications submitted and awaiting notification (total project value)	\$18,429,186

15 ***Consultation and Engagement***

Cross-organisational consultation has occurred in relation to the submission of relevant grants, and the communication of proposed grant applications.

DELEGATES' REPORTS


Delegate's Report No. 12.1 **IAP2 Conference held 30 October 2019 in Sydney**
File No: I2019/1865

5

Delegate notes provided by Mayor Cr Simon Richardson, guest speaker at IAP2 Conference in Sydney on Wednesday 30 October 2019 "*Engagement unlocked: Keys to Trust, Connection and Potential*", are attached to this Report.

Signed: **Cr Simon Richardson**

Attachments:

- 10 1 Delegates Report by Mayor Cr Simon Richardson - Speech - IAP2 Conference - 30 October 2019 - Sydney, E2019/81754 

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Sub-license to Zephyr Horses and Cape Byron Seahorses Riding Centre for access through Crown Land**

Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2019/1130

Summary:

Sub-licenses held by Zephyr Horses and Cape Byron Seahorses Riding Centre for access through Crown land for commercial equestrian activities will expire on 1 January 2020.

This report recommends that Council grant new six month sub-licenses to both Zephyr Horses and Cape Byron Seahorses Riding Centre in accordance with Council resolution **19-144**.

RECOMMENDATION:

1. **That Council authorise the General Manager to grant a sub-license to Zephyr Horses for a term of six (6) months for the purpose of access through Lot 407 DP 729057 being Crown Reserve R755695 on condition that:**
 - a) **Zephyr Horses holds a current permit with Cape Byron Marine Park for the term of the sub-license; and**
 - b) **Zephyr Horses takes all steps necessary to ensure that all horse droppings are removed from the sub-licensed area during and at the end of each access session.**

2. **That Council authorise the General Manager to grant a sub-license to Cape Byron Seahorses Riding Centre for a term of six (6) months for the purpose of access through Lot 428 DP 729272 being Crown Reserve R81780 on condition that:**
 - a) **Cape Byron Seahorses Riding Centre holds a current permit with Cape Byron Marine Park for the term of the sub-license; and**
 - b) **Cape Byron Seahorses Riding Centre takes all steps necessary to ensure that all horse droppings are removed from the sub-licensed area during and at the end of each access session.**

3. **That the fee for each sub-license for the six (6) month term be set at half the annual Sub-license Beach Access Commercial Horse Riding fee as set in Council's current Fees and Charges.**

REPORT

On 28 March 2019 Council resolved (19-144) to:

- 5 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.*

- 10 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-*
license, a six (6) month sub-license for access through Crown land for commercial
equestrian activities.

15 The development of a precinct plan for the South Beach area is currently ongoing.

As a result Zephyr Horses has requested a new six month sub-license over part Lot 407 DP 729057 on expiry of the current sub-license on 1 January 2020. Cape Byron Seahorses Riding Centre also requests a new six month sub-license over part Lot 428 DP 729272 on expiry of the current sub-license on 1 January 2020.

20 Authority to sub-license

In accordance with Crown licence RI 564194, Council may grant sub-licenses permitting commercial equestrian activities through Lot 428 DP 729272 being Crown reserve R82780.
 25 Council's Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves requires a Council resolution to grant the sub-license.

Native Title

30 Non-exclusive native title rights and interest have been determined to exist in Lot 428 DP 729272.

In accordance with Licence RI564194 Council may only grant sub-licenses 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.

35 The proposed sub-license for access through Crown land for commercial equestrian activities is a type of low impact future act that has been validated as a future act by Crown lands.

40 Sub-license terms and conditions

Both Zephyr Horses and Cape Byron Seahorses Riding Centre must hold valid Cape Byron Marine Park Permits during the six month sub-license term.

Zephyr Horses must:

- 45 a) collect all horse dropping during and at the end of each access through Lot 407 DP 729057.

Cape Byron Seahorses Riding Centre must:

- 50 a) collect all horse dropping during and at the end of each access through South Beach Road and Lot 428 DP 729272; and

- b) park its horse truck/float legally on South Beach Road and handle all horses in public areas in a safe manner.

Rent will be set in accordance with one half of Council's 2019-2020 fees and charges for Sub-license Beach Access Commercial Horse Riding being \$815 inclusive of GST.

- 5 While equestrian commercial activities are prohibited in zone 7(f1) (Coastal Zone) under the Byron 1988 LEP, clause 48(1) of the LEP permits temporary use of the land 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 any calendar year because the land is vested in the Crown and the activity does not involve the erection of any permanent structures.

10 **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	1.2.4	Provide active and passive recreational Community space that is accessible and inclusive for all (SP)	1.2.4.1	Deliver adopted projects from the beach accessibility program

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

Zone No 7 (f1) (Coastal Land Zone)

1 Objectives of zone

The objectives of the zone are:

- 20 (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*
 25 (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

30 *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

- 35 (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*
 40 (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.

5 Reviewed by Legal Counsel: ☐

Financial Considerations

Rent under the sub-license is established by Council's fees and charges. Rent for the term of the sub-licenses is \$815 inclusive of GST for both sub-licenses.

10 Reviewed by Manager Finance: ☐

Consultation and Engagement

Nil.

15

Report No. 13.2 Variation of Byron Farmers Market licence for temporary change of market day

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2019/1756

Summary:

The Byron Farmers Market Inc holds a temporary licence to operate the Byron farmers market at the Cavanbah Centre due to the closure of the Butler Street Reserve. The licence does not permit a change to market days.

As the regular market day falls on Thursday 26 December 2019, a public holiday whereby the Cavanbah Centre will be closed, the Byron Farmers Market Inc seeks Council approval to move the regular market day to the prior Monday, 23 December 2019.

RECOMMENDATION:

That Council delegate to the General Manager, the authority to vary the farmers market licence granted to Byron Farmers Market Incorporated to permit the regular Thursday 26 December 2019 market to be moved to the prior Monday 23 December 2019 and execute any documents necessary to give effect to the variation.

REPORT

Council resolved (**19-175**) to temporarily relocate the Byron farmers market to the Cavanbah Centre during the closure of the Butler Street Reserve. The temporary relocation was then extended by resolution (**19-555**). The extension will result in the farmers market trading from the Cavanbah Centre over the Christmas period.

The Byron Farmers Market Inc seeks to move its licenced market day from Thursday, 26 December 2019 to the prior Monday, 23 December 2019 to avoid the public holiday closure of the Cavanbah Centre. No change in trading hours is required.

The proposed change to operate a farmers market on 23 December 2019 does not conflict with any prior bookings at the Cavanbah Centre. Further, Council has sought approval from Cleanaway that a move of the market day from Thursday to the prior Monday will not affect its contract in respect of the NSW Container Deposit Scheme.

The Byron Farmers Market Inc will be responsible for all costs associated with advertising the proposed move of market days.

Whilst Council's Policy 15/007 Sustainable Community Markets does not prevent the proposed change to farmers' market days, the terms of the licence do not permit the Licensee to change or vary regular market days.

The Licensee has complied with all licence requirements including the payment of rent, the provision of insurances and other reporting requirements during the licence term.

Staff recommend that Council resolve to permit the Licensee to operate its weekly farmers market at the Cavanbah Centre on Monday, 23 December 2019 during the normal market hours of 7am to 11am.

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

Legal/Statutory/Policy Considerations

No statutory or policy compliance implications arise from the proposed change in day to conduct a farmers market at the Cavanbah Centre.

Financial Considerations

- 5 No financial implications arise from the proposed change of day to conduct the farmers market at the Cavanbah Centre.

Consultation and Engagement

Nil.

Report No. 13.3 **Draft Council Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves**

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2019/1810

Summary:


As a result of the commencement of the *Crown Land Management Act 2016* (NSW), the determination of Native Title to the Bundjalung People of Byron Bay and Council resolution **19-544** authorising a third sea kayak tour on specific days, Council is required to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves to reflect the procedural changes.

RECOMMENDATION:

That Council adopt the amendments to Commercial Activities on Coastal and Riparian Crown Reserves 2019 (previously referred to as 'Policy 5.52') as detailed in the attached Draft Policy and place the Draft Policy on public exhibition for a period of 28 days; and

- a) should no submissions be received, that Policy 5.52 as amended be adopted.**
- b) should submissions be received that all submissions be reported to Council at its February 2020 meeting.**

Attachments:

- 1 DRAFT amended Policy: Commercial Activities on Coastal and Riparian Crown Reserve Policy, E2019/78565 

REPORT

Council resolved (19-544) to:

- 5 1. *That Council support the proposal by Go Sea Kayak Pty Ltd and Byron Sea Kayaks Pty Ltd for a variation to the sub-licence terms to allow for one additional 3rd tour on each day during the overlap of the NSW and QLD school holidays during April and October and for the whole of the period 26 December to 26 January.*
- 10 2. *That the 3rd tour be conducted in accordance with consent from the Cape Byron Marine Park.*
- 15 3. *That a report be tabled at the November 2019 meeting for authority to amend Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves.*

Policy 5.52

Policy 5.52 Commercial Activities on Coastal and Riparian Crown Reserves ('Policy 5.52') guides Council's decision-making by determining the types of activities that can occur on Council managed and controlled Crown reserves.

The types of activities permitted under Policy 5.52 include:

- a) non-commercial activities permitted without the need for approvals or licence; and
- 25 b) other non-commercial activities, called Class 1 activities, permitted only by issue of a temporary licence; and
- c) commercial activities, called Class 2 activities, permitted by grant of a sub-licence authorised by a Crown licence issued under section 34A of the *Crown Lands Act 1989* (NSW), ('the Act').

Amendments to Policy 5.52

Policy 5.52 must be amended to provide for:

- 35 1. the commencement of the *Crown Land Management Act 2016* (NSW);
2. the determination of Native Title to the Bundjalung People of Byron Bay; and
3. approval for a 3rd sea kayak tour under resolution 19-544

Commencement of the *Crown Land Management Act 2016* (NSW) ('CLMA'):

- 40 • all references to "Council as the Reserve Trust Manager" are replaced by the word "Council". On 30 June 2019 the CLMA automatically abolished all Reserve Trusts and appointed Council as the Crown Land Manager for all Crown lands that it previous managed under the trust.
- 45 • all references to a "Temporary Licence" in Policy 5.52 are replaced with the words "Short-term Licence". Section 2.20 of the CLMA expressly authorises Council to grant a short-term licence for prescribed purposes, conditions and term.
- 50 • Clause 6, item 2 'Activities that can be regulated' is amended to reference the section of the CLMA that a short-term licence can be granted including the prescribed purposes, conditions and terms of the grant.

Determination of Native Title:

- The table in clause 6, 'Land to which this Policy Applies' has been amended to include information where Native Title rights and interests are held to exist in Crown reserves controlled by Council and other lands included in Crown Licence RI 564194.
- Clause 6, item 3.3 is included to state:
'Activities on coastal crown reserves that are subject to Native Title rights and interests, Council will not grant a short-term licence unless the activities can be validated under the Native Title Act 1993 (Cth).'

Approval for 3rd sea kayak tour in accordance with resolution (19-544):

- Clause 6, table in Item 9 'Licences and Performance Standards – Class 2' is amended to include the frequency (number of classes per day) for sea kayak sub-licences to:
'Two (2) tours per day in the sub-licensed area EXCEPT during the overlap of NSW and Queensland school holidays in April and October or for the period 26 December to 26 January inclusive, when a 3rd tour may be conducted, per day, in the licensed area and in accordance with consent from the Cape Byron Marine Park (resolution 19-544).'
- The above change for resolution 19-544 is replicated in Schedule D Sea Kayak in sub-clause 5.2.

As the proposed amendments to Policy 5.52 are procedural in nature, this report recommends that Council both inform and consult with the community by publically advertising the amended Policy for 28 days for public comments.

Should submission/s be received, a further report be tabled to Council's February 2020 meeting.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.8	Meet requirements for the transition of management of Crown Land to Council under the Crown Lands Management Act 2018	2.3.8.2	Develop Plans of Management for Crown Reserves in accordance with prioritisation plan

Legal/Statutory/Policy Considerations

Crown Land Management Act 2016 (NSW)

2.20 Short-term licences over dedicated or reserved Crown land

- (1) The regulations may make provision for or with respect to the following concerning short-term licences over dedicated or reserved Crown land:
 - (a) any purposes for which the licences may be granted (**prescribed purpose**),
 - (b) any conditions to which the licences are subject (**prescribed condition**),
 - (c) the maximum term for which licences may be granted (**prescribed maximum term**).

- (2) *The Minister may grant a short-term licence over dedicated or reserved Crown land for any prescribed purpose.*
- (3) *A short-term licence may be granted even if the purpose for which it is granted is inconsistent with the purposes for which the Crown land is dedicated or reserved.*
- (4) *A short-term licence may be granted subject to conditions specified by the Minister and is also subject to any prescribed conditions.*
- (5) *A short-term licence may not be granted for any purpose for which an authority, permit, lease or licence may be granted under the Fisheries Management Act 1994.*
- (6) *A short-term licence ceases to have effect when the prescribed maximum term after it is granted expires, unless it is revoked sooner by the Minister or is granted for a shorter term.*
- (7) *Sections 2.18 and 2.19 do not limit the circumstances in which short-term licences can be granted under this section.*

Note. *This section also applies to short-term licences granted by Crown land managers over dedicated or reserved Crown land. See section 3.17.*

Financial Considerations

There are no financial implications resulting from this report.

Consultation and Engagement

Inform and consult by publically advertising Draft Policy for 28 days for public comments

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.4 Budget Review - 1 July 2019 to 30 September 2019

Directorate: Corporate and Community Services

5 **Report Author:** James Brickley, Manager Finance

File No: I2019/1612

10 **Summary:**

This report is prepared to comply with Regulation 203 of the *Local Government (General) Regulation 2005* and to inform Council and the Community of Council's estimated financial position for the 2019/2020 financial year, reviewed as at 30 September 2019.

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

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




RECOMMENDATION:

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2019/81261) which include the following results in the 30 September 2019 Quarterly Review of the 2019/2020 Budget:**

- a) **General Fund – \$132,400 increase to the Estimated Unrestricted Cash Result**
- b) **General Fund - \$2,564,600 decrease in reserves**
- c) **Water Fund - \$222,500 increase in reserves**
- d) **Sewerage Fund - \$638,200 decrease in reserves**

2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$1,000,000 for the 2019/2020 financial year as at 30 September 2019.**

25 **Attachments:**

- 1 Budget Variations for General, Water and Sewerage Funds, E2019/81259 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2019/81261 
- 3 Integrated Planning and Reporting Framework (IP&R) required Quarterly Review Statements, E2019/81266 

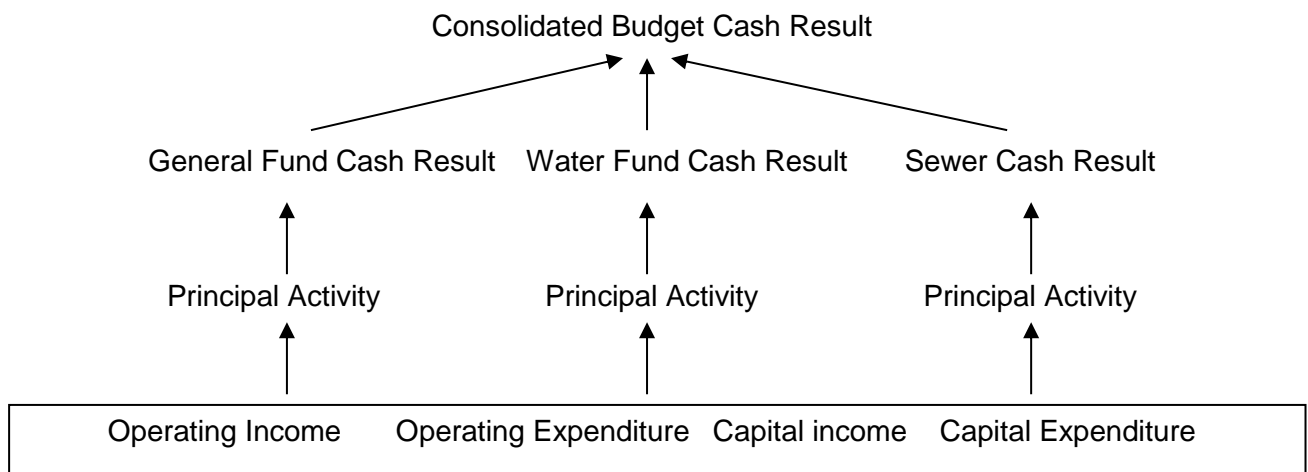
30

REPORT

Council adopted the 2019/2020 budget on 27 June 2019 via Resolution **19-325**. It also considered and adopted the budget carryovers from the 2018/2019 financial year, to be incorporated into the 2019/2020 budget at its Ordinary Meeting held on 22 August 2019 via Resolution **19-390**. Since that date, Council has reviewed the budget taking into consideration the 2018/2019 Financial Statement results and progress through the first quarter of the 2019/2020 financial year. This report considers the September 2019 Quarter Budget Review.

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

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



The pages within Attachment 1 are presented (from left to right) by showing the original budget as adopted by Council on 27 June 2019 plus the adopted carryover budgets from 2018/2019 followed by the resolutions between July and September and the revote (or adjustment for this review) and then the revised position projected for 30 June 2020 as at 30 September 2019.

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

There is also information detailing restricted assets (reserves) to show Council's estimated balances as at 30 June 2020 for all Council's reserves.

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

Office of Local Government Budget Review Guidelines:

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

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

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

Income and Expenditure Budget Review Statement by Type – This shows Councils income and Expenditure by type. This has been split by Fund. Adjustments are shown, looking from left to right. These adjustments are commented on through the last 11 pages of Attachment 1.

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

Cash and Investments Budget Review Statement – This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at 30 September 2019 of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. It should be recognised that the figure is at a point in time and may vary greatly in future quarterly reviews pending on cash flow movements.

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

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

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

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

5 CONSOLIDATED RESULT

The following table provides a summary of the overall Council budget on a consolidated basis inclusive of all Funds budget movements for the 2019/2020 financial year projected to 30 June 2020 but revised as at 30 September 2019.

10

2019/2020 Budget Review Statement as at 30 September 2019	Original Estimate (Including Carryovers) 1/7/2019	Adjustments to 30 Sept 2019 including Resolutions*	Proposed 30 Sept 2019 Review Revotes	Revised Estimate 30/6/2020 at 30/9/2019
Operating Revenue	87,128,100	0	(306,000)	86,822,100
Operating Expenditure	93,783,700	0	624,700	94,408,400
Operating Result – Surplus/Deficit	(6,655,600)	0	(930,700)	(7,586,300)
Add: Capital Revenue	28,167,600	0	(107,600)	28,060,600
Change in Net Assets	21,512,000	0	(1,038,300)	20,473,700
Add: Non Cash Expenses	14,657,200	0	0	14,657,200
Add: Non-Operating Funds Employed	1,844,000	0	0	1,844,000
Subtract: Funds Deployed for Non-Operating Purposes	(56,567,300)	0	(1,809,600)	(58,376,900)
Cash Surplus/(Deficit)	(18,554,100)	0	(2,847,900)	(21,402,000)
Restricted Funds – Increase / (Decrease)	(18,421,700)	0	(2,980,300)	(21,402,000)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	(132,400)	0	132,400	0

GENERAL FUND

In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 30 September 2019:

15

Opening Balance – 1 July 2019	\$1,000,000
Plus original budget movement and carryovers	(132,400)
Council Resolutions July – September Quarter	0
Recommendations within this Review – increase/(decrease)	132,400
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2020	0
Estimated Unrestricted Cash Result Closing Balance – 30 June 2020	\$1,000,000

The General Fund financial position overall has increased by \$132,400 as a result of this budget review, bringing the forecast cash result for the year back to a balanced result. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

Council has not passed any resolutions that impact the unrestricted cash result for the July 2019 to September 2019 quarter. However, at the Ordinary Meeting held on 27 June 2019 Council considered a Notice of Motion regarding Arts and Cultural Funding. Council resolved resolution **19-339 part 3**: *'That this item be considered in the next Quarterly Budget Review with potential funding sources to provide the requested funding up to \$100,000, as identified in the Councillor's notes be identified'*.

The next Quarterly Budget Review referred to in resolution **19-339 part 3** is the subject of this report. In preparing this Quarterly Budget Review, it has not been possible to identify funding at this point. It is understood this matter will be subject to a presentation at the 18 November 2019 Strategic Planning Workshop and will be reconsidered as part of the 31 December 2019 Quarter Budget Review.

Budget Adjustments

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

	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Accumulated Surplus (Working Funds) Increase/ (Decrease) \$
Budget Directorate			
General Manager	0	0	0
Corporate & Community Services	396,900	169,100	227,800
Infrastructure Services	1,739,200	1,748,700	(9,500)
Sustainable Environment & Economy	112,000	197,900	(85,900)
Total Budget Movements	2,248,100	2,115,700	132,400

Budget Adjustment Comments

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

Corporate and Community Services

- In the General Purpose Revenues Program an additional \$233,400 in revenue has been recognised as the allocation for Council's 2019/2020 Financial Assistance Grant is more than originally budgeted. This was reported to Council in September 2019.
- In the Information Services program it is proposed to move budgets to reflect actual expenditure. There is no effect on the budget result of this program.
- In the Corporate Services Program it is proposed to decrease the budget for insurance premiums by \$62,200 and transfer to the risk management reserve to cover any unforeseen

insurance excess payments. Council has taken a higher excess position in respect of public liability insurance which has reduced the insurance premium payable.

- 5 • In the Community Development program it is proposed to increase the budget for the RFS relocation to the Cook Pioneer Centre by \$165,000, funded from developer contributions, specifically Shire Support Services – Rural South.

Infrastructure Services

- 10 • In the Emergency Services program, it is proposed to increase operating income due to a milestone grant of \$44,200 to be received for the North Byron Floodplain Risk Management Study and Plan (FRMS&P). It is proposed to decrease capital expenditure for the Flood Warning Network by \$6,900. This was expended in the 2018/19 financial year.
- 15 • In the Local Roads and Drainage program, there are a number of adjustments outlined under Note 10 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the third page of Attachment 2 under the budget program heading Local Roads and Drainage.
- 20 • In the Roads and Maritime Services program (RMS) it is proposed to increase income and expenditure by \$198,600 to reflect the actual block grant to be received.
- 25 • In the Open Space and Recreation program, there are a number of adjustments outlined under Note 12 in the Budget Variations explanations section of Attachment 1. Further disclosure is included in the fourth page of Attachment 2 under the budget program heading Open Space & Recreation.
- 30 • In the Waste & Recycling program it is proposed to increase the budget by \$129,000 for the Dingo Lane Solar Farm project to bring the budget in line with the cost to completion of the current part of the project and \$40,000 for shelters to cover bins at the waste and recycling centre. These are funded through the Waste Management reserve.
- 35 • In the Holiday Park program, it is proposed to increase capital expenditure by \$250,000 for the purchase of two permanent sites at Suffolk Park Holiday Park. This can be funded through the Holiday Park reserve.
- 40 • In the Facilities Management program it is proposed to decrease the budgets for the Stronger Country Communities grant funded projects as they incurred expenditure in the 2018/19 financial year but had the whole project budget allocated in 2019/20.

Sustainable Environment and Economy

- 45 • In the Planning Policy & Natural Environment program, it is proposed to increase operating income and expenditure due to grants received for the Byron Habitat Corridor project (\$17,000) and the NE Hinterland Koala Conservation Project (\$45,000). It is also proposed to add a budget for Lot 22 Mullumbimby Policy and Plan of Management update (\$15,000) and the Centennial Circuit one-way trial (\$30,000).
- 50 • In the Environment & Compliance program, it is proposed to transfer \$34,900 to the plant reserve as a contribution to the cost of upgraded and fit for purpose enforcement vehicles.

WATER FUND

After completion of the 2018/2019 Financial Statements the Water Fund as at 30 June 2019 has a capital works reserve of \$8,324,600 and held \$3,117,100 in section 64 developer contributions.

The estimated Water Fund reserve balances as at 30 June 2020, and forecast in this Quarter Budget Review, are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2019	\$8,324,600
Plus original budget reserve movement	(31,100)
Less reserve funded carryovers from 2018/2019	(375,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(100,000)
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(506,800)
Estimated Reserve Balance at 30 June 2020	\$7,817,800

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2019	\$3,117,100
Plus original budget reserve movement	(966,100)
Less reserve funded carryovers from 2018/2019	(503,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	322,500
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(1,147,400)
Estimated Reserve Balance at 30 June 2020	\$1,969,700

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$222,500 from the 30 September 2019 Quarter Budget Review.

SEWERAGE FUND

After completion of the 2018/2019 Financial Statements the Sewer Fund as at 30 June 2019 has a capital works reserve of \$6,392,800 and plant reserve of \$773,400. It also held \$8.685.200 in section 64 developer contributions.

Capital Works Reserve

Opening Reserve Balance at 1 July 2019	\$6,392,800
Plus original budget reserve movement	(1,005,900)
Less reserve funded carryovers from 2018/2019	(1,454,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(618,200)
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(3,078,900)
Estimated Reserve Balance at 30 June 2020	\$3,313,900

Plant Reserve

Opening Reserve Balance at 1 July 2019	\$773,400
Plus original budget reserve movement	0
Less reserve funded carryovers from 2018/2019	0
Resolutions July - September Quarter – increase / (decrease)	0

September Quarterly Review Adjustments – increase / (decrease)	0
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	0
Estimated Reserve Balance at 30 June 2020	\$773,400

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2019	\$8,685,200
Plus original budget reserve movement	(816,100)
Less reserve funded carryovers from 2018/2019	(1,018,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(20,000)
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(1,854,800)
Estimated Reserve Balance at 30 June 2020	\$6,830,400

- 5 Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall decrease to reserves (including S64 Contributions) of \$638,200 from the 30 September 2019 Quarter Budget Review.

Legal Expenses

- 10 One of the major financial concerns for Council over previous years has been legal expenses. Not only does this item represent a large expenditure item funded by general revenue, but can also be susceptible to large fluctuations.
- 15 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 September 2019.

Total Legal Income & Expenditure as at 30 September 2019

Program	2019/2020 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	0	4,000	0%
Total Income	0	4,000	0%
Expenditure			
General Legal Expenses	204,400	132,100	64.63%
Total Expenditure General Fund	204,400	128,100	62.67%

- 20 Note: At the time of writing this report, Council has incurred an additional \$40,900 of legal costs, leaving \$31,400 available for the remainder of the financial year. This should be monitored closely and additional funds allocated from the Legal reserve at future budget reviews if required.

Financial Implications

- 30 The 30 September 2019 Quarter Budget Review of the 2019/2020 Budget has improved the overall budget result by \$132,400. This brings the movement against the unrestricted cash balance attributable to the General Fund back to a balanced result for the year, leaving the estimated unrestricted cash balance attributable to the General Fund at an estimated \$1,000,000 at 30 June 2020. This is a good result for the first quarter, but going forward Council must be conscious of decisions that may affect the unrestricted cash balance when considering matters with financial implications especially where funding sources are not identified.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

5 **Legal/Statutory/Policy Considerations**

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

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

Financial Considerations

- 25 This report indicates that the short term financial position of the Council is still satisfactory for the 2019/2020 financial year, having consideration of the original estimate of income and expenditure at the 30 September 2019 Quarter Budget Review.

- 30 This opinion is based on the estimated General Fund Unrestricted Cash Result position and that the current indicative budget position for 2019/2020 outlined in this Budget Review remains for the remainder of the 2019/2020 financial year.

Report No. 13.5

Directorate:

Report Author:

File No:

Meeting schedule 2020

Corporate and Community Services

Mila Jones, Corporate Governance Coordinator

I2019/1702

5

Summary:

- 10 This report outlines the proposed schedule of dates and times for Council's Ordinary and Planning Meetings, Strategic Planning Workshops, Advisory Committees and Panels in 2020. Separate Planning Meetings are proposed based on feedback received from Councillors and staff about the trial period in 2019.
- 15 The 2020 schedule is based similarly to 2019 however consideration has had to be made for the Local Government election to be held on 12 September 2020, amongst other matters as outlined in this report.

RECOMMENDATION:

1. That Council adopts the following schedule of Ordinary and Planning Meetings and Strategic Planning Workshops (SPW) for 2020, noting that the dates following the 2020 election are dependent on the date of finalisation of councillor nominations:

Date (2020)	Meeting/Workshop (Thursday)
6 February	SPW
20 February	Planning
27 February	Ordinary
5 March	SPW
19 March	Planning
26 March	Ordinary
2 April	SPW
16 April	Planning
23 April	Ordinary
7 May	SPW
21 May	Planning
28 May	Ordinary
4 June	SPW
18 June	Planning
25 June	Ordinary
6 August	Planning (brought forward)
13 August	SPW
27 August	Ordinary
3 September	SPW
12 September LG Election	
24 September	Induction/SPW (TBC)
1 October	Extraordinary
15 October	Planning
22 October	Ordinary
5 November	SPW
19 November	Planning
26 November	Ordinary
3 December	SPW
10 December	Planning
17 December	Ordinary

2. That Council adopts the following schedule of Advisory Committee and Panel meetings for 2020 (at a minimum) noting that dates following the Local Government Election on 12 September may require shifting:

Meeting	Date (2020)
Advisory Committees	
Arakwal Memorandum of Understanding (Thursday)	30 January 30 April 20 August 8 October
Audit, Risk and Improvement (Thursday)	13 February 14 May 20 August 8 October 12 November (Extraordinary)
Biodiversity (Monday)	10 February 4 May 10 August 19 October
Byron Shire Floodplain Risk Management (Thursday)	13 February 30 April 20 August 29 October
Finance (Thursday)	13 February 14 May 20 August 12 November
Sustainability and Emissions Reduction (Thursday)	30 January 30 April 10 September 12 November
Transport and Infrastructure (Thursday)	30 January 30 April 30 July 8 October
Water, Waste and Sewer (Thursday)	30 January 9 April 30 July 29 October
Panels	
Coastal Estuary Catchment (Thursday)	12 March 14 May 10 September
Communications (Thursday)	9 April 30 July 29 October
Heritage (Thursday)	12 March 11 June 10 September
Public Art (Thursday)	9 April 11 June 29 October
Strategic Business (Thursday)	12 March 11 June 10 September

3. That Council endorses the following schedule of Planning Review Committee meetings for 2020:


Planning Review Committee	
Thursday 4.30pm	13 February 12 March 9 April 14 May 11 June 30 July 8 October 12 November

4. That Council endorses the following schedule of Local Traffic Committee meetings for 2020:

Local Traffic Committee	
Tuesday 10.30am	28 January 10 March 12 May 28 July 8 September 3 November

5. That the Ordinary Meetings be held in the Council Chambers, Mullumbimby with a start time of 9.00am.
6. That the Planning Meetings be held in the Council Chambers, Mullumbimby with a start time of 11.00am, following site inspections which are held at 9.00am on the day of the Planning Meeting.

Attachments:

- 1 Draft Council meeting matrix 2020, E2019/80995 

REPORT

In 2019 Council held a 12 month trial of holding separate Ordinary and Planning meetings. The decision to split the meetings was based on the length of Ordinary Meetings and offered a solution to spread the meeting agenda over two days. The result of this decision saw a slight reduction in the hours spent at meetings comparing 2018 to 2019 as shown below:

- In 2018 with only Ordinary Meetings, a total of approx. 92.5 hours was spent at the meetings.
- In 2019 with Ordinary and Planning Meetings, a total of approx. 90 hours will be spent at meetings over the year.

Other findings from the trial include:

- A more concentrated effort, time and attention on planning matters was viewed as a positive impact.
- Less Committee and Panel meetings due to less available Thursdays (only 3-4 meetings per year with some extras having to be held on days other than Thursday).

Following feedback received from both Councillors and staff, this separation was seen to be a positive move and therefore this report proposes that the arrangement continue for 2020.

The proposed meeting schedule, as attached to this report, is based similarly to this year's schedule however the following matters have also been considered:

- The 2020 Local Government elections will be held on 12 September and therefore new Councillors will need to be sworn in.
- There is a 4 week caretaker period prior to the election, therefore a Planning Meeting has been moved forward in order to overcome this issue
- Following the election, committees and/or panels will need to be re-adopted and new councillor representatives appointed. Committees are generally dissolved prior to the election, however, for any re-adopted committees, we have in the past invited existing community members to stay on until invitations for new members are sent in the new year (2021). Therefore, any committees and panels that have been added to the draft schedule following the elections are only a guide at this stage.

The schedule has also been prepared with consideration to events, such as public holidays and conferences and allows for the fairest distribution of time for Advisory Committee and Panel Meetings. Noted impacts are:

- The 2020 National General Assembly of Local Government is scheduled to be held from 14-17 June 2020 in Canberra. Although there is no meeting during this time, there is a Planning Meeting scheduled for the day after the Assembly.
- The LGNSW Annual Conference 2020 is scheduled to be held from 11-13 October 2020 in Lovedale, NSW. The Biodiversity Advisory Committee Meeting has been scheduled in a week that will not be impacted by the date of this Conference.
- Although not an impact as such, it should be noted that the Biodiversity Committee Meetings have been scheduled on Monday at 3.15pm in line with member requirements for 2018 and 2019.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	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	5.2.4.2	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

5

Legal/Statutory/Policy Considerations

10 Various sections of the *Local Government Act 1993* apply to meeting dates. Section 9 notes that a council must give notice to the public of the times and places of its meetings, Section 365 notes that Council is required to meet at least 10 times each year, and Section 367 outlines the required notice period of business papers for Councillors.

The full regulation is available at http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

15 ***Financial Considerations***

There are no financial implications with this meeting schedule.

Report No. 13.6 **Presentation of 2018/2019 Financial Statements**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/1766

5

Summary:

- 10 Council is required under Section 418 of the *Local Government Act 1993* to fix a meeting at which it presents the annual Audited Financial Statements and Auditor's Reports to the public. Council is required to do this no later than five weeks after the Auditor's Reports are received by Council.
- 15 The Financial Statements for the financial year ended 30 June 2019 were reported to the Ordinary Meeting held on 24 October 2019, where Council adopted the audited 2018/2019 Financial Statements and Auditor's Reports through resolution **19-542**. This same resolution resolved to present the Audited 2018/2019 Financial Statements and Auditor's Reports to the public at this Ordinary Meeting of Council.
- 20 The presentation of the Financial Statements and Auditors Reports to the Public is required by Section 419(1) of the Local Government Act 1993 and does not have any impact on the content of the Financial Statements.
-

RECOMMENDATION:

That the Audited Financial Statements and Auditors Reports for the 2018/2019 financial year be presented to the public in accordance with Section 419(1) of the Local Government Act 1993.

25

REPORT

Council is required under Section 418 of the *Local Government Act 1993* to fix a meeting at which it presents the annual Audited Financial Statements and Auditor's Reports to the public. Council is required to do this no later than five weeks after the Auditor's Reports are received by Council.

At the Ordinary Meeting of Council on 24 October 2019, Council resolved:

19-542:

1. *That Council adopt the Draft 2018/2019 Financial Statements incorporating the General Purpose Financial Statements and Special Purpose Financial Statements.*
2. *That Council approve the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Regulation 215 of the Local Government (General) Regulation 2005 in relation to the 2018/2019 Draft Financial Statements.*
3. *That Council exhibit the Financial Statements and Auditor's Report and call for public submissions on those documents with submissions closing on 5 December 2019 in accordance with Section 420 of the Local Government Act 1993.*
4. *That the Audited Financial Statements and Auditors Report be presented to the public at the Ordinary Meeting of Council scheduled for 28 November 2019 in accordance with Section 418(1) of the Local Government Act 1993."*

In accordance with Council's resolution above, this report is provided to present the 2018-2019 Financial Statements and Auditor's Reports to the public.

At the Ordinary Council Meeting held on 24 October 2019, Council received copies of the Financial Statements and Auditors Reports as outlined in Attachments 1 to 4 of Report 14.1 – Draft 2018-2019 Financial Statements to that Meeting.

Council's published 2018/2019 Financial Statements can be found at the following link:

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

The presentation of the Financial Statements to the Public is a requirement by Section 419(1) of the *Local Government Act 1993* and does not have any impact on the content of the Financial Statements.

The Financial Statements and Auditors Reports have been placed on public exhibition and advertised in accordance with Section 418(1) of the *Local Government Act 1993* with a closing date for submissions of 5 December 2019. Should any submissions be received they are required to be forwarded to Council's Auditor and will be advised to Councillors via memo.

Presentation of the Financial Statements and Auditors Reports to the Public is the last step in the legislative requirements regarding the annual financial reporting.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.2	Complete annual statutory financial reports

5

Legal/Statutory/Policy Considerations

10 In accordance with Section 418(1) of the *Local Government Act 1993*, Council is required to fix a date for the meeting at which it proposes to present its Audited Financial Statements and Auditor's Reports. It must also give public notice of the date fixed. Section 418(2) requires the date fixed for the meeting must be at least 7 days after the date on which the notice is given but not more than five weeks after the Auditors reports are given to the Council.

15 Section 419(1) of the *Local Government Act 1993* requires that Council must present its audited Financial Statements together with the Auditors reports, at a meeting of the Council held on the date fixed for the meeting. Council has advertised and previously resolved that this Ordinary Meeting is when the Financial Statements and Auditors Reports will be presented.

20 Section 420(1) of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Council's audited Financial Statements or with respect to the Auditor's Reports. Section 420(2) of the *Local Government Act 1993* requires a submission must be in writing and must be lodged with Council within 7 days after the date on which the Financial Statements and Auditor's Reports are presented to the public. Any submissions received by Council must be referred to Council's Auditor in accordance with Section 420(3) of the *Local Government Act 1993*.

25

Financial Considerations

30 There are no financial or resource implications in presenting the Financial Reports to the public.

Consultation and Engagement

35 Section 420(1) of the *Local Government Act 1993* provides that any person may make submissions to Council with respect to the Council's audited Financial Statements or with respect to the Auditors Reports. Section 420(2) of the *Local Government Act 1993* requires a submission must be in writing and must be lodged with Council within 7 days after the date on which the Financial Statements and Auditor's Reports are presented to the public. Any submissions received by Council must be referred to Council's Auditor in accordance with Section 420(3) of the *Local Government Act 1993*.

Report No. 13.7 **Section 355 Management Committees - resignations, appointments**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/1805
5 **Theme:** Society and Culture
 Community Development

Summary:

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

RECOMMENDATION:

1. That the resignation received from Susan Kaden from the Lone Goat Gallery Board of Management be accepted and a letter of thanks provided.
2. That the nominee in Confidential Attachment 1 (E2019/79622) be appointed to the Ocean Shores Community Centre Management Committee.

Attachments:

- 1 Confidential - Confidential attachment to report 28 November Council meeting - additional community members for Section 355 committees, E2019/79622

Report

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

5

Lone Goat Gallery Board of Management

A resignation has been received from Susan Kaden.

10 Current members on this Board of Management are:

Councillors

- Cr Michael Lyon
- 15 • Cr Simon Richardson (alternate)

Community Representatives

- Margaret White (leave of absence)
- 20 • Maureen Lightfoot (Treasurer)
- Denise Napier (Chair)
- Faye Dorczak (Secretary)
- John Hertzberg
- Liz Marshall
- 25 • Isabel Studer

Management Recommendation

30 That the resignation received from Susan Kaden from the Lone Goat Gallery Board of Management be accepted and a letter of thanks provided.

Ocean Shores Community Centre

35 A nomination has been received for the Ocean Shores Community Centre Management Committee with details to be found in Confidential Attachment 1.

Although this nominee is not as a result of advertising, the person is very familiar with the Community Centre and is seeking to take on an executive role.

40 Current members on this Management Committee are:

Councillors

- Cr Michael Lyon
- 45 • Cr Cate Coorey (alternate)

Community Representatives

- Gail Fuller (Chair, Bookings Officer)
- 50 • Susan Cubis (Secretary)
- Wendy Smith (Treasurer)

Management Recommendation

That the nominee in Confidential Attachment 1 be appointed to the Ocean Shores Community Centre Management Committee.

5

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	2.1.2.2	Continue to support capacity building for existing volunteers

10 ***Legal / Statutory / Policy Considerations***

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

3.2 Committee Membership

15 *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.*

20

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

30 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

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

Consultation and Engagement

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

Report No. 13.8 **Community Initiatives Program - 2019/20 Round 2 applications**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/1811
5 **Theme:** Society and Culture
 Community Development

Summary:

10 Round one for the Community Initiatives Program 2019/20 financial year was offered in April/May 2019 with 9 projects funded. As there is further budget available, a second round was offered with the call for applications closing 25 October 2019. Two applications were received, both of which
15 are recommended for funding.

RECOMMENDATION:

1. **That Council provides funds from the Section 356 budget to the Community Initiatives Program 2019/20 Round 2 projects recommended for funding in Confidential Attachment 1 (#E2019/80374).**
2. **That Council advertises the proposed Section 356 donations.**

Attachments:

- 20 1 Confidential - Applications for Community Initiatives Program 2019-20 recommendations for funding in Round 2, E2019/80374

Background

Round one for the 2019/20 financial year was offered in April/May 2019 with 9 projects funded. As there is further budget available, a second round was offered with the call for applications closing 25 October 2019.

Projects recommended for funding

Two applications were received for the Community Initiatives Program 2019/20 Round 2. An internal assessment panel reviewed the applications against the assessment criteria and recommends funding both projects as outlined in Attachment 1.

The assessment panel included:

- Community Projects Officer
- Events Liaison Officer
- Grants Officer

Of the recommended applicants for funding, one is a community development/ wellbeing project and the other a community event.

Note Council resolved (19-554) at the Ordinary Meeting on 24 October 2019 *“that Council contribute \$1,000 to the Byron Zero Homeless Project as a s356 Community donation”*. This has been included.

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	5.2.2	Incorporate wellbeing framework within organisation to inform decision making	5.2.2.2	Facilitate annual Community Donations Program

Legal/Statutory/Policy Considerations

Section 356 of the *Local Government Act 1993*

Financial Considerations

Council's budget allocation for 2019-20 was \$45,200, with \$37,000 allocated in round 1.

The table below shows the outcome if all projects are funded, essentially expending the remaining funds for 2019/20.

<i>Total available amount</i>	\$8,200
Project 1	-\$5,000
Project 2	-\$1,250
Resolution 19-554 Byron Zero Homeless Project	-\$1,000
TOTAL remaining unallocated amount for 2019/20	\$ 950

Consultation and Engagement

As outlined in the report.

Report No. 13.9 North Byron Parklands Regulatory Working Group - Community Representatives**Directorate:** Corporate and Community Services**Report Author:** Heather Sills, Corporate Governance Officer**File No:** I2019/1831**Summary:**

The recent North Byron Parklands cultural event site development consent issued by the Department of Planning (SSD 8169) on 13 March 2019 requires that the Applicant must establish a Regulatory Working Group (RWG) to oversee the environmental performance of the development.

North Byron Parklands (Parklands) Regulatory Working Group (RWG) has been operating for many years to review environmental management and community relations. Members include the NSW Police, Byron Shire Council staff, Tweed Shire Council, Roads and Maritime Services, Rural Fire Service, State Emergency Service, Office of Environment and Heritage and National Parks and Wildlife Service.

Council received a request from North Byron Parklands to nominate a community representative from Byron local government area to the RWG for a two year term. Council subsequently advertised for expressions of interest, which closed on 7 October 2019.

This report has been prepared to allow Council to consider the nominations received, contained in Confidential Attachment 1, and advise North Byron Parklands of the community representative appointed by Council to the RWG.

RECOMMENDATION:

That Council nominates the community representative in Confidential Attachment 1 for appointment to the North Byron Parklands Regulatory Working Group (RWG) for a two year term.

Attachments:

- 1 Confidential - Expression of Interest - North Byron Parklands Regulatory Working Group Member Nomination, S2019/8311

REPORT

The North Byron Parklands (Parklands) site was established to create a sustainable cultural arts and music events venue and in 2012 the NSW Planning Assessment commission granted concept and project approval. A condition of the approval was that the proponent must establish a Regulatory Working Group (RWG) to oversee the environmental performance of events.

North Byron Parklands (Parklands) Regulatory Working Group (RWG) has been operating for many years to review environmental management and community relations. Members include the NSW Police, Byron Shire Council staff, Tweed Shire Council, Roads and Maritime Services, Rural Fire Service, State Emergency Service, Office of Environment and Heritage and National Parks and Wildlife Service.

The recent development consent issued by the Department of Planning (SSD 8169) on 13 March 2019 requires that:

“D18 – At least six months prior to the commencement of the first large outdoor event or as otherwise agreed to by the Planning Secretary, the Applicant must establish a Regulatory Working Group (RWG) to oversee the environmental performance of the development.”

Further, that the RWG:

“b) comprise at least two representatives of the local community nominated by BSC (Byron Shire Council) and TSW (Tweed Shire Council). Community representative are appointed on a rotational basis with a representative not exceeding two years.”

North Byron Parklands approached Byron Shire Council and Tweed Shire Council to each appoint one of the two required community representatives. Byron Shire Council has undertaken an advertised expression of interested process and received one nomination (confidential attachment 1).

Ideally a prospective community representative should:

- Live or work in the north of Byron Shire (where the venue is located);
- Have an understanding or interest in the creative industries sector;
- Be well connected to the broader community (i.e. have existing ties to community groups and/or organisations);
- Be objective;
- Ideally have an understanding of or experience with outdoor event aspects such as traffic, community relations, noise, etc.;
- Be willing to work constructively to identify realistic opportunities for improvements;
- Be able to clearly articulate community concerns or issues to the RWG; and
- Abide by the RWG Terms of Reference (available at www.northbyronparklands.com/regulatory)

The Expression of Interest Forms required each nominee to address the assessment criteria sought from the prospective community representatives.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.3	Manage development through a transparent and efficient assessment process	Not applicable	There is therefore no Operational Plan requirement.

5 *Legal/Statutory/Policy Considerations*

A condition of the North Byron Parklands approval is that the proponent must establish a Regulatory Working Group (RWG) to oversee the environmental performance of the development and that two members on the RWG must be community representatives appointed by Byron Shire and Tweed Shire councils. This recommendation is consistent with this requirement.

The Department and other relevant agencies are responsible for ensuring that the proponent complies with this approval.

15 *Financial Considerations*

The advertisement for the applications for community representatives was undertaken within existing allocated resources.

20 Council's role in this process is the recruitment and nomination of the Community Representative to the North Byron Parklands Regulatory Working Group in accordance with the conditions of the approval for North Byron Parklands. Community representatives are volunteers with North Byron Parklands.

25 *Consultation and Engagement*

Expressions of interest were advised on Council's website, in Council's weekly newspaper advertisement, and on Council's social media.

Report No. 13.10 **Investments - 1 October 2019 - 31 October 2019**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2019/1854

5

Summary:

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

15 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 October 2019 be noted.

20

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

REPORT

Council has continued to maintain a diversified portfolio of investments. At 31 October 2019, the average 90 day bank bill rate (BBSW) for the month of October 2019 was 0.87%. Council's performance to 31 October 2019 is 2.05%. 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. It should be noted that as investments mature, Council's % return will start to decrease due to the lower rates available in the current market.

The table below identifies the investments held by Council as at 31 October 2019.

Schedule of Investments held as at 31 October 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%	1,044,263.16
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,108,880.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,077,720.00
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/29	Y	B	2.38%	1,062,980.00
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	3.01%	1,008,850.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	2.97%	753,667.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	3.17%	502,795.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
13/12/18	1,000,000	Summerland Credit Union	Y	NR	13/12/19	Y	TD	3.01%	1,000,000.00
05/01/19	2,000,000	NAB	N	AA-	06/01/20	N	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
30/01/19	1,000,000	Defence Bank	Y	BBB	30/01/20	Y	TD	2.85%	1,000,000.00
04/02/19	1,000,000	Summerland Credit Union	N	NR	04/02/20	Y	TD	2.95%	1,000,000.00
08/02/19	2,000,000	Suncorp	Y	A	08/11/19	Y	TD	2.75%	2,000,000.00
06/03/19	1,000,000	Bananacoast Credit Union	Y	NR	04/03/20	Y	TD	2.90%	1,000,000.00
27/05/19	1,000,000	AMP Bank	Y	BBB	25/11/19	N	TD	2.45%	1,000,000.00
04/06/19	2,000,000	Beyond Bank Australia	Y	NR	06/12/19	Y	TD	2.40%	2,000,000.00
04/06/19	1,000,000	AMP Bank	N	BBB	03/12/19	N	TD	2.45%	1,000,000.00
24/06/19	2,000,000	NAB	N	AA-	20/01/20	N	TD	1.90%	2,000,000.00
28/06/19	2,000,000	Bankwest	Y	AA-	27/12/19	N	TD	1.90%	2,000,000.00
28/06/19	2,000,000	Bank of Queensland	N	BBB+	24/01/20	N	TD	2.10%	2,000,000.00
01/07/19	1,000,000	Police Credit Union	Y	NR	03/01/20	Y	TD	2.23%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
		Limited (SA)							
03/07/19	1,000,000	Australian Military Bank	Y	NR	02/07/20	Y	TD	2.12%	1,000,000.00
04/07/19	1,000,000	NAB	N	AA-	30/03/20	N	TD	1.95%	1,000,000.00
24/07/19	1,000,000	Bankwest	N	AA-	24/01/20	N	TD	1.85%	1,000,000.00
30/07/19	2,000,000	AMP Bank	N	BBB	28/01/20	N	TD	2.20%	2,000,000.00
01/08/19	2,000,000	NAB	N	AA-	02/12/19	N	TD	1.80%	2,000,000.00
06/08/19	1,000,000	NAB	N	AA-	04/11/19	N	TD	1.83%	1,000,000.00
06/08/19	2,000,000	Bankwest	N	AA-	06/12/19	N	TD	1.70%	2,000,000.00
07/08/19	1,000,001	AMP Bank	N	BBB	06/11/19	N	TD	1.90%	1,000,001.00
09/08/19	2,000,000	NAB	N	AA-	07/11/19	N	TD	1.80%	2,000,000.00
12/08/19	1,000,000	Auswide Bank	Y	NR	12/11/19	N	TD	2.03%	1,000,000.00
14/08/19	1,000,000	ME Bank	Y	BBB	13/11/19	Y	TD	1.78%	1,000,000.00
15/08/19	1,000,000	Maitland Mutual Building Society	Y	NR	12/02/20	Y	TD	1.78%	1,000,000.00
16/08/19	1,000,000	ME Bank	N	BBB	12/02/20	Y	TD	1.73%	1,000,000.00
26/08/19	1,000,000	Suncorp	N	A+	21/02/20	Y	TD	1.62%	1,000,000.00
27/08/19	2,000,000	Bank of Queensland	N	BBB+	27/02/20	N	TD	1.75%	2,000,000.00
27/08/19	1,000,000	AMP Bank	N	BBB	26/08/20	N	TD	1.80%	1,000,000.00
29/08/19	1,000,000	Macquarie Bank	Y	A	25/02/20	N	TD	1.80%	1,000,000.00
28/08/19	2,000,000	Macquarie Bank	N	A	26/11/19	N	TD	1.85%	2,000,000.00
02/09/19	1,000,000	Maitland Mutual Building Society	N	NR	02/12/19	Y	TD	1.75%	1,000,000.00
03/09/19	2,000,000	Macquarie Bank Ltd	N	A	02/03/20	N	TD	1.75%	2,000,000.00
04/09/19	1,000,000	Australian Military Bank	N	NR	02/03/20	Y	TD	1.70%	1,000,000.00
10/09/19	2,000,000	NAB	N	AA-	09/12/19	N	TD	1.72%	2,000,000.00
25/09/19	1,000,000	TCorp Green Deposit	N	AAA	25/03/20	N	TD	1.00%	1,000,000.00
25/09/19	2,000,000	NAB	N	AA-	24/09/20	N	TD	1.60%	2,000,000.00
30/09/19	1,000,000	NAB	N	AA-	28/01/20	N	TD	1.68%	1,000,000.00
08/10/19	1,000,000	NAB	N	AA-	06/04/20	N	TD	1.93%	1,000,000.00
08/10/19	1,000,000	My State Bank	Y	NR	06/02/20	Y	TD	1.70%	1,000,000.00
21/10/19	2,000,000	NAB	N	AA-	21/04/20	N	TD	1.57%	2,000,000.00
25/10/19	2,000,000	NAB	N	AA-	25/02/20	N	TD	1.60%	2,000,000.00
29/10/19	1,000,000	ME Bank	Y	BBB	28/07/20	Y	TD	1.58%	1,000,000.00
30/10/19	1,000,000	My State Bank	N	NR	29/01/20	Y	TD	1.70%	1,000,000.00
30/10/19	2,000,000	Macquarie Bank Ltd	N	A	29/04/20	N	TD	1.60%	2,000,000.00
N/A	1,206,211.67	CBA Business Online Saver	N	AA-	N/A	N	CALL	1.20%	1,206,211.67
12/01/18	3,563,370.52	NSW Treasury Corp	N	AAA	N/A	Y	CALL	1.10%	3,563,370.52
Total	77,017,933.19						AVG	2.05%	77,328,738.85

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

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

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

Environmental and Socially Responsible Investing (ESRI)

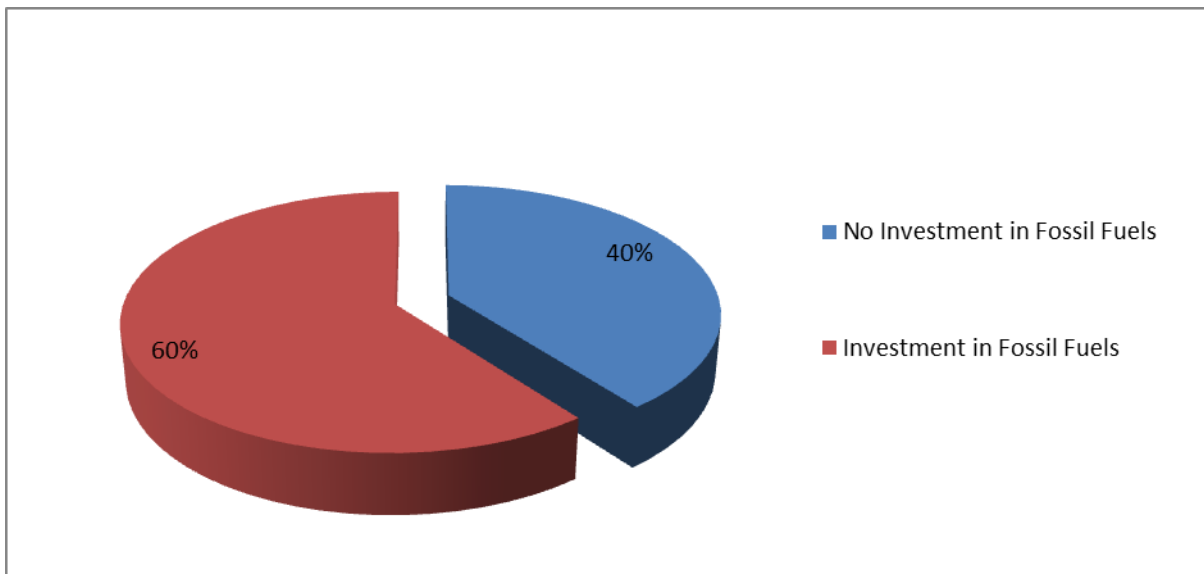
5

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

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

15



Council has 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.:

- 5 1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond..

Investment Policy Compliance

Investment policy compliance % per institution should not exceed the following			ACTUAL	Variance
AAA to AA	A1+	100%	52%	Meets policy
A+ to A-	A1	60%	9%	Meets policy
BBB to NR	A2,NR	40%	39%	Meets 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. Note that 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

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.

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

Dissection of Council Investment Portfolio as at 31 October 2019

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
66,000,001.00	Term Deposits	66,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,265,312.50	15,312.50
1,206,211.67	Business On-Line Saver (At Call)	1,206,211.67	0.00
3,563,370.52	NSW Treasury Corp (T Corp)	3,563,370.52	0.00
3,998,350.00	Bonds	4,293,843.16	295,493.16
77,017,933.19		77,328,738.85	310,805.66

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.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.10

The table below provides a reconciliation of investment purchases and maturities for the period of 1 October 2019 to 31 October 2019 on a current market value basis.

Movement in Investment Portfolio – 31 October 2019

5

Item	Current Market Value (at end of month) \$
Opening Balance at 1 October 2019	78,475,461.29
Add: New Investments Purchased	10,000,000.00
Add: Call Account Additions	2,000,000.00
Add: Interest from Call Account	1,195.25
Less: Investments Matured	11,650,000.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	3,603.31
Less: Call Account Redemption	1,500,000.00
Less: T Corp Redemption	0.00
Less: Fair Value Movement for period	1,521.00
Closing Balance at 31 October 2019	77,328,738.85

Term Deposit Investments Maturities and Returns – 1 October 2019 to 31 October 2019

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000	Bankwest	09/10/19	92	1.80%	4,536.99
2,000,000	NAB	27/07/19	90	1.83%	4,512.33
2,000,000	NAB	21/10/19	91	1.90%	9,473.97
1,000,000	NAB	08/10/19	91	1.93%	4,811.78
1,000,000	ME Bank	29/10/19	182	2.43%	12,116.71
2,000,000	Bankwest	03/10/19	97	1.85%	9,832.88
2,000,000	Bankwest	30/10/19	90	1.70%	8,383.56
11,000,000					53,755.34

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

15

Dissection of Council Cash Position as at 31 October 2019

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	66,000,001.00	66,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,265,312.50	15,312.50

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Business On-Line Saver (At Call)	1,206,211.67	1,206,211.67	0.00
NSW Treasury Corp (T Corp)	3,563,370.52	3,563,370.52	0.00
Bonds	3,998,350.00	4,293,843.16	295,493.16
Total Investment Portfolio	77,017,933.19	77,328,738.85	310,805.66
Cash at Bank			
Consolidated Fund	2,584,097.46	2,584,097.46	0.00
Total Cash at Bank	2,584,097.46	2,584,097.46	0.00
Total Cash Position	79,602,030.65	79,912,836.31	310,805.66

STRATEGIC CONSIDERATIONS

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Report No. 13.11 **Operational Plan 2019/20 - First Quarter Report - Q1 - 1 July to 30 September 2019**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Governance Officer

5 **File No:** I2019/1895

Summary:



10 Council's Operational Plan outlines its projects and activities to achieve the commitments in its four-year Delivery Program.

15 This report summarises Council's progress towards achieving the annual activities contained in the 2019/20 Operational Plan. This report is the first quarterly progress report for the period 1 July to 30 September 2019.

RECOMMENDATION:

1. **That Council notes the 2019/20 Operational Plan First Quarter Report for the period ending 30 September 2019 (Attachment 1 #E2019/83043).**
2. **That Council adopts the proposed amendments to the Operational Plan 2018/19 outlined in Attachment 2 (#E2019/80661).**

Attachments:

- 20 1 Operational Plan 2019/20 - First Quarter Report - Q1 - to 30 September 2019, E2019/83043 
- 2 Quarter 1 Report - Proposed Amendments to 2019/20 Operational Plan, E2019/80661 

Report

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

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

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

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

This report details Council's progress towards achieving the activities in the 2019/20 Operational Plan. It includes a status update on progress and notes any highlights or exceptions where actions may be delayed or reprioritised.

The report (Attachment 1 #E2019/83043) is structured by the five 'Our Byron, Our Future' Community Strategic Plan 2028 objectives:

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

Each section notes the progress against the activities including:

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

Key issues

It should be noted that this report is at 30 September 2019 and therefore since collation of the report, actions may have progressed.

Each quarter, amendments required to be made to the original Operational Plan are to be endorsed and adopted by Council. These amendments are provided in detail in Attachment 2 (#E2019/80661). The proposed amendments include:

- 5
 - New activities
 - Amended wording to better reflect the intent of the activity and / or measure
 - Removal of some activities as a result of funding availability or changes to the program of works
- 10 Details of the changes are provided in the attachment.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

Financial issues

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

Consultation and Engagement

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

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.12 Blues Festival Regulatory Working Group- Expressions of Interest

Directorate: Sustainable Environment and Economy

Report Author: Chris Larkin, Manager Sustainable Development

File No: I2019/1819

Summary:

In 2016 Council approved the use of the Blues Festival site at Tyagarah for a mixture of small, medium and large events via Development Consent 10.2014.753.1. Consent condition 57 requires the Blues Festival to form a Regulatory Working Group (RWG) to oversee the environmental and operational performance of events.

Part (b) of the consent condition requires a minimum of two representatives of the local community be appointed to the RWG. Council previously appointed two community representatives in 2018, however one of those representatives has since resigned creating a vacancy.

Expressions of Interest from the community were sought recently with Council receiving three nominations. Each nomination is considered worthy of support based on their previous experience working within the community and as residents within the Tyagarah locality.

It is recommended that Council select one of these nominations as the community representative on the Bluesfest Regulatory Working Group to fill the vacant position.

RECOMMENDATION:

1. That Council nominate the following community representative for appointment to the Blues Festival Regulatory Working Group (RWG) on a rotational basis not exceeding four years (insert name) .
2. That Council advise the Chairperson of the Blues Festival Site Regulatory Working Group (RWG) of the nomination.

Attachments:

- 1 Confidential - EOI Nomination, S2019/8273
- 2 Confidential - EOI Nomination, S2019/8264
- 3 Confidential - EOI Nomination, E2019/80400

REPORT

Development Application 10.2014.753.1 for a Community Events Facility at Tanner Lane Tyagarah was approved by Council on 25 February 2016. A Regulatory Working Group (RWG) was required to be established to oversee the environmental and operational performance of the events.

The RWG has already been established with two community representatives previously selected by way of Council resolution on the 22 November 2018 as follows:

Res18-727:

1. *That Council nominate the following two community representatives for appointment to the Blues Festival Regulatory Working Group (RWG) on a rotational basis not exceeding four years Nicqui Yazdi and Phillip Mallon.*
2. *That Council advise the Chairperson of the Blues Festival Site Regulatory Working Group (RWG) of the nominations.*

A vacant position became available as a previously selected community representative resigned from the RWG. Condition 57(b) requires as a minimum of two community representatives be nominated to the RWG as follows:

- (b) *comprise at least two (2) representatives of the local community nominated by the Council. Community representatives are appointed on a rotational basis with a representative not exceeding four (4) years.***

Consultation and Engagement

Expressions of Interest were invited between 25 September and 31 October 2019. Three nominations were received. These are provided as confidential attachments due to the personal information contained within each. The three nominations have previous experience working within the community and reside locally within the Tyagarah Locality and are worthy of consideration.

Financial Implications

No financial implications to Council.

Statutory and Policy Compliance Implications

It is a condition of development consent to form this Regulatory Working Group to oversee the environmental performance of events.

Conclusion

It is recommended that at least one of these nominations be selected to the Regulatory Working Group to fill the current vacancy.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.13 A Community Proposal to name land at Suffolk Park as Linda Vidler Memorial Park

Directorate: Infrastructure Services
Report Author: Andrew Erskine, Open Space Technical Services Officer
File No: I2019/1380

Summary:

The Suffolk Park Football Club have proposed that the land parcel on Beech Drive currently referred to as the Suffolk Park Recreation Grounds be formally named the Linda Vidler Memorial Park to commemorate the significant role she played in gaining recognition of the traditional owners of Byron Bay.




The proposal is supported by the Suffolk Park Progress Association and the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).

The precinct is currently referred to as the Suffolk Park Recreation Ground, however this name has not been formalised with the Geographic Names Board (GNB).

RECOMMENDATION:

1. That Council support the application for the naming of the land parcel on Beech Drive currently referred to as the Suffolk Park Recreation Grounds as the Linda Vidler Memorial Park.
2. That staff proceed to exhibit the preferred name for 28 days as per Council's Naming of Public Places and Community Facilities Policy.
3. That should no objections be received, that the name be adopted and submitted to the NSW Geographical Names Board for approval and registration.
4. That the Plan of Management is amended to reflect a change of name.

Attachments:

- 1 Plan of Management Suffolk Park Recreation Grounds Adopted on 19 September 2019, E2019/63630 
- 2 Suffolk Park Football Club Submission Renaming of Suffolk Park Sporting Fields, E2019/64215 
- 3 Letter of Support Suffolk Park Progress Association Linda Vidler, E2019/64217 

REPORT

Members of the Suffolk Park Community have forwarded a proposal to name the land currently referred to as the Suffolk Park Recreation grounds to be formally named as the Linda Vidler Memorial Park in recognition of her role in the community as an Arakwal Elder.



The parcel of land comprises Lot/Section/DP 60/817888 + 122/831214 + 15/1158538

Should Council be supportive of the proposal, staff will proceed to exhibit the preferred name for 28 days as per Council's Naming of Public Places and Community Facilities Policy. Following the public exhibition process any submissions are collated and reported back to Council for further consideration.

On the basis that the naming is further supported, an application for the formal naming of the park is to be made to the Geographic Names Board.

Details of Linda Vidler (13th August 1938 – 11th June 2009) Provided by Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)

Linda Jane Kay – was born on the 13th August 1938. Linda was one of the younger of 13 children to Jimmy and Linda Kay (nee Bray). Linda was raised at the family Camp at Iron bark Avenue in Byron Bay. The 1930s were a hard time to be born into, Byron Bay was a small coastal fishing town with sand mining, whaling and few work opportunities- even more so for Aboriginal people. These humble and harsh beginnings, Linda, surrounded by her mother, father and family often said these were the happiest days of her life.

The family lived off their land with fresh tucker caught from the beaches, creeks, lakes and the surrounding bush where food was plentiful. Linda stayed at Iron bark for a long time living in an old tin shack built by their father; there were three or four room's altogether. It was an old tin shack but it was comfortable. Linda was 15 years old when her mum died. Linda with her brothers and sisters tried to stay at Ironbark but the Aboriginal welfare forced them to move or be taken away.

Linda married Gordon Vidler on the 10th March 1957 when Linda was 18 years of age. After they married they lived in Gordon's car at Tallow Creek for a few years. Tallow Creek continued to provide the couple with a plentiful supply of fresh fish and prawns.

Eventually, they settled at Suffolk Park Caravan Park and much of the next few years were about raising and caring for the family. The family all loved Suffolk Park. It was at Suffolk Park that Linda also became known as Mum or Nan Vid to many people living in the area.

5 *Linda always made room for someone in need of a feed, clothing or shelter.*

Finally after many years, Linda and Gordon finally became eligible for a housing commission house that they could call home, located in Gordon Street Byron Bay.

10 *Following on in the footsteps of Eddie Mabo, in 1992, Linda and her sisters embarked on a campaign to get back to the camp at Ironbark and protect the lake at Suffolk Park. Through the Native Title process the sisters undertook to negotiate for the preservation of sites of significance in Byron Bay that was under threat from development and the returning of the Ironbark campsite to build houses for the 4 remaining sisters, now elders.*

15 *Linda and her sisters were thrust into the tumultuous realm of Aboriginal politics and the public spotlight. Over the next 15 years Linda endured endless meetings with State and Federal Government officials, Aboriginal activists, Lawyers, media, disgruntled locals and old friends all the while still maintaining a family home and battling ill health. What has transpired over this 15 year period is the creation of 3 Arakwal Indigenous Land Use Agreements, Co-management of the*
20 *Arakwal National Park and Cape Byron Trust, freehold title to lands for the Arakwal people.*

The creation of Arakwal national park was recognised internationally as an effective model to resolve native title claims and honoured by an award from the World Conservation Union (IUCN).

25 *This Journey has also led to many young family members renewing cultural connections to country and a passage for many family members wanting to return home.*

30 *This campaign led to a journey that took over 25 years for the Federal Government to give Arakwal their Consent for Native Title Rights. It also needs to be said that throughout the ILUA process Linda was keen to ensure that part of the Arakwal success was shared with the rest of the community which resulted in land being offered back to the community as the Arakwal National Park and a new library site.*

35 *On August 16th 2008 Linda turned 70 and on 11th June 2009, the world lost Linda. From her humble and harsh beginnings, we will always celebrate a mainstay and icon of the Byron Bay Community and a matriarch of the Arakwal Bumbalin Bray'/Kay family. We will celebrate her Native Title fight and recognise her resilience in digging her heels in no matter who you are and what the issue is. We recognise that her achievements had an*
40 *impact not only in Byron Bay but nationally and internationally.*

Linda was a trooper who with nothing but her strength of will and without ever venturing far from what once was small coastal fishing town called Byron Bay has left her lasting footprint on the world.

45 **Key issues**

The nominated park does not currently have a formal name. Public notification of the proposal will provide the opportunity for the community to object to the proposal or suggest an alternative.

50 The GNB recommend that where a feature is named for people, that person has made a significant contribution to the area and that they are no longer living. The information contained in this report supports this.

Options

- To continue calling the park the Suffolk Park Recreation Grounds and not formalise the name.
- To invite suggestions from the public for an unnamed park.

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	2.1.4	Support Aboriginal cultural vibrancy within the Shire	2.1.4.1	Support cultural restoration projects, events and celebrations

Legal/Statutory/Policy Considerations

Geographical Names Act 1966 No 13

Geographical name. The name of a place as determined by the provisions of the Act and been notified in the Gazette as a geographical name, but does not include a name which has ceased to be a geographical name under the Act.

Commemorative names are those that commemorate a person, event or place. Acts of bravery, community service and exceptional accomplishments are typical grounds for this recognition. The name of persons who gave their lives in service for their country are often used as commemorative names. The person commemorated should have contributed significantly to the area around the geographic feature or locality.

When such a name is applied, it shall be given posthumously, at least one year after the decease of the person. Names of living persons are by their nature subject to partisan perception and changes in community judgement and acceptance. Commemorative names shall not be used to commemorate victims of, or mark the location of, accidents or tragedies.

Ownership of land is not in itself grounds for the application of an owner's name. Names of persons holding public office shall not be used. Personal names, including those of persons still living, may be used for built features e.g. pavilions and grandstands etc., however these features are not formally assigned by the GNB and are not covered by the Act. 7.1 Personal Names

The names of deceased persons are suitable for the naming of reserves. Such persons shall have had a long term association with the area, or have made a significant contribution to the area of the proposed park or reserve.

To assist local governments in determining the suitability of a name the GNB offers the following guidelines regarding association or contribution:

- Two or more terms of office on the governing local government council.
- Twenty or more years association with a local community group or service club.
- Twenty or more years of association or service with a local or state government or organisation.
- Action by an individual to protect, restore, enhance or maintain an area that produces substantial long term improvements for the community.

- The death of a person within a place is not solely to be considered sufficient justification for commemoration.
- Local residents of note.

5 *Financial Considerations*

A sign of appropriate design as per Councils corporate style guide be procured and installed at the park (approx. \$700). This sign and its installation can be funded by the Sports field Upgrade budget.

10 *Consultation and Engagement*

This proposal has come from 2 organisations within the Suffolk Park Community and is supported by the Bundjalung of Byron Bay (Arakwal) Corporation. Following support of Council the proposal is to be placed in Community Notices as per the recommendations of the GNB. Submissions will be returned to Council for evaluation following this period.

Report No. 13.14 **Land Acquisition for Dedication as Road Reserve at Butler, Shirley, Lawson and Jonson Streets Byron Bay**

Directorate: Infrastructure Services

Report Author: Deanna Savage, Roads and Property Officer

File No: I2019/1708

Summary:

This report is being presented to Council to approve land acquisitions for the purpose of facilitating road widening, intersections works and to upgrade access ramps and footpaths at Butler Street, Shirley Street, Lawson Street and Jonson Street, Byron Bay.

RECOMMENDATION:

1. That Council authorise the acquisition of the identified land in Figures 1 and 2 of this report for road widening purposes.
2. That Council authorise staff to complete all tasks to allow the acquisition, including carrying out survey work and valuations, entering agreements with the relevant land owners, paying just compensation and registering the acquisitions.

REPORT

Council has identified areas of private land that are required in order to facilitate the proposed upgrades to access ramps and footpaths in locations associated with intersection improvements and road upgrades west of Jonson Street and Browning Street intersection and at Butler Street, Shirley Street and Lawson Street Intersection, Byron Bay.

The parcels of land in question are identified in **Figure 1** and **Figure 2** below.

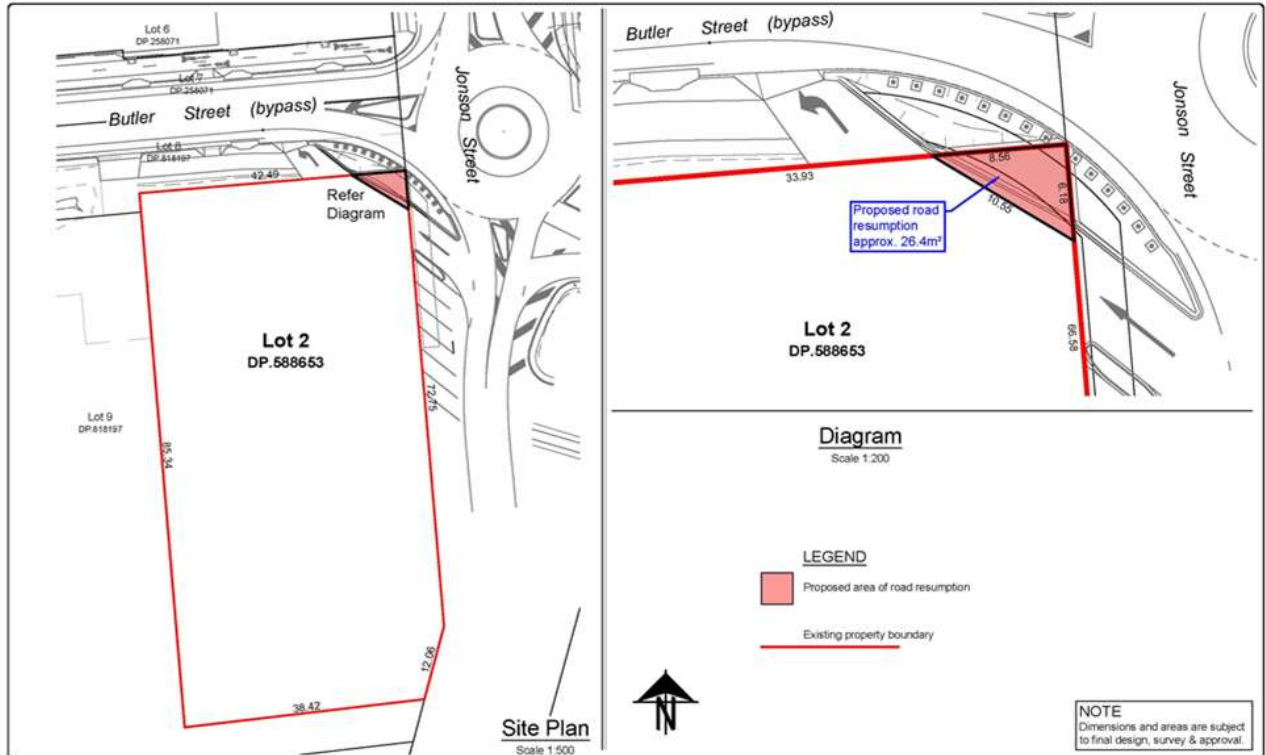


Figure 1

Figure 1 - Lot 2 DP 588653 - Requires approximately 27 m² to be dedicated as road.

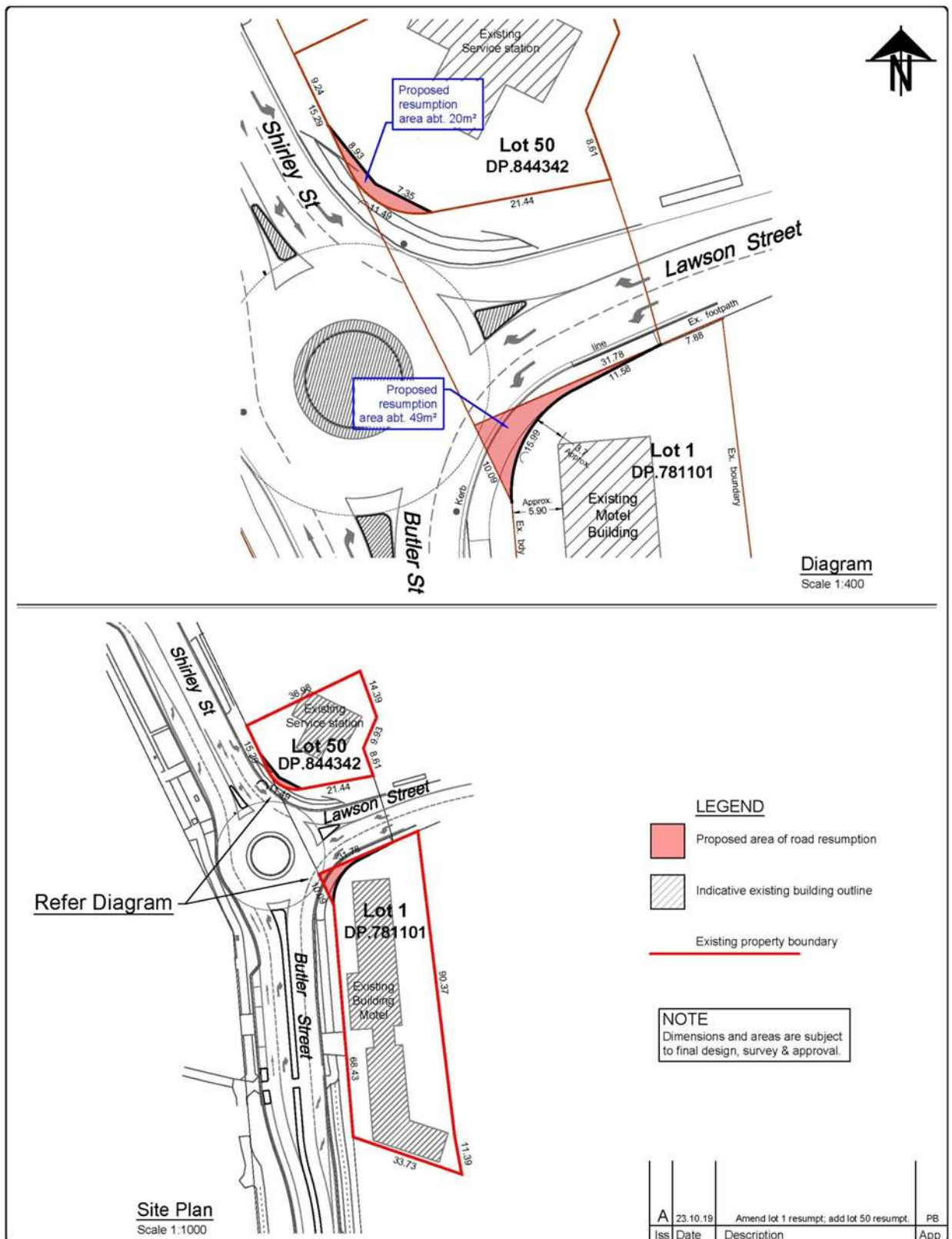


Figure 2

Figure 2 – Lot 1 DP 781101 - Requires approximately 49 m² to be dedicated as road.
Lot 50 DP 844342 - Requires approximately 20 m² to be dedicated as road.

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	1.1.3	Prioritise road network asset renewal and upgrade programs in line with Community Solutions Panel values (SP)	1.1.3.5	Upgrade access ramps and footpaths

5 Legal/Statutory/Policy Considerations***Roads Act 1993******Part 2 Division 1 Section 9*****10 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.

(2) On registration of the plan, the land is dedicated as a public road.

15

Financial Considerations

The cost to conduct the survey and prepare the required plans by a registered surveyor for registration at Land and Property Information and to complete the required valuations is estimated at approximately \$20,000.

20

An assessment of compensation under Section 55 of the Land Acquisition (Just Terms Compensation) Act 1991 will be required and initial estimate based on previous acquisitions indicates that this could be in the order of \$30,000.

25

It is envisaged that these costs associated with the acquisition and dedication of land as road has been budgeted for under Council's General Ledger number 45480.

Consultation and Engagement

30

Verbal discussions have taken place between land owners and Council however formalised agreements will be forthcoming following a Council resolution.

Report No. 13.15 **Broken Head Reserve Road and Seven Mile Beach Road Update**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2019/1717

5

Summary:

10 This report gives Council an update on the progress of Council Resolution **18-554** relating to Broken Head Reserve Road and Seven Mile Beach Road.

Council Resolution 18-554:

15 Resolved that Council:

1. *Note the work and stakeholder commitment to date on the issues and endorse the future actions and investigations for Broken Head Reserve, Seven Mile Beach Road and Broken Head Reserve Road*

20 2. *Provide a report providing information on the following;*

a. *An investigation, design and cost assessment of parking and traffic management on Broken Head Reserve Road with a view to utilise any funds raised to fund fully sealing Seven Mile Beach Road.*

25 b. *The car parking management option of establishing a ticketing system at the entrance to Seven Mile Beach Road*

c. *The creation of a shared road sealed road that commences at Seven Mile Beach Rd and Reserve Rd intersection and continues until King's Beach Carpark.*

30 d. *The development of a locality plan for Broken Head Reserve Road from Broken Head Road to the intersection with Seven Mile Beach Road, that addresses*

i. *Key ecological, safety and compliance issues*

ii. *A draft budget and the availability of S94 funding*

iii. *The establishment of a working group and identification of key stakeholders, including the Arakwal Corporation and state government agencies*

35

RECOMMENDATION:

1. **That Council note the report and the work undertaken by Council staff to date.**

2. **That Council note the recent correspondence from the NSW Minister for Energy and Environment, indicating the intention to increase the size of the national parks and explore whether Seven Mile Beach Road may be included within the proposed expansion of NSW National Parks.**

3. **That detail design and works relating to Options 2, 3 and 4 be undertaken and completed, subject to:**

a) **Council staff identifying an acceptable and adequate budget source to undertake detail design and works associated with Options 2 to 4.**

b) **Council resolving to approve the LTC report I2019/1473 proposing to establish a**

Restricted Parking Area along Broken Head Reserve Road and Seven Mile Beach Road.

- c) Council staff consulting with the Broken Head Reserve Road community group regarding the proposed parking layout for the village precinct.**



4. That the investigation into the feasibility of Option 7 is to continue, subject to:

- a) Council staff continuing to investigate RMS consent for pay parking,**
- b) Council staff identifying an acceptable and adequate budget source to undertake the detail design and works associated with Option 7.**
- c) A report being brought to Council, prior to any works relating to Option 7 commencing, detailing cost and revenue estimates and the proposed solution associated with the establishment of pay parking along Broken Head Reserve Road and Seven Mile Beach Road.**

5. That detail design relating to Option 5 continue, subject to:

- a) Confirmation in writing that the NSW Minister for Energy and Environment will not include Seven Mile Beach Road in the proposed expansion of National Parks**
- b) Council staff identifying an acceptable and adequate budget source to undertake works associated with Option 5.**
- c) Council resolving to approve the LTC report I2019/1473 proposing to establish a Restricted Parking Area along Broken Head Reserve Road and Seven Mile Beach Road.**
- d) RMS approving the establishment of pay parking along Seven Mile Beach Road.**

Attachments:

- 1 2625_SEVEN MILE BEACH RD_PARKING CONCEPT, E2019/80450 
- 5 2 Parking upgrade within Broken Head Village precinct - mark ups, E2019/80452 
- 3 Confidential - DCA - Smart City Solution, E2019/80477

REPORT

Parameters

In moving Council Resolution 18-554 to completion, investigations have identified a number of significant parameters that Council is required to adhere to and design around. For example, the community has raised a number of concerns which they would like Council to address. In addition, a number of potential solutions have been proposed to Council in a genuine attempt to address those concerns.

However, a number of these concerns and proposed solutions lie outside of Council delegated authority and are not within Council's legal ability to adopt. Therefore, the proposed options presented later in the report are designed to work within these parameters.

Below is a summary of the key parameters that Council is required to act in accordance with and design around:

i. Biodiversity Hotspot / Key Ecology

- a. Council Resolution **18-803** affirmed the Seven Mile Beach Road precinct to be a Biodiversity Hotspot;
- b. All works will require a REF to be undertaken. The permissibility of any works proposed in this report are subject to the findings of the REF.
- c. Geocortex and Council's Biodiversity Officer confirm Seven Mile Beach Road precinct is bounded along it's length by the following (Refer to Figure 1 below)
 1. Threatened Flora & Fauna,
 2. Wild life corridors,
 3. High Ecological Value vegetation.
 4. Littoral Rainforest,
 5. Coastal Wetland, and
 6. Koala Habitat.
- d. As a result, the following requested options are considered contrary to environmental and wider community expectations:
 1. Pedestrian walkway adjacent to Seven Mile Beach Road,
 2. Widening Seven Mile Beach Road,
 3. Any other works that require clearing of vegetation.

ii. Landownership

- a. Council is not legally permitted to undertake works where we are not the land owner or do not have delegated authority to manage the land;
- b. Kings Beach car park is owned by NPWS. As such Council has no authority to undertake any works in Kings Beach car park.
- c. Any works undertaken at the end of Seven Mile Beach Road without Crown Land concurrence.

iii. Legislation

- a. Council is not legally permitted to install infrastructure or undertake works that is contrary to legislative requirements and / or outside of its delegated authority. This impacts:
 1. Pay parking
Requires RMS consent with the associated approval process, traffic data and permit system. Council is currently undertaking a traffic survey to obtain the required data.
 2. Gate across road

A gate across Seven Mile Beach Road to restrict or prevent public access is considered contrary to Roads Act 1993, Section 5: *A member of the public is entitled, as of right, to pass along a public road (whether on foot, in a vehicle or otherwise) and to drive stock or other animals along the public road.*

3. Toll Booth / Gate

A Toll booth / Toll gate are in effect a Tollway. Only the transport minister may authorise a tollway. All roads within the tollway would cease to be a public road and would transfer ownership to the RMS. Only police, fire, rescue and ambulance vehicles are then exempt from toll fees (i.e. locals / residents would not be exempt). Specific stringent warrants guide the permissibility of a Tollway and it is considered Seven Mile Beach Road or Broken Head Reserve Road would not meet these warrants.

4. Speed Zone Reviews (including Zones and High Activity Pedestrian Zones)

- RMS alone has the authority to modify speed zones
- RMS have confirmed the precinct does not meet warrants for a Shared Zone or High Pedestrian Activity Zone;
- Speed reduction devices, such as speed humps, must meet RMS and national guideline warrants. RMS has confirmed the road network within this precinct does not meet the warrants and the rural context with no street lights making such devices potentially dangerous for drivers at night.

Traffic Data

Traffic Volumes

Traffic counters have been placed on Seven Mile Beach Road and Broken Head Reserve Road on 3 occasions.

- i. Between 18 April to 5 June 2018.
- ii. Between 6 December 2018 to 3 May 2019.
- iii. From 10 September 2019 and are still in place currently.

Seven Mile Beach Road

In total 256 days have been surveyed on Seven Mile Beach Road since April 2018. This data includes all the peak holiday periods (Summer Holidays, Easter, Labour Day, etc) and provides the most in depth traffic survey undertaken by Council.

Below is a summary of key findings from a counter located on Seven Mile Beach Road, 100m south of Broken Head Reserve Road:

AVPD = Average Number of Vehicles Per Day
 ADT 7am-7pm = Average number of vehicles per day between 7am-7pm
 85% Speed = 85% of cars travel at or below this speed.

Seven Mile Beach Road – Traffic Data

Survey dates	Survey days	AVPD	AVPD 7am-7pm	85% Speed (km/hr)
18 Apr – 5 June 2018	47	300	277	42.5
16 Nov – 2 May 2019	167	331	298	39.5
10 Sept – 23 Sept 2019	13	421	389	42.5
30 Sept – Current*	29	405	376	41

* Data presented is taken between 30 Sept to 30 Oct. This traffic counter is still in place.

Broken Head Reserve Road

Below is a summary of key findings from a counter located on Broken Head Reserve Rd. One counter was located 200m west of Taylors Lane between November 2018 to February 2019. A second counter is currently located 10m east of the Village area:

5

Broken Head Reserve Road – Traffic Data

Survey dates	Survey days	AVPD	AVPD 7am-7pm	85% Speed (km/hr)
17 Nov – 1 Feb 2019 ¹	76	2160	1899	65
10 Sept – 23 Sept 2019 ²	13	1675	1504	43
30 Sept – Current ³	29	1804	1568	42.5

1 Traffic counter was located 200m west of Tayler's Lake Road.

2 Traffic counter is located 5m west of the Village.

10 *3 Traffic counter is located 5m west of the Village. Data presented is taken between 30 Sept to 30 Oct. This traffic counter is still in place.*

Weekends, especially Sundays, are the busiest times with Tuesdays the quietest day.

Local Traffic

15 It is unclear how many tourist verse residential dwellings gain access off Seven Mile Beach Road. However, a review of Geocortex indicates approximately 16 lots gain access off Seven Mile Beach Road. Of these an unknown number have multiple dwellings and tourist cabins.

20 RMS Guide to Traffic Generating Developments and a subsequent Updated Traffic Survey provide estimated traffic generation rates for rural dwellings. In accordance with this Guide, 16 residential dwellings are estimated to generate 119 vehicles per day (7.4 vehicles per day per dwelling). Given; i) there are several multiple dwellings and tourist cabins that would have a higher traffic generating rate and ii) the remaining residents may produce less than 7.4 VPD, 119 VPD is considered a reasonable estimate to adopt.

25

This would suggest between 30-40% of the traffic on Seven Mile Beach Road is generated by locals or guests staying on Seven Mile Beach Road.

Design Options

30 Below are a number of proposed design options and location plans of the existing carparks at Seven Mile Beach Road and Broken Head Reserve Road. These options may be adopted individually or in combination.



Figure 1 –Yellow lines show extent of overflow parking in the village precinct. Blue shows NPWS pay parking.



Figure 2: Location of car parks along Seven Mile Beach Road.

Option 1 – Transfer Seven Mile Beach Road to NPWS

- 5 The NSW Minister for Energy and Environment recently contacted Council to indicate the intention to increase the size of the national parks by approximately 200,000 hectares. It is recommended Council explore the feasibility of transferring Seven Mile Beach Road to the National Parks and Wildlife Services based on the following considerations:
- 10 i. The primary purpose of Seven Mile Beach Road is to provide public access to beaches within the Broken Head National Park and Seven Mile Beach.
- ii. This road also functions as the only fire trail along the full extent of the National Park.
- 15 iii. In addition, it provides access to the northern end of Seven Mile Beach Road and the southern head land of Broken Head Reserve.

Option 2: Establish a Restricted Parking Area (RPA)

A report has been submitted to LTC requesting Council support for the establishment of a RPA along the full length of Broken Head Reserve Road and Seven Mile Beach Road.

5 This step has been undertaken for two reasons:

i. The primary purpose of a RPA is to address traffic and parking problems through supporting easier enforcement and reducing the cost of constant signage maintenance.

10 It helps compliance monitoring as vehicles are legally permitted to only park in the designated parking areas. All cars parked outside of the designated parking areas can automatically be infringed whether or not a No Stopping signs is installed or vandalised.

15 All No Stopping signs can, therefore, be removed as they are no longer legally required helping significantly with signage maintenance costs.

20 ii. This is the first step towards providing clearly designated formal parking within the Broken Head Reserve Road Village and along Seven Mile Beach Road and allows the future option of introducing pay parking if ever considered and which has been requested by the locals.

Option 3: Establish a No Parking Area

A report has been submitted to LTC requesting Council support for the establishment of a No Parking Area along the full length of Seven Mile Beach Road between 1am to 5am.

25 The time of 1am to 5am has been adopted as LTC have previously stated all No Parking signs should be restricted to either 1am-6am or 1am-5am. To cater for dawn surfers and fishing clubs 1am-5am is proposed.

30 Only Seven Mile Beach Road has been considered due to the reasonable possibility of Broken Head Reserve Road guests and visitors needing to park on the street overnight.

This option is expected to cost Council approximately **\$2,000**.

Option 4: Formalise Parking on Broken Head Reserve Road

35 To manage a RPA (Option 2) Council must establish clearly designated parking areas. Therefore, an upgrade of the Broken Head Reserve Road Village parking layout is being developed. Concept mark ups have been developed. (Refer to attachment 2.)

40 While a final cost estimate has not been determined it is expected to cost in the order of **\$150,000** to upgrade the parking scheme in the Village precinct. This includes the cost of signage associated with the RPA.

Option 5: Formalise Parking on Seven Mile Beach Road

45 To manage a RPA (option 2) Council must establish clearly designated parking areas. Therefore, an upgrade of Seven Mile Beach Road car parks at Whites Beach, Bray's beach and Seven Mile Beach end is proposed. Concept drawings have been developed to bitumen seal these car parks to clearly demarcate the permitted parking areas. (Refer to attachment 1.)

50 Kings Beach car park is on NPWS land and Council has no delegated authority to do works in this car park. An on site meeting with NPWS has confirmed this. As a result only the entrance to Kings Beach car park will be sealed and demarcated with bollards to permit access but prevent cars spilling out onto the road reserve.

55 NPWS stated verbally that if we request them to do works in kind with King Beach car park to match our works they will give it serious consideration, subject to funding availability.

Formalising each car park is also considered a stepping stone towards the potential introduction of parking and compliance technology as an additional potential future option.

5 **Option 6: Seal the Entrance of Seven Mile Beach Road**

To reduce dust and to meet the requests of local residents two sealing options have been explored.

10 The first option is to seal the first 150m through to the first bend.

The second option is to seal the first 770m through to Kings Beach car park.

15 While a final cost estimate has not been determined, Options 5 and 6 combined (sealing to Kings Beach car park) is expected to cost in the order of **\$450,000**.

15 **Option 7: Introduce Parking Technology**

This option includes the introduction of parking technology, such as pay parking or compliance monitoring systems. This step can only occur after the RPA and formalisation of parking areas has been completed and a formal parking survey has been completed.

20 No wider community consultation has been undertaken in relation to the introduction of pay parking to the Broken Head Reserve Road precinct or Seven Mile Beach Road.

25 A license plate recognition study is currently underway within the Village precinct. Due to the remote location of Seven Mile Beach Road a manual count of this area is being undertaken. Council's parking enforcement and compliance team have shown great commitment to this task.

30 RMS have been approached for advice in the permissibility of introducing pay parking to the Broken Head Reserve Road and Seven Mile Beach Road areas. They indicated to first explore the RPA before considering a pay parking scheme.

35 Several companies have been approached (APARC, DCA and Parkam) to investigate different ways to introduce pay parking and compliance monitoring technology to Broken Head Reserve Road Village area and Seven Mile Beach car parks. (Refer to attachment 3 to review the DCA preliminary concept and cost estimate.)

40 Council's current pay parking scheme is currently run by APARC. Council compliance monitoring and permit systems are currently managed by DCA. DCA have the ability to include pay parking equipment and systems within their scope of works. As a result, these 2 companies already run the software required to roll out any of the pay parking systems and compliance monitoring systems and are best positioned to introduce pay parking and compliance monitoring systems to this area.

45 It is important to note, a permit system will need to be introduced with any pay parking system.

50 Seven Mile Beach Road car parks have no provision for electricity or internet and have intermittent mobile phone reception. Any pay parking system for Seven Mile Beach Road will need to be based on mobile apps that are subject to weather and intermittent access. The potential for CCTV's feeding back to automatic recognition technology and wayfinding signs at the entrance to Seven Mile Beach Road are also under investigation.

55 Mobile phone payment systems are the quickest to roll out with minimal infrastructure required and limited capital expenditure. However, mobile phone payment systems attract high fees with each payment (\$0.29 per transaction and additional processing and bank fee's with each transaction). Consultation with Gold Coast Council revealed they do not advertise their phone payment methods

due to the significant fee's charge by companies and about 5% of their pay parking transactions come via phone apps.

5 Parkam's primary technology is CCTV connected to wayfinding signage and apps. The application of parking and compliance systems based entirely on CCTV's is an emerging but efficient method that has not been tested in court yet. In addition, Parkam verbally outlined their ability to roll out a CCTV system but requested a level of commitment before offering a detailed response and cost estimate.

10 As a result of our approach to DCA they are investigating whether they can expand their business into CCTV systems, in partnership with relevant companies. As yet they can not offer a solution but have offered to meet on site to discuss solutions. APARC have not responded.

15 Kings Beach car park is within NPWS land and can not be included in any potential parking scheme and is not a source of revenue. Kings Beach car park is the largest car park with approximately 25-30 spaces.

20 Brays Beach car park is half in NPWS land. NPWS have verbally indicated they do not see this as a concern and Council would have consent to manage any parking scheme introduced to this area.

25 It is estimated a pay parking scheme and / or compliance monitoring system would require a combination of technology that includes: mobile apps, CCTV and parking meters at the entrance to Seven Mile Beach Road. Capital required to install the above systems would be significant, especially the installation of CCTV infrastructure (poles, camera's, relay stations and associated systems and their management, etc).

Revenue estimates are based on the following assumptions:

- 30 i. 100 car spaces can be established on both Broken Head Village and Seven Mile Beach Road,
- ii. A 50% occupancy rate across the whole year (summer will be higher & winter lower)
- iii. Parking fee rate of \$4 / h
- iv. 365 days per year
- v. Pay Parking operates between 9am – 5pm (8 hours)
- vi. 50% of vehicles may not pay parking fees due to non compliance & parking permits.
- 35 vii. Gross revenue is estimated as approximately - **\$292,000**

Expense estimates are based on the following assumptions:

- 40 i. 50% of revenue assumed to cover admin and maintenance costs (**\$146,000**)
- ii. Mobile apps fees, bank fees and processing fees equal 10% approx. (**\$29,000**)
- iii. Net revenue is estimated as approximately **\$117,000**

45 While final cost estimates have not been calculated infrastructure and associated civil works are expected to cost in the order of **\$150,000-\$200,000** or more.

Key issues

- i. Option 1 is the primary recommended option to explore.
- 50 ii. Options 2 and 3 are currently before LTC and Council recommendations for approval.
- iii. It is recommended to adopt Option 4 once more detailed design has been completed.
- iv. Further investigation of Option 7 for just Broken Head Reserve Road Village precinct will continue, including investigation of potential RMS approval after the RPA is established.
- v. If Option 1 is confirmed as not possible and a cost effective pay parking system can be deployed along Seven Mile Beach Road then it is recommended to adopt Option 5 and 6
- 55 (sealing either the first 150m or 770m).

- vi. If Option 1 is not possible and cost effective pay parking system can not be deployed then it is recommended to seal only the first 150m of Seven Mile Beach Road and adopted a scaled back version of Option 5 that does not include bitumen sealing of car parks.
- vii. The ability to undertake works within Seven Mile Beach Road is subject to any recommendation identified within a Review of Environmental Factors.
- viii. Adopting options 2 to 7, as presented above, is estimated to cost Council approximately - **\$750,000 to \$800,000.**
- ix. A preliminary estimate of potential revenue is approximately **\$117,000** p.a.

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	1.6	Manage traffic and parking in an efficient manner	1.6.2	Ensure future traffic demand and alternative solutions are addressed in major infrastructure plans	1.6.2.1	

Financial Considerations

The total budget required to complete options 2 to 7 is estimated to be in to the order of \$750,000 to \$800,000.

A preliminary estimate of potential nett revenue is approximately \$117,000 p.a. if pay parking is introduced to Broken Head Reserve Road Village precinct and Seven Mile Beach Road.

Consultation and Engagement

Discussion has been ongoing with Broken Head Reserve Road and Seven Mile Beach Road representatives and NSW NPWS.

Report No. 13.16 **Dingo Lane Solar Farm - Project Update and Tendering Process for the Design, Construct, Operation and Maintenance of a Solar Farm at Dingo Lane, Myocum**
Directorate: Infrastructure Services
5 **Report Author:** Andrew Swan, Senior Project Manager Dingo Lane Solar Farm
File No: I2019/1724

10 **Summary:**

At Council's meeting of 23 May 2019, Council considered a business case for a 5 MW Solar Farm on Dingo Lane on Council Operational Land. At that meeting Council resolved:-

- 15 *"That \$465,000 is allocated to the draft 2019/20 budget from the non-domestic waste reserve to progress the Dingo Lane Solar project to detailed feasibility (pre-build) and procurement phase."*


20 This report is provided to keep Council informed as to the progress of implementing the May resolution and how the current tendering strategy is in line with the objectives of the May resolution. Further, as additional detail has come to light about scope, budget and timing in carrying out the current phase of works, it is timely to provide a formal update regarding this project.

25

RECOMMENDATION:

1. That Council note the Probit Plan (E2019/80663).
2. That Council note the updates to the timeline estimate.
3. That Council note the revised business case.
4. That Council note that a budget adjustment for an additional \$129,000, funded from the Waste Management Reserve, has been included in the 30 September 2019 Quarter Budget Review.
5. That Council note that Council intends to call for an Expression of Interest (EOI) for the "Generation and Retail of Electricity" for Council.
6. That Council recommend Council call for an Expression of Interest (EOI) for the Design and Construction (and Operation and Maintenance) of a Solar Farm at Dingo Lane.

Attachments:

- 30 1 Dingo Lane Solar Farm - Probit Management Plan, E2019/80663 

REPORT

Since the May meeting, the project has had the following achievements:-

- 5 • A Project Manager was appointed
- An Internal Project Working Group was created, a cross-directorate team which is assisting the progression of the project by ensuring that the project is aligned with varying objectives across different sections of Council as well as provide expert input in to the development and implementation of project initiatives. PWG members visited the Sunshine Coast 17 MW solar
- 10 farm and meet with Sunshine Regional Council staff, who were very helpful and informative.
- A Project Control Group was created, reporting to the Executive Team and responsible for oversight of the project with respect to cost, time and quality
- A Probity Plan was developed (Attachment 1), which establishes the actions required to maintain probity throughout the project
- 15 • A number of specialist engagements have been tendered and/or awarded, including;
 - Project management services - awarded
 - Glare and visual assessment – awarded
 - Geotechnical assessment – awarded
 - Flooding and stormwater Management – awarded
 - 20 ○ Specialist solar energy tendering assistance / advice – awarded
 - Probity adviser - awarded
 - Town planning services – tendered
 - Energy network modelling – tendered (twice)
 - A local stakeholder engagement plan was developed and face-to-face consultation of local
 - 25 stakeholders has commenced
 - A review of the project scope, include budget and timeline estimate was completed

With respect to the 'next steps' listed in the May Council report, the following tables shows how each 'next step' has been implemented since that time.

'Next Steps' from May 2019	Progress as at 11 November 2019
Obtain a Council decision to approve a project budget of \$465,000 in 2019/20 FY to progress the project through detailed feasibility (pre-build) and procurement.	Completed
Prepare an Expression of Interest (EOI) to test market appetite to undertake the Design & build/ Operation & Maintenance for the Project	EOI documentation drafted and review by Council's Internal Project Working Group. EOI phase will commence after Council's resolution from this meeting
Prepare an Expression of Interest (EOI) to test market appetite and the alternative options for retailing of the electricity output and the sale of Large-Scale Generation Certificates associated with the farm.	Executive Team confirmation at meeting 6/11/19 to bring forward the tendering of Council's electricity contract to be inclusive of Dingo Lane energy generation
Notify Essential Energy in writing with Council's intention to proceed with a connection application by 19 April 2019 - Essential Energy has been notified of Council's intention to connect, which at this stage is a non-binding notification process, however, required to streamline the process if the project does progress.	Essential Energy has been notified and a request for services for detailed electricity network modelling has been carried out. Proposals are currently being reviewed..
Engage a third-party to complete further independent detailed flood risk modelling for the site.	A third-party consultant has been appointed to carry out detailed flood modelling
Undertake preliminary site geotechnical studies.	A geotechnical assessment has been

'Next Steps' from May 2019	Progress as at 11 November 2019
	commissioned
Consider the optimum level of equity capital required by the Project and consult with NSW TCorp, CEFC and other preferred lending providers to assess appetite and terms to fund the required capital budget	This will be progressed after the technical feasibility aspects of the project have been further investigated and cost/benefits are better known
Undertake a pre-lodgement meeting with Council to understand development approval needs and progress the DA process, noting the requirement that the development will require JRPP approval.	A request for services for town planning has been carried out. Proposals are currently being reviewed. The successful consultant will assist the Project Team in Council pre-DA meetings as well as the following item
Engage a third-party consultant to prepare a development application and associated studies.	As above
Prepare the Office of Local Government (OLG) capital expenditure submission – this will need to be completed post EOI process to enable the level of detail required to fulfil the submission; and	A probity plan has been developed (attached) Further progression of the OLG Capital Expenditure Review is pending progression of other items
Develop a stakeholder/community engagement plan to keep the community involved.	A Local Stakeholder Engagement Plan has been developed and face-to-face consultation with local stakeholders has commenced.

Key issues

- Probity Plan

The Probity Plan (Attachment 1) has been prepared, noting that while the requirements are not specifically different to 'business-as-usual' it is a useful and necessary component of the OLG Capital Expenditure Review process to include a Probity Plan to help management Probity Risks.

- Detailed Feasibility Implementation Strategy

The current strategy to complete the detailed feasibility is to engage with potential contractors through an expression of interest / early contractor involvement process. Once the project risks have been expressed and reviewed by the potential contractors then the 'preferred design' can be submitted for DA approval.

In parallel with these 'onsite' works, the scope and costs associated with the 'offsite' essential energy network will be clarified through a formal application process.

With the DA and Essential Energy requirements known (by way of approvals) then the project can be costed suitably according to the OLG capital expenditure review requirements.

At the same time as shoring up the 'cost' components of the projects; the 'benefits' also need more firmness. This will be achieved by carrying out / participating in a separate expression of interest process as described below (Energy Generation and Retail Expression of Interest).

- Timeline Estimate Update

The current project timeline estimate still includes elements of uncertainty which will be clarified through the coming stages. Compared to the timeline presented on 23 May 2019 progress is approximately 6 months behind.

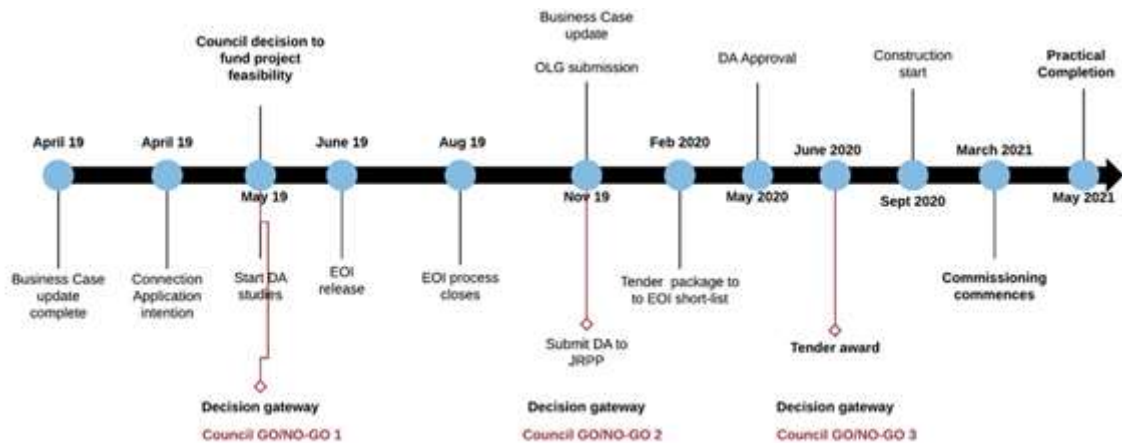


Image: timeline estimate presented 23 May 2019

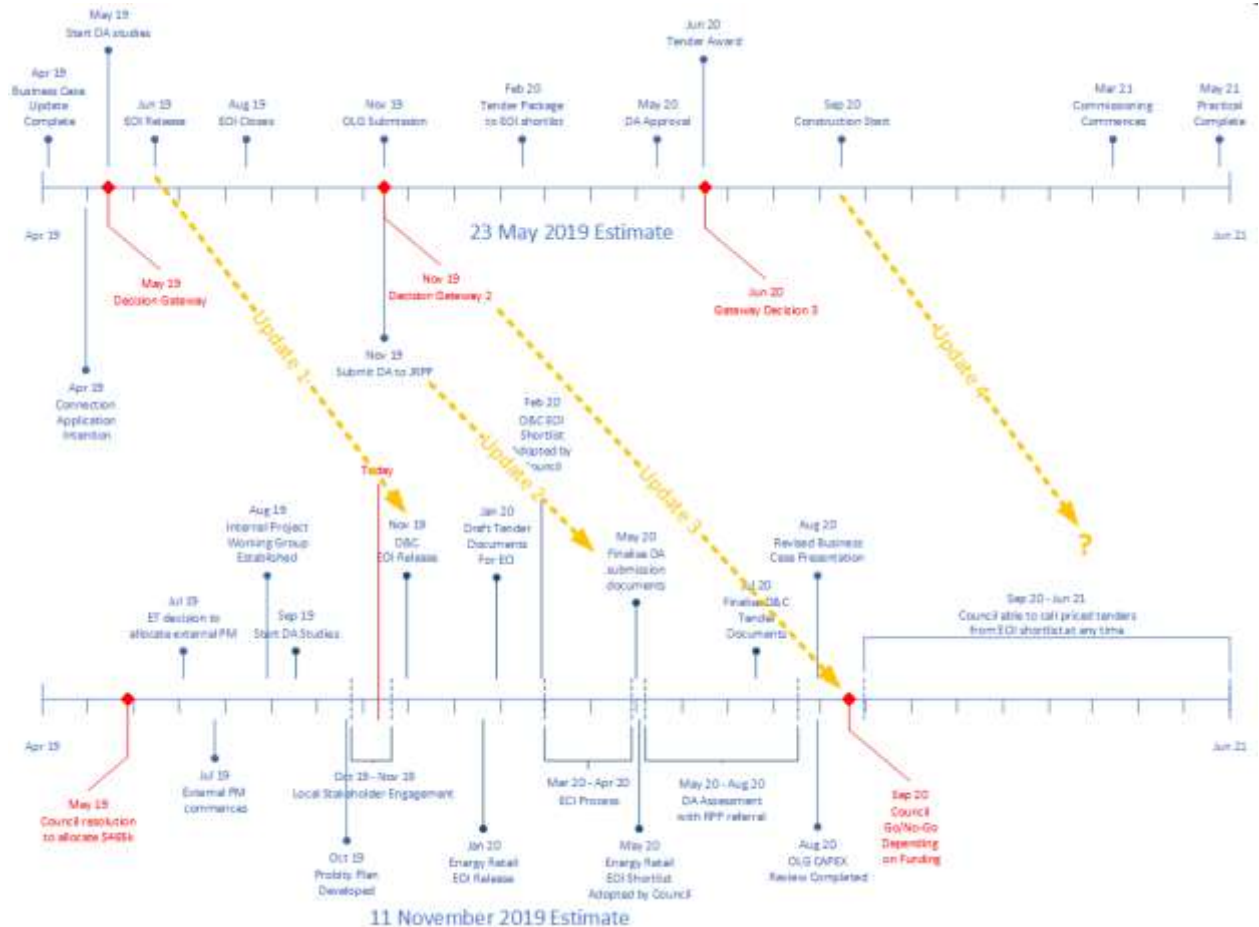
5

However there were missing elements in this timeline fundamental to the project (local stakeholder engagement, probity plan development, energy retail/generation contract, essential energy approval requirements) and some of the sequencing here will increase project cost/scope risks. For example where DA approval occurs after the calling for prices, the approval conditions may not be suitably 'bound up' in the contract documentation.

10

New Project Timeline Estimate

15



Notes on current timeline estimate:

- 5
 - Indicative only, highly sensitive to Council meeting dates
 - Essential Energy approval not shown as timelines are still currently unknown (may impact critical path)
 - DA approval shown over 3 months (not confirmed)
 - Assumes no impact to timeline from OLG submission, assumes OLG capex review will be favourable

Rationale behind current timeline estimate updates:

- 15
 1. Five month delay: Original EOI planned for June 2019 but no project manager appointed until July 2019, no probity plan developed. EOI documents in process of being drafted with comments from internal Project Working Group being received and issued to consultant to finalise.
- 20
 2. Six month total delay: No January meeting to award shortlist EOI, identification of the impact of the Early Contract Involvement (ECI) Process which will provide critical input to the solar farm configuration ahead of the DA submission. Seen as a critical risk-reduction step for Council. Possibly uncertainties in ECI process (particularly ground conditions) may extend the ECI process and result in further delays.
- 25
 3. Ten month total delay: Original methodology saw the DA submitted in November 2019. The town planning consultant is about to be engaged (delay #1), but also the ECI process is a critical input to the DA submission and DA submission should occur AFTER that. Depending on the DA assessment timeframe this may result in further delays.
- 30
 4. Unknown total delay: once Council has determined that it will continue with the project it will be necessary to source funds (either from reserves, loan providers, grant funding, or a combination of all three). The timing of these activities are unknown and Council should not call priced tenders until funding source is determined.

- 35
 - Business Case Revision / Basis Update

While the business case has not been formally reviewed since the May 2019. The following updated should be noted;

- 40
 - The estimates of the profit from selling the 'renewal energy credits' (Large-scale Generation Certificates called LGCs) from the project has dropped from \$2.8M to \$1.1M
 - The May 2019 business case was inclusive of the sale of the all the LGCs associated with the project and therefor potentially did not align with Council's objective to include this project as part of Council's Net-Zero Emissions strategy, this would reduce the profits associated with LGCs to \$0.7M (where only the 'surplus' LGCs are sold and the remainder are kept by Council for the purpose of the Net-Zero Emission Policy).

Business case (May 2019)

COST CATEGORY	BAU INCOME/(COST)	5MW _{AC} SOLAR OPTION INCOME/(COST)	DIFFERENCE BENEFIT/ (DISADVANTAGE)
COST OF ELECTRICITY SUPPLY	\$(13.1)M	\$(7.5)M	\$5.6 M
EXCESS GENERATION EXPORT REVENUE	-	\$11.1 M	\$11.1 M
ELECTRICITY TRADING COST	-	\$(1.1)M	\$(1.1)M
LGC REVENUE	-	\$2.8 M	\$2.8 M
PLANT BUILD AND DEVELOPMENT	-	\$(12.2)M	\$(12.2)M
PLANT OPERATIONS & MAINTENANCE	-	\$(2.1)M	\$(2.1)M
END OF LIFE ASSET VALUE	-	\$2.7 M	\$2.7 M
TOTAL	\$(13.1)M	\$(6.2)M	\$6.9 M

Updated (August 2019)

CATEGORY	BAU	PROJECT	DIFF
COST OF ELECTRICITY SUPPLY	\$(13.1)M	\$(7.5)M	\$5.6 M
EXCESS GENERATION EXPORT REVENUE	-	\$11.1 M	\$11.1 M
ELECTRICITY TRADING COST	-	\$(1.1)M	\$(1.1)M
LGC REVENUE	-	\$1.1 M	\$1.1 M
PLANT BUILD AND DEVELOPMENT COST	-	\$(12.2)M	\$(12.2)M
PLANT OPERATIONS & MAINTENANCE COST	-	\$(2.1)M	\$(2.1)M
TERMINAL VALUE	-	\$2.7 M	\$2.7 M
TOTAL	\$(13.1)M	\$(8.0)M	\$5.1 M

5

LGC INCOME SCENARIO COMPARISON	PROJECT	DIFF FROM BAU
SELL ALL LGCs	\$(8.0)M	\$5.1 M
SELL LGCs UNTILL 2025 THEN RETIRE SURPLUS	\$(8.1)M	\$5.0 M
SELL LGCs UNTILL 2025 THEN RETIRE ALL	\$(8.2)M	\$4.9 M
SELL SURPLUS	\$(8.4)M	\$4.7 M

10 Nor does the business case consider the relationship between the Solar Farm and other projects of Council which may be competing for the same finances.

- Feasibility Stage Cost Estimate Update

15 The request for additional funds has been included in the finance committee agenda. A breakdown of the cost estimate for the detailed feasibility stage is presented below for information only.

Item	Approved	Revised
Network Modelling	65,000	65,000
Flood Modelling	30,000	30,000
Geotechnical Testing	30,000	5,000

BYRON SHIRE COUNCIL

STAFF REPORTS - INFRASTRUCTURE SERVICES

13.16

Development Application Preparation, includes; • Town Planning • Traffic Impact Assessment • Ecological Assessment • Landscape Plans and Lighting • Survey and Engineering Services Layouts • Visual and Glare Assessment	50,000	120,000 5
Council DA Fees		50,000
EOI preparation and evaluation	100,000	10
Tender Pack Development and Evaluation	50,000	
D&C/O&M EOI phase		56,120
Draft Specifications and Contract		37,120
Retail EOI phase		19,360
ECI Phase and Revised Project Documentation for DA submission		37,560 15
Legal Advice	40,000	40,000
Project Management	100,000	100,000 20

Total Original Scope	465,000	560,160
	100%	120%

25

Additional Scope

Execution of Communications Plan		15,000
Business Case Update and Reporting		7,500
ECI Contractor Payments (4)		60,000 30

Total Additional Scope		82,500
------------------------	--	--------

Total Revised Scope		642,660 35
		138%

Total Additional Costs		177,660
------------------------	--	---------

40

45

The 'forecast cost to completion' of the current project will exceed the previous estimate by ~\$180k. This is substantially due to the several items not being included in the original cost estimate, including; Communications, business case review, ECI contractor payments and DA fees but recent estimates on planning activities see about \$70k extra planning work (traffic impact assessment, site survey and layouts, ecological assessments, glare and visual).

50

• Energy Generation and Retail Expression of Interest

55

A key element to understanding the expected cost benefit of the solar farm is the available markets who will (effectively) buy energy from Council. There are multiple possible models for this which are not discussed here. Nonetheless there is a strong nexus with the generation (Council selling) and retail (Council buying) aspects of Council's future electricity contract(s). The Project Working Group has recommended that Council immediately commence a

tendering process for retail and generation of electricity to support the Dingo Lane Project and obtain best value for money for Council in the case that Dingo Lane does go ahead.

- 5 Should this dual purpose tender (retail/generation) not yield a suitable result for Council or if Dingo Lane does not go ahead then that particularly tendering activity would be ended and a new, retail-only electricity contract may be implemented ahead of the December 2020 possible end date of Council's current electric contract.

10 **Options**

Should Council choose to not carry out an expression of interest / early contract involvement process during this phase of the project then there will be no opportunity to increase the understanding around project costs and risks. This will increase the chances of:

- 15 a) Council not being sufficiently informed to proceed with the project,
 b) The project appearing to have more risk than it does (because the risks have not been explored with potential contractors,
 20 c) Variability of prices in any priced stage due to different risk perception of potential contractors as well as the likelihood of variations during the contract.

Next steps

25 The next steps remain substantially unchanged since the May 2019 report. If the project progresses according to the plan above, Council should expect another report prior to the submission of the DA documentation to Council around May of 2020.

30 Once the detailed feasibility investigation phase is complete Council will be able to review the findings of the OLG Capital Expenditure Review Report and then explore the timing, and other owner/operate models for the solar farm (assuming the OLG report is favourable).

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	1.4	Provide a regular and acceptable waste and recycling service	1.4.4	Ensure facilities and services meet statutory requirements	1.4.4.8	Dingo Lane, Myocum Solar Farm Project
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.1	Implement Net Zero Emissions Strategy for Council Operations 2025

35 **Legal/Statutory/Policy Considerations**

40 OLG Capital Expenditure Review Requirements; sets the benchmark for the information required by Council to progress the project as well as the need for a Probity Plan

Net-Zero Emissions Policy; provides a justification for the project with respect to the offsetting of electricity sector greenhouse gas missions of Council.

Financial Considerations

5

Reported separately to Council via the Finance Committee.

Consultation and Engagement

10

This report was considered by the Executive Team on 6/11/19.

Council's internal Project Working Group meets monthly to discuss different aspects of the solar farm and the detailed investigations phase.

Report No. 13.17 **Brunswick Heads Parking Scheme Performance Review - Update**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2019/1725

Summary:

This report provides an update on Council Resolution **19-322**.

Resolved that Council:

1. *Undertake an expanded Automated Number Plate Recognition (ANPR) survey of the Brunswick Heads parking scheme. The expanded ANPR survey area is to include:*
 - i) *The existing Brunswick Heads parking scheme area,*
 - ii) *Fawcett Street, Mullumbimbi Street, Fingal Street and Booyun Street from Park Street through to Tweed Street*
 - iii) *East across the South Arm Bridge through to the Surf Life Saving Club*
 - iv) *South along Park Street from Fingal Street, through to Booyun Street.*
2. *Undertake an Economic Assessment of Brunswick Heads to understand the existing economic conditions, where visitors come from and how many visitors are tourists versus locals*
3. *Investigate options to help increase compliance monitoring within the Brunswick Heads parking scheme through one or a combination of the following options:-*
 - a) *Increased patrolling through increasing the number of enforcement officers and associated patrolling equipment; and*
 - b) *Introduce parking technology, such as:*
 - i) *In ground parking sensors*
 - ii) *Parking meters.*
4. *Expedite a report that provides information on:*
 - a) *Establishing a periodic pay parking program to be activated on long weekends, holidays and high demand periods, noting;*
 - i) *RMS have clarified that this is permissible*
 - ii) *these nominated periods are high parking demand periods in which increased adherence to parking bay times is provided by pay parking efficiently.*
 - b) *A potential periodic pay parking program across the South Arm Bridge through to the Surf Life Saving Club, and that:*
 - i) *Reflections and Crown Lands be contacted to ascertain support*
 - ii) *Funds generated in this area are utilised to improve road, environment and infrastructure outcomes in this area.*
5. *Integrate results and recommendations from the above items and report back to Council by May 2020 on recommended options to modify the parking scheme. (Options are to include, but not limited to, recommended modifications to time limits and recommended compliance monitoring options.)*

RECOMMENDATION:

That Council note the report.

Attachments:

1. CONFIDENTIAL - DCA – Smart City Solution, E2019/80477

REPORT

Expanded ANPR Survey

Council staff are currently undertaking the expanded ANPR survey of Brunswick Heads.

In total Brunswick Heads will be surveyed every second week on Thursday, Saturday and Sunday between 1 September and 31 January.

This equates to 13 weeks and 39 visits.

These days were chosen based on advice received from Total Parking Solutions (TPS) who will also analyse the ANPR data.

On the weeks Staff do not visit Brunswick Heads they will alternate between surveying Mullumbimby and surveying Bangalow / Broken Head.

Economic Assessment

Council undertook a RFQ to undertake the Economic Assessment of Brunswick Heads and awarded the contract to EthosUrban. EthosUrban have undertaken similar assessments in several locations across Australia including an assessment of the economic impacts of introducing paid car parking to Yarraville, Melbourne.

On Tuesday 3rd and Wednesday 4th November 2019 a series of meetings in Brunswick Heads with the following organisations / companies listed below was undertaken.

- i. Council staff (Andrew Pearce & Rob Van Iersel)
- ii. 6 representatives of the Brunswick Heads Chamber of Commerce,
- iii. 5 local businesses;
 - a. Hotel Brunswick,
 - b. Brunswick River Inn,
 - c. Bruns Bakery,
 - d. Silver Dragon, and
 - e. Centrlink

In addition, the consultant is attempting to contact the Byron Bay Chamber of Commerce to gain insights into the economic changes that have occurred over the last 5 years.

EthosUrban estimate the project will take 4 weeks to complete their quoted scope of works with a start date of Tuesday 3rd November. However, Council is also organising an intercept survey to be undertaken in conjunction with their assessment. This survey will help identify where people are coming from, why they are coming to the town and what they intend to do when they visit.

EthosUrban have provided advice on the type of questions to ask. The results will be provided to the consultant to form part of their assessment and may require an additional two weeks to undertake the survey, analyse the results and include in their report.

It is anticipated the Intercept Surveys will be undertaken mid to late November and the EthosUrban report completed in mid December. This report will also provide comments in relation to the appropriateness of resolution item 4 in light of its economic findings.

Parking Technology / Compliance Monitoring

Several companies have been approached to provide a quote and concept design on how they might roll out pay parking and compliance monitoring technology in Brunswick Heads. As Council already have a contract with APARC for the Byron Bay pay parking system they were approached.

DCA were approached as Council already has a contract with them to provide compliance monitoring equipment and system support. An additional company called Parkam were approach as they base their parking system almost entirely on CCTV cameras which can be used for pay parking, compliance monitoring, wayfinding apps, and traffic data collection.

5

Basing parking scheme systems around CCTV is an emerging and new method. Preliminary investigations suggest it can potentially provide great flexibility across a range of services at a potentially affordable cost.

10 Discussion with Parkam confirmed they are able to provide a comprehensive solution in a number of locations across Byron Shire, however, they want a level of commitment from Council before providing a detailed concept solution and cost estimate.

APARC have not responded as yet.

15

DCA have submitted a concept outline of the services they can provide with a cost estimate. They are able to provide a more standard approach, such as: mobile apps, in ground sensors used in conjunction with meters.

20 Ongoing discussions with these companies has been suspended in the interim as an Expression of Interest has issued by Council. In December 2020 Council's current Pay Parking contract expires. As a result, Council issued the EOI to begin the process towards a new Pay Parking contract to take effect in 2020. As APARC, DCA and ParKam are potential bidders, ongoing discussions have been suspended until an appropriate time in the future.

25

Council has received sufficient information in the meantime to progress this current investigation.

Key issues

- i. Expanded ANPR survey is underway and will be completed 31 January
- 30 ii. Economic Assessment is underway and anticipated to be completed by mid December
- iii. TPS have begun analysing the ANPR data.
- iv. Consultants have been approached to provide concepts on how to roll out periodic pay parking combined with compliance monitoring.
- 5. Due to an Expression of Interest being issued on going communications with companies able
- 35 to provide services within pay parking / compliance sphere have been suspended.

Report No. 13.18 **Multi Use of Byron Shire Rail Corridor - Next Steps**
Directorate: Infrastructure Services
Report Author: Therese Black, Business Analyst
 James Brickley, Manager Finance
 Phil Warner, Manager Assets and Major Projects
File No: I2019/1754

Summary:

The purpose of this report is to document progress on Council Resolution 19-335.

Work has continued to realise the re-activation of the Byron Shire Rail Corridor, with multi-modal transport options, e.g. Rail with Trail (Shared Path plus vehicles on tracks), by addressing the remaining actions in Res **19-335**. The key activities being to:-





- identify the next steps in the re-activation of the rail corridor, both within the Byron Shire and the wider Northern Rivers region (including Tweed, Lismore and Richmond Valley)
- meet with key stakeholders that can support and influence positive outcomes within the rail corridor, and

address the immediate vegetation clearing on the rail corridor within the Byron Shire.

RECOMMENDATION:

1. That Council note the preferred option of a “Rail with Trail” use for the Byron Shire Rail Corridor as an outcome of the Feasibility Study completed by Arcadis Australia Pacific Pty Ltd.
2. That Council consider staging this large, complex project into the following two stages:-
 - a) Stage 1; Rail Trail/Shared Path (off-formation)
 - b) Stage 2; Rail transport vehicles (on-formation)
3. That Council endorse further investigation of a “Rail with Trail” option, including the following activities for reactivating the Byron Shire Rail Corridor;
 - a) Council staff to complete the following key tasks in progressing Stage 1:-
 - i) Undertake further work to prepare the “Rail Trail” project to be grant ready, e.g. design and engineering assessment
 - ii) Letter of Understanding with NRJO to collaborate on a Northern Rivers Rail Trail (Casino to Murwillumbah)
 - ii) Apply for grant funding for Stage 1 “Rail Trail”, as opportunities arise
 - b) Council staff to complete the following key tasks in progressing Stage 2:
 - i) Review the Office of the National Rail Safety Regulator; Safety Management System Guideline
 - ii) Identify potential models of delivery for further consideration at a Councillors workshop.
4. That Council consider a budget allocation of \$100,000 as part of the 31 December Quarterly budget review, to progress Stage 1.

Attachments:

- 1 24.2017.33.1 - Byron Shire Rail Corridor Final Summary Report, E2019/41426 
- 2 24.2017.33.1 - 20190530 MURC App B Econ report 10 BCR Economic Analysis 5-6-19, E2019/41473

- 3 Casino to Eltham Northern Rivers Rail Trail Business Case, E2019/78032 
- 4 ONRSR Guideline Safety Management System approved April 2019, E2019/76733 

REPORT

Council considered a Mayoral Minute in late 2016 and resolved to support an investigation into the feasibility of reactivating the rail corridor from Bangalow to Yelgun for multi-use transport applications.

Following an Expression of Interest and Request for Tender process, Council engaged Arcadis Australia Pacific Pty Ltd (Arcadis) to undertake a feasibility study into the reactivation of the rail corridor (Bangalow to Yelgun), focussing on three key components; Engineering Assessment; Economic Impact Assessment; and Social Impact Assessment.

The final report was delivered in June 2019 and Council resolved:

Res 19-335:

1. *Note the Final Report for the Multi Use of Byron Shire Rail Corridor (Bangalow to Yelgun) pre-feasibility study as compiled by Arcadis; and*
2. *Request staff to evaluate the Arcadis Final Report and report back to Council on the next steps to progress the project.*
3. *Noting that the increasing vegetation proliferation within the rail corridor is a major issue that needs addressing, request an urgent meeting with representatives of John Holland, State Rail and Local Member Tamara Smith, to discuss vegetation clearing options.*
4. *That all attachments in Report No. 13.16 are no longer classified as 'Confidential' and are made available to the public excluding any appendices that include specific commercial in confidence information including that of Council*
5. *Noting the clear local and regional tourism, environmental, economic, and social benefits, as stated within the report:*
 - a) *request a meeting with relevant state government representatives seeking possible collaboration and support for establishing a multiuse project within the rail corridor*
 - b) *request an agenda item on the activation of the regional rail corridor be added to the next Northern Rivers Joint Organisation Agenda*

The following discussion outlines the actions that have been taken in accordance with Council Resolution 19-335.

Res 19-335 Part 1 - No action required.

Res 19-335 Part 2: Evaluation of Arcadis Final Report

The final Feasibility Study compiled by Arcadis Australia, researched and developed a detailed business case for six (6) multi-modal transport options. These scenarios resulted from the positive outcomes of both the Engineering and Social Assessments undertaken by Arcadis.

The initial Engineering Assessment confirmed that the rail corridor is in reasonable condition and has the capacity to support very light rail vehicles of less than 10 tonne axles, at speeds equal to or less than 60 kilometres per hour. However, further detailed structural Engineering studies would need to be undertaken on key rail infrastructure; namely bridges, tunnels, and level crossings.

In the final report, Arcadis concluded that there is both community support and an economic business case to reactivate the corridor, addressing a number of challenges within the Byron Shire.

Detailed business cases were quantified and analysed to determine the Benefit Cost Ratio (BCR) for the following options:

1. Rail with Trail; *Shared path and Very Light Rail (VLR)* trains with axle loads equal to or under 4 tonnes. (BCR<1)
2. Rail with Trail; *Shared path and Hi-Rail* passenger vehicles utilising wheels/axles that have been adapted to run both on and off the tracks (i.e. convert between rail and tyre wheels in less than 15 seconds). (BCR>1)
3. Rail Trail only; *Shared path* for active transport options including; cycleway, mobility scooters and walking, leaving the rail infrastructure in place. (BCR<1)
4. Rail Trail only; *Shared path* for active transport options including; cycleway, mobility scooters and walking, removing the existing rail infrastructure. (BCR<1)
5. Rail with Trail; *Shared path and AV vehicles / driverless pods*. This option requires removal of the existing rail infrastructure to construct a road within the corridor. (BCR<1)
6. Rail with Trail; *Shared path with Guided busway*. This option requires removal of the existing rail infrastructure and construction of new pavement. (BCR<1)

A BCR greater than 1 means that the benefits exceed the costs and vice versa.

On currently available information, Option 2 – Shared path and Hi-Rail passenger vehicles - was the only option with a positive BCR and was identified as the solution that best met QBL principles and the strategic needs of the Byron Shire community, with Capital Costs of \$31 million. Further detail on the indicative costs and benefits of each option are contained within Arcadis' Final Summary Report (Attachment 1 - E2019/41426) and Economic Report (Attachment 2 - E2019/41473).

Options 1, 2, 5 and 6 include a version of a "Rail with Trail", i.e. a rail vehicle on-formation and a shared path off-formation.

Options 3 and 4 identified two variants of a shared path only, with no rail transport.

Based on the initial review, it is recommended Council proceed to next steps on a version of 'Rail with Trail'. Which version will depend on the outcome of the required detailed structural engineering studies on key rail infrastructure such as bridges, tunnels, and level crossings and the outcomes of next steps, as detailed below.

Res 19-335 Part 3 and Part 5(a):

Communication with key stakeholders has begun, with letters sent to the following parties:

- a) Transport for New South Wales (TfNSW);
- b) Department of Premier and Cabinet (DPC);
- c) Hon. Ben Franklin MLC; and
- d) Tamara Smith, Member for Ballina.

These requests are primarily for meetings to discuss the following:

- vegetation management, operations and maintenance of the Rail Corridor,
- share the findings of the Arcadis Feasibility Study,
- confirm the requirements for a License over this rail corridor, and

- review the potential future uses of the rail corridor.

Res 19-335 Part 4:

- 5 All attachments to Report No. 13.16 (excluding any appendices that include commercial in confidence information) are no longer classified as 'Confidential' and have been made available to the public via Council's website.

Res 19-335 Part 5(b)

10

At the 16 August 2019 ordinary meeting of Northern Rivers Joint Organisation, all Councillors voted unanimously (**16082019/8**):

15

"THAT the NRJO reaffirm its prioritisation of activation of the Casino to Murwillumbah rail corridor for regional rail trail, tourism and movement outcomes.

THAT within this priority project, the NRJO support the urgent removal of vegetation within the rail infrastructure area within the Casino to Murwillumbah rail corridor."

20

Recommended Next steps

The following next steps are recommended to progress this project:

25

1. Meet with key stakeholders to:

- a. identify the key requirements to advance Stage 1: Rail Trail (off-formation),
- b. identify the requirements to advance Stage 2: Rail vehicles (on-formation), and
- c. gain support from the state government for the complete Northern Rivers Rail Trail.

30

2. Council staff to complete the following key tasks in progressing Stage 1:

35

- a. Consider a budget allocation of \$100,000 as part of the 31 December Quarterly budget review, to progress Stage 1. Note: work will not be able to be started on 2(b) below until a budget is allocated.

40

- b. Once a budget has been allocated, undertake further work to prepare the Stage 1 "Rail Trail (off-formation)" project to be as 'grant ready' as possible (within the available budget), including progressing:

45

- i. Concept design
- ii. Detailed engineering studies on key infrastructure, including; bridges, tunnels and crossings.

- c. Develop a Letter of Understanding with NRJO to collaborate on a Northern Rivers Rail Trail (Casino to Murwillumbah)

- d. Pursue Grant opportunities to fund the Stage 1 "Rail Trail" and garner support from the State and Federal governments, in line with their support for Richmond Valley and Tweed Shire Councils.

50

3. Council staff to complete the following activities in progressing Stage 2 "Rail vehicles (on-formation)":

- a. Review the Office of the National Rail Safety Regulator (ONRSR) Safety Management System Guideline (see below background information). Expert advice may be required to support this review and identify the key elements of a Safety Management System.

- 5 b. Requirements for a Heritage licence over the rail corridor

- c. Conduct a workshop to review the procurement options and EOI process so that Council has a clearly defined procurement strategy for this project. (Engage consultants to deliver this workshop.)

10

Stage 1 “Rail Trail” - Update on Northern Rivers Rail Trail collaboration

15 Tweed, Lismore, Richmond Valley and Byron Shire Councillors and staff met at Byron Shire Council on Friday 20 September 2019 to begin collaboration for a united, inter-connected, active rail corridor spanning the four LGAs across the Northern Rivers.

On 15 February 2018, Tweed Shire Council resolved to call tenders for the design and construction of the rail trail on the current track formation, but, also to allow contractors to put forward proposals to construct the rail trail beside the train tracks, preserving the tracks in place. This process is currently underway.

20 Tweed Shire Council is currently designing and constructing a 24-kilometre rail trail (shared-user path) along the route of the disused Murwillumbah to Crabbes Creek rail corridor. The project has been funded jointly by the State and Federal governments, with each contributing \$6.5 million to the cost.

25 Richmond Valley Council is in the planning stage for the 13km Casino to Bentley section. Federal Member for Page Kevin Hogan has committed an initial \$7.5 million to build the first section from Casino to Bentley, which runs for 13km.

30 In 2018, Richmond Valley Council joined with Lismore City Council to help fund a business case for the Casino to Eltham section, a 45km stretch of trail that will wind through some of the most scenic pastoral locations in the country. The proposed Northern Rivers Rail Trail (NRRT) - Casino to Eltham Project has a capital expenditure component of approximately \$33.3 million during the construction phase of two years. It is estimated to generate a Net Present Value of approximately \$21.5 million with a Benefit Cost Ratio of 1.66 (Attachment 3 - E2019/78032).

35 The recommended next step is to develop a Letter of Understanding for NRJO councils to collaborate on a Northern Rivers Rail Trail (Casino to Murwillumbah) that articulates and confirms the united NRJO agreement to delivery of the various components.

Stage 2 - Additional background information

Office of the National Rail Safety Regulator

40 The Office of the National Rail Safety Regulator (ONRSR) has advised that to run any vehicles on the tracks the operator must be an accredited Rail Transport Operator (RTO). To understand the safety management responsibilities and to get accredited as a Rolling Stock Operator, Council should review the ONRSR Safety Management System Guideline (Attachment 4 - E2019/76733).

45 As an example, ONRSR advised that John Holland is an accredited RTO, and it may be possible to operate under their accreditation or another accredited RTO. There are currently 188 accredited RTO's across Australia, so accreditation is possible, yet onerous.

Byron Bay Railroad Company (RTO Example)

Byron Bay Railroad Company (BBRC) has provided the following high level overview of their governance model and their experiences:

- 5 - BBRC has a non-exclusive *Heritage Line Licence* (not a Lease),
- John Holland is the Rail Infrastructure Manager (RIM) (Lessee),
- BBRC is the Rolling Stock Operator or Rail Transport Operator (RTO),
- The end-to-end process took 4 years to obtain the necessary approvals,
- Regulatory reporting is onerous and includes:
- 10 o Weekly reporting of patronage, etc.
- o Fortnightly costs to engage an engineer to test signalling
- o 6 monthly audits
- Insurance costs are \$10k pa (compared with an estimated \$250k for a non-Heritage line licence).

15 BBRC is happy to share the business case and to provide further information as required.

Key issues for Stage 2

20 There are a number of key issues that will need to be considered and refined as the project progresses, including:

1. *Tenure*

25 Byron Shire Council does not currently own or have any management rights over the Rail Corridor and this will need to be considered and agreement reached with the landowner before Council is able to call an EOI for stage 2.

2. *Model of delivery*

30 (a) The review of the Office of the National Rail Safety Regulator (ONRSR) Safety Management System Guideline and EoI, will identify the different models of delivery that may be available. It is anticipated that each would have different requirements, levels of risk, complexity, time and cost etc.

35 (b) Different statutory requirements could arise depending on the model/s of delivery Council pursues. For example, Council will need to consider probity and governance requirements and ensure compliance with the Office of Local Government Capital Expenditure Review and/or Public Private Partnership Guidelines.

40 Once the potential models of delivery have been further investigated, they can be presented at a Councillor workshop for further consideration.

STRATEGIC CONSIDERATIONS

45 ***Legal/Statutory/Policy Considerations***

No known implications at this time. Future workshops and reports will provide details on legal, statutory and policy considerations as the next steps to advance Stage 2 – Rail Vehicles have been completed.

50 ***Financial Considerations***

Comment from Manager Finance:

55 The projected budget to take the project to an Expression of Interest (EOI) for Stage 1 is forecast at \$100,000. Another report is provided to this Ordinary Meeting is the 30 September 2019 on the Quarter Budget Review of the 2019/2020 Budget. As part of this review, funding required indicated

in this report has not been able to be identified aside from funding to cover the extra consultancy costs.

- 5 Should Council wish to proceed with the next stage it will have to allocate funding in the 2019/2020 Budget. Council could do this by placing the 2019/2020 Budget into deficit that Council would need to recover or submit this funding requirement to be considered as part of the 31 December 2019 Quarter Budget Review.

Consultation and Engagement

- 10 Key Stakeholders: TfNSW, State and Federal Government representatives
Neighbouring Shire Councils: Tweed, Lismore and Richmond Valley and Northern Rivers Joint Organisation (NRJO)

Report No. 13.19 **Renaming Thomas Street, Bangalow, as an extension of Charlotte Street**

Directorate: Infrastructure Services

Report Author: Deanna Savage, Roads and Property Officer

 Renae Fegent, Roads and Property Officer

File No: I2019/1755

Summary:

Thomas Street in Bangalow is not compliant with Geographical Naming Board (GNB) regulations.

The process and consultation for renaming a branch of Thomas Street has been undertaken.

This report seeks approval to rename, renumber and Gazette the road as a continuation of Charlotte Street.

RECOMMENDATION:

That Council approve the renaming, renumbering and Gazettal of the branch of Thomas Street that travels south-west from Robinson Street, as a continuation of Charlotte Street.

REPORT

There are two branches of Thomas Street in Bangalow and the numbering is not compliant with Geographic Naming Board (GNB) regulations. Further confusion has been created by the development of Charlotte Street which now continues into Thomas Street.

These issues may impede the delivery of emergency and other services.

Eleven residences would be affected by the road name change.

The GNB have approved the proposed renaming.

Consultation and Engagement

Inline with the applicable legislation and guidelines, Council consulted with the GNB, residents and rate payers and advertised in Council Notices requesting submissions to rename and renumber the branch of Thomas Street that travels south-west from Robinson Street, as a continuation of Charlotte Street (highlighted purple in Map 2).

Four submissions were received from residents and all expressed similar concerns / suggestions which include:

1. Strongly object to the road name changing.
2. They have never had issues with services finding the property.
3. Charlotte Street is already long enough.
4. They will incur considerable cost and inconvenience to change the address.
5. Suggest Council rename the small branch to 'Little Thomas Street' rather than change the name of the longer branch.
6. Council install road name signs that include the range of house numbers (to clear up any confusion).

In reference to point 5 above, the renaming of the small branch of Thomas Street to 'Little Thomas Street' does not fit GNB regulations as it is too similar to 'Thomas Street'. Also, the renaming of the smaller branch will not address the issue of Charlotte Street continuing into Thomas Street, or the numbering issues.

In reference to Point 6 above, Council does not currently include the house number range on our street signs.

Map1 – Blue highlighted area showing the two branches of Thomas Street. Yellow highlighted area showing all properties addressed to Thomas Street (15 parcels total – 11 to the long branch and 4 to the short branch)



- 5 Map 2 – Purple highlighted area is proposed to be renamed as an extension of Charlotte Street (11 properties affected)



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	1.1.1	Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)	1.1.1.2	Implement ongoing road planned maintenance programs

5 *Legal/Statutory/Policy Considerations*

Council is the authority to name this road and has done so in line with the below regulations:

10 Road Regulations 2018 - Part 2 - Division 1 - Section 7 – Procedure for naming roads

Roads Act 1993 - Division 4 - Section 162 - NAMING OF PUBLIC ROADS

NSW Addressing User Manual - 6.7 Principles of Road naming - 7 Addressing Procedures

15 Council Policy No.07/102 – Tourist, Street Name, Community Facility and Service Signs – Section 4.2f

Financial Considerations

20 Council will be required to pay for amendments to street name signage from the existing budget - approximately \$200.

Report No. 13.20 **Road Safety Officer - Notice of Motion Response**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2019/1849

5

Summary:

10 At Council's ordinary meeting held 26 September 2019 Notice of Motion No. 9.1 was introduced to address *Access and Safety for Byron Shire Road Users*.

In response, Resolution **19-495** was passed. This report is written to address item 3 of this resolution, namely:

15

3. *That a report be brought to the November Council meeting regarding the roles and responsibilities of a Road Safety Officer, a potential funding source, and whether this role will perform the following tasks:*

20

a) *Develop an ongoing road safety awareness campaign to highlight access and safety for all road users with consultation at all stages with residents, active and vehicular road user groups, taking account of the steps set out in this motion.*

25

b) *Conduct road safety forums with residents*

i) *to highlight the needs of all road users and promote safe practices that help to keep vulnerable road users safe, and*

ii) *seek feedback on safety and access issues that assist in the effective delivery of a road safety awareness campaign.*

c) *Provide a report to the next meeting of the Transport and Infrastructure Advisory Committee that*

30

i) *provides a review of effective road safety awareness campaigns/options in both rural and urban contexts*

ii) *considers consultative actions for the development and delivery of a campaign.*

iii) *sets out a timeline of action for the development and delivery of a campaign*

35

iv) *provides advice on effective general signage to raise awareness of access and safety issues for placement on rural and urban roads with particular emphasis on known issues and locations including without limitation, active transport users on rural and urban roads, school bus times on rural roads and school zones*

v) *provide further advice on the potential employment of a Road Safety Officer to support and conduct a road safety awareness campaign*

40

d) *That Council provide a report to the next Local Traffic Committee meeting seeking advice from RMS, NSW Police and the local Member on regulatory issues, available programs, funding and compliance actions to support a road safety awareness campaign.*

45

e) *That Council deliver the road safety awareness campaign and placement of signage in the second half of the 2019/20 financial year at the latest.*

f) *That Council review relevant Council policies such as the Infrastructure Services Risk Management Plan to embed the principle of equal access and safety for all transport network users and effective supporting actions.*

50

RECOMMENDATION:

1. **That Council continue consultation with RMS and internally to develop a potential position description for the role of Road Safety Officer.**

2. **That Council undertake a review of the budget to confirm there are adequate funds**

available to fund up to \$40,000 to \$50,000 for a Road Safety Officer with RMS to fund the other 50% of the role.

3. That Council support the General Manger undertaking a review of the staff structure to confirm where a Road Safety Officer would be accommodated within the organisational structure.
4. That Council undertake a concept cost estimate of proposed tasks, such as: undertaking extensive forums, delivering road safety awareness campaigns and auditing/delivering road safety signage across the Shire. (Consideration must then be given to where funds may be found in the budget to undertake these tasks in the future.)

REPORT**RMS Funding Arrangements**

- 5 RMS contributes up to 50% of the salary and on-costs for a Road Safety Officer (RSO) with the RMS contribution capped at \$65K per annum. RMS typically establish 4 year contract for RSO's and these contracts need to be renewed every 4 years. However, the current round of funding is only till 2021. After 2021 it is expected the contract life would revert to 4 years again.

- 10 On-costs are provisions for all award leave conditions (including sick leave, maternity/paternity leave, long service leave), payroll tax, superannuation and workers compensation (where applicable) but not annual leave which is included in the calculation for salary. The RMS contribution to on-costs is up to 35% of costs as agreed between RMS and Council.

RSO Project Requirements

- 15 As the position is co-funded 50/50 with RMS their time is split half for RMS and half for Council.

- 20 This means 50% of their time must be spent on planning and implementing the Local Government Road Safety Program (LGRSP) within the Shire. The other 50% of their time can be spent on Council projects that don't directly address the LGRSP. To ensure 50% of their time is actually spent on delivering the LGRSP they must submit regular evidence and reports to RMS.

- 25 The LGRSP is a partnership between Transport for NSW, RMS and local governments to deliver road safety initiatives and projects (such as workshops and campaigns) to improve road safety. TfNSW have a website dedicated to the campaigns, initiatives and priorities they want the LGRSP to focus on. Any Council campaign and initiative must generally reflect and meet the aims and focus of the LGRSP.

- 30 RMS has confirmed that at least 50% of the RSO time must be spent on the following 3 areas. These areas meet the aims and focus of the LGRSP:

- 35 i. Deliver road safety projects that specifically address the LGRSP 'Safe Systems' approach to road safety. In other words, deliver projects that specifically address one or more of the following 'Safe System' categories: 'safe roads', 'safe speeds', 'safe people', 'safe vehicles'. Evidence must be submitted to show how projects address one or more of these systems.

- Below are examples of projects which Council is already doing and which could be done by a RSO and specifically meet the above Safe System approach:

- 40 a. Little Blue Dinosaur Foundation – Kids Road Safety Campaign.
 b. School Pick Up / Drop Off Safety Campaign.
 c. Support the preparation of Safer Roads funding applications.
 d. Support the preparation of Black Spot funding applications.
 e. Undertake road safety audits on local roads to determine appropriate treatments
- 45 ii. Advocating road safety across Council and within the community. This again must specifically target the LGRSP "Safe System" categories. Examples provided by RMS include:
- 50 a. Contribute to Council project planning to ensure projects target specific LGRSP 'Safe System' categories. This is a way the RSO can support the preparation of Safer Roads / Black Spot applications.
 b. Deliver the *Towards Zero* message across the Shire.
 c. Contribute to council policies encouraging the purchase of ANCAP 5-star safety rated fleet vehicles.
 55 d. Work with Council engineers on the consultation process with local stakeholders for proposed road safety improvements on local roads

- e. Work with RMS and NSW Police to identify areas where speed enforcement is needed
- iii. Delivering ad hoc events from the Centre for Road Safety campaigns. Examples provided by RMS include:

- a. Promote school zone speed limits by working with school communities and local police.
- b. Organise child car seat checking days and promote authorised child car seat fitting stations.
- c. Public education promoting safe speed messages.
- d. Promote TfNSW road safety marketing communications relating to Towards Zero, country roads, enforcement, speed, drink driving, fatigue, drug driving, other road safety issues and tactics in line with state-wide priorities.

It must be noted, the work done by the RSO under these 3 points must be specifically relevant to the Local Government Road Safety Program (LGRSP) 'Safe System' approach. In other words, if Council develops a project or campaign that does not specifically meet LGRSP Safe System approach then it does not qualify as RMS accredited work and must be undertaken as part of Council's 50%.

To help understand the focus of work and type of work that can be undertaken as part of road safety campaigns refer to the TfNSW Road Safety website TfNSW (<https://roadsafety.transport.nsw.gov.au>).

Additional Staffing and Budget Considerations

It is considered that the scale of the tasks proposed in the resolution is significant and detailed. To undertake these tasks to the level outlined in the resolution would require a staff member dedicated to it full time for a minimum of 2 years.

It is not considered realistic or feasible to assign the resolution to an existing staff member for them to add onto their existing work load without impacts on current services. As a result, if the tasks in a resolution are to be implemented, it is recommended that Council employ a RSO to do these tasks. This would require a close reflection on the existing Council budget and staff structures to ensure such a position can be afforded, adequately assigned to the right directorate, the level of the position is understood and the salary range assigned to the position.

In addition to the costs associated with an additional staff member an additional budget allocation would be required to undertake the specific tasks as well. Below is a brief summary of the tasks presented in the resolution that would require a substantial budget allocation:

- i. Conduct road safety forums with residents
- ii. Promote safe practices that help to keep vulnerable road users safe
- iii. Develop and deliver of a road safety awareness campaign in both urban and rural contexts
- iv. Review, design and deliver a shire wide road signage.

In considering potential funding sources - if the RSO is assigned to also support IS Project Engineers in the submission of Safer Roads and Black Spot funding and in helping to ensure road safety is factored into the design, undertaking road safety audits and safety in design reviews Council has the potential to partially fund the role through project budgets. This would also be a value add approach.

If the RSO undertakes independent tasks, such as managing traffic counts and the traffic count database this may potentially be funded out of pay parking.

Independent projects that only the RSO would do and that are considered outside the scope of RMS funding (such as: undertaking Equal Access campaigns and Road Signage campaigns)

would require a budget to be allocated to the project via a Council resolution. The RSO would then be funded via the budget allocation.

- 5 Undertaking community forums, workshops and delivering the rollout of a signage campaign will also require additional funding allocation in the budget. These specific campaigns may need to be cost estimated first and then adopted individually via a resolution to avoid dramatic impacts to the Council budget.

- 10 In addition, the flow on effects of such a position may not be fully understood at present. In particular, item f within the resolution states:

f) *That Council review relevant Council policies such as the Infrastructure Services Risk Management Plan to embed the principle of equal access and safety for all transport network users and effective supporting actions.*

- 15 This process would take a reasonable period of time to follow due process required to update policies and may require Council to commit budget allocation to undertake the effective supporting actions.

- 20 While the principles of equal access and safety for all transport network users are a clear and important principle the implications of committing Council to undertake effective supporting actions may need to be considered.

Conclusion

- 25 It is considered a RSO is generally able to undertake many of the proposed campaigns, forums and actions listed under item 3 of Council Resolution 19-495. However, there are important qualifications and budget options to keep in mind, as outlined below.

- 30 In addition, there are already many tasks currently undertaken by staff that fall within the domain of a RSO. This would provide staff with helpful support. Therefore, if a RSO is included in the staff structure it is recommended to ensure they value-add to the existing structure. In this regard, it is recommended that any tasks undertaken by the RSO as part of Council 50% funding be roles already done by staff and which are already RMS approved tasks for a RSO.

Qualifications

Below is a list of the important qualifications to keep in mind:

- 40 i. In regards to Res 19-495 item a and b, all campaigns and forums must be aligned and designed to address the LGRSP 'Safe System' categories and specific TfNSW Road Safety Campaigns. There is minimal scope for a RSO to target a road safety campaign issue if it is not currently adopted by TfNSW.

Refer to the TfNSW Road Safety website for more detail on different campaigns run by TfNSW (<https://roadsafety.transport.nsw.gov.au>).

- 45 Variations on these campaigns can be undertaken provided they target specific LGRSP 'Safe System' categories (such as The Little Blue Dinosaur Campaign and School Drop Off Safety Campaign).

- 50 ii. In regards to Res 19-495 item c, recommended actions arising from consultation with TIAC or community consultation are subject to RMS approval and alignment with LGRSP 'Safe Systems'. If they do not align with LGRSP 'Safe System' targets or approved campaigns the RSO could not undertake those tasks as part of the RMS 50% funding.

All campaign / forum / advertising material must be either RMS material or approved by RMS to ensure it aligns with their specific targets and messages. The RSO may be limited in their ability to action recommendations put forward by TIAC and community forums as part of the RMS 50% funding.

iii. In regards to Res 19-495 item c iv) and e), the RSO role is not a technical role and does not undertake technical tasks. The role is predominately focused on education, behavioural change, promotion and staff support. As a result, undertaking tasks such as designing effective road safety signage and signage layouts (i.e. item 3 c and e within Res. 19-495) may not be tasks that could be undertaken as part of the RMS 50% funding or by somebody without relevant qualifications / experience.

iv. Embedding the principles of Equal Access within all Council Policies (item f of Res. 19-495) is not considered a task that can be undertaken as part of the RMS 50% funding.

However, undertaking safety campaigns to help keep all road users safe is a task that could be funded under the RMS 50%. The RSO is able to undertake pedestrian focused campaigns or campaigns focused on cyclists or a campaign addressing speeding etc.

v. A position description must be developed in consultation with the RMS to define the scope of the RSO role. Given the scope of what a RSO is permitted to do it is recommended to clearly define the position and tasks as there will likely be competing demands beyond what one position is able to fulfil.

In particular, it would be helpful to define if the RSO, as part of its RMS funding, is to also focus on staff support in submitting Safer Roads and Black Spot funding Grants, managing Council traffic count collection and data management, undertaking ad-hoc RMS approved road safety campaigns.

It is important to also define what tasks would be required as part of the Council 50% funding to minimise mission creep and overloading staff.

vi. RMS and Council organised a Bike Maintenance Workshop late 2018 to address improved Bike User Safety. This was cancelled as no one registered for the workshops.

Key issues

i. 50% of the position is RMS funded. This would involve the RSO undertaking tasks that include RMS approved road safety campaigns and forums.

ii. 50% of the position is funded by Council. If the RSO is assigned to support IS Project Engineers in the submission of Safer Roads and Black Spot funding and in helping to ensure road safety is factored into the design, undertaking road safety audits and safety in design reviews Council has the potential to partially fund the role through project budgets.

If the RSO undertakes independent tasks, such as managing traffic counts and the traffic count database this may potentially be funded out of pay parking.

Independent projects that only the RSO would do and that are considered outside the scope of RMS funding (such as: undertaking Equal Access campaigns and Road Signage campaigns) would require a budget to be allocated to the project via a Council resolution. The RSO would then be funded via the budget allocation.

Undertaking community forums, workshops and delivering the rollout of a signage campaign will also require additional funding allocation in the budget. These specific campaigns may

need to be cost estimated first and then adopted individually via a resolution to avoid dramatic impacts to the Council budget.

- 5 iii. Given the uniqueness of the position, its requirement to be half RMS / half Council funded and that RMS funding is for only 2 years initially (until 2021) it is recommended to first develop a position description in consultation with RMS with projected tasks listed.

Additional budget allocations will be required to fund the tasks proposed within the resolution.

Report No. 13.21 **RFT: 2019-0049 SPS1003 and SPS2000 Refurbishment Works**
Directorate: Infrastructure Services
Report Author: Dean Baulch, Principal Engineer, Systems Planning
File No: I2019/1827

5

Summary:

10 On 6 August 2019, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0049 SPS1003 and SPS2000 Refurbishment Works.

15 The Request for Tender was advertised from 28 August 2019 until 3 October 2019. Tenders were received from the following organisations:

- Absolut Constructions Pty Ltd;
- Fewster Brothers Contracting Pty Ltd; and
- Fitt Resources Pty Ltd

20 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 2019-0049.

RECOMMENDATION:

1. **That Council decline to accept any of the tenders.**
2. **That Council in accordance with Clause 178 (3) (f) of the Local Government (General) Regulation 2005, carry out the requirements of the proposed contract itself.**
3. **That Council makes public its decision, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.**

25

Attachments:

- 1 Confidential - 24.2019.36.1 Tender Evaluation Plan Contract 2019-0049, E2019/83814
- 2 Confidential - 24.2019.36.1 Tender Evaluation Report Contract 2019-0049, E2019/80279

30

Report

On 6 August 2019, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2019-0049 SPS1003 and SPS2000 Refurbishment Works.

The Request for Tender sought responses from proponents to provide restoration works to civil and mechanical elements of each sewerage pump station: SPS 1003 located on Lismore Rd, Bangalow and SPS 2000 located at the old Sewerage Treatment Plant (STP) at Brunswick Heads.

A condition assessment of these pumps stations determined that Hydrogen Sulphide (H₂S) gas attack caused significant corrosion in both wet well structures and heavily impacted on internal mechanical items. As a result, the concrete within the wells needs to be restored and protected from further corrosion to prevent premature failure of the structures. An internal Epoxy coating system will provide a further 20 years of mechanical protection.

The structures need urgent restoration including various mechanical items, more specifically in SPS 1003 they need replacement. Refurbishment works will be required to maintain existing sewerage system services, increase the life of the asset and hence the serviceability period of the critical sewerage assets.

Tenders were advertised as follows:

Tenders Online: 28 August 2019
Council website: 28 August 2019

A mandatory tender briefing/site inspection was held on 5 September 2019 and on 13 September 2019.

An Evaluation Panel comprising of two Council staff members and an external consultant was formed.

Tenders closed on 3rd October 2019 and tenders were received from the following proponents:

- Absolut Constructions Pty Ltd;
- Fewster Brothers Contracting Pty Ltd; &
- Fitt Resources Pty Ltd

Tenders were evaluated by the Evaluation Panel in accordance with the evaluation plan at Attachment 1. Only two of the three tenders complied with the mandatory acceptance criteria.

Absolut Constructions omitted to provide their Professional Indemnity insurance as an attachment.

The summary of the tender prices for all tenders is provided below. The non-conforming tender submitted by Absolut Constructions is also provided to demonstrate the variation in prices received.

1)	Fewster Brother Contracting Pty Ltd	\$318,100 (ex GST)
2)	Fitt Resources Pty Ltd	\$608,090 (ex GST)
3)	Absolut Constructions Pty Ltd	\$791,832 (ex GST)

Fewster Brother (FB) Contracting submitted the lowest conforming tender of \$318,100, which was 200% higher than original upper limit estimate (\$160,000) for the works.

Financial Implications

The price basis for the contract is a lump sum.

- 5 Council has budgeted \$160,000 for this project. There is not sufficient funding for the proposed contract in the current budget.

10 The cheapest price supplied by the lowest conforming tender was approximately 200% higher than the construction estimate. As a result it is recommended that Council does not accept any of the proposed offers above and that Council pursue the works under a different format by engaging subcontractors separately and managing the works in-house. Under this proposed format it is believed the works can still be completed for a value close to the current budget.

Statutory and Policy Compliance Implications

15 The tendering process has been undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2005. The Local Government (General) Regulations 2005 define the options available to Council. An extract is provided below.

20 Local Government (General) Regulation 2005 - Reg 178

Acceptance of tenders

25 178 *Acceptance of tenders*

(1) *After considering the tenders submitted for a proposed contract, the council must either:*

(a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*

30 (b) *decline to accept any of the tenders.*

(2) *A council must ensure that every contract it enters into as a result of a tender accepted by the council is with the successful tenderer and in accordance with the tender (modified by any variation under clause 176). However, if the successful tender was made by the council (as provided for in [section 55](#) (2A) of [the Act](#)), the council is not required to enter into any contract in order to carry out the requirements of the proposed contract.*

35 (3) *A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following:*

(a) *postpone or cancel the proposal for the contract,*

40 (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*

(c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*

(d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*

45 (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*

(f) *carry out the requirements of the proposed contract itself.*

(4) *If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*

- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
- (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

5

Council's endorsement of the recommendation not to award the tender as recommended in the attached Evaluation Report is sought.

Report No. 13.22 **Safe Beaches and Leg Rope Campaign**
Directorate: Infrastructure Services
Report Author: Michael Matthews, Manager Open Space and Resource Recovery
File No: I2019/1859

5

Summary:

10 The interim Safe Beaches Committee was established under Resolution **18-836** December 2018.

This report brings this committee final draft constitution for adoption consideration by Council.

15 This report also seeks Councils support for a Leg Rope Safety campaign initiative by the Committee.

RECOMMENDATION:

1. **That Council adopt the attached Safe Beaches Interim Committee Constitution (E2019/81994).**
2. **That Council support the Interim Committee Leg Rope Campaign in efforts to reduce incidents that occur as a result of the practice of not wearing leg ropes.**
3. **That funding for the leg rope campaign be funded from the existing Tyagarah Cameras and Signage budget up to a value of \$5,000.**

Attachments:

20

- 1 DRAFT Safe Beaches Committee Constitution November 2019.docx, E2019/81994 

REPORT

Interim Safe Beaches Committee

On 13 December 2018, Council Resolved **18-836**

1. *That the \$10,000 funding required for the Tyagarah Reserve cameras and related signage be immediately allocated from Council's unrestricted reserve funds.*
2. *That as an interim measure, Council urgently explores implementing a temporary extension of our contract with Surf Lifesaving Australia (SLSA) to include Tyagarah Beach in their patrol this Summer.*
3. *That Council approaches NPWS to see if they would like to contribute to this public safety issue in line with their current contribution for SLSA services.*
4. *That Council allocates up to \$15,000 from the same fund to implement this temporary arrangement.*
5. *That prior to installing Tyagarah Reserve cameras and related signage from Council's unrestricted reserve funds the following actions are to be undertaken:*
 - a. *Council staff to attend a meeting of the Byron Coast Area Joint Management Committee and Police as requested on 18 February 2019 to discuss the issues raised in a letter sent to council on 4 December from National Parks and Wildlife Service regarding the placement of cameras on the Tyagarah Nature Reserve.*
 - b. *A plan is developed to clearly identify the location of cameras and signage, including the entrance to Tyagarah Nature Reserve.*
 - c. *A budget is prepared to outline the cost of camera installation, ongoing monitoring and estimated repairs to cameras on an annual basis. A funding source be identified to adequately cover these expenses.*
 - d. *Council request formal feedback from NSW Police regarding an assessment of the effectiveness, or otherwise, of cameras located at this site as a crime prevention measure.*
 - e. *Council request formal feedback from NSW Police regarding the resource requirements needed to adequately police illegal activities at this location.*
 - f. *Following the meeting to be held on 18 February Council request clarification from the Department of Industry (Crown Lands Division) as to whether their consent to locate clothes optional declaration signs on Tyagarah Beach is still supported.*
6. **That Council establish a interim Safe Beaches Committee consisting of 5 councillors, namely CRS Martin, Coorey, Ndiaye, Cameron and Hunter and 2 staff members to**
 - a. **Elect 1 councillor as chair**
 - b. **Consider the attached draft constitution and recommend a final version for adoption by Council.**

The draft Constitution has been considered by the Safe Beaches Committee and been included at Attachment 1 for consideration and adoption by Council.

On 28 March 2019, Council Resolved **19-136**

Leg Rope Campaign

1. *That Council, through the Byron Safe Beaches committee and its stakeholder groups, investigate a public safety awareness campaign focusing on inexperienced surfers and surfers that are not using leg ropes.*
2. *That this matter be included as an item on the committee's first agenda.*

replacement or change in display if existing sign is exempt under this Policy

Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)

- *Surface area must not exceed 3.5m².*
- *Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence.*
- *Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.*

Financial Considerations

Sufficient budget has been identified by staff within an existing adopted budget, Tyagarah Cameras and Signage budget.

5

Consultation and Engagement

The committee intend to seek support from community organisations and local influential representatives to lend support to the public awareness campaign.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 8 August 2019

5 **Directorate:** Sustainable Environment and Economy
 Report Author: Julia Curry, Sustainability and Emissions Reduction Officer
 File No: I2019/1700

10 **Summary:**

The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 8 August 2019 for determination by Council.

15


RECOMMENDATION:

That Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 8 August 2019.

20

Attachments:

25

1 Minutes 08/08/2019 Sustainability and Emissions Reduction Advisory Committee, I2019/1165 

Report

5 The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 8 August 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/08/SERAC_08082019_AGN_1027_AT_WEB.htm

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 8 August 2019.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 8 August 2019.

Report No. 14.2 Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 31 October 2019**Directorate:** Sustainable Environment and Economy**Report Author:** Kimberley Rogers, Environment Support Officer**File No:** I2019/1873**Summary:**

The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 31 October 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 31 October 2019.

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

Report No. 4.2 Environmental Upgrade Agreements (EUAs) and Solar Bulk Buy Options - Update

File No: I2019/1629

Committee Recommendation 4.2.1

That the Sustainability and Emissions Reduction Advisory Committee note the report and recommend to Council to:

1. Invite Shay Singh from Sustainable Energy Foundation to present to Council and renewable energy community groups about the potential for commercial EUAs in Byron Shire.
2. Consider a further report on the residential solar program delivery options, including batteries, at the next SERAC meeting.
3. Contact a sample of Byron Shire Primary and Secondary schools to gauge interest and demand for a 'Solar my School' program. Communicate outcomes to SERAC and pursue a meeting of school representatives if feedback is positive.

Attachments:

- 1 Minutes 31/10/2019 Sustainability and Emissions Reduction Advisory Committee, I2019/1809 

Report

5 The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 31 October 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/10/SERAC_31102019_AGN_1028_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 31 October 2019.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 31 October 2019.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.3 **Report of the Water, Waste and Sewer Advisory Committee Meeting held on 14 November 2019**

Directorate: Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2019/1902

Summary:

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 14 November 2019 for determination by Council.

RECOMMENDATION:

1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 14 November 2019.
2. That Council adopt the previous minutes and that the item be put in the next Agenda clarifying the sentence at 4.2 about the behaviour of Wetlands cells H and J.
2. That Council adopt the following Committee and Management Recommendation(s):

Report No. 4.1 **Byron Bay Integrated Management Reserve - Byron Bay STP Catchment**
 File No: I2019/1847

Committee Recommendation 4.1.1

1. That the Council note the report.
2. That a report on Byron Bay STP Catchment sewerage load resulting from Development consents after 9 December 2002 (or similar) be brought to the next meeting of WWSAC.
3. That the Conditions of Consent for the Byron Bay STP be included with the Report.
3. That Council adopt the following Committee Recommendation(s):

Report No. 4.2 **National Recycling Week**
 File No: I2019/1855

Committee Recommendation 4.2.1

1. That the Council note the committee received the presentation.
2. That Council consider the possibility of instructive stickers on yellow bins.

Attachments:

- 1 Minutes 14/11/2019 Water, Waste and Sewer Advisory Committee Extraordinary, I2019/1878 

Report

5

The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 14 November 2019 for determination by Council.

10

The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2019/11/WSAC_14112019_AGN_1086_AT_EXTRA.PDF

Committee Recommendation

15

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

Financial Implications

20

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 14 November 2019.

Statutory and Policy Compliance Implications

25

As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 14 November 2019.