



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 26 March 2020

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

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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)

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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.

NOTICES OF MOTION

Notice of Motion No. 9.1 Managing Wildlife and Cats
File No: I2020/398

5

I move:

That Council develops a campaign for responsible cat ownership that:

- a) promotes the protection of the Shire's biodiversity;**
- b) promotes keeping cats contained on owners' properties; and**
- c) works with cat owners to provide information about the benefits of keeping cats at home for their own safety and the safety of native wildlife.**

10

Signed: Cr Catherine Coorey

Councillor's supporting information:

- 15 NSW's Far North Coast is centred in a region with the highest frog, snake and marsupial diversity per unit area of land in Australia. The region's bird diversity is second only to the wet tropics.

Our Shire has an extremely high level of biodiversity, with our region known to support high numbers of rare or threatened plants and animals, including 90 animal species recognised as vulnerable or endangered.

20

It is well acknowledged that cats are a danger to native wild life and there is genuine community concern about cats that roam in the Shire, particularly at night. There are many factors creating loss of biodiversity and some are beyond our immediate control but where we can do something as a community we definitely should – and changing the way we think about cats in homes in order to save wildlife is a start.

25

The idea that all cats need to roam outdoors has changed, with many owners now providing a safe and happy environment for their cat at home all day. For cat owners keeping cats contained and content at home can still provide for all their needs and keep them and wildlife safe. Several councils have already placed curfews on cats' movements outside owners' properties with some having 24-hour bans and others having night time bans on cat roaming.

30

A 2017 study by University of South Australia that tracked 428 cats found nearly all roamed farther than most owners realised. This put the cats at risk of cars, hissy cat spats, annoyed neighbours and poisons, all while endangering native animals and birds.

35

University of South Australia researchers attached GPS devices to the collars of 428 cats for a week. It found the median range the cats travelled from their home was about the size of a football field, while some free-ranged across towns and city suburbs.

Nearly 90 per cent travelled significantly longer distances at night than during the day. About 40 per cent of cats thought by their owners to be inside at night had in fact been out and about with night time home ranges of more than one hectare.

40

Nearly all owners were shocked by the secret lives of their cats. Many believed their cats don't kill things, or only occasionally yet study found owners only see about 23 per cent of prey that cats catch.



5 The Cat Tracker project monitored the movements of more than 428 cats over a week



10 About 40 per cent of cats thought by their owners to be inside at night had night time home ranges of more than one hectare.

Tweed Council's *Love Cats Love Wildlife* campaign:

15 Two community surveys were conducted in Tweed Shire in 2017 – both for cat owners and non-cat owners.

20 The community told us cat safety and protecting the environment were both very important to them. The survey revealed the many different feelings people have about cats and the many different ways they keep them.

People told stories of all the things that have happened to their cats. Cats are exposed to all sorts of dangers when they are allowed to wander, such as: being hit by cars, dog attack, snakes and ticks, disease, angry neighbours, theft, poisoning and cats getting lost. Many people are faced with big vet bills when they let their cats roam too!

Results from the survey showed that many residents who don't own cats felt frustrated with roaming cats that came into their yards and injured wildlife or generally made a nuisance of themselves.

<https://www.tweed.nsw.gov.au/LoveCatsLoveWildlife>

<https://www.smh.com.au/national/nsw/councils-to-introduce-cat-curfews-to-limit-prowling-at-night-20170208-gu876v.html>

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

Council promotes responsible pet ownership which includes cats and dogs. We ask that cat owners get their animals desexed, keep them in at night and do not let them roam during the day. Attaching a bell or something similar to their cat's collar to alert other birds and animals of their presence is also advisable.

By law, cats also need to have some sort of identification which could be a tag with the owners name and telephone number, or a microchip.

<https://www.byron.nsw.gov.au/Community/Pets/Responsible-cat-ownership>

Due to the threat that domestic cats pose to wildlife, Council has a program in place to reduce domestic cat hunting of our native animals by offering a free 'Cat Bib' to all cat owners who have a microchipped and registered cat(s) in our Shire.

The cat bibs, which are made of wetsuit material, attach to a collar and hang over the cat's chest, acting as a barrier and interfering with the timing and coordination cats need to hunt.



It is Council staff preference that cat owners take responsibility for their cats at night having full knowledge of what they are up to out there in the neighbourhood range.

Notwithstanding the above, under the *Companion Animals Act* cats are allowed to roam free as there is no definition of a "stray cat".

Further there are no defined restrictions on cats unless:

- An individual identified cat is placed under an order in any applicable legislation that can restrict its movements or activities as a result of that legislation – for example a nuisance cat order.
- Such orders cannot be generalised unless under an act of legislation where an individual offending animal cannot be identified but the property/owners of the animals may be given a general order based on the conditions or circumstances of multiple animals – such as POEO or LGA where activities or actions may be ordered based on identified responses that breach legislation.

This makes enforcement action difficult. Council efforts as a result focus on education, promotion and support of programs such as the Cat Bib, RSPCA's Education Mobile Unit, de-sexing and responsible pet ownership.

Protection of Byron Shire's biodiversity is also an action that is supported by the draft Biodiversity Conservation Strategy (BCS); Council's pivotal strategy for protecting, enhancing and promoting our Shire's biodiversity.

The draft Strategy vision is:

Biodiversity in Byron Shire is valued, protected and enhanced, through inspiring leadership, community engagement, expert input, urgent action and innovation

There is an action in the draft BCS that states:

Develop an education and awareness program regarding managing the impacts of domestic animals on native wildlife.

Also of note, Council staff have previously met and discussed projects like the cat survey with Tweed Council staff. Feedback being that there were elements of this project that were more successful than others. Lessons learned will be further shared between Tweed Council staff and our staff.

In the first instance, it would be feasible for Council to review and update the website, and put out some other media to direct people to this (social media, phone hold message, press release). Pet owner awareness raising events can also be good, as long as we are to reach the people we need to, which will need further consideration and a budget allocation.

Financial/Resource/Legal Implications:

A budget bid to deliver the actions of the Biodiversity Conservation Strategy has been included in the draft 2020/21 budget process for consideration.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.4	Provide ongoing information and education to the public regarding companion animals

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.1	Partner to protect and enhance our biodiversity, ecosystems and ecology	3.1.1	Protect and enhance our natural environment and biodiversity	3.1.1.3	Implement priority actions from the Biodiversity Conservation Strategy

Notice of Motion No. 9.2 Stop Logging Forests in NSW
File No: I2020/399

I move that Council:

- 1. Promotes the protection of the Shire's biodiversity.**
- 2. Acknowledges the expert advice that koalas in NSW suffered extreme population losses in the 2019/2020 bushfires.**
- 3 Writes to the Energy and Environment Minister, Matt Kean, and Minister for Primary Industry, John Barilaro:**
 - a) asserting the urgency of protecting core koala habitat from threats such as logging and development; and**
 - b) requesting that all logging in NSW native forests cease; and**
 - c) urging them to acknowledge scientific expert advice that 'wood salvage' operations in native forests after bushfires causes further damage; and**
 - d) urging them to cease these operations; and**
 - e) requesting that the Department support Byron Shire Council to draft a Shire-wide Koala Plan of Management.**
- 4. Circulates the letter in (3) to Tamara Smith, MP for Ballina, and Justine Elliott, Member for Richmond.**

5

Signed: Cr Catherine Coorey

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Councillor's supporting information:

Byron Shire was 'lucky' in the recent fires, with just 3,000 ha of the shire burnt in the 8,000 ha Nightcap Fire. Next bushfire season might not be so lucky for our beloved wildlife.

15

Millions of animals were killed in the fires. Thirty percent of high-quality Koala habitat in north-east NSW was burnt, with the loss of most Koalas.

20

The Commonwealth's list of the 113 animal species most threatened by the fires include 57 that occur in north-east NSW, a variety of which were affected by the Nightcap fires: Albert's Lyrebird, Black-faced Monarch, Greater Glider, Long-nosed Potoroo, Three-toed Snake-tooth Skink, Stuttering Frog, Giant Barred Frog, and Smooth Crayfish.

25

<https://theconversation.com/logging-is-due-to-start-in-fire-ravaged-forests-this-week-its-the-last-thing-our-wildlife-needs-132347>

<https://www.theguardian.com/environment/2020/feb/26/call-to-end-logging-of-protective-native-forests-in-wake-of-bushfire-crisis>

30

Hollows in fire-damaged trees and logs [provide critical habitat](#) for animal species trying to survive in, or recolonise, burned forests.

35

Long-term monitoring data from extensive field surveys shows hollow-dependent mammals, such as the vulnerable greater glider, generally do not survive in areas burned and then logged.

Forests logged after a fire have the [lowest bird biodiversity](#) relative to other forests, including those that burned at high severity (but which remain unlogged). Critical plants such as tree ferns are [all but eradicated](#) from forests that have been [burned and then logged](#).

- 5 Soils remain extensively altered [for many decades](#) after post-fire logging. [This is a major concern](#) because runoff into rivers and streams damages aquatic ecosystems and kills organisms such as fish.

- 10 Fire badly disrupts forest ecosystems. Animals and plants then begin recovering, but most forests and the biota they support simply cannot deal with the second intense disturbance of logging so soon after a first one. The last thing our forests need is yet [more disturbance](#).

David Lindenmayer, Professor of Ecology at the Australian National University:

- 15 *These recovering trees must not be logged. They are essential for the survival of animals like gliding possums — research shows that these animals are unlikely to return to forests that are logged immediately after burning for 180 years (if they can return at all).*

- 20 *Heavy logging machinery will kill many of the plants that germinate in the nutrient-rich bed of ashes on the forest floor. Animals that have miraculously survived in burnt areas can also be killed in logging operations.*

Pioneering research from southern Australia has shown that fungi and nutrients in soils can take up to a century or even longer to recover from salvage logging.

- 25 *Mass movement of soils in areas logged post-burn can choke rivers and streams and trigger fish kills as well as kill many other kinds of animals.*

More than a billion animals are likely to have been directly killed and some species are now close to extinction. Some ecosystems have burned that should never be exposed to wildfire.

- 30 *Species and ecosystems need time to recover without further disturbance by logging. Our wildlife and the forest that support them cannot take another beating now.*

Burnt trees are not used for sawn timber (such as to make furniture or roof trusses). They are woodchipped.

- 35 *Post-fire logging is often a large loss-making exercise for the taxpayer-owned companies and contractors which do it (native forest logging is generally done by State Government-owned businesses, hiring contractors). In fact, hardly any native forest timber is used for anything but woodchips or paper pulp, even when it is unburned.*

[Maps reveal 'illegal' plans to chop down untouched trees](#)



[In 2018 the ABC caught state-owned loggers illegally chopping down trees on public land, but instead of being punished they were compensated. Now it seems they plan to do it again.](#)

- 5 Conservation efforts in NSW to stop more species becoming extinct in the wake of this season's unparalleled bushfires require more than half a billion dollars over the coming four years.

- 10 Emergency intervention to save as many as 30 endangered species alone needs \$15 million this year and \$35 million in both the 2021-22 and 2022-23 fiscal years, according to a spreadsheet circulating among state government agencies and obtained by the *Sun-Herald*.

The leaked requests come as Forestry Corporation resumed logging in unburnt refuges in the Styx River State Forest despite risks to species including nationally endangered Hastings River mice.

- 15 Funds needed for all conservation recovery over the four years total \$513.46 million, with more than \$155 million requested for the rest of this fiscal year and a similar amount for next year. Ecologists estimate the recent drought and huge bushfires have killed thousands of koalas in NSW, pushing the marsupial to "endangered status" in the state.
- 20 Steve Phillips, an ecologist and managing director of the Biolink consultancy, said his team used surveys of known koala sites in northern NSW to estimate more than 6000 koalas died in the fires.



The plunge in the koala population in fire-hit regions followed the loss of as much as a fifth of their numbers due to the drought.

Over the past three generations - about 15-20 years - NSW has lost as many as half to two-thirds of its koalas.

- 5 "The scale of what happened is spectacularly huge, it's incomprehensible," Dr Phillips told the Herald. "Its status needs to be updated to endangered from vulnerable."

10 The [upper house inquiry into koala populations](#) in NSW also heard Dr Phillips' findings on Tuesday as part of the evidence presented by Stuart Blanch, a conservation scientist from the World Wildlife Fund (WWF). Dr Blanch said WWF estimated the state's koala population at 15,000-28,000 prior to the fires, so the latest losses - which he put at as many as 10,000 - were "pretty shocking".

"It was worse than we thought," he said, adding that the Berejiklian government needed to act quickly to lift its threat level to help reduce further pressure on the animal.

15 Energy and Environment Minister Matt Kean said the government had reconvened the NSW Koala Strategy Independent Expert Advisory Panel and other experts to provide advice on options to support the koala population after the bushfires.

"This season's significant bushfires have resulted in devastating losses to koala numbers across NSW, so it is imperative that remaining populations and habitat are protected," Mr Kean said.

20 The government estimates about a quarter of the modelled koala habitat in eastern NSW is within the fire-affected area, "significantly" compounding the vulnerable status of the koala, he said. However, it would be up to the independent NSW Threatened Species Scientific Committee to determine any change to the koala's listing.

<https://www.brisbanetimes.com.au/environment/conservation/teetering-on-the-brink-half-a-billion-dollars-sought-to-aid-wildlife-recovery-20200228-p545hn.html>

25 NSW Premier Gladys Berejiklian declared a State of Emergency when bushfires were burning all over the state. For nature the state of emergency is continuing, yet the NSW Government is allowing industrial logging to continue.

30 The region around Styx River State Forest - halfway between Armidale and Nambucca Heads - was heavily burned in the catastrophic bushfires. The few healthy patches left are some of the most important unburnt habitat in the region for the Spotted-tail Quoll, Greater Glider and the Hastings River Mouse.

Over 100 hectares of Styx River State Forest has been logged since late 2019, destroying critical unburnt habitat and pushing threatened species closer to the brink of extinction.

35 This is a crisis and we need the NSW Government to take urgent action to stop the destruction of forests and protect wildlife now. The crisis has been exposed with video evidence of logging in threatened species habitat and now we need to make sure this cannot go ignored by our politicians.

Right now, unburnt threatened species habitat is being logged, pushing struggling wildlife to the brink and devastating forest ecosystems.

40 We have obtained video evidence of industrial logging in habitat for nationally threatened species such as the spotted-tail quoll, greater glider and the Hastings River mouse.

After the unprecedented fires that burnt more than 5 million hectares, including 41% of National Parks and 40% of State Forests, it is critical that wildlife refuges are kept safe from further destruction.

Staff comments by Sharyn French, Manager Environmental and Economic Planning, Sustainable Environment and Economy:

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

Promotion of Byron Shire's biodiversity is an ongoing action that is further supported by the draft Biodiversity Conservation Strategy; Council's pivotal strategy for protecting, enhancing and promoting our Shire's biodiversity.

The Draft Strategy was considered at the 19 March Planning Meeting for public exhibition and if supported at that meeting it is currently on exhibition until 15 May. The draft Strategy vision is:

Biodiversity in Byron Shire is valued, protected and enhanced, through inspiring leadership, community engagement, expert input, urgent action and innovation

The Strategy includes 4 aims and over 90 actions to help improve and promote biodiversity conservation in the Shire including:

- Providing better information to residents and visitors on our biodiversity values and what people can do to protect them.
- Keeping the community informed about threats to biodiversity and their responsibilities, including weeds, pest animals, domestic pets and fire.
- Creating a biodiversity chapter in our Development Control Plan.
- Restoring biodiversity values on Council-managed land.
- Working with the community and other agencies to support, facilitate and secure funding for biodiversity conservation on private land.
- Partnering with our environmental volunteers to help support their amazing work and working together to maximise biodiversity benefits.

Financial/Resource/Legal Implications:

A budget bid to deliver the actions of the Biodiversity Conservation Strategy has been included in the draft 2020/21 budget process for consideration.

Preparing a letter to the Ministers can be done within existing resources and budget.

Is the proposal consistent with any Delivery Program tasks?

CSP Objective	L2	CSP Strategy	L3	DP Action
Community Objective 3: We protect and enhance our natural environment	3.1	Partner to protect and enhance our biodiversity, ecosystems and ecology	3.1.1	Protect and enhance our natural environment and biodiversity
			3.1.2	Restore degraded areas and habitats that have or provide significant or high environmental and or community value

Notice of Motion No. 9.3 Review of Disability Parking
File No: I2020/406

I move:

That Council review disability parking arrangements in the CBD and report back as soon as possible on whether:

- a) an adequate supply exists to meet demand across all parts of the CBD; and**
- b) appropriate footpath access exists from the spaces in these locations**

5

Signed: Cr Michael Lyon

10

Councillor's supporting information:

15 There has been concern expressed around the disability parking spaces outside the Mercato building and the lack of footpath access for these spots. It is understood that the decision to allocate these spaces was done after the landscaping and gutter work and consequently no budget existed to provide the footpath access.

20 Upon further investigation it has been relayed that there is not enough disability parking in much of the CBD. I am asking for a review so that we can determine the current state of affairs, when budget may be available for the spaces at Mercato, interim arrangements and any shortfalls in disability parking provision in the CBD.

Staff comments by Andrew Pearce, Traffic Engineer:

25 A number of disabled / mobility car spaces are positioned across the Byron Bay CBD.

30 More recently, additional disabled spaces have been provided in locations such as Mercato in response to community request for their installation. As the footprint of the Byron CBD continues to expand, as represented by Mercato, the ability to retrofit new disabled spaces and their associated assess requirements provides a challenge to Council given the significant existing constraints that can not be modified.

35 The number and design of mobility / disabled car parking spaces for on and off street parking within Council's road reserve is typically designed in accordance with the Australian Standards series 2890 and TfNSW Supplement Australian Standards – AS2890 Parking Facilities Parts 1-6.

40 In addition, the Building Code of Australia (BCA) stipulates the number and design of disabled / mobility spaces required to be provided by developments such as Mercato. While the requirement to provide these spaces in accordance with the BCA is typically conditioned as part of any development consent and construction certificate the actual construction and provision of these spaces is under the supervision of the certifier.

45 Any assessment of the current supply and appropriate footpath access within Council's road reserve is to be reviewed in accordance with AS2890 series and relevant TfNSW Supplements. The provision of any disabled spaces within private property, and not within Council's road reserve, is to be in accordance with the BCA and is not within Council's authority.

Council's GIS does not include records of all disabled parking spaces and therefore in order to determine the adequacy of supply and to address the questions raised by Cr Lyon the following actions would need to be undertaken:

- 5 1. Gather relevant data regarding items 1 and 2 as part of routine footpath and road inspection works across the shire and have the data recorded in Council's GIS.
- 10 2. Council's Traffic Engineer undertake a review of the data and provide an assessment report to Council.

Financial/Resource/Legal Implications:

- 15 The preparation of the plan would be undertaken by Infrastructure Services staff.

Is the proposal consistent with any Delivery Program tasks?

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

Notice of Motion No. 9.4 Mullumbimby-Byron Bay Rail Link
File No: I2020/407

I move that Council:

1. Commence planning for a rail link connecting Mullumbimby and Byron Bay as part of a multi use activation of the rail corridor.
2. Incorporate the project as a key element of the draft Integrated Transport Strategy, which is supported by Park and Ride and other measures to promote active and public transport development within the Strategy.
3. Prepare an economic and social business plan including development of a governance framework to support the project.
4. Provide notice of the intention to establish a rail link to Infrastructure Australia, Infrastructure NSW, TfNSW and other relevant agencies to seek advice on funding criteria and project development.
5. Investigate Federal, NSW and other funding bodies to identify funding sources including, but not limited to tourism, infrastructure, transport and climate change mitigation/adaption grants with a priority focus on funding vegetation removal within the rail corridor.
6. Actively seek expressions of interest from potential operators interested in providing commuter shuttle and visitor oriented services.
7. Seek support including funding through Federal and NSW Ministers for Transport, Hon. Tamara Smith MP, Hon. Ben Franklin MLC and Hon. Justine Elliot MP.
8. Receive six monthly reports on progress.
9. The business plan be included in the 20/21 Operational Plan, forward Delivery Plans and draft budget.
10. Item 2 above be funded from the existing Integrated Transport Strategy budget.
11. Implement Actions 4, 5, 7 and 8 immediately and include as part of a rail link project in the 20/21 Operational Plan and forward Delivery Plans that includes item 6 above as an action as well as consideration of a budget for project management.

Signed: Cr Basil Cameron

Councillor's supporting information:

It is time for Council to take the lead on developing this project as a significant step forward in meeting the transport needs of our community and addressing the urgent traffic crisis impacting our Shire.

Multi Use Rail Corridor Study

We have the foundation study for multi-use activation of the corridor, the *Arcadis Multi-Use Rail Corridor Study* (MURC).

The Study identified two multi use options with positive benefit cost ratios.

1. Hi rail with active transport.
2. Very light rail with active transport.

Hi rail is the lower cost option with the lightest axle weight thus requiring minimal upgrade. It is also very flexible as the hi rail vehicles can travel on both rail and road, able to move from one to the other in 15 seconds. Typically a hi rail vehicle is a small bus able to service a more flexible route or on demand type service. Travelling along the rail corridor provides a faster entry to town centres during peak time and assists in reducing vehicle numbers on the road network.

Very light rail (VLR) also operates on low axle weights requiring minimal upgrade. Vehicles are bigger, typically small train carriages that can be linked together or operated individually.

Hi rail provides the opportunity for a faster, flexible and less expensive startup with an option to expand to VLR over time. MURC estimates the capital costs for each section of the track. For the section between Mullumbimby and Byron Bay the estimated costs for Hi rail with walking and cycling are \$12,693,149.

The figures are total cost estimates and include the following:

- Contingency
- Preliminary
- Contractor margin
- Local Authority fees
- Client Direct Cost
- Design fees
- Project management fees

The direct capital component includes allowances for bridge replacement.

Staging

There are significant opportunities to stage or modify the rollout of the project, not limited to the following:

- Initial expansion within the Ewingsdale corridor with Park and Ride
- Establish rail operation while constructing walking and cycling infrastructure
- Modify to reduce capital costs. For example the necessity for structures 'adjacent' to the bridge over Belongil Creek for active transport could be avoided with the original strategy of integrating with established walking and cycling networks around 'pinch points'.

There are a number of pressing and sound reasons to initiate activation with a Mullumbimby-Byron Bay stage.

Better Transport for the Shire

The Ewingsdale transport corridor is operating beyond capacity during peak and holiday periods causing queuing onto the Pacific Motorway. Currently there is no lasting solution to this. As our studies have shown around 85% of vehicles do not want to bypass the town.

Costs of road duplication and upgrades along Ewingsdale Road are conservatively estimated at upwards of \$35m, well beyond our means to fund and unlikely to resolve the traffic snarls. \$60m is a recent estimate of works to 'fix' the problems on the Pacific Motorway that would not make a big difference within the Ewingsdale corridor.

Activating a rail link within the Ewingsdale corridor provides an alternative to start shifting demand from ever bigger, busier and more expensive roads. It is the only cost effective solution that can have a longer term meaningful impact on traffic numbers.

Park and Ride

Providing a rail link with a number of Park and Ride locations within the Ewingsdale corridor and adjacent to the Pacific Motorway would provide the possibility of substantial peak hour traffic relief as well as day-tripper take-up of options within the corridor. The provision of parking at Mullumbimby is consistent with the Masterplan that includes an action to expand periphery parking in the same location.

Sustainable infrastructure

There is potential to better manage ongoing and future road upgrade and maintenance budgets with benefits to ratepayers and ensuring that transport networks within the Shire can be equitably funded.

Public Transport Integration and Development

A key issue among a plethora of unmet public transport needs is the lack of connection from the northern part of the Shire with points in the south, particularly Byron Bay. Corridor activation between Mullumbimby and Byron Bay would overcome a missing link and provide a point of connection with many locations in the north, particularly as there is a good 'town service' that operates regularly throughout the day between Mullumbimby, Brunswick Heads, Ocean Shores, New Brighton and South Golden Beach.

The link would be expected to boost patronage on the town service and other buses that service Mullumbimby once the number of possible connections is expanded.

The multi-use activation would help to ensure maximum accessibility and mode integration.

Recommended priority relative to other Delivery Plan tasks:

Community Objectives

- We have infrastructure, transport and services which meet our expectations
 - 1.3 Support, through partnership, a network of integrated sustainable transport options
 - 1.3.1 Ensure an integrated and accessible transport network (SP)
 - 1.6 Manage traffic and parking in an efficient manner

The objectives of the motion are consistent with and support the objectives of both the Mullumbimby and Byron Town Centre Masterplans, specifically to reduce the number of vehicles entering the town centre and promote the development of active and alternative transport.

5 Definition of the project/task:

The project actions are described in the motion.

The motion aims to establish a project framework and to progress a business plan.

10

An overly prescriptive approach has been avoided in line with the flexible staging options discussed in the Arcadis MURC Report. Discussion in the notes elaborates on some of the options.

15

The purpose of the six monthly reports is to assist with managing the fluid nature of the project during initial development.

20

The project approach is envisaged to be one of leadership, advocacy and coordination to get the project to shovel ready. Any further role for Council (eg governance partner) would be considered by the business plan.

Source of Funds (if applicable):

25

Immediate actions at items 4, 5, 7 and 8 to be funded out of operational budgets.
Action item 2 be funded from existing Integrated Transport Strategy.
Funding of the business plan and project management be considered in the draft 20/21 budget.

Staff comments by Therese Black, Business Analyst, Infrastructure Services:

30

Council staff has been progressing work on the Multi Use of the Byron Shire Rail Corridor under the existing Council Resolution 19-616 from the Council meeting of 28 November 2019:

Resolved that Council:

35

1. Supports 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.

40

2. Prioritise the removal of vegetation and maintenance of drainage within the rail corridor as the first stage towards reactivating the rail corridor, and that in relation to this prioritisation:

45

a) Note the recent meeting between the General Manager, Director of Sustainable Environment and Economy and Mayor with the Hon. Ben Franklin MP and Minister of Regional Transport, the Hon. Paul Toole, and thank the Minister for his acknowledgment that the Byron Shire section of the Casino to Murwillumbah Rail Corridor could facilitate a Rail with Trail activation if further feasibility investigations supported this outcome and that clarity of where ongoing rail corridor maintenance responsibility lies will be forthcoming.

50

b) Notes and endorses the unanimous support by the Northern River Joint Organisation for the prioritisation of removing vegetation from within the rail corridor and its request to the State Government for its immediate removal in order to commence reactivation of the rail corridor as resolved at the 16 August, 2019 ordinary meeting of the NRJO.

3. Concurrently, prioritise the investigation into and eventual recommendation of the preferred governance model to manage the Casino to Murwillumbah Rail Corridor reactivation project, with a specific focus on the Rail with Trail activation within Byron Shire.

4. Endorse further investigation of a "Rail with Trail" option, including the following activities for reactivating the Byron Shire Rail Corridor:

- i) Letter of Understanding with NRJO to collaborate on a Northern Rivers Rail Corridor Reactivation Project (Casino to Murwillumbah), incorporating a Rail with Trail project in Byron Shire
- ii) Undertake further design and engineering assessment work to prepare for track based transport vehicles (on formation) to be grant and/or investment ready and that this includes reviewing the Office of the National Rail Safety Regulator- Safety Management System Guideline.
- iii) Apply for grant funding, as opportunities arise, including regional economic development grant opportunities.

5. Consider a budget allocation of \$100,000 as part of the 31 December Quarterly budget review, to progress points 3 and 4. (Richardson/Ndiaye)

To progress this resolution, Council staff has:-

- met with state government representatives to address vegetation and maintenance of the rail corridor; potential funding opportunities; legislation changes for the Northern Rivers Rail corridor,
- Identified case studies and potential governance models for ongoing operation of the "Rail with Trail",
- drafted a Letter of Understanding for the four adjoining LGAs,
- working to understand the costs of a further detailed engineering assessment of the rail corridor infrastructure.

Staff comments by Andrew Pearce, Traffic Engineer, Infrastructure Services:

Council is currently in the process of developing an Integrated Transport Management Strategy.

The project aim was to finalise the report by 25 June 2020 subject to a public exhibition period during the month of April. A preliminary draft version of this strategy was recently reviewed by TIAC and is undergoing amendments in consultation with Council staff.

Part of the feedback from TIAC was that more explicit consideration of the Rail Corridor must be included in the Strategy.

The consultant is able to do this and provide Council with feedback on recommended priority projects and actions for consideration within the next 5, 10, 15 years.

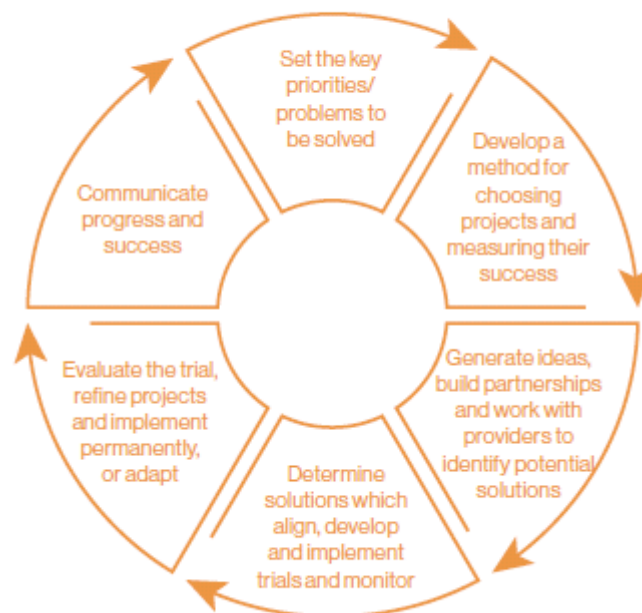
While the final completion date of the report is expected to be slightly delayed due to the feedback, once completed, this strategy will provide Council with an objective framework to:-

- assess each transport project in light of the whole,
- ensure the most strategic projects are prioritised,
- ensure all projects are systematically integrated to ensure commuters actually use the network,
- ensure an efficient use and prioritization of Council funds, and
- provide a transport network that meets the needs of all commuters, whether visitors or remote disadvantaged locals.

Background research undertaken for the Integrated Transport Management Strategy acknowledges the Multi Use Rail Corridor Study identified a Hi-Rail system within the rail corridor in combination with active transport is the best rail corridor option (if the Rail Line is to be reactivated). This background research also suggests the Hi-Rail system when viewed in light of the whole transport network and in view of Byron Shires transport problems may not be the most strategically cost effective project for Council to prioritise, given the range of alternate transport options available for consideration at a significantly lower cost.

However, staff see the merits in beginning conversations with potential operators / community groups and organization's. A key recommendation currently proposed by the preliminary draft strategy is to prioritise a "Smart Byron" approach to funding and activating alternate transport modes. The image below summarises how the draft strategy recommends Council work with businesses and the community to share the journey in changing Byron Shires transport habits and in developing economic and business plans.

Smart Byron process⁷²



Such an approach may help Council collaborate with entrepreneurial groups, start ups and not for profit organisations to identify efficient cost sharing ways to activate and trial transport options. Such an approach reflects that undertaken with the Solar Train and could be proactively adopted again by Council. Rather than stipulating Mullumbimby to Byron Bay it could be left to the community groups to identify a realistic economic and social business plan that activates either Mullumbimby to Byron Bay, Bangalow to Byron Bay or even Mullumbimby to Bangalow. On a much smaller and slightly related scale this approach is simlair to that adopted by the car share trial where the trial was opened up to different groups to identify an economic and business model that was viable.

If and when this collaborative approach identifies a cost effective model this business case will help form robust evidence for State and Federal groups when seeking funding options.

Such an approach would not preempt the recommendations of the Integrated Transport Strategy and would allow investigations into the rail corridor to commence without Council committing significant resources and funding.

Additional consideration will need to be given to potentially significant hidden costs that may not been factored in as part of the MURC estimates. Such costs are associated with the need to design and construct a Park n Ride facility in Mullumbimby that will accommodate a significant number of cars. Consideration may need to be given to where this Park n Ride could be located, negotiations with relevant land owners (if not Council) may take time. These negotiations may require Council to determine the minimum number of car spaces required to make the Hi-Rail line viable as this will inform the scale of the Park n Ride required. Associated with this are questions such as: would pay parking, time limits, ticketing systems and compliance monitoring be required with the associated additional costs?

Community consultation may be required to anticipate community concerns at having a large visitor focused bitumen sealed Park n Ride facility constructed adjacent to neighbourhoods that have traditionally enjoyed a rural feel.

Currently, Mullumbimby Road is one of the most highly trafficked roads in the Shire behind Ewingsdale Road and Broken Head Road. The Mullumbimby Road / Gulgan Road intersection is considered by some to be an area of significant safety concern. To direct an additional 100, 200, 300+ vehicles per day through Mullumbimby Road / Gulgan Road intersection and along Mullumbimby Road may raise significant safety and asset management concerns for Council and the public. As a result, significant additional funds may be required to upgrade the intersection and Mullumbimby road to safely accommodate the additional traffic volumes along side Council aims to promote bike access along Mullumbimby Road.

Associated with a Hi-Rail option there is likely to be the need to construct a new rail station with associated mobility access requirements if the existing stations are too high for the proposed Hi-Rail transport options. This would depend on what Hi-Rail transport options are adopted, which has not yet been identified.

In addition, a number of questions may need to be considered initially, such as: Is the economic viability and BCR rating identified in the MURC study premised upon the full activation of the rail corridor as a whole? Given the full rail corridor length is 38.5km and the Mullumbimby to Byron section is 15.6km (54.7% of the total length) would a partial activation of the corridor between Mullumbimby and Byron result in 54.7% of the estimate economic benefit outlined in the MURC study? If it does, does the Hi-Rail option remain the most viable given the MURC identifies an ongoing maintenance cost of approximately \$950,000 per annum for the Hi-Rail option.

Financial/Resource/Legal Implications:

There is no identified or approved budget to undertake the works identified in the notice of motion and the 20/21 budget and resource requirements have not been investigated.

Is the proposal consistent with any Delivery Program tasks?

Currently no budget has been approved to undertake the scope of works proposed and the proposed scope of works do not appear to be identified within Council's Community Strategic Plan and Operational Plan

PETITIONS

Petition No. 10.1 **Provide Working Drainage Systems for Weeronga Way Ocean Shores**
Directorate: Infrastructure Services
Report Author: James Flockton, Drain and Flood Engineer
File No: I2020/333

Council is in receipt of a petition containing 8 signatures which states:

"We, The Undersigned, Need Council to Take Action Today and Provide Working Drainage Systems for Weeronga Way Ocean Shores"

Comments from Director Infrastructure Services:

Council has received numerous complaints, similar to this complaint, all relating to drainage concerns following the recent rainfall events. The complaints also continue to arrive as the rain events continues.

Staff have been inspecting and documenting these complaints and starting the process to assess and rate the complaints against each other. Once this is complete the new complaints will be added to the list of existing complaints that are already rated.

Some issues simply relate to increased maintenance tasks and others will require significant infrastructure upgrade and Council funding to resolve.

When staff have compiled a full list of complaints that are rated appropriately the program to resolve these complaints will be reviewed in order to understand which complaints are the highest priority to Council.

Once this process is complete the existing 10 year delivery program will be changed to ensure the highest priority issues are being resolved first in the program.

Until all the above work is complete staff are not able to comment on when or how Council will address the concerns raised by this petition.

RECOMMENDATION:

1. That the petition regarding poor drainage on Weeronga Way, Ocean Shores be noted.
2. That the petition be referred to the Director Infrastructure Services.

Attachments:

- 1 Confidential - Petition - A request for Council to provide a working drainage system - 5 and 7 Weeronga Way OCEAN SHORES, S2020/2134

Petition No. 10.2 Safety Measures and Access for Residents who live along and adjacent to Bangalow Road Byron Bay

Directorate: Infrastructure Services
Report Author: Evan Elford, Manager Works
File No: I2020/334

Council is in receipt of a petition containing 56 signature which states:

"We, the undersigned, urge and demand that the council implement appropriate safety measures and access for residents who live along and adjacent to Bangalow Road Byron Bay"

Comments from Director of Infrastructure Services:

A petition has been received requesting Council to *"implement the following as soon as possible to avoid any pedestrians getting hurt or killed:*

- *A pedestrian crossing for Bangalow Road in front of or near the Byron General Store (this seems the most logical place, and it has apparently been tabled for this site, however in 2-3 years, which is not good enough) or in the first block between Constellation Close and Browning Street near the disabled care facility CPL at 14 Bangalow Road. A crossing with a speed hump and flashing lights and zebra stripes to ensure safety and ease of crossing for people in wheelchairs.*
- *A crossing either in front of Spell crossing Browning Street, or in front of the Bay Grocer crossing Browning Street. (In the latter case, a crossing would be needed between Bay Grocer and Spell – another black spot)."*

Council adopted the Pedestrian Access and Mobility Plan in September 2019. This Plan, in Appendix 1C, identified *"the construction of a new crossing on each leg of Tennyson Street/Browning Street intersection"* as Priority A works. Refer to the figure below that shows the location being requested by the Petition.

As seen in this snippet the area being requested is circled in Blue and shows new crossings (BB009) are recommended in the same location. Note, additional BB009 crossings are recommended along Tennyson Street. While it is feasible to construct these crossing independently they have been grouped together in the PAMP, recommended to be constructed with the same level of priority. Together the construction of all BB009 crossings is estimated in the PAMP to be \$652,780. As these crossings are constructed the concerns associated with "deep lips" and no smooth ramps could also be addressed.



While these crossings have been identified as Priority A, no clear timeframe for the construction of BB009 crossings have been confirmed.

The type of crossing that Council is able to construct at the Bangalow Road / Browning Street roundabout is dependant on TfNSW (formerly RMS) warrants outlined in their document: Roads and Maritime Supplement to Austroads Guide to Traffic Management Part 10, Version 3.0. Council does not have the authority to install a zebra crossing if it does not meet these warrants.

These warrants relate to how many pedestrians cross per hour at that location (P) and how many vehicles per hour pass the location (V). To meet special reduced warrants in unique locations the warrants can be summarised as:

P = 30 (or more) pedestrians per hour on three separate 1 hour periods.

V = 500 (or more) vehicles per hour on three separate 1 hour periods

(P and V must be the same three one hour periods)

P x V ≥ 45,000

Council currently does not have the pedestrian or vehicle data to confirm if the proposed locations meet the warrants. However, it is known that approximately 20,000 vehicles per day pass along Bangalow Road as it approaches the roundabout. If approximately 30 pedestrians per hour pass the proposed crossing site then there must be a minimum of 1500 vehicles per hour on three separate hours.

While there is no road sign stating cars must slow down there is a distinct directional sign located on Bangalow Road on the approach to the roundabout as seen in the google street view snippet from 2019.



In regards to the installation of speed humps TfNSW adopt Austroads Guide to Traffic Management Part 8 as their standard guidelines. These guidelines in turn state:

- 5 *It is appropriate to use road humps:*
- where there is a need to reduce vehicle speeds
 - where there is adequate street lighting to maximise visibility
 - at mid-block locations
 - 10 • on streets with relatively low traffic volumes
 - on streets with a low speed environment (less than 60 km/h).
- It is inappropriate to use road humps:*
- on streets without adequate street lighting
 - 15 • where property access may be significantly affected
 - on bends or crests or other locations where sight distance is insufficient
 - at intersections
 - on bus and designated cycle routes unless an acceptable sympathetic design is used
 - on streets with a high commercial traffic content (unless the aim is to divert this type of traffic)
 - 20 • where access by emergency vehicles would be adversely affected.

Based on the above it is considered the installation on the approaches to the roundabout is understandable but likely to be inappropriate given Bangalow Road is such a major high traffic road used by Bus services, high commercial traffic and emergency vehicle access. An additional concern is the noise associated with speed humps.

RECOMMENDATION:

1. That the petition regarding pedestrian crossing at the Browning Street / Bangalow Road roundabout be noted.
2. That the petition be referred to the Director Infrastructure Services.

Attachments:

- 30 1 Confidential - Resident safety and traffic issues on Bangalow Road BYRON BAY - Petition (56 Signatures), E2020/19355

SUBMISSIONS AND GRANTS**Report No. 11.1 Submissions and Grants Report for March 2020****Directorate:** Corporate and Community Services**Report Author:** Alexandra Keen, Grants Coordinator**File No:** I2020/363**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 (E2020/15683) for the Byron Shire Council Submissions and Grants as at 3 March 2020.

Attachments:

1 Attachment 1 - Submissions and Grants, E2020/15683 

REPORT

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

5 Successful applications

Council was successful in:

- Own It and Act Council Litter Grants for \$25,000;
- 10 • Saving Lives on Country Roads – Main Arm Road – Route Safety Review (design and construct) for \$3,750,000; and
- Saving Lives on Country Roads – Myocum Road – Route Safety Review.

Council was partially successful in receiving \$55,000 of the \$65,000 sought for the On Ground Council Litter Grant.

15 Unsuccessful applications

One application was unsuccessful:

- 20 • Saving Lives on Country Roads – Broken Head Road and Clifford Street – intersection upgrade (design and construct) \$320,000 sought.

Applications submitted

25 Four applications were submitted by Council under various grant programs in February 2019 comprising:

1. Bringing Back the Bruns Stage 2 – Flagship Fish Habitat Grant;
2. Balemo Drive Shared Path Stage 2 – Walking and Cycling Program (Active Transport);
- 30 3. Southern Byron Shire Coastline and Belongil Estuary Coastal Management Plan – scoping Study under the Coastal and Estuary Planning Program; and
4. Agricultural advice, weed and pest animal control in Byron Shire - Communities Combating Weeds and Pest Impacts During Drought Program.

35 Upcoming grant opportunities

There are a number of upcoming grant opportunities for which Council proposes to submit a funding application, including:

- Clubsgant – Infrastructure Grant Program Round 3 – Brunswick Heads Memorial Hall; and
- 40 • Crown Reserves Improvement Fund – Summers Park weed eradication and infrastructure to support Torakina beach accessibility.

STRATEGIC CONSIDERATIONS

45 ***Community Strategic Plan and Operational Plan***

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

If Council is successful in obtaining the identified grants, more than \$22 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	\$22,393,301
Council cash contribution	\$3,612,009
Council in-kind contribution	\$541,759
Other contributions	\$833,280
Funding applications submitted and awaiting notification (total project value)	\$27,380,349

Consultation and Engagement

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

STAFF REPORTS - GENERAL MANAGER

Report No. 13.1 **Sub-license to the Trustee for the McIvor Family Trust trading as The Ranch Byron Bay for access through Crown land**

Directorate: General Manager

Report Author: Paula Telford, Leasing and Licensing Coordinator

File No: I2020/5

Summary:

The sub-license held by the Trustee for the McIvor Family Trust trading as The Ranch Byron Bay for access through Crown land for commercial equestrian activities will expire on 22 April 2020.

This report recommends that Council grant a six month sub-license to the Ranch Byron Bay in accordance with Council resolution 19-144.

RECOMMENDATION:

1. **That Council authorises the General Manager to grant a sub-licence to The Trustee for the McIvor Family Trust trading as The Ranch Byron Bay for a term of six (6) months for the purpose of access through Lot 428 DP 729272 being Crown Reserve R82780 on condition that:**
 - a) **The Ranch Byron Bay holds a current permit with the Cape Byron Marine Park for the term of the sub-license; and**
 - b) **The Ranch Byron Bay 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 sub-license fees for the term be set at half the annual Sub-licence 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 issues as part of development of a precinct plan for the South Beach area.*
3. *That in order to avoid prejudice to the sub-licensees while the matter raised in this report to be investigated and reported to Council, Council as the Crown Land*
- 10 *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. Infrastructure Services is responsible for the development of the plan and continues to follow its project planning timeline for the works.

20 As a result The Trustee for The McIvor Family Trust trading as The Ranch Byron Bay ('the Ranch Byron Bay') requests a new six month sub-license for access through part Lot 428 DP 729272 for commercial equestrian activities on expiry of the current sub-license on 22 April 2020.

Authority to sub-license

25 In accordance with Crown license RI 564194, Council may grant sub-licenses permitting commercial equestrian activities through Lot 428 DP 729272 being Crown reserve R82780. 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.

35 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.

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

Sub-licensed terms and conditions

The Ranch Byron Bay must hold a valid Cape Byron Marine Park Permit during the six month sub-license term.

45 The Ranch Byron Bay must:

- a) collect all horse dropping during and at the end of each access through the sub-licensed area; and
- 50 b) park its horse truck/float legally on South Beach Road and handle all horses in public areas in a safe manner. This requirement is temporarily modified during the upgrade to the bridge over Simpsons Creek Brunswick Heads. During the bridge works, alternate parking is provided and The Ranch Byron Bay is required to handle all horses in a safe manner when unloading, loading and walking horses across the bridge.

55

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

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.

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

Legal/Statutory/Policy Considerations

Zone No 7 (f1) (Coastal Land Zone)

1 Objectives of zone

The objectives of the zone are:

- (a) to identify and protect environmentally sensitive coastal land,*
- (b) to enable development for certain purposes where such development does not have a detrimental effect on the habitat, landscape or scenic quality of the locality,*
- (c) to prevent development which would adversely affect, or be adversely affected by, coastal processes, and*
- (d) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.*

2 Without development consent

Nil.

3 Only with development consent

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

48 Temporary use of certain land

- (1) Despite any provision of this plan, a person may, without the consent of the Council, carry out development on land for any purpose (not being designated development) within Zone No 6 (a) or 7 (f1) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if:*
 - (a) such land is vested in the Crown, a Minister of the Crown or the Council, and*
 - (b) the development does not involve the erection of permanent structures ancillary to the use of that land.*
- (2) Despite any other provision of this plan, a person may, but only with the consent of the Council, carry out development on the following land for any purpose (not being designated development) for a maximum period of 7 days on any one occasion up to a maximum of 60 days in a calendar year if the development does not involve the erection of permanent structures ancillary to the use of that land:*

*Lot 1, DP 201626 and Lot 2, DP 542178, Ewingsdale Road, Ewingsdale
Lot 358, DP 704247, Bangalow Road, Byron Bay.*

Financial Considerations

- 5 Rent under the sub-license is established by Council's fees and charges. Rent for the term of the sub-licenses will commence at \$815 inclusive of GST and will increase in line with Council's fees and charges for the 2020-2021 year.

10 ***Consultation and Engagement***

Nil.

Report No. 13.2 **Sandhills Skate Park and Recreation Hub**
Directorate: General Manager
Report Author: Claire McGarry, Place Manager - Byron Bay
 Michael Matthews, Manager Open Space and Resource Recovery
 Rob Van Iersel, Major Projects Planner
File No: I2020/187

Summary:

This report seeks endorsement of concept plans for the development of a skate park and recreation hub at Sandhills Estate in Byron Bay.



The concept plans provide an overarching vision for Sandhills Estate that manages and integrates various projects into a cohesive whole – skate park; wetland rehabilitation and flood storage; bike and pedestrian linkages; and formalisation of car parking. This will ensure that the various project components across the site are working towards shared and complementary outcomes for the whole site and all stakeholders.

The concept plans suggest a staged delivery approach, with the overall proposal creating a complementary blend of environment, culture, recreation and connectivity.

RECOMMENDATION:

1. **That Council endorse the concept plans identified for Sandhills Estate Skate Park and Recreation Hub (Attachment 1 – E2020/10834).**
2. **That Council proceed to detailed design for Stage 1 works with a further report at design completion and prior to construction.**

Attachments:

- 1 Sandhills Estate Skate Park and Recreation Hub - Concept Plans (including staging) for endorsement March 2020, E2020/10834 
- 2 Byron skate park concept designs October 2018, E2018/82094 

REPORT

Background

5 In April 2018, Council resolved **(18-001)** to:

1. *Identify the Sandhills area as its preferred location for a Byron Bay Skate Park.*
2. *Seek public and user group feedback and ascertain support for this location.*
3. *Seek support from the Department of Industry-Crown Land for use of this site for a youth*
- 10 *focused activity.*
4. *Provide a report on the feedback provided by stakeholders, the wider community and the Department of Industry-Crown Land.*

15 In response to Part 4 above, community consultation was undertaken to seek feedback on Sandhill as a location for the skate park, with responses reported to Council in August 2018. It was resolved **(18-542)** that Council:

1. *Note the report*
2. *Confirm its support for the Byron Skate Park and Recreation Hub to be located in the*
- 20 *Sandhills area.*
3. *Continue to investigate funding opportunities for the development of the Byron Skate Park and Recreation Hub.*
4. *In order to become eligible for forthcoming grant funding opportunities, request urgent*
- 25 *consideration of its request of the vesting of the land across to Council from Crown Lands staff and the responsible Minister.*
5. *Due to the urgency as outlined in 4, seek further advocacy for the request from the Parliamentary Secretary for the North Coast, Ben Franklin, and local member, Tamara Smith.*
- 30 6. *That Council convene a meeting with the Byron Youth Service to clarify the status of historical development applications in the Sandhills area and to establish a partnership to help realise the Skate Park and Recreation Hub.*

35 Through 2018 and 2019, staff undertook extensive community consultation to seek public and user group feedback and identify critical success factors for a skate park being located at Sandhills Estate. Based on the feedback received and research undertaken regarding best practice skatepark design, the critical success factor for this project was identified as the development of a broader recreation 'precinct' within the Sandhills Estate to improve passive surveillance around the skate park and enable noise mitigation measures to be integrated into the landscape design.

40 As such, while the project started out as a skate park proposal, the scope has been expanded to incorporate the entire Sandhills site, ensuring a holistic and strategic approach to site development.

45 A range of specialist consultants were engaged during the development of concept plans for the site:

- Plummer and Smith (landscape architects) – see concept plans at Attachment 1
- Convic (skate park specialists) – see concept plans at Attachment 2
- Australian Wetlands Consulting (wetland and environmental management specialists)
- Rob Kooyman (ecologist)

50 On 28 February 2020, the NSW Government announced funding under the NSW Tourism Impacts Infrastructure Election Commitment Fund for Stage 1 of works - the skate park and pedestrian / cycle linkages west of Gilmore Crescent, connecting the Rec Grounds to Main Beach and the YAC to Middleton St. This report seeks endorsement of the concept plans so that Stage 1 works can

55 progress to detailed design and construction.

Concepts

The Sandhills Estate is the largest parcel of public open space within the township of Byron Bay and falls under the ownership of Crown Lands. Some areas of bushland within the estate are regarded as containing highly significant cultural and environmental values. The vision for this site is to provide a public space that combines ecological and cultural values with circulation routes and recreation activities.

The key objectives are:

- To provide formalised access between key sites in the town centre, including the Rec Grounds, Main and Clarke's beaches, the library, the YAC, Tallows beach and the Arakwal cultural centre site
- The protection and enhancement of traditional owner cultural values of the area
- To encourage community use of a neglected space
- To discourage anti-social behaviour in the space
- To create a space in the centre of town that truly celebrates the natural environment
- To improve the environmental performance of the space – improved stormwater treatments and weed management
- To improve existing connections and provide new ones
- To provide a high quality recreation space connected to the town centre, environmental zones, and existing facilities such as the YAC and the library
- To provide spaces that promote cross-generational interaction and use
- To integrate recreation and circulation infrastructure
- To promote safe use of the overall site
- To allow for service access to critical infrastructure such as sewer lines etc

The concept plans feature a number of design strategies that create and improve linkages across the site and through to the town centre; create a network of open spaces; improve site safety; improve access and formalise problematic informal parking areas. The site also provides significant opportunities for environmental and cultural representation and education.

Through discussions with staff, the Bundjalung of Byron Bay Arakwal Corporation have indicated their support for the project and desire to establish a sub-committee to advise the project team on opportunities for cultural expression – through interpretive signage, artwork, naming and the potential for an Arakwal presence on site. Staff are very supportive of this approach and will continue to work closely with the sub committee throughout the design process to maximise opportunities for collaboration and representation.

It is important to note that the Byron Bay Youth Activities Centre have expressed a desire to expand their facility towards the West, which would provide important opportunities for increased passive surveillance, circulation and amenity provision for the skate park. Concept plans for this expansion are not yet in place, so the skate park detailed design process will need to address two potential scenarios:

1. Byron Bay Youth Activities Centre planned expansion goes ahead, providing additional passive surveillance, amenity and circulation routes along the Eastern edge of the skatepark.
2. Byron Bay Youth Activities Centre planned expansion does not go ahead at this stage, and sightlines, amenity and circulation routes need to be reconsidered.

Staff will continue to liaise with the YAC to ensure designs accurately reflect interaction between different precincts within the site.

Strategic Context

The concept plans draw on and incorporate a number of plans and strategies for this site:

- 5 • Sandhills Estate Planning Study
- Byron Bay Town Centre Masterplan
- Byron Bay Skate Space concept plans
- Sandhills Wetland and Rehabilitation Plan
- Byron Shire Bike Plan and Pedestrian Access and Mobility Plan
- 10 • YAC expansion plans

Staging

The detailed design and construction phases of this project will be staged to enable:-

- 15 a) NSW Government funding to be utilised immediately; and
- b) A considered design process for the wetland that is not tied to skate park deadlines.

The proposed staging is as follows:-



Figure 1: Staging excerpt from concept plans attached

Stage 1 Works

Stage 1 works will incorporate the skate park, as well as pedestrian and cycle linkages from the Rec Grounds through to Main Beach, and Gilmore Crescent through to Middleton Street. These works will include landscaping, noise mitigation and potentially amenities and safety inclusions.

Council has secured \$2.05 million through the NSW Government Tourism Impacts Infrastructure Fund to deliver Stage 1 works.

An initial CPTED assessment has been completed by staff with further work planned for a night time assessment. The local NSW Police Crime Prevention Officer provided advice during the concept design phase and additional input will be sought during detailed design.

5 An assessment of amenity requirements has been undertaken in the context of a possible YAC expansion detailed above. If this expansion does not proceed, Council will need to provide amenities on the site, with the preferred configuration being based on anticipated usage. The preferred configuration is for the provision of three (3) unisex plus an all abilities amenity cubical. It is also considered important that the amenities are strategically positioned and designed to maximise passive surveillance.

15 Skate Park facilities are considered to be a relatively low maintenance cost facility with scheduled surface renewal being the dominant cost of ongoing use. Full maintenance and programmed renewal budget estimates will be assessed during detailed design phase. The detailed design phase provides an opportunity for ongoing maintenance costs reductions to be identified and considered within the design. The majority of maintenance expenditure for the facility will be attributed to landscape treatments, amenity treatment and ancillary infrastructure including for example, maintenance of CPTED activities such as tree crown lifting to maintain sightlines to provide greater passive surveillance and amenity.

Stage 2 Works

25 Stage 2 works will be the wetlands, pedestrian and cycle linkages through the Eastern side of the site – from Gilmore Crescent through to Massinger Street, and Cowper Street through to Main Beach.

The Stage 2 works address the following objectives for the site:-

- 30 • Develop a design that responds to the unique conditions and constraints present on the site
- Minimise impacts on sensitive vegetation communities
- Maximise opportunity for stormwater treatment in order to improve the quality of discharge to Clarkes beach and protect the health of swimmers on the beach
- Integrate the wetland design with the existing wastewater and stormwater infrastructure on the site
- 35 • Maximise opportunities for community engagement and education.
- Showcase water sensitive urban design within the Byron Bay township

40 The initial (2018) Wetland Concept Designs were large, including a wetland area of close to 3ha which resulted in significant project costs and concerns raised by stakeholders regarding the scale of the development. In response Council has revised the wetland concept that will still achieve project objectives and will form Stage 2 of the project.

To assess options for reducing the wetland footprint a number of scenarios were considered. A comparison of 3 scenarios for the Concept revision for the Sandhills wetland including area, treatment performance and construction cost is provided below.

Scenario	Description	Total Wetland Area (ha)	Treatment performance	Construction Cost
1	Wetland cells W1, W2, and W3	1.8	good	\$2.1M
2	Wetland cells W2, W3 and Swale	1.6	better	\$2.4M
3	Wetland cells W1, W2, W3 and Swale	2	best	\$2.9M

* Excludes cost of removal of excavated material

5 All three Scenarios are provided in concept sketches Appendix A.

Pollution modelling using MUSIC (modelling software) and preliminary hydrological assessment suggests that reducing the wetland footprint will still achieve the project objectives, improve water quality at the Clarkes Beach outlet and reduce risk to health of swimmers on the beach.

10 Following stakeholder consultation and completion of a multi-criteria analysis, it is recommended that Scenario 1 be pursued. It is recommended that additional consultation be undertaken to further establish Scenario 1 as the preferred option. A multi criteria analysis and further assessment of project costs including excavated materials should also be undertaken. Council
15 has, and will continue to engage the Bundjalung of Byron Bay Arakwal Corporation in development for the wetlands project.

Staff will pursue this option further and report updated Stage 2 concept plans to Council once investigations are complete.

20 ***Next Steps***

Planning and approvals

Stage 1 Skatepark:

25 The approval requirements for the skatepark in this location are dependant on land tenure. If the land is under the control of or vested in Council, the provisions of State Environmental Planning Policy (Infrastructure) 2007, relating to parks and other public reserves, apply. In that case, recreation facilities can be carried out by Council without consent.

30 Given that, Part 5 of the EP&A Act apply and a Review of Environmental Factors should be prepared to ensure that the construction and operation of the skatepark and associated works will not result in any significant environmental impacts.

35 If the land is not under the control of or vested in Council, the SEPP (Infrastructure) provisions do not apply and development consent would be required for the works.

There is a small part of the site, located toward the Middleton Street frontage (as shown below), which is mapped under SEPP (Coastal Management) 2018.



5 Any development located within this mapped area, other than routine maintenance works, requires development consent and is designated development, requiring an Environmental Impact Statement.

Stage 2 Wetlands/ Stormwater works:-

10 The provisions of SEPP (Infrastructure) 2007 provide that development for the purposes of stormwater management systems may be carried out by or on behalf of a public authority without consent on any land.

15 As such, given that, Part 5 of the EP&A Act applies and a Review of Environmental Factors is required.

Land Tenure

20 Staff had written to Crown Lands formally requesting the vesting of the land across to Council. Follow up enquiries have been made to Crown Lands staff, and Council has made representation to the Minister's office through the Parliamentary Secretary for the North Coast in support of the request.

In December 2018 in relation to the reserve Council resolved, in part, to (Res 18-759(2)):

25 “(a) Confirm its commitment to ongoing discussions with Arakwal / Byron Bay Bundjalung consistent with the Indigenous Land Use Agreement that includes reference to Sandhills Estate and the NSW Aboriginal Land Council as claimants under the Aboriginal Land Rights Act 1983 (NSW), including presentation to the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) on 13 December 2018.

30 (b) ... apply to the Minister administering the Crown Lands Management Act for a one-off vesting application, subject to the outcome of those ongoing discussions”

35 This followed the initial advice from Department of Planning, Industry and Environment - Crown Lands to Council to seek vesting of the reserve as per the new process set out in the Crown Land Management Act 2016. However, subsequent advice from Crown Lands to Council has been that vesting may not be necessary and that, in any event, the NSW Aboriginal Land Council claim needs to be determined first. In the meantime, discussions with Crown Lands are continuing and

Council has obtained a licence to allow site investigations, design and environmental works to progress, pending further action by Crown Lands. Council has written to Crown Lands seeking expedition of the land tenure matters.

5 Overall project

Stage 1 of the project will now progress to detailed design, which will include further community consultation and ongoing discussion with Crown Lands regarding tenure.

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)	1.2.4.4	Investigate funding opportunities for the development of the Byron Skate Park and Recreation Hub
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)	1.2.4.5	Undertake design work for skate park
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.7	Implement identified projects of the Byron Bay Town Centre Master Plan	1.2.7.1	Byron Bay Town Centre Masterplan Projects
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.3	Update Bike Plan and Pedestrian and Access Mobility Plan (PAMP)
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.3	Support, through partnership, a network of integrated sustainable transport options	1.3.1	Ensure an integrated and accessible transport network (SP)	1.3.1.5	Plan and deliver prioritised Pedestrian and Access Mobility Plan (PAMP) facilities
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	2.1.4.2	Support opportunities for Aboriginal cultural expression

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	2.1.4.3	Review Arakwal MoU 2013-2018 and develop new partnership agreement with Arakwal
	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.1	Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.1.11	Progress Sandhills Reserve management transition in accordance with Crown Lands Management Act.

Legal/Statutory/Policy Considerations

5 Council is awaiting further advice on next steps from DPIE-Crown Lands. As the report notes, the final land ownership arrangements for the site (e.g., whether Council is vested with freehold ownership, or is the land manager on behalf of the Crown) will determine Council's legal obligations regarding future development.

Financial Considerations

10 On 27 February 2020, the NSW Government announced \$2.05m Tourism Impacts Infrastructure Election Commitment funding towards a Sandhills recreation precinct. Of this amount \$400,000 for Sandhills Estate Activation was included in the 2019/2020 Budget upon Council adopting the 31 December 2019 Quarter Budget Review.

15 Additionally, Council has \$599,700 allocated in the 2019/2020 Budget for the Byron Bay Skatepark with \$300,000 of this funding being provided by unexpended developer contributions from Byron Bay Open Space and \$299,700 from the Byron Bay Masterplan Reserve.

20 As an overall total for the 2019/2020 financial year, Council has a total budget available of \$599,700 in addition to the NSW Government funding.

Consultation and Engagement

25 The Sandhills Estate has a history of significant consultation over the past four years, including:

- The development of the Byron Bay Town Centre Masterplan in 2015-16
- Skate community meetings in 2017
- Community-wide surveys, media coverage, social media engagement and workshops in 2018 – see survey results in Attachment 3

30

- Design workshops in 2018
- One-on-one stakeholder meetings throughout the entire process.

Staff have developed a project stakeholder list of close to 200, with a specific skate committee established to drive the design process.

35 Additionally, one-on-one targeted consultation has been undertaken with special-interest groups including:

- Neighbouring residents and businesses
- Arakwal Corporation
- 40 • Byron Bay Police

- Byron Bay Youth Activities Centre
- Sandhills Childcare Centre
- Byron Bay Library
- Byron Bay Courthouse

5

Engagement over the past 12 months or so has been relatively low as staff have pursued project funding and land tenure, but will increase again upon adoption of concept plans.

Report No. 13.3 **Extension of Free Parking Area Agreement**
Directorate: General Manager
Report Author: Ralph James, Legal Counsel
File No: I2020/374

5

Summary:

10 Section 650 of the *Local Government Act 1993* deals with Free parking areas.

Subsection (6) provides that the owner of any private land may enter into an agreement with the council under which the land, or any part of the land, is set aside for use as a free parking area.

15 Council entered a Free Parking Area Agreement with the property owner of the shopping plaza area located on Jonson Street, Byron Bay north of the then Woolworths (90-96 Jonson Street Byron Bay).


20 The agreement commenced on 2 March 2015 and expired on 28 February 2020.

On 5 March 2020 the landowner requested an extension of the agreement for a period of one year on the same terms and conditions as per the original agreement.

RECOMMENDATION:

25 **That Council delegates to the General Manager the authority to negotiate and enter a Free Parking Area Agreement with the landowner of the property at 90-96 Jonson Street Byron Bay.**

Attachments:

1 Free Parking Area Agreement, E2015/11611 

30

REPORT

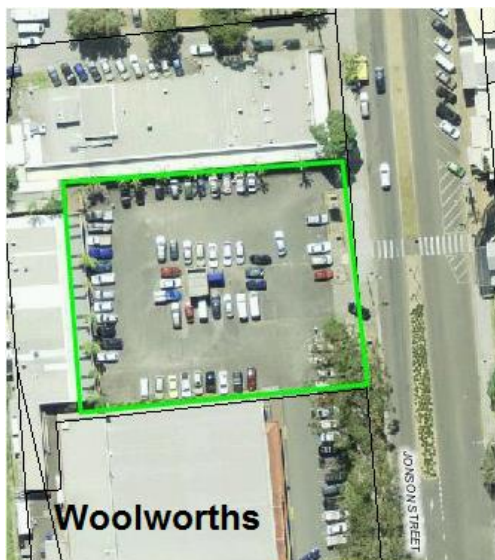
Section 650 of the Local Government Act deals with Free parking areas

- 5 Subsection (6) provides that the owner of any private land may enter into an agreement with the council under which the land, or any part of the land, is set aside for use as a free parking area.

10 Subsection (1) provides that the driver of a vehicle parked in a free parking area otherwise than as permitted by a notice or sign erected by the council is guilty of an offence and subsection (2) provides that the terms of any such notice or sign may relate to any one or more of the following—

- 15 (a) the time during which the public may use the free parking area,
 (b) the maximum period for which a vehicle may be parked in the free parking area (or in any part of the free parking area),
 (c) the designation of a parking space within the free parking area as a space for the sole use of persons with disabilities.

20 In early 2015 the land owner of the shopping plaza area (see below) located at 90-96 Jonson Street, Byron Bay north of the then Woolworths requested a 2P time limit be introduced (at the time there was no time limit) and that Council enforce the parking restrictions.



25 On 26 February 2015 Council resolved:

15-070 Resolved:

- 30 1. That Council approves a 2P time limit which is effective 9am to 6pm each day and it applies where signed in the car park located at 90-96 Jonson Street, Byron Bay (Lot 5, DP 619224).
- 35 2. That Council suggests to the owner that 15 minute pick up / drop off zones and 'parents with prams' bays, as well as disabled parking bays be considered in line with current parking standards.
3. That any proposed regulatory changes in the car park while under lease to, or subject to agreement with Council, will need referral to the Local Traffic Committee for approval.

Council entered a formal agreement with the property owner. The agreement commenced on 2 March 2015.

The agreement incorporated parts 1 and 3 of Council's Resolution and the disabled parking bays component of part 2. The balance of part 2 was raised with the property owner who did not reject the suggestion but indicated that the agreement should commence without the inclusion of pickup/drop-off zones and pram bays whilst leaving it open for the suggestion to be reconsidered.

A copy of the agreement is attachment 1.

Council's Infrastructure Services Division installed relevant signage.

The agreement expired on 28 February 2020.

On 5 March 2020 the landowner requested an extension of the agreement for a period of one year on the same terms and conditions as per the original agreement.

The Parking Enforcement Team monitors the area daily to enforce the 2P time limit. Monitoring is by way of team observations as well as Licence Plate Recognition mapping.

Since 1 January 2018 the team has issued 340 infringements for offences in the area. Infringements include the overstay, obstruct pathway, not park within marked bays and non-compliance of disability parking. Estimated revenue in that period is \$50,000.

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

Local Government Act

650 Free parking areas

(1) The driver of a vehicle parked in a free parking area otherwise than as permitted by a notice or sign erected by the council is guilty of an offence.

Maximum penalty—10 penalty units.

(2) The terms of any such notice or sign may relate to any one or more of the following—

- (a) the time during which the public may use the free parking area,
- (b) the maximum period for which a vehicle may be parked in the free parking area (or in any part of the free parking area),
- (c) the designation of a parking space within the free parking area as a space for the sole use of persons with disabilities.

(3) For the purposes of this section, a vehicle parked otherwise than as permitted by such a notice or sign includes a vehicle parked in a parking space designated as a space for the sole use of persons with disabilities, unless—

- (a) a parking authority for a person with disabilities is displayed on the vehicle in the manner specified in the authority, and
- (b) the conditions specified in the authority are being observed, and
- (c) the authority is in force.

(4) If spaces in which a vehicle may be parked in a free parking area are marked by the council (for example, by means of painted lines or by studs, pads or plates), a person must not cause a vehicle to be parked in a free parking area—

- (a) otherwise than in such a parking space, or
- (b) in a parking space in which another vehicle is parked, or

(c) so that any part of the vehicle is on or across (or partly on or across) any line, stud, pad, plate or other mark defining the space or so that the vehicle is not wholly within the space.

Maximum penalty—5 penalty units.

- 5 (5) The driver of a vehicle in a free parking area must at all times observe and comply with any reasonable direction of any authorised person regarding the parking or movement of the vehicle within the area.

Maximum penalty—5 penalty units.

(6) The owner of any private land may enter into an agreement with the council under which the land, or any part of the land, is set aside for use as a free parking area.

- 10 (7) It is the duty of the Departmental Chief Executive to establish guidelines to be followed by councils in relation to agreements of the kind referred to in subsection (6), including guidelines as to—

- (a) the circumstances in which a council may enter into such an agreement, and
- (b) the matters for which such an agreement must or must not make provision, and
- (c) the exercise by a council of any functions conferred on it by such an agreement.

15

Report No. 13.4 **Agreement for lease - Council and TAFE NSW**
Directorate: General Manager
Report Author: Matt Meir, Solicitor
File No: I2020/408

5

Summary:

10 This report asks Council to decide on entering an agreement for lease with TAFE NSW over part of the Council land known as Lot 12 Bayshore Drive, Byron Bay.

RECOMMENDATION:

That Council:

1. **Authorise the General Manager to enter the attached (E2020/17631) agreement for lease between Council and TAFE NSW.**
2. **Subject to the agreement for lease, authorise the General Manager to enter the attached lease between Council and TAFE NSW.**
3. **Note the lease includes a right for TAFE NSW to purchase the property in the event Council decides to sell.**
4. **That Council quarantine the rental revenue through establishing a new reserve titled 'Property Development Reserve – Lot 12 Bayshore Drive' to operate as described in the financial considerations section of this report.**

15

Attachments:

- 1 Agreement for lease between Council and TAFE NSW., E2020/17631 

20

REPORT

This report is about the proposed agreement for lease and lease between Council and TAFE NSW regarding part of the Council operational land known as Lot 12 Bayshore Drive, Byron Bay.

In recent months, Council staff and TAFE have negotiated the proposed agreement for lease and lease terms. The lease allows TAFE to occupy the Council land for the purpose of building a learning centre consistent with TAFE's functions under its enabling legislation.

The proposed lease to TAFE will provide Council with an 'anchor tenant' regarding Lot 12. This will produce a consistent rental income that will help secure Lot 12's wider development.

In terms of Lot 12's future, the proposed TAFE lease is consistent with the draft Byron Arts and Industry Precinct Plan, which was endorsed for public exhibition at Council's Planning Meeting of September 2019 (**Res 19-452**).

The draft Precinct Plan includes a priority action CE2 - Develop and deliver a strategy for selling or long term lease of Lot 12 to deliver a 'Sustainability and Innovation Hub'. This requires Council to implement a model for divestment or long term lease of Lot 12 to deliver both: an appropriate land use mix on site to achieve this vision; with the need to maximise the commercial value of the site and its return in the long term for the community.

The draft Precinct Plan suggests that Lot 12 be developed with a contemporary mix of uses that build on the diversity and success of existing business in the Estate and in the region under a banner of innovation, creativity and sustainability.

Continuing education is considered an integral component of such a hub, and concept design work has commenced for the whole of Lot 12, and which is looking at building on the TAFE use of part of this site.

As for the agreement for lease and lease particulars, both are largely orthodox for their kind. Notwithstanding this, Councillors' attention is drawn to the following regarding the agreement for lease:

- Council will carry out certain works on the site prior to June 2021.
- Subject to obtaining development consent (which Council agrees to provide owner's consent for), TAFE will carry out works to build its learning centre simultaneously with Council's works (although TAFE's works will finish later than Council's, given the respective scope of each set of works).
- Council (at its cost) will subdivide the land TAFE will lease from the remainder of Lot 12 and register the subdivision with the NSW land registry.

Work has commenced to progress the subdivision and associated civil works.

Meanwhile, Councillors' attention is also drawn to the following regarding the lease:

- It will likely start about late August 2021, after TAFE has completed its works.
- It will likely last for 20 years (a ten-year term, plus two further five-year terms).
- It will generate \$382,000 per annum for Council in rent (GST exclusive).
- TAFE will own its improvements.
- TAFE has the first right to purchase the leased land if Council decides to sell it.

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	1.2.6	Optimise Council's property portfolio (SP)	1.2.6.1	Progress Lot 12 Bayshore Drive Byron Bay remediation works in accordance with Byron Arts and Industry Precinct Plan

Legal/Statutory/Policy Considerations

Council is able to enter both the agreement for lease and lease under the *Local Government Act 1993* (NSW)

If Council decides to enter the agreement for lease with TAFE, the two most important legal consequences of this decision will be:

- First, by entering the agreement for lease, Council is contracting to grant the lease to TAFE.
- Second, if a future Council decided to sell the leased land, TAFE must be given the first right to purchase it (although a future Council would need to resolve to actually sell the land).

Financial Considerations

Should Council enter into the proposed lease agreement, it is recommended that the rental revenue provided by TAFE be reserved to assist with funding the required immediate civil works associated with the TAFE establishment and the broader future development cost of lot 12 Bayshore Drive.

The rental revenue should not be treated as general revenue and allocated to other purposes. To facilitate this proposed framework, it is recommended that Council establish a new reserve titled 'Property Development Reserve – Lot 12 Bayshore Drive and this reserve be used over time to account for the revenues and costs as described in this section of the report.

Over a lease term of 20 years, there is the potential for Council to recognise \$7.64million in rental income associated with the site.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.5 Section 355 Management Committee matters**Directorate:** Corporate and Community Services**Report Author:** Joanne McMurtry, Community Project Officer**File No:** I2020/110**10 Summary:**

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

15 A request for support for the *Cart with Heart* has also been received.

RECOMMENDATION:

1. That the resignation of Linda Iacopetta from Suffolk Park Community Hall Management Committee be accepted and a letter of thanks provided.
2. That the nominee in the confidential attachment (E2020/12608) be appointed to the Suffolk Park Community Hall Management Committee.
3. That the resignation of Troy Delaney from Bangalow Parks (Showground) Management Committee be accepted and a letter of thanks provided.
4. That the resignation of Donald Recsei from Marvell Hall Management Committee be accepted and a letter of thanks provided.
5. That land owner's consent be provided for the Cart with Heart to operate at Ocean Shores Community Centre for a period of up to 6 months as a trial.
6. That hire fees be waived for the Cart with Heart to operate at Ocean Shores Community Centre up to twice per month for a period of up to 6 months as a trial.

20 Attachments:

- 1 Confidential - Confidential attachment to Council report 26 March - Nominees for Section 355 committees, E2020/12608

25

REPORT

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

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

- Brunswick Valley Community Centre
- Ocean Shores Community Centre
- Suffolk Park Community Hall

Advertising for new members was conducted recently for a month, closing on 21 February 2020. Staff utilised the new Love Byron Halls marketing materials via social media to augment the standard Council Notices advertising to encourage membership.

No nominations were received for Brunswick Valley Community Centre or Ocean Shores Community Centre.

Further, a request for fee waiver for the Mullumbimby & District Neighbourhood Centre 'Cart with Heart' is made.

Suffolk Park Community Hall

A resignation has also been received from Linda Iacopetta. A nomination has been received from a person interested in becoming Treasurer for the committee. Details of the nominee can be found in Confidential Attachment 1.

Current members of this Management Committee are:

Councillors

- Cr Cate Coorey
- Cr Simon Richardson (alternate)

Community Representatives

- Margaret Beazley
- Sergio Scudery
- Linda Holland
- Annabelle Sinclair
- Joy Taylor (Secretary)
- Margaret Wiles (Chair)
- Madeleine Serrier (Bookings)
- Linda Iacopetta (Treasurer)

Management Recommendation

That the resignation of Linda Iacopetta is accepted and a letter of thanks provided. That the nominee in Confidential Attachment 1 be appointed to the Suffolk Park Community Hall Management Committee.

Bangalow Parks (Showground)

A resignation has also been received from Troy Delaney.

Current members of this Management Committee are:

Councillors

- Cr Simon Richardson

5 *Community Representatives*

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

Management Recommendation

That the resignation of Troy Delaney is accepted and a letter of thanks provided.

Note: staff are working with the current committee on alternate Caretaker arrangements.

Marvell Hall Byron Bay

A resignation has also been received from Donald Recsei.

Current members of this Management Committee are:

Councillors

- Cr Cate Coorey
- Cr Jan Hackett (alternate)

Community Representatives

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

Management Recommendation

That the resignation of Donald Recsei is accepted and a letter of thanks provided.

Mullumbimby & District Neighbourhood Centre 'Cart with Heart' – request for fee waiver

Mullumbimby & District Neighbourhood Centre (MDNC) received grant funding in 2019 to purchase a mobile coffee cart named *The Cart with Heart*. Whilst serving coffee, staff in the cart are able to provide information and referral services to people in need. MDNC describes *The Cart with Heart* as “like a pop-up neighbourhood centre with the added benefit of coffee.”

Approval has been granted to operate the cart at the leased premises where MDNC is located. MDNC also wishes to take the *Cart with Heart* to other locations, including Ocean Shores and Brunswick Heads, and has identified Council's halls as locations to connect with local community members. There is identified need in these areas to connect people to services like Food Recovery, Community Support Workers and More than a Meal – services all offered by MDNC.

In addition, *The Cart with Heart* also offers traineeships and its approach is on zero waste.

The request to Council is to allow *The Cart with Heart* to locate at Ocean Shores Community Centre approximately once or twice per month as resources at MDNC allow. Staff will continue to work with MDNC to identify and explore other locations in the north of the Shire to utilise the cart.

Land owner's consent is required under applicable legislation. The cart requires access to water and electricity and patrons will require access to toilets. These are further detailed in the financial section of this report.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.2	Provide meaningful and inclusive opportunities for volunteering	2.1.2.1	Provide accessible training, support and capacity building to s355 committee volunteers
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.3	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

Legal/Statutory/Policy Considerations

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

3.2 Committee Membership

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

Whilst no particular qualifications are necessary (notwithstanding 3.1.a), a commitment to the activities of the Committee and a willingness to be actively involved in Committee issues is essential. Committees work best when the workload is shared amongst committee members and there is evident goodwill and cooperation amongst members.

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

Legislation applicable to the Cart with Heart request includes:

- State Environmental Planning policy (Exempt and Complying Development Codes) 2008, clause 2.54B
- Food Act NSW (2003)

Financial Considerations

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

The request to Council is to allow *The Cart with Heart* to locate at Ocean Shores Community Centre approximately twice per month. Water and electricity use is expected to be low cost.

Where access to toilets is required, there will be costs associated. Whilst there are no fees and charges specifically for accessing public amenities at these halls, if the minimum charge was levied it would approximate fees outlined in the table below:

Ocean Shores Community Centre	\$13 per hour for 3 hours (equivalent to hire of the small meeting room) = \$39/session	The Management Committee supports the waiving of these fees
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Waiving hire fees for the Cart with Heart project in Ocean Shores is expected to be at minimal cost to Council, totalling up to \$468 over the 6 month trial period.

Consultation and Engagement

- Section 355 Management Committees and Boards as relevant
- MDNC

Report No. 13.6 **Australia Day 2020 Review and Future Planning**
Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Planning and Improvement Coordinator
File No: I2020/103

5

Summary:

10 This report provides a review of the planning and delivery of Council's Australia Day 2020 activities.

It also outlines key issues for consideration, including improvements for 2021 and recommends the continued delivery of Australia Day events as per resolution 19-188.

15

RECOMMENDATION:

That Council:

1. **Notes the report on Australia Day 2020 activities.**
2. **Participates in the Australia Day Council Ambassador Program for 2021 and supports Australia Day activities on the same basis as for 2020, incorporating the recommended improvements.**

20

REPORT

Review of Australia Day 2020 - Planning and preparation

- 5 For a number of years prior to 2020, arrangements for the Australia Day awards and events in Byron Shire had been supported by an annually constituted Committee, and over time this inadvertently led to a number of events being funded year after year to the potential detriment of smaller and newer groups.
- 10 In accordance with resolution **19-188**, Council developed a program aimed at encouraging and supporting a greater diversity of Australia Day events. Allocated funding is now made available to subsidise community events based on a transparent and equitable application process and assessment of any and all applications.
- 15 Council continues to:
- Administer the Australia Day awards
 - Plan and host the Australia Day awards event on 25 January
 - Secure someone to give a local Australia Day address
- 20 • Participate in the Australia Day Ambassador program

25 Given the sustainability concerns inherent in supplying plastic hand waver flags and bunting, (single use and the vast majority go straight into a bin straight after the event) Council supported the recommendation that organisations seeking to purchase these materials for distribution at community events would need to do so independently, in alignment with their budget and event priorities.

Learnings from the first year of the new process are incorporated into the detailed recommendations below.

30 ***Australia Day Award Ceremony 2020***

Council held its Australia Day Award Ceremony event on 25 January. The event was coordinated by Council staff.

- 35 Nominations closed on 6 December 2019 with a total of 20 nominations received. An evaluation panel was established consisting of 2 former award recipients, a Councillor and a staff member. Award nominations were received for the categories listed below, with the recipient noted:
- Citizen of the Year (Helen Hamilton)
 - 40 • Senior Citizen of the Year (no nominations)
 - Volunteer of the Year (Margaret Robertson)
 - Creative Artist of the Year (Niah McLeod)
 - Sportsperson of the Year (Mark 'Mono' Stewart)
 - Environmental Project of the Year (Bangalow Koalas – Linda Sparrow)
 - 45 • Community Event of the Year (Nudge Nudge Wink Wink)

This year the winners of each category were announced at the ceremony. All nominees were invited to attend and bring a guest, and additional tickets were available to be purchased for

\$15/head. Approximately 70 people attended the award ceremony and Council received positive feedback about the format and coordination of the event.

The program included:

- 5 • A Welcome to Country was provided by Arakwal Traditional Owner, Rhonda King
- Australia Day Speech – Tamara Smith MP Member for Ballina
- Australia Day Address – 2019 Citizen of the Year – Anne Goslett
- Ambassador Address – Andy Paschalidis
- 10 • Presentation of Awards – Mayor Simon Richardson

Citizenship Ceremonies

Due to the federal government stipulation that Australia Day citizenship ceremonies must occur on 26 January, citizenship ceremonies were held separately on 26 January 2020.

Two ceremonies were held, to accommodate the large number of conferees waiting to become citizens. 50 people became Australian Citizens on 26 January 2020.

Community Events

Australia Day event funding guidelines were developed to ensure that any subsidised events met minimum standards of accountability, including the provision of an acquittal report following the event. The following community organised events received funding through this program:

- 25 *Brunswick Heads Breakfast in the Park (Rotary Club of Mullumbimby representing the Combined Services Clubs):* This event was held at Banner Park. Breakfasts were served to community and additional community members were also in attendance. Council provided funding to the value of \$600.
- 30 *Byron Bay Breakfast in the Park (Rotary Club of Byron Bay):* This event was held in Apex Park with people attending over the duration of the event and all aspects of the day proceeding well. Council provided funding to the value of \$600.
- 35 *Celebration of the Survival of Aboriginal and Torres Strait Islander Peoples and Culture (Sisters for Reconciliation):* This event was held at Apex Park and included Indigenous speakers, performers and a range of activities. Several hundred people attended over the course of the event. Council provided funding to the value of \$600.
- 40 *Ocean Shores Family Afternoon (Ocean Shores Community Association):* This event was held at the Ocean Shores public school and included the popular mullet throwing competition. Approximately 100 people attended. Council provided funding to the value of \$600.

Australia Day Ambassador

- 45 The Australia Day Ambassador was Andy Paschalidis, and he was well received at each of the community events.

Recommendations*Awards program*

An online nomination form was developed this year to make the nomination process easier. It is suggested that this form could accommodate a nomination process that is open year round. The closing date would still be early December, however people would have an opportunity at a time that is suitable for them, rather than waiting for nominations to open. Advertising would still commence in September / October.

Community event funding

Key recommendations in relation to event funding for 2021 include:

1. More extensive engagement with local community groups to encourage applications and support application processes in order to increase the diversity of Council-supported events
2. A number of hand waver flags (suggest 150) will be provided to community groups for their events, upon request. It suggested that this be made up of 50 Australian flags, 50 Aboriginal flags and 50 Torres Strait Island flags. These flags must comply with Council's sustainability and procurement guidelines and, as such, will consist of paper/wood materials. No plastic hand waver flags will be procured or provided. Event organisers will be encouraged to collect unwanted hand waver flags at the exit points of their events in order to reuse them in future years. Given the cost of the paper/wood flags (\$1.10 per item), each event's allocation of hand waver flags needs to be capped. If additional hand waver flags are considered necessary by event organisers, these will need to be purchased independently.
3. A marquee has previously been provided to the Brunswick Heads event, however as discussed with event organisers this will become the responsibility of the Combined Service Clubs for future events.

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.1	Support a range of inclusive events that encourage broad community participation and promote social inclusion	2.1.1.1	Participate in, promote or enable a range of community events

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

A budget of \$13,400 is allocated in the draft budget for delivery in 2021.

5 *Consultation and Engagement*

Where Council receives feedback in relation to these events, this has been considered and incorporated into future planning.

Report No. 13.7 **Proposed establishment of homelessness hub**
Directorate: Corporate and Community Services
Report Author: Deborah Stafford, Community and Cultural Development Coordinator
File No: I2020/98

5

Summary:

10 There is a demonstrated urgent need for additional services and supports to decrease rough sleeping and its impact in the Byron Shire.

15 Establishing a homelessness hub in Byron Bay would allow local services to co-locate, making it easier for individuals to access them, and would also create space for additional service delivery. A proposed hub must be centrally located and the site formerly known as the Fletcher Street Cottage is well-placed.

20 A Council decision is sought to consider terminating the existing lease for the purpose of establishing a homelessness hub in Byron Bay. If a homelessness hub is supported, decisions are also sought regarding a subsidised lease amount and potentially offsetting forgone rental revenue to Council's Water Fund from the General Fund.

RECOMMENDATION:

1. **That Council:**
 - a) **terminates its lease with the current tenant of 18 Fletcher St for the purpose of establishing a homelessness services hub, and**
 - b) **seeks expressions of interest from potential homelessness hub anchor tenants to establish a 3 year lease with the option of a 2 year renewal period.**
2. **That Council uses the legislated minimum Crown lease amount, currently \$539 per annum, to guide the lease amount for 18 Fletcher St.**
3. **That the forgone rental revenue from 18 Fletcher St be covered either:**
 - a) **via a dividend or community service obligation contribution by the Water Fund on annual basis; OR**
 - b) **be identified from General Fund revenue in the community services area on an annual basis.**

25

REPORT***Background***

5 Statistics show that local numbers and rates of people sleeping rough are disproportionately high. The impact on both individuals and communities is growing quickly, and despite the fact that local services and the community are working hard to respond, supports are limited in availability and type and cannot respond to the volume and complexity required to effectively reduce rough sleeping.

10 Proposed collaborative responses include assertive outreach, local service hubs and supported permanent housing. These responses are evidence based and can contribute to economic, social and community benefits at the local level by reducing the impact and prevalence of rough sleeping.

15 Collaborative discussions with local services and community groups have highlighted the value of establishing a homelessness services hub in Byron Bay at the site formerly known as Fletcher St Cottage (18 Fletcher Street). Historically, this site was used as a homelessness drop in centre, leased by Byron Community Centre and managed by the Salvation Army. The Cottage offered shower and laundry facilities as well as access to services relating to homelessness and health.

20 ***Key issues***

Site considerations

25 Evidence states that any proposed hub must be located very close to where people are sleeping rough. As such, a homelessness hub in Byron Bay would need to be located in the town centre. Although extensive consideration has taken place, no other suitable sites have been identified as appropriate for general homelessness service delivery.

30 A hub would see local services co-locating to improve access to homelessness services and create space for additional service delivery opportunities.

While the homelessness hub proposal is generally supported, some stakeholders from the business community have raised concerns about localised impacts of the previous operation of the Cottage. These concerns largely focussed on perceptions of safety and anti-social behaviour as well as homelessness service provision being incongruous with preferred destination branding.

As highlighted in the NSW Protocol for Homeless People in Public Place, people sleeping rough are members of the community who cannot be discriminated against and have the right to share public spaces. Additionally, several key factors have changed since the previous operation of Fletcher St Cottage, including:

- Service hub rather than drop in centre structure - the primary focus of the Cottage would be structured service access with reduced function as a drop in centre;
- 45 • PSLOs - Council now employs 2 Public Space Liaison Officers (PSLOs) who provide respectful responses to rough sleeping and its impacts and connect with the community to address any concerns; and
- Increased foot traffic – increased pedestrian thoroughfares in the Cottage precinct contribute to activating the space, discouraging anti-social behaviour and increasing perceptions of safety.

Once a hub site is confirmed, models of operational coordination and related resourcing can be further developed and existing opportunities (including philanthropic interest) explored.

The property will require roof replacement in the short-term and may benefit from screening planting in the Fletcher Street frontage to delineate property boundaries without impeding passive surveillance. Estimated costs are noted in the financial section of this report.

It may also be noted that the former Byron Hospital could be an appropriate site for the delivery of specialist homelessness services and other supports for women (only). Evidence indicates that women often do not access service hubs frequented by men, so an alternative site would be a valuable mechanism for ensuring services were also available to women and children. This can be explored further in discussion with the former Byron Hospital site Community Steering Committee.

Broader redevelopment project status

18 Fletcher St (The Cottage) is owned by the Water Fund. The current adopted Water Fund Strategic Business Plan does not rely upon sale of this property to fund future capital works for at least the next 5 years.

The Fletcher St Cottage is part of the previously proposed Fletcher/Lawson St redevelopment site. At the November 2019 Strategic Planning Workshop (SPW), Councillors expressed a preference to halt the broader redevelopment project. The associated 2019/20 budget allocation will be proposed for reduction at the March quarterly review.

Lease Considerations

A minimum 3 year operational period would be required to warrant establishing a homelessness service hub at the Fletcher St site. It is proposed that a lease be offered for a period of 3 years with an additional 2 year extension option. This would also make use of the full 5 year period during which there are no further plans for the site.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

The property is currently leased on a month to month basis with a requirement for 1 month written notice to terminate.

Financial Considerations

The property is owned by the Water Fund which receives rental revenue of \$34,260 p.a. to GL 6031.002 based on 2018/2019 full year actuals. If a lease for the hub is established, it is anticipated that this would be at a reduced rate. As a guide, the legislated minimum amount set for Crown lands is currently \$539 p.a. If this were to be set for the Cottage, the difference is \$33,721.

This amount of forgone rent (\$33,721) could be absorbed by the Water Fund via reduced rental income and considered as either a contribution, dividend or community service obligation payment. Aside from the current lease arrangement at the site, there has been a previous lease arrangement where subsidised rental was provided. Council has historical legal advice as to whether a water utility is able to do this and that advice indicated it could.

Alternatively Council could direct that the \$33,721 be sourced from General Fund revenue. If this were to be sourced from the community services area there would inevitably be an impact on the team's ability to delivery other projects.

Estimates for a replacement roof, including disposal of asbestos, are approximately \$30,000. As the property remains owned by the Water Fund, it is anticipated that this Fund will need to resource the replacement.

Up to \$5,000 is available in existing budgets (GL 2331.82) for any unanticipated fit-out requirements. An additional \$2,000 is also available for screening planting, if required. Should planting go ahead, the annual cost of garden maintenance would also have to be incorporated into the relevant budget or negotiated directly with the tenant.

Consultation and Engagement

Internal: Infrastructure Services, Place Manager, Legal Services, Community and Cultural Development Team.

External: Local Homelessness Services, site tenant, immediate geographical stakeholders.

Report No. 13.8 **Investments - 1 February 2020 to 29 February 2020**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/319

5

Summary:

10 This report includes a list of investments and identifies Council's overall cash position for the period 1 February 2020 to 29 February 2020 for 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 29 February 2020 be noted.

20

REPORT

Council has continued to maintain a diversified portfolio of investments. At 29 February 2020, the average 90 day bank bill rate (BBSW) for the month of February 2020 was 0.57%. Council's performance to 29 February was 1.60%. 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 continue to decrease due to the lower rates available in the current market.

The table below identifies the investments held by Council as at 29 February 2020

Schedule of Investments held as at 29 February 2020

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
21/11/19	1,000,250	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,000,250.00
27/11/19	500,000	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	500,000.00
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	1.83%	1,008,850.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.99%	753,667.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	2.27%	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
06/03/19	1,000,000	Bananacoast Credit Union	Y	NR	04/03/20	Y	TD	2.90%	1,000,000.00
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
27/08/19	1,000,000	AMP Bank	Y	BBB	26/08/20	N	TD	1.80%	1,000,000.00
03/09/19	2,000,000	Macquarie Bank Ltd	Y	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	N	TD	1.70%	1,000,000.00
25/09/19	2,000,000	NAB	N	AA-	24/09/20	N	TD	1.60%	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
08/10/19	1,000,000	NAB	N	AA-	06/04/20	N	TD	1.60%	1,000,000.00
21/10/19	2,000,000	NAB	N	AA-	21/04/20	N	TD	1.57%	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	2,000,000	Macquarie Bank Ltd	N	A	29/04/20	N	TD	1.60%	2,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
06/11/19	1,000,001	AMP Bank	N	BBB	06/05/20	N	TD	1.75%	1,000,001.00
07/11/19	2,000,000	NAB	N	AA-	06/04/20	N	TD	1.58%	2,000,000.00
08/11/19	2,000,000	Suncorp	Y	A+	04/08/20	N	TD	1.60%	2,000,000.00
25/11/19	1,000,000	AMP Bank	N	BBB	25/05/20	N	TD	1.90%	1,000,000.00
27/11/19	1,000,000	Coastline Credit Union	Y	NR	26/11/20	Y	TD	1.80%	1,000,000.00
27/11/19	2,000,000	Macquarie Bank Ltd	N	A	12/03/20	N	TD	1.60%	2,000,000.00
02/12/19	1,000,000	The Mutual Bank	Y	NR	02/06/20	Y	TD	1.75%	1,000,000.00
03/12/19	1,000,000	AMP Bank	N	BBB	02/06/20	N	TD	1.90%	1,000,000.00
03/12/19	1,000,000	B & E Ltd (Bank of Us)	Y	NR	02/03/20	Y	TD	1.70%	1,000,000.00
03/12/19	2,000,000	Macquarie Bank Ltd	N	A	03/03/20	N	TD	1.60%	2,000,000.00
09/12/19	2,000,000	NAB	N	AA-	09/03/20	N	TD	1.60%	2,000,000.00
13/12/19	1,000,000	Summerland Credit Union	Y	NR	14/04/20	Y	TD	1.80%	1,000,000.00
06/01/2020	2,000,000	NAB	N	AA-	4/6/2020	N	TD	1.58%	2,000,000.00
06/01/2020	1,000,000	Judo Bank	Y	NR	5/1/2021	N	TD	2.10%	1,000,000.00
06/01/2020	1,000,000	Police Credit Union Ltd (SA)	Y	NR	6/4/2020	N	TD	1.75%	1,000,000.00
08/01/2020	1,000,000	Suncorp	N	A+	7/5/2020	N	TD	1.50%	1,000,000.00
13/01/2020	1,000,000	Suncorp	N	A+	12/5/2020	N	TD	1.50%	1,000,000.00
20/01/2020	1,000,000	Westpac (Tailored)	Y	AA-	20/1/2021	Y	TD	1.41%	1,000,000.00
20/01/2020	2,000,000	NAB	N	AA-	19/5/2020	N	TD	1.60%	2,000,000.00
24/01/2020	2,000,000	Bank of QLD	N	BBB+	24/7/2020	N	TD	1.60%	2,000,000.00
28/01/2020	1,000,000	NAB	N	AA-	27/4/2020	N	TD	1.58%	1,000,000.00
29/01/2020	1,000,000	MyState Bank Limited	Y	NR	28/5/2020	N	TD	1.60%	1,000,000.00
30/01/2020	1,000,000	Judo Bank	N	NR	30/7/2020	N	TD	1.85%	1,000,000.00
30/01/2020	1,000,000	The Mutual Bank	N	NR	30/4/2020	N	TD	1.75%	1,000,000.00
30/1/2020	1,000,000	Macquarie Bank Ltd	N	A	30/4/2020	N	TD	1.60%	1,000,000.00
3/02/2020	1,000,000	NAB	N	AA-	04/5/2020	N	TD	1.58%	1,000,000.00
04/2/2020	1,000,000	Summerland Credit Union	Y	NR	04/5/2020	Y	TD	1.70%	1,000,000.00
06/2/2020	1,000,000	My State Bank	Y	NR	06/8/2020	Y	TD	1.70%	1,000,000.00
12/02/2020	1,000,000	The Mutual Bank	N	NR	12/5/2020	Y	TD	1.78%	1,000,000.00
12/02/2020	1,000,000	ME Bank	N	BBB	12/5/2020	Y	TD	1.52%	1,000,000.00
25/2/2020	1,000,000	Macquarie Bank Ltd	N	A	25/5/2020	N	TD	1.60%	1,000,000.00
25/2/2020	2,000,000	NAB	N	AA-	25/5/2020	N	TD	1.60%	2,000,000.00
25/2/2020	1,000,000	Macquarie Bank Ltd	N	A	26/5/2020	Y	TD	1.80%	1,000,000.00
26/2/2020	1,000,000.00	Judo Bank	N	NR	26/5/2020	Y	TD	1.85%	1,000,000.00
27/2/2020	2,000,000.00	AMP Bank	N	BBB+	27/5/2020	N	TD	1.75%	2,000,000.00
N/A	3,212,561.70	CBA Business Saver	N	AA-	N/A	N	CALL	1.20%	3,212,561.70

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Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
N/A	3,576,808.62	NSW Treasury Corp	N	AAA	N/A	Y	CALL	1.10%	3,576,808.62
Total	77,537,971.32						AVG	1.81%	77,848,776.98

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

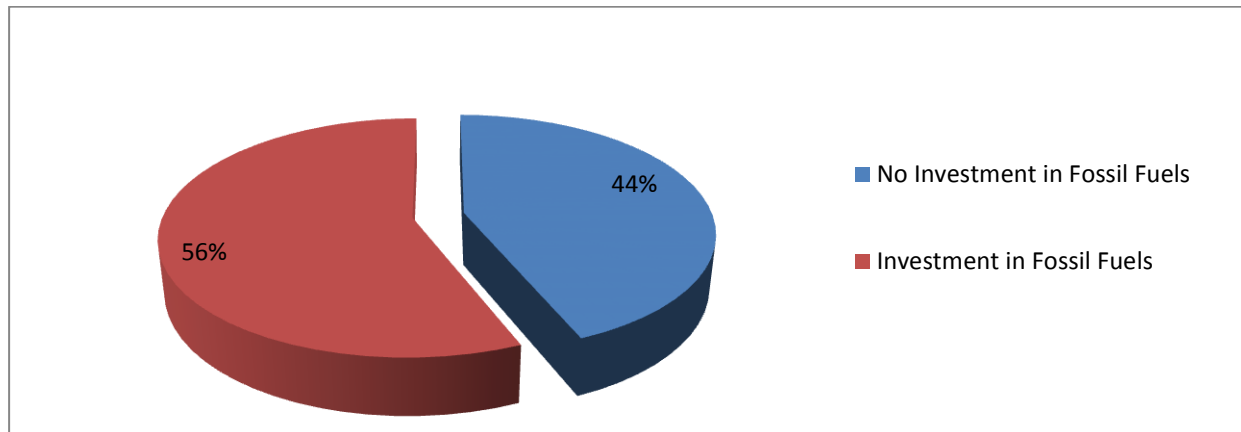
Council has two investments with financial institutions that invest in fossil fuels but are nevertheless aligned with the broader definition of Environmental and Socially Responsible investments i.e.:

20

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

25

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%	46.35%	Meets policy
A+ to A-	A1	60%	14.66%	Meets policy
BBB to NR	A2,NR	40%	38.99%	Meets policy

5 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 still mainly those with lower credit ratings (being either BBB or not rated at all i.e. credit unions).

Associated Risk

15 Moving more of the investment portfolio into the 'ethical' space will lower the credit quality of the investment portfolio overall and 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.

20 The investment portfolio is outlined in the table below by investment type for the period 1 February 2020 to 29 February 2020:

Dissection of Council Investment Portfolio as at 29 February 2020

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
63,000,001.00	Term Deposits	63,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,265,312.50	15,312.50
3,212,561.70	Business On-Line Saver (At Call)	3,212,561.70	0.00
3,576,808.62	NSW Treasury Corp (T Corp)	3,576,808.62	0.00
5,498,600.00	Bonds	5,794,093.16	295,493.16
77,537,971.32		77,848,776.98	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.

The table below provides a reconciliation of investment purchases and maturities for the period of 1 February 2020 to 29 February 2020 on a current market value basis.

Movement in Investment Portfolio – 29 February 2020

Item	Current Market Value (at end of month) \$
Opening Balance at 1 February 2020	75,843,909.84
Add: New Investments Purchased	12,000,000.00
Add: Call Account Additions	1,000,000.00
Add: Interest from Call Account	1,825.73
Less: Investments Matured	11,000,000.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	3,041.41
Less: Call Account Redemption	0.00
Less: T Corp Redemption	0.00
Less: Fair Value Movement for period	0.00
Closing Balance at 29 February 2020	77,848,776.98

Term Deposit Investments Maturities and Returns – 1 February 2020 to 29 February 2020

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000	NAB	3/2/2020	91	1.58%	3,939.18
1,000,000	Summerland Credit Union	4/2/2020	365	2.95%	29,499.99
1,000,000	MyState Bank Ltd	6/2/2020	121	1.70%	5,635.62
1,000,000	The Mutual Bank	12/2/2020	90	1.78%	8,826.85
1,000,000	ME Bank	12/2/2020	180	1.73%	8,531.51
1,000,000	Suncorp	21/2/2020	366	1.62%	7,944.66
2,000,000	NAB	25/2/2020	123	1.60%	10,783.56
1,000,000	Macquarie Bank	25/2/2020	180	1.80%	8,876.71
2,000,000	Bank of Queensland	27/2/2020	184	1.75%	17,643.84
11,000,000					101,681.92

Council's overall 'cash position' is not only measured by funds invested but also by the funds retained in its consolidated fund or bank account for operational purposes. In this regard, for the month of February 2020 the table below identifies Council's overall cash position as follows:

Dissection of Council's Cash Position as at 29 February 2020

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	63,000,001.00	63,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,265,312.50	15,312.50
Business On-Line Saver (At Call)	3,212,561.70	3,212,561.70	0.00
NSW Treasury Corp (T Corp)	3,576,808.62	3,576,808.62	0.00
Bonds	5,498,600.00	5,794,093.16	295,493.16
Total Investment Portfolio	77,537,971.32	77,848,776.98	310,805.66
Cash at Bank			
Consolidated Fund	5,562,712.57	5,562,712.57	0.00
Total Cash at Bank	5,562,712.57	5,562,712.57	0.00
Total Cash Position	83,100,683.89	83,411,489.55	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

5

Legal/Statutory/Policy Considerations

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

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

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

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

Financial Considerations

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

Report No. 13.9 **Disaster Resilience Project Proposal**
Directorate: Corporate and Community Services
Report Author: Vanessa Adams, Director Corporate and Community Services
File No: I2020/332

5

Summary:

10 Byron Shire Council has received funding from the Federal and State Governments to help mitigate the impact of recent disaster incidents. A program of works has to be developed within three months of the announcement (i.e. by end March 2020) and a report provided to the National Bushfire Recovery Agency in 12 month's time.

15 The proposed projects encompass community resilience, planning and preparation, evacuation and recovery centres, a proposal to conduct feasibility work for the future joint location of emergency services, fire trail management, emergency operations and flood planning and preparation.

20

RECOMMENDATION:

That Council endorses the Commonwealth Government: Byron Shire Disaster Project program for \$1,200,000 and the State Government: Community Resilience and Economic Recovery Fund Program for \$100,000 as detailed in the Financial Implications section of this Report.

25

REPORT

Disaster resilience is the collective responsibility of all levels of government, business, the non-government sector and individuals. Given the increasing regularity and severity of natural disasters, a coordinated and cooperative effort is required to enhance the capacity of communities to withstand and recover from disasters.

A disaster resilient community is one that works together to understand and manage the risks that it confronts. The resilience of people and households is significantly increased by active planning and preparation for protecting life and property, based on an awareness of the threats relevant to their locality. It is also increased by knowing and being involved in local community disaster or emergency management arrangements and being connected and feeling a part of local community or neighbourhood.

The climate is changing and global modelling indicates that further change is already locked in. This changing climate is making extreme weather more dangerous with fires, heat waves, droughts, floods and storms becoming more intense. As a result there is a growing risk of climate related impacts on our natural, social and economic systems. It is important that local communities are educated and build capacity around these changing climate risks and emergency scenarios, and develop self-reliant and resilient communities.

Disaster resilience is a long-term outcome, which requires a long-term commitment. Achieving disaster resilience requires a range of interventions that promote sustained behavioural change.

Disaster resilient communities have the following attributes:

- People understand the risks that may affect them and others in their community. They have comprehensive local information about hazards and risks, including who is exposed and who is most vulnerable. They take action to prepare for disasters and are adaptive and flexible to respond appropriately during emergencies.
- People work together with local leaders using their knowledge and resources to prepare for and deal with disasters. They use personal and community strengths, and existing community networks and structures; a resilient community is enabled by strong social networks that offer support to individuals and families in a time of crisis.
- People work in partnership with emergency services, their local authorities and other relevant organisations before, during and after emergencies. These relationships ensure community resilience activities are informed by local knowledge, can be undertaken safely, and complement the work of emergency service agencies.
- Emergency management plans are resilience-based, to build disaster resilience within communities over time.

Evidence based best practice in building disaster resilience recognises that active engagement with and empowerment of local communities is central to achieving resilience over the long term. While resilience cannot be created through a top down approach and there is still critical responsibility for government and agencies in emergency management, resilience is enhanced when communities play a key role in their own safety.

At a practical level this means working in partnership with the community, building on existing networks, resources and strengths, identifying and supporting the development of community leaders and empowering the community to exercise choice and take responsibility. It means adopting flexible approaches in the way we communicate with, and within, communities. The fundamental role of social capital and social resources in building disaster resilient communities cannot be underestimated.

Council will partner with Red Cross and combat agencies to deliver the project, with Red Cross taking a lead program management and delivery role. As a trusted community organisation with deep front line experience in resilience and emergency management, Red Cross brings validity and weight to the project and increases the likelihood of community uptake and participation.

5 Byron Shire Disaster Resilience Project (BSDRP)

Using the principles that underpin resilient communities, the following three-pillar approach is proposed as the basis for working with community and business to create disaster resilience:

- Active planning and preparation
- Knowledge of, and involvement in, disaster management arrangements
- Building community cohesion

Each pillar has a number of evidence based actions to support strong outcomes:

1. Active planning and preparation

Enhanced Disaster Dashboard

The award winning Ku-Ring-Gai Council Climate Wise Communities model was developed in collaboration with emergency management agencies and government. Byron Shire Council has an opportunity to leverage this model to build on the current Byron Flood Warning Network. Utilising the Climate Wise Communities framework, Council will broaden its current dashboard offering to include bushfire, flood and coastal inundation, and create an online one-stop-shop for community to undertake a 5 step disaster preparedness check. The check prompts people to:

- *Map your location* – people have the ability to enter their address into the hazard mapping system and instantly know their risks in relation to bushfire, flood and coastal inundation
- *Know your personal situation* – provides the opportunity for people to understand their personal capabilities when faced with an extreme weather event and their trigger to leave
- *Know your property* – helps people to understand the strengths and vulnerabilities of their property and surrounding area
- *Know your area* – invites people to use a simple map template to plot the people they know, safe places and exit points and prompts users in relation to knowing their neighbours and organising
- *Create your emergency plan* – the information gathered in steps 1-4 assists people to complete SES & RFS emergency/survival plan templates

As part of this project we will look into developing a Visitor Protocol to support tourism operators and providers to engage with and direct their clients and customers during an emergency incident.

Coordinated “Get Ready” campaign

Council will partner with Office of Emergency Management to promote the Get Ready messaging and will use a range of online engagement tools to create interest in the on-line dashboard platform in times when disaster is not at the forefront of people’s minds.

Children’s Services Emergency and Resilience Planning and Preparation

Council provides Children’s Services to 159 children aged between 6 weeks-12 years across four sites within our Shire on a daily basis. Planning and preparation for disasters, and site specific procedures is key to managing the risk in relation care and education of young children.

The Children’s Services management team will be supported to work with combat agencies and the Department of Education - Office of Early Childhood Care and Education to develop a suite of planning and preparation policy documents as well as undertaking practical scenario testing and staff capacity building to ensure safe practice is embedded across all sites in the event of an emergency.

Further, the Children's Service's portfolio will develop purpose driven emergency management for all key stakeholders - including parent/carer communication channels, appropriate community engagement support and provide information sessions on disaster preparedness to stakeholders.

Audit of Evacuation and Recovery Centres

- 5 The Office of Emergency Management has minimum requirements for facilities to be considered as evacuation or recovery centres. Traditionally, Office of Emergency Management undertakes a rapid assessment of potential recovery centres at the time of a natural disaster. In order to better plan and prepare for the impacts of severe weather events, an audit of Council and Community facilities will be undertaken to identify potential *recovery* centres. As part of this process, an audit of endorsed *evacuation* centres will also be undertaken to ensure that both types of centre are fit for purpose.

Feasibility Study for Emergency Services 'Hub'

- 15 For a number of years Council has envisaged relocating local emergency services to a modern and more easily accessible emergency services 'hub' that would co-locate the RFS and SES. This project would deliver a feasibility study into the best potential location, identifying relevant issues and concerns, likely funding and milestones.

Develop Asset Protection Zone and Fire Trail Management Program

Work with the Rural Fire Service to develop a program for improved asset protection in fire zones and an associated fire trail management program.

20 Establish Emergency Operations Centre

Council is required to be able to operate an EOC if necessary. Current requirements and suitable locations to be investigated and once identified, to be provisioned.

Flood Planning and Preparation

- 25 • Replace ageing infrastructure within the Byron Flood Warning gauge network and install one additional water level gauge upstream of Mullumbimby – this will improve reliability of the flood warning network and reduce the risk of blockages at Federation bridge going unnoticed during a flood event.
- investigate and install some flood level markers for past and design flood levels in urban areas
- 30 • install up to 3 new strategic bulk water supply connection points across the shire to assist with future water delivery for firefighting and drought operations.

2. Knowledge of, and involvement in, disaster management arrangements

Collaborative Get Ready workshops

- 35 Every community has capabilities, experience and local knowledge that it can contribute. Engaging a community in how it can prepare for, respond to, and recover from emergencies is more likely to result in decisions and outcomes the community is confident about and will act upon. This in turn supports the work of emergency management organisations.

- 40 In collaboration with combat agencies such as the SES, RFS, NSW Police and Red Cross, Council will run a series of place based workshops that:

- Provide information and instruction on how to use the Disaster Dashboard
- Create opportunities for combat agencies and communities to connect, demystify disaster management arrangements, and work collaboratively to understand the specific extreme weather events that may impact their locality

- Support community to confidently develop extreme weather plans.

Establish a Byron Shire Community Resilience Network

- 5 The Byron Shire Community Resilience Network (CRN) supports local leaders, services and agencies to deepen their understanding of and connection with emergency management arrangements. The CRN acts as a conduit between community and formal emergency management arrangements in times of extreme weather events, providing critical information about local communities to the Local Emergency Management Committee and feeding authorised information from the formal emergency management committees back into the communities they
- 10 serve. CRN members receive training in emergency management processes, and participate in desk-top disaster scenarios to test the communication loops and service supports.

3. Building community cohesion

Strengthening Community Workshops

- 15 Using a community development framework and working alongside key emergency management agencies, Council will deliver targeted place based workshops that support local communities to work together to understand their neighbourhood strengths and vulnerabilities, and work together to build resilience. The workshops will be an opportunity for people to meet and establish connections, as well as understand the practicalities of the locations in which they live. Further, the
- 20 workshops provide links into volunteering and social opportunities in local areas and nudge communities to think about how they might keep their connections strong and active.

Street Meets

- 25 Building on the strengthening communities workshops, local neighbourhoods can request a “street meet”. Supported by local community services organisations, streets or groups of streets are invited to an informal gathering in the place they live. These informal gatherings deepen connections and support streets to get to know each other in a safe and social way and provide practical tools to nurture ongoing relationships. People are invited to nominate their street or locality for a street meet throughout the year.

Extreme Weather Protocol and Workshops for People Experiencing Homelessness

- 30 People sleeping rough in bushland and dunal areas are particularly vulnerable in extreme weather events –exacerbated by lack of physical shelter, high prevalence of existing health conditions, and the inability of existing communication channels to be fit for purpose during events. A series of ‘meet’ engagement events is proposed, to reach out to key areas where people are known to be sleeping rough (this can be informed by our organisational knowledge e.g. PSLOs,
- 35 community enforcement team).

This would be supported by the development of an Extreme Weather Protocol which can be modelled on the work recently completed by City of Sydney.

- 40 All aspects of this work would need to be developed and delivered in deep partnership with local stakeholders, including the Specialist Homelessness Services, local community centres, community groups that support people sleeping rough, NSW Health, Emergency Services, etc.

Strengthening Business Cohesion Workshops

- 45 The Office for Small Business Commissioner has a range of useful information for businesses in relation to preparing for and responding to severe weather events. Working with the Office for

Small Business and other business services agencies, workshops will be provided to support businesses to know their risks so that they can plan, prepare and recovery more effectively.

Aboriginal Custodianship

- 5 Traditional custodians have a deep connection with and to their land, and Arakwal people lived in this area for thousands of years before the arrival of non-Aboriginal people. Arakwal families continued to live here when non-Aboriginal people moved into the area, often under great pressure, and found it more difficult to live on, and look after their traditional lands. Traditional custodians have communal responsibility for managing climate change risk, as well as cultural knowledge that can contribute to the understanding of and adaptation to climate change. These
10 community workshops bring traditional custodians together with the wider community to explore the shared responsibility for caring for County in a changing climate that is more prone to extreme weather events.

Infrastructure - Upper Coopers Creek road repairs

- 15 Repairs to Upper Coopers Creek Road as a consequence of dozer damage associated with bushfire protection works (work requested by RFS).

State Community Resilience Funding: Improvement Works at Evacuation and Recovery Centres

- 20 The outcomes of the above audit of evacuation and recovery centres will lead to a list of prioritised works. This funding will deliver identified requirements on a prioritised basis.

Implementation

- 25 The program is anticipated to run from April 2020 – July 2022. The disaster dashboard will remain live and interactive beyond this date. Cross directorate collaboration, as well as strong partnerships with combat agencies and the community and business sector is required to successfully implement the BSDRP. Preliminary discussions with combat agencies and community organisations have occurred, and implementation agreements will be developed once the program has been approved by Council.

- 30 In order to support the project, an internal working group will be established with representation from infrastructure services, sustainable environment and economy, social and cultural planning, and communications. It is anticipated that in early project implementation, meetings will occur monthly, and as the project matures meetings would be bi-monthly.

Cross-Organisational Input

- 35 A cross-directorate internal working group will be established to coordinate, implement and evaluate this overall program including:

- Infrastructure Services
- Sustainable Environment and Economy
- Social and Cultural Planning
- 40 • Communications

The program will combine technological capabilities with community based workshops, and formal and informal networks, and will be implemented from March 2020-June 2022.

45 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.1	Provide and facilitate local emergency management	2.4.1.2	Attend TBLEMC and Regional Emergency Management Committee (REMC) meetings
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.1	Provide and facilitate local emergency management	2.4.1.1	Develop Byron Shire flood warning network
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.1	Provide and facilitate local emergency management	2.4.1.3	Undertake exercises of EMP and CMG's as decided by TBLEMC
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.1	Provide and facilitate local emergency management	2.4.1.5	Deploy technology to improve disaster response and recovery by preparing field devices and staff trained in readiness to respond to a natural disaster
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.1	Provide and facilitate local emergency management	2.4.1.6	Administer the Community Resilience Network
	2.4	Enhance community safety and amenity while respecting our shared values	2.4.1	Provide and facilitate local emergency management	2.4.1.7	Develop and test a prototype of an Emergency Dashboard

5 *Legal/Statutory/Policy Considerations*

The Tweed Byron Local Recovery Plan has been formally adopted by the Local Emergency Management Committee. Council will report the outcomes of the project through the Local Emergency Management Committee formal structure.

Financial Considerations

Council has received funding from Federal and State Government to invest in building community resilience. \$1,200,000 from the Commonwealth and \$100,000 from the NSW State government.

5

Commonwealth Funding	
Upgrade to disaster dashboard	80,000
IP for Climate Wise Community	20,000
Salary shared Community Development Officer with Tweed (Recovery)	170,000
Program funds Community Development Officer (Recovery)	20,000
Development of workshop training packages and materials	10,000
Strengthening Community workshops (20 workshops)	40,000
Street Meets (22 workshops)	35,000
Extreme Weather Protocol and Workshops for People Experiencing Homelessness	20,000
Strengthening Business Cohesion workshops (5 workshops)	5,000
Aboriginal Custodianship and Caring for Country workshop development	10,000
Aboriginal Custodianship and Caring for Country workshops (14 workshops)	70,000
Overall Program Manager (2 year contract 3 days pw)	150,000
Children's Services resilience project	75,000
Audit of Evacuation and Recovery Centres	60,000
Feasibility study for Emergency Services 'hub'	100,000
Develop an Asset Protection Zone & Fire Trail Management Program	100,000
Establish a local Emergency Operations Centre	100,000
Flood Planning and Preparation	115,000
Repairs to Upper Coopers Creek Rd	20,000
Total	\$1,200,000
State Government Community Resilience and Economic Recovery Fund	\$100,000
Evacuation and recovery centre remediation/improvement works	100,000

Consultation and Engagement

The BSCRCP has been co-created with combat agencies, community organisations and across the SEE, DCCS, DIS and General Manager (communication) portfolios.

5

Report No. 13.10 **New Year's Eve Review**
Directorate: Corporate and Community Services
Report Author: Emily Fajerman, Project Officer (Generalist)
File No: I2020/396

5

Summary:

10 Council has partnered with Byron Bay Community Centre (BBCC) since 2013 to deliver the Safe Summer in the Bay initiative aimed at increasing community safety during New Year's Eve in Byron Bay.

The event contract has expired and a new contract is required.

15

This report seeks Council's endorsement to confirm a variation to the existing partnership contract to encompass full delivery of the December 2020 New Year's Eve event, grounded in evidence-based approaches including place activation.

20

RECOMMENDATION:**That Council:**

1. **Considers a budget allocation for 2020/2021 of up to \$150,800 for the full delivery of a New Year's Eve event.**
2. **Negotiates the terms and conditions of the partnership agreement with Byron Bay Community Centre to reflect an evidence based approach.**
3. **Conducts an expression of interest process to engage a delivery partner for New Year's Eve events commencing in 2021/2022.**

25

REPORT***Background information***

- 5 Council's current approach to reducing alcohol-related harm focuses on implementation of the Safe Summer in the Bay initiative during the New Year's Eve (NYE) period.

10 Reducing alcohol-related harm at specific peak periods, as well as throughout the year, is a shared responsibility. Although major alcohol control policies are typically the responsibility of the state and federal governments, local governments can reduce the risk of harm from alcohol through evidence-based alcohol management options that can be applied based on local need and circumstance.

15 Council can reduce risk of harm from alcohol by:

- using regulatory functions including outdoor alcohol restrictions with related signage in spaces such as parks and beaches (enabling regulatory enforcement);
- directly managing the public domain, including waste, street lighting, public events and community recreational spaces (e.g. supervised taxi ranks, regulating venue queues);
- 20 • building local partnerships that reduce alcohol-related harm (e.g. licensed premises, NSW Police, Liquor and Gaming NSW, etc.);
- designing environments that reduce the likelihood of alcohol-related harm;
- developing collaborative local approaches to reducing alcohol-related harm by engaging with the public and licensees e.g. Liquor Accord;
- 25 • promotion and support of a variety of events and activities where alcohol consumption is not the primary focus of activity including art and cultural programs, retail trading, and recreational infrastructure; and
- advocacy around reform of the liquor licensing system.

30 ***New Year's Eve 2019/2020 outcomes***

35 NSW Police reported crowd numbers of 3,000-4,000 at the Soul Street event and 20,000 in Byron Bay on NYE. Additional specialist Police teams were deployed on the night to increase community safety outcomes and reduce alcohol-related harm. This also included highly visible policing of areas associated with alcohol-related crime and enforcement activity in licensed premises to ensure the responsible service of alcohol.

40 Soul Street was successful in attracting large numbers of families and the programming was effective in engaging children in age-appropriate activities. Of 45 respondents, feedback indicated that 76% of people surveyed felt 'very safe' at the event.

As a result of the combined policing, regulatory enforcement and place activation activities, crowds were well behaved and only minor alcohol-related issues were reported.

45 ***Waste Management***

Overall, waste management worked well. Bins were serviced every day during the NYE period, including an extra service in the afternoons. Overall tonnage was approximately 2.9 tonnes for the period. Enterprising residents and visitors collected glass bottles and cans during the night in order to generate income as part of the return and earn scheme, significantly reducing recycling tonnage.

50

Anecdotal reports indicated that waste in Byron Bay was considerably less than previous years.

55

Current context

Byron Bay Community Centre's (BBCC) responsibilities have grown in line with the event's popularity and size. Historically, Council's primary focus has been to manage the event to reduce impact on residents and increase community safety. In recent years, the need for targeted programming and place activation has emerged as a key focus.

Council currently manages all aspects of traffic management, public amenities, waste, lighting, communications, and coordination on-site. To improve efficiencies, it is proposed that the NYE event be packaged to include all aspects as per any other event. Detailed costings for this are in progress, however in order to provide Byron Bay Community Centre with an early indication for this year, it was decided not to delay the report until this work has been completed.

In addition, the scale of the event will be reviewed in conjunction with BBCC to align with evidence-based place activation and Councillors' view expressed at their recent workshop.

BCC has expressed an interest in partnering with Council to deliver a NYE event in 2020/2021 given appropriate funding in recognition of the event's growth.

Evidence-based practice

Council's planning for NYE 2020/2021 needs to move towards evidence based practice in alcohol-related harm reduction. This requires considering a range of broader harm reduction objectives and actions in conjunction with specific event planning.

The better examples of Alcohol Management Planning mechanisms have often been developed in situations where councils have considered the problem in a holistic way and in the earlier stages of the preparation of a local planning scheme, rather than being reactive to individual situations or peak periods.

Councils have varying degrees of influence on alcohol supply management, demand management and responding to social and individual harms from alcohol and thus rely on state, federal and industry-based responses to complement existing strategies. This means that ongoing partnerships are a key driver of effective harm reduction.

Organising alcohol-free events and activities for residents and visitors is not typically used as the sole approach to reduce alcohol related anti-social behaviour. An integrated, population wide and 365 day approach is necessary to improve attitudes toward alcohol consumption and community safety more broadly.

Councils do have the capacity to implement a range of strategies to minimise the incidence of alcohol-related harm in the community, however these strategies must be evidence-based in order to be effective.

Next steps

The expiration of the event contract provides a valuable opportunity to review Council's investment, ensure that it is achieving the intended outcomes, and confirm that all stakeholders have a shared understanding of what success looks like.

It is recommended to enter a one-year partnership agreement with BCC and co-design a NYE event package that focuses on evidence-based practice and place activation in 2020/2021.

As a well-established event, the most effective way for Council to provide support is through in-kind contribution to operational aspects such as access to space in Railway Park, road closures, and

co-designing an outcomes framework. This approach would see existing Council processes for event coordination being utilised.

- 5 Offering a one-year contract variation to BBCC will support a well-designed expression of interest process to happen in parallel to engage a partner to deliver evidence-based events in Byron Bay commencing in 2021/2022. Suitable organisations will be required to demonstrate local community benefit and/or social impact.

10 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.2	Support community driven safety initiatives	2.4.2.2	Support peak season community safety initiatives

Legal/Statutory/Policy Considerations

- 15 Section 356 of the Local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Financial Considerations

- 20 Council's allocated budget for NYE in 2019/2020 was \$125,700 however this was overspent and is not adequate for the event in its current form. While further discussion of the scope of the event takes place and detailed costing of event delivery is completed, it is recommended that a contingency be considered for incorporation in the draft 20/21 budget. The total amount suggested
- 25 that Council therefore considers for inclusion in the 2020/2021 Budget is \$150,800, recognising that this is only one amongst many other priorities.

- 30 A resolution of Council that specifies an indicative budget allocation for 2020/2021 will support further discussion with BBCC, timely event planning and effective sourcing of additional philanthropic support.

Consultation and Engagement

- 35 Consultation has occurred across the organisation and with BBCC. Additional engagement was conducted with Councillors as part of a Strategic Planning Workshop in March 2020.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.11 Policy Review - Community Gardens Policy and Introduction of Guidelines

Directorate: Sustainable Environment and Economy
Report Author: Julia Curry, Sustainability and Emissions Reduction Officer
File No: I2020/210

Summary:

In line with Council's review of all policies, the Byron Shire Community Gardens Policy has been reviewed and updated with a new accompanying set of guidelines. These required updates will help new and existing community gardens alike.

The Byron Shire Community Gardens Guidelines 2020-2025 have been approved for immediate use by the community and are now available on Council's website. The draft Byron Shire Community Gardens Policy (the draft Policy) has been developed in collaboration with existing community garden groups and Mullum SEED. Further consultation will be undertaken with these stakeholders during the public exhibition period.

This report seeks Council's endorsement of the draft Policy for public exhibition, and introduces the new Byron Shire Community Gardens Guidelines 2020-2025 that will support the policy as a user-friendly and practical document for staff and community.

RECOMMENDATION:

1. That Council publicly exhibits the draft 2020 Byron Shire Community Gardens Policy (Attachment 1 E2020/10671) for a period of 28 days accompanied by the Byron Shire Community Gardens Guidelines 2020-2025 (Attachment 2 E2020/15041).
2. That any submissions received on the draft 2020 Byron Shire Community Gardens Policy (Attachment 1 E2020/10671) be reported to Council for consideration, prior to the adoption of the draft Policy; and if no submissions are received, Council adopts the policy.

Attachments:

- 1 DRAFT 2020 Byron Shire Council Community Gardens Policy, E2020/10671 
- 2 Byron Shire Community Gardens Guidelines 2020-2025, E2020/15041 

REPORT

There are two existing licenced community gardens on Council land, one in Mullumbimby and another in Ocean Shores. There is also interest from residents in Byron Bay, Bangalow and Suffolk Park to start new community gardens. These current and potential community gardens operate under the Byron Shire Community Gardens Policy. This policy has been updated in line with Council's review of all policies.

Policy background

The Byron Shire Community Gardens Policy was originally written in 2010, prior to any community gardens existing in the Byron Shire. The original policy acted as an instrument to encourage and establish new community gardens.

Policy update

The draft Policy, (see attachment 1), has been updated to reflect a well educated community who require practical information and guidance when starting out, and in managing a community garden. It incorporates lessons learnt from Council staff and community garden members, and has been simplified to be more straight forward.

New Byron Shire Community Gardens Guidelines

The descriptive details and criteria from the original policy have been translated into a user-friendly Byron Shire Community Gardens Guidelines 2020-2025, (see attachment 2). The purpose of this document is to act as a clear guide for groups who are interested in starting a community garden, managing existing community gardens, and for Council to use as a reference point when making decisions in relation to community gardens. The guidelines were created in consultation with multiple members of staff across Council and different community garden groups in the Shire. It is anticipated that the new policy, with the accompanying user-friendly guidelines, will eliminate much of the past confusion surrounding management of community gardens. The policy is designed to be read alongside the guidelines.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.2	Strive to become a sustainable community	3.2.2	Support community environmental and sustainability projects	3.2.2.1	Provide coastal, environmental and sustainability information and encourage and support community activities and groups
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.3	Provide access to publicly available corporate registers	5.2.3.4	Update and publish Council's policies online

Legal/Statutory/Policy Considerations

5 Community garden licences must be granted in accordance with Section 47 of the *Local Government Act 1993* and be expressly authorised in the relevant Plan of Management.

Financial Considerations

10 Funding for the exhibition of the draft Policy is covered in the existing budget.

Consultation and Engagement

15 Consultation with the following community garden groups and entities was undertaken in the drafting of the Policy and Guidelines. These groups will be consulted again in the public exhibition period, and are encouraged to provide feedback on the draft policy.

- Mullum S.E.E.D
- Mullumbimby Community Gardens Inc.
- Shara Community Gardens, Ocean Shores
- Suffolk Park Community Garden Committee

20 During the public exhibition period, the sustainability team will facilitate a community meeting, to take stakeholders through the policy and explain how the new Byron Shire Community Gardens Guidelines has been introduced to help individuals and groups navigate what can be quite complicated processes associated with establishing and managing a community garden.

25

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.12 Butler Street Sound Wall Options**Directorate:** Infrastructure Services**Report Author:** Joshua Winter, Civil Engineer**File No:** I2020/239**Summary:**

Council is constructing a noise wall on the new section of Butler Street adjacent to the Glen Villa resort, as part of the management of operational road noise for the Byron Bay Bypass. This noise wall will be 200m long extending from the northern boundary of the Glen Villa Resort and will be 2.4m high for the northernmost 60m section, and 1.8m high for the remaining 140m.



Although this is a small component of a large project, it was discussed at the 6 February Strategic Planning Workshop (SPW) of Council. The wall will be a prominent feature for motorists using the bypass and therefore a number of options for the colour palette have been developed for consideration and resolution of Council. These options are explained in detail in the report and visual representation has been provided in the attachments.

Although Attachment 1 shows an acrylic panel along the top of the wall, this will not be installed. The wall will be solid panels throughout.

RECOMMENDATION:

That the colour palette for the sound wall being constructed on the new section of Butler Street, Byron Bay be endorsed as Option 5 – Wetland Palette Combined.

Attachments:

- 1 Butler Street Sound Wall - Rainbow Palettes, E2020/13670 
- 2 Butler Street Sound Wall - Wetland Palettes, E2020/13671 

REPORT

Council is constructing a noise wall on the new section of Butler Street adjacent to the Glen Villa resort, as part of the management of operational road noise for the Byron Bay Bypass. This noise wall will be 200m long extending from the northern boundary of the Glen Villa Resort and will be 2.4m high for the northernmost 60m section, and 1.8m high for the remaining 140m.

Painting of the wall is required in the specification to protect the wall from weathering. A high quality paint is used to minimise maintenance. The Contractor has advised the project team that Council can select any colour or combination of colours for the wall.

Although this is a small component of a large project, it was discussed at the 6 February Strategic Planning Workshop (SPW) of Council. The wall will be a prominent feature for motorists using the bypass and therefore a number of options for the colour palette have been developed for consideration and resolution of Council. These options are explained in detail in the report and visual representation has been provided in the attachments.

Option 1A

Rainbow palette – alternating panels (Attachment 1 Option 1)

This option uses the colours of the rainbow with each panel alternating and forming a repeating rainbow palette along the length of the noise wall. Please note that the acrylic panel shown in the attachment will be a solid panel.

Option 1B

Rainbow palette – block panels (Attachment 1 Option 2)

This option uses the colours of the rainbow in 7 blocks, so that one larger rainbow is formed along the length of the noise wall. Please note that the acrylic panel shown in the attachment will be a solid panel.

Option 2

Wetland palette 1 (Attachment 2 Option 1)

This option references colours seen throughout the wetland vegetation as well as the azure kingfisher which is a species found throughout Byron Shire's wetlands.

Option 3

Wetland palette 2 (Attachment 2 Option 2)

This option references colours seen throughout the wetland vegetation as well as the swamp wallaby which is a species found throughout Byron Shire's swampy wetlands.

Option 4

Wetland palette 3 (Attachment 2 Option 3)

This option references colours seen throughout the wetland vegetation as well as the black swan which is a species found throughout Byron Shire's wetlands.

Option 5

Wetland palette combined (Attachment 2 Option combined)

This option utilises all colours from options 2, 3 and 4, referencing colours seen throughout the wetland vegetation and the species found there, and then combines them into a larger palette alternating along the length of the noise wall.

Option 6

Single colour along full length

This option utilises a single colour on the full length of the noise wall. The selected colour is to be referenced in Council's resolution.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.5	Deliver road network new works program	1.1.5.1	Continue construction of the Byron Bay Bypass

5

Legal/Statutory/Policy Considerations

There are no legal, statutory or policy considerations associated with this report and resolution.

10

Financial Considerations

The construction of the noise wall is included in the previously accepted tender for construction of the Byron Bay Bypass.

15

Consultation and Engagement

Staff will prepare a media release in association with the Bypass project communications plan once a colour palette is resolved by Council, to advise the community of the selected palette.

20

Report No. 13.13 Byron Bay Bypass - Environmental Compensation Options over and above project requirements

Directorate: Infrastructure Services

Report Author: Phil Warner, Manager Assets and Major Projects

File No: I2020/336

Summary:

At the 22 August meeting, Council considered a report on the Byron Bay Bypass – Environmental Compensation Options over and above project requirements and resolved **19-419** in part:


3. Seeks input from the Biodiversity Committee with regard to the suitability of the proposed sites and the consideration of other potential sites;

The matter was considered by the Biodiversity Advisory Committee at the 11 November 2019 and 10 February 2020 meetings and this report is presented in conjunction with the reporting to Council of the minutes of these meetings.

RECOMMENDATION:

1. That Council complete bush regeneration works on the Sunrise Boulevard Bushland, Butler Street Reserve Bushland and Midgen Swamp sites with proposed funding of \$81,700 in the 2020/21 budget.
2. That the cost of these environmental compensation works be factored into Council's Long Term Financial Plan as indicated in the report over the next five financial years.

Attachments:

- 1 3510-1004 BSC - MRS Over And Above Environmental Investigations, E2020/15578 

REPORT

At the 22 August 2019 meeting, Council considered a report on the Byron Bay Bypass – Environmental Compensation Options over and above project requirements and resolved:

Res 19-419:

1. Notes the intent of Resolution 19-253 'Byron Bay Bypass - Environmental Compensation Options Over & Above Project Requirements' and supports measures to improve ecological values in Byron Bay;

2. Notes the progress that Council has made to implement 84% of Council's award-winning Biodiversity Conservation Strategy 2004, and that the Strategy is currently being reviewed and updated;

3. Seeks input from the Biodiversity Committee with regard to the suitability of the proposed sites and the consideration of other potential sites;

4. Further discuss the proposed sites in a Strategic Planning Workshop of Council and staff, and also discuss Council potentially conducting an EOI process to identify landowners in the Byron Bay wetland area who would like to work with Council to facilitate and secure long term revegetation and regeneration outcomes;

5. In line with the Mitchell's Rainforest Snail Recovery Plan 2002, give priority to the recovery of the Mitchell's Rainforest Snail in the land identified as snail habitat in Council's mapping of its known habitat in the vicinity of the Byron Bay Bypass

6. That (5) be among other measures to mitigate impacts of the Byron Bay Bypass that go 'over and above' as per Resolution 19-253.

7. Should the staff recommendation for adding an extra the bush regeneration crew member to carry out works be supported, this position be quarantined for an Arakwal person in order to ensure workplace diversity and additional local knowledge.

In accordance with the resolution the matter was reported to the Biodiversity Advisory Committee (BAC) on the 11 November 2019. The Committee recommended to Council in part:

That the Biodiversity Advisory Committee wait until direction is received from Commonwealth Government regarding compensation required under the Environment Protection and Biodiversity Conservation (EPBC) Act and reconsider at the next meeting.

The minutes of the 11 November 2019 Biodiversity Advisory Committee (BAC) meeting are being reported to Council on 26 March 2020.

On the 20 January 2020, Council was advised that the Federal Department of Environment and Energy (DoEE) had upheld Council's decision to proceed with construction of the Byron Bay bypass confirming that the project did not require approval under the Environmental Protection and Biodiversity Act (EPBC). The DoEE informed Council it had assessed its environmental documentation and was satisfied the environmental offsets and controls in place were sufficient to prevent a significant impact on matters of national environmental significance.

In accordance with the DoEE advice to Council, the matter was again considered by the BAC at the 10 February meeting. The Committee was advised of the DoEE decision and updated on an ecological assessment with particular reference to the Mitchell Rainforest Snail prepared by

consultants Geolink of the three sites presented to Council at the 22 August meeting. The assessment is attached to this report.

5 The minutes of the 10 February 2020 BAC meeting are also being reported to the 26 March Council meeting.

In accordance with the support of the BAC, the options reported to the 22 August meeting are again presented below with the financial considerations updated to reflect the passage of time.

10 Options

- 1) Sunrise Boulevard Bushland
- 2) Butler Street Reserve Bushland
- 3) Midgen Park and Swamp Suffolk

15 **Option 1: Sunrise Boulevard Bushland**



Location of Work

20 Sunrise Boulevard Bushland Reserve, Byron Bay.
Vegetation - Coastal Swamp Forest
Parcel Number 220150
Site Size – 12.05 Hectares

25

Option 2: Butler Street Reserve Bushland



5 **Location of Work**

Butler Street, Byron Bay.

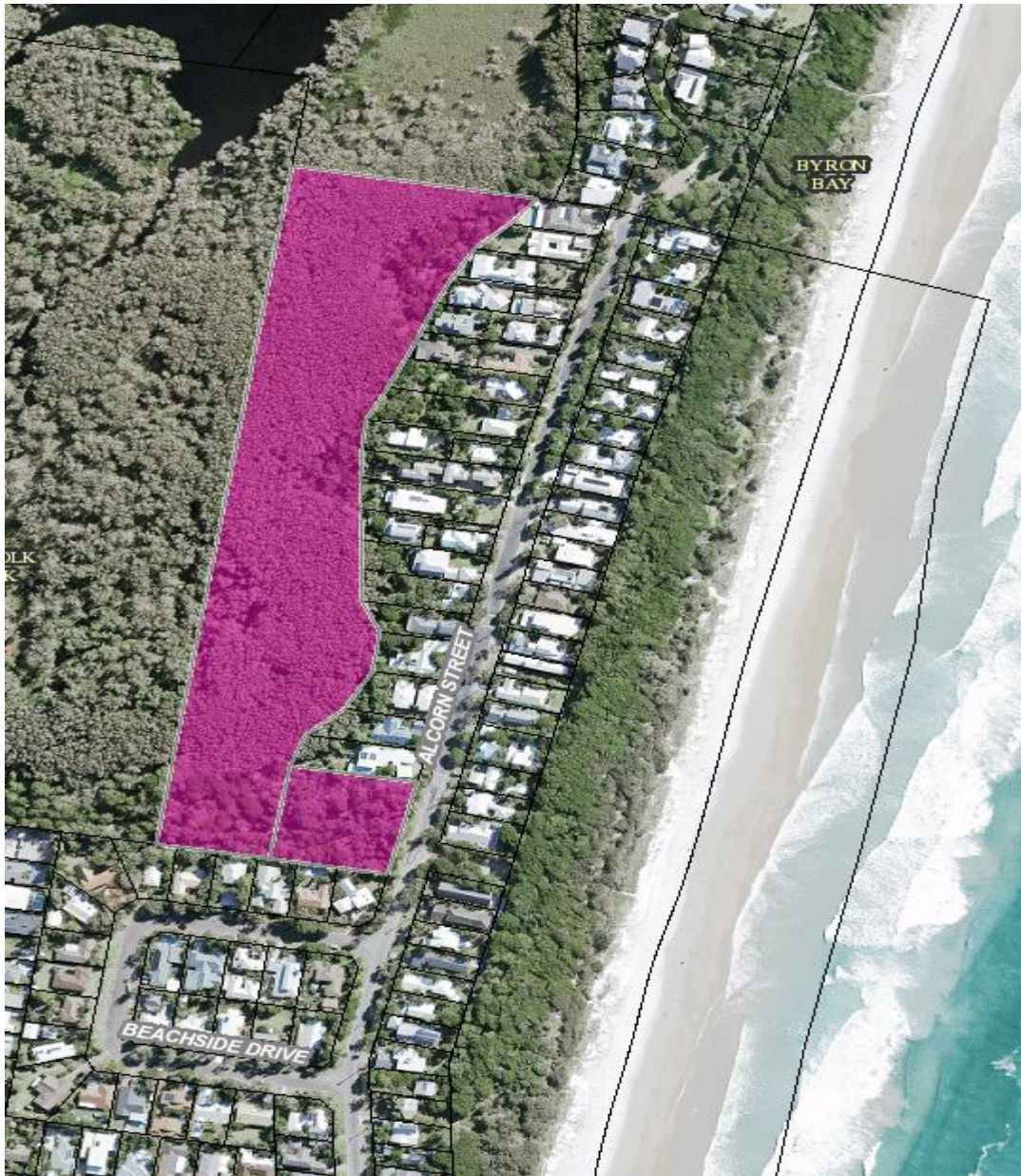
Vegetation - Coastal Swamp Forest & Subtropical Rainforest

Parcel Numbers 238704, 129710, 160280, 142250

Site Size – 2.1 hectares (750m Perimeter)

10

Option 3; Midgen Park and Swamp Suffolk



5 **Location of Work**

Alcorn Street, Suffolk Park.
Vegetation - Coastal Swamp Forest & Littoral Rainforest
Parcel Numbers 108190, 108180
10 Site Size – 3.7 hectares

Proposed work on the Option Sites

15 All three (3) options would involve specialized bush regeneration techniques until the sites reach a point of stability and requiring only maintenance.

It is proposed that the work be completed by Council's Bush Regeneration Team and that the annual budget for the team be increased via inclusion of project funding in the 2020/ 2021 budget and then subsequent years.

20

Cost of the proposed works

A cost schedule for the three options over a five year period is as follows:

Site	Year 1	Year 2	Year 3	Year 4	Year 5
Sunrise	20,500	8,800	7,200	7,200	7,200
Butler Street	45,600	10,400	7,200	7,200	7,200
Midgen Park	15,600	5,600	5,600	4,000	4,000
TOTAL	81,700	24,800	20,000	18,400	18,400

Effective regeneration requires committed funding over forward years. Each site requires a diminishing budget until a point of stability is achieved and then only ongoing maintenance is required. The highest cost of regeneration for a new site is in the first year. For this reason it is recommended that the Butler Street and Midgen sites be established in the first year and the Sunrise site be established in the second year. This will reduce the initial funding requirement and smooth the forward funding cash flow.

Next steps

Subject to the resolution of Council, the work on the three sites will be planned and implemented in the 2020/21 financial year.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.5	Deliver road network new works program	1.1.5.1	Continue construction of the Byron Bay Bypass

Legal/Statutory/Policy Considerations

There are no legal or policy considerations

Financial Considerations

It is proposed funding will be via a budget allocation in the 2020/21 budget and then the forward year funding requirements included in the long term financial management plan.

Consultation and Engagement

Consultation has occurred with the Biodiversity Advisory Committee as detailed in this report.

Report No. 13.14 **Adoption of Water Sensitive Urban Design Policy and Strategy**
Directorate: Infrastructure Services
Report Author: James Flockton, Drain and Flood Engineer
File No: I2020/375

5

Summary:

10 Consultants BMT have developed Council's Water Sensitive Urban Design (WSUD) Policy and Strategy.


15 The document has been through workshops with staff, the Coastal Estuary Catchment Panel and the Water and Sewer Advisory Committee. Further review by all these groups and a presentation to a Council Strategy Planning Workshop (SPW).

20 The document has now been through a public exhibition process and is ready for adoption by Council.

RECOMMENDATION:

1. **That Council adopt the Byron Shire Council Water Sensitive Urban Design Policy and Strategy (E2019/59813).**
2. **That staff prepare an action plan to deliver future works from the strategy within the Operational Plan and Budget process for 2020/21 and onwards**

Attachments:

- 25 1 E2019 59813 Shire Wide Water Sensitive Urban Design Strategy and Policy - Final Draft for Council Adoption, E2019/59813 

REPORT

Consultant BMT were engaged to prepare a Water Sensitive Urban Design (WSUD) policy and strategy for Byron Shire.

Following the engagement, BMT have completed workshops with staff, the Coastal Estuary Catchment Panel and the Water and Sewer Advisory Committee regarding the direction and outcomes expected or desired from the policy and strategy.

Following these workshops BMT developed a draft WSUD policy and strategy document for comment.

The draft document was then presented to the Coastal Estuary Catchment Panel for further comment. The draft report was updated as requested and presented to Council at a Strategic Planning Workshop (SPW) held on 1 August 2019.

The final draft WSUD policy and strategy then received Council approval for public exhibition. This exhibition process has now been completed, with no submissions being received.

The final draft WSUD policy and strategy is now provided at attachment 1 for adoption by Council.

Key issues

Adoption of this strategy allows Council to clearly set out its expectations for private and council works to always consider and implement best practice WSUD principles into the future, including further development of other key documents to support this such as a WSUD Development Control Plan.

Next steps

Following adoption staff will need to prepare an action plan to deliver future actions from the strategy within the 2020/21 budget, Community Strategic Plan and Operational Plan

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	1.1.6	Provide stormwater infrastructure to manage flood mitigation, social and environmental outcomes		The recommendation will generate an activity in the 2020/21 Operational Plan activity

Legal/Statutory/Policy Considerations

There are no Statutory and Policy Compliance Implications at this time.

Financial Considerations

There are no direct implications at this time but adoption of the WSUD policy and strategy will result in the need for actions being funded and resourced appropriately in the future. The decision to fund or resource any action will ultimately come down to the standard budget process.

All adopted actions will be considered in Council's budget at the appropriate year, with reference to the resolution number. Council will need to allocate budgets for the actions to proceed and support the maintenance of WSUD assets via appropriate maintenance budgets.

5

Consultation and Engagement

Consultation and engagement has included one specific WSUD workshop, meetings with key staff, reporting to the Coastal Estuary Catchment Panel and the Water and Sewer Advisory Committee, a Council Strategic Planning Workshop presentation and formal public consultation.

10

REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES

Report No. 14.1 Report of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 9 March 2020

Directorate: Corporate and Community Services
Report Author: Sarah Ford, Manager Social and Cultural Planning
File No: I2020/404

Summary:

This report provides the minutes and recommendations of the Arakwal (Memorandum of Understanding) Advisory Committee Meeting held on 9 March 2020 for determination by Council.

RECOMMENDATION:

1. That Council notes the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting held on 9 March 2020.
2. That Council adopts the following Committee Recommendation:



Report No. 4.1 Arakwal MoU Implementation Plan 2019-2021

File No: I2020/22

Committee Recommendation 4.1.1

1. That the Arakwal (MoU) Advisory Committee recommends that Council adopts the Draft 2019-2021 Arakwal MoU Implementation Plan as amended at the meeting (new document E2020/16984).
2. That the Arakwal (MoU) sub committee continues to meet monthly to advance the projects within the implementation plan.

Attachments:

- 1 Minutes of the Arakwal MoU Advisory Committee meeting held on 9 March 2020, I2020/340 
- 2 Draft Arakwal MoU Implementation Plan (as revised at the meeting on 9 March 2020), E2020/16984 

Report

5 The attachment to this report provides the minutes of the Arakwal Memorandum of Understanding Advisory Committee Meeting of 9 March 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/03/AMUAC_09032020_MIN_1240.PDF

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

Financial Implications

15 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 9 March 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Arakwal Memorandum of Understanding Advisory Committee Meeting of 9 March 2020.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY**Report No. 14.2 Report of the Biodiversity Advisory Committee Meeting held on 11 November 2019**

5 **Directorate:** Sustainable Environment and Economy
 Report Author: Michelle Chapman, Project Support Officer
 File No: I2020/36

10 **Summary:**

This report provides the minutes of the Biodiversity Advisory Committee Meeting of 11 November 2019 for determination by Council.

15

RECOMMENDATION:

1. That Council note the minutes of the Biodiversity Advisory Committee Meeting held on 11 November 2019.

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

Report No. 4.3 Brunswick Valley Landcare Support Officer report September 2019
File No: I2019/1817

Committee Recommendation 4.3.1

1. That the Biodiversity Advisory Committee note the report.
2. That Council staff investigate and update the Committee about approvals and resources required to remove taro infestation from Saltwater Creek, and follow up with Tamara Smith's office regarding funding.

20

25 **Attachments:**

- 1 Minutes 11/11/2019 Biodiversity Advisory Committee, I2019/1842 

30

Report

The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 11 November 2019 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2019/11/BAC_11112019_AGN_1025_AT.PDF

Committee Recommendation 4.5.1**Byron Bay Bypass - Environmental Compensation Options over and above project requirements**

That the Biodiversity Advisory Committee recommends:

1. That the Biodiversity Advisory Committee wait until direction is received from Commonwealth Government regarding compensation required under the Environment Protection and Biodiversity Conservation (EPBC) Act and reconsider at the next meeting.
2. That staff investigate resources required for a Mitchell's Rainforest Snail expert to identify alternative suitable habitat sites in the Shire for compensatory restoration (preferably on Council managed land).
3. Undertake a community awareness campaign in the vicinity of the Byron Bay Bypass and around the coastal plain, to help identify existing Mitchell's Rainforest Snail habitat areas and promote conservation of this species on private land.

Management Comments

In accordance with the Committee Recommendation, Management provide the following additional information.

Item 1 of Committee Recommendation 4.5.1 was addressed at the 10 February 2020 meeting therefore this matter is closed.

Items 2 & 3 of Committee Recommendation 4.5.1 were further discussed at the 10 February 2020 meeting and the Committee further recommended that staff liaise with local universities and landholders to find out what research and information pertaining to the Mitchell Rainforest Snail exists and how we can work together. This recommendation supersedes Items 2 & 3 and is included for resolution in the separate report to this meeting titled 'Report of the Biodiversity Advisory Committee Meeting held on 10 February 2020'.

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

Financial Implications

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 11 November 2019.

Statutory and Policy Compliance Implications

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 11 November 2019.

Report No. 14.3

Report of the Biodiversity Advisory Committee Meeting held on 10 February 2020

Directorate:

Sustainable Environment and Economy

Report Author:

Michelle Chapman, Project Support Officer

File No:

I2020/338

Summary:

This report provides the minutes of the Biodiversity Advisory Committee Meeting held on 10 February 2020 for determination by Council.

RECOMMENDATION:

1. **That Council note the minutes of the Biodiversity Advisory Committee Meeting held on 10 February 2020.**

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

Report No. 4.3 Minutes of previous meeting held 11 November 2019

File No: I2020/40

Committee Recommendation:

1. **That the Biodiversity Advisory Committee note the minutes of the 11 November 2019 meeting.**
2. **The Biodiversity Advisory Committee recommend that staff liaise with local universities and landholders to find out what research and information pertaining to the Mitchell Rainforest Snail exists and how we can work together.**

Attachments:

- 1 Minutes 10/02/2020 Biodiversity Advisory Committee, I2020/136 

Report

- 5 The attachment to this report provides the minutes of the Biodiversity Advisory Committee Meeting of 10 February 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2020/02/BAC_10022020_AGN_1184_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 Biodiversity Advisory Committee Meeting of 10 February 2020.

Statutory and Policy Compliance Implications

As per the Reports listed within the Biodiversity Advisory Committee Meeting of 10 February 2020.