



# Byron Shire Council



## Agenda

### Ordinary Meeting

Thursday, 25 June 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

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## 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)

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## 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

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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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# BYRON SHIRE COUNCIL

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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](http://www.byron.nsw.gov.au/Council/Council-meetings/Questions-on-Notice)*

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

**BYRON SHIRE COUNCIL**  
ORDINARY MEETING

## NOTICES OF MOTION

**Notice of Motion No. 9.1    Bunyarra Culture Collective**  
**File No:                            I2020/907**

**I move that Council:**

**Supports the Bunyarra Culture Collective to apply for up to \$5,000 through the Community Initiatives Program to further their important work**

**Signed:    Cr Paul Spooner**

**Councillor's supporting information:**

Council has worked with Bunyarra in the past to support events within the Byron Shire. Bunyarra Culture Collective has held fundraisers to pay for access venues for Aboriginal cultural practice in the Byron Shire. Bunyarra Culture Collective aims to restore cultural practice in the region and, therefore, does not and cannot charge money to the Aboriginal community to participate in these events and activities, as that would create a barrier.

Due to the ongoing pressure to restore and revitalize cultural practice Bunyarra Culture Collective acknowledge the enormous barrier not having access to venues continues to have and the pressure it puts their cultural practitioners under to continue to find funds for this purpose. Council could remove this barrier very swiftly and foster a collaborative and supportive relationship.

Due to an increased presence of cultural presentations in the area there has been increased interest from families to engage and learn culture. As the Aboriginal community does not have any central point for cultural or community services there is a need to access community buildings with all-weather capabilities. In the past the Collective has trained on the grass at Brunswick Heads Surf Club and has been impacted by weather conditions and constant interruptions and harassment from bystanders.

There are many benefits for Council and the broader community including strengthened Aboriginal community and strengthened and restoring cultural practice and the increased wellbeing of Aboriginal families, young people and children which is more important now than ever in our community.

At the Survival Day 2019 event, Bunyarra sold t-shirts and artwork to fundraise to hire halls so they could provide free cultural dance tuition to the community. Weekly dance classes are run on a volunteer basis, with no one getting paid, no one pays to attend classes and this enables accessibility and affordability to the community and lower income earning families. The Collective believes that people should not have to pay to learn their heritage and culture. The Collective wants to support the community with access and transport issues to attend training.

Bunyarra Culture Collective is open to all Aboriginal people in the Byron Shire. The Collective works closely with Tweed Byron Local Aboriginal Land Council and the Gnibi Unit at Southern Cross University. They seek to empower local Aboriginal young people through cultural practice towards roles in leadership on country. The Collective are disciplined and professional in their approach to cultural practice and sharing.

Over the past five years Bunyarra Culture Collective has worked with Council on many community events such as NAIDOC Week, Harmony Day and grant funded projects.

Please see the YouTube link for a view of the Collective in action: <https://youtu.be/ILrQxsDZ8hU>



**Staff comments by Sarah Ford, Manager Social and Cultural Development, Corporate and Community Services**

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

5 Bunyarra Culture Collective is encouraged to apply through the Community Initiatives Program for up to \$5,000 to support its cultural restoration and revitalisation initiatives. The Community Initiatives Program is currently open, closing 4 July 2020.

10 Council's Community Initiatives Program aims to improve community wellbeing and quality of life for Byron Shire residents. Funding is for community initiatives that address:

- a specific community need
- build a sense of community
- align with Council's goals

15 In assessing the expressions of interest, Council will consider the criteria listed below:

1. Project demonstrates a clear need which aligns with Council's Community Strategic Planning documents, also known as 'Our Byron, Our Future'.
- 20 2. Project activities build 'community' ie. create stronger bonds between neighbours, residents, community groups and greater connections in the community.
3. Project includes opportunities to involve residents in shaping and carrying out the project
4. The project promotes inclusion.
5. There is a clear public benefit to Byron Shire residents.
- 25 6. Proposed project is well planned and ready for implementation..
7. The group or organisation leading the project has capacity and is financially viable.
8. Budget reliably represents the projects expenses and revenue.
9. The matching contribution (refer to Definitions and Part 7 of these Guidelines) is documented and appropriate to the project.
- 30 10. The equity of support to projects across the Local Government Area.

Based on the information provided, an application from Bunyarra Culture Collective would be a strong contender for funding within the current Community Initiative Program round.

35 Financial/Resource/Legal Implications:

A total of \$44,200 is available shown in the budget under:

40 Contribution – Community Facilities – Development Fees \$2000  
 Contribution – Community Events - Approval Expenses \$7000  
 Unallocated S356 Donations \$35,200

Is the proposal consistent with any Delivery Program tasks?

45 Yes.

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

50 2.5 Encourage community appreciation of cultural vitality and diversity

**SUBMISSIONS AND GRANTS****Report No. 11.1 Grants and Submissions Report for May 2020****Directorate:** Corporate and Community Services**Report Author:** Alexandra Keen, Grants Coordinator**File No:** I2020/884**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 (E2020/40717) for Byron Shire Council's Submissions and Grants as at 3 June 2020.**

**Attachments:**

1 Grants and Submissions Report, E2020/40717 



**REPORT**

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

5 **Successful applications**

Council was successful in obtaining \$51,500 of funding from the Coastal and Estuary Planning Program to undertake a scoping study for the Southern Byron Shire Coastline and Belongil Estuary Coastal Management Plan.

10 **Unsuccessful applications**

Council noted it was unsuccessful in Phase 1 of the Showground Stimulus Fund for an upgrade to the fence at the Bangalow Showground.

15 **Applications submitted**

Three grant applications were submitted in May 2020:

- under the Showground Stimulus Fund Phase 2 for the completion of Stage 2 rotunda works at the Bangalow Showgrounds;
- Bridges Renewal Program Round 5 for the replacement of the Main Arm Causeway number 2; and
- under the Flying Foxes Grants Program for a management plan for Paddy's Creek.

25 **Upcoming grant opportunities**

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

- Safer Roads Program and Black Spot Program;
- Fixing Country Roads 2020;
- Council Litter Grants Program; and
- Organics Collection Grant Program.

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

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

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

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

**Financial Considerations**

If Council is successful in obtaining the identified grants, more than \$8.8 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	\$8,894,063
Council cash contribution	\$3,578,446
Council in-kind contribution	\$241,759
Other contributions	\$23,059
<b>Funding applications submitted and awaiting notification (total project value)</b>	<b>\$12,737,327</b>

**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**      **Draft Policy 15/007 Sustainable Community Markets for adoption**

**Directorate:**      General Manager

**Report Author:**      Paula Telford, Leasing and Licensing Coordinator

**File No:**      I2020/678

**Summary:**


Council resolved (20-169) to place Draft Policy 15/007 Sustainable Community Markets for public comment. Council received no submissions. This report recommends that Council adopt Policy 15/007 Sustainable Community Markets as amended.

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**RECOMMENDATION:**

1.    **That Council note that no submissions were received on Draft Policy 15/007 Sustainable Community Markets.**
2.    **That Council adopt Policy 15/007 Sustainable Community Markets as amended.**

**Attachments:**

- 1      Policy 15/007 Sustainable Community Markets 2020 (amended), E2020/4102 

**REPORT**

At its 24 April 2020 meeting, Council resolved (**20-169**):

2. That Council authorises the public exhibition of the Draft Policy 15/007 Sustainable Community Markets for a period of 28 days.
3. That a separate report be tabled at Council's June Ordinary meeting detailing submissions received for consideration of adoption of the Draft Policy 15/007 Sustainable Community Markets.

Prior to Council's 24 April 2020 meeting, existing market Licensees were provided 28 days to make comment on Draft Policy 15/007 Sustainable Community Markets. No substantive changes or objections to the proposed amendments were received.

Staff placed the Draft Policy on public exhibition from 6 May to 2 June 2020. Council received no submissions on the Draft Policy.

It is recommended that Council adopt Policy 15/007 Sustainable Community Markets as amended.

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

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

Nil.

***Financial Considerations***

Nil.

***Consultation and Engagement***

As set out in the report.

**Report No. 13.2**      **Community Survey 2020**  
**Directorate:**      General Manager  
**Report Author:**      Shannon McKelvey, Executive Officer  
**File No:**      I2020/890

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**Summary:**

10      Every two years Council engages an independent consultant to conduct a Community Survey to measure changes in resident's views on importance of, and satisfaction with, a range of services provided in Byron Shire (by Council or by State Government).

15      The 2020 Community Survey is complete and the results are in, and its good news across all main indicators. Levels of overall satisfaction increased, as did levels of satisfaction with 37 out of 39 service areas and with customer services.


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**RECOMMENDATION:**

**That the 2020 Community Survey results be noted, published on Council's website and shared with stakeholders.**

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**Attachments:**

1      2020 Community Survey Report, E2020/39439 

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**REPORT**

Council conducts a Community Survey every two years to measure changes in residents' views. Four hundred residents are randomly chosen to provide their views about how important a broad range of services provided within the Shire (by Council or by State Government) are and how satisfied they are with them. The survey also asks residents to identify pressing issues and provide feedback on their experiences with contacting Council and ways they stay informed of Council news and events. Micromex Research, who specialise in local government research, were engaged to independently conduct the survey this year.

The 2020 Community Survey results are in and the full report is attached to this report (Attachment 1).

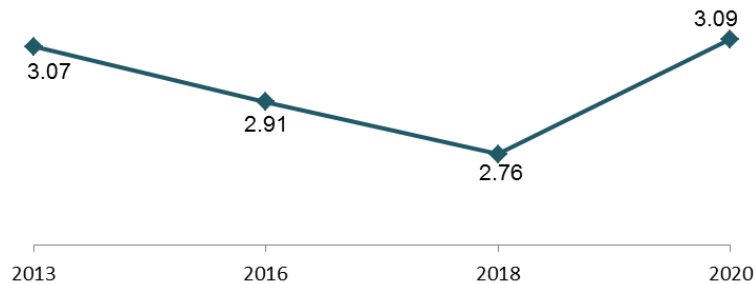
From the 2020 results, satisfaction with Council and Council services improved across all the main indicators:

	<b>2020 Results</b>	2018 Results
Overall satisfaction with Council (range of 1=very unsatisfied to 5=very satisfied)	<b>3.09</b>	2.76
Percentage of residents somewhat to very satisfied with Council	<b>78%</b>	64%
Number of services where satisfaction levels increased	<b>37 out of 39</b>	19 out of 39
Satisfaction with customer service provided by Council (range of 1=very unsatisfied to 5=very satisfied)	<b>3.52</b>	3.26
Percentage of residents somewhat to very satisfied with customer service provided by Council	<b>73%</b>	68%
Percentage of residents who had their customer request resolved during the first contact with Council	<b>42%</b>	38%

The 2020 Community Survey results will inform the End of Term Report, which would have been due in August this year, but has now been pushed back 12-months by the Covid-19 extension to the term of this Council.

Overall, the results from the 2020 Community Survey are positive. Levels of satisfaction have improved significantly over the last 2 years and have returned to above 2013 levels.

Community Surveys - Overall satisfaction score



The highest priority issues for residents in 2020 are:



Condition and maintenance of roads – 18% of residents listed in top two priorities



Affordability/availability of housing and land – 16%



Managing overdevelopment/developments – 11%

Of the 39 services covered in the survey:

- Residents rated the following as the top 5 most important services:
  - local roads – 96% (of residents included this service in their top 2 most important)
  - recycling services – 96%
  - planning for the future – 95%
  - garbage collection – 94%
  - coastline management – 89%
- The following services received the lowest importance ratings but please note this does not mean these services are not important, just that received lower relative importance scores:
  - childcare services – 65%
  - swimming pools – 59%
  - sporting facilities – 57%
  - dog exercise areas – 54%
  - public art – 49%
- The five services residents are most satisfied with are:
  - Libraries – 94% (of residents were somewhat to very satisfied with this service)
  - Water supply – 92%
  - Garbage collection – 92%
  - Community halls – 92%
  - Sewerage management services – 87%
- The five services residents are least satisfied with are:
  - Management of development – 49%
  - Traffic planning and management – 45%
  - Public transport (State Government service) – 32%
  - Affordable housing (State Government service) - 26%
  - Local roads – 17%



In relation to customer service, sixty one percent (61%) of residents surveyed had contact with Council in the last 2 years. Telephone continues to be the most common method to contact Council, with contact by email declining in 2020 and contact via Council's website nearly doubling.

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The top reasons residents contact Council are in relation to:

- development applications – 16% of engagement with Council
- parking – 14%
- roads and footpaths – 13%
- water or sewer matters – 9%
- waste management matters – 6%.

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Overall, residents were more satisfied in 2020, compared with 2018, with the level of customer service they received from Council. Improvement in levels of satisfaction with customer service occurred across all service areas, however, residents were least satisfied with resolution of contact with Council about roads and footpaths.

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In 2020, the top five ways residents keep, and want to keep, informed about Council news and activities are local newspaper and radio, rates notice/newsletters and Council's website.

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Each local government area is different, with residents' views influenced by local priorities and issues. Byron Shire faces a number of unique challenges and a number of this Shire's priorities are more like issues faced by metropolitan, not regional, councils for example affordability and availability of housing, managing tourism and population growth, public transport and traffic management.

25

Benchmarking Byron Shire's community survey results to some other regional NSW councils (who use the same consultant for their community surveys), shows that Byron residents' level of overall satisfaction is slightly lower at 3.09 out of 5 (up from 2.76 in 2018) compared with the regional average of 3.34. The survey also shows that some of the comparative differences in Byron Shire compared to other regional areas include:

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- Byron residents place a comparatively higher level of importance on:

- bikeways and bicycle facilities
- public transport
- recycling services
- sewerage management services
- parking

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- Byron residents place a comparatively lower level of importance on:

- sporting facilities
- parks and playgrounds
- swimming pools
- public art

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- Byron residents are comparatively more satisfied with:

- water supply
- dog exercise areas
- childcare services
- garbage collection
- community halls

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- Byron residents are comparatively less satisfied with:
  - local roads
  - public transport (State government services)
  - public art
  - tourism management
  - public toilets

The Community Survey Report also includes a detailed regression analysis looking at drivers and barriers to satisfaction. While each resident has different reasons influencing their levels of satisfaction, the regression analysis shows that some of the main influences on improvement to overall satisfaction have been from improvements in:

- financial management
- community consultation and engagement
- crime prevention and community safety
- festival and event management

It can take time for Council decisions to start to return results and there is often an interval, sometimes years, between decisions being made and positive outcomes being seen 'on the ground' by residents. For example, past Council decisions and projects to generate revenue are now enabling record investment in roads, culverts, bridges and other infrastructure driving increased satisfaction. Another was the decision to invest in upgrading Council's website that created the current capability for increased communication and engagement, which is another area residents are now more satisfied with. These are just a couple of examples and it is the collective impact from Council's decisions and projects that have driven the turn around in, and improvements to, residents' overall satisfaction with Council and increased satisfaction with most service areas.

Overall, the 2020 results are positive but there is always room for improvement and, based on the results, the report recommends future focus on a number of key areas including:

1. Local roads, infrastructure and management of development.
2. Council leadership, particularly in times of uncertainty due to Covid-19, and future planning, with a focus on communication and keeping community informed and involved.
3. Housing affordability.

The 2020 Community Survey information will be uploaded to Council's website and shared with stakeholders, such as the Community Roundtable members and through the Council E-News. Staff will use it to inform operations and service reviews and to continue to focus on communication and engagement and customer services.

The data from the community survey is also used to support Council advocacy and lobbying for improved services for residents of the Shire, to inform policy development and to support grant applications.

Please note:

- 5 a) the report that it uses the word 'significant' to refer to "statistical significance" (which identifies results that are not likely to have occurred by chance) rather than the everyday meaning of the word 'significant'
- 10 b) the survey and report were contracted before, and therefore are inconsistent (eg font and colour) with Council's recently updated document publication requirements but future contracts will be changed to ensure subsequent reports are consistent with publication requirements.

## **STRATEGIC CONSIDERATIONS**

### **15 Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>L2</b>	<b>CSP Strategy</b>	<b>L3</b>	<b>DP Action</b>	<b>L4</b>	<b>OP Activity</b>
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.1	Engage and involve community in decision making	5.1.1	Facilitate inclusive community consultation and stakeholder engagement to inform Council decision making (SP)	5.1.1.4	Conduct Community Survey

### ***Legal/Statutory/Policy Considerations***

20 There is currently no statutory requirement on Council to carry out Community Surveys to measure satisfaction with services. However, they are key to understanding and meeting community expectations and undertaking the surveys, and discussing and publishing the results, demonstrates Councils' commitment to community-led decision-making and open and accountable governance.

### **25 Financial Considerations**

The biennial budget for the community survey is \$30,000. The 2020 Community Survey project will be delivered below budget, however the final cost was not known at the time of report writing, as the final invoicing had not been received.

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 13.3**      **Extension of Councillor Expenses and Facilities Policy**  
**Directorate:**      Corporate and Community Services  
5 **Report Author:**      Heather Sills, Corporate Planning and Improvement Coordinator  
**File No:**      I2020/524

10 **Summary:**


The Minister of Local Government has postponed the 2020 Local Government election ([Office of Local Government Circular 20-10](#)) until 4 September 2021; extending the term of office for the current Councillors for an additional 12 months.

15 This report proposes an amendment to the *Councillor Expenses and Facilities Policy* to support Councillors to perform their civic duties throughout this additional year of their term. Funding is already allocated in the draft budget and this report seeks merely to regularise the related policy position.

20 **RECOMMENDATION:**

That in accordance with Section 253 of the Local Government Act 1993, Council adopts an amendment to the *Councillor Expenses and Facilities Policy* (Attachment 1 #E2019/40814) to include the provision of \$1,000 per councillor for 'ICT equipment and consumables' for the additional 2020/21 year of the current council term.

25 **Attachments:**

- 1      Statutory Policy: Councillor Expenses and Facilities 2019, E2019/40814 

**REPORT**

On 25 March 2020, the [Office of Local Government Circular 20-10](#) provided amendments to the *Local Government Act 1993 (the Act)* to confer power to the Minister to postpone council elections.

5 The Minister subsequently announced that the September 2020 local government elections were postponed to address the risks posed by the COVID-19 virus.

The circular further outlined that the current Councillors and popularly elected mayors will continue to hold their civic offices until an ordinary election is held in 2021.

10 To support Councillors during this additional year of their term, it is recommended that the Councillor *Expenses and Facilities Policy* be amended to provide \$1,000/councillor for the purchase of 'ICT equipment and consumables' for the additional year of the council term (year 5).

15 All other provisions within the policy continue to apply, as they are provided on an unspecified annual basis, as detailed in Annexure D of the policy, below:

<b>Expense or facility</b>	<b>Clause</b>	<b>Maximum amount (either total allocation or per councillor)</b>	<b>Frequency</b>
General travel expenses	6.2 6.6	\$17,700 – total	Annual
Accommodation and meals	6.19 6.20	As required – refer to Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 as a guide	As required
Out of pocket expenses (attending conferences, workshops etc – eg meals, travel)	6.32	\$100/day	As required
Conference, seminar, workshop or function held in the local area	6.38	\$500/councillor (approved by the General Manager)	As required
Professional development	6.25	\$10,000 – total	Annual
Conferences and seminars	6.32	\$31,500 – total	Annual
ICT equipment and consumables	6.43.2	\$3,700/councillor (year 1 of term) \$2,000/councillor (year 2 of term) \$2,000/councillor (year 3 of term) \$1,000/councillor (year 4 of term)	Annual
ICT support services	6.43.2	\$2,000 – total	Annual
Telephone (fixed line/mobile)	6.43.1	\$235 (Mayor) \$200 (Councillors)	Monthly
Carer expenses	6.48	\$3,100 – total	Annual
Councillor Assistance Program	6.52	5 sessions/councillor	Annual
Fitness Passport	6.53	Subsidised and provided to all councillors	Annual
Access to facilities in Councillor room	9.1	Provided to all councillors	
Council vehicle and fuel card	10.1	Provided to the Mayor	
Reserved parking space at Council offices	10.3	Provided to the Mayor	
Furnished office and meeting space	10.4	Provided to the Mayor	
Support staff	10.5	Provided to all councillors	
MasterCard	10.6	Provided to the Mayor (\$5,000 value)	

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	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	Provide support to Councillors – including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping

**5 Legal/Statutory/Policy Considerations**

The relevant sections of the *Local Government Act 1993* are as follows:

**252 Payment of expenses and provision of facilities**

- 10 (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- 15 (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

**253 Requirements before policy concerning expenses and facilities can be adopted or amended**

- 20 (1) *A council must give public notice ... allowing at least 28 days for the making of public submissions.*
- (2) *... the council must consider any submissions ... and make any appropriate changes to the draft policy or amendment.*
- 25 (3) *... a council need not give public notice of a proposed amendment ... if the council is of the opinion that the proposed amendment is not substantial.*

**254 Decision to be made in open meeting**

- 30 *The council or a council committee all the members of which are councillors must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.*

***Financial Considerations***

The 2020/21 draft budget contains allocations to fund the requirements of this Policy.

**Report No. 13.4**      **Draft 2020/21 Operational Plan and Budget for public exhibition**  
**Directorate:**      Corporate and Community Services  
**Report Author:**      Esmeralda Davis, A/Manager Corporate Services  
                                  James Brickley, Manager Finance  
                                  Heather Sills, Corporate Planning and Improvement Coordinator  
**File No:**              I2020/711

**Summary:**

Council's Operational Plan articulates the key activities to be delivered in a financial year based on the actions and strategic goals in 'Our Byron, Our Future' – Council's 10-year Community Strategic Plan and 4-year Delivery Program. Council is in its fourth year of the Delivery Program.

Council's Statement of Revenue Policy includes Budget Estimates, Rates and Charges, Borrowings, and Fees and Charges.

The preparation of these documents is regulated under the Integrated Planning and Reporting Framework requirements legislated by the *Local Government Act 1993* (Sections 402 to 406).

This report recommends placing the Draft 2020/21 Operational Plan and Statement of Revenue Policy, subject to any amendments, on public exhibition for 28 days.




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**RECOMMENDATION:**

**That Council:**

1.      **Endorses the draft Operational Plan 2020/21 (Attachment 1, E2020/43572) for public exhibition for a period of 28 days.**
2.      **Endorses the Draft 2020/21 Statement of Revenue Policy comprising detailed Budget Estimates (Attachment 2, E2020/43197), Rates, Charges, Borrowings and Fees and Charges (Attachment 3, E2020/42781) for public exhibition for a period of 28 days.**

**Attachments:**

- 1      Draft 2020-21 Operational Plan, E2020/43572 
- 2      Draft 2020-21 Budget Estimates (Detailed), E2020/43197 
- 3      Draft 2020-21 Revenue Policy including Fees and Charges, E2020/42781 



**REPORT**

The Community Strategic Plan, the Delivery Program and the Operational Plan form part of the Integrated Planning and Reporting Framework which is a requirement under the *Local Government Act 1993*.

The 4-year Delivery Program turns the strategic goals found in the Community Strategic Plan into actions. The annual Operational Plan spells out the detail of the Delivery Program, identifying the individual projects and activities that will be undertaken in a specific year to achieve the commitments made in the Delivery Program. The Operational Plan must include the Council's annual budget, along with Council's Statement of Revenue Policy, which sets the proposed rates, fees and charges for that financial year.

Council undertook a significant review of its Delivery Program in 2018 following the development of a new Community Strategic Plan and recommendations from the Infrastructure Community Solutions Panel. It has not been reviewed this year.

***Draft 2020/21 Operational Plan***

The Operational Plan actions detail the activities and projects Council will undertake. It is grouped under our five Community Strategic Plan themes, which are:

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

Within each theme, reading across, the Operational Plan is structured by Community Strategic Plan objective and strategy, Delivery Plan action, Operational Plan activity, financial implications, responsibility, measure, and due date. Links to Community Solutions Panel (infrastructure) recommendations and Disability Inclusion Action Plan requirements are also referenced.

The draft Operational Plan is included at Attachment 1.

***Draft 2020/21 Budget Estimates (Statement of Revenue Policy)***

The Draft 2020/21 Budget Estimates are based on the 2019/20 budget reviewed at 31 March 2020 Quarter Budget Review with various changes to reflect the updated cost of service delivery across all programs developed from the input received from each Council Directorate.

The Draft 2020/21 Budget Result on a Consolidated (All Funds) basis forecasts a deficit budget result as outlined below at Table 1.

Table 1 – Forecast Budget Result 2020/21 Consolidated (All Funds)

Item	Amount \$
<b>Operating Result</b>	
Operating Revenue	85,982,600
Less: Operating Expenditure	(74,126,400)
Less: Depreciation	(15,029,000)
<b>Operating Result – Surplus/(Deficit)</b>	<b>(3,172,800)</b>
<b>Funding Result</b>	
Operating Result – Surplus/ (Deficit)	(3,172,800)

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

Add: Non cash expenses – Depreciation	15,029,000
Add: Capital Grants and Contributions	23,810,200
Add: Loan Funds Used	27,000,000
Add: Asset Sales	0
Less: Capital Works	(79,681,000)
Less: Loan Principal Repayments	(3,508,400)
<b>Funding Result – Surplus/(Deficit) (Cash Movement)</b>	<b>(20,523,000)</b>
Reserves Movement – Increase/(Decrease)	(20,146,800)
<b>Overall Budget Result – Surplus/(Deficit) (Operating + Funding)</b>	<b>(376,200)</b>

The detailed Draft 2020/21 Budget Estimates are included at Attachment 2. Table 1 indicates a forecasted budget deficit result of \$376,200 and this relates to the General Fund. The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 1 is outlined in Table 2 below:

Table 2 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2020 at 31 March 2020 Budget Review (proposed)	23,700
Add: Estimated initial draft 2020/21 budget result	(376,200)
<b>Forecast unrestricted cash balance at 30 June 2021</b>	<b>(352,500)</b>

In addition to Table 1 above, budgeted financial statements incorporating an Operating Statement and Cash Flow Statement have been produced. These financial statements, replicating the format of Council's Annual Financial Statements, are included in Attachment 1 as part of the Operational Plan, along with a one page summary of all Council budget program outcomes. Reserve balances are outlined in the detailed budget estimates provided at Attachment 2.

Following the Council Strategic Planning Workshop of 4 June 2020, the Draft 2020/2021 budget position presented there has changed with the projected deficit increasing from \$321,600 to \$376,200 or by \$54,600 due to anticipated negotiations over the Local Government State Award 2020. The budget was presented assuming a wage increase of 1% from the first full pay period in July 2020 which was one of the options being considered but further advice has been received that the negotiated outcome is likely to be a 1.5% increase. This has a financial impact across the budget amounting to \$54,600.

There are also some capital works adjustments required in the Sewerage and Water Funds as follows:

- Following confirmation of pricing, the budget for the South Byron STP remediation needs to increase by \$500,000 from \$1.700million to \$2.200million.
- Following confirmation of pricing, the budget for the Mullumbimby STP remediation needs to decrease by \$500,000 from \$1.719million to \$1.219million.
- Deletion of the Fletcher Street property development planning budget of \$344,000 from the Water Fund removed from the 31 March 2020 Quarterly Budget Review but included in the Draft 2020/2021 Budget, as this project is not continuing.

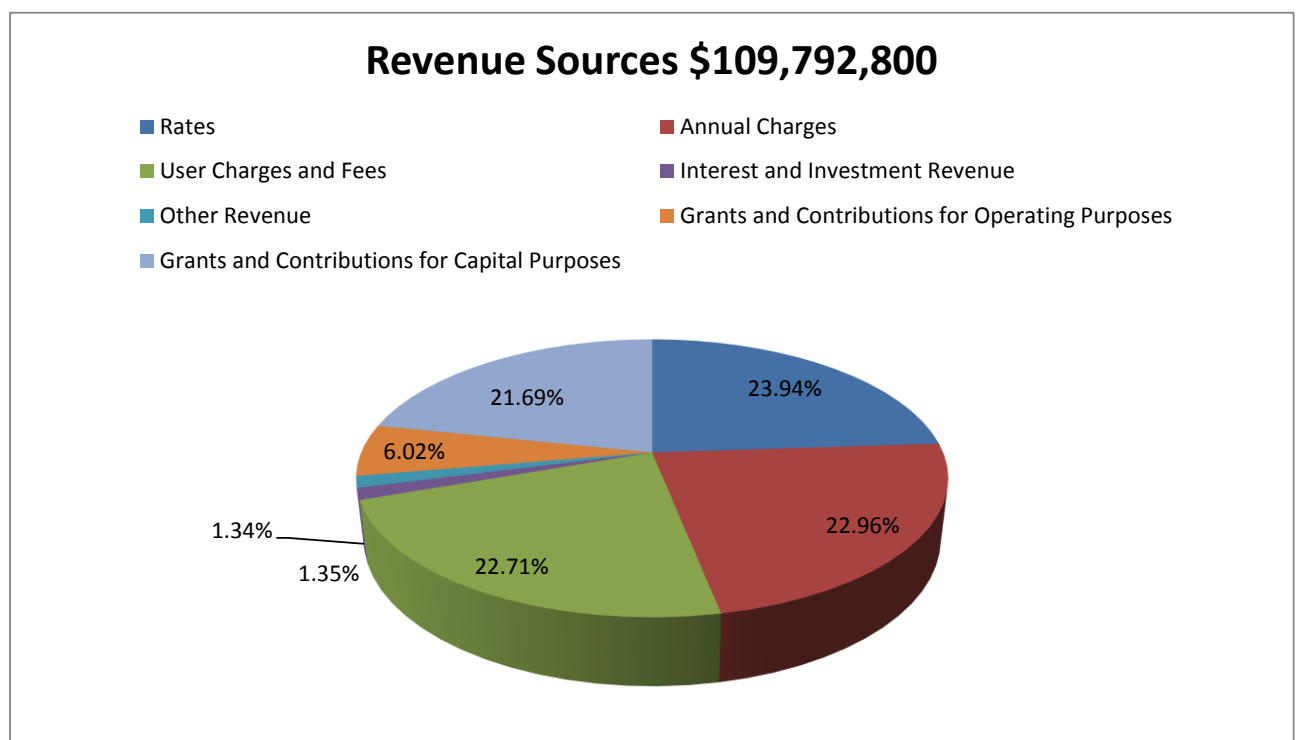
### Specific comment about Council's financial position

The COVID-19 Pandemic has impacted the financial position of Council due to anticipated revenue losses and costs to respond to the Pandemic. For the 2019/2020 financial year, at the time of preparing this report and after considering the 31 March 2020 Quarterly Budget Review, Council is facing a projected \$976,300 deficit. Combined with the projected deficit of \$376,300 for 2020/2021, Council is looking at a cumulative projected deficit of \$1.353million. While Council is

fortunate to have had its unrestricted cash balance of \$1.000million available to help cushion the impact of COVID-19, it is now in a position of having no unrestricted cash to assist in funding any unforeseen event. As a result Council should err on the side of caution with its finances until the unrestricted cash balance can be rebuilt. It is noted that Council now has, as an ultimate contingency, a \$1million bank overdraft facility.

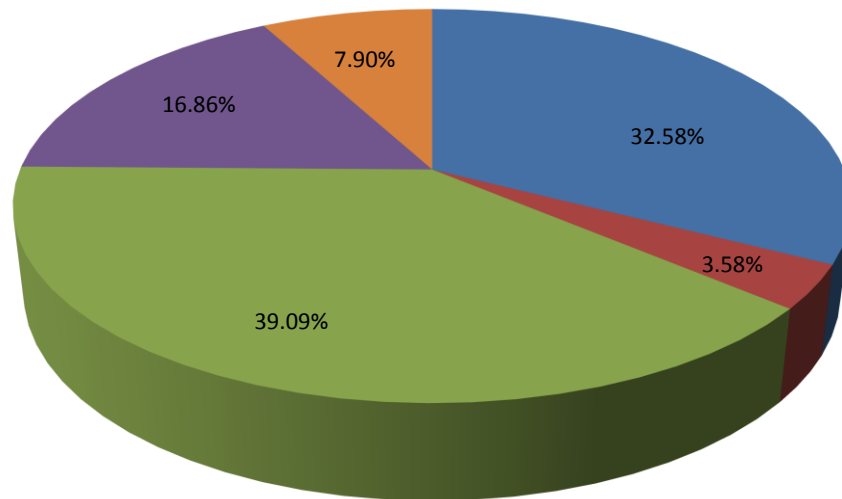
The intent is, during the finalisation of the 2019/2020 financial year outcomes and during the course of the 2020/2021 financial year, to recover through the Quarterly Budget Review process the deficit budget position as much as possible on the assumption that public health order restrictions continue to ease and economic activity starts to recover.

To arrive at the Draft Budget Results outlined in Table 1 for the 2020/21 financial year, Council's revenue and operational expenses are expected to be derived from the following sources and allocated respectively as outlined in the graphs below:



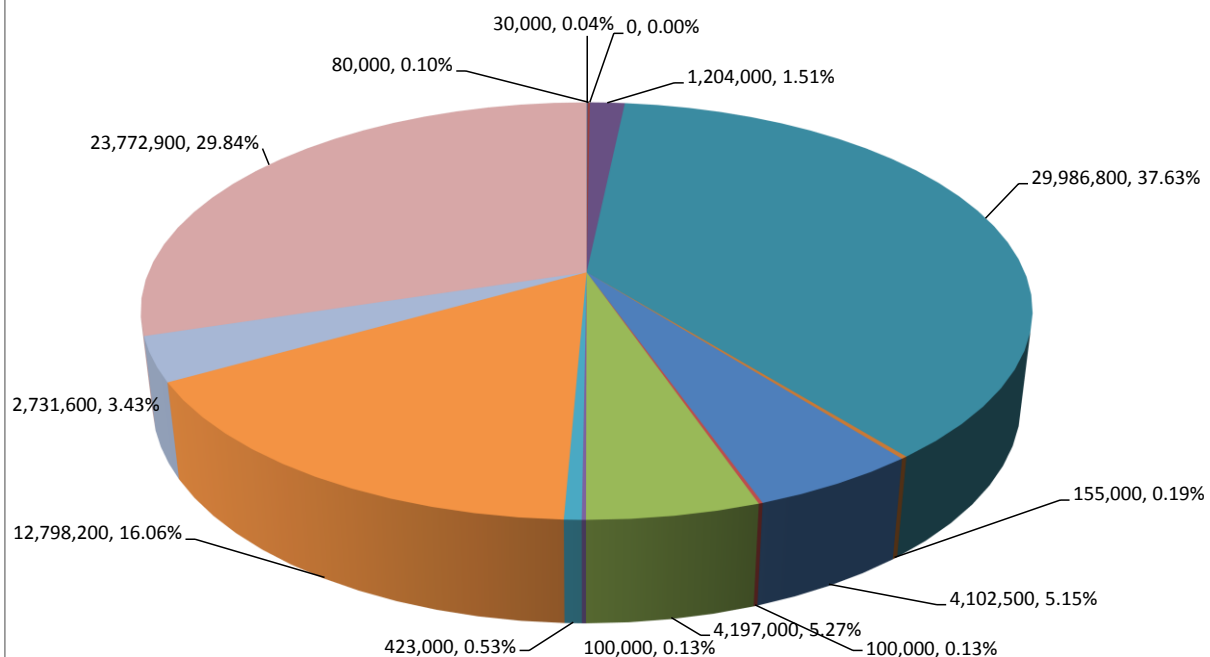
### Operating Expenditure \$89,155,400

- Employee Benefits and Oncosts   ■ Borrowing Costs   ■ Materials and Contracts
- Depreciation and Amortisation   ■ Other Expenses



### Capital Expenditure \$79,681,000

- Public Libraries   ■ Childrens Services
- Emergency Services   ■ Depot Services and Fleet Management
- Local Roads and Drainage   ■ Roads and Maritime Services
- Open Space and Recreation   ■ Projects & Commercial Development
- Waste Management   ■ Cavanbah Centre
- Holiday Parks   ■ Facilities Management
- Water   ■ Sewerage



In addition to the operational aspects of the proposed Draft 2020/21 Budget Estimates, Council is proposing a capital works program of \$79.681million. By Fund, the projected capital works are:

- General Fund \$53.177million
- Water Fund \$2.731million
- Sewerage Fund \$23.773million

Specific capital works projects have been detailed in Attachment 2. As in previous years, the General Fund is presented in a different format, to improve the disclosure of funding sources for specific projects including:

- Developer contribution funding to describe the specific part of the Developer contribution plan and catchment that is providing the funding for a project.
- Where reserve funds are funding a project, identification of the reserve being utilised.
- Separation of funding provided by Special Rate Variations (SRVs) including previously granted SRVs prior to 2008/2009 and the SRV from 2017/2018, for which Council has reporting obligations for 10 years.

Of the \$53.177million for capital works related to the General Fund, \$29.987million is allocated towards Roads and Drainage projects including \$9.018million allocated to the Byron Bay Bypass. The General Fund also includes \$12.000million for the Dingo Lane Solar Farm and the Sewerage Fund Capital Works Budget includes \$15.000million for the Bio-Energy Facility.

The Draft 2020/21 Budget Estimates also propose new loan borrowings of \$27million to fund the following projects:

- Dingo Lane Solar Farm (General Fund) \$12 million
- Bio-Energy Facility (Sewerage Fund) \$15million

The amount of actual loan funds Council will need to borrow may be reduced pending the following considerations:

1. Council approval to proceed to construct both projects following final assessment of the viability of both projects.
2. Whether Council is able to secure any grant funding towards either or both projects.
3. Finalisation of cost estimates and timing of construction if either or both projects proceed.

Should Council need to borrow the full \$27million or lesser amount, this will be subject to lending approval and it will be necessary for both projects to be financially viable to generate sufficient return to fund their operation, maintenance, future loan repayments and provide for future replacement.

It will be likely that Council will not be able to access the low-interest initiative loan borrowing facility offered by the NSW Government through NSW Treasury Corporation as these projects will fall outside its lending criteria.

On the assumption Council does need to and is able to borrow \$27million during 2020/2021, this will leave Council with loan debt at 30 June 2021 after budgeted loan repayments during 2020/2021 of **\$86.326million**.

#### ***Draft General Land Rates and Charges (Statement of Revenue Policy)***

The Draft 2020/21 Revenue Policy includes the proposed rating structure, consistent with the structure revised by Council for the 2017-2018 financial year. This is outlined in Attachment 3. The rating structure incorporates the final year of the approved 2017/2018 Special Rate Variation

(SRV) with the overall rate yield for 2020/21 increasing by 7.50% (including rate pegging of 2.60% set by the Independent Pricing and Regulatory Tribunal (IPART) for the 2020/21 financial year).

- 5 Given Council has an SRV approval for the financial years, 2017-2018 to 2020-2021, the Independent Pricing and Regulatory Tribunal (IPART) has set the rating structure for the next two financial years as the minimum rates to apply have been determined by Order.

10 The 2020/21 financial year will also see the introduction of new land valuations for the purposes of levying general land rates. The land valuations are not determined by Council but by the NSW Valuer General. There will be fluctuations in the general land rates payable by ratepayers and this will solely be influenced by land value. Council has maintained the same rating structure and revenue differentials applied to each rating category. Overall land values have increased by 37.5% across the Shire but there have been some significant and some smaller increases plus some decreases. This means that while some ratepayers will see decreases, others will potentially see significant increases. Increased land values do not increase Council's overall general land rating income, merely shift the balance of payment.

In respect of other charges, the Draft 2020/21 Revenue Policy includes the following:

- 20 • Waste Charges – increases in accordance with the Consumer Price Index (CPI) – 1.80%
- Water access charges increasing around 1.6% and water usage charges increasing by 7.7% from \$2.60 to \$2.80 per kilolitre. Water will now be the same price for usage irrespective of whether a consumer is residential or non-residential, providing equity for all consumers and continuation of the single tariff introduced in the 2019/2020 financial year.
- 25 • Increasing the sewerage access charge for residential consumers from \$857 per annum to \$1,257 per annum. Whilst representing an increase of \$400 per annum, the increase will be offset by the removal of the sewerage usage charge for residential consumers charged quarterly via the water/sewerage usage account. These accounts will be issued in relation to 2020/2021 water consumption only. The rationale for making this change for residential sewerage charges is as follows:
  - 30 ○ Council will be consistent with every other Council in NSW.
  - WaterNSW only supports volumetric sewerage charges for non-residential ratepayers in accordance with best practice pricing guidelines.
  - The current charging is unfair because Council cannot accurately measure each property's discharge to the sewerage system. It is currently assumed that 75% of
  - 35 ○ water consumed is returned to the sewer.
  - Residential ratepayers lack the ability to control discharge which therefore creates a weak pricing signal which is the main intention of volumetric charging.
  - The sewerage charge will be come a fixed amount and a known quantity. It will no longer vary based on water consumption.
  - 40 ○ Provides more certainty to Council in respect of sewerage revenue as the variability of water consumption is removed.
- The stormwater charge has not increased. It is a regulated charge that has not changed over the last fourteen years.

#### 45 ***Draft Fees and Charges (Statement of Revenue Policy)***

The Draft 2020/21 Fees and Charges have been reviewed by the respective program managers and included at Attachment 3. Where possible, fees have been altered/increased to reflect the following specific changes:

- 50 • Increases in the Consumer Price Index (CPI)/Indexation - assumed at 1.80%.
- Review of fees and charges including benchmarking/cost of service provision and where possible, introduction of new fees to assist Council to generate additional/enhanced revenue.

55 Following Council resolution **20-124(5)(e)** from the 26 March 2020 Ordinary Meeting, a review of Council revenue was undertaken to consider the exploration of a freeze of fees and charges for

2020/2021. This analysis indicated from a budget perspective Council would forgo \$258,500 in revenue. This outcome was based on an assumption that demand is as per 2019-2020 levels prior to COVID-19. A lot of Council revenue where there is flexibility to alter the respective fees and charges is demand driven. Therefore if the demand is not there a 'freeze' will have no impact.

## **STRATEGIC CONSIDERATIONS**

### ***Community Strategic Plan and Operational Plan***

<b>CSP Objective</b>		<b>CSP Strategy</b>		<b>DP Action</b>		<b>OP Activity</b>
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.1	Provide timely, accessible and accurate information to the community	5.2.1.1	Review Operational Plan annually
	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.2	Complete annual statutory financial reports

### ***Legal/Statutory/Policy Considerations***

[Section 405 of the Local Government Act](#) outlines the Operational Plan requirements including public exhibition and timeframes.

The specific statements required by Council to be disclosed as part of its Revenue Policy are determined by [Clause 201 of the Local Government \(General\) Regulation 2005](#).

### ***Financial Considerations***

The Operational Plan includes the annual budget required to fund the projects and services delivered as part of the Plan.

### ***Consultation and Engagement***

The Draft 2020/21 Operational Plan and Budget have been prepared based on the strategic priorities in the Community Strategic Plan and insights from the 2018 Infrastructure Community Solutions Panel and the 2018 Community Satisfaction Survey.

Initial community feedback was obtained through community conversations held in February as well as an online engagement portal. The presentation included discussion on:

- how the budget and operational plan are developed
- outcomes and progress on investment of SRV and pay-parking funds
- projects being considered
- input on priorities from attendees.

The Draft 2020/21 Operational Plan and Budget will be subject to 28 days' public exhibition. Due to COVID-19 restrictions, Council will be limited to online forms of community engagement and therefore community feedback will be sought primarily through [www.yoursaybyronshire.com.au](http://www.yoursaybyronshire.com.au), Public notices and media releases will also be distributed.



**Report No. 13.5**                      **Report of the Public Art Panel meeting held on 9 April 2020**  
**Directorate:**                      Corporate and Community Services  
**Report Author:**                  Joanne McMurtry, Community Project Officer  
**File No:**                              I2020/567  
**Theme:**                              Corporate Management  
     Community Development

**Summary:**



A Public Art Panel meeting was held on 9 April 2020 to consider a new Public Art Annual Small Grants Program, an update from Creative Mullumbimby, and to consider a Preliminary Public Art Plan under the recently revised DCP Public Art Chapter. Panel recommendations are provided for Council's consideration.

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**RECOMMENDATION:**

1. That Council adopts the Public Art Annual Small Grants Program, incorporating feedback provided from Public Art Panel members, and prepares to advertise the first round.
2. That Council approves the location of *Immaculate Concept of the Mind* sculpture as remaining in Palm Park on loan from the artist, noting the work was selected as an acquisition prize for the Mullumbimby Sculpture Walk as per the DA approval.
3. That Council notes that the Public Art Panel reviewed the Preliminary Public Art Plan for 139 Jonson St, Byron Bay and provided feedback and comments to enable the assessment planning officer to proceed with the DA assessment process.
4. That Council notes that following the 9 April meeting, Matthew Baird submitted his resignation from the Panel and that a letter of thanks will be provided.

**Attachments:**

- 1 Minutes 09/04/2020 Public Art Panel, I2020/519 
- 2 DRAFT Public Art Annual Small Grants Program, E2019/91065 

**REPORT**

A Public Art Panel meeting was held on 9 April 2020 to consider a new Public Art Annual Small Grants Program, an update from Creative Mullumbimby, and to consider a Preliminary Public Art Plan under the recently revised DCP Public Art Chapter.

The Panel made recommendations to Council as noted in the attached minutes of the meeting and as described in this report.

**Public Art Annual Small Grants Program**

Council is often approached by community groups and artists with requests for financial and other support for projects such as local art events and temporary artworks, e.g. murals. These requests are not necessarily aligned with the priorities outlined in the Public Art Strategy and nor do they represent the geographical spread of locations within the Shire. Given the limited budget for public art and desire to improve both equity and outcomes, an annual competitive grant process is considered as one way to improve outcomes for both Council and the community.

The attached draft of the Program proposes the draft program description, objectives, initial priorities, eligibility criteria and assessment criteria.

The suggestion is to allocate \$5,000 per annum to this Program, awarding the funding to either one or two projects based on applications as assessed against the criteria.

The public art objectives and priorities are based on the Public Art Policy and the Public Art Strategy. The draft Program is based on Council's successful Community Initiatives Program with regard to eligibility and terms and conditions.

The Program would be advertised annually, with the Public Art Panel assessing the applications that progress through the initial compliance assessment.

*Anticipated Outcomes of the Program*

1. Provide an equitable framework and process to assess a range of projects, public art-based events and small public art proposals for Council support, where there is currently no provision;
2. Provide an opportunity for community members/groups to strengthen links and increase community involvement in public art activities;
3. Target priority groups, areas and issues in alignment with Council and community goals;
4. Strengthen Council relationship with the artistic community in the Shire through engagement and recognising and valuing their participation in Council business; and
5. Increase the number and type of partnerships delivering public art projects in Byron Shire.

*Program Evaluation*

The program evaluation could include:

- Quality and number of activities delivered successfully;
- Value for money;
- Community feedback;
- Partnerships and support networks that are developed and encouraged through this process;

- Artwork that is created in a professional manner;
- Relevance and appropriateness of the work to the site;
- Improved image and perception of public art in the Shire; and
- Improved knowledge amongst the community of Council's support for public art in the Shire.

5

## **STRATEGIC CONSIDERATIONS**

### ***Community Strategic Plan and Operational Plan***

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

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

Public Art Policy  
Public Art Strategy  
Public Art Guidelines

15

## ***Financial Considerations***

20 The new Public Art Annual Small Grants Program is proposed to be funded from the annual public art budget. The annual public art budget has previously averaged at \$17,000 per year; the proposal is to set aside \$5,000 for this program per annum.

## ***Consultation and Engagement***

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

**Report No. 13.6**      **Revised Council meeting schedule for 2020 due to postponement of Local Government Election**  
**Directorate:**      Corporate and Community Services  
**Report Author:**      Mila Jones, Governance Coordinator  
**File No:**      I2020/768

**Summary:**

Due to the postponement of the Local Government Election from 2020 to 2021, Council's adopted meeting schedule has been amended as proposed in the recommendation.

**RECOMMENDATION:**

That Council, due to the postponement of the 2020 Local Government Election, adopts the following amended schedule for Council Meetings and Strategic Planning Workshops from August 2020:

Date (2020)	Meeting/Workshop
6 August	SPW
13 August*	Planning
<b>27 August</b>	<b>Ordinary</b>
3 September	SPW
17 September	Planning
<b>24 September</b>	<b>Ordinary</b>
1 October	SPW
15 October	Planning
<b>22 October</b>	<b>Ordinary</b>
5 November	SPW
19 November	Planning
<b>26 November</b>	<b>Ordinary</b>
3 December	SPW
10 December	Planning
<b>17 December</b>	<b>Ordinary</b>

\* Committee meetings have previously been resolved for 20 August therefore Planning Meeting brought forward to 13 August.

**REPORT**

At the Ordinary Meeting on 28 November 2019 Council adopted a meeting schedule for 2020 which accommodated a Local Government Election year. As the election has now been postponed until 2021 due to COVID-19 restrictions, this report proposes to amend the schedule for Council Meetings and Strategic Planning Workshops by removing all election related dates and activities for the remainder of 2020. The amendments bring the schedule back to a regular meeting schedule in line with the Code of Meeting Practice.

There are no changes required for any Advisory Committee, Panel, Local Traffic Committee, or Planning Review Committee dates as these had already been allocated as per a normal meeting schedule.

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.2	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

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

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

The full regulation is available at [http://www5.austlii.edu.au/au/legis/nsw/consol\\_act/lga1993182/](http://www5.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/)

***Financial Considerations***

There are no financial implications with this meeting schedule.

**Report No. 13.7**      **Council Investments - 1 May 2020 to 31 May 2020**  
**Directorate:**      Corporate and Community Services  
**Report Author:**      James Brickley, Manager Finance  
**File No:**      I2020/807

5

**Summary:**

10      This report includes a list of investments and identifies Council's overall cash position for the period 1 May 2020 to 31 May 2020 for information.

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

15

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**RECOMMENDATION:**

**That the report listing Council's investments and overall cash position as at 31 May 2020 be noted.**

## REPORT

Council has continued to maintain a diversified portfolio of investments. At 31 May 2020, the average 90 day bank bill rate (BBSW) for the month of May 2020 was 0.10%. Council's performance to 31 May was 1.63%. 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 31 May 2020

## Schedule of Investments held as at 31 May 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	1,018,310	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	28/03/31	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	1.84%	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
03/07/19	1,000,000	Australian Military Bank	Y	NR	02/07/20	N	TD	2.12%	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
25/09/19	2,000,000	NAB	N	AA-	24/09/20	N	TD	1.60%	2,000,000.00
31/10/19	1,000,000	ME Bank	Y	BBB	28/07/20	Y	TD	1.58%	1,000,000.00
08/11/19	2,000,000	Suncorp	Y	A+	04/08/20	N	TD	1.60%	2,000,000.00
27/11/19	1,000,000	Coastline Credit Union	Y	NR	26/11/20	Y	TD	1.80%	1,000,000.00
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
06/01/20	2,000,000	NAB	N	AA-	04/06/20	N	TD	1.58%	2,000,000.00
06/01/20	1,000,000	Judo Bank	Y	NR	05/01/21	N	TD	2.10%	1,000,000.00
20/01/20	1,000,000	Westpac (Tailored)	Y	AA-	20/01/21	Y	TD	1.41%	1,000,000.00
24/01/20	2,000,000	Bank of Queensland	N	BBB+	24/07/20	N	TD	1.60%	2,000,000.00



# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.7

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
30/01/20	1,000,000	Judo Bank	N	NR	30/07/20	N	TD	1.85%	1,000,000.00
06/02/20	1,000,000	My State Bank	Y	NR	06/08/20	Y	TD	1.70%	1,000,000.00
02/03/20	2,000,000	Macquarie Bank Ltd	Y	A	01/06/20	N	TD	1.70%	2,000,000.00
02/03/20	2,000,000	Macquarie Bank Ltd	N	A	01/06/20	N	TD	1.70%	2,000,000.00
03/03/20	2,000,000	Macquarie Bank Ltd	N	A	02/06/20	N	TD	1.70%	2,000,000.00
04/03/20	1,000,000	Auswide Bank Ltd	Y	NR	03/06/20	Y	TD	1.55%	1,000,000.00
09/03/20	2,000,000	NAB	N	AA-	09/06/20	N	TD	1.37%	2,000,000.00
12/03/20	2,000,000	Macquarie Bank Ltd	N	A	10/06/20	N	TD	1.70%	2,000,000.00
25/03/20	1,000,000	TCorp Green Deposit	N	AAA	25/09/20	N	TD	0.57%	1,000,000.00
06/04/20	1,000,000	Police Credit Union Ltd (SA)	Y	NR	06/10/20	N	TD	1.75%	1,000,000.00
23/04/20	1,000,000	Summerland Credit Union	Y	NR	23/07/20	Y	TD	1.60%	1,000,000.00
28/04/20	1,000,000	The Capricornian	Y	NR	23/07/20	Y	TD	1.60%	1,000,000.00
29/04/20	2,000,000	Macquarie Bank Ltd	N	A	29/07/20	N	TD	1.25%	2,000,000.00
04/05/20	1,000,000	NAB	N	AA-	03/08/20	N	TD	1.00%	1,000,000.00
04/05/20	1,000,000	Summerland Credit Union	N	NR	20/08/20	Y	TD	1.30%	1,000,000.00
06/05/20	1,000,001	AMP Bank	N	BBB	04/11/20	N	TD	1.65%	1,000,001.00
12/05/20	1,000,000	ME Bank	N	BBB	11/08/20	N	TD	1.27%	1,000,000.00
12/05/20	1,000,000	The Mutual Bank	N	NR	09/11/20	N	TD	1.50%	1,000,000.00
25/05/20	1,000,000	AMP Bank	N	BBB	23/11/20	N	TD	1.65%	1,000,000.00
25/05/20	1,000,000	Macquarie Bank Ltd	N	A	24/08/20	N	TD	1.00%	1,000,000.00
26/05/20	1,000,000	Judo Bank	N	NR	24/11/20	Y	TD	1.70%	1,000,000.00
28/05/20	2,000,000	AMP Bank	N	BBB+	25/11/20	N	TD	1.65%	2,000,000.00
N/A	15,529,189.87	CBA Business Saver	N	AA-	N/A	N	CALL	1.20%	15,529,189.87
N/A	2,506,331.42	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	1.20%	2,506,331.42
N/A	3,585,174.82	NSW Treasury Corp	N	AAA	N/A	Y	CALL	1.15%	3,585,174.82
<b>Total</b>							<b>AVG</b>	<b>1.63%</b>	<b>76,680,102.77</b>

**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

FRN	Floating Rate Note	via a fixed interest, payable usually each quarter. 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.

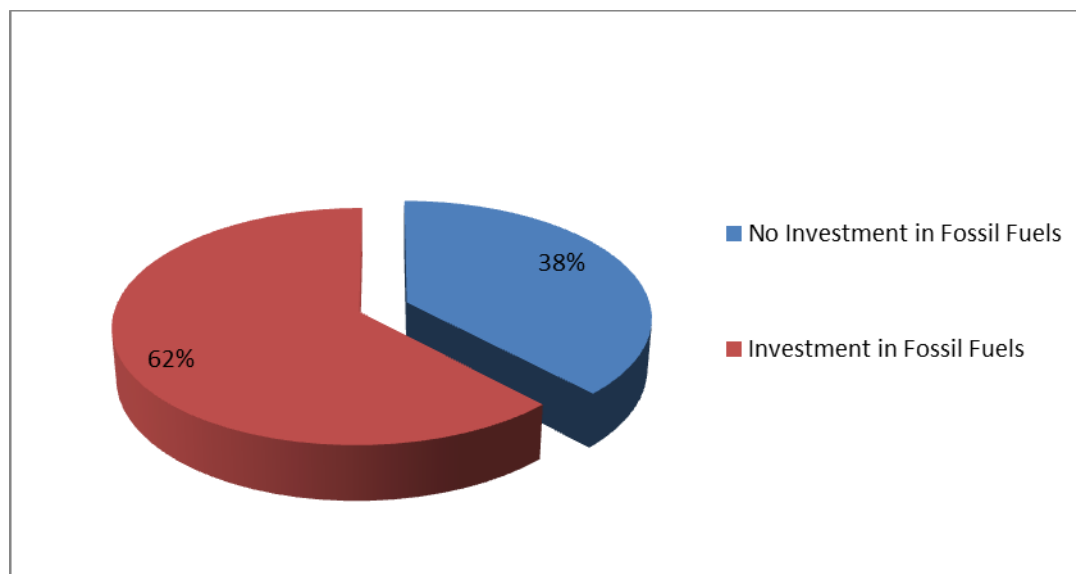
Environmental and Socially Responsible Investing (ESRI)

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](http://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.

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

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

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



Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	51%	Meets policy
A+ to A-	A1	60%	14%	Meets policy
BBB to NR	A2,NR	40%	34%	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 May 2020 to 31 May 2020:

**Dissection of Council Investment Portfolio as at 31 May 2020**

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
47,000,001.00	Term Deposits	47,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,265,312.50	15,312.50
15,529,189.87	CBA Business Saver	15,529,189.87	0.00
2,506,331.42	CBA Business Saver – Tourism Infrastructure Grant	2,506,331.42	0.00
3,585,174.82	NSW Treasury Corp	3,585,174.82	0
5,498,600.00	Bonds	5,794,093.16	295,493.16
<b>76,369,297.11</b>		<b>76,680,102.77</b>	<b>310,805.66</b>

- 25 The current value of an investment compared to the principal value (face value or original purchase price) provides an indication of the performance of the investment without reference to the coupon (interest) rate. The current value represents the value received if an investment was sold or traded in the current market, in addition to the interest received.
- 30 The table below provides a reconciliation of investment purchases and maturities for the period of 1 May 2020 to 31 May 2020 on a current market value basis.

**Movement in Investment Portfolio – 31 May 2020**

Item	Current Market Value (at end of month) \$
<b>Opening Balance at 1 May 2020</b>	<b>73,366,427.98</b>
Add: New Investments Purchased	10,000,001.00
Add: Call Account Additions	13,000,000.00
Add: Interest from Call Account	10,142.03
Less: Investments Matured	19,000,001.00
Add: T Corp Additions	0.00
Add: Interest from T Corp	3,532.76
Less: Call Account Redemption	700,000.00
Less: T Corp Redemption	0.00
Less: Fair Value Movement for period	0.00
<b>Closing Balance at 31 May 2020</b>	<b>76,680,102.77</b>

**Term Deposit Investments Maturities and Returns – 1 May 2020 to 31 May 2020**

5

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000	The Mutual Bank	12/05/2020	181	1.50%	7,438.36
1,000,001	AMP Bank	06/05/2020	182	1.75%	8,726.04
1,000,000	NAB TD	04/05/2020	91	1.58%	3,939.18
2,000,000	NAB TD	25/05/2020	90	1.60%	3,945.21
1,000,000	Summerland Credit Union	04/05/2020	90	1.75%	4,315.07
1,000,000	ME Bank	12/05/2020	90	1.52%	3,747.95
1,000,000	AMP Bank	25/05/2020	182	1.90%	9,473.97
2,000,000	NAB TD	19/05/2020	120	1.60%	10,520.55
1,000,000	Macquarie Bank Ltd	26/05/2020	91	1.80%	4,487.67
1,000,000	MyState Bank	28/05/2020	120	1.60%	5,260.27
1,000,000	Suncorp	07/05/2020	120	1.50%	4,931.51
1,000,000	Suncorp	12/05/2020	120	1.50%	4,931.51
1,000,000	The Mutual Bank	01/05/2020	92	1.75%	4,410.96
1,000,000	Macquarie Bank Ltd	25/05/2020	90	1.60%	3,945.21
1,000,000	Judo Bank	26/05/2020	90	1.85%	4,561.64
2,000,000	AMP Bank	28/05/2020	90	1.75%	8,630.14
<b>19,000,001</b>					<b>93,265.24</b>

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 May 2020 the table below identifies Council's overall cash position as follows:

10

## Dissection of Council's Cash Position as at 31 May 2020

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
<b>Investments Portfolio</b>			
Term Deposits	47,000,001.00	47,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,265,312.50	15,312.50
CBA Business Saver	15,529,189.87	15,529,189.87	0.00
CBA Business Saver – Tourism Infrastructure Grant	2,506,331.42	2,506,331.42	0.00
NSW Treasury Corp	3,585,174.82	3,585,174.82	0.00
Bonds	5,498,600.00	5,794,093.16	295,493.16
<b>Total Investment Portfolio</b>	<b>76,369,297.11</b>	<b>76,680,102.77</b>	<b>310,805.66</b>
<b>Cash at Bank</b>			
Consolidated Fund	51,916.99	51,916.99	0.00
<b>Total Cash at Bank</b>	<b>51,916.99</b>	<b>51,916.99</b>	<b>0.00</b>
<b>Total Cash Position</b>	<b>76,421,241.10</b>	<b>76,732,019.76</b>	<b>310,805.66</b>

## STRATEGIC CONSIDERATIONS

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	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)	5.5.2.6	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 March 2011.

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

***Financial Considerations***

5

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

**Report No. 13.8**  
**Directorate:**  
**Report Author:**  
**File No:**

**Update on Active Resolutions**  
Corporate and Community Services  
Heather Sills, Corporate Planning and Improvement Coordinator  
I2020/868

5

**Summary:**

10 At is Ordinary Meeting held on 28 May 2020, Council resolved (20-253), inter alia, that:  
“c) All [active resolution] items provided without comment be re-reported at the next meeting with comments provided.”


15 This report provides an update to Council on all resolutions active as at 3 June; each resolution includes relevant commentary regarding its status at this date.

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**RECOMMENDATION:**

That Council notes the updated comments in the Active Resolutions report as at 3 June 2020 in Attachment 1 (#E2020/41239)

20 **Attachments:**

1 Active Resolutions Report - as at 3 June 2020, E2020/41239 

25

**REPORT**

Each quarter, Council is provided with an update on the status of Council resolutions; identifying those resolutions completed within the reporting period, and those resolutions that remain 'Active'.

At its Ordinary Meeting held on 28 May 2020, Council resolved (20-253), inter alia, that:  
*"c) All [active resolution] items provided without comment be re-reported at the next meeting with comments provided."*

A supplementary report has been prepared to address this request.

The attached 'Active Resolutions' report provides an update to Council on all active resolutions as at 3 June; with relevant commentary regarding the status of each resolution as at this date. There are 84 active resolutions; including those resolutions from the May Council Meetings which may or may not have had any action taken at the time of preparing this report.

Due to the time lag between running the 'Completed Resolutions' report for the January – March quarter and reporting this to Council in May, some resolutions were completed but not reflected in the last report. The next 'Completed Resolutions' report provided to Council in the regular quarterly reporting cycle at the August Ordinary Meeting of Council, will capture this information.

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.2	Deliver Council meeting secretariat – including agenda preparation, minutes and council resolutions monitoring

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

Implementation of Council Resolutions in accordance with the *Local Government Act 1993*.

***Financial Considerations***

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



**Report No. 13.9      Project Options for the Australian Government Local Roads and Community Infrastructure Program****Directorate:** Corporate and Community Services**Report Author:** Alexandra Keen, Grants Coordinator

Christopher Soulsby, Development Planning Officer S94 &amp; S64

**File No:** I2020/909**Summary:**


The purpose of this report is to present project options to Council for the allocation of \$730,030 of grant funding to be received from the Australian Government's Local Roads and Community Infrastructure Program (LRCIP).

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**RECOMMENDATION:**

1. That Council adopts the projects listed in Option 1 to expend the Australian Government's Local Roads and Community Infrastructure Program grant.
2. That the expenditure from Council's preferred option be incorporated in to Council's draft budget for public exhibition.

**Attachments:**

- 1 Local Roads and Community Infrastructure Program Fact Sheet, E2020/43231 

**REPORT**

Background

5 On 25 May 2020, the Deputy Prime Minister, the Hon. Michael McCormack MP, announced the LRCIP and the funding allocation for each Council. Byron Shire Council's (Council) allocation under this program will be \$730,070.

10 These funds will be accessible from **1 July 2020** and projects must be completed by **30 June 2021**. Funding is available for local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public. Projects will need to deliver benefits to the community, such as improved accessibility, visual amenity, and safety benefits.

15 Eligible local road projects, under the Government's fact sheet (Attachment 1), are listed as including any of the following associated with a road:

- traffic signs;
- traffic control equipment;
- 20 • street lighting equipment;
- a bridge or tunnel;
- a facility off the road used by heavy vehicles in connection with travel on the road (for example, a rest area or weigh station);
- facilities off the road that support the visitor economy; and
- 25 • road and sidewalk maintenance, where additional to normal capital works schedules.

Eligible community infrastructure projects could include works involving:

- Closed Circuit TV (CCTV);
- 30 • bicycle and walking paths;
- painting or improvements to community facilities;
- repairing and replacing fencing;
- improved accessibility of community facilities and areas;
- landscaping improvements, such as tree planting and beautification of roundabouts;
- 35 • picnic shelters or barbeque facilities at community parks;
- playgrounds and skate parks (including all ability playgrounds);
- noise and vibration mitigation measures; and
- off-road car parks (such as those at sporting grounds or parks).

40 ***Key issues***

Following internal consultation a number of potential project options were identified, including those which had recently been submitted as grant applications, as well as priority infrastructure renewal projects based on asset register classification, and Council strategic plans, such as *Our*

45 *Mullumbimby Masterplan 2019* and *Bangalow Village Plan 2019*.

1. Brunswick Heads Memorial Hall Upgrade – Stage 2.

50 The kitchen is being upgraded, but Council has also sought funding for upgrading the toilets and widening the stage and providing disability access to it. Council applied for \$94,048, matched with Council funding, to do this as part of the NSW Government's Clubsgrants - Infrastructure Stream in March 2020 (the outcome is not yet known). This project has development consent.

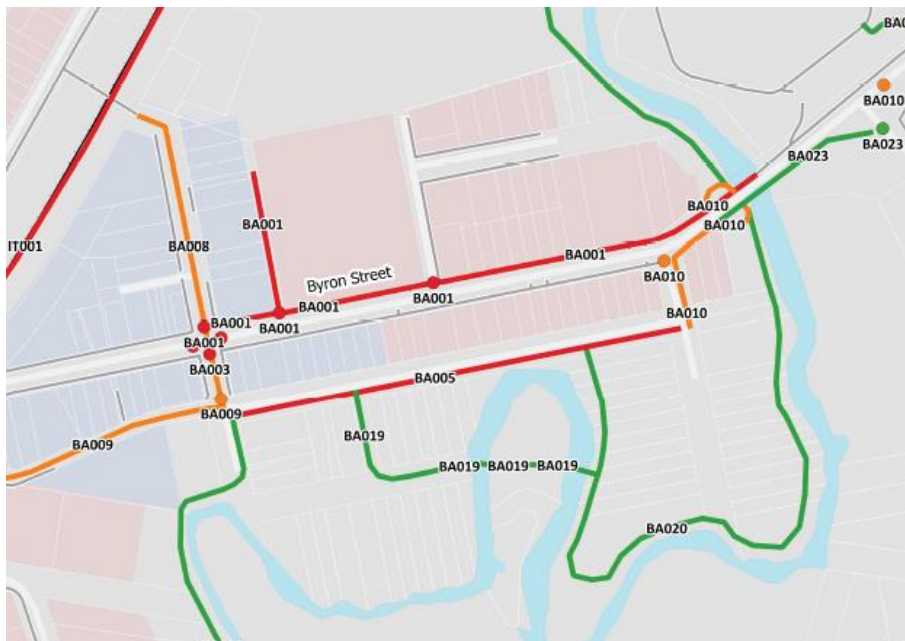
2. CCTV camera replacement in Jonson Street and Apex Park, Byron Bay

The existing CCTV cameras are approaching end of life (four years old) and there is no current funding source in the budget to undertake the replacement of the cameras. There are 15 cameras with an estimated replacement cost of \$165,000 (including contingency). The replacement of these cameras aligns with the recent installation of the Main Beach Car Park to ensure there is a continuous line of monitoring in the CBD which is available to Council and the Police. This project also strongly aligns with the LRCIP objective of providing community safety benefits.

3. Shared Path in Bangalow

The *Bangalow Village Plan 2019* and the *Byron Shire 10 Year Bike Plan 2020* (Bike Plan) identify a number of priority works. The two shared path projects in the image below are an upgrade of an existing footpath on Byron Street to shared path standard BA001 \$480,000; and a new shared path on Deacon Street BA 005 \$320,000. Total project cost including design and contingency is \$891,000 with \$430,000 which could be funded from the LRCIP and \$461,000 from developer contributions. These works are classified as “Priority A” in the Bike Plan (map below).

Importantly the Deacon Street shared path provides access up to the main street in Bangalow, Byron Street, as well as being a connector to Bangalow Parklands and the recently grant funded refurbishment of Heritage House.



Map 1 Extract from the Bike Plan.

4. Stuart Street Cycleways and Green Spine Mullumbimby

Infrastructure Services (IS) will be undertaking an asphalt overlay of the southern section of Stuart Street from Burringbar Street to Fern Street with a budget of \$660,000. These works are planned to commence in October and are funded from the \$25 million NSW Government Roads and Infrastructure Election Commitment. This project would value add to those works. The *Our Mullumbimby* Masterplan and Bike Plan identify works in Stuart Street. MU007 is on-road separated cycle path (one-way) in each direction at an estimated cost of \$262,200.

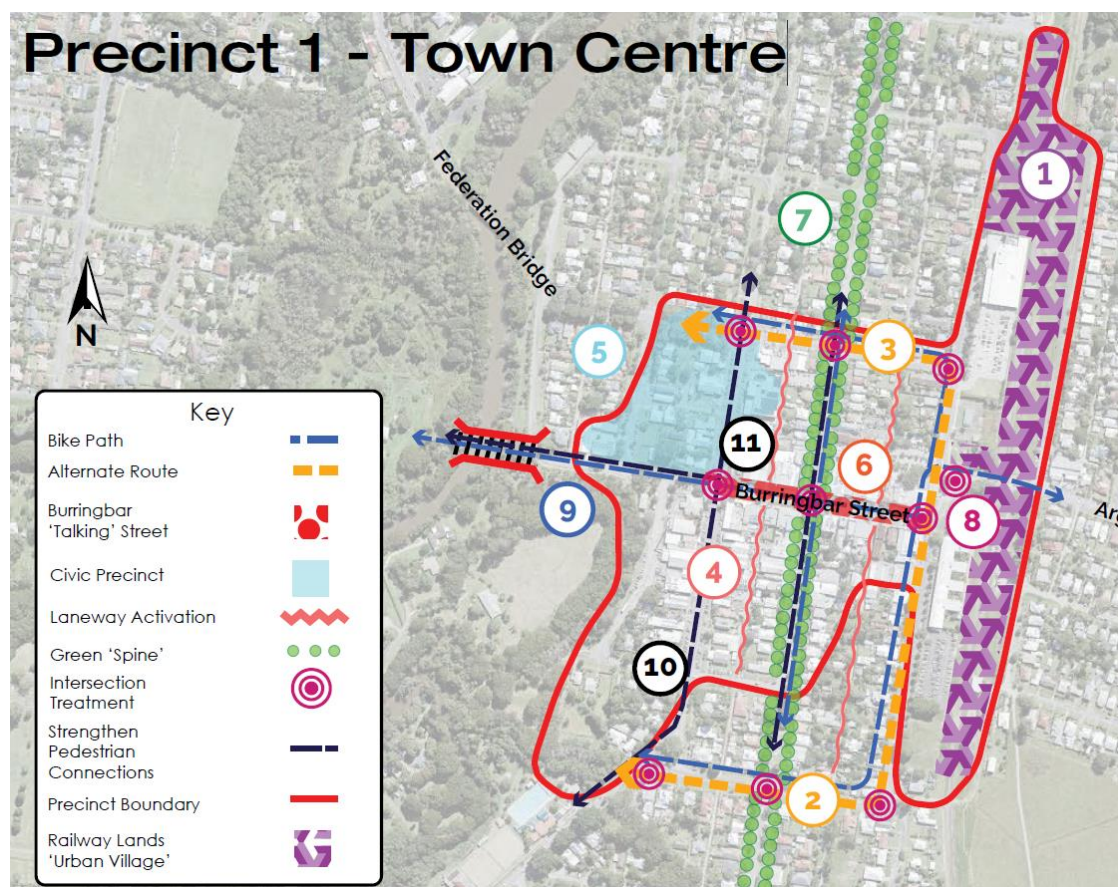
The green spine from the Masterplan has not been costed or designed. An estimate based upon unit rates used by Dan Plummer yields \$190,000 for the landscaping component.

The total Project cost is \$1,287,600 consisting of:

\$100,000 design;  
 \$600,000 road and drainage;  
 \$262,000 cycleways;  
 \$190,000 landscaping; and  
 \$135,000 as a 30% contingency given the potential unknowns in the landscaping and cycleway design.

This could be funded via:

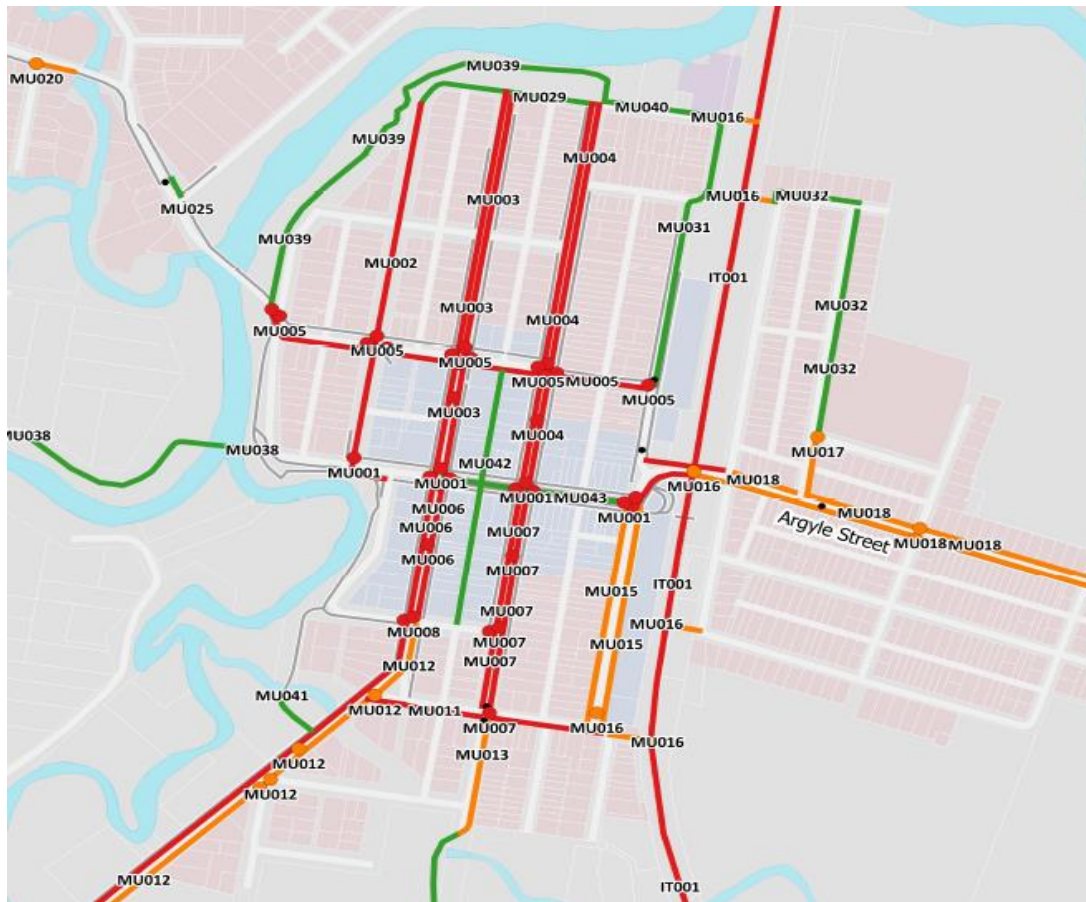
\$660,000 from the \$25 million Election Commitment;  
 \$300,000 LRCIP; and  
 \$327,000 from s7.11 developer contributions.



Map 2 Extract from Our Mullumbimby Masterplan.

Design work and community consultation will need to be undertaken on the specifics of the landscape design. It is proposed to use developer contributions to undertake the design and consultation process for the whole of the green spine on Stuart Street and use grant funds and contributions for the construction. There is an opportunity to involve the community in implementation of the landscaping works. There are risks associated with this project in terms of being able to deliver the whole project within the grant timeframe due to issues with drainage, parking and landscaping. This risk can be mitigated by staging the project and delivering the grant funded component in the second half of the 2020/21 financial year. Council funded works may need to be undertaken in 2021/22.





Map 3 Extract from Byron Shire 10 Year Bike Plan 2020

5 5 Renewal of RSL Footpath Mullumbimby

The renewal of the footpath outside of the RSL in Daley Street, Mullumbimby has been a matter raised by the local community, and if replaced would cost approximately \$40,000.

10 6. Building Renewals as identified in the Building Asset Management Plan

15 The Council asset database was searched to identify Council assets rated “condition 5” meaning they are in urgent need of renewal works. The list below identifies the community buildings requiring the most urgent attention. The costs are based on the treatment cost from the predictor model and these costs have not been quoted, but do include a 10% project management allowance:

- Byron Bay Recreation Grounds Community Cottage (aka Girl Guides) \$154,459.80
- Mullumbimby Pine Avenue Sporting Fields Kiosk / Storage / Clubhouse \$32,960.40
- 20 • Federal Tennis Club Tennis Clubhouse / Storage \$10,575.40
- Mullumbimby Scout Hall - Community Land Scout Hall - Brick Storage Shed \$6,776.00

Total project cost to renew the four assets is \$204,771.60

25 7. Upgrade to the Brunswick Heads Library

The refurbishment and upgrade to the Brunswick Heads Library was considered, but rejected as the cost to upgrade and refurbish was last projected at \$966,479 in 2018.

**Options**

The selection criteria used to come up with the recommend projects in this report were:

- 5     1. meeting the above Australian Government criteria; and
2. capable of being completed using this grant fund and/or additional developer contributions /grants;
3. informed by, or link to, an existing strategic plan;
4. value-adding to existing programed works or asset renewals;
- 10    5. leveraged by developer contributions to get a more significant impact for the community; and
6. the outcome of existing community consultation with respect to the inclusion of these projects in strategic plans.

- 15     Option 1 is set out in the table below, and includes part of the Bangalow shared path project in order to provide a walking or cycling connection between Deacon Street and Byron Road.

<b>Option 1</b>	<b>LRCIP</b>	<b>\$25M NSW Government Roads and Infrastructure Election Commitment</b>	<b>Developer Contributions</b>	<b>Other Council</b>	<b>Total</b>
Stuart Street Upgrade	\$300,000	\$660,000	\$327,600	0	\$1,287,600
Bangalow Deacon Street share path	\$170,000	0	\$215,000	0	\$385,000
Byron Bay CCTV	\$165,000	0	0	0	\$165,000
Brunswick Heads Memorial Hall	\$94,048	0	0	\$94,048	\$188,096
<b>Total</b>	<b>\$729,048</b>	<b>\$660,000</b>	<b>\$542,600</b>	<b>\$94,048</b>	<b>\$2,025,696</b>

- 20     Option 2 could be used if Council is successful in obtaining funding under the Clubsgrant – Infrastructure Stream for the Brunswick Heads Memorial Hall upgrade. This option also includes a reduced scope of works to undertake building asset renewal of the Girl Guides community cottage, which is consistent with Council's Building Assets Management Plan.

<b>Option 2</b>	<b>LRCIP</b>	<b>\$25M NSW Government Roads and Infrastructure Election Commitment</b>	<b>Developer Contributions</b>	<b>Other Council</b>	<b>Total</b>
Stuart Street Upgrade	\$300,000	\$660,000	\$327,600	0	\$1,287,600
Bangalow Deacon Street Share Path	\$170,000	0	\$215,000	0	\$385,000
Byron Bay CCTV	\$165,000	0	0	0	\$165,000
Byron Bay Recreation Grounds Community Cottage (aka Girl Guides) Reduced Scope of Works	\$95,000	0	0	0	\$95,000
<b>Total</b>	<b>\$730,000</b>	<b>\$660,000</b>	<b>\$542,600</b>	<b>0</b>	<b>\$1,932,600</b>

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.9

Option 3 is set out in the table below and includes several building renewal works for Council assets identified as being in the poorest condition.

Option 3	LRCIP	\$25M NSW Government Roads and Infrastructure Election Commitment	Developer Contributions	Other Council	Total
Stuart Street Upgrade	\$300,000	\$660,000	\$327,600	0	\$1,287,600
Bangalow Deacon Street shared path	\$170,000	0	\$215,000	0	\$385,000
Byron Bay Recreation Grounds Community Cottage (Girl Guides) - Full Works	\$154,460	0	0	0	\$154,460
Federal Tennis Club Tennis Clubhouse - Storage	\$10,575	0	0	0	\$10,575
Brunswick Heads Memorial Hall	\$94,048	0	0	\$94,048	\$188,096
<b>Total</b>	<b>\$729,083</b>	<b>\$660,000</b>	<b>\$542,600</b>	<b>\$94,048</b>	<b>\$2,025,731</b>

- 5 With the exception of Brunswick Heads Memorial Hall and the Byron Bay CCTV, each project will require further design, Part 4 or Part 5 approval, and/or some additional community consultation. Issues may arise from the design and approvals process that will impact upon Council's ability to deliver these projects within the 12 month timeframe.

### 10 **Next steps**

As funding is expected to be received in July 2020, Council is asked to consider the above options and determine how it would like to apply the funding.

### 15 **STRATEGIC CONSIDERATIONS**

#### **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 5: We have Infrastructure, Transport and Services which meet our expectations</b>	5.5	Manage Council's finances	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.2	Support the organisation in identifying financial implications of projects, proposals and plans

- 20 Any projects selected by Council to apply the LRCIP funding towards will be included in the next revision of Council's Operational Plan 2020-21.

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

There are no statutory or legal implications with the funding of these projects.

**5     *Financial Considerations***

There are no adverse impacts on Council's financial position as all of the projects are funded from grants, developer contributions or already budgeted for capital expenditure.

**10    *Consultation and Engagement***

The following Council staff were consulted in the preparation of identifying projects:

- Executive Team;
- 15    • Manager Open Spaces;
- Manager Assets and Major Projects;
- Manager Works;
- Manager Social and Cultural Development;
- Manager, Business Systems and Technology;
- 20    • Asset Management Coordinator;
- Infrastructure Planning Coordinator;
- Place Liaison Officer; and
- Major Projects Planner.



**Report No. 13.10**      **Support for Byron Shire Front Line Community Service Providers**  
**Directorate:**      Corporate and Community Services  
**Report Author:**      Vanessa Adams, Director Corporate and Community Services  
**File No:**      I2020/917

5

**Summary:**

10      Byron Shire has a number of front line community service providers who deliver significant positive social impact.

The pandemic has seen these services struggle due to loss of income and inability of volunteers to remain engaged.

15

Council is asked to consider whether it wishes to offer support to these groups and organisations during this time.

---

**RECOMMENDATION:**

**That Council uses its resources to initiate and support a Byron Shire crowd-funding campaign with and on behalf of its front-line community service providers**

20

**REPORT**

Byron Shire has a number of front line community service providers who deliver significant positive social impact to our communities through the provision of material aid, financial support, food, counselling and emergency relief to vulnerable community members.

The pandemic has seen many services struggle due to loss of income and inability of volunteers to remain engaged.

In particular, a request has been received from the Byron Bay Community Centre for a one-off donation of \$100,000 to help cover a drop in income due to COVID-19.

Council does not have this amount of unrestricted funding available due to the impact of COVID-19 on its operations. In addition, Council will already be starting the next financial year in deficit, also due to the impact of COVID-19. This is outlined under '*Financial Considerations*' below.

Staff have therefore considered alternative solutions to providing support other than direct funding.

***Key issues***

If Council wishes to consider a financial donation it would need to resolve to redirect funding from a reserve. Council should note that its reserves are restricted for specific purposes and not intended for general use.

To ensure that any funding opportunity is equitable, it should be made available to all local front-line service providers as defined above.

***Options***

On this basis, it is strongly suggested that Council considers providing support in kind, through offering to initiate a crowd-funding campaign, led by interested Councillors and using in-house media expertise to assist its frontline service providers to highlight the work they do and the community benefit provided.

The second option is to use reserves. This is not recommended as Council's reserves are held for specific purposes and diverting funding restricts the organisation's ability to meet its obligations when they fall due.

A number of reserves have been identified as possible funding sources to create a total one-off amount of \$100,000 as follows:

- by reducing the unrestricted cash balance to \$0 instead of using it to reduce the 20/21 starting deficit. This provides \$23,700.
- using the Mayor's Discretionary Fund (remaining balance for 19/20 of \$1,600)
- the balance taken predominantly from the Property Development Reserve (\$54,700) with the final \$20,000 from the Community Development reserve.

The funding opportunity would be opened for a two/three week period using a range of measureable criteria in relation to front line service provision on a similar basis as per the process for the existing Community Grant program.

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.4	Enhance community safety and amenity while respecting our shared values	2.4.2	Support community driven safety initiatives	2.4.2.3	Support harm minimization initiative

**5 Financial Considerations**

There are a number of considerations for Councillors:

- Council is ending the year with a financial deficit due to COVID-19. The impact of this has been minimised thanks to Council's \$1m unrestricted cash balance which has covered the \$976,000 deficit.
- Council will start the new financial year with a projected additional deficit of \$376,000 The remaining \$23,700 from the \$1m cash balance above is intended to be used to reduce this deficit to \$353,000.
- Staff aim to start rebuilding Council's unrestricted cash balance through the Quarterly Budget Reviews.

***Consultation and Engagement***

General Manager  
 Manager Finance  
 Manager Social and Cultural Planning

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 13.11****Sustainable Catering Policy 2020****Directorate:**

Sustainable Environment and Economy

**Report Author:**

Rachel Thatcher, Sustainability and Emissions Reduction Officer

**File No:**

I2020/675

**Summary:**

In line with Council's review of all policies, the *Ethical Catering Policy 2010* has been reviewed and updated. This report proposes that it be replaced with the draft *Sustainable Catering Policy 2020* (Attachment 1), pending public exhibition and Council endorsement.

The existing *Ethical Catering Policy* was created in 2010 for internal catering and focused largely on giving preference to local, organic produce and products. Since the adoption of the Net Zero Emissions for Council Operations Strategy and the Integrated Waste Management Strategy (2019), it's been recommended by staff that additional guidance on the avoidance of single-use plastic and other unsustainable packaging was needed in line with these Strategies. It was also recommended that the name of the catering Policy be changed to *Sustainable Catering Policy* to accurately reflect the updated contents.

This report seeks Council's endorsement of the draft *Sustainable Catering Policy 2020* for public exhibition.

**RECOMMENDATION:**

1. That Council publicly exhibits the draft Sustainable Catering Policy 2020 (Attachment 1 #E2020/31339) for a period of 28 days.
2. That any submissions received on the draft Sustainable Catering Policy 2020 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 Sustainable Catering Policy PDF, E2020/31339 

**REPORT**

Policy background:

- 5 At the 29 May 2019 Executive Team meeting, the Executive Team recommended that the *Ethical Catering Policy (2010)* be updated to a *Sustainable Catering Policy* and that a review its contents be undertaken to include up-to-date standards on sustainable packaging, waste minimisation, and emissions reductions for internal catering at Council.
- 10 These updates align with the Net Zero Emissions Strategy for Council Operations 2025 and the Integrated Waste Management and Resource Recovery Strategy 2019-2029. The Policy also aims to integrate sustainable and ethical procurement to support local agriculture and businesses, and promote fair and inclusive trading within the Byron Shire community.

15 Policy feedback and key updates:

As part of the review process, relevant staff were consulted and asked to provide feedback at the time of the proposed changes in May 2019, and again during the draft stages of updating the Sustainable Catering Policy. The main changes made to the Policy include the following:

- 20 • Updating the name and format of the Policy from *Ethical Catering Policy* to *Sustainable Catering Policy*;
- New glossary to include up-to-date and relevant key terminology;
- Introduction of waste minimisation and packaging guidelines in alignment with the Integrated Waste Management and Resource Recovery Strategy and the Net Zero Emissions Strategy for Council Operations;
- 25 • Emphasis on high quality, local, sustainably-grown produce and inclusivity regarding dietary requirements.

30 Other feedback from staff suggested that the existing Catering Register needed updating, and should no longer be used as a mandatory list of approved caterers given the varying needs of some catered events. As such, the Register will still be available, but for guidance purposes only.

35 Following the adoption of the *Sustainable Catering Policy 2020*, the Register will be reviewed to include new catering businesses should they meet the updated criteria, including relevant social enterprises as also suggested by staff.

To review the updated draft *Sustainable Catering Policy 2020*, please see Attachment 1.

**STRATEGIC CONSIDERATIONS**

40

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.4	Develop and implement Sustainable Catering and Sustainable Purchasing Standards for Council

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

The draft *Sustainable Catering Policy 2020* has been updated to align with several new and existing Council Policies. These consist of the following:

- 5       • Byron Shire Net Zero Emissions Strategy for Council Operations 2025 (2019)
- Byron Shire Integrated Waste Management and Resource Recovery Strategy (2019)
- Byron Shire Procurement and Purchasing Policy (2017)
- Byron Shire Corporate Sustainability Policy (2012)
- Byron Shire Greenhouse Strategy (2008)
- 10      • Byron Shire Sustainable Agriculture Strategy (2004)
- Interim Policy on Genetically Modified Agriculture in Byron Shire (2001)

There are no other legal or statutory considerations relevant to this Policy update.

***15 Financial Considerations***

There are no financial considerations for the implementation of the Sustainable Catering Policy.

***20 Consultation and Engagement***

Consultation on the revised Policy will occur as discussed in the report.

**Report No. 13.12      Draft CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach - outcomes of public comment and agency review**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Chloe Dowsett, Coastal and Biodiversity Coordinator

**File No:** I2019/2041

**Summary:**

In September 2018 Council was successful in obtaining 50% funding through the Coastal and Estuary Grants Program (Department of Planning, Industry and Environment – *former Office of Environment and Heritage*) to prepare a Scoping Study for the Byron Shire Coastline from Cape Byron to South Golden Beach (Scoping Study). The preparation of a Scoping Study is the first stage of developing a Coastal Management Program (CMP) under the new coastal legislation, the *Coastal Management Act 2016*.

A CMP aims to provide a long-term, coordinated strategy for management of the coastal zone.

Council at the 21 November 2019 meeting, resolved (**Res 19-560**) to upload the draft CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach for public comment (extended to 3 February 2020).

The draft was also sent to key stakeholders and state agencies for their review and comment. Agencies with a role or responsibility associated with recommended actions in the Forward Plan were requested to provide formal support and clarification of their role and/or responsibility.

A report was prepared to Council at the 20 February 2020 meeting updating Councillors on the outcomes of public comment and key stakeholder and state agency review.

At this time Council had not received comments from the Department of Planning, Industry and Environment – Energy, Environment and Science (DPIE-EES) and noted that once the department's detailed assessment was received a further report would be tabled to the next available Council meeting for adoption. (**Res 20-007**).

Assessment comments have now been received by DPIE-EES.

DPIE-EES administer the *Coastal Management Act 2016*, and provide technical advice to councils preparing CMPs, in line with the Act and Manual. DPIE-EES have assessed the Scoping Study and the proposed recommended changes have been incorporated into the finalised Scoping Study.

This report provides:

- A recap of the CMP process and delivery of the project to date.
- An outline of the agency and community submission comments received during the period of public comment (Tables 2 & 4) and staff's response. Submissions received by the community and agencies/land managers during the period of public comment are provided in Attachments 1 & 3.
- An outline of the assessment completed by DPIE-EES and staff's response/recommended changes (Table 3).

Amendments have been made to the draft Scoping Study incorporating the recommended changes as outlined in Table 2, 3 and 4 of this report.




The final amended version of the Scoping Study is presented in Attachment 4 for Council adoption at this meeting.

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**RECOMMENDATION:****That Council:**

- 1. Note the submissions received during the public comment period and agency feedback on Stage 1 Cape Byron to South Golden Beach Scoping Study.**
- 2. Adopt the finalised Stage 1 Cape Byron to South Golden Beach Scoping Study (Attachment 4) incorporating the amendments outlined in tables 2, 3 and 4 of the report.**
- 3. Consider an allocation of \$70,000 through the FY2020/21 budget process to enable the project to continue to Stage 2 of the Coastal Management Program process.**

**Attachments:**

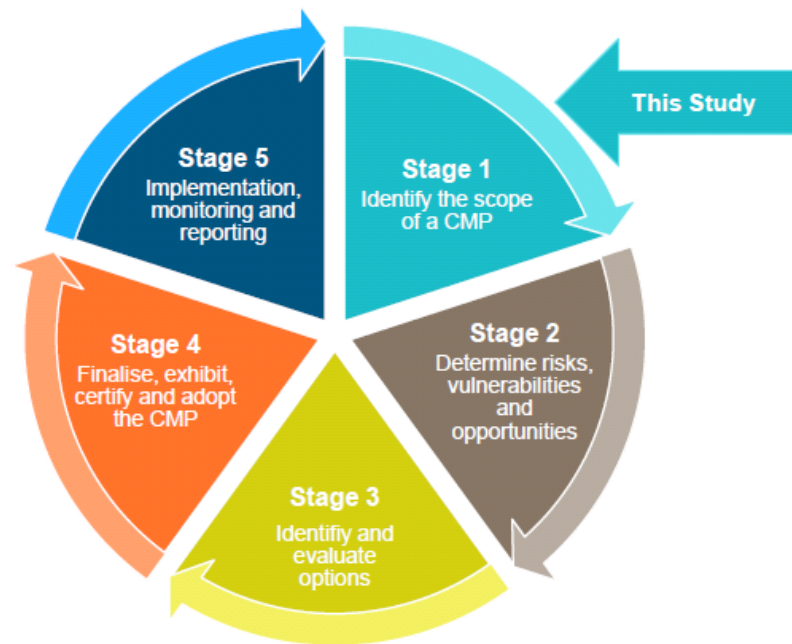
- |    |   |   |
|----|---|---|
| 5  | 1 | Combined agency submissions - CMP Stage 1 - Scoping Study Cape Byron to South Golden Beach, E2020/40216  |
|    | 2 | DPIE EES Assessment - CMP Scoping Study for Cape Byron to South Golden Beach, E2020/38995                |
| 10 | 3 | Confidential - Combined community submissions - CMP Stage 1 - Scoping Study Cape Byron to South Golden Beach, E2020/40217   |
|    | 4 | CMP Scoping Study for Cape Byron to South Golden Beach - Final - June 2020, E2020/40736              |



## REPORT

### Background

- 5 A CMP aims to provide a long-term, coordinated strategy for management of the coastal zone. Coastal councils are required to lead the development of CMPs through coordination with state agencies and key stakeholders and prepare them in accordance with legislative requirements and a five-staged process (Figure 1).



10 Figure 1: Five-staged process for developing a CMP (adapted from the Coastal Management Manual; NSW Govt, 2018)

15 The Water and Environment Group of BMT WBM Australia developed the Scoping Study supported by sub-consultant Elton Consulting for stakeholder activities. The Scoping Study is the first Scoping Study to be undertaken by Council under the new NSW Coastal Management Framework.

### Study Area

20 The project primarily focusses on the open coastline and coastal hazards, and areas of concern where property and/or infrastructure are at risk. The study area for this CMP includes open beaches, foreshores and coastal waters from Cape Byron to the Shire boundary north of South Golden Beach. The landward extent of the study area extends inland to the predicted maximum year 2100 coastal hazard as previously assessed by Council (BMT WBM, 2013) while the oceanic extent stretches to 3 nautical miles offshore. The study area includes most of the open beaches in the Shire, and regions that have proven both complex and challenging for coastal management over an extended period of time.

30 The study area excludes the catchments of Belongil and the Brunswick River estuaries but includes entrances inasmuch as they influence the condition and future management of the open coast.

35 Generally, the study area can be thought of as having high to very high environmental, social and cultural values tied to its extensive local and tourist usage for a variety of recreational, commercial and cultural activities. The values and use of the study area support local tourism which has been

seen to increase markedly over the past few years. The study area also has an overlay of complex coastal processes where current day coastal hazards have been extensively investigated in the past. Coastal hazards are exacerbated in the future associated with the effects of climate change, and other key drivers of change may relate to increased use of the coast if its popularity for living and recreating continue to increase.

**Study Components**

The **Vision** established for coastal management of the Cape Byron to South Golden Beach section is to:

*“Adequately resource and fund management of the iconic and internationally recognised Byron coastline to conserve and promote its inherent natural values.*

*These inherent values underpin the coasts enviable cultural, amenity, recreational use, local and tourism values and they will be kept central in the development of future management approaches.*

*Future management approaches will address existing and emerging threats such as climate change through planning for a resilient coastline that is prepared to address multiple challenges in a flexible and adaptive manner; including consideration of novel funding approaches.”*

A review of available literature for this section of the coast along with targeted community consultation and engagement activities were able to identify relevant **values** of the coast and **issues** or **threats** that exist and may compromise or reduce these values over time.

Adopted **values** for the study area include:

- Natural character and geodiversity
- Biodiversity and ecosystem integrity
- Clean waters
- Accessibility and safety
- Amenity and recreation
- Socialisation and participation
- Heritage and cultural
- Education / scientific
- Tourism
- Fishing

Adopted **threats** include:

- Beach erosion;
- Shoreline recession;
- Coastal inundation: wave run up and overtopping;
- Coastal entrance instability;
- Dune slope instability;
- Coastal cliff instability;
- Loss of amenity due to conflicts between user groups on the beach and foreshore;
- Loss of amenity and habitat disturbance due to increasing use, overuse, and overcrowding at the beach and associated infrastructure and facilities;
- Loss of amenity due to poorly located, poorly maintained or inappropriate beach access and supporting facilities;
- Antisocial behaviour and unsafe practices (e.g. partying, fires on the beach);

- Adverse social or environmental impacts resulting from passive recreational use, swimming, surfing and dog walking;
- Adverse social or environmental impacts resulting from recreational boating and fishing;
- Loss of plant and animal species (habitat disturbance or loss) due to coastal development;
- 5 • Reduced water quality in ocean due to run off from coastal development (new and old);
- Coastal development encroaching onto natural coastal processes to exacerbate hazard impacts;
- Impacts resulting from a lack of compliance with regulations or lack of compliance effort by Council;
- 10 • Impacts resulting from an insufficient community awareness of the values and threats to the coastal environment, and lack of engagement with managing this environment; and
- Insufficient or inappropriate governance and management of the coastal environment.

15 To better understand the severity of known threats in the study area, at present and in the future a 'first-pass risk assessment' (FPRA) process was applied. For each threat the FPRA identified a current, future and overall risk rating that took into consideration current management arrangements and their adequacy to manage the threats.

20 To provide directive going forward for later CMP stages, key knowledge gaps were identified along with recommended studies.

25 The **Forward Plan** identifies a future Governance Arrangement that will engage Council, relevant State Agencies and stakeholders in the implementation and coordination of coastal management activities associated with the CMP. Additionally, the Forward Plan provides costed actions, timelines and responsibilities for completion of Stages 2 to 5 of the CMP.

30 The total cost of preparing the CMPs is estimated to be between \$360,000 and \$705,000, with the next stage of the CMP expected to cost between \$95,000 and \$190,000. The range provides for uncertainty in the costs of certain activities as recommended in the forward program. Council as the lead agency has the ability to apply for a variety of grants to assist with the cost of implementation, however, this funding applies to the costs of external engagements for completing technical and planning studies, but generally do not apply to Council's internal costs in funding and conducting these studies.

### 35 **Project Delivery**

Key project milestones and dates are outlined in Table 1 below.

**Table 1: Key project milestones and completion dates**

<b>Project Milestones</b>	<b>Dates</b>
<i>Project Kick-off - <b>complete</b></i>	<i>Aug 2018</i>
<i>Engagement activities with the broader community - <b>complete</b></i>	<i>Oct/Nov 2018</i>
<i>Targeted First-Pass Risk Assessment Workshop with Key Stakeholders - <b>complete</b></i>	<i>Feb 2019</i>
<i>Development of draft Scoping Study report including a draft Stakeholder and Community Engagement Strategy - <b>complete</b></i>	<i>Dec - May 2019</i>
<i>Draft report delivered to Council - <b>complete</b></i>	<i>May 2019</i>
<i>DPIE Regional Staff First-Pass Assessment of the draft Scoping Study report - <b>complete</b></i>	<i>Jul/Aug/Sep 2019</i>

<i>Presentation of the draft Scoping Study report to Councillors at the Strategic Planning Workshop for preliminary comment - <b>complete</b></i>	<i>1 Aug 2019</i>
<i>Presentation of the draft Scoping Study report to the Coast and Estuary Catchment Panel for preliminary comment - <b>complete</b></i>	<i>8 Aug 2019</i>
<i>Preliminary discussions on the draft Scoping Study report with key agency staff - <b>complete</b></i>	<i>Oct 2019</i>
<i>Report to Council for the draft Scoping Study report to go for public comment and more detailed agency review and endorsement - <b>complete</b></i>	<i>21 Nov 2019</i>
<i>Public comments received (3 Feb 2020) - <b>complete</b></i>	<i>Feb 2020</i>
<i>State agency comments received - <b>complete</b></i>	<i>Apr 2020</i>
<i>DPIE detailed assessment received - <b>complete</b></i>	<i>May 2020</i>
<i>Report to Council - Final Scoping Study for adoption – <b>this report</b></i>	<i>Jun 2020</i>
<i>Commence Stage 2 of CMP process (<b>pending Council endorsement of Stage 1 and funding</b>)</i>	<i>Aug 2020</i>

### **Public comment on the draft Scoping Study**

Council at the 21 November 2019 meeting, resolved (**Res 19-560**) (relevant parts only):

- 5
- *That Council upload the draft CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach for public comment to 10 January 2020.*
- 10
- *That Council send the draft CMP Stage 1 Scoping Study for Cape Byron to South Golden Beach to key stakeholders and state agencies for their review and comment. Agencies with a role or responsibility associated with recommended actions/studies/components in the Forward Plan are requested to provide formal support and clarification of their role and/or responsibility.*

- 15
- The draft was sent to key stakeholders and state agencies for their review and comment. Agencies with a role or responsibility associated with recommended actions in the Forward Plan were requested to provide formal support and clarification of their role and/or responsibility.

20

Subsequent to this resolution the public comment period was extended to 3 February 2020.

- 25
- A report was prepared to Council at the 20 February 2020 meeting updating Councillors on the outcomes of public comment and key stakeholder and state agency review. At this time Council had not yet received comments from the Department of Planning, Industry and Environment – Energy, Environment and Science (DPIE-EES) and noted that once the department's detailed assessment was received a further report will be tabled at the next available Council meeting (**Res 20-007**). Assessment comments have now been received by DPIE-EES.

### **Submissions from public authorities/land managers**

- 30
- Submissions were received from the following state agencies and land managers:

- NSW National Parks
- Department of Primary Industries – Fisheries and & Marine Parks

- Department of Planning, Industry and Environment – Crown Lands
- Reflections Holiday (Crown Land Manager)

5 Feedback from public authorities/land managers was general in nature and primarily consisted of minor editorial comments (word and figure amendments), and further articulation/description or clarification of sections of the Scoping Study such as agency roles and responsibilities in the Forward Plan.

10 Copies of submissions received from public authorities/land managers are provided in Attachment 1 of this report. Table 2 below lists the key comments received from public agencies/land managers and staff's response and recommendation, noting that some comments have been re-worded and shortened for this report. The more minor or editorial in nature comments are not included in this report.

15 **Table 2 – Key comments outlined in submissions from public agencies/land managers**

<b>Agency/Manager</b>	<b>Submission Comment</b>	<b>Staff Response &amp; Amendments</b>
<b>NSW National Parks</b>	<p><b>Coastal vulnerability (CV) SEPP mapping</b></p> <p>NPWS was unaware that there was an option regarding CM SEPP mapping – excluding or including coverage of reserves subject to hazards. Where there is a choice relating to the application of CM SEPP CV mapping, NPWS would like further information on the implications of inclusion.</p>	<p><b>Noted.</b></p> <p>It is noted in the Forward Plan that first the CV SEPP area (mapping) needs to be developed and then this will be used to support a Planning Proposal at a later stage of CMP preparation (if selected for preparation).</p> <p>It is assumed that discussions can occur at a later date (i.e. Stage 3) as to whether NPWS would like their land included in CV SEPP mapping.</p>
<b>NSW National Parks</b>	<p><b>Forward plan - Tables 6.2 &amp; 6.3</b></p> <p>NPWS has indicated where it is interested in a partner role, supporting or no role for actions in the Forward Plan (Table 6.2) and table 6.3.</p>	<p><b>Amendments made as per NPWS request.</b></p>
<b>NSW National Parks</b>	<p><b>Funding</b></p> <p>NPWS has limited resources and is not able to fund additional hazard work and other work as suggested in the scoping study.</p> <p>NPWS will however be very keen on engaging in the development of the CMP and potentially being a support agency on any proposed actions relating to flora, fauna, access, cultural heritage, asset management etc.</p>	<p><b>Amendments made to the Forward Plan indicating NPWS's role for actions.</b></p> <p>(Refer above comment)</p>
<b>DPI – Fisheries and Marine Parks</b>	<p><b>Current management arrangements</b></p> <p>Scoping Study should include discussion of preferred options for the</p>	<p><b>Amendments made as per DPI-Fisheries request.</b></p> <p>Section 3.6.2.3 – Coastal</p>

Agency/Manager	Submission Comment	Staff Response & Amendments
	management of priority risks, interim coastal protection works and the planning approvals pathway.	Management Strategies now includes more information on the main management strategies implemented within the study area. Evaluation of management options are undertaken during Stage 3 of the CMP process and approvals pathways will be outlined then.
<b>DPI – Fisheries and Marine Parks</b>	<p><b>Values</b></p> <p>Many stakeholders would consider the CBMP as a key value of the study area and any impacts to the Marine Park as a threat.</p>	<p><b>Noted - no change.</b></p> <p>The CBMP could be considered a 'value' however the CBMP is intrinsically aligned with the adopted values of the SS. If we put CBMP down as a 'value' we should also list all National Parks/Reserves as 'values'.</p>
<b>DPI – Fisheries and Marine Parks</b>	<p><b>Economic context</b></p> <p>The importance of the study area as a 'destination driver' is acknowledged as is the need to protect the coastal zone from overuse. Consequently, consideration should be given for the CMP to identify 'carrying capacities' for some events such as festivals. This would assist with managing some of the social pressures that are currently on areas within the study area as well as the expectations of proponents.</p>	<p><b>Amendments made as per DPI-Fisheries request.</b></p> <p>Further detail added to Table 6-3 Recommended Study 'Economic valuation of the coastal zone based upon the combined social, environmental and economic benefits of/from the asset'.</p>
<b>DPI – Fisheries and Marine Parks</b>	<p><b>Table 6.3 – Recommended study</b></p> <p>'Evidence based research on the potential effects of various recreational uses on wildlife and habitats in coastal areas, and how to manage the impacts sympathetically'</p> <p>DPI Fisheries' involvement and partial funding of this study would be reliant upon the extent of fishing/fishery-related activities forming part of the study as well as DPI Fisheries successfully accessing additional external funding.</p> <p>A specific agency should be listed here, instead of the Authority (MEMA).</p>	<p><b>Amendments made as per DPI-Fisheries request.</b></p> <p>DPI Fisheries now Support Agency and MEMA removed.</p>

Agency/Manager	Submission Comment	Staff Response & Amendments
<b>DPIE – Crown Lands</b>	<p><b>Local Level Plans and Reflections Holiday (Section 3.3.4)</b></p> <p>The Crown land management arrangements for Reflections Holiday Parks should be clarified, including addition on each of the Plans of Management (PoMs) relevant to the study area.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p> <p>Further clarification to better outline Reflections role as Crown Land Manager.</p>
<b>DPIE – Crown Lands</b>	<p><b>Local Level Plans and Crown Land (Section 3.3.4)</b></p> <p>It is unclear as to whether this part of the draft scoping study is the best place to discuss the extent and significance of Crown land within the study area, i.e. under 'Local Level Plans', especially considering that the section on 'Crown Lands' does not discuss any Plans of Management that may apply to Crown land in the study area.</p> <p>Council does manage and is the appointed manager of a number of Crown 'reserves' and this section needs to be clarified.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p> <p>A new Section 3.3.5 - Reserves and Plans of Management has been added to outline PoMs for National Park estate and Crown Land reserves. This section further clarifies the various crown land managers and arrangements within the study area.</p>
<b>DPIE – Crown Lands</b>	<p><b>Coastal Management Strategies (Section 3.5.2.3)</b></p> <p>The reality of numerous, albeit ad hoc and/or interim coastal protection works at Belongil Beach and within the study area (including the Brunswick Heads Training Walls) warrant further discussion.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p> <p>Section 3.6.2.3 – Coastal Management Strategies now includes more information on the main management strategies implemented within the study area but also a description of the various rock protection works constructed privately but also by Council.</p>
<b>DPIE – Crown Lands</b>	<p><b>Governance Context (Section 3.6)</b></p> <p>The current land ownership within the study area is comprised of a complex mixture of private freehold land, Crown land licences, Crown land reserves, conservation areas, nature reserves, marine parks, and road and rail reserves.</p> <p>The text and categories used to denote land ownership are confusing and inconsistent.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p> <p>Land tenure arrangements (and associated figures) have been relabelled correctly.</p>

Agency/Manager	Submission Comment	Staff Response & Amendments
<b>DPIE – Crown Lands</b>	<p><b>Key Risks of Not Preparing the CMP (Section 5.3.1)</b></p> <p>The risks outlined in this section focus on managing future risks, and do not reflect on current risks. The analysis would be improved if the risks of continuing with the status quo were incorporated (i.e. with current ad hoc approach).</p> <p>These risks should be incorporated into this section as they are a key driver for taking a strategic approach, as opposed to an ad hoc approach, to managing coastal hazards through the development and implementation of a CMP.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p> <p>This section has been revised reflecting on current as well as future risks.</p>
<b>DPIE – Crown Lands</b>	<p><b>Funding Opportunities (Section 5.4.3)</b></p> <p>The NSW state government is committed to managing the coastal environment and marine estate of NSW.</p> <p>Consider revising this broad statement as it may over- simplify management.</p>	<p><b>Deleted sentence.</b></p> <p>The section is about funding not management.</p>
<b>DPIE – Crown Lands</b>	<p><b>Forward plan - Tables 6.2 (S2.01 &amp; S2.02) &amp; Table 6.3</b></p> <p>Crown Lands would be unlikely to play a lead or supporting role for these actions.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p> <p>Apart from Item S2.02. Crown Lands has remained in a supporting role for S2.02 due to being land owner for some of the coastline.</p>
<b>DPIE – Crown Lands</b>	<p><b>Table 6.3 – Recommended study</b> ‘Condition assessment of Brunswick Entrance Breakwaters considering current and future performance’.</p> <p>DPIE-Crown Lands has a process in place for monitoring the condition of entrance breakwaters.</p> <p>It is recommended that if the action remains, it be amended to a study on the impact of future climate change projections (sea level rise) on the performance of the Brunswick Entrance Breakwaters.</p>	<p><b>Amendments made as per DPIE – Crown Lands request.</b></p>



Agency/Manager	Submission Comment	Staff Response & Amendments
<b>Reflections Holiday</b>	<p><b>Objectives (Section 2.4.3)</b></p> <p>We believe an objective of the CMP should be protecting current government and private land, and corresponding infrastructure, from loss to sea, whilst maintaining coastal amenity (or similar).</p>	<p><b>Noted - no change.</b></p> <p>In accordance with the NSW Coastal Manual which prescribes the requirements for developing a CMP, the Objectives need to be consistent with the 13 objects of the Coastal Management Act, 2016; consistent with the management objectives of the SEPP; in alignment with the Community Strategic Plan; realistic and measureable.</p> <p>It is not appropriate at this stage of the CMP process to pre-determine the outcome of the CMP.</p> <p>There will be further opportunities for input at a later stage (i.e. Stage 3) when management options are considered.</p>
<b>Reflections Holiday</b>	<p><b>Wave Run Up (Table 3.3.)</b></p> <p>Include details on Clarkes Beach as different to performance of Main Beach.</p>	<p><b>Noted - no change.</b></p> <p>Specific Wave Run-Up values for Clarkes Beach are not included in table 3.3 (refer 4-3 page 109 of the Hazard Study). It could be assumed that run-up levels at Clarkes would be less than those at Main Beach due to being in the lee of Cape Byron and protected. However, this would need to be confirmed by a coastal engineer which is outside the scope of this Scoping Study.</p>

<b>Agency/Manager</b>	<b>Submission Comment</b>	<b>Staff Response &amp; Amendments</b>
<b>Reflections Holiday</b>	<p><b>Tourism and visitation (Section 3.7.2)</b></p> <p>This section is missing commentary on the contribution of Holiday Parks to the tourism economy. This section of report states that financial contribution unclear. We can provide information from Caravan and Camping Association of Australia that has done detailed modelling of economic value add. We know that for every \$1 spent in overnight stays at our parks, there is a corresponding \$1.38 direct local spend from guests. There is a further \$1.96 value add to economy through employment or staff and services at the Park.</p> <p>Holiday Parks are also a large part of solution to illegal camping issues which are large in Byron Bay area. These benefits, and others, should be included to support the inclusion a CMP objective of protecting socially and economically important land being lost to the sea.</p>	<p><b>Noted - no change (information has been requested but not yet received).</b></p> <p>Contribution of Holiday Parks to tourism may be added at a later date once reports/information is received.</p> <p>Disagree with statement regarding illegal camping as It would appear that people who illegally camp would not have the funds to pay for private campgrounds.</p>
<b>Reflections Holiday</b>	<p><b>Risk Assessment (Section 4)</b></p> <p>No identified mention of studies into Sand Transfer / Pumping solution between Tallows Beach and Clarkes Beach which has been discussed between DPIE stakeholders as a possible medium to long term solution to erosion.</p>	<p><b>Noted - no change.</b></p> <p>Out of scope - any discussion regarding management options such as sand transfer will happen during Stage 3 of the CMP process.</p>

***Assessment by the Department of Planning, Industry and Environment – Environment, Energy and Science (DPIE-EES)***

- 5 DPIE–EES administer the *Coastal Management Act 2016* (Act), and provide technical advice to Councils preparing CMPs, in line with the Act and NSW Coastal Management Manual.

- 10 DPIE-EES have assessed the Scoping Study with the assessment provided in Attachment 2 of this report. Table 3 below lists the key comments received from DPIE-EES and staff's response and recommendation, noting that some comments have been re-worded and shortened for this report.

**Table 3 – Key comments outlined in the assessment by DPIE-EES**

<b>Comment</b>	<b>Staff Response &amp; Amendments</b>
<p><b>Section 3.6.2 – Legal Context</b></p> <p>Legal issues including court cases and settlements should be better acknowledged as needing assessment with regard their potential impact on the viability or feasibility of relevant management options that will be assessed in Stage 3 of the CMP development process.</p>	<p><b>Noted. Expanded Legal Context &amp; background section 3.5.2 and an Action in the Forward Plan as a Stage 2 investigation.</b></p> <p>Reference to legal proceedings including but not limited to the Supreme Court Proceedings 2016 and Court Orders and other development and appeals for repair works to existing ad hoc coastal protection works has been inserted.</p> <p>An assessment with regard to the implications of the seawalls protected by the Court Orders and (approved) repair applications to understand the potential impact on the viability or feasibility of relevant management options for a long-term strategy at Belongil is acknowledged. The outcomes of cases and settlements is acknowledged as requiring an assessment to be considered at Stage 3 of the CMP process.</p>
<p><b>Location and integrity of coastal protection works (if available)</b></p> <p>The Manfred Street Interim protection works have not been described, nor have the 2001 interim geobag walls installed at Border, Don St. These structures are relevant to management of the coastal area and should be acknowledged.</p>	<p><b>Amendments made as per DPIE – EES comment.</b></p> <p>Section 3.6.2.3 – Coastal Management Strategies now describes the various coastal management strategies that have been undertaken within the study area to manage coastal hazards and the risks (i.e. coastal protection works at Wategos &amp; Main Beach, beach scraping at New Brighton, dune revegetation, Council's IBAS at Manfred/Don/Border St, and private coastal protection works at Belongil beach).</p>
<p><b>Provides rationale for selecting the proposed CMP area is appropriate and whether it applies to all or part of the coastal zone</b></p>	<p><b>Amendments made as per DPIE – EES comment.</b></p> <p>Added more justification to Section 1.4 and 2.2 to provide more information on the selected area and the approach behind the process to develop CMP's for the whole Byron Shire coastal zone.</p>
<p><b>The document doesn't nominate a lead applicant for CMP development</b></p>	<p><b>Amendments made as per DPIE – EES comment.</b></p> <p>The Forward Plan has been amended to allocate Lead and Support Agencies for each action.</p>
<p><b>Support from relevant public authorities for the process proposed</b></p> <p>What is the status of state agency agreeance to be a part of the relevant proposed studies and activities in preparing a CMP?</p>	<p><b>Amendments made as per DPIE – EES comment.</b></p> <p>All agencies with a role/responsibility in the Forward Plan were contacted and have responded. All requests have been accommodated in the Forward Plan and roles/responsibility for actions has been confirmed.</p>

<p><b>Purpose</b></p> <p>The purpose should be clear</p>	<p><b>Amendments made as per DPIE – EES comment.</b></p> <p>Added extra wording to Section 2.4.1 to clarify the purpose and make clear for the community and stakeholders why we are developing a CMP.</p>
<p><b>Planning Timeframes</b></p> <p>The recommended planning timeframe for the CMP should be now, 20, 50, and 100 years (and beyond if Council deems appropriate) in accordance with Mandatory Requirement 2 in the Coastal Management Manual.</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>Planning timeframes have been amended to prepare the CMP in accordance with Mandatory Requirement 2.</p>
<p><b>Coastal management arrangements and effectiveness</b></p> <p>This whole section provides an overview of coastal management context in the Byron Shire including strategies; plans; legislation and policy; environmental, social, cultural, and economic context and values. When reading the section, it becomes apparent that while all of these relevant subjects are being described, there is no accompanying critical analysis of the ‘effectiveness’ of the subject in managing the identified issues and threats, or the vulnerabilities and opportunities associated with each. While this may not be inappropriate, it is considered relevant.</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>Critical analysis of the effectiveness of strategies may be considered relevant to understand the management context, issues, vulnerabilities and opportunities; however it appears to be out of scope of this first stage in the CMP process. There is value in assessment of the ‘effectiveness’ of strategies and an analysis has been added as an action in the Forward Plan (S2.07). A high level and brief discussion about learnings and how the coast is being managed has been added to the report.</p>
<p><b>Section 3.3.4 – Local Level Plans</b></p> <p>It would be appropriate to describe the Byron Development Control Plan and its relevance to coastal management in some more detail.</p> <p>The Emergency Action Subplan might be relevant here also. Although not part of a certified CZMP, if the EASP guides Council’s management of coastal erosion events it should be acknowledged.</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>Section 3.6.2.3 now outlines the planning and development controls (LEP/DCP) and the Emergency Action Sub Plan (EASP).</p>

<p><b>Section 3.5 – Environmental Context</b></p> <p>The scoping study should describe how coastal wetlands and littoral rainforest is managed across the study area. Is this adequate; are there associated vulnerabilities or opportunities? This would help introduce and contextualise the relevant information in the first pass risk assessment (Issue I3).</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>Added sentence to Section 3.5 regarding wetlands and littoral rainforest within the study area which is mostly associated with declared natural areas (Parks/reserves).</p>
<p><b>Section 3.5.2.3 – Coastal Management Strategies</b></p> <p>Management Strategy 1 describes coastal protection works. The following should also be included: Manfred St works; temporary geobags at Byron Surf Club, Border and Don St; Brunswick Heads break waters.</p> <p>It would be appropriate to provide some more information on coastal management activities 4, 5 and 6, and including the Clarkes Beach Stormwater gully rehabilitation project, Main beach lagoon management, Belongil Estuary entrance management, ranger activities (illegal camping, dogs, parties, etc), coastal amenity infrastructure installation and maintenance program. Descriptions need only be brief but will help to set the context of Councils current coastal management activities.</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>Section 3.6.2.3 now describes all the current coastal management strategies within the study area including entrance activities and lagoon management.</p>
<p><b>Section 4.4.2 – Threats to Byron Coastline</b></p> <p>Funding and resource constraints are considered a key management issue and might be considered a threat to the ongoing and improved management of the subject CMP area (as they are for the remainder of the Shires coastal zone). This threat could be included in Table 4-1.</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>More detail on the threat of funding has been added to the report with a 'Willingness to Pay' investigation as part of community engagement in Stage.</p>
<p><b>Section 4.6, Table 4-3 – First Pass Risk Assessment</b></p> <p><b>Issue 1</b></p> <p>Hazard Study Update – Stage 2 study should include the changes as outlined in the DPIE-EES Review Submission.</p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p> <p>Hazard Study to be updated using probabilistic modelling and Shire-wide approach.</p>

<p><b>Section 4.6, Table 4-3 – First Pass Risk Assessment</b></p>	<p><b>Amendments made as per DPIE – EES comment and recommended changes.</b></p>
<p><b>Issue 2</b></p> <p>T7 - Resource constraints (compliance officers, etc) are a key issue with regard loss of amenity and conflicts between user groups and should be acknowledged here.</p> <p>Another key issue is homelessness and competition for space. Will the CMP attempt to deal with homelessness and/or illegal camping on the coastal fringe, is there a body of policy development work that needs to be done to manage this rapidly increasing issue?</p>	<p>Added resource constraints to T7 in FPRA.</p> <p>It appears that homelessness and illegal camping are two separate issues. Homelessness as an issue sits with 'Corporate and Community Services'.</p> <p>FPRA does mention illegal camping within Recreational and amenity management issues (Threat 7 &amp;8). Illegal camping added to 'Shire-Wide Policy' in recommended studies Table 6-3.</p>

***Submissions from the community***

- 5 Submissions were received from five (5) community members and one (1) community association. Copies of submissions received are provided in Attachment 3 of this report. Table 4 below outlines the key comments from community submissions and staff response/recommendation.

**Table 4 – Key comments from submissions from the community**

Key Comments	Staff Response & Recommend Changes
<p><b>Sand Mining Activities</b></p> <p>More information and discussion regarding sand mining in the study area should be included. Past sand mining activities have had an impact on the back beach and dune areas.</p>	<p><b>Noted - no change (need further information).</b></p> <p>Historical aerial photography indicates that in 1947 and earlier, a broad zone of bare dunes existed behind the Clarkes Beach area for a width of about 600m and a distance inland of about 300m. Historical ground photography of around 1920 also shows significant volumes of wind-blown sand in this area. Dune vegetation and fencing effectively reduced this drift over the years and the area was stabilised and sold as individual building blocks in the early 1970's. Fencing and dune planting has been used to stabilise the sand, encourage the growth of the foredune.</p> <p>Other dune areas of the Shire affected by sand mining have been stabilised with vegetation. Past sand mining has led to reduction in the sand dune barrier. However, substantial dune care work has enhanced the ability of the dunes to accommodate storm erosion and minimised the potential for wind erosion through stabilisation and revegetation of dunes.</p> <p>Agree that there could have been some loss of sand and damage to indurated sand layers (very likely). It may be perhaps partially relevant to current condition, particularly loss of coffee rock, but unlikely to have had a lasting effect such as from a rock wall. Past sand mining does not appear to be considered in sediment budgets in current practices. It would be possible to include a short description of this and this could be done at a later date once reports have been located.</p>

<b>Key Comments</b>	<b>Staff Response &amp; Recommend Changes</b>
<p><b>Littoral Drift</b></p> <p>The break walls on the Richmond River cause erosion in Byron Shire.</p>	<p><b>Noted - no change.</b></p> <p>The Hazard Study Assessment for the Byron Shire Coastline does mention the Richmond River and the effect of the training walls having minor effects at Tallow Beach over 50-100 years. Patterson (2009) considered that the walls may begin to affect Tallow Beach within 2050 and 2010 planning timeframes. In view of the effects the Study adopted 'maximum' recession rates as 'best' estimates increased by 50%.</p> <p>The CMP Scoping Study for the southern coastline (Cape Byron to Broken Head) may reconsider these rates, in parallel with updating the Hazard Assessment to include probabilistic modelling a more current assessment methodology for coastal hazard assessment.</p>
<p><b>Seawalls at Belongil</b></p> <p>The Main Beach Seawall (JSPW) has attributed to erosion at Belongil Beach and private property owners should be permitted to create rock wall protection works to protect their properties.</p>	<p><b>Noted - no change.</b></p> <p>Refer comment below (JSPW).</p> <p>Comment relates to Stage 3 of the CMP process. During Stage 3 is when management options will be discussed and proposed for Belongil Spit.</p>
<p><b>Study Area</b></p> <p>Limiting of the Study Area to extents identified by BMT in 2013 could lead to incorrect assessment of say damages due to storms.</p>	<p><b>Noted - no change.</b></p> <p>The CMP focusses on the open coast areas only and the open coastal hazards of erosion, recession etc. As such it excludes estuary tidal inundation, interaction with floods and associated damages. The CMP focusses on the portion of the coastline with the most complex and challenging management issues, and as such has been prioritised.</p> <p>Refer Section 1.4 for more detail on the study area and Section 2.2 for more detail on proposed format of CMP coverage.</p>
<p><b>Business Case and SLR</b></p> <p>Business case should have a long-term perspective.</p>	<p><b>Noted - no change.</b></p> <p>Refer Section 2.4.4. Planning Timeframes and Section 5 Business Case.</p> <p>Planning timeframes for the CMP are as per the Coastal Management Manual which asks Council's to consider planning timeframes and pathways from current, 20, 50 and 100 years and beyond (where appropriate). This CMP will use the recommended planning timeframes of the Manual reflecting the 20, 50 and 100 year timeframes.</p>
<p><b>Vision</b></p> <p>The Vision presented is a blur of innuendo and implication. It is purposefully vague probably in an attempt to satisfy all parties without committing to any.</p>	<p><b>Noted - no change.</b></p> <p>The Vision was crafted based on multiple engagement activities and consultation. It is deliberately broad and multifaceted and aims not to focus on issues.</p>

Key Comments	Staff Response & Recommend Changes
<p><b>Compliance</b></p> <p>CMP Scoping Study is not compliant with the <i>Coastal Management Act 2016</i> and Manual</p>	<p><b>Submission noted - no change.</b></p> <p>DPIE–EES administer the <i>Coastal Management Act 2016</i>, and provide technical advice to Councils preparing CMPs, in line with the Manual and CM Act.</p> <p>DPIE-EES have assessed the Scoping Study, and provided submission comments which predominantly assess the draft study as adequate and recommended some changes which have been incorporated into the Scoping Study.</p>
<p><b>Impact of the Jonson Street Protection Works</b></p> <p>The JPSW has caused erosion at Belongil and had a long-term, clear impact</p>	<p><b>Noted - no change.</b></p> <p>The downdrift erosion impacts of the JSPW on Belongil properties were in dispute in the Supreme Court Proceedings 2016 brought by some Belongil landowners.</p> <p>Council through its insurer denied the allegations including as to consequences and defended the proceedings. The matter did not proceed to hearing and no findings of fact were made by the Court.</p> <p>Settlement was reached between the parties and consent orders were entered into. It is important to note that the Orders were made <b>without admission of liability</b>.</p>
<p><b>Legal Context</b></p> <p>Council must comply with rule of law and Court Orders</p> <p>No mention of the Supreme Court Orders, proceedings or implications/effects on Council</p>	<p><b>Noted. Expanded Legal Context &amp; Background section 3.5.2 and an Action in the Forward Plan as a Stage 2 investigation.</b></p> <p>Reference to legal proceedings including but not limited to the Supreme Court Proceedings 2016 and Court Orders and other development and appeals for repair works to existing ad hoc coastal protection works has been inserted.</p> <p>An assessment with regard to the implications of the seawalls protected by the Court Orders and (approved) repair applications to understand the potential impact on the viability or feasibility of relevant management options for a long-term strategy at Belongil is acknowledged. This is also in line with DPIE-EES recommended changes, that the outcomes of cases and settlements be acknowledged as requiring an assessment to be considered at Stage 3 of the CMP process.</p>
<p><b>Data and Hazard Assessment</b></p> <p>Council to use the latest data available to assess the physical processes and prepare hazard lines, mapping and to classify management areas</p>	<p><b>Noted. No change.</b></p> <p>The update of Hazard Assessment is a Stage 2 investigation. Assessment methodology will be in accordance with the requirements of the NSW Manual. Refer Action S2.01 in the Forward Plan.</p>



Key Comments	Staff Response & Recommend Changes
<p><b>Additional Recommended Studies – Belongil Creek Entrance Stability Assessment</b></p> <p>Council should not be considering public funds for the Belongil Creek additional recommended study proposed in Table 4-3 and Table 6-3.</p> <p>The inclusion of this study is interpreted as Council not planning on complying with the injunction of the Supreme Court Orders, due to the study considering an assessment of Belongil Spit <b>without seawalls</b>.</p>	<p><b>Noted - no change.</b></p> <p>The interpretation of the purpose of the investigation of a “without” seawalls scenario in an entrance stability assessment for Belongil Creek is inaccurate. The “without” seawalls scenario is intended to investigate what the natural system of Belongil Creek, its entrance and Belongil Spit is likely to have looked like in a natural state at present and in future.</p> <p>Investigating the natural system “without” seawalls is a “baseline” scenario that allows us to consider how the natural system may have evolved, and therefore, what the risk to the land may have looked like today. Investigating a “baseline” or “do nothing” scenario for natural systems is very common practice. It is generally done to support the use of management strategies rather than “do nothing”.</p>
<p><b>Consultation</b></p> <p>Engagement with the Belongil Beach community essential</p>	<p><b>Noted - no change.</b></p> <p>The community was consulted as part of preparing the Scoping Study. There are no mandatory requirements for consultation during Stage 1, apart from the involvement of relevant public authorities and public authority commitment to ongoing involvement in CMP development (i.e. roles and responsibilities in the Forward Plan).</p> <p>Nevertheless the community was consulted as part of preparing the scoping study and the Draft was available on Council's website enabling public comment.</p> <p>Stage 1 of the CMP process includes the preparation of a Community Stakeholder Engagement Strategy (CSES) which is provided in Appendix A.</p> <p>DPIE-EES have assessed the Scoping Study and provide comment that the CSES is ‘fit for purpose’.</p>

The recommended changes as outlined in Tables 2, 3 and 4 of this report have been incorporated into the Scoping Study. The amended Scoping Study that incorporates these changes is provided in Attachment 4.

5

### **Next Steps**

It is recommended that Council:

- Note the submissions received during the public comment period and agency feedback on the Scoping Study.
- Adopt the finalised Stage 1 Scoping Study for Cape Byron to South Golden Beach (Attachment 4) incorporating the amendments outlined in tables 2, 3 and 4 of this submissions report.
- Council consider an allocation of \$70,000 in the FY2020/21 budget for progression to Stage 2 of the Coastal Management Program process. There is no current budget allocation for this to occur.

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**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.1	Continue preparing a Coastal Management Program (CMP) in accordance with the staged process

**5    *Legal/Statutory/Policy Considerations***

The *Coastal Management Act 2016* and associated NSW Coastal Management Manual.

***Financial Considerations***

10    The total cost of preparing the CMP (5 stage process) is estimated to be between \$360,000 and \$705,000, with the next stage (Stage 2 – FY2020/21) of the CMP expected to cost between \$95,000 and \$190,000. The range provides for uncertainty in the costs of certain activities as recommended in the Forward Plan.

15    At present there is a budget bid of \$70,000 for FY2020/21 – OP Activity to '*Continue preparing a Coastal Management Program (CMP) in accordance with the staged process for Cape Byron to Sth Golden Beach*'. This bid is considered sufficient to complete the required Stage 2 investigations with a grant funding contribution.

**20    *Consultation and Engagement***

Various stakeholder consultation activities were undertaken to capture information for use in this Scoping Study and area outlined in Section 4.5.2.3 of the Scoping Study.

25    Activities included:

- Regular contact with Council and DPIE representatives allowed for a flow of information relevant to the CMP;
- 30    • The First Pass Risk Assessment Workshop where activities were conducted to gather feedback from the state agencies and other stakeholders who are involved in coastal management; and
- Input from the community about how they use and enjoy the Byron Coastline, and their ranking of values and threats, through feedback to an online survey (reproduced in Appendix E of the Scoping Study), and a series of community information sessions.

Consultation was undertaken as outlined below:

- Consultation with relevant staff members on certain sections of the Scoping Study
- 40    • Presentation to Councillors at the Strategic Planning Workshop on 1 August 2019
- Presentation to staff at Staff Forum
- Report to the Executive Team on 3 June 2020
- External legal advisors

**Report No. 13.13      Main Beach Shoreline Project - preliminary options assessment and stakeholder engagement**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Chloe Dowsett, Coastal and Biodiversity Coordinator

**File No:** I2020/544

**Summary:**

At the interface between the sea and the land at Main Beach, Byron Bay are the coastal protection works, known as the 'Jonson Street Protections Works' or JSPW. The JSPW are a public asset that provide a significant role in affording some protection to the Byron Bay town centre from coastal erosion and underlying long-term recession impacts.

The [Main Beach Shoreline Project](#) (MBSP) investigates various modification options for the redesign of the coastal protection works at Jonson Street (JSPW), Main Beach, Byron Bay.

Council has engaged [Bluecoast Consulting Engineers](#) to complete the concept design for the project.

Bluecoast have undertaken a contemporary assessment of all possible options for the modification of the JSPW. The 'Concept Design Development – Report' is presented in Attachment 1.

Seven different and distinct concept design options have been developed and are put forward for further consideration.

The seven design options are listed as:

- Option 1 – rock revetment and stepped concrete seawall
- Option 2 – berm rock revetment and pathway
- Option 3 – detached groyne
- Option 4 – artificial headland with sand bypassing
- Option 5 – protective structure moved landward by 10m
- Option 6 – protective structure moved landward by up to 30m
- Option 7 - existing structure upgraded to contemporary standards

Each design option involves a combination of the key design elements:

- **Alignment**
- **Structure or material type; and**
- **Configuration of groynes.**

The seven options are outlined fully in **Attachment 1** including plan views, images, overview and the rationale accompanying each option. The report in **Attachment 1** is very detailed and critical to the understanding of how the seven different options were assessed and prioritised for the report.



The next step in the design process is to gather broader community and key stakeholder / agency feedback through engagement activities and consultation aiming to understand how they use and value the foreshore, their expectation for how the foreshore should be managed, and to test what the community's preferences are for the foreshore works (i.e. ranking of the seven options).

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**RECOMMENDATION:**

- 1. That Council notes the preliminary options assessment and top seven concept designs presented in the Concept Design Development – Report (Attachment 1 – E2020/40490).**
- 2. That Council endorses the top seven concept options outlined in Attachment 1 (E2020/40490) for key stakeholder and broader community engagement.**
- 3. That Council receives a report following the community engagement detailing the submissions received and staff response to these submissions.**

**Attachments:**

- |   |   |   |   |
|---|---|---|---|
| 1 | Main Beach Shoreline Project - Concept Design Development Report, E2020/40490 |  |   |
| 5 | 2   | Main Beach Shoreline Project - Community Engagement Plan, E2020/32953               |  |

**REPORT*****Background***

At the interface between the sea and the land at Main Beach, Byron Bay are the coastal protection works, known as the 'Jonson Street Protections Works' or JSPW. The area adjacent the JSPW comprises the length of foreshore approximately between the Main Beach Surf Club and the First Sun Caravan Park and incorporates public parklands, playgrounds, the Memorial Pool and the carpark with direct ocean outlook.

The JSPW are a public asset that provide a significant role in affording some protection to the Byron Bay town centre from coastal erosion and underlying long-term recession impacts. The works have been identified in previous studies as being degraded and non-compliant with contemporary coastal engineering standards.

The [Main Beach Shoreline Project](#) (MBSP) investigates various modification options for the redesign of the coastal protection works at Jonson Street (JSPW), Main Beach, Byron Bay. The MBSP is an important project for the community of Byron Shire, with the intent to improve the current situation.

Council has engaged [Bluecoast Consulting Engineers](#) to complete the concept design for the project which includes the following investigations: coastal modelling, geomorphological assessment of the shoreline, collection of wave data and expert observations. In addition, social, environmental and economic values will be explored and considered as part of an evidence-based approach.

The project is underpinned by the following objectives, resolved by Council in 2018 (**Res 18-839**):

1. To provide adequate protection to the Byron Bay town centre against current and future coastal hazards.
2. To mitigate adverse current and future risks from coastal hazards, taking into account the effects of climate change.
3. To mitigate impacts on coastal processes (e.g. down-drift effects) through reduction of the project footprint.
4. To improve the structural integrity of the JSPW.
5. To improve public safety around the JSPW.
6. To enhance recreational amenity, public access and use of the foreshore around the JSPW.

***Project Delivery and Status***

The key phases of the project are outlined in Figure 1 below.

Presently the project is in **Phase 2a – Concept Designs** with the project tasks and estimated timeframes outlined in Table 1 below (estimated up to December 2020).

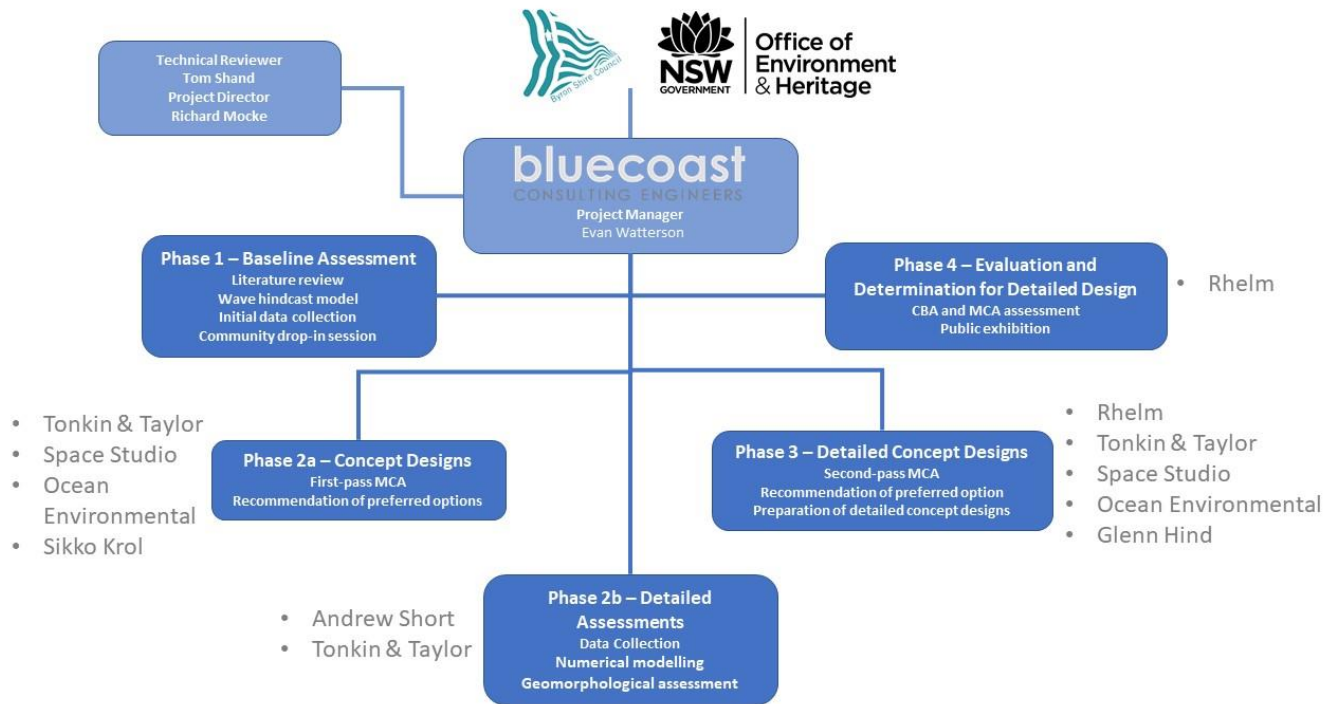


Figure 1: Key phases of the Main Beach Shoreline Project

5 *\*Note: The Office of Environment and Heritage is now the Department of Planning, industry and Environment (DPIE).*

Table 1: Project tasks and estimated timeframes (up to Dec 2020)

Project Phase	Timing	Task	Status
<b>Consultant Evaluation and Engagement</b>	August 2019	Report to Council and consultant engagement	<b>Complete</b>
<b>Project Kick-Off</b>	Nov 2019	Community Event (Drop in Session) at the Main Beach Surf Club	<b>Complete</b>
<b>Phase 1 - Baseline Assessment</b>	Dec 2019 to May 2020	<p>Literature Review Deployment of instruments and collection of in situ data Wave Hindcast Model (set up) Engineering Condition Assessment (drone surveys) Baseline Assessment</p> <p>Reports to be uploaded and available on the MBSP Council project webpage (once finalised)</p>	<b>Complete</b>

<b>Project Phase</b>	<b>Timing</b>	<b>Task</b>	<b>Status</b>
<b>Phase 2a – Concept Designs</b>  Options Assessment	Feb 2020 to May 2020	Contemporary assessment of options ( <b>complete</b> )  The preliminary options assessment ‘Concept Design Development – Report’ reported to Council ( <b>this report</b> ). Council to endorse the top seven options to go to broader community engagement (4 weeks/June).  <i>Prior to COVID19, engagement included a face to face workshop (First-Pass MCA) with key stakeholders and key community representatives to assess different concept design options. This has now been modified to be broader community engagement through an on-line survey and targeted interviews.</i>	In progress – partly completed
<b>Phase 2a – Concept Designs (cont.)</b>  Engagement Activities	June 2020	Engagement with the broader community and key stakeholders on the top seven concept options via on-line survey and targeted interviews	Not commenced
<b>Phase 2a – Concept Designs (cont.)</b>  Engagement Outcomes	August 2020	Outcomes of community engagement reported to Council and identification of the preferred three concept options to progress to next stage – <b>Phase 2b: Detailed Assessments</b> .	Not commenced
<b>Phase 2b – Detailed Assessments</b>  Modelling and Geomorphological Assessment	Aug to Dec 2020	<ul style="list-style-type: none"> <li>• Desk top modelling of preferred options</li> <li>• Probabilistic hazard modelling</li> <li>• Physical monitoring</li> </ul> Report to Council on the ‘Modelling and Evaluation of Preliminary Concept Designs’ for endorsement of the recommended option to move to the next stage.	Not commenced

### ***Contemporary Options Assessment***

- 5 Bluecoast has undertaken a contemporary assessment of all possible options for the modification of the JSPW which is provided in Attachment 1 – ‘Concept Design Development – Report’.

The ‘Concept Design Development – Report’ presents a summary of the projects critical factors and preliminary basis of design to guide the development of concept options for the modification of the JSPW. The report (Attachment 1) outlines how the project objectives have informed the

development of critical design factors and key performance indicators (KPIs) used in the assessment process. The KPIs provide the means for comparing and evaluating the design options as these evolve towards a detailed concept design solution.

- 5 Seven different and distinct concept design options have been developed that are considered appropriate for further consideration.

The seven design options are listed as:

- 10
- Option 1 – rock revetment and stepped concrete seawall
  - Option 2 – berm rock revetment and pathway
  - Option 3 – detached groyne
  - Option 4 – artificial headland with sand bypassing
  - Option 5 – protective structure moved landward by 10m

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  - Option 6 – protective structure moved landward by up to 30m
  - Option 7 – existing structure upgraded to contemporary standards

Each design option involves a combination of the key design elements:

- 20
- **Alignment**
  - **Structure or material type; and**
  - **Configuration of groynes.**

25 The seven options are outlined fully in **Attachment 1** including plan views, images, overview and the rationale accompanying each option. The report in **Attachment 1** is very detailed and critical to the understanding of how the seven different options were assessed and prioritised for the report.

A traffic light system has been used to rate each option across the key results areas, with **green**, **yellow** and **red** indicating the structure's performance, respectively as outlined below.

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**Red** = Design element does not meet project objectives or KPI



**Yellow** Design element partially meets project objectives or KPI



**Green** Design element fully meets project objectives or KPI

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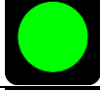

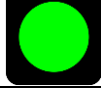

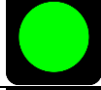







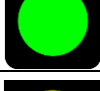
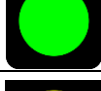
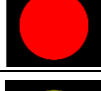
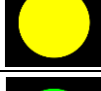
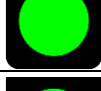






It should be noted that the anticipated performance of the options is based on current available information and engineering judgement. Table 2 below provides a summary of the seven concept options and their corresponding anticipated performance against the key result areas, e.g. coastal protection, shoreline impacts.

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Table 2: Summary of the anticipated performance of all options

Option	Anticipated performance						
	Coastal protection	Shoreline impacts	Beach amenity	Foreshore amenity	Surf amenity* Refer note	Public safety	Cost
<b>Option 1</b> – rock revetment and stepped concrete seawall							\$\$\$
<b>Option 2</b> – berm rock revetment and pathway							\$\$
<b>Option 3</b> – detached groyne							\$\$
<b>Option 4</b> – artificial headland with sand bypassing							\$\$\$\$
<b>Option 5</b> – protective structure moved landward by 10m							\$\$\$
<b>Option 6</b> – protective structure moved landward by up to 30m							\$\$\$\$
<b>Option 7</b> – existing structure upgraded							\$\$

**\*Note:** **Surf amenity** outcomes are inherently difficult to predict. This is largely because of the variable nature of the sand banks and wave climate at Main Beach. With regard to the key result area for 'Surfing Amenity', a 'yellow' anticipated performance result identifies that the potential impacts (positive and/or negative) of the modification option will not be known until we test the option/scenario with coastal modelling. Coastal modelling and detailed coastline assessment will be conducted in the next phase (**Phase 2b – Detailed technical assessments of design options**). Please refer to Attachment 1 for more information of the investigation which involves a quantitative review of the performance of up to three discrete design options.

The next step in the design process is to gather broader community and key stakeholder / agency feedback through engagement activities and consultation aiming to understand how they use and value the foreshore, their expectation for how the foreshore should be managed, and to test what the community's preferences are (i.e. ranking of the seven options).

### Engagement Activities

A Community Engagement Plan has been developed for the project and is presented in Attachment 2. The plan outlines the following engagement activities for delivery during Phase 2- Concept Designs which will be facilitated by Bluecoast and sub-consultant Rhelm.

The proposed engagement activities to be undertaken in June 2020 (subject to endorsement of the recommendations in this report) aim to gain an appreciation of the community's and stakeholder's expectations and objectives as to how the foreshore is managed and to get feedback on seven top concept options.

The outcomes of the engagement will be used to update and confirm the project KPI's and associated assessment criteria. These will form the 'backbone' of the design process. They will be initially used to assess the initial seven concept designs, to identify the preferred three concept designs and refine these designs, as required. The community's 'preferences' regarding the concept designs will also be considered in this process.

An outline of the activities proposed is provided below:

<b>Engagement Method</b>	<b>Engagement Objective (IAP2)</b>
Email to key stakeholders to contain: <ul style="list-style-type: none"> <li>• Project background and objectives</li> <li>• Explain why the stakeholder is being contacted</li> <li>• Provide a link to the webpage, which will contain the online stakeholder survey.</li> </ul>	<u>Inform</u> stakeholders of the project and the engagement
Online survey and web landing page <ul style="list-style-type: none"> <li>• Web landing page to be hosted on Council's existing webpage</li> <li>• Provide project background, context and purpose</li> <li>• Provide information on each of the 6 concept designs</li> <li>• Online survey</li> </ul>	<u>Consult</u> with the stakeholders to obtain their perspectives of: <ul style="list-style-type: none"> <li>• Key values of the foreshore and surrounds</li> <li>• Objectives for foreshore management</li> <li>• Expectations for foreshore stabilisation works</li> <li>• Feedback on 6 concept designs</li> </ul>
Phone calls <ul style="list-style-type: none"> <li>• Follow up phone calls would be undertaken with stakeholders who received the email</li> </ul>	Increase engagement with the online survey and provide an opportunity for the stakeholders to ask questions and provide broader feedback on the project.

## 5 **Next steps**

1. Undertake **community engagement activities** (June 2020).
2. Review feedback received from the community and key stakeholders during the engagement activities.
3. Report to Council - once engagement activities have been completed, the Report will be followed by a full 'Concept Design Development – Report' which will present the outcomes of community engagement and a detailed assessment of concept options considered during the design investigation. The report will outline the top three options to progress to the next project phase (Phase 2b – Modelling and Geomorphological Assessment).

## **STRATEGIC CONSIDERATIONS**

### 20 **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>L2</b>	<b>CSP Strategy</b>	<b>L3</b>	<b>DP Action</b>	<b>L4</b>	<b>OP Activity</b>
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.2	Continue pre-construction phase of Jonson Street protection works

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

*Coastal Management Act 2016*

5 ***Financial Considerations***

Council has allocated approximately \$150,000 in the existing budget with matching State Government grant funding for this design investigation project.

10 ***Risk***

Asset and Infrastructure Management - the JSPW are a public asset, are degraded and not to contemporary engineering standards and do not provide adequate public safety.

15 ***Consultation and Engagement***

The project's Community Engagement Plan is presented in Attachment 2.

20 Peer Review Group

25 An expert Peer Review Group has been formed to provide technical review and feedback on the key deliverables of the project. This informal group will add robustness to the design process with their feedback/comments used by Bluecoast in their refinement of options and consideration of results.

Community/Stakeholders

30 General project updates are provided to key stakeholders and interested community members when key tasks have been completed (every 2 months or thereabouts).

Councillors

35 Councillor Bulletin updates and a Strategic Planning Workshop in February 2020 and June 2020 were held.

**Report No. 13.14**      **Bringing Back the Bruns - update on Brunswick River related projects**  
**Directorate:**      Sustainable Environment and Economy  
**Report Author:**      Chloe Dowsett, Coastal and Biodiversity Coordinator  
**File No:**      I2020/700

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**Summary:**

- 10      The Bringing Back the Brunswick Project (also known as 'Bringing Back the Bruns') is a project based on the idea that the Brunswick River offers a unique opportunity to undertake an Australian first whole-of catchment river rehabilitation project that aims to achieve real, measurable benefits to the river ecosystem and community.
- 15      Significant management issues face the Brunswick catchment and 'Bringing back the Bruns' offers the unique and unrivalled opportunity to rehabilitate an entire riverine catchment in a strategic and staged approach over a number of years to produce a permanent, positive outcome for future generations to enjoy.
- 20      A number of projects and initiatives have been implemented recently focussing on the Brunswick Catchment. This report provides an update on the various projects to improve the health of the Brunswick River catchment in an on-going and continuous effort to 'Bringing Back the Bruns'.



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**RECOMMENDATION:****That Council notes:**

1.      **The update provided by staff on the 'Bringing Back the Bruns' and related Brunswick River projects.**
2.      **That staff will continue to explore all grant and alternate funding opportunities as they arise including partnerships, to support new projects that contribute to 'Bringing back the Bruns' and related projects.**

**Attachments:**

- 30      1      Bringing Back the Bruns - Bush Regeneration Sites, E2020/40163 
- 2      Brunswick Valley Landcare group sites and project sites 2020, E2020/40151 

**REPORT****Background:**

- 5 The Bringing Back the Brunswick Project (also known as 'Bringing Back the Bruns') is a project scope which originated first through discussions between Mayor Simon Richardson and Dr Matthew Gordos (DPI Fisheries). The scope for the project is based on the idea that the Brunswick River offers a unique opportunity to undertake an Australian first whole-of catchment river rehabilitation project that aims to achieve real, measurable benefits to the river ecosystem and community.

**Key issues**

15 Significant management issues facing the Brunswick catchment include:

- Unrestricted livestock access to the riparian zone resulting in destabilised and failed riverine banks and excessive nutrient inputs.
- Historic clearing of riparian vegetation and proliferation of exotic weeds (e.g. Camphor Laurel).
- 20 • Construction of over 20 waterway crossings on the main river, with over 15 of these structures acting as barriers to native fish migration.
- Sedimentation of instream pools resulting in diminishing riverine habitat and reduced ecological diversity.
- Significant bank slumping within the estuarine zone resulting from excessive wave action.

**Solutions and Benefits**

- 30 'Bringing back the Bruns' offers the unique and unrivalled opportunity to rehabilitate an entire riverine catchment in a strategic and staged approach over a number of years to produce a permanent, positive outcome for future generations to enjoy.

Solutions and benefits include:

- 35 1. Fencing and revegetation of the riverine corridor (> 70 km) to reinstate a healthy riparian zone that will benefit instream and terrestrial flora and fauna.
2. Stabilisation of highly eroded banks through revegetation to improve habitat values and limit point source sediment and nutrient input into the river. Some structural works such as regrading or bank protection with logs or rock is required in some locations.
- 40 3. Reconstruction of waterway crossings to improve the safety of vehicle access during high flows while also reinstating unimpeded fish migration from the estuary to the headwaters.
4. Cleaner, healthier water for the community to enjoy now and for future generations.

- 45 This report provides an update on the various projects that have been (or are being) implemented to improve the Brunswick River catchment in an on-going and continuous effort to 'Bringing Back the Bruns'.

**'Bringing Back the Bruns' – A Staged Approach**

- 50 'Bringing Back the Bruns' is being delivered through a staged approach with removal and upgrade of causeways to improve fish passage the first phase of the project. Subsequent phases of the staged approach will be focussed on riparian rehabilitation; working with both public and private landowners; stabilisation of eroding river banks community capacity building and nutrient and sediment reduction to improve water quality.

Sub-projects will be strategically planned for works and activities on Council, private and other public lands and the projects will involve a number of partners aimed at achieving a number of mutually beneficial outcomes.

## 5 ***Causeways and Reinstating Fish Passage***

In 2018 Council received grant funding from the NSW Department of Primary Industries (DPI) to install new causeways and reinstate fish passage in the Brunswick River by removing fish barriers to open upstream habitat. The \$274,600 grant under the NSW DPI Flagship Fish Habitat Grants Program was matched with funding (\$274,600) from Council to upgrade two causeways in the mid-reaches of the Brunswick River.

The project complemented another grant from the DPI Fisheries Habitat Action program which saw the removal of three other low-level fish barriers in the river. The projects have opened up 7km of upstream habitat which now allows 27.4km of fish passage to the estuary mouth. The restoration works will have long-term positive effects on fish species including the iconic Australian Bass, which live in the upper freshwater reaches of the river and migrate to the lower Brunswick Estuary for breeding.

The project now ensures fish have access to 90 per cent of the river for 100 per cent of the year. Prior to the projects, fish including bass and mullet could only migrate to the upper reaches of the Brunswick River for around ten days every year when high rainfall allowed fish to swim up and over the impeding causeways. Local residents have also benefited from safer vehicle access.

## 25 ***Improving Habitat – Riparian Restoration***

Council has recently applied and is awaiting an outcome on a funding application of \$39,595 through the DPI-Fisheries Habitat Action Grant to rehabilitate Council managed land on the northern bank of the Brunswick River from the Mullumbimby Showgrounds 1.8km (approx. 3.6ha) downstream towards Mullumbimby town centre. This project scope includes revegetation of at least 400 trees and community capacity building with regard to better management of the riparian zone in their neighbourhood.

Council's bush regeneration team is currently working on 57 bushland sites (238 Hectares) across the shire. As part of 'Bringing Back the Bruns' project, the Brunswick River and its tributaries are a primary focus of Council's bush regeneration team.

In 2019 Council received a \$20,000 grant through the Crown Reserves Improvement Fund to commence work on the section of river adjacent to the Mullumbimby Swimming pool and Bowling Club. This grant has enabled Council to engage bush regeneration contractors to carry out initial bush regeneration work within this area over a 12 month period. The Council bush regeneration team will then manage the site to maintain the area weed free, allowing it to naturally regenerate.

This new site will bring the total area being worked by councils bush regeneration team along the Brunswick River to 14 sites, 57 Hectares and 6,260m of river bank. The work conducted on these sites included tree planting, installation of nest boxes, weed control and fencing to exclude stock from riparian areas.

The benefits to our community and the environment include:

- The establishment of thousands of new plants and trees.
- Helping to create a continuous fauna/flora corridor for the length of the Brunswick River from the mountains to the sea.
- Creating habitat/food for aquatic and terrestrial animals.
- Vegetation along river banks creates a wind break for adjoining farms reducing erosion and moisture evaporation rates and providing shade for stock.
- Vegetation in riparian zones improves water quality by filtering herbicides, pesticides, stock manure and fertilisers resulting in cleaner water.
- Fencing stock from riparian zones decreases erosion and improves water quality as stock cause erosion by collapsing river banks and eating vegetation along the bank leaving it bare and susceptible to further erosion when it rains or floods.

Attachment 1 provides an outline of the Brunswick River Sites being managed by Council's bush regeneration team.

Brunswick Valley Landcare actively undertakes projects at various sites within the catchment to reinstate a healthy riparian zone and improve terrestrial flora and fauna habitat.

A brief snapshot of some recent projects is provided below:

- BVL Saving our Species *Phyllanthus microcladus* project – working on 5 sites along the Brunswick River undertaking weed control and monitoring of species density and health.
- BVL locality group Heritage Park Maslen Arboretum – volunteer group meets every Saturday morning to carry out weeding, maintenance and planting in the arboretum.
- BVL locality group Mullumbimby Town – volunteer group meets once a month to work on 4 sites along the creek in Mullumbimby town - weeding, maintenance and planting.

Attachment 2 provides a snapshot of the Brunswick Valley Landcare group and project sites for 2020.

### ***Other Projects***

There are many other projects being undertaken to improve the health of the Brunswick River and/or catchment.

Positive Change for Marine Life, a local environmental group have commenced a River Warriors Campaign for the Brunswick River. The project will map the ecological condition of the Brunswick estuary and if possible, the upstream reaches to the headwaters with the objective to inform future rehabilitation projects.

At the 27 February 2020 meeting, Council resolved (**20-062**) that it:

- 1) *Supports Positive Change for Marine Life in its request for \$20,000 to employ a person locally to coordinate their River Warriors Program as part of our overall objective of 'Bringing Back the Bruns', creating a healthy river system, supporting our local biodiversity and marine environment.*
- 2) *Allocate funding from within the Resource Recovery Waste Management Strategy Implementation 2019/20 budget.*

**Strategies**Marine Estate Management Strategy - Domestic Foreshore Structures Strategy for the Brunswick River

The Marine Estate Management Strategy (MEMS) part of the delivery of the *Marine Estate Management Act 2014* is a strategy that provides a holistic, long term approach to maintaining and improving the marine estate in NSW. The MEMS facilitates nine management initiatives to address priority threats to the marine estate, with an action within *Initiative 2: Delivering healthy coastal habitats with sustainable use and development* focussed on addressing the threat of foreshore development.

On the north coast of NSW, a specific action under MEMS Initiative 2 will be the development of six (6) Domestic Foreshore Structures Strategies, for which the Brunswick River was one of the 6 chosen locations. Council staff have been collaborating with DPI Fisheries and other state government agencies on a transparent, sustainable and holistic assessment tool for proposed domestic foreshore structures, such as pontoons and boat ramps, on an estuary-wide basis.

The 'Brunswick River Domestic Foreshore Structure Strategy' will consolidate development policies, and thereby provide consistency in information for proponents, agencies and Councils to streamline the approval process for new domestic foreshore structures. The strategy will outline the Development Application process to inform proponents.

Foreshore development is identified as one of the priority threats to the marine estate, causing significant disturbance to species and their habitats, impacts to water quality, and disruption of public access to, and use of the marine estate.

Marine Estate Management Strategy – Bank Management Strategy for the Brunswick River

MEMS Initiative 2 also includes an action that focuses on bank protection work in two (2) estuaries on the north NSW coast. The Brunswick River and Richmond River were chosen.

The objective of the bank protection work will be to develop a management strategy that will anticipate protection work and therefore streamline the approval process, using a coordinated approach with state agencies and councils. The Strategy will have an emphasis on 'soft' protection works such as riparian revegetation, mangrove planting, rock fillets, large woody debris to be used (where feasible) to protect eroding banks. Staff have been collaborating with DPI Fisheries and other state government agencies on the Strategy.

**Next steps**

Staff to continue to explore all grant and alternate funding opportunities as they arise including partnerships, to support new projects that contribute to 'Bringing back the Bruns' and related projects. Further, updates on the 'Bringing back the Bruns' and related projects to be provided at future Council meetings.



**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.3	Investigate Brunswick River Project

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

Marine Estate Management Act 2014  
Coastal Management Act 2016

10

***Financial Considerations***

Significant funding would be required to implement the 'Bringing back the Bruns' which could be accessed via funding sources from local, regional, State, and federal grants. Currently there is no Council budget allocation for projects in 2019/20 or 2020/21 budget.

15

Staff will continue to explore all grant and alternate funding opportunities as they arise including partnerships, to support new projects that contribute to 'Bringing back the Bruns' and related projects.

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**Report No. 13.15**      **Events & Festival Sponsorship Fund 2020-21**  
**Directorate:**      Sustainable Environment and Economy  
**Report Author:**      Jess Gilmore, Events Liaison Officer  
**File No:**      I2020/654

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**Summary:**

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The 2019-20 funding round for the Events & Festivals Sponsorship Fund would normally have been rolled out in April this year. Due to COVID-19 and its impacts on local events, there is an opportunity to hold over the funding until the uncertainty is resolved. If the current funds are combined with other available funds a 'recovery fund' could be released in the coming financial year to support local events to get back on their feet once restrictions on gatherings are eased.

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This can be considered as part of the 2020/2021 Budget and Operational Plan process which will be reported separately to Council.

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**RECOMMENDATION:**

1. That Council notes this report and the impacts on local events.
2. That Council endorses as part of the 2020/2021 Operational Plan and Budget process the combining of the 2019-20 and 2020-21 financial years' event sponsorship funds into a local event recovery fund, to be rolled out during the coming financial year as appropriate considering the lifting of COVID-19 restrictions.
3. That Council endorses the inclusion of event funding for sponsored events that are unable to proceed in 2020-21 financial year, into the recovery fund.

25

**REPORT**

In December 2014 Council resolved (**14-651**):

- 5 1. *That Council endorse the proposed financial allocation of the Events and Festival Sponsorship Fund, with the following changes: The \$10,000 of available funds will be split between up to five events, from those considered to fit within either 'Significant Homegrown' and 'Emerging' categories across the Shire.*
- 10 2. *That Council endorse the proposed application process, with two application windows per year established.*
3. *That preference will be given to those events and festivals that have occurred less than three times.*
4. *That Council endorse the Fund to support the outcome to embed sustainability practices into local events and/or provide sponsorship.*
- 15 5. *That the final decision regarding successful applicants be made by the General Manager under Delegated Authority.*
6. *That all assessment forms be changed to reflect the changes above.*

20 The current financial year event funding would usually be rolled out in April, however due to COVID-19 all events have been cancelled, resulting in uncertainty for our local events regarding if and when they may be able to proceed.

25 Funds from the current 2019-20 financial year have been finalised per the March quarterly review to carry over into the new financial year. These amounts could be added to the 2020-21 Events & Festival Sponsorship Fund of \$10,000 plus any unspent sponsorship funds for Mullum Music Festival and Byron Writers Festival (both cancelled for 2020) to make a total pool which could be offered as an event recovery fund, supporting local events to recover when restrictions are lifted.

30 This provision of funding would enable Council to support a range of existing and emerging events, particularly at a time when this important local industry has been severely impacted by the COVID-19 situation. It is vital to provide a recovery fund to offer a lifeline to a flailing local industry which many community members, businesses and organisations depend on.

**Key issues**

35 Due to the current situation with COVID-19 many 2020 events have been cancelled, or postponed until restrictions ease. The timeframes for the easing of restrictions around events is currently unknown, and may be subject to change even when announced, leaving the events industry with a great deal of uncertainty as to whether events can proceed. Holding over funds to allow for greater support when the situation is resolved will support local events to recover.

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Longstanding community events such as Byron Writers Festival and the Winter Whales Annual Ocean Swim Classic have been cancelled which may have long term impacts on the ability of organisations to deliver important projects.

45

The cancellation of larger events has impacted both the festival industry and many smaller local businesses and community groups who have not been able to rely on the annual income boost. The cancellation of Bluesfest alone has been significant; a 2019 report by Lawrence Consulting claims that last year's event poured a total of over \$159.1 million into the NSW economy. The report estimated a contribution to gross regional product (GRP) of \$49.8 million in Byron Shire, and \$95.7 million in the Northern Rivers (*Byron Shire Echo*, 28 May 2020).

50

All levels of government are seeking to respond to the impact of COVID-19 and the recovery process by developing support packages. For example, NSW Department of Planning, Industry and Environment have been actively working with councils to support communities across the state in response to COVID-19, acknowledging that the planning system has an important role to play in keeping the economy moving, supporting communities and keeping people in jobs, both now and in the months ahead. They have been responding quickly by adapting the planning system to ensure continued productivity, investment and community wellbeing.

It is important that Council takes steps to show their support for this important local industry which contributes a great deal to our region by way of employment, economic impact, volunteering and training opportunities, and fundraising capacity for a plethora of community organisations, projects and programs.

The investment of existing available funds would show great support for our locals during this unprecedented time, and is an important investment into the Shire's recovery from COVID-19. Without this support it is likely that many of our iconic events will not continue.

## **STRATEGIC CONSIDERATIONS**

### ***Community Strategic Plan and Operational Plan***

<b>CSP Objective</b>	<b>L2</b>	<b>CSP Strategy</b>	<b>L3</b>	<b>DP Action</b>	<b>L4</b>	<b>OP Activity</b>
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.1	Support and encourage our vibrant culture and creativity	2.1.7	Support range of existing, emerging and major events	2.1.7.2	Deliver event and festivals annual sponsorship program
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.1	Support and encourage our vibrant culture and creativity	2.1.7	Support range of existing, emerging and major events	2.1.7.1	Continue to support event organisers in the delivery of a range of events

### ***Financial Considerations***

The 2019-20 funds (\$10,000) have been finalised per the March quarterly review to carry over into the new financial year. These amounts could be added to the 2020-21 Events & Festival Sponsorship Fund (\$10,000) to create a pool which could be offered as an event recovery fund, supporting the local industry to recover when restrictions are lifted.

In addition to this, any unspent funds from cancelled events which are usually supported by MoU agreements could be added to this pool. For example, \$1,000 Mullum Music Festival Sponsorship (2017.6) and \$5,000 Byron Writers Festival Sponsorship (2017.7) – both of which have been cancelled for 2020.

**Report No. 13.16**      **Climate Action Plan update**  
**Directorate:**       Sustainable Environment and Economy  
**Report Author:**     Sharyn French, Manager Environmental and Economic Planning  
**File No:**                I2020/762

5

**Summary:**

10 Council resolved (**Res 19-684**) at the 12 December 2019 Ordinary Meeting to convene an Action Tank workshop to advance the development of the Climate Change Adaptation Plan (CCAP).

15 Council staff commenced planning for the 'inquiry by design' style workshop which was to take place over 3 days in early April 2020. Engagement with possible workshop participants and presenters, and the format for the workshop and venue planning was well underway when COVID-19 travel and gathering restrictions commenced and escalated. As a consequence the workshop was postponed late March. At the time, there were 15 confirmed participants, who were advised of the need for postponement of the workshop in light of the uncertainty about COVID-19 restrictions. Work on the CCAP has not progressed since then.

20 This report outlines what work had been done up to that date, and seeks clarification on the next steps under easing COVID-19 restrictions to progress the finalisation of the CCAP.

25 Also in light of the new state agency Resilience NSW, and recent drought, flood and fire events, it is proposed that Council consider exploring the development of a resilience framework and plan alongside the CCAP to provide for a more holistic future approach to natural disaster prevention, preparedness and recovery for Byron Shire.

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**RECOMMENDATION:**

**That Council:**

1. Request staff to progress the finalisation a draft Climate Change Adaptation Plan which:
  - a) Considers the:
    - i) Identified areas of concern determined at the 6 September 2019 Councillor workshop;
    - ii) Council researched gap analysis conducted and presented to Council 12 December 2019; and
    - iii) Contemporary and current science as it relates to Local Government best practice for Climate Adaptation within Australia.
  - b) Is peer reviewed where possible by the previously confirmed workshop participants; and
  - c) Undergoes a Councillor and community engagement process before reporting to Council for consideration for adoption.
2. Agree to explore the development of a resilience framework and plan for Byron Shire.
3. Make contact with Resilience NSW to discuss the potential preparation of a Resilience Plan and how Council may partner in the early preparation of such a plan for Byron Shire.
4. Make contact with the City of Sydney to discuss their Resilience Plan framework and how it might be applied to Byron Shire.

- 5. Request staff to undertake a gap analysis of Council's current plans against a resilience framework such as the City of Sydney.**
- 6. Request staff to present the findings of items 3-5 at a Strategic Planning Workshop and report to Council.**

**REPORT**

***Background***

- 5 There are several past resolutions and reports to Council that have led to and inform the preparation of the CCAP:

Meeting date	Res. No.	Resolution
18 October 2018	<b>18-680</b>	Council <a href="#">declared a climate emergency</a>
13 December 2018	<b>18-841</b>	When considering the draft Net Zero Emissions Strategy Council resolved that staff provide an update report to the next available meeting on Council's climate change adaptation processes for rising temperatures, emergencies, asset maintenance, and water resources in a changing environment.
21 February 2019	<b>19-011</b>	Council considered the above <a href="#">report</a> and resolved to consider a budget allocation of \$80,000 (which was not given in full) for the development of an updated Climate Change Adaptation Implementation Plan for Council operations.
27 June 2019	<b>19-341</b>	<p>Council considered an <a href="#">report</a> on Byron Shire's climate emergency response and resolved to deliver seven actions in lieu of the full budget allocation over six months:</p> <ul style="list-style-type: none"> <li><i>i. Include an action in the Operational Plan FY2019/20 about a 'Climate Emergency Plan';</i></li> <li><i>ii. Hold a facilitated workshop between Councillors and the Executive Team to better understand and articulate what 'climate emergency' means in the Byron Shire context, and available mechanisms and resourcing for stronger action;</i></li> <li><i>iii. Establish a Climate Emergency Cluster Group as defined in the body of the report;</i></li> <li><i>iv. Undertake a review of relevant climate policy and literature to establish an overarching framework for attracting grant funding and developing and delivering climate adaptation projects;</i></li> <li><i>v. In concert with item (iv) undertake a review of all Council programs to ensure alignment with our Climate Emergency commitment;</i></li> <li><i>vi. Request ADAPT NSW to deliver Council and community workshops on ADAPT NSW/NCERA workshop outcomes; and</i></li> <li><i>vii. Report to Council on the outcome of actions (i-vi) in December 2019.</i></li> </ul>

At the facilitated workshop between Councillors and the Executive Team on the 6 September 2019 (action ii of **Resolution 19-341**) it was decided:

- a) The delivery of a Climate Action Tank (inquiry by design style workshop) would replace the Climate Emergency Cluster Group as a means of expediting the development of a Climate Change Adaptation Plan.
- b) Participants identified in the workshop would be invited to attend the Climate Action Tank to provide recommendations and feasible actions to Council as part of our Climate Emergency Response.
- c) That there are five priority areas of concern based on the North Coast Enabling Regional Adaptation report as follows:
  - Settlements & Land Use Planning ***We manage growth and change responsibly***
  - Infrastructure & Water ***We have infrastructure, transport and services that meet our expectations***
  - Emergency Management ***We have community led decision making which is open and inclusive***
  - Resilient Communities ***We cultivate and celebrate our diverse cultures, lifestyle and sense of community***
  - Biodiversity ***We protect and enhance our natural environment***

The identified priority areas were then aligned with our Community Strategic Plan (in bold above) which formed the framework of the Climate Action Tank. While Biodiversity didn't rate highly at the time of the workshop, the impact from 2019/2020 fire season highlighted a critical need to identify and protect our high environmental value land and habitat areas and as such it has now been included as one of the priority areas.

On the 12 December 2019, Council considered an update [report](#) on resolution 19-341 and resolved (**Res 19-684**);

1. *That Council note the response to items 2.iv &.v of resolution 19-341 which includes a gap analysis of Council programs in Attachment 2 (E2019/86487), which will be further developed to inform the proposed Action Tank workshop.*
2. *That Council request staff to convene an Action Tank workshop in the new year to advance the development of the Climate Change Adaptation Plan to be reported to Council within six months of the workshop.*
3. *That Council fund the Action Tank Workshop and development of the Climate Change Adaptation Plan by allocating \$60,000 from the Land and Natural Environment Reserve.*

**Summary of Climate Action Tank Workshop status pre COVID-19:**

- Confirmed participants (15) representing Zero Emissions Byron (ZEB), SERAC, Arakwal, local consultant planners, Rous County Council, Southern Cross University, Griffith Uni, Adapt NSW and 2040 author, Damon Gameau with confirmation pending from SES, RFS and the Red Cross.
- Climate Scientist Joelle Gergis (Intergovernmental Panel on Climate Change (IPCC) Assessment Report (AR6) author and a Byron Shire local) agreed to write a foreword to our Action Plan which was to be made available prior to the Action Tank.
- Agreed presentations included: Hamish McCallum (Biodiversity & Disease), Damon Gameau (2040), Prof Brendan Mackey (video presentation and AR6 author).



- Agenda and format for the Interactive ‘inquiry by design’ workshop to be held over 3 days, with summary outcomes developed and delivered, which included a public interactive session post the inquiry by design for community information and input.

## 5 **Next steps**

There are two options for the progression of the Climate Adaptation Plan.

### Option 1

Reboot and reconvene the Climate Action Tank as outlined above, bearing in mind that participant availability may be impacted and Covid-19 restrictions still a concern for workshop format. These two factors could result in further delays to the finalisation of a CCAP.

### Option 2

Council staff develop the draft Climate Change Adaptation Plan in house which:

#### a) Considers the:

- Identified areas of concern determined at the 6 September 2019 Councillor workshop;
  - Council researched Gap analysis conducted and presented to Council 12 December 2019; and
  - Contemporary and current science as it relates to LGA’s best practice for Climate Adaptation within Australia.
- b) Is peer reviewed where possible by the previously confirmed workshop participants; and
- c) Undergoes a Councillor and community engagement process before reporting to Council for consideration for adoption.

It is **staff recommendation** that Council proceed with **option 2**.

## **Resilience NSW**

Resilience NSW is a newly promulgated state government agency to oversee and coordinate emergency management policy, service delivery and all aspects of disaster recovery.

Whilst no formal direction has been made at this time by this agency, it is likely that councils may be required in the near future to prepare a Resilience Plan for their local areas/ regions.

The City of Sydney as part of the 100 Resilient Cities initiative has prepared a [Resilient Sydney Strategy](#).

*‘The Resilient Sydney strategy sets the directions we must take to strengthen our ability to survive, adapt and thrive in the face of increasing global uncertainty and local shocks and stresses. The strategy offers a five year action plan with key directions, priority flagship actions and 35 actions. Resilient Sydney calls on business, government, academia, communities and individuals to lead and work as one city’.*

Byron Shire Council to its credit already has strategies and plans that would form part of such a Resilience Plan including the Net Zero Emissions Strategy and the soon to be developed CCAP. As such staff have included in the recommendation specific actions about the development of a Resilience Framework and Plan for Byron Shire to accompany the CCAP.

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.2	Strive to become a sustainable community	3.2.1	Work towards Council's zero-emissions target	3.2.1.6	Develop a Climate Emergency Plan

5

***Financial Considerations***

Funds remain available in the budget to deliver the Climate Change Adaptation Plan.

10

***Consultation and Engagement***

To be determined following Council resolution.

**Report No. 13.17**      **Biodiversity Conservation Strategy**  
**Directorate:**        Sustainable Environment and Economy  
**Report Author:**     Elizabeth Caddick, Biodiversity Officer  
**File No:**                I2020/770

5

**Summary:**

10 Council has revised its 2004 Biodiversity Conservation Strategy (BCS) to ensure that it is up to date with current legislation, policy, science, best practice and community priorities.

The draft BCS was publicly exhibited for 8 weeks from 24 March to 20 May 2020. A total of 23 submissions (Attachment 1) were received during the exhibition period.

15

This report summarises the main issues raised during public exhibition, staff responses to these issues and any recommended changes proposed to the BCS (Attachment 2). It is proposed that Council adopt the draft BCS (Attachment 3) once it has been updated with the amendments proposed in Attachment 2 of this report.

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**RECOMMENDATION:**

**That Council:**

1. **Note the submissions received during the public exhibition period (24 March to 20 May 2020) of the Biodiversity Conservation Strategy 2020-2030, issues raised and staff responses.**
2. **Adopt the Biodiversity Conservation Strategy 2020-2030 with the amendments outlined in Attachment 2 (E2020/40811) of this report.**

**Attachments:**

25

- 1 Confidential - Combined submissions - Draft Biodiversity Conservation Strategy, E2020/38981
- 2 Submissions Analysis & Recommended Amendments - Draft Biodiversity Conservation Strategy, E2020/40811 
- 3 Draft Biodiversity Conservation Strategy - Version 28 Feb 2020, E2020/14421 

30

## **REPORT**

### **Background**

- 5 Council has revised its 2004 Biodiversity Conservation Strategy (the Strategy) to ensure that it is up to date with current legislation, policy, science, best practice and community priorities (Council resolution 14-334, 7 August 2014).

- 10 Council's draft Biodiversity Conservation Strategy (Attachment 3) is a plan of action for both Council and the Byron Shire community to protect and enhance our local biodiversity. The Strategy describes some of our unique biodiversity values, why they are under threat, and what opportunities exist to mitigate these threats. Providing strong leadership, up-to-date resources and a best practice management approach are key elements of the strategy, as are keeping our community well informed about biodiversity and providing better support and incentives to those land managers who want to manage their land to improve biodiversity. The Strategy includes over 15 90 Actions to help improve biodiversity conservation in the Shire.

- 20 The revised Strategy has been written to be readable and accessible, to help engage more of our community with the importance of biodiversity conservation and encourage everyone to contribute to protecting and enhancing our biodiversity. The BCS celebrates the environmental work being done by the local community, and has been developed with consultation and peer review by 8 key local industry professionals, with expertise in flora, fauna, ecological restoration and town planning, as well as representatives from the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).

- 25 The BCS was on public exhibition for 8 weeks, from 24 March to 20 May 2020. Public exhibition was via Council's Have Your Say web page, and the exhibition period was advertised by four advertisements in the Byron Shire News and The Byron Shire Echo, plus public notices in the Byron Shire Echo. Other planned elements of the exhibition period had to be cancelled due to social distancing requirements following the Covid-19 outbreak. These included attendance of Council staff and Byron Bay and Mullumbimby farmers markets, and information and a hard copy of the BCS being made available in the foyer of the Mullumbimby office.

### **Public Submissions**

- 35 During the public exhibition period there were 431 visitors to the Your Say page and 946 page views. A total of 23 submissions were received (Attachment 1). Other reportable data from the Your Say page is summarised in Table 1 below.

**Table 1**

	Number	Explanation
Total visits	431	Number of unique visits by an individual
Page views	946	Total amount of times a page is loaded (can include more than one load by any visitor)
Engaged participants	23	Submissions received
Informed visitors	108	Number of people that viewed or downloaded documents or visited multiple pages (to read more info)
downloads	153	
Aware visitors	281	Number of visitors that viewed at least one page but did not take any action.

- 40 Each submission was considered by staff. The submission issues, staff response and recommended change/s to the Strategy (if applicable) are provided below in Attachment 2. The recommended changes will be made to the in-design document once they have been adopted by Council.

**Next steps**

As well as changes proposed in Appendix 2, Table 3.3 and Appendix 5 of the BCS will be updated to include information relating to public exhibition of the Strategy.

Once the recommended changes have been adopted by Council, they will be forwarded to the graphic designer to update the BCS in-design document.

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.1	Partner to protect and enhance our biodiversity, ecosystems and ecology	3.1.1	Protect and enhance our natural environment and biodiversity	3.1.1.1	Continue to undertake the Biodiversity Conservation Strategy review

**Legal/Statutory/Policy Considerations**

State and Federal legislation that is relevant to the draft Strategy is summarised in Appendix 2 of the Strategy. At the time of drafting the Strategy, various elements of relevant legislation, policies and planning tools are under review/development. The Strategy has been drafted such that there is flexibility to adapt to new/revised plans, strategies and legislation when they are available. For example:

- The Environment Protection and Biodiversity Conservation Act currently is under review.
- Plant Community Types (PCTs), as referred to in the *Biodiversity Conservation Act (2016)* are still under review. Current advice is that these will be available 30 June 2020.
- Council's Coastal Comprehensive Koala Plan of Management is currently being reviewed by the Department of Planning, Infrastructure and Environment, for endorsement under the new SEPP (Koala Habitat Protection) 2019.

Council's environmental programmes receive core funding from general revenue, with expenditure directed by the [Environmental Levy Implementation Policy](#).

**Financial Considerations**

Existing budget is available in FY2020/21 to finalise development of the revised Strategy.

**Consultation and Engagement**

The draft BCS was publicly exhibited for a period of 8 weeks from 24 March to 20 May 2020. Prior to public exhibition, the draft BCS was peer reviewed by 8 key local industry professionals, with expertise in flora, fauna, ecological restoration and town planning, members of Council's Biodiversity Advisory Committee (Biodiversity Advisory Committee Report I2020/76), and a representative from the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal).

Stakeholder consultation during development of the BCS is summarised in Table 2 below. Engagement of the community is a key element of the strategy – while Council can demonstrate leadership in biodiversity conservation, this is ultimately the collective responsibility of the whole community. Development of the BCS also considered environmental issues/trends raised during

other recent Council community consultation initiatives, including consultation done for the Sustainable Visitation Strategy and Community Strategic Plan.

**Table 2**

<b>What</b>	<b>When</b>	<b>Who</b>
Community Survey	2015	Received 426 responses, representing around 1.4% of the population.
Our Byron Our Future – Community Strategic Plan 2028, community engagement program	November-December 2017	Community engagement reached 2,769 people through workshops, online engagement, interactive pop up activity, written submissions, business surveys and targeted conversations.
Update to Byron Shire Council Managers and Directors	05/12/2018	Representatives from Council management team, environmental staff and Ecosure.
Community Survey 2018-19	December 2018-April 2019	15 Responses 89 Visitors to site
World Café event at Federal	05/09/2018	Attended by 30 members of the farming community.
Stakeholder meeting with National Parks and Wildlife Service, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Ngulingah LALC, and Marine Parks	07/02/2019	Representatives from Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), Ngulingah LALC, , NPWS, Cape Byron Marine Parks, Byron Shire Council and Ecosure.
JALI Local Aboriginal Land Council	07/02/2019	Representatives from JALI, Byron Shire Council and Ecosure.
Bangalow Koalas	22/02/2019	Representatives from Bangalow Koalas, Byron Shire Council and Ecosure.
Sustainable Visitation Strategy	March-May 2019	Over 1,200 people engaged through kitchen table discussions, online forums, workshops and focus groups for both visitors and residents.
Madhima Gulgan Community Association	09/08/2019	Shane Ivey, Council Biodiversity Officer.
World Café event at Mullumbimby	5/12/2019	Attended by 40 members of the public including Landcare members, property owners, and local business operators.
Byron Shire Biodiversity Advisory Committee	11/02/2019	Council and Community representatives that sit on the Biodiversity Advisory Committee.
Byron Shire Biodiversity Advisory Committee	11/11/2019	Council and Community representatives that sit on the Biodiversity Advisory Committee.
Workshop with local ecology experts	15/11/2020	17 local Byron Shire ecologists invited to participate in a workshop on the Biodiversity Strategy. 8 attended and others provided input via email.
Byron Shire Biodiversity Advisory Committee	10/02/2020	Council and Community representatives that sit on the Biodiversity Advisory Committee.

**Report No. 13.18**      **Voluntary Visitor Fund - Project Update**  
**Directorate:**      Sustainable Environment and Economy  
**Report Author:**      Sarah Workman, Tourism Officer  
**File No:**      I2020/775

5

**Summary:**

10      This report provides Council with an update on the status of the Voluntary Visitor Fund (VVF) including discussions held with potential contributors.

15      It recommends to Council that the visitor contributions currently collected from Council's First Sun and Suffolk Park Holiday Parks continue in lieu of the VVF, and be allocated to fund the delivery of Council's Sustainable Visitation Strategy once adopted by Council.

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**RECOMMENDATION:****That Council:**

1.      **No longer pursue a Voluntary Visitor Fund;**
2.      **Continue to collect a voluntary visitor contribution from Council's First Sun and Suffolk Park Holiday Parks; and**
3.      **Allocate the funds collected from 2 to implement the Byron Shire Sustainable Visitation Strategy once adopted by Council.**

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## REPORT

The Mayor first presented the concept of a Voluntary Visitor Fund (VVF) to Council at its meeting on 21 November 2013 as a Notice of Motion. The purpose of the VVF in short is to assist Council with managing the financial impacts the result of tourism and visitation in Byron Shire. The Council resolution follows (**Resolution 13-622**):

1. That Council commence a trial voluntary visitor contribution at the First Sun and Suffolk Park caravan parks.
2. That staff ensure this requirement is outlined within the scope of future park management contracts.
3. That the trial period begins from 1 July, 2014, coinciding with new park management contracts and an evaluation be provided after the Summer holiday period, 2015.
4. That staff provide a report addressing the following aspects:
  - a) Creation of a Beautify Byron Fund, in which to receive funds raised and to provide a prioritised list of projects where the funds raised could be spent.
  - b) The development of a marketing and promotional strategy to facilitate the voluntary contribution project.
  - c) Inviting other businesses within Byron Bay to also take part in the voluntary contribution scheme, including being part of a governing body to oversee the Fund.
  - d) Financial implications.

From 2013 to 2016 a substantial amount of work was completed on the rebranded 'Beautify Byron Fund'. However, the program did not gain traction or support enough from the tourism industry to be financial.

Since 2013, only an amount of \$16,627 has been collected through Council's holiday parks, which is currently sitting in a reserve budget.

In 2018 the Mayor initiated a follow up forum with industry leaders and key stakeholders to discuss a 'reboot' of the Voluntary Visitor Fund.

The following was discussed at the forum:

1. A proposed framework / governance structure
2. Proposed administration
3. Proposed fee structure
4. Transparency and auditing
5. Collection frequency and method
6. Contracts with accommodation providers
7. Project budget, including income estimates
8. Timelines

After the forum the level of industry commitment and support to a VVF did not change.

At the 23 August 2018 Council meeting a NOM provided a suggested path forward. Council resolved (**Resolution 18-556**) as follows:

1. That Council initiate a Voluntary Visitor Fund utilising the framework and governance structure option 3 - which shows Council as the administrator of the fund with an industry led Steering Committee.



2. *That this project be shared with the Strategic Business Panel*
3. *That a quarterly report be provided to Council on the status of the Voluntary Visitor Fund*

Over a period of three months, Council engaged a consultant to implement this resolution. The deliverables included, signing up businesses, creating the governance model and preparing a list of projects that could be considered for implementation of the VVF. The consultant visited over 100 businesses and presented the VVF concept (some on more than one occasion). During these three months, no businesses signed up to the VVF program.

Due to the lack of industry support a luncheon was organised with five key industry leaders, the Mayor, Director of Sustainable Environment and Economy and the Tourism Officer to stimulate discussion and interest. The intent of the meeting was to invite these industry leaders to commit to the VVF and take a leadership role with industry and encourage other businesses to be part of the program. At the meeting all attendees agreed and pledged their support to a VVF, however shortly after the meeting four of the businesses withdrew their support. The North Byron Parklands through a Voluntary Planning Agreement (VPA) (which is separate to the VVF) however remain obligated to making a monetary contribution to Council via a development consent condition. This VPA is yet to be executed.

### **Next steps**

After engaging extensively with industry, it is recommended the VVF does not progress any further due to:

- Lack of commitment from the tourism industry to support a VVF
- Other recent grant funding for community infrastructure that has been received by Council including \$25m designed to offset tourism infrastructure impacts, and
- The impacts of COVID-19 on the tourism industry.

Notwithstanding the above, it is recommended that Council continue to collect a voluntary visitor contribution from its two holiday parks and utilise this income stream from visitors to partly-fund the implementation of the Byron Shire Sustainable Strategy (once adopted by Council). There are currently no contractual obligations with the park managers that would prohibit Council from continuing to collect these funds.

## **STRATEGIC CONSIDERATIONS**

### **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 4: We manage growth and change responsibly</b>	4.4	Support tourism and events that reflect our culture and lifestyle	4.4.1	Build a tourism industry that delivers local and regional benefits in line with the community's values	4.4.1.3	Deliver Voluntary Visitor Fund

### **Legal/Statutory/Policy Considerations**

Council wrote to the Australian Local Government Association (ALGA), seeking advice on whether the VVF would be classified as a Public Private Partnership (PPP). ALGA is currently undecided on whether the VVF triggers a PPP arrangement and requires additional information to make a determination. This has been placed on hold pending the outcome of this report.

***Financial Considerations***

Council has established a reserve for the VVF which at 30 June 2020 will contain the amount identified in the report plus any additional revenue (if any) that may be collected up to 30 June 2020 with the reopening of the holiday parks. As the reserve is classified as an Internally Restricted Asset, its operation is determined by Council resolution. Should Council endorse the recommendations of this report, the available funds can be used for the purposes outlined in the recommendation.

**10 *Consultation and Engagement***

Extensive engagement with the tourism industry was undertaken.

**Report No. 13.19**      **Bypassed Town Signage Initiative**  
**Directorate:**      Sustainable Environment and Economy  
**Report Author:**      Lisa Richards, Business Enterprise Officer  
**File No:**      I2020/906

5

**Summary:**

10      The NSW Government has introduced an initiative for a new type of image based road sign which aims to promote bypassed towns in rural and regional NSW.

15      These signs are positioned close to the exit of a motorway and use colour images to show key features of the bypassed towns to encourage visitation. Bypassed town signage also displays service symbols to highlight available services and facilities to assist travellers on their journeys and encourage rest breaks.

20      Brunswick Heads, Mullumbimby and Bangalow have been identified by the Roads and Maritime Services as towns bypassed by the Pacific Highway that qualify for these signs.

    Council is now being asked to engage with key community stakeholders to assist with the selection of images and service symbols for these signs.

25      This report advises Council of the process for Bypassed Town Signage installation and recommends that consultation occur with the community on the selection of images and symbols for each identified Bypassed town.

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**RECOMMENDATION:****That Council:**

1.      **Note the report on the Bypassed Sign Initiative.**
2.      **Request staff to consult with key community stakeholders of Brunswick Heads, Mullumbimby and Bangalow to assist with the selection of images and service symbols for each of the bypassed town signs in accordance with the guidelines from Roads and Maritime Services.**
3.      **Advise the Roads and Maritime Services of the outcome of the consultation.**

30

## REPORT

The NSW Government has introduced a new type of image based road signs which aims to promote awareness of, and visitation to bypassed towns in rural and regional NSW.

These signs are positioned close to the exit of a motorway and use colour images and service symbols to show key features of the bypassed town/s.

<https://www.rms.nsw.gov.au/documents/roads/using-roads/bypasses/bypassed-town-signage-fact-sheet.pdf>

### Community consultation

Council is responsible for engaging their community on the photographic images and symbol selection deemed appropriate for use on the signs for their bypassed town/s.

This may include online surveys, online workshops or discussion with the local Chambers of Commerce, tourism organisations and key community groups to consider suitable options that represent the town or area.

Council recommends key community stakeholder engagement with the Brunswick Heads, Mullumbimby and Bangalow communities in this regard.

### Selecting an image

The image chosen for each sign must be of the town or represent the area's tourism or cultural heritage. It should promote a unique aspect of the destination and entice road users to stop and explore the local community. It should also complement existing tourism campaigns for the area, managed by Destination NSW.

The local state government Member of Parliament agrees to the final image.

State government will arrange professional photography of the feature once a decision has been made. Advice will also be given on the type of imagery that suits the size and high speed environment of the sign.

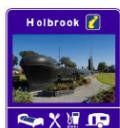
There are three sign types which can be used to promote bypassed towns in conjunction with other wayfinding guide signs.

#### Option 1: Bypassed town services sign



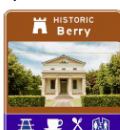
This is the standard sign treatment and is available for use where an image is not required.

#### Option 2: Bypassed town services sign with image



This option incorporates a colour image along with accredited service symbols.

#### Option 3: Combined historic village services sign with image







This option can only be used where the bypassed town is an accredited historic town approved by the NSW Government Tourist Attraction Signposting Assessment Committee (TASAC).

**Service Symbols**

Bypassed town signs should display service symbols in accordance with Australian Standards.

- 5 The following symbols may be used on the signs:

	24 hour emergency facilities available
	Petrol must be available 14hrs/day
	Accredited visitor information centre
	Restaurant sit down meals available 14hrs/day
	Accommodation
	Refreshments, take away or light meals available 14hrs/day
	Camping area – must provide toilets and drinking water
	Caravan park
	Public toilets – must be open 14hrs/day
	Accessible toilets – must be open 14hrs/day

- 10 It is a council's responsibility to determine which symbols are appropriate for use and work together with the community to determine which symbols should be shown.

Up to four service or accommodation symbols may be shown on bypassed town signs where an image is featured. Signs without images can display five symbols.

- 15 If an accredited visitor information centre is located in the town, the italicised yellow 'i' symbol must be used in addition to the other symbols.

Where a hospital with emergency facilities is available the hospital symbol must be included.

- 20 State government must agree with and approve all symbol selections.

More information about the bypassed town signage initiative can be accessed at:

<https://www.rms.nsw.gov.au/roads/using-roads/trip-information/bypasses/signage-initiative.html>

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	OP Activity
<b>Community Objective 4: We manage growth and change responsibly</b>	4.4	Support tourism and events that reflect our culture and lifestyle	4.4.1	Build a tourism industry that delivers local and regional benefits in line with the community's values

**5 *Consultation and Engagement***

State government will work in consultation with Council, the local State Member and Destination NSW to determine appropriate images for use on bypassed town signs.

- 10 Council is responsible for engaging key community stakeholders to assist with the selection process, as well as identify relevant service symbols for the signs.

- 15 Consultation activities may include online surveys, online workshop or discussion with the local Chambers of Commerce, tourism organisations and key community groups to consider suitable options that represent the town or area.

**Report No. 13.20      Update Resolution 20-161 - Lot 12 Bayshore Drive redevelopment next steps**

**Directorate:** Sustainable Environment and Economy

**Report Author:** Shannon Burt, Director Sustainable Environment and Economy

**File No:** I2020/916

**Summary:**

Council considered Report 13.4 Agreement for lease - Council and TAFE NSW at the Ordinary Meeting of 26 March 2020.

[https://byron.infocouncil.biz/Open/2020/03/OC\\_26032020\\_AGN\\_1155.PDF](https://byron.infocouncil.biz/Open/2020/03/OC_26032020_AGN_1155.PDF),

And resolved (**Resolution 20-140**) as follows:

*That Council defer consideration of the attached agreement for lease (E2020/17631) between Council and TAFE NSW until the next available meeting of Council to enable the presentation and endorsement of the Design Blueprint for the possible uses on Lot 12 as initiated from the Enquiry by Design for the Arts and Industrial Estate in concert.*

Council considered Report No 13.1 - Design Options - Lot 12 Bayshore Drive, Byron Arts & Industry Estate at the Planning Meeting of 16 April 2020.

[https://byron.infocouncil.biz/Open/2020/04/PLAN\\_16042020\\_AGN\\_1157.PDF](https://byron.infocouncil.biz/Open/2020/04/PLAN_16042020_AGN_1157.PDF)

And resolved (**Resolution 20-161**) as follows:

1. *That Council waits until the conclusion of the enquiry by design process including public exhibition report on the structure plan options and draft arts and industry estate precinct plan being presented to Council for endorsement before decisions on anchor tenants are reached.*
2. *That Council reiterates its support for TAFE and the creation of a physical presence of TAFE in Byron Bay.*
3. *That Councillors are provided a presentation on possible outcomes on Lot 12 at a SPW to be held within the timeframe of the conclusion of 1 above.*
4. *That Council undertake discussions with other educational and research entities to ascertain interest in establishing a wider collaborative education and research precinct.*
5. *That Council acknowledges and reiterates a current resolution for this site as being a precinct of education, innovation and creative industries.*

Council has previously resolved to exhibit a draft Precinct Plan for the Arts and Industry Estate, which, in part, addresses the future potential of Lot 12 Bayshore Drive, Byron Bay (Lot 12) suggesting the opportunity to develop the land for a 'contemporary sustainability and innovations hub'. The Precinct Plan was the result of an Inquiry by Design process.

Council staff have also been in discussions about a potential lease between Council and TAFE NSW over part of Lot 12 which would allow TAFE to construct a Connected Learning Centre (CLC) at the site.

To help Council understand the full land use potential of Lot 12 with a TAFE CLC, an architecture / urban design firm was engaged to prepare three concept design options for the site, one based on

the preliminary concept contained in the draft Precinct Plan; one designed around an anchor tenant (i.e. TAFE); and one as a 'fresh-look' at the site.

The draft concepts were recently exhibited as part of the Arts and Industrial Estate Precinct Plan public exhibition, which is being reported to the Council Planning meeting on 18 June 2020. *Report No. 13.6 PLANNING - Byron Bay Arts & Industry Estate Precinct Plan and Lot 12 - Submissions Report.*

[https://byron.infocouncil.biz/Open/2020/06/PLAN\\_18062020\\_AGN\\_1163.PDF](https://byron.infocouncil.biz/Open/2020/06/PLAN_18062020_AGN_1163.PDF)

At the time of writing this report a resolution from that meeting was not available.

The purpose of this report is to update Council on the actions of **Resolution 20-161** as completed.

This report asks Council to confirm the future land uses for the site, including a TAFE CLC as anchor tenant, and request staff to develop a Lot 12 Site Strategy and Urban Design Protocol for the purposes of an Expression of Interest for the site.

---

## RECOMMENDATION:

### The Council:

1. **Note the update provided on the actions of Resolution 20-161 as completed.**
2. **Confirm that Lot 12 Bayshore Drive, Byron Bay is to be a 'mixed-use precinct that combines global innovation, entrepreneurship, creativity, research collaboration, cultural activity and nature' with a TAFE Connected Learning Centre as anchor tenant.**
3. **Request staff to prepare a Site Strategy and Urban Design Protocol for Lot 12 Bayshore Drive, Byron Bay which includes but not limited to a vision, desired future land uses and development principles and any technical requirements necessary to support an Expression of Interest process for the future use and development of the site that encapsulates 2 above.**
4. **Request staff to report the Lot 12 Bayshore Drive, Byron Bay Site Strategy and Urban Design Protocol to a meeting of Council for endorsement prior to the Expression of Interest process being made public.**



## REPORT

Council considered Report No 13.1 - Design Options - Lot 12 Bayshore Drive, Byron Arts & Industry Estate at the Planning Meeting of 16 April 2020.

[https://byron.infocouncil.biz/Open/2020/04/PLAN\\_16042020\\_AGN\\_1157.PDF](https://byron.infocouncil.biz/Open/2020/04/PLAN_16042020_AGN_1157.PDF)

And resolved (**Resolution 20-161**) as follows:

1. *That Council waits until the conclusion of the enquiry by design process including public exhibition report on the structure plan options and draft arts and industry estate precinct plan being presented to Council for endorsement before decisions on anchor tenants are reached.*
2. *That Council reiterates its support for TAFE and the creation of a physical presence of TAFE in Byron Bay.*
3. *That Councillors are provided a presentation on possible outcomes on Lot 12 at a SPW to be held within the timeframe of the conclusion of 1 above.*
4. *That Council undertake discussions with other educational and research entities to ascertain interest in establishing a wider collaborative education and research precinct.*
5. *That Council acknowledges and reiterates a current resolution for this site as being a precinct of education, innovation and creative industries.*

An update on the actions of **Resolution 20-161** as completed follows.

1. **That Council waits until the conclusion of the enquiry by design process including public exhibition report on the structure plan options and draft arts and industry estate precinct plan being presented to Council for endorsement before decisions on anchor tenants are reached.**

The draft concepts were recently exhibited as part of the Arts and Industrial Estate Precinct Plan, which is being reported to the Council Planning meeting on 18 June 2020. *Report No. 13.6 PLANNING - Byron Bay Arts & Industry Estate Precinct Plan and Lot 12 - Submissions Report.*

[https://byron.infocouncil.biz/Open/2020/06/PLAN\\_18062020\\_AGN\\_1163.PDF](https://byron.infocouncil.biz/Open/2020/06/PLAN_18062020_AGN_1163.PDF)

The staff recommendation in the report follows:

## RECOMMENDATION:

1. *That Council adopts the Byron Bay Arts & Industry Estate Precinct Plan as contained in Attachment 1 (E2020/21932)*
2. *That Council staff commence work on planning for the implementation of actions and put through any budget bids required for these actions at the relevant time through the annual budget review process.*
3. *That Council staff continue to refine the desired land uses, design principles and delivery options for Lot 12 and report to the earliest available Council meeting.*

At the time of writing this report a resolution from that meeting was not available.

**2. That Council reiterates its support for TAFE and the creation of a physical presence of TAFE in Byron Bay.**

5 This is confirmed in the recommendation of the report.

**3. That Councillors are provided a presentation on possible outcomes on Lot 12 at a SPW to be held within the timeframe of the conclusion of 1 above.**

10 A SPW was held with Councillors on 5 June. A potential vision, desired future land uses and development principles were discussed.

It was generally agreed:

- 15
- Lot 12 should be a *‘mixed-use precinct that combines global innovation, entrepreneurship, creativity, research collaboration, cultural activity and nature’*.
  - It should lever off its location in the Arts and Industrial Estate and proximity to Byron Bay Town Centre.
  - It should not be for stand alone residential, retail or commercial development or use.
- 20
- Development should be of a scale and form that embeds sustainability and wellness credentials, exemplifies design excellence, and is people-focused through its use of interconnected walkways, linkages and public spaces.

25 A vision, desired future land uses and development principles will be articulated in the Lot 12 Site Strategy and Urban Design Protocol.

**4. That Council undertake discussions with other educational and research entities to ascertain interest in establishing a wider collaborative education and research precinct.**

30 Discussions have been held informally with Byron Community College, Southern Cross University. There is interest in establishing a wider collaborative education and research precinct by these parties.

35 Being a *‘collaborative education and research precinct’* will be a key guiding principle for the development on the site in the Lot 12 Site Strategy and Urban Design Protocol.

**5. That Council acknowledges and reiterates a current resolution for this site as being a precinct of education, innovation and creative industries.**

40 This is confirmed in the recommendation of the report.

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 1: We have infrastructure, transport and services which meet our expectations</b>	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.6	Optimise Council's property portfolio (SP)		
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.5	Manage Council's finances sustainably	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.2	Support the organisation in identifying financial implications of projects, proposals and plans
<b>Community Objective 4: We manage growth and change responsibly</b>	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	4.1.1.6	Develop the Byron Arts and Industry Estate Precinct Plan

5

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

10 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.

15 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 the concept design work undertaken confirms that such a use can add to rather than diminish site development options

20 ***Financial Considerations***

Fully dependant on the Lot 12 Site Strategy and Urban Design Protocol and Expression of Interest process.

25 To be further considered by staff and reported to Council.

***Consultation and Engagement***

30 The draft Arts and Industrial Estate Precinct Plan and preparation of structure plan options for Lot 12 have been endorsed by Council and publicly exhibited.

## STAFF REPORTS - INFRASTRUCTURE SERVICES

**Report No. 13.21 Brunswick Heads Parking Scheme Review****Directorate:** Infrastructure Services**Report Author:** Andrew Pearce, Traffic Engineer**File No:** I2020/591**Summary:**





This report presents the findings and recommendations associated with an expanded parking scheme review of Brunswick Heads undertaken between 1 September 2019 to 29 February 2020.

This expanded parking scheme review was undertaken to address Council Resolution 19-322.

**RECOMMENDATION:**

1. That in relation to consideration of proposed Parking Scheme changes within Brunswick Heads, Council:
  - a) Note the recommendations in the TPS Report - Brunswick Heads Parking Scheme Review 2020 (Attachment 1, #E2020/29468) including the recommendation *"that Council should undertake a cost/benefit analysis with the objective to introducing metered parking into Brunswick Heads in order to address the capacity and compliance issues identified in this project"*; and
  - b) Defer consideration of this report until the October 2020 Ordinary Council meeting due to the current impacts of the COVID-19 crisis.
  - c) Continue to monitor parking demand within Brunswick Heads and parking occupancy rates within the existing 1P and 2P time limited areas and the area east of South Arm Bridge; and
  - d) Not introduce pay parking to the CBD and Beach Precincts as identified in Figure 1.1b and Table 1.2b until parking occupancy rates return to 80%.
2. That the report to the October 2020 Ordinary in response to the Recommendation from the TPS Report - Brunswick Heads Parking Scheme Review 2020 (Attachment 1, #E2020/29468) include a cost/benefit analysis and implementation plan for the introduction of a Pay Parking Scheme for Brunswick Heads incorporating:
  - a) Delivery Program;
  - b) Meter and sensor layouts;
  - c) Relevant time limit modifications;
  - d) Signs and line plan;
  - e) Permit system;
  - f) Business case with recommended pay parking fee rate and months over which the pay parking scheme should operate; and
  - g) Media and communications plan





**Attachments:**

- 1 TPS Report - Brunswick Heads Parking Scheme Review 2020, E2020/29468 
- 2 TPS - Brunswick Heads Parking Scheme Review - Appendix - Supply, E2020/29469 
- 3 TPS - Brunswick Heads Parking Scheme Review 2020 - Appendix - Infringements, E2020/29470 
- 4 TPS - Brunswick Heads Parking Scheme Review 2020 - Appendix - Durations, E2020/29471 

# BYRON SHIRE COUNCIL

## STAFF REPORTS - INFRASTRUCTURE SERVICES

13.21

- 5     TPS - Brunswick Heads Parking Scheme Review 2020 - Appendix - Demands, E2020/29472 
- 6     Brunswick Heads Economics Assessment Ethos Urban\_FINAL\_18 March 2020, E2020/29510 
- 7     RESULTS FROM THE 2019 BRUNSWICK HEADS INTERCEPT SURVEY, E2020/29558 
- 8     Supporting tables for council report, E2020/32798 

5

**REPORT**

Council (19-322) resolved to:

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

**Report Structure**

To address the items raised in Resolution 19-322 the report will be structured in the following way.

Firstly, present results associated with the expanded ANPR survey.  
 Secondly, present a cost comparison between 2 additional staff versus pay parking  
 Thirdly, present findings associated with Economic Assessment Result.  
 Finally, present recommendations and other relevant information.



## Expanded Automated Number Plate Recognition (ANPR) Survey

Council staff undertook a 6 month ANPR survey of Brunswick Heads, undertaken between 1 September 2019 to 26 February 2020.

Consultants Traffic & parking Systems (TPS) were engaged to analyse the ANPR data. The results of this ANPR analysis are presented below.

### ANPR Zone Layout

Figure 1.1a below shows the area over which the expanded ANPR survey was undertaken. The area was subdivided into zones with each zone corresponding to a distinct time limit. Refer to Attachment 8 for a larger version.

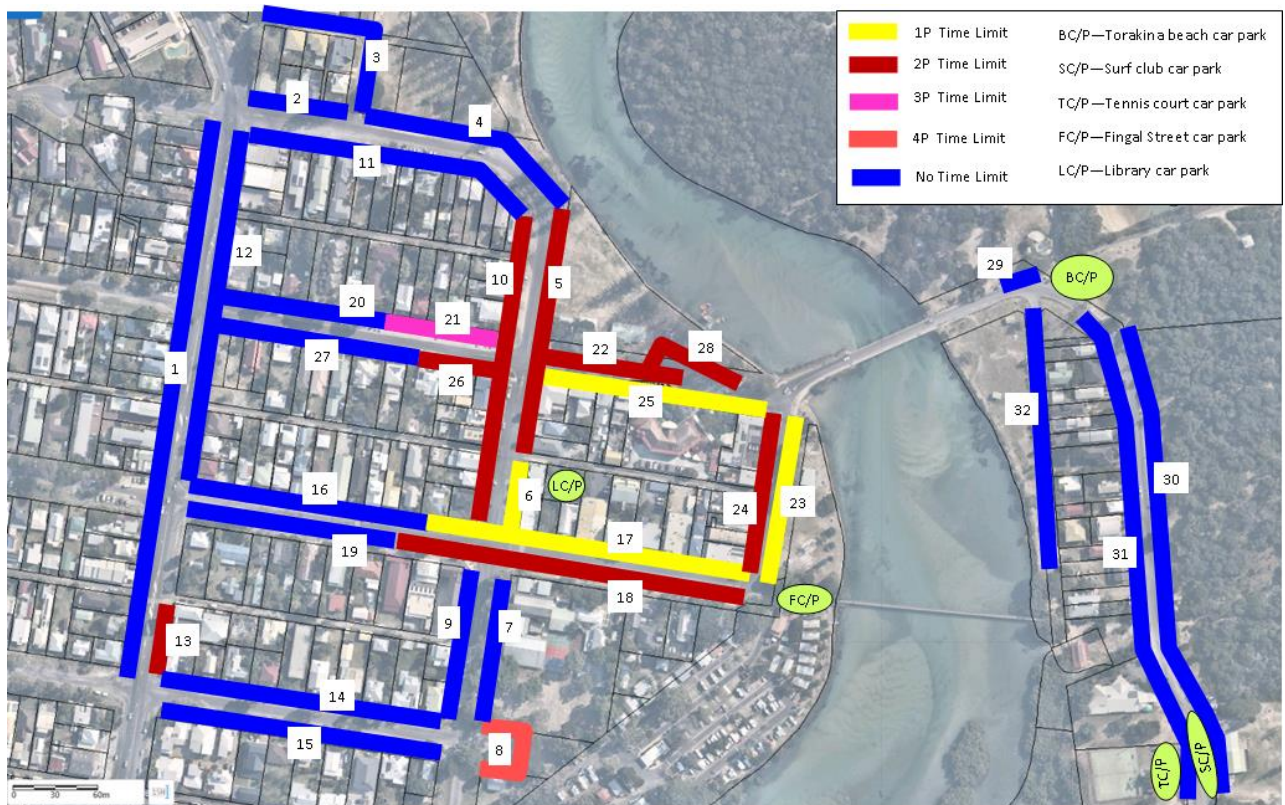


Figure 1.1a – ANPR Zone layout

As seen in Figure 1.1a there were 32 “On Street” zones, identified by the numbered white boxes.

There were also 5 “Car Parks” identified by the green circles with letters. Note:

- FC/P (Fingal St car park) - located on Crown Land managed by Reflections,
- BC/P (Torakina Beach car park) - located on Crown Land managed by Crown Land,
- TC/P (Tennis Court car park) - located on Crown Land managed by Byron Shire Council,
- SC/P (Surf Club car park) - is located within the road reserve, and
- LC/P (Library car park) - located on Council Operational Land.

Zones 1 to 32 were surveyed via car mounted ANPR equipment. The 5 car parks were surveyed manually as the parking angles could not be surveyed via the car mounted equipment.

Figure 1.1b breaks Brunswick Heads into “precincts”. These precincts are arbitrary only and do not reflect any final decisions. They are intended to reflect the precincts in which Brunswick Heads could reasonably be viewed and split into.

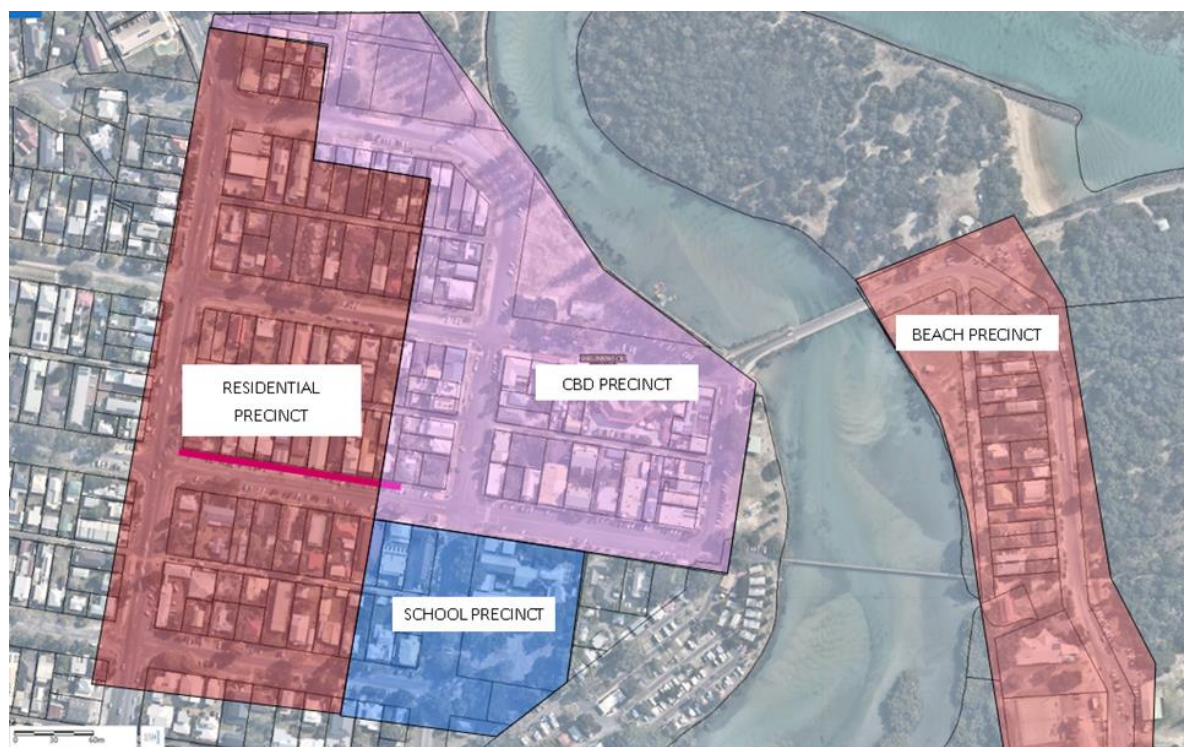


Figure 1.1b: Visual representation of Table 2 and the possible precincts within Brunswick Heads

Parking Supply

The following table shows how many car spaces are available within the different time limit areas.

Table 1.2a: The number of car spaces within each time limited zone.

TIME LIMIT	ZONES	NO. OF SPACES
1P	6, 17, 23, 25	81
2P	5, 10, 13, 18, 22, 24, 26, 28	150
3P	21	31
4P	8	15
ALL DAY	1-4, 7, 9, 11, 12, 14-16, 19, 20, 27, 29-32 and 5 car parks	658

The following table shows how many car spaces are available within the Figure 1.1b precincts.

Table 1.2b: Number of car spaces within precincts.

AREA	ZONES	NO. OF SPACES
Whole Survey Area	1-32 + all car parks	935
Beach Precinct	29-32, BC/P, SC/P, TC/P	273
CBD Precinct	3-6, 10, Half of zone 11, 17, 18, 21-26, 28, LC/P	326
Residential Precinct	1, 2, Half of zone 11, 12, 13, 16, 19, 20, 27	210
School Precinct	7, 8, 9, 14, 15	114

To see how many spaces are in each individual zone refer to Attachment 1, 2 and 8.

Number of Days Brunswick Heads Was Visited

Every second week, between 1<sup>st</sup> September 2019 to 29th February 2020, staff undertook an Automatic Number Plate Recognition (ANPR) survey of Brunswick Heads.



TPS were consulted to confirm which days of the weeks should be surveyed. TPS recommended Sunday, Thursday and Saturday as they typically represent busy, slow and medium days of the week.

TPS recommended sticking to the same 3 days throughout the survey rather than do the surveys on different days each week. This would ensure the survey remained objective and was not distorted through deliberately picking known peak and low days. It is noted that staff were requested by a community group to undertake the survey on a few specific dates outside the above roster. This was not undertaken due to the reasons above.

Further a meeting was held with the Brunswick Heads Chamber of Commerce on 30<sup>th</sup> May 2019 and the following months were identified as low, medium and high periods for the town's commercial businesses.

Low: February, March, August and November  
Medium: September, October and July  
High: December, January and April (particularly Easter)

The expanded ANPR survey was conducted between September and February, therefore, this 6 month period covers 2 low months, 2 medium months and 2 high months.

Number of Times a Day Brunswick Heads Was Visited

TPS supported 1½ hours between each survey run. If a run starts at 9am the subsequent runs should start at 10.30am, 12pm, 1.30pm etc. This frequency also provided a reasonable amount of time for staff to complete each run.

TPS Data Analysis and Result

This section is a summary of the TPS findings presented within Attachments 1 to 5.

It is noted that the TPS findings and recommendations are based on a pre Covid-19 "*Business as Usual*" situation. Since the parking survey was completed the impacts of Covid-19 have been significant. It is anticipated parking demand will continue to be substantially lower in Brunswick Heads while Covid-19 controls remain. It is unclear how long the parking demand will be substantially lower. Therefore, it is recommended that any decision to introduce Pay Parking be delayed till at least October 2020.

Occupancy Rates

Refer to Section 4 of Attachment 1, Attachment 5 and Attachment 8 for a detailed presentation of the occupancy rates within each zone. It is helpful to note, industry standard defines capacity as an occupancy rate of 90%. In other words car parks are at capacity when they are 90% full.

To see the occupancy rate for each individual zone in each month refer to Table 4.1 of Attachment 1 and Attachment 5. Based on the ANPR data, TPS found occupancy rates in all time limited zones (1P, 2P, 3P & 4P) were at or approaching capacity.

Focusing on 1P and 2P zones and the CBD and Beach precincts, in particular (as these areas have been mentioned as potential areas to consider pay parking), the following occupancy rates were calculated:

- i. Occupancy rate for all 1P areas = 101.8%
- ii. Occupancy rate for all 2P areas = 99.4%
- iii. Occupancy rate for the CBD precinct = 83%

- iv. Occupancy rate for the Beach Precinct = 86%
- v. Occupancy rate for the whole expanded ANPR footprint = 81.7%
- vi. Occupancy rate for all day parking areas = 74.9% (incl. Beach and Residential precincts)

5 Refer to Attachment 1 (Table 4.1) to see how the occupancy rates for the whole expanded ANPR footprint and all day parking areas were calculated. Refer to Attachment 8 (2. Occupancy Rates) to see how the occupancy rates for the 1P, 2P, CBD and Beach precincts were calculated.

10 As seen in the occupancy rates above, demand within the 1P and 2P zones exceeds capacity and across the whole CBD and Beach precincts are approaching capacity. Note, all 1P and 2P zones are located within the CBD precinct.

15 It is noted that while the occupancy rate for 1P and 2P areas are operating well above capacity, the occupancy rate for the CBD is approaching capacity. This is because the proposed CBD precinct includes additional zones with lower occupancy rates (such as: zones 4 and 21) but the location of these zones make them appropriate for the CBD precinct.

The car parks have the following occupancy rates:

- 20 i. Fingal St car park (adjacent to the pedestrian bridge) = 84%
- ii. Library car park (off Balun Lane) = 89%
- iii. Surf Club car park = 16% (note, it is suspected supply was underestimated)
- iv. Tennis Court car park = 29%
- v. Torakina car park = 96%

### 25 Occupancy Rate Observations

An interesting observation is the unexpected drop in occupancy rate after October. Table 1.5.2a to Table 1.5.2c below show how the occupancy rate for different zones changes from month to month. The drop in occupancy rate is most distinct in Table 1.5.2a.

30

Table 1.5.2a - All time limited zones (1P, 2P, 3P, 4P)

	TIME LIMITED ZONES (5, 6, 8, 10, 13, 17, 18, 21-26, 28)						
	SEPT	OCT	NOV	DEC	JAN	FEB	AVE.
ALL DAYS	111.3%	142.9%	74.8%	78.3%	80.8%	79.9%	94.7%

Table 1.5.1b - All unlimited zones (all day parking)

	UNLIMITED TIME ZONES						
	SEPT	OCT	NOV	DEC	JAN	FEB	AVE.
ALL DAYS	75.3%	87.2%	63.0%	83.5%	78.2%	62.4%	74.9%

Table 1.5.1c - All zones together

	ALL ZONES						
	SEPT	OCT	NOV	DEC	JAN	FEB	AVE.
ALL DAYS	87.7%	106.4%	67.1%	81.7%	79.1%	68.4%	81.7%

35 On reflection both TPS and Council Staff suspect this drop off from November to February may reflect the impact significant "once in a lifetime" events that began occurring towards the end of 2019, namely:

- the national bush fire emergency
- Flooding and extensive rain across northern NSW
- Covid-19

All three events caused significant disruption to travel and tourist movements with the disruption increasing in severity with each event. As a result, it is considered that the above results may under-represent what the situation is like under “normal” conditions.

- 5 Prior to these emergencies the September and October data suggest Brunswick Heads parking demand was on a trajectory of being substantially over capacity. It also suggests demand for Brunswick Heads is very high.
- 10 While it is unknown how long the impacts of Covid-19 will last, it is identified by agencies, such as the University of Queensland, that local rural tourism to beach destinations will be in higher demand once isolation measures are reduced. As a result, it may emerge that parking demand due day trippers and local tourism may become a problem again before the economic benefits of a renewed tourism sector are felt. This may result in the need to consider parking measures, such as pay parking, before economic conditions return to pre-covid conditions.
- 15

Given this it is recommended to postpone any decision regarding pay parking till October giving time to monitor any growth in parking concerns over the next six months.

20 Permit Holders

The ANPR survey undertaken early 2019 identified approximately 20-25% of vehicles were permit holders. This current survey identified an average of 12.7% of vehicles belonged to permit holders.

- 25 The intercept survey conducted as part of the Economic Assessment identified a significant number of visitors to Brunswick Heads are from within Byron Shire. Of the 329 people interviewed as part of the intercept survey 193 came from within the Shire (approximately 59%).

- 30 As a result, it is anticipated if pay parking was introduced the total number of permit holders would most likely increase. While TPS suggest it would increase to approximately 30%, same as that experience on the Byron Bay pay parking precinct it is possible it could be higher given the Economic Assessment identifies Brunswick Heads is the primary social centre for the Oceans Shores and New Brighton area. It is recommended to adopt a total number of permit holder's rate of 50% for any future pay parking business case calculations.

35 Average Length of Stay

The average length of stay across all 32 zones was approximately 62 minutes.

- 40 TPS also note that when only 1P and 2P zones are considered the evidence indicates an average length of stay is approximately 30 minutes or less.

Refer to Table 6.1, Attachment 1 for the average length of stay for each individual zone.

45 Time Limit Overstay

- 50 The level of time limit overstay was observed to be “no less than” 6%. Since the ANPR survey runs were done at 1 ½ hour intervals this means 6% underestimates overstay and only identifies significant overstay. For example, in a 1P zone it picks up cars overstaying the time limit by ½ hour. In a 2P zone it picks up cars that have overstayed the time limit by 1 hour.

Given this, TPS believe there is sufficient evidence in the data to suggest the over stay rate is likely in the order of 10%.

It was observed by TPS that zones 23 (1P) and 25 (1P) had a significantly higher rate of over stay than the average, refer to Table 1.9 below. Given the proximity of zones 23 and 25 to the river, beach and CBD it is not surprising these zones experience high demand and high overstay.

- 5 It is recommended to modify these zones to 2P time limits.

Infringements

- 10 Table 1.9 below shows a breakdown of the number of infringements actually issued for each time limited zone. The number of infringements issued is usually less than the number of time limit overstay identified. For example, between 6%-10% of vehicles were identified as overstaying the time limit, however, infringements issued for overstay equated to 3.52% of all vehicles.

- 15 There are a number of reasons for this difference. Firstly, parking officers were asked to not stop and fine people until the run was over. Therefore, some vehicles left before a fine could be issued. In addition, cars may have a legitimate reason for staying over the limit and were not fined or they overstayed the time limited by a small amount and were within the "grace" period.

- 20 Within Table 1.9 below the last column titled REVENUE assumes an average infringement value of \$110 to estimate the revenue raised over 6 months of survey. Adopting \$110 is based on estimates explained below in Enforcement Officers - Revenue.

*Table 1.9 – Summary of infringements per zone*

ZONE	TIME LIMIT (HRS)	NO. OF SPACES	NO. OF INFRINGEMENTS	REVENUE (\$110 / FINE)
5	2	28	130	\$ 14,300
6	1	4	18	\$ 1,980
8	4	15	40	\$ 4,400
10	2	27	91	\$ 10,010
13	2	11	16	\$ 1,760
17	1	42	316	\$ 34,760
18	2	36	123	\$ 13,530
21	3	31	74	\$ 8,140
22	2	14	30	\$ 3,300
23	1	19	231	\$ 25,410
24	2	4	14	\$ 1,540
25	1	16	140	\$ 15,400
26	2	7	20	\$ 2,200
28	2	23	97	\$ 10,670
<b>TOTAL</b>		<b>277</b>	<b>1340</b>	<b>\$ 147,400</b>

- 25 As can be seen in Table 1.9 the top 3 zones for infringements issued are zones 17, 23 and 25, all 1P zones.

Summary

- 30 The above analysis highlights the following:
- i. Parking within the expanded ANPR footprint is operating near capacity, 81.7%.
  - ii. Parking in time limited zones (especially 1P and 2P zones) is operating at capacity, 94.7%.
  - iii. 1P spaces having a noticeably higher infringement rate.

- iv. Steps to manage parking compliance across the whole expanded footprint are recommended before the scheme reaches capacity.
- v. Immediate steps are required to manage parking compliance with time limited zones.

**5    Pay Parking Implications**

After analysing the ANPR data TPS provide the following comment:

10        *“There is little doubt that the introduction of paid (metered) parking into Brunswick Heads CBD would address each of the above matters effectively. This would occur through increasing the rate of parking demand turnover and so reduce occupancies, whilst increasing compliance with parking duration limits due to the greater exposure which motorists perceive in a metered system.*

15        *“We [TPS] recommend that Council should undertake a cost/benefit analysis with the objective to introducing metered parking into Brunswick Heads in order to address the capacity and compliance issues identified in this project.”*

20        A preliminary high level cost analysis has been undertaken below.

If pay parking is considered for Brunswick Heads the above occupancy rates suggest introducing it to the CBD precinct. This correlates with the time limited zones which are operating at capacity and 3 additional all day zones that are highly sort after.

25        If pay parking is introduced to the CBD precinct it is also recommended to introduce Pay Park in part or all of the Beach Precinct. If pay parking is introduced to the CBD precinct and not the Beach Precinct it is expected visitors will favour the Beach Precinct. Given the Beach Precinct is already operating near capacity (86% occupancy rate) the Beach Precinct does not have the capacity to accommodate this additional parking. Therefore, if pay parking is introduced to the  
30        CBD Precinct it is recommended in part or all of the Beach Precinct as well.

**Compliance Monitoring**

35        This section compares two options to manage compliance within the parking scheme and presents a high level cost comparison of the 2 options, namely:

- i)        Increase staff and patrolling and
- ii)       Pay parking and associated parking technology.

40        This section is only designed as a high level comparison only.

Based on this high level comparison it appears parking technology and the introduction of pay parking offers the most cost effective approach to ongoing sustainable parking management. However, it is recommended to undertake a more detailed business case comparison, to be submitted to Council in October 2020.

45        This is also based on a further recommendation to postpone any decision about the introduction of Pay Parking till the October Council meeting. This recommendation is to provide time to assess the on-going impacts of Covid-19 and is discussed in more detail under the section titled Economic Assessment of Brunswick Heads.

**50    Enforcement Officers**

55        One option to increase compliance monitoring and improve parking management is to increase the number of parking enforcement patrols. To do this the following items will be required, as a minimum, to ensure the required level of increased patrolling can be undertaken:

- i. 2 additional parking officers
  - 2 officers are required as compliance vehicles require 2 people.
  - One officer to drive the car, another to operate the equipment.
- ii. An additional car,
- 5 iii. Additional car mount LPR equipment and
  - Car mounted camera, cabling, tablets, router boxes etc
- iv. Associated staff PPE equipment.
  - Body cameras, hand held devices, phone etc

**Cost Estimate**

The table below summarises the cost for each resource. In summary, it is estimated that increasing compliance through increase staff patrol would cost in the order of \$800,000 - \$900,000 over 5 years.

Given the current Byron Bay Pay Parking Tender has been advertised as a 5 year contract and that in ground sensors have a design life of 5 years all cost estimates will be done for a one year and five year estimate.

*Table 2.1.1 – High level cost estimate for increasing staff numbers*

ITEM	COST	COMMENTS
2 x Parking Officers	\$143,340 (step 1) to \$166,080 (step 5) – P.A.	Approx. only - Includes wages and on costs.
	\$716,700 to \$830,400 – over 5 years	
Additional Vehicle	\$36,700 first year + \$11,200 each year after that = \$81,500 over 5 years	2 officers required to operate car with LPR equip.
Car Mounted Equipment	TBC	Camera, cables, tablet, router etc.
Additional PPE Equipment	TBC	Body Camera, hand held devices, etc.
<b>5 YEAR TOTAL</b>	<b>\$798,200 to \$911,900</b>	<b>For 2 staff. Excludes TBC costs</b>

**Revenue**

As part of the 2018/19 review of the Brunswick Heads Parking Scheme a report was submitted to Council (I2019/873) with a discussion looking at the revenue raised in Brunswick Heads from infringements between May 2018 to April 2019 and between May 2017 to April 2018. Table 2.1.2 below is an extract from that report.

*Table 2.1.2 – Summary of all fines versus overstay fines for Brunswick Heads.*

	2017/18		2018/19	
	No. of Fines	Value of Fines	No. of Fines	Value of Fines
<i>All parking fines issued</i>	698	\$110,719	766	\$109,993
<i>Only time overstay fines issued</i>	121	\$12,980	386	\$43,122

Looking at “No. of Fines” for 2018/19, 386 fines and \$43,122 averages out to:

- \$111.72 per fine,
- 32 infringements per month, and
- \$3,593.5 per month.

5 Table 1.9 shows 1340 fines were issued over a 6 month period. Based on \$111.72 per fine and the same rate of infringement achieved during this expanded survey, this equates to:

- \$87,327 where compliance patrols for 3 ½ months,
- \$436,635 where compliance patrols for 3 ½ months a year for 5 years
- 10 • \$299,410 where compliance patrols 365 days a year for 1 year
- \$1,497,048 where compliance patrols 365 days a year for 5 years.

Note: 3 ½ months has been considered as a comparison against pay parking revenue in Table 2.2.5 below.

15 It is important to note this is a high level calculation that does not factor in changes in driver behaviour and unforeseen costs associated with additional staff. The history of the Byron Bay pay parking scheme demonstrates that as pay parking and frequent patrolling are introduced driver compliance improves accordingly and infringement levels reduce. Therefore, it is reasonable to  
20 expect the levels of infringement issued to be noticeably higher before pay parking and increased patrolling is introduced and to reduce after they are introduced.

In addition, it may reasonably be expected that the additional parking officers may be required to undertake compliance roles outside of Brunswick heads. As a result, the additional officers may not  
25 be able to maintain a sustained on going level of compliance patrolling in Brunswick Heads.

#### Parking Technology

30 An alternative method to increase compliance monitoring is to adopt one or more of the following parking technology options dedicated to Brunswick Heads. Each technology option can be used individually or in combination. Below is a summary of the 4 most common parking technology options.

- i. Ground Sensors
- ii. CCTV
- 35 iii. Phone Apps
- iv. Meters

#### Cost Estimate

40 Table 2.2.4 below summarises the cost estimate of the above technology options.

In summary, rolling out 15 parking meters, a phone app and 263 to 326 ground sensors is estimated to cost in the order of \$230,000 to \$244,000 over 5 years.

45 *Table 2.2.4 – Parking technology cost estimate*

ITEM	COST	COMMENTS
In Ground Sensors	\$65,000 for 263 sensors over 5 yrs <sup>1</sup> \$79,000 for 326 sensor over 5 yrs <sup>2</sup>	\$240 per sensor. Assumed that sensors to be installed in sealed spaces only.
Parking Meters	\$175,000 for 15 meters over 5 years <sup>2</sup>	Total number of meters required may vary during detail design
Phone Apps	3% per transaction	No capital outlay as system set as part of Byron Bay pay parking contract
CCTV's <sup>3</sup>	\$90,000 to supply, install and SaaS over 5 years.	Cost is approximate and based on \$4,000 per camera plus estimated

		additional cloud and infrastructure costs
<b>TOTAL<sup>4</sup></b>	<b>\$240,000 over 5 years</b>	<b>For 263 sensors &amp; 15 meters.</b>

Note:

1. Sensors typically have a design life of 5 years. 263 sensors equal the number of sealed time limited spaces in the vicinity of the CBD block and Banner Park.
2. 340 sensors in sealed spaces in the CBD block and Beach areas.  
Cost estimate based on EOI submissions as part of the current Byron Pay Parking tender process.
3. CCTV's for parking monitoring is widely regarded as the future of parking schemes and provides significant value add opportunities for Council. However, it is currently an emerging technology in Australia introduced by individual companies and not as well supported by pay parking contractors.
4. While a number of unforeseen expenses are inevitable this cost estimate total is considered substantially less than cost estimates associated with 2 additional parking compliance officers.

### Pay Parking Revenue

Table 2.2.5 below estimates the potential pay parking revenue if pay parking is introduced within the CBD precinct outlined in Figure 1.1b and Table 1.2b. Table 2.2.5 is intended to be only a high level guide and is based on 4 general scenarios. The data used is based on TPS findings and intercept survey.

Refer to the notes below the table for clarifying information.

*Table 2.2.5 – Pay parking revenue estimates for the CBD precinct.*

	SCENARIO 1	SCENARIO 2	SCENARIO 3	SCENARIO 4
<b>CAR SPACES<sup>3</sup></b>	326	326	326	326
<b>OCCUPANCY RATE<sup>1</sup></b>	94.7%	94.7%	94.7%	94.7%
<b>PERMIT HOLDERS<sup>2</sup></b>	50%	60%	50%	60%
<b>PARKING FEE<sup>4</sup></b>	\$4	\$4	\$4	\$4
<b>OPERATIONAL HOURS<sup>5</sup></b>	8	8	8	8
<b>DURATION (DAYS)<sup>6</sup></b>	105	105	365	365
<b>1 YEAR REVENUE ESTIMATE</b>	\$518,652.96	\$414,922.37	\$1,802,936.48	\$1,442,349.18
<b>5 YEAR REVENUE ESTIMATE</b>	\$2,593,264.80	\$2,074,611.84	\$9,014,682.40	\$7,211,745.92

Note:

1. 263 car spaces are based on the number of time limited spaces in the immediate vicinity of the CBD and Banner Park. 220 spaces are adopted as a conservative lower limit estimates
2. Occupancy rates are based on TPS analysis of the ANPR data. 94.70% is the average occupancy rate for all time limited zones over 6 months. For these time limited zones November, December and January had the lowest occupancy rates of 74.8%, 78.3% and 80.80%. This was approximated to 75% and used to provide lower limit results in Scenarios 3 and 4.



3. The expanded ANPR survey identified an average of 12.7% of vehicles belonged to permit holders. In comparison, the intercept survey identified a significant number of patrons come from within Byron Shire (193 out of 329 patrons – approximately 59%). As a result it is anticipated if pay parking was introduced the total number of permit holders may increase to approximately 50%. This is similar to what the Byron Bay scheme experiences. Given 59% of the intercept survey people were locals 60% was adopted for options 3 and 4 to provide a lower limit estimate.
4. No decision has been made in regards to the parking fee and no recommendations are being made at this stage to Council in regards to parking fee. The Economic Assessment suggests a parking rate less than \$4 per hour to create a point of difference with Byron Bay. This was not based on economic data; rather it is a suggestion to help people perceive a point of distinction from Byron. Council's current charge of \$4 / hour was used for this comparison..
5. Operational hours are based on pay parking operating between 9am to 5pm. This amounts to 8 hours. To provide conservative lower limit estimation, 7 hours was adopted for Scenarios 3 and 4.
6. 105 and 365 days were adopted for sake of comparison. 105 days amounts to 3 ½ x 30 day months (say Mid November to January and half April).

### Cost Comparison

Below is a summary of the cost estimates calculated above:

- i. 2 addition compliance staff estimated to cost at least \$798,200 to \$911,900 over 5 years.
- ii. Issuing infringements at the rate observed during the expanded ANPR survey is estimated to generate approximately:
  - a. \$436,635 where compliance patrols for 3 ½ months a year for 5 years
  - b. \$1,497,048 where compliance patrols 365 days a year for 5 years
- iii. Installation of 263 sensors and 15 meters is estimated to cost approximately \$240,000 over 5 years.
- iv. Pay parking is estimated to generate between:
  - a. \$2M - \$2.6M if operated 3 ½ months per year for 5 years
  - b. \$7M - \$9M if operated year round for 5 years.

### **Economic Assessment Of Brunswick Heads**

The following section summarises the Economic Assessment findings undertaken by consultants EthosUrban. This section does not attempt to interpret these findings or present them in detail. For a more detail understanding of the Economic Assessment refer to Attachment 6.

#### Background

It is noted the Economic Assessment was completed prior to the current COVID-19 situation. EthosUrban were subsequently contacted regarding how to take into account the current COVID-19 context. They confirmed via email:

*COVID-19 is an unprecedented global health crisis and economic event that is rapidly evolving. In these circumstances the economic environment is extremely uncertain, especially where the forecasting of economic trends is involved. In the Economic Assessment, the research and analysis of economic data – such as forecasts of economic activity, population and employment growth, and so on – reflects a “business as usual” scenario.*

EthosUrban acknowledged it is currently not a “business as usual” situation.

Intercept Survey

To support the Economic Assessment Council undertook an intercept Survey within Brunswick Heads on Thursday 28<sup>th</sup> and Saturday 30<sup>th</sup> November 2019. It is noted November corresponds to what the Brunswick Heads Chamber of Commerce has identified as a Low month.

5 The purpose of the survey was to help narrow down where people are coming from and why they come to Brunswick Heads. The results of the survey were provided to EthosUrban to include in their analysis.

10 The questions were developed in consultation with EthosUrban to ensure they were relevant, useful and not subjective / leading type questions. Below are the questions used in the survey. A visual summary of the results is shown in attachment 2.

1. Age (optional)
- 15 2. Sex (optional)
3. What is the main purpose of your visit today?
4. Where do you live (postcode)?
5. How did you get to Brunswick Heads?
6. What types of business do you/did you visit when here?
- 20 7. How much money did you spend (or do you intend to spend) while in Brunswick Heads today?
8. In general, how often would you visit Brunswick Heads?
9. How long do intend to stay for this visit?

25 Relevant findings from this intercept survey are presented within Chapter 5 of the Economic Assessment and are attached. Refer to Attachment 6.

Key Findings

30 Based on the social and economic conditions at time of writing, community consultation, research and professional experience the assessment provides the following key finding within the Executive Summary:

35 *Brunswick Heads is well positioned to observe a significant increase in total retail sales and improve trading levels across the next 15 years. It is the consultant's view that the introduction of paid parking scheme at Brunswick Heads would not prejudice the centre's ability to continue to operate viably and perform its role, nor would it result in any unreasonable impacts to the Brunswick Heads retail sector when implemented.*

40 *This view is underpinned by the scheme only being operational in the peak periods of December, January and Easter; and only applying to visitors (or non-permit holders). Having paid parking non-operational during non-peak times would assist the Brunswick Heads community in their efforts to smooth trade across the year.*

45 *The growth trajectory faced by Brunswick Heads is largely unavoidable due to factors such as the significant population increase projected for SEQ. The resultant pressures will need to be appropriately managed and include increased traffic congestion in the centre and lack of parking, particularly at peak times.*

This finding is based predominately on the Brunswick Heads Trading Context, namely:

50 *In 2019 total retail sales in Brunswick Heads is estimated at \$29.8 million. Brunswick Heads is positioned to observe a significant increase in total retail sales over the next 15 years, underpinned by both population and spending growth in the centre's Main Trade Area (MTA) as well as substantial growth in the visitor sector. There is potential for total retail sales at*

*Brunswick Heads to be \$52.0 million by 2034 (not including inflation), an increase of +\$22.4 million on the current (2019) level; with potential for +3,520m2 in addition retail floor space based on an average sales level of \$5,230 per m2 of GLA. The analysis indicates a strong opportunity for a successful and growing retail sector in Brunswick Heads.*

5

## **RECOMMENDATIONS**

Based on the above results the following recommendations and observations are noted:

- 10        i. Prior to the impacts of Covid-19 restriction the parking scheme in Brunswick Heads was operating at capacity across time limited zones and nearing capacity across the whole survey area. It is recommended that measures be adopted to increase the efficiency and compliance within the parking scheme.
- 15        ii. Based on the high level cost estimates associated with increasing staff and parking technology, the introduction of pay parking technology is considered the most economical approach to parking management and provides the highest potential revenue.
- 20        iii. However, it is recommended postponing any decision till October to give Council the chance to monitor conditions within Brunswick Heads post Covid-19 social restrictions.
- 20        iv. As Council continues to monitor the post Covid-19 conditions within Brunswick Heads, it is recommended that when occupancy rates return to 80% or more then pay parking be introduced to Brunswick Heads. 80% is recommended as it provides an objective measure to assess parking conditions within Brunswick heads. As compliance officers undertake regular ANPR patrols of Brunswick Heads the data can be used to confirm when occupancy rates reach 80% with the time limited zones and Beach Precinct.
- 25        v. When conditions are considered appropriate it is recommended to adopt pay parking in the CBD and Beach Precinct within Brunswick Heads (refer to Figure 1.1b).
- vi. If and when pay parking is introduced it is recommended to modify time limits accordingly.
- vii. At the October Council meeting submit a pay parking implementation plan.
- 30        viii. As part of the implementation plan undertake a more detailed Cost Analysis / Business Case for Pay Parking. Note: Council is in the process of undertaking a tender evaluation for the Byron Bay Pay Parking contract. It is anticipated Brunswick Head can be introduced as an extension of this contract. As a result, staff will be able to provide more precise cost estimates once the evaluation process is complete. As part of the Business Case a recommended fee rate can form part of this plan.

## **Further Information**

Reflections have confirmed no pay parking is permitted in the car park located on Fingal St adjacent to the pedestrian footbridge across Simpsons Creek.

- 40        An additional survey is required to confirm if any car spaces located within zone 28, adjacent to Banner Park, are also located within the footprint of Banner Park, which is also managed by Reflections. This is currently being completed.

Given Torakina Beach Car Park is located within Crown Land it may be subject to Native Title claims. The impact of this on the installation of pay parking in this car park are currently unknown.

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 1: We have infrastructure, transport and services which meet our expectations</b>	1.6	Manage traffic and parking in an efficient manner	1.6.1	Implement review of parking management	1.6.1.1	Implement Parking Management Strategies for: - Bangalow - Belongil - Mullumbimby - Brunswick Heads incorporating accessible parking requirements based on community need (which may exceed legislative requirements)
	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	2.4.3.6	Undertake regular and frequent parking patrols to increase availability and turnover in the Town and Village centres

**5 Financial Considerations**

It is recommended to undertake a more detailed Business Case for i) increasing patrolling and staff numbers and ii) the installation of Parking technology, such as: parking meters, sensors, and a permit system.

**10 Consultation and Engagement**

Brunswick Heads Chamber of Commerce have been provided with a copy of the economic Assessment and the Intercept survey.

**Report No. 13.22**      **Byron Sewage Treatment Plant - Additional Flow Path Project**  
**Directorate:**        Infrastructure Services  
**Report Author:**     Cameron Clark, Manager Utilities  
**File No:**                I2020/729

5

**Summary:**

10      A number of rural land holders have raised concern regarding the management and use of existing drainage flow paths from the Byron Sewage Treatment Plant (STP).

As part of investigating options for managing increased demand on the STP, an additional dry weather flow path has been identified to help reduce reliance on flows through private property.

15      This additional path would utilise existing public drainage land that traverses the Byron Industrial Estate and West Byron Urban Release Area and eventually connects into Belongil Creek.

In addition to redirecting flows from the STP, the project entails:

- 20      •      Upgrading an existing distribution pit / pumping station  
          •      Installation of a discharge main  
          •      General drainage maintenance (clearing, culvert works and removal of obstructions)  
          •      Enhancing Water Sensitive Urban Design (WSUD)  
 25      •      Landscaping and provision of new maintenance tracks / shared pathways through the Byron Industrial Estate.

The infrastructure project provides significant public benefit though:

- 30      •      Reduce the reliance and constant flow of recycled water through the Western Union Drain and farmers union land  
          •      Manage environmental flows to control acid sulphate soils and peat fires  
          •      Further improve water quality within the Belongil catchment through Water Sensitive Urban Design (WSUD)  
          •      No worsening of flooding to the Industrial Estate or adjoining landholders  
 35      •      Improve pedestrian/cycle movements within the Industrial Estate, which align with the Industrial Estate masterplan  
          •      Align with the Industrial Estate masterplan

40      On 8 August 2019, Council resolved that the project go through a workshop review with the Belongil Creek Catchment Drainage Board, key Council staff, members of the Coastal Estuary Catchment Panel Meeting and other relevant stakeholders.

Two workshops were held at Council's offices on 5 September 2019 and 19 December 2019. Agreement was made at the workshop on 19 December 2020, that the project should be reported to Council in early 2020 for final endorsement.

45

Council also resolved on 26 September 2019 that an additional budget of \$1,260,000 be considered once a number of outstanding matters relating to the project are addressed.

50      Council's Utilities Department has undertaken detailed consideration, site analysis and consultation regarding this additional drainage route and attendance to the items listed under Council's 26 September 2019 resolution.

55      The culmination of this work is Construction Level Detailed Plans along with a Part 5 Application under the *Environmental Planning and Assessment Act 1979*, which assesses the potential impacts associated with the proposed Activity.

A determination of Council is being sought as to whether the environmental impacts of the proposed activity have been appropriately considered and to seek Council's endorsement to now proceed to tender for construction.

- 5     The application is presented to Council for determination due to public interest in the proposed activity.















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**RECOMMENDATION:**

**That Council:**

1.     **Seek an amended licence from the NSW EPA consenting to the use of an “Additional Flow Path from the Byron Sewage Treatment Plant (STP) via the Byron Industrial Estate and West Byron Urban Release Area to the Belongil Creek”.**
2.     **Proceed to an Open Tender for the Construction of the Additional Flow Path Project.**

**Attachments:**

- 1     Utilities\_Byron Bay STP Additional Flow Path Project\_Review of Environmental Factors\_Planit 20200303 - J5908 - REP - REF V4, E2020/35480 
- 2     Utilities\_Byron Bay STP Additional Flow Path Project\_Technical Specification\_Planit 200302 J5908-TS-001, E2020/35463 
- 3     Utilities\_Byron Bay STP Additional Flow Path Project\_Functional Specification\_Planit 200303 J5908-FS-001, E2020/35474 
- 4     Utilities\_Byron Bay STP Additional Flow Path Project\_Civil Drawings Transmittal\_Planit J5908, E2020/35470 
- 5     Utilities\_Byron Bay STP Additional Flow Path Project\_Discharge Drain Modelling\_PLANIT\_BMT\_R.B23553.001.00\_lowres (1), E2020/35472 
- 6     Utilities\_Byron Bay STP Additional Flow Path Project\_Distribution Pit Augmentation Works Detailed Design for Construction (preliminary)\_Planit J5908 Wetlands (RevB), E2020/35473 
- 7     Utilities\_Byron Bay STP Additional Flow Path Project\_Byron STP Structural Design Drawings (RevA)\_Civil Construct\_20008, E2020/35390 
- 8     Utilities\_Byron Bay STP Additional Flow Path Project\_Design Drawings Path Plan\_Planit J5908, E2020/35471 
- 9     Utilities\_Byron Bay STP Additional Flow Path Project\_Landscape Plans\_Planit J5908, E2020/35476 
- 10    Utilities\_Byron Bay STP Additional Flow Path Project\_Geotechnical Investigation\_Planit J5908\_Geotech, E2020/35475 
- 11    Utilities\_Byron Bay STP Additional Flow Path Project\_Preliminary Acid Sulfate Soil Investigation\_Planit J5908\_HMC2019.53 Draft, E2020/35477 
- 12    Utilities\_Byron Bay STP Additional Flow Path Project\_Arboreal Impact Assessment Report\_Planit J5908\_Northern Tree Care, E2020/35466 
- 13    Utilities\_Byron Bay STP Additional Flow Path Project\_Stakeholder Engagement Plan\_MDavis 121219, E2020/35481 
- 14    Utilities\_Byron Bay STP Additional Flow Path Project\_Belongil Catchment Drainage Board BCDB letter of support 0320, E2020/35468 

**REPORT****5 Background**

Council's Utilities Department has investigated flow path options for discharging treated wetland effluent discharge from the Byron Sewage Treatment Plant (STP), while improving operations and environmental outcomes throughout Council's existing drainage network. As part of these investigations a number of rural land holders have raised concern regarding the reliance upon the Western Union Drain and farmer's union land for STP drainage purposes.

An additional flow path that utilises existing drainage land through the Byron Industrial Estate and West Byron Urban Release Area has been considered and confirmed to be a viable option for redirecting flows, allowing future increase of drainage loads and in turn, reducing reliance upon private land for public drainage purposes.

The current flow path is identified in blue below, while the new / additional flow pathway is marked as red.



In addition to redirecting the flows, additional drainage network upgrade works have been considered along this additional 2,300m flow pathway. This is intended to improve ongoing operations and environmental outcomes within this existing drainage network.

The works being proposed and associated with the Additional Flow Path are detailed in the attached Civil Engineering Plans and Review of Environmental Factors. The project is best described and considered under 3 distinct work areas as identified below.



## Work Areas



- Work Area 1**

Works Area One (WA1) involves the installation of approximately 650m of 300mm diameter PVC pressure pipeline as well as upgrading an existing secondary distribution pit (Distribution Pit) and associated components, which is located at the most northern point of WA1.

- Work Area 2**

Works Area Two (WA2) comprises regrading and reshaping works within an existing drainage easement through the Byron Industrial Estate, Water Sensitive Urban Design (WSUD) planting, landscape embellishment and provision of a new 2.5m wide maintenance track / shared pathway.

This work will assist flows and ensure increased drainage loads can be accommodated, while further treating water flows and reducing nutrient concentrations before entering Belongil Creek.

- Work Area 3**

The final works area of the Activity is within the Union Drain of West Byron Urban Release Area. Works include drain clearing, clearing of all obstructions.

## Flora and Fauna

A detailed assessment of the existing environment and likely impacts on ecological values, including threatened species (including but not limited to), the Koala and Wallum Froglet.



Reviewing the ecological integrity of vegetation associations and fauna habitat present on the site, the proposed development is unlikely to impose a significant impact on the environmental values of the locality.

- 5 The greatest perceived impact on ecological values, is the loss of 86 trees across the entire works area. The majority of these trees are regrowth species (<5m in height) and located within existing modified areas of the Activity works area. No Eucalypt, Corymbian or preferred koala feed trees species are proposed for removal as a result of the Activity.
- 10 In accordance with Chapter B2 – Preservation of Trees and Other Vegetation of Byron Development Control Plan 2014, 4130 compensatory plantings (5:1 gain/ loss ratio) are recommended to offset the loss of 86 x native trees. Suitable locations occur for the compensatory plantings throughout the Activity and are to be suitably selected by Council.

15 ***Acid Sulfate Soils***

A preliminary acid sulfate soils plan has been prepared in Appendix E for WA1 that is to penetrate the soil between 0.75m-1.83m deep below the existing surface. The assessment undertook 6 boreholes (BH1- BH6) ranging from 1.5m up to 2.5m within WA1 and from these boreholes a total of 28 x soil samples were collected.

The assessment report concludes that acid sulfate soils are not identified as being a constraint to the installation of the proposed pressure pipe within WA1.

- 25 An Acid Sulfate Soil Management Plan or further investigation has not been recommended.

***Water***

- 30 A hydraulic model of the catchments and drains of the Industrial Estate has been developed to test a variety of drainage and flooding conditions and in turn determine potential effects from increased flows and heightened water levels.

Overall it has been determined that increased flows are not likely to generate additional impact from current conditions. That is, the quantity and quality of surface and ground water flows to and from sensitive receivers such as adjacent coastal wetlands and Belongil Creek will not be affected due to the Activity.

The use of WSUD initiatives will further improve water quality. Equally, level senses are being utilised to monitor flow volumes and allow redirection if required.

**STRATEGIC CONSIDERATIONS**

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 3: We protect and enhance our natural environment</b>	3.3	Partner to protect and enhance the health of the Shire's coastlines, estuaries, waterways and catchments	3.3.1	Implement Coastal Management Program	3.3.1.4	Finalise detailed design for additional flow path from Byron Bay Sewage Treatment Plant

**Legal/Statutory/Policy Considerations**

For the purpose of attaining the objectives of the *Environmental Planning and Assessment Act 1979*, a determining authority in its consideration of an activity is required to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

Clause 228 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* identifies specific factors that must be taken into account concerning the impact of an activity on the environment.

The Review of Environmental Factors (REF) addresses the legislative requirements and matters for consideration which are of relevance to the proposal.

In this regard, the proposed Activity has been accompanied by a comprehensive Review of Environmental Factors (REF), which has been prepared by Planit Consulting Pty Ltd on behalf of Council.

In addition, a third party independent review of the REF was undertaken by Tim Fitzroy – Environmental Consultant. The review of the REF and recommendations against the relevant legislation and the Best Practice Guidelines concurred with the finding that the proposal will not have a significant impact on the environment. On that basis, an Environmental Impact Statement is not required.

**Financial Considerations & Council Resolution**

High level estimates put the total construction cost of the Additional Flow Path between \$1,300,000 and \$1,500,000.

The 2019/2020 budget for the additional flowpath is \$240,000. Therefore, for the project to proceed, it will be necessary for Council to allocate an additional budget of \$1,260,000 in 2020/21 financial year.

Council resolved at the 26 September 2019 Ordinary meeting to consider the allocation of the additional \$1,260,000 to the existing budget, that the matter will be reconsidered when the following are complete:

- a) *Concurrence is obtained from the Belongil Drainage Union*
- b) *The Review of Environmental Factors is prepared and there is sufficient information regarding the environmental impacts of the Additional Flowpath Project*
- c) *The revised Environmental Protection Authority Licence(s) is obtained for the proposed activity and that clarity around which conditions of consent for the Project are required to be altered to enable the Additional Flowpath*
- d) *Drawings or engineering reports that provide more detail of the Project be made available to Council*
- e) *The Coastal Officer provides information regarding the Alternative Flow Path Project in the context of the Coastal Management Plan*
- f) *A community engagement plan.*

Council also resolved that when the items above are complete, a report is to be sent to an extraordinary meeting of the CEMC panel. In addition, the Council meeting resolved that a report from this meeting of the CEMC panel be brought to Council and all approvals, reports, and designs be made publicly available as part of this report.

These matters have been addressed as summarised below.

- a) Concurrence has been obtained from the Belongil Drainage Union. A copy of this concurrence is provided as an attachment to this report.
- b) The REF concludes that, subject to the implementation of appropriate ameliorative/measures, the activity (as amended) will not significantly affect the environment and therefore an Environmental Impact Statement is not required. A copy of the REF and all supporting documentation is provided as an attachment to this report.
- c) The Environmental Protection Authority has indicated that it is in a position to issue a variation to Environment Protection License No.3404 once formally requested. Council has formally requested the License variation and in the process of obtaining the amended license. EPA has indicated that this will entail an additional Discharge Point 6, titled Point 6, Discharge from wetland to through the Central Union Drain being added to the licence. EPA has also confirmed that Monitoring Point 3 will serve as the monitoring point for Discharge Point 6. This is likely to be included under the amended licence.
- d) Construction Level Detailed Plans have been prepared and are provided as an attachment to this report.
- e) Senior representatives from Council's Coastal Estuary Catchment Panel have reviewed the documentation listed above, along with attending the various Strategic Planning Workshops. The project is supported by Council's Coastal Estuary Catchment Panel.
- f) Council has undertaken extensive consultation regarding the proposed Additional Flow Path and will continue to engage with key stakeholders throughout the entire project lifecycle. A Communication and Engagement Plan has been prepared and currently being implemented. This is also detailed under the REF.

Manager Finance Comment

The 2019/2020 Budget was reduced to from \$240,000 to \$20,100 to cater for anticipated expenditure in the 2019/2020 financial year as part of the 31 March 2020 Quarterly Budget Review.

Council will be considering a report to this Ordinary Council Meeting regarding the Draft 2020/2021 Operational Plan and Budget Estimates. Contained within the Sewerage Fund Capital Works Budget as part of that report is \$1,500,000 to undertake this project.

***Consultation and Engagement***

Council has undertaken extensive consultation regarding the proposed Additional Flow Path through 2019, including:

- Ongoing discussions and open dialogue with adjacent landowners including key stakeholders such as Arakwal and Department of Planning Industry and Environment.
- Meetings with the Belongil Catchment Drainage Board - 6th May 2019, 6th June 2019, 20th June 2019 and 8th August 2019
- Coastal Estuary Catchment Panel Report No. 4.2  
The Additional Flow Path Project Update File No: I2019/1143 - 8th Aug 2019
- Strategic Planning Workshop –5th September 2019
- Strategic Planning Workshop – 19<sup>th</sup> December 2019
- Forms part of the Byron Arts and Industrial Estate masterplan which is current out for public exhibition.

Outcomes from the Strategic Planning Workshops include:

- Concurrence from the Belongil Catchment Drainage Board
- Support from Council's Coastal Estuary Catchment Panel
- 5 • Recommendation that the project be reported to Council in early 2020 for final endorsement.

Council will continue to engage with key stakeholders throughout the entire project lifecycle.

***Conclusion***

10 Having regard for the information submitted and comments provided, the Additional Flow Path Project is recommended for approval to go to tender based on the mitigation measures identified in the REF.

15

**Report No. 13.23      Policy Review: Building in the Vicinity of Underground Infrastructure 2020****Directorate:** Infrastructure Services**Report Author:** Dean Baulch, Principal Engineer, Systems Planning**File No:** I2020/738**Summary:**

The current Policy 4.20 has been in operation since 1999, its last review was October 2009.



This report presents a draft revised Policy that is more comprehensive and is based on exceptions observed, feedback, planning issues, provision of nexus related to development and the need to consider various scenarios in considering the protection of Council's critical underground infrastructure.

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**RECOMMENDATION:****That Council:**

1. **Endorse the public exhibition of Draft Policy Building in the Vicinity of Underground Infrastructure 2020 for a period of 28 days.**
2. **If no submissions are received during the public exhibition period, adopt the Policy as of the date of close of public exhibition, and rescind the existing Policy 4.20 on the same date.**
3. **If submissions are received, receive a further report on the submissions and the Policy.**

**Attachments:**

- 1 Existing Policy 4.20 Building Over Pipelines and Other Underground Structures PDF version, E2020/35279 
- 2 DRAFT POLICY Building in the Vicinity of Underground Infrastructure 2020 PDF Version 2, E2020/40832 

## REPORT

The draft policy provides clear guidelines to developers, consultants, designers and the general public as to what Council deems acceptable with regard to building in the vicinity of underground infrastructure such as sewer and water mains, stormwater drainage lines, utilities and access structures such as manholes.

The fundamental objectives of the policy are:

1. To set out the conditions under which easements are created for underground pipelines and structure including sewer lines.
2. To set out the conditions under which excavations, cutting or filling of land or the erection of any structure over or near easements, pipelines and other underground structures may be permitted.
3. To protect buildings and the public.
4. To protect and facilitate maintenance of Council's underground infrastructure.
5. To indemnify Council against damages caused by the failure of underground structures.

## Key issues

The highlighted improvements of the newly drafted policy in comparison to the existing policy 4.20 are as follows:

- Change in Title, removing the reference to Building Over Pipelines – as it is Council's preference that no buildings are constructed over any pipelines.
- A definition of what structures are considered as buildings.
- Minimum clearance details for access needs including vertical clearance requirements.
- The determination of a nexus between a development and a pipeline triggering the need to create an easement where one does not exist for a Council pipeline.
- A hierarchy of preferences in relation to development in the vicinity of a pipeline:
  - **Preference 1** - Relocate proposed building/structure,
  - **Preference 2** - Relocate Council's affected infrastructure,
  - **Preference 3** - Provide protection measures and build in the vicinity of Council underground infrastructure (in exceptional circumstances only).
- Special consideration given to lightweight structures which do not normally require protection of underground infrastructure.
- A list of undesirable trees that should not be planted near sewer mains.

## Next steps

To place the draft policy on public exhibition to allow consultants, designers, property owners and developers to make comments and have input to the draft policy.

## STRATEGIC CONSIDERATIONS

### Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 1: We have infrastructure, transport and services which meet our expectations</b>	1.5	Provide continuous urban water and sewerage services within the Shire	1.5.5	Ensure strategic infrastructure planning documents are in line with Community Solutions Panel values (SP)		

<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	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
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### ***Legal/Statutory/Policy Considerations***

- 5 The existing and draft Policy have a link to Council's powers under the Local Government Act and needs related to the Conveyancing Act 1919.
- 10 Council requires easements so it can access, maintain and safely operate infrastructure. Creation of an easement under the Conveyancing Act 1919 provides Council with an on-going legal right to have its infrastructure located on a property and to enter the property to maintain its infrastructure even when that property changes ownership.
- 15 While there may exist statutory powers of entry under legislation such as the Local Government Act, these statutory rights are not always sufficient for Council's activities and purposes relating to infrastructure, and in these circumstances, easements provide secure property rights to Council.
- Activities are still permitted within easement areas provided that they do not interfere with the rights granted under the easement such as maintenance, replacement, repair or safe operation of the infrastructure.
- 20 A revised and updated Policy addresses the above items and will provide continued assurance that Council has access to relevant lands for construction, operation, maintenance and replacement of essential infrastructure.

### ***Financial Considerations***

- 25 The financial impact of the Policy adoption is negligible.

### ***Consultation and Engagement***

- 30 The draft policy will be placed on public exhibition for a period of 28 days to allow consultants, designers, property owners and developers to make comments and have input to the draft policy.

**Report No. 13.24**      **Tender 2019-0059 Parking Management Systems**  
**Directorate:**      Infrastructure Services  
**Report Author:**      Andrew Pearce, Traffic Engineer  
**File No:**      I2020/608

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**Summary:**

10 Council's existing paid parking meter management contract expires on 1 January 2021.

As a result, on 24 October 2019, the General Manager, under delegated authority, gave approval for Council to go to Expressions of Interest for Parking Meter Management Systems with the intention of then going to a selective request for tender process as per Section 55 of the Local Government Act.

15

On 6 March, 2020, the General Manager, under delegated authority, confirmed approval for the use of the selective tendering method to call for tenders for the Parking Management Systems Contract following an Expressions of Interest process.

20

This report is presented to Council on the tender evaluation assessment outcome, to enable Council to determine the successful Tenderer.

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulation 2005.

25

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**RECOMMENDATION:**

1. That Council award Tender (T2019-0059) Parking Management Systems as recommended within confidential attachment 1 (#E2020/41228)
2. That Council's seal be affixed to the relevant documents.
3. That Council makes public its decision, including the name and amount of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.
4. That Council notify the Select Tenderers of the outcome of the tender process

**Attachments:**

30

- 1 Confidential - 2019-0059 Parking Management Systems - Tender Evaluation Report, E2020/41228
- 2 Confidential - RTF - 2019-0059 - Tender Evaluation Score sheet, E2020/41231

35



**Report**

Council's existing Paid Parking contract expires on 1 January 2021.

5 As a result, on 24 October 2019, the General Manager, under delegated authority, gave approval for Council to go to Expressions of Interest for Parking Meter Management Systems with the intention of then going to a selective request for tender process as per Section 55 of the Local Government Act.

10 The Expressions of Interest was advertised from 3 December 2019 to 24 December 2019. Eight (8) Expressions of Interest submissions were received and an evaluation panel shortlisted five companies to be invited to take part in the selective Request for Tender.

- APRC
- DCA (Database Consultants Australia)
- 15 • Duncan Solutions
- EasyPark
- SmartParking Australia

20 On 6 March, 2020, the General Manager, under delegated authority, approved the use of the selective tendering method. The tender was advertised from 26 March and closed on 7 May with submissions received from the following proponents:

- APRC and Smart Parking (combined tender)
- DCA (Database Consultants Australia)
- Duncan Solutions
- 25 • EasyPark

The Tender Evaluation Panel's Recommendation Report and Tender Evaluation Score Sheet are attached.

30 ***Key issues***

*Existing Paid Parking Contracts*

35 Council currently has two separate contracts associated with the running of the paid parking scheme. These two contracts can be summarised as managing the following two areas:

- Parking meters, maintenance, data hosting and permit system (managed by IS)
- LPR equipment and associated compliance and enforcement systems (managed by SEE)

As part of the tender process Council is looking for an appropriate opportunity to reduce the number of contracts and combine them where cost efficient.

40 *Key Paid Parking Components*

Council requested tenderers to address items, such as:

- Parking Meters
- 45 • Permit systems
- Compliance and enforcement devices and management systems
- Central management systems
- Financial Systems
- Administration Services
- 50 • Value add items, such as:
  - Phone App
  - In ground parking sensors
  - CCTV based compliance monitoring systems
  - License Plate Recognition equipment

- Wayfinding systems
- Any additional value add items they would like to propose

**Next steps**

5

The anticipated start date for the contract is 1 December 2020.

To achieve this, a number of steps are required in consultation with the successful tenderer and Finance. In particular, this will include (but not limited to) the following steps:

- 10 • Notify tenderers of Council's decision
- Meet on site with successful tenderer to confirm the final configuration and number of parking devices and systems
- Confirm the most appropriate financing option (lease or purchase) to implement the parking meters
- 15 • Develop business case for value add components, especially in ground sensors.
- Supply, installation, configuration and integration of hardware and systems
- User acceptance testing
- Plan and implement communication plan

**20 Financial Implications**

Refer to Attachments for a comparison of submitted price schedules.

The two contracts currently in place with Council are as follows with associated annual costs:

- 25 • Parking meters, maintenance, data hosting and permit system - \$650,000 p.a.
  - LPR equipment and associated compliance and enforcement systems - \$40,000 p.a.
- Council budget allocation associated with these contracts is sufficient to fund the anticipated annual costs associated with the new paid parking contract.

- 30 However, purchasing a significant number of meters outright will require larger capital outlay for the first year. While it is anticipated the introduction of a phone app payment option will reduce the number of parking meters required, a significant number of meters will still be required.

- 35 As a result, one of the details to be confirmed in consultation with Finance is the most appropriate financing option to implement the parking meters.

**Statutory and Policy Compliance Implications**

- 40 The tendering process has been undertaken in accordance with Council's Purchasing and Procurement Policy, and the provisions of the Local Government (General) Regulation 2005.

The Local Government (General) Regulations 2005 define the options available to Council. An extract is provided below.

45

Local Government (General) Regulation 2005 - Reg 178

*Acceptance of tenders*

**5178 Acceptance of tenders**

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

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

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

*(1A) Without limiting subclause (1), in considering the tenders submitted for a proposed contract for the performance of domestic or other waste management services, the council must take into account whether or not existing workers (within the meaning of clause 170) will be offered employment or engagement on terms and conditions comparable to those applicable to the workers immediately before the tender was submitted.*

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

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

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

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

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

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

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

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

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

*(a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3)(b)–(d),*

*(b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e).*

Council's endorsement of the recommendation to award the tender as outlined in the attached Evaluation Report is sought.

**Report No. 13.25      Tender 2020-0007 - Panel of Providers - Provision of Professional Engineering and Consulting Services**

**Directorate:** Infrastructure Services

**Report Author:** Dean Baulch, Principal Engineer, Systems Planning

Cameron Clark, Manager Utilities

**File No:** I2020/814

**Summary:**

On 18 February 2020, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2020-0007 Panel of Providers - Provision of Professional Engineering and Consulting Services.

The Request for Tender was advertised from 25 February 2020 to 31 March 2020. Tenders were received from forty nine (49) organisations. Most organisations applied for multiple categories, which led to a total of one hundred and thirty one (131) submissions.

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005. This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2020-0007.

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**RECOMMENDATION:**

- 1. That Council award Contracts to each of the organisations recommended in Attachment 2 (E2020/40036) on pages 11-13 of the Confidential - 2020-0007 Tender Evaluation Report - Provision of Professional Engineering and Consulting Services.**
- 2. That Council makes public its decision, including the name of the successful tenderer, in accordance with Clause 179(b) of the Local Government (General) Regulation 2005.**

**Attachments:**

- 1 Confidential - 2020-0007 Tender Evaluation Plan - Provision of Professional Engineering and Consulting Services, E2020/20862
- 2 Confidential - 2020-0007 Tender Evaluation Report - Provision of Professional Engineering and Consulting Services, E2020/40036

**Report**

On 18 February 2020, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2020-0007 Panel of Providers - Provision of Professional Engineering and Consulting Services.

Council needs to engage professional engineering and consulting services from time to time to provide support for the water and sewerage operation (Utilities) of the organisation. It is the intent of Byron Shire Council, through this Tender, to establish a preferred panel of providers who are deemed competent to assist Council with a broad range of services without the need for individual tender engagements.

It is anticipated that through the establishment of a panel of providers, Council will be able readily engage competent professionals on an as required basis to provide the support it needs to deliver a wide range of outcomes within the business. This tender provides engineering, consulting and trade professionals with the opportunity to harbour productive working relationships with Council to meet desirable project outcomes for the Shire.

The Request for Tender sought responses from proponents to provide Professional Engineering and Consulting Services in the nominated discipline to assist Council with the delivery and management of water and sewerage infrastructure. The categories included the following eight roles:

- Project Management;
- Design Engineering;
- Environmental Consulting / Ecologist;
- Asset Network Planning;
- SCADA, Telemetry and Automation Services;
- Community Engagement and Communications Consultant;
- OH&S and Quality Systems Specialist; and
- Surveying and Quantity Surveying.

The Contract is expected to commence in July 2020 for a period of three (3) years with an option to extend the contract for further period of two (2) years at Council's sole discretion.

The Contract will be managed by Cameron Clark, Manager – Utilities.

Tenders were advertised as follows:

Sydney Morning Herald: 29 February 2020

Tenderlink.com Online: for 5 weeks from 25 February 2020

Tenders closed on 31 March 2020 and tenders were received from the following proponents:

- Advisian Pty Ltd
- ADW Johnson
- AJSWAN Consulting Pty Ltd
- Alliance Automation Pty Ltd
- Alluvium Consulting Australia Pty Ltd
- Altus Group Cost Management Pty Ltd
- Ardill Payne & Partners
- Australian Wetlands Consulting Pty Ltd
- Pulver Cooper & Blackley Pty Ltd
- BDR Projects Pty Limited
- Blair and Sons Engineering Contractors Pty Ltd

- BMT Commercial Australia Pty Ltd
- Cardno (NSW/ACT) Pty Ltd
- Civil Consult Pty Ltd
- Coffey Services Australia
- 5 • Constructive Solutions Pty Ltd
- Coote Burchills Engineering Pty Ltd
- Daly Smith Pty Ltd
- Donald Cant Watts Corke (NSW) Pty Ltd
- Ecosave Pty Ltd
- 10 • Ganden Pty Ltd
- GeoLINK Consulting Pty Ltd
- GHD Pty Ltd
- H & H CONSULTING ENGINEERS PTY LIMITED ta Henry and Hymas
- JK Geotechnics Pty Ltd
- 15 • Kennedy Surveying Pty Ltd
- Kylie Melissa Bott
- Land Dynamics Pty Ltd t/a Land Dynamics Australia
- LOGICAMMS AUSTRALIA PTY LTD t/a Logicamms
- Merran Natasha Davis t/a Merran Davis
- 20 • Michael Bale & Associates Pty Ltd
- Morris Water Pty Ltd
- Muller Unit Trust t/a Muller Partnership
- New Beach Media Pty Ltd
- Planit Consulting Pty Ltd
- 25 • Public Works Advisory
- SAFEgroup Automation Pty Ltd
- SMEC Australia Pty Ltd
- SEEG Holdings Pty Ltd t/a Specilist Electrical Engineering Group
- Tim Fitzroy & Associates Pty Ltd
- 30 • TNC Engineering Pty Ltd
- Tonkin Consulting Pty Ltd
- Touchstone Engineering Pty Ltd
- Upright Management Pty Ltd
- WaterGroup Pty Ltd
- 35 • Westera Partners Pty Ltd
- White Environmental Services Pty Ltd
- Willow and Sparrow Pty Ltd
- Yindi Group Pty Ltd

40 An Evaluation Panel comprising of four (4) Council staff members was formed.

Tenders were evaluated by the Evaluation Panel in accordance with Attachment 1 - 2020-0007 Tender Evaluation Plan - Provision of Professional Engineering and Consulting Services (E2020/20862).

45 *Mandatory criteria:*

- Tender lodged on time, in accordance with the Conditions of Tender.
- Respondent has a valid Australian Business Number.
- 50 • Respondent substantially complies with the Statement of Conformance.
- Tenderer holds the required qualifications and/or licenses required to undertake the works.
- Respondent substantially complies with the Conditions of Contract.

- Workers Compensation Insurance for all employees
- Holds, or is able to obtain, the insurances as specified in the Statement of Requirements
- Respondent has satisfactory work health and safety and environmental compliance.
- Financial capacity to undertake the contract
- 5 • Commitment to ethical business practices.
- Tenderer confirmed no ties to Adani.

*Qualitative criteria:*

- 10 • Regional presence
- Implementation and delivery plan
- Previous relevant experience
- Resources required to undertake the work
- Price

15 Following the evaluation, the Evaluation Panel conducted cross checks on the preferred tenderers. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the attached Evaluation Report (Attachment 2 - 2020-0007 Tender Evaluation Report - Provision of Professional Engineering and Consulting Services E2020/40036).

20 **Financial Implications**

The price basis for the contract is a schedule of rates.

25 Council spends over \$1M per year on the works contemplated by this tender.

There is sufficient funding for the proposed contract in the relevant budgets.

30 **Statutory and Policy Compliance Implications**

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

35 Local Government (General) Regulation 2005 - Reg 178

*Acceptance of tenders*

40 *178 Acceptance of tenders*

(1) *After considering the tenders submitted for a proposed contract, the council must either:*  
 (a) *accept the tender that, having regard to all the circumstances, appears to it to be the most advantageous, or*

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

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

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

- 5
- (a) *postpone or cancel the proposal for the contract,*
  - (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
  - (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
  - (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
  - (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
  - 10 (f) *carry out the requirements of the proposed contract itself.*
- (4) *If a council resolves to enter into negotiations as referred to in subclause (3) (e), the resolution must state the following:*
- (a) *the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3) (b)–(d),*
  - 15 (b) *the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3) (e).*

Council's endorsement of the recommendation to award tenderers as recommended in the attached Evaluation Report (Attachment 2) is sought.

20



**Report No. 13.26**      **Draft Open Spaces Asset Management Plan**  
**Directorate:**        Infrastructure Services  
**Report Author:**      Blyth Short, Asset Management Coordinator  
**File No:**                I2020/891

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**Summary:**

10 Council has been working over the last year to prepare the first comprehensive Open Spaces Asset Management Plan. This was a 2019/20 Operational Plan activity.

This process involved:

- a full condition assessment of all its 2,100 assets
- 15 • a review of the current operational processes
- Predictive© modelling of three long term funding scenarios
- community engagement to measure the customer levels of service via an interactive survey map

20 **Key Findings:**

- To “hold/maintain” the overall open spaces hard assets portfolio condition the average maintenance and capital renewal needs to be \$1,027,938 annually.
- The 2018/19 operational budget on green and growing assets was \$1,620,640.
- 25 • Asset Management needs to balance Levels of Service and whole of life cycle costs. The community rated the average ‘quality’ of Open Spaces at 2.84. The ‘technical condition’ of open spaces rated at 2.26 (1 Excellent and 5 Very Poor)
- The majority of assets are in an excellent to fair condition with only 11% of open space assets are in a poor to very poor condition.
- 30 • The community expectation of open spaces assets, in particular the pools and sports fields are higher than current budgets can afford over the Long Term Financial Plan.
- Asset management systems are well established and integrated, however work is required in the Work Order system to improve splits between maintenance and operational costings.
- Byron leads asset management with the latest technology and innovation.
- 35 • Spending on Open Space upgrades and new assets reduces the ability to optimise on required capital renewals, resulting in deferring on renewals and higher future capital expenditure.
- There are 11 items identified in the Improvement Plan.



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**RECOMMENDATION:**

**That the draft Open Spaces Asset Management Plan (E2020/29395) is adopted and published on Council’s website.**

**Attachments:**

- 1 [DRAFT] Open Spaces Asset Management Plan OSAMP\_May 2020, E2020/29395 
- 45 2 OSAMP A3 Dashboard poster for website and consultation 2019, E2020/30971 

**REPORT****Executive Summary****5 The Purpose of the Plan**

Asset management planning is a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner.

- 10 This asset management plan details information about infrastructure assets including actions required to provide an agreed level of service in the most cost effective manner while outlining associated risks. The plan defines the services to be provided, how the services are provided and what funds are required to provide the services over a 10-year planning period. The purpose of this plan is to inform the Byron Shire Council's Long Term Financial Plan.

**15 Asset Description**

- 20 Byron Shire Council's (BSC) open space assets enable the community to access and enjoy a range of services and facilities that Byron has to offer. It has an asset replacement value of \$18.2 million for open spaces, as at 30 June 19. The efficient management of the open space assets is vital to the community.

- 25 Council manages 2,100 open spaces assets. It maintains 71 parks (with infrastructure), 35 playgrounds, 10 sports fields, 7 skate parks, 20 hard courts (tennis/netball/basketball), and two pool facilities. This Open Spaces Asset Management Plan (OSAMP) includes the following open space categories from the general fund assets class:

Pools	Lighting
Recreation facilities	Fences and gates
Grandstands	Beach accesses
Sports equipment	Garden beds
Play equipment	Public art
Playground softfall	CCTV cameras
Shelters	Services (taps and power)
Furniture	Public place bins
Hardscape areas	Cigarette bins
Irrigation	

- 30 This plan does not include cemeteries or street scape maintenance while these responsibilities fall under the Open Spaces division.

**Levels of Service**

- 35 Our present funding levels are insufficient to continue to provide existing services at current levels in the long term. This conclusion is made from predictive modelling the current Long Term Financial Plan (Refer to 1.6 Financial Summary).

The main services consequences are:

- 40
- Softfall areas may not comply to Australian Standards through the year
  - Assets in poor to very poor condition may need to be removed to reduce risk exposure
  - The overall network condition will continue to decline over the next 10 years

## Future Demand

The main demands for new services are created by:

- Population growth
- Changing community expectations
- Development
- Changes in demographic
- Strategic network extensions and upgrades

These will be managed through a combination of managing existing assets, upgrading of existing assets and providing new assets to meet demand and demand management. Demand management practices include non-asset solutions, insuring against risks and managing failures.

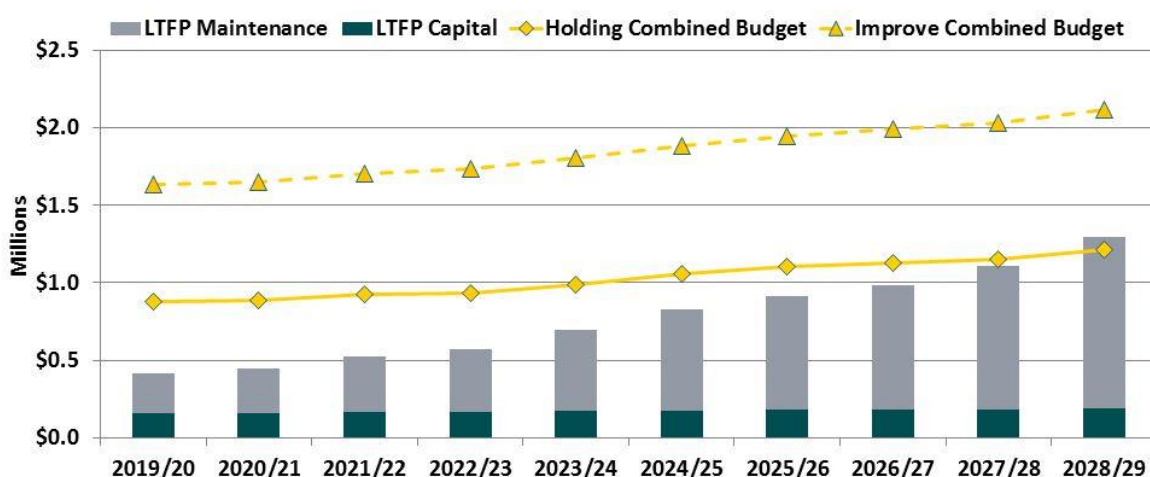
Fund priority works by seeking grant funding and implementing the Developer Contributions Plan. Educate the community on the costs associated with maintaining current service levels and increased costs required with increased assets.

- Consult with community on options and funding requirements.
- Inform community and manage expectations. Communicate levels of service and financial capacity to balance infrastructure priorities with what the community is prepared to fund.
- Monitor and manage development controls.
- Undertake infrastructure planning taking into account land use changes.
- Lifecycle Management Plan

## What does it Cost?

The projected outlays necessary to provide the services covered by this Asset Management Plan (AMP) includes operations, maintenance, renewal, upgrade and new assets over the 10-year planning period. The minimum required maintenance and capital renewal is \$1,027,938 on average per year (See below, Holding Combined Budget).

**Maintenance & Capital Renewal  
Long Term Financial Plan vs Holding vs Improve Scenarios**



## Financial Summary

### What we will do?

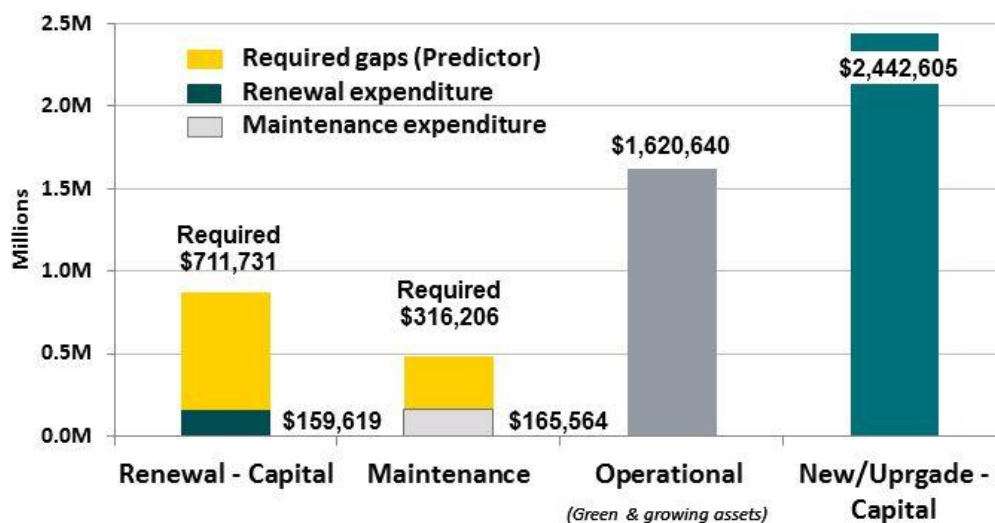
In the financial year of 2018/19 Council spent \$165,564 on maintenance of hard infrastructure and \$1.6million on operational activities on green and growing assets. It spent \$159,619 on capital renewals and \$2.4 million on upgrades and new assets for open spaces.

Based on the Assetic Predictor© modelling for capital renewals an average of \$712,000 is required to hold / maintain the overall condition of the open spaces portfolio. This work is for capital renewal of assets only and does not account for new or upgrades to open space assets. The required maintenance budget for open space hard assets is \$316,206.

Based on the 2019 expenditure funding for this period was \$165,564.

This is insufficient to sustain the current level of service.

These required financial gaps are illustrated yellow with the figure below.



Note: New/Upgrade expenditure detailed in Asset New section.

### **We plan to provide open spaces:**

- Operation, maintenance and renewal of open spaces to meet service levels set by in annual budgets.
- Focus efforts to increase capital renewal expenditure on existing hard open space assets rather than building new facilities.
- Review the operational expenditure of green and growing open spaces through work order analysis.
- Council has plans for a new and improved skate park in Byron Bay town centre to replace a very small poor condition asset. The skate park is planned for Sandhills Estate Activation area and at this stage it is proposed to spend \$1.3 million funded by NSW State Govt.
- Consider where possible to renew facilities or upgrades to comply with the Disability Discrimination Act 1992.
- Create dialogue with sporting teams to understand issues with the condition of current open spaces and help set expectations. This is evident in the number of annual customer requests (Refer Table 1).
- Consider a public awareness campaign for online reporting of issues with the condition of open spaces.
- Council to increase collaboration with Managers for the Brunswick Heads Crown Reserves to improve outcomes for the community.

**What we cannot do?**

We currently do not allocate enough funding to sustain these services at the desired standard or to provide all new services being sought. Works and services that cannot be provided under present funding levels are:

- Upgrade or provide new open spaces with current long term budgets
- Meet the current community expectations to continually upgrade and provide new assets such as sport field lighting

**Managing the Risks?**

Our present funding levels are insufficient to continue to manage risks in the medium term. The main risk consequences are:

- Replacing the playground softfall at the annual required frequencies
- Ensuring risk warning signs are in place and not vandalised at all playgrounds
- Addressing identified high risk defects within acceptable timeframes
- Recording all customer requests in the record management systems

We will endeavour to manage these risks within available funding by:

- Inspecting the risk warning signs when completing formal programmed inspections
- Use councils mobile software solutions to record defects and complete accomplished repairs
- Provide funds for maintenance repairs of high risk defects
- Train and educate all staff on the requirements to record customer requests

**Asset Management Practices**

Our systems to manage assets include:

- Asset Edge Reflect© mobile solutions to inspect assets
- Geographical Information Systems to identify and map all open spaces
- Predictor© Modelling to inform the long term capital works program
- Authority Asset Register,
- Capital Value Record Module; and
- Work Orders

The 2019 asset inspection assets requiring renewal/replacement are identified from defect repairs in the Open Spaces Maintenance Plan and 10 year capital from the modelling software. This is to improve the process and apply a planned asset management response.

**Monitoring and Improvement Program**

The next steps resulting from this asset management plan is to improve asset management practices through 6 major tasks detailed in the Improvement Plan, section 13. The community values quality over quantity and future improvements needs to focus on existing infrastructure where possible.

It should be noted that this Asset Management Plan is not a stand-alone document and is closely related to Council's Strategic Asset Management Plan and other significant Council documents. Council will measure the effectiveness and application of the asset management plan through:

- Stakeholder consultation
- Regular condition and maintenance inspections
- Continued use of Assetic Predictor© to predict renewal requirements
- Continuous review and improvement to asset management practices
- Key Performance Indicators (KPI) monitoring and recording of customer levels of service

5

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 1: We have infrastructure, transport and services which meet our expectations</b>	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.2	Develop infrastructure asset renewal and upgrade program in line with Community Solutions Panel values (SP)	1.2.2.1	Prepare an Open Space Asset Management Plan

**REPORTS OF COMMITTEES - CORPORATE AND COMMUNITY SERVICES****Report No. 14.1      Report of the Finance Advisory Committee Meeting held on 14 May 2020**

5    **Directorate:**           Corporate and Community Services  
    **Report Author:**      James Brickley, Manager Finance  
    **File No:**                I2020/776

10   **Summary:**

This report provides the minutes and recommendations of the Finance Advisory Committee Meeting held on 14 May 2020 for determination by Council.

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**RECOMMENDATION:**

1.    That Council notes the minutes of the Finance Advisory Committee Meeting held on 14 May 2020.

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

**Report No. 4.1   Quarterly Update - Implementation of Special Rate Variation**  
File No: I2020/146

**Committee Recommendation 4.1.1**

That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 31 December 2019.

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

**Report No. 4.2   2019-2020 Loan Refinancing Outcome**  
File No: I2020/147

**Committee Recommendation 4.2.1**

That the Finance Advisory Committee notes the outcome of the 2019-2020 loan refinancing.

20

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


**Report No. 4.3   Budget Review - 1 January 2020 to 31 March 2020**  
File No: I2020/668

**Committee Recommendation 4.3.1**

1.    That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/30522) which include the following results in the 31 March 2020 Quarterly Review of the 2019/2020 Budget:

- a) **General Fund – \$826,300 decrease to the Estimated Unrestricted Cash Result**
    - b) **General Fund - \$3,981,300 increase in reserves**
    - c) **Water Fund - \$444,400 increase in reserves**
    - d) **Sewerage Fund - \$3,681,100 increase in reserves**
  - 2. That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$23,700 for the 2019/2020 financial year as at 31 March 2020.**
  - 3. That the changes made to the overall original operating revenue and expense estimates at 1 July 2019 at the 31 March 2020 Quarterly Budget Review, be restated back to their original amounts with the proposed reclassifications of operating revenues, operating expenses and capital grants be included as budget revotes and explained in the Report to be presented to the Ordinary Council Meeting on 28 May 2020.**
- 5. That Council adopts the following Committee Recommendation(s):**
- Report No. 4.4 Quarterly Update - Implementation of Special Rate Variation**  
File No: I2020/682
- Committee Recommendation 4.4.1**
- That the Finance Advisory Committee notes the quarterly update on the Special Rate Variation Implementation as at 31 March 2020.**

**5 Attachments:**

- 1 Minutes 14 May 2020 Finance Advisory Committee, I2020/702 



**Report**

The attachment to this report provides the minutes of the Finance Advisory Committee Meeting of 14 May 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

[https://byron.infocouncil.biz/Open/2020/05/FAC\\_14052020\\_AGN\\_1203\\_AT.PDF](https://byron.infocouncil.biz/Open/2020/05/FAC_14052020_AGN_1203_AT.PDF)

The Committee considered the following items:

Report 4.1 Quarterly Update - Implementation of Special Rate Variation

This report was to be presented to the 13 February 2020 Finance Advisory Committee Meeting but that meeting was cancelled due to flooding. The report was re-presented to the 14 May 2020 Finance Advisory Committee Meeting.

The Committee considered a report that outlined expenditure in relation to the 2017/2018 Special Rate Variation. The report included a schedule of works with total funding of \$7,539,200 (this includes the \$3,508,600 derived from the third year of the 4 year Special Rate Variation that commenced on 1 July 2017 and the residual amount unexpended at 30 June 2019 (\$33,300). As at the end of December 2019, Council had expended 38.94% of the overall program.

Report 4.2 2019-2020 Loan Refinancing Outcome

This report was presented to the 13 February 2020 Finance Advisory Committee Meeting but that meeting was cancelled due to flooding. The report was re-presented to the 14 May 2020 Finance Advisory Committee Meeting.

The Committee considered a report that outlined the outcome of loan refinancing that was undertaken during December 2019. Council originally borrowed \$20,000,000 on 4 December 2009 over a nominal period of 30 years with an interest rate fixed at 8.08% for the first ten years. The refinancing that took place on 4 December 2019 covered the outstanding loan balance of \$17,564,000 over the remaining 20 year term. Council secured an interest rate of 2.34% fixed for the remaining 20 years. This will have the effect of reducing annual loan repayments of principal and interest by \$667,900 per annum and will save in excess of \$13million compared to loan repayments that would have been payable over the 30 year term if the loan was not refinanced.

Report 4.3 – Budget Review – 1 December 2019 to 31 March 2020

The Committee discussed the 31 March 2020 Quarter Budget Review, noting the proposed amendments to the 2019-2020 Budget and recommended their adoption to Council (this occurred at the 28 May 2020 Ordinary Meeting).

Of note in the report were the following major items:

1. Recognition of a projected budget deficit in the General Fund of \$976,300.
2. Recognition of revenue losses estimated for the period 1 April 2020 to 30 June 2020 of \$2.355million due to the restrictions imposed as a result of the COVID-19 Pandemic.
3. Removal of capital works not expected to now be completed by 30 June 2020 and transferring these works to the Draft 2020/2021 Budget Estimates. These works total \$14.687million.
4. Restatement of operating expenses and revenues along with capital grants to correct classifications. The report to the Finance Advisory Committee made the restatements via

changing the original estimates accordingly, however the Finance Advisory Committee requested the original estimates be changed back and the required restatements done as budget revotes before the report was submitted to Council on 28 May 2020. This is covered in recommendation 3 and was completed as requested.

5

**Report 4.4 Quarterly Update - Implementation of Special Rate Variation**

10 The Committee considered a report that outlined expenditure in relation to the 2017/2018 Special Rate Variation. The report included a schedule of works with total funding of \$7,552,400 (this includes the \$3,249,100 derived from the third year of the 4 year Special Rate Variation that commenced on 1 July 2017 represented by the yield of \$3,475,300 plus the residual amount unexpended at 30 June 2019 \$33,300 less \$259,600 not expected to be expended in 2019/2020.. As at the end of March 2020, Council had expended 98.38% of the overall program.

15 The Committee Recommendations are supported by management and are provided at Attachment 1 to this report. The recommendation for Report 4.3 has been considered and adopted separately at the 28 May 2020 Ordinary Council Meeting.

**Financial Implications**

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As per the Reports listed within the Finance Advisory Committee Meeting of 14 May 2020.

**Statutory and Policy Compliance Implications**

25 As per the Reports listed within the Finance Advisory Committee Meeting of 14 May 2020.

**Report No. 14.2**      **Report of the Audit, Risk and Improvement Committee Meeting held on 14 May 2020**  
**Directorate:**      Corporate and Community Services  
**Report Author:**      Joelinda Bourke, Executive Assistant  
**File No:**      I2020/871

**Summary:**

This report provides the minutes of the Audit, Risk and Improvement Committee Meeting held on 14 May 2020 for adoption by Council.

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**RECOMMENDATION:**

1.    **That Council notes the minutes of the Audit, Risk and Improvement Committee Meeting held on 14 May 2020.**

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

**Report No. 4.1   Corporate Compliance Framework**  
**File No:** I2020/26

**Committee Recommendation 4.1.1**

That the Audit, Risk and Improvement Committee notes the contents of this report and the Committee's ongoing role in reviewing any non-compliance with legislative requirements.

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

**Report No. 5.1   Business Continuity and Risk Management- Update**  
**File No:** I2020/459

**Committee Recommendation 5.1.1**

1.    **That the Audit, Risk & Improvement Committee endorses the Business Continuity Plan 2020 (E2020/17570).**
2.    **That the Audit, Risk & Improvement Committee notes the strategic and operational risk reports for the quarter ending 31 March 2020 (E2020/23670).**

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

**Report No. 5.2   Audit Progress Report - April 2020**  
**File No:** I2020/525

**Committee Recommendation 5.2.1**

1.    **That the Audit, Risk and Improvement Committee notes the Internal Audit Activity Report – April 2020 (E2020/31562).**
2.    **That the Audit, Risk and Improvement Committee endorses the recommendation from the Executive Team to close off 24 recommendations in Appendix C of the attached report (E2020/31562).**

3. That the Audit, Risk and Improvement Committee endorses the Internal Audit Plan (E2020/31561), as updated in April 2020.

5. That Council adopts the following Committee Recommendation(s):

**Report No. 5.3 CONFIDENTIAL - Cyber Incidents and Service Outages Update**  
File No: I2020/674

**Committee Recommendation 5.3.1**

1. That the Audit, Risk and Improvement Committee:
- a) notes the Cyber Incidents report, attachment 1 (E2020/31282); and,
  - b) notes the System Outages report, attachment 2 (E2020/31283); and,
  - c) receives ongoing status reports for cyber Incidents and systems outages.

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

**Report No. 5.4 IT User Access Audit Review**  
File No: I2020/680

**Committee Recommendation 5.4.1**

1. That the Audit, Risk and Improvement Committee notes the IT User Access internal audit review report.

2. That the Audit, Risk and Improvement Committee requests management to implement the recommendations made in the report identified as Confidential Attachment 1 (E2020/28280).

3. That the report and Confidential Attachment 1 of the closed part of the meeting remain confidential

7. That Council adopts the following Committee Recommendation(s):

**Report No. 5.5 External Audit Actions - Quarter 3 2020 Update**  
File No: I2020/685

**Committee Recommendation 5.5.1**

1. That the Audit, Risk and Improvement Committee notes the external audit activity update for the quarter ending 31 March 2020.

2. That the Audit Risk and Improvement Committee receives quarterly updates on the external audit actions.

Cr Cameron was not present for the vote.

**Attachments:**

- 1 Minutes 14/05/2020 Audit, Risk and Improvement Committee, I2020/735 

**Report**

The attachment to this report provides the minutes of the Audit, Risk and Improvement Committee Meeting of 14 May 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/2020/05/ARIC\\_14052020\\_AGN\\_1202\\_AT.PDF](https://byron.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2020/05/ARIC_14052020_AGN_1202_AT.PDF)

**Report No. 4.1 Corporate Compliance Framework**

This report provides an overview of Council's newly developed Corporate Compliance Framework and how it will enable the Committee to monitor Council's compliance with legislation and any identified instances of non-compliance, with follow up actions.

**Report No. 5.1 CONFIDENTIAL - Business Continuity and Risk Management- Update**

This report provides an update on the Business Continuity and Risk Management frameworks.

**Report No. 5.2 CONFIDENTIAL - Audit Progress Report - April 2020**

This report presents the Internal Audit Activity Report – April 2020 prepared by Council and the Internal Auditor, O'Connor Marsden and Associates (OCM).

The activity report contains the remaining recommendations from each audit review conducted by Council's previous internal audit provider as well as recommendations from recently completed audit reviews conducted by OCM. This report also provides the Audit, Risk and Improvement Committee with an update on the Internal Audit Plan with proposed revisions.

**Report No. 5.3 CONFIDENTIAL - CONFIDENTIAL - Cyber Incidents and Service Outages Update**

This report provides summary reports for cyber security incidents and IT service outages.

No significant cyber incidents or extended IT service outages were reported during the period of 1 February 2020 to 30 April 2020.

**Report No. 5.4 CONFIDENTIAL - IT User Access Audit Review**

Council's Internal Auditors, O'Connor Marsden and Associates (OCM), conducted an internal audit review of IT User Access. Their report is at Confidential Attachment 1.

This audit received a review rating of 3 and it identified six medium risks and one minor risk. Agreed recommendations and actions are included in the Confidential Attachment.

**Report No. 5.5 CONFIDENTIAL - External Audit Actions - Quarter 3 2020 Update**

This report provides an update on each of the audit matters raised in the 2019 Year End Audit Management Letter for the quarter ending 31 March 2020.

**Financial Implications**

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 14 May 2020.

**Statutory and Policy Compliance Implications**

As per the Reports listed within the Audit, Risk and Improvement Committee Meeting of 14 May 2020.

5

**REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES**

**Report No. 14.3      Report of the Local Traffic Committee Meeting held on 12 May 2020**

**Directorate:** Infrastructure Services

**Report Author:** Stephanie Tucker, Pay Parking Coordinator

**File No:** I2020/600

**Summary:**

This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 12 May 2020.

Council's action on the LTC advice will be:

- a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform the RMS or the NSW Police representatives of the decision.
- d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise the RMS and the NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise the RMS and NSW Police representatives in writing of their intention to approve the proposal. The RMS or the NSW Police may then lodge an appeal to the RTC.

Due to the fact that the RMS and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both the RMS and the NSW Police have provided their vote on the issue.

**RECOMMENDATION:**

**1. That Council note the minutes of the Local Traffic Committee Meeting held on 12 May 2020.**

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

**Report No. 6.1 Massinger Street, Byron Bay - No Stopping Yellow Lines**

File No: I2020/430

**Committee Recommendation 6.1.1**

- 1. That Council support the installation of “No Stopping” yellow lines on both sides of the southern end of Massinger Street, Byron Bay, with the extent of the yellow line to be generally in accordance with Attachment 1 (#E2020/20126)**
- 2. That Council undertake community consultation prior to any changes.**

Foley, Shanahan, Cameron and Kehoe voted in favour of the motion.  
Nil voted against the motion.

- 3. That Council adopt the following Committee Recommendation(s):  
Report No. 6.2 Bayshore Drive - No Parking Area 1am-5am  
File No: I2020/439**

**Committee Recommendation 6.2.1**

**That Council support the installation of No Parking Area – (1am-5am) signs at approximate road chainage 1,400m.**

Foley, Shanahan, Cameron and Kehoe voted in favour of the motion.  
Nil voted against the motion.

- 4. That Council adopt the following Committee Recommendation(s):  
  
Report No. 6.3 Ocean Shores Public School  
File No: I2020/643**

**Committee Recommendation 6.3.1**

**That Council endorse the regulatory arrangements associated with the works undertaken at Ocean Shores Public School to help address safety concerns, as set out in this report.**

Foley, Shanahan, Cameron and Kehoe voted in favour of the motion.  
Nil voted against the motion.

- 5. That Council adopt the following Committee Recommendation(s):  
  
Report No. 6.4 Byron Street Connection - Shared Zone  
File No: I2020/676**

**Committee Recommendation 6.4.1**

**That Council support the establishment of a Shared Zone and one way traffic flow with the associated regulatory signage and linemarking. The location and design of the Shared Zone is to be generally in accordance with Attachment 1 (E2020/31355)**

Foley, Shanahan, Cameron and Kehoe voted in favour of the motion.  
Nil voted against the motion.



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

**Report No. 7.1 Paterson St, Byron Bay - Parking Concerns**

File No: I2020/573

**Committee Recommendation 7.1.1**

**That Council:-**

- 1. Prepare a parking Plan of Management for the following area and submit it to LTC for recommendations and Council for approval:-
  - i. Paterson Street from Lawson Street to the dead end;**
  - ii. Daniels Street, and**
  - iii. Kipling Street, Byron Bay.****
- 2. The Plan of Management is to consider the following options individually and in combination:-
  - i. Introducing 4P time limits;**
  - ii. Extending the Massinger Permit Scheme to the area;**
  - iii. Investigate opportunities to encourage Active Transport; and**
  - iv. Any other options identified during this process****

Foley, Shanahan, Cameron and Kehoe voted in favour of the motion.

Nil voted against the motion.

**7. That Council adopts the following Committee Recommendation(s) 8.1 as detailed in the Report, but also includes an additional recommendation presented under Management Recommendations:**

**Report No. 8.1 DA 10.2019.6161.1 - Mixed Use Commercial/ Residential Development, cnr Jonson & Browning Streets Byron Bay**

File No: I2020/545

**Committee Recommendations:**

- 1. That the Local Traffic Committee does not endorse the regulatory signs and devices as shown in Drawing Number 1300 Rev C, prepared by Planit, dated 09/03/2020, in Attachment 1 (E2020/26813).**
- 2. That Council consider the committee's comments.**

**Management Recommendations:**

**That Council:-**

- 1. Forward onto the applicant LTC comments and mark-ups and that amended plans be submitted to the Local Traffic Committee for review; and**
- 2. Endorse that where additional concerns remain in regards to regulatory matters the applicant is to work with LTC to resolve these concerns.**

**Report**

The attachment to this report provides the minutes which also contain any comments of the Local Traffic Committee Meeting of 12 May 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

[https://byron.infocouncil.biz/Open/2020/05/LTC\\_12052020\\_AGN\\_1200\\_AT\\_WEB.htm](https://byron.infocouncil.biz/Open/2020/05/LTC_12052020_AGN_1200_AT_WEB.htm)

**Committee Recommendation**

Committee recommendation 8.1 are supported by Management as detailed in the Report, but also includes an additional recommendation presented under Management Recommendations

**Committee Recommendations:**

1. That the Local Traffic Committee does not endorse the regulatory signs and devices as shown in Drawing Number 1300 Rev C, prepared by Planit, dated 09/03/2020, in Attachment 1 (E2020/26813).

2. That Council consider the committee's comments.

**Management Recommendations:**

That Council forward onto the applicant LTC comments and mark-ups and that amended plans be submitted to the Local Traffic Committee for review. Where additional concerns remain in regards to regulatory matters the applicant is to work with LTC to resolve these concerns.

**Management Comments**

Management believe an additional recommendation is appropriate to avoid potential confusion associated with Council resolving to approve the development application and LTC not endorsing the regulatory signs and devices. To address any potential confusion management recommends providing LTC feedback to the applicant to enable them an opportunity to modify the design and resolve any regulatory concerns.

In regards to the regulatory matters the representative from Transport for NSW commented the proposed regulatory signage was based on Austroads and not TfNSW approved signage. To meet his concerns TfNSW sent through to Council a mark-up of the development plans showing a signs and line marking layout that met TfNSW requirements. It is recommended the LTC comments and TfNSW mark-up be forwarded to the applicant and the amended plans be resubmitted to LTC for review of regulatory matters. Where additional concerns remain in regards to regulatory matters the applicant is to work with LTC to resolve these concerns.

**Financial Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 12 May 2020.

**Statutory and Policy Compliance Implications**

As per the Reports listed within the Local Traffic Committee Meeting of 12 May 2020.

**Report No. 14.4**      **Report of the Transport and Infrastructure Advisory Committee Meeting held on 19 May 2020**  
**Directorate:**      Infrastructure Services  
**Report Author:**      Dominika Tomanek, Executive Assistant Infrastructure Services  
**File No:**      I2020/865

**Summary:**

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 19 May 2020 for determination by Council.

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**RECOMMENDATION:**

1.    **That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 19 May 2020.**

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

**Report No. 4.1    Byron Integrated Transport Strategy**  
**File No: I2020/736**

**Committee Recommendation 4.1.1**

**That TIAC advise GTA that the following items are to be included in the DRAFT Byron Integrated Transport Strategy:-**


1.    **Provide addition facts, data and evidence within the body of the strategy to help make it more robust and usable for grant applications.**
2.    **Provide an Action Table at the end of the strategy with a 20 year horizon. The table is to outline recommended priorities in regards to (but not limited to) recommended works program; research, studies and investigations; future strategy and policy development; aligning existing programs, policies, masterplans and strategies.**
3.    **Provide a section presenting the regional context of Byron Shire Council. This section is to include the following scope of works:-**
  - a) **State what adjoining regional councils, including Gold Coast City Council are proposing in regards to rail corridors and how Byron Shire Council may connect in with adjoining Councils.**
  - b) **A description of key transport corridors connecting to and through Byron Shire Council.**
  - c) **Supporting facts, data and evidence. This does not include the need to undertake detailed statistical analysis and data extrapolation.**
4.    **That the ITMS revert to its original name, the Byron Shire Integrated Transport Strategy (BSITS).**
5.    **That the draft BSITS be redrafted to reflect the scope of the brief particularly as**

**follows:-**

- a) Local, regional and national transport situation analysis that describes the various policy layers and assumptions and contrasts these with an on ground reality check.**
- b) Trends, demography and other data that assists in the forecasting of transport movements and trip drivers to, from and within Byron Shire.**
- c) Review and amend to integrate existing BSC studies and projects.**
- d) Expand discussion on sustainable transport opportunities including an acknowledgement of climate change.**
- e) Understand and respond to unmet transport needs and accessible transport; and**
- f) Discuss the benefits and equity of insuring access to transport.**

**Attachments:**

5

- 1 Report 19/05/2020 Transport and Infrastructure Advisory Committee Byron Integrated Transport Strategy Extraordinary, I2020/736 

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**Report**

5 The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 19 May 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

[https://byron.infocouncil.biz/Open/2020/05/TIAC\\_19052020\\_AGN\\_1246\\_AT\\_EXTRA.PDF](https://byron.infocouncil.biz/Open/2020/05/TIAC_19052020_AGN_1246_AT_EXTRA.PDF)

**Committee Recommendation**

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

**Financial Implications**

15 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 19 May 2020.

**Statutory and Policy Compliance Implications**

20 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 19 May 2020.

**CONFIDENTIAL REPORTS - GENERAL MANAGER**

**Report No. 16.1**      **CONFIDENTIAL - Rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis Confidential**

**Directorate:**      General Manager  
**Report Author:**      Ralph James, Legal Counsel  
**File No:**      I2020/888

**Summary:**

On 28 May 2020 Council considered a staff report dealing with rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis and resolved to provide assistance.

On 3 June 2020 Council received a further request for assistance from the Society referred to in the report.

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**RECOMMENDATION:**

1. That pursuant to Section 10A(2)(b) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss the report Rent relief for commercial and non-profit tenants of Council during the COVID-19 crisis Confidential.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
  - a) discussion in relation to the personal hardship of a resident or ratepayer
3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:

The report contains information on the financial impact on the entity mentioned of the COVID-19 pandemic.

**Attachments:**

- 1 Confidential - Request for assistance, E2020/41165