



Byron Shire Council



Agenda

Ordinary Meeting

Thursday, 27 August 2020

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

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

Mark Arnold
General Manager

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL

ORDINARY MEETING

BUSINESS OF ORDINARY MEETING

1. PUBLIC ACCESS
2. APOLOGIES
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ORDINARY MEETING

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15. QUESTIONS WITH NOTICE

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

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

NOTICES OF MOTION

5 Notice of Rescission Motion No. 9.1
File No:

Brunswick Heads Parking Scheme Review
I2020/1010

We move that Council rescind Resolution No. 13.21 from its Ordinary meeting held on 25 June 2020 which reads as follows:

1. That Council note the staff report.
2. That Council defer consideration of the Brunswick Heads Parking Scheme Review until after 30 June 2021 due to the continuing impacts and uncertainties of the COVID-19 crisis.
3. That Council 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
4. That the report to the August 2021 Ordinary Meeting 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

If successful we intend to move:

- 10 1. That in relation to Consideration of proposed parking Scheme Changes within Brunswick Heads, Council:
 - 15 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
 - 20 b) Defer consideration of this report until 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
 - 25 d) Not introduce pay parking to the CBD and Beach Precincts as identified in Figure 1.1n and table 1.2b until parking occupancy rates return to 80%
- 30 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 Pay Parking Scheme for Brunswick Heads incorporating:

- 5
- 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.**

10 **Attachments:**

- 1 TPS Report - Brunswick Heads Parking Scheme Review 2020, E2020/29468 

- 15 **Signed: Cr Simon Richardson**
Cr Sarah Ndiaye
Cr Jeannette Martin

BYRON SHIRE COUNCIL

NOTICES OF MOTION AND RESCISSION

9.2

Notice of Rescission Motion No. 9.2

Main Beach Shoreline Project - preliminary options assessment and stakeholder engagement

File No:

I2020/1015

5

We move that Council rescind Resolution No. 20-347 from its Ordinary meeting held on 25 June 2020 which reads as follows:


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.*

If successful we intend to move:

10 **That Council call to extend the range of hard revetment concept designs presented by Bluecoast consulting engineers on 25 June 2020 (Res. No. 20-347) to include soft and hybrid designs in the mix. These designs to:**

- **better support beach recovery and resilience after storm events**
- **increase and improve social, cultural and recreational spaces at Main Beach**
- 15 • **enhance the protection of current built infrastructure and the town centre**

Attachments:

20 1 Rescission motion support information - Jonson Street Protection Works, E2020/60422 

Signed: **Cr Jan Hackett**
Cr Paul Spooner
25 **Cr Cate Coorey**


Notice of Motion No. 9.3 Pedestrian Safety and Amenity in Suffolk Park
File No: I2020/1160

I move that Council:

1. **Notes the advice from the Suffolk Park Progress Association regarding longstanding pedestrian access and safety issues on Broken Head Road, Beech Drive and Clifford Street.**
2. **Supports installation of marked pedestrian crossings as shown on the attached Pedestrian Amenity and Safety Plan at the following locations.**
 - a) **Broken Head Road adjacent to the nearby bus stops and the aged care home on the corner of Beech Drive.**
 - b) **Southern end of Beech Drive adjacent to bus stop at the existing raised platform on the road.**
 - c) **Clifford Street adjacent to the supermarket and shops.**
3. **Investigates further traffic calming and other treatments to slow traffic within the retail and service precinct as shown on the Pedestrian Amenity and Safety Plan including implementation of a 40kph or lower speed limit and a shared zone.**
4. **Notes that the proposed pedestrian crossings are consistent with project SP003 in the Bike Plan and projects SP003, SP005 and SP006 in the Pedestrian, Access and Movement Plan.**
5. **Refers the regulatory issues to the Local Traffic Committee to identify relevant regulatory requirements.**
6. **Identifies a funding pathway at the next Quarterly Budget Review and receive a further report.**

5

Attachments:

- 1 Suffolk Park Pedestrian Amenity and Safety Plan, E2020/58667 

10

Signed: Cr Basil Cameron

Councillor's supporting information:

- 15 The Suffolk Park community is cut in two by Broken Head Road.

Continuing residential growth on both sides of the road is exacerbating longstanding concerns regarding pedestrian safety and amenity in and around the retail and services precinct in Suffolk Park, centred around the Clifford Street/Broken Head Road intersection.

20

Councillors will recall the high number of submissions regarding cyclist and pedestrian safety that were received when the Bike Plan and PAMP were exhibited.

25

With the development of the sports fields on the west side, there is increasing foot and cycle movements by young people.

The main access point for residents on the west side is the southern end of Beech Drive intersection with Broken Head Road where residents negotiate a crossing to the east side at the roundabout. There is also an aged care facility on the north-west corner of this intersection.

- 5 The Suffolk Park Progress Association has provided the following advice.

What the Suffolk Park Progress Association (SPPA) are lobbying for is

- 10 *A marked Pedestrian Crossing on Broken Head Road near the RSL aged Care facility ideally close to the two bus stops that are situated on the east and west side of Broken Head Rd, and two more pedestrian crossings, one on southern end of Beech Drive near bus stop and another marked crossing on Clifford St. near IGA.*

We seek Council's support in lobbying the RMS via the councils Roads and Traffic committee to facilitate action to improve safety on the road for pedestrians crossing, not just the vulnerable aged community but also the young people.

- 15 *The Suffolk Park shopping facility is located on Clifford St east of Broken Head rd. and all residents from the west side of Broken Head rd, where our RSL home is located, have to cross the road to shop or go to the doctors and physio or to get to the beach. Likewise, our youth have to cross to the west side of Broken Head rd. to get to the main recreational facility in Suffolk (tennis courts, soccer field, main children's playground, skate park, cricket nets, BBQ facilities and soon to be completed bike pump track.*

- 20 *The Broken Head Rd. is now a main thoroughfare from the south into the Bay and is always busy and as you may well know is often a bottle neck into the Bay town ship.*

- 25 *Currently there is a traffic island right on the B.P. service station roundabout that has very poor visual security and not safe at all for the older residents or young people to use. I am a reasonably fit person and I have to be very cautious crossing there. In the last week there was a frighteningly close call with a person in a wheel chair who was almost hit by a car and he was using the traffic island.*

- 30 *Additional to a marked crossing on Broken Head Rd. we would also recommend some serious traffic smoothing options extending from Clifford St intersection north to past the RSL Age care facility and bus stops. Traffic smoothing should include reducing the speed limit to 40K per hour and a raised coloured road surface to clearly signify that traffic is now in a residential zone.*

Through traffic do not realise that they have entered a residents zone in our village.

The traffic flow is now that consistent that we would even suggest having a flashing traffic 40K signal as is used around school zones.

- 35 *Marked pedestrian crossings on Beech Drive and Clifford St. I believe should be an easier option being local roads. The Suffolk Community ask the council to act asap installing marked crossings on these two very busy village streets which will assist youth crossing to the sports fields on beach drive and the shoppers to cross safely on Clifford St,*

Donald Maughan

- 40 Suffolk Park Progress Association

Pedestrian Amenity and Safety Plan

The attached Pedestrian Amenity and Safety Plan indicates the approximate location of bus stops and proposed pedestrian crossings. The Plan also shows an investigation area for further traffic calming and pedestrian sharing treatments. A reduced speed limit of 40kph is recommended.

The crossing on Broken Head Road is proposed adjacent to the existing bus stops on either side near the RSL aged care facility.

5 The crossing on Beech Drive is proposed on the existing raised platform in the roadway as this is the spot that is regularly used by people crossing towards the sports fields. It is also adjacent to a bus stop.

The crossing on Clifford Street is proposed adjacent to the supermarket and nearby shops and services. There are also bus stops in this location not shown on the attachment.

Bike Plan and PAMP

10 The Bike Plan and PAMP both list three upgraded crossing points (SP003) at the Beech Drive intersection. All located on the roundabout, presumably as 'pedestrian refuges'. These are inadequate in such a high traffic area and in such proximity to the roundabout. The comments made by Donald Maughan regarding the near miss of a person in a wheelchair need to be seriously considered and addressed. As Donald notes, extreme vigilance is required at all times due to the layout of the roundabout and the service station access that runs off it. With a nearby
15 frail aged facility and increasing numbers of young people and cyclists, a safer and more useful approach would be to relocate the crossings to the locations shown on the Pedestrian Amenity and Safety Plan.

20 Bike Plan and PAMP project SP003 includes construct or upgrade of short sections of paths to link the crossings proposed in the motion to existing paths along Broken Head Road (east) to Clifford Street and also extend a shared path to the proposed Beech Drive crossing west from the roundabout. There is an existing path north of the roundabout on the east side of Broken Head Road linking to the proposed crossing point at the bus stop and PAMP project SP003 includes a path on the west side back to Beech Drive. PAMP project SP006 is for a path along Clifford Street from the Broken Head Road intersection. The projects referred to are all either high priority or
25 priority projects in the Bike Plan and PAMP.

In short the proposed Pedestrian Amenity and Safety Plan is consistent with both the Bike Plan and PAMP and the projects referred to can be modified to achieve a safer and more useful outcome.

30 **Staff comments by Andrew Pearce, Traffic Engineer, Infrastructure Services:**
(Management Comments must not include formatted recommendations – resolution 11-979)

Council does not have the delegated authority to install a marked (Zebra) pedestrian crossing without TfNSW approval.

35 In addition, TfNSW typically do not approve marked (Zebra) pedestrian crossing unless specific warrants have been met and this will require evidence from a detailed traffic and pedestrian movement assessment investigation and report in order to demonstrate the warrants are achieved such that the installation of a pedestrian crossing is supportable.

40 A road safety and site assessment review along with a speed zone review by TfNSW would normally be undertaken in conjunction with the traffic and pedestrian movement assessment to determine the requirements in terms of traffic calming facilities such as pedestrian crossings or refuges and TfNSW approval would also be required before Council could implement any reduced speed zone signage as TfNSW has the sole delegated authority to modify speed zones.
45

The Bike Plan and PAMP identify that crossings need to be upgraded however, detailed investigation is required to determine the nature of the facilities to be installed.

Council would also need to obtain concurrence from TfNSW for proposed works on Broken Head Road (MR545) as the road is a Regional Road.

5 Council has not undertaken any of these investigations to date and there is currently no identified funding source to do this work.

Warrants for pedestrian crossings are explained in the following TfNSW document:

- 10 • *Roads and Maritime Supplement to AS1742.10-2009: Manual of Uniform Traffic Control Devices – Part 10: Pedestrian control and protection – Version 3*

15 The following table is a brief summary of the TfNSW warrants. To explain the table, under Normal Warrants if the vehicle flow per hour is $V = 500$, then the minimum pedestrian flow per hour must be $P = 120$ people per hour for 3 hours (being $60,000 \div V$).

	Pedestrian flow per hour (P)	Vehicle flow per hour (V)	PxV
Normal Warrants ¹	≥ 30	≥ 500	$\geq 60,000$
Reduced Warrants#1 ²	≥ 30	≥ 200	-
Reduced Warrants#2 ³	≥ 30	≥ 20	$\geq 60,000$
Special Warrant ⁴	≥ 30	≥ 500	$45,000 \leq PxV \leq 60,000$

Notes:

- 1. Normal Warrant values must be met in three separate one hour periods in a typical day.
- 20 2. Reduced Warrants#1 apply where the site is used predominately by school children, is not suitable site for a Children's Crossing and (P) / (V) values are met in two counts of one hour duration immediately before and after school hours.
- 3. Reduced Warrants#2 apply if at least 50% of pedestrians using the crossing are aged or impaired and (P), (V) & (PxV) values are met in three one hour periods in a typical day.
- 4. Council must justify why this location is in need of a special crossing.

25 A refuge exists on the southern leg of the Beech Drive roundabout. Recently completed footpath and ramp works link the aged care home to this refuge.

30 As noted above, Council has not undertaken any traffic and pedestrian movement assessment investigations to date and Council currently does not have a method for surveying pedestrian traffic.

35 Council does not have any pedestrian data or traffic data at the specific locations proposed on Broken Head Road with the most recent traffic count locations being approximately 2km north and 1km south of Clifford Street.

Council has traffic data for Clifford Street but no traffic data for Beech Drive which may have less traffic movements than Clifford Street which provides access to beaches, commercial shops, child care and tourist accommodation.

40 Clifford Street does not meet the minimum vehicle flow per hour requirement of ≥ 500 to be considered a Special Warrant candidate.

Financial/Resource/Legal Implications:



45 Should Council wish to proceed further with the works proposed in the NOM a funding pathway would need to be determined as part of the next quarterly review process as these works are not funded under the current approved budget.

50 The combined projected balance for the Civic Improvements and Cycleway Developer Contributions reserves for 20/21 is an estimated \$336,000.

Is the proposal consistent with any Delivery Program tasks?

5 While the community request is consistent with Community Solutions Panel Recommendation 1 the request does not seem to have a specific Operational Plan Activity identified for works however, there is overlap with Operational Plan Activity 1.1.3.1 and 1.3.1.2. as shown below.

10

1.1.3.2	Deliver access ramp and footpath upgrades and renewals shire wide	Manager Works	Infrastructure Services	Access ramps and footpaths upgraded, in conjunction with planned capital projects or footpath renewal program, to leverage these works and improve DIAP access for community.	30-Jun-21	 DIAP Liveable Communities
1.3.1.2	Delivery prioritised Pedestrian and Access Mobility Plan (PAMP) facilities	Manager Works	Infrastructure Services	Program developed and ready to implement as funding permits	30-Jun-21	 DIAP Liveable Communities

Notice of Motion No. 9.4 Street Lighting in Butler Street
File No: I2020/1191

I move that given the invasive nature of highway lighting on homes along Butler Street, Council reappraise the number of streetlights and strength of the wattage used in the residential area of the Bypass.

Signed: Cr Jan Hackett

Councillor's supporting information:

Many complaints have been received re the newly design streetlights running along the Butler Street bypass.

Eg: *"Jan Hackett They are highway lights, don't you know the difference, they are completely invasive, I am on the back lane, one house back from Butler St, the lights are that high they light up inside my house like a tennis court, above the trees, above any houses, if thats not invasive I don't know what is"*

Other complainants spoke about their inability to sleep under such invasive lighting and its impact on their health.

While Essential Energy determined the wattage appropriate to be either 150W or 200W, later communications identified 100W would also be appropriate.

150W have been used and these are appropriate for the Bus depot and park stretch. However, it does seem highly invasive for a residential area. The lights are designed for a major highway, rather than a small bypass.

I note in other parts of Byron Bay, eg, Shirley St and Ewingsdale Road, lighting is not always continuous on both sides of the street. In residential areas lighting is more often than not, only on one side of the street, I imagine in consideration of residents living along any major road.

Given the amount of lighting designed for the Bus Depot and Railway Station precinct, together with these highway lights running along both sides of Butler Street as far as Glen Haven, residents in that vicinity indeed have an argument.

Could staff not reappraise the strength and number of the lights running beside Butler Street homes??

- 100W lamps and one side of the street only?
- height of streetlights and direction of beams?

Staff comments by Joshua Winter, Client Representative – Byron Bay Bypass, Infrastructure Services:

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

Council commissioned the design of the street lighting to be in accordance with Australian Standard 1158 (Street Lighting for Public Roads). The design elected the bypass as a sub-arterial road, selecting V5 category for the design of the lights, which is the lowest category of lighting on a road that is vehicle dominant (lower lighting is permissible in pedestrian dominant locations such as cul-de-sacs, parks and housing estates). Those roads are nominated as a P category, which is not acceptable for the Byron Bay town centre bypass.

Initially, because Essential Energy did not have a standard LED luminaire selection table, the designer nominated a 200W product as a trial that was agreed with Essential Energy (a trial of the LED product that was relatively new at the time). Once these were installed, it became apparent that the level of lighting was overdesigned and the project team then undertook a design check to determine the lowest level of lighting that would satisfy V5 category on the bypass.

The nominated supplier and product being Sylvania RoadLED, has luminaires in varying strengths, including 80W, 100W, 120W, 150W. The project team determined that the lowest luminaire that would satisfy V5 category is 100W, however unfortunately Essential Energy only allow 80W or 150W to be specified and this forced the project team to specify 150W luminaires. For 80W to comply, the location of the lanterns would need to be changed, and there would be more lanterns required to achieve the same level of light with a lower strength lantern. Furthermore, with a lower lantern height, there is less light spread which further requires more lanterns to achieve the required lighting.

150W is therefore required as the lowest luminaire that Essential Energy will accept that meets the Australian Standard design requirements mentioned above.

Numerous attempts by Council and the public have been made to Essential Energy to allow 100W luminaires, but no concession has been made. Staff have advised Essential Energy that there is insufficient budget for the project to pay for 100W lanterns, because we were already forced to purchase 150W lanterns. If Essential Energy revoke a previous decision, they will be required to fund the new 100W lanterns.

The project team have also sourced a product that reduces light spill, as a physical insert that will be installed into the luminaires, as well as another product that changes the angle of the lantern to face the light directly downward. These are yet to be installed but will be installed prior to completion of the project.

Financial/Resource/Legal Implications:

To relocate existing lantern locations and/or add additional lanterns to ensure that 80W luminaries comply with V5 category of AS1158 will require additional funding that the project has not allowed for and has insufficient funding for.

If 80W luminaires are installed in the current lantern locations, the lighting will not comply with AS1158 and Council will then accept liability by not providing sufficient lighting on the bypass if there was a traffic incident in the future.

Is the proposal consistent with any Delivery Program tasks?

No. The lighting on Butler Street has already been constructed in accordance with AS1158 and there is insufficient budget to reinstall alternate lanterns if Essential Energy revoke the previous decision and to now allow 100W luminaires.

Notice of Motion No. 9.5 Congratulations to Sue Walker of NPWS on her retirement
File No: I2020/1192

I move the Council:

1. **Notes the impending retirement of Sue Walker, National Parks and Wildlife Service (NPWS) Area Manager**
2. **Acknowledges the achievements of Sue in her 37 (TBC) years with NPWS; and**
3. **Sends a message of congratulations and thanks to Sue for her work for the community.**

5

Signed: Cr Cate Coorey

10

Councillor's supporting information:

Sue's first job was with the National Parks and Wildlife Service in 1983 was finalising the Rainforest Decision and preparation of the World Heritage nomination for the Subtropical and Temperate Rainforests of Eastern Australia (now Gondwana Rainforests Reserves of Australia).

15 She initiated the North East Forest Biodiversity Study, the first systematic regional flora and fauna survey in NSW and prepared the Wilderness Assessment Reports for most of our now protected Wilderness Areas.

Locally her roles included creating Cumbebin Swamp Nature Reserve and additions to Tyagrah Nature Reserve.

20

She represented NPWS in the North Ocean Shores Planning Inquiry and in stopping logging of the Blackbutt Plateau, now in Mount Jerusalem National Park, and Whian Whian.

From 1996 until 2001 Sue worked as a Senior Strategic Planner for Byron Shire Council. In that time she was instrumental in the establishment of community groups throughout the Shire for Local Area Management Plans to give the community a say in planning, resulting in the Byron Rural Settlement Strategy and amendments to the Byron Local Environmental Plan to satisfy community aspirations. This involved achieving negotiated outcomes with landowners in the North Ocean Shores, Broken Head and Skinners Shoot Planning Studies.

25

In 1999 Sue won a National Award from the Royal Australian Planning Institute and NSW Award from the Local Government and Shires Association for preparation of the Byron Rural Settlement Strategy and the Byron Flora and Fauna Study.

30

From 1994 she worked with the Arakwal elders, Yvonne Graham, Lorna Kelly, Linda Vidler and Dulcie Nicholls, in obtaining recognition of native title and negotiating 4 Indigenous Land Use Agreements resulting in creation of Arakwal National Park, Tea Tree Lake Aboriginal Area, as well as additions to Broken Head and Cumbebin Swamp Nature Reserves. In the process creating meaningful work for Arakwal people on country, giving them a real say in management and realising their land claims.

35

The Arakwal National Park was recognised by an IUCN award in 2003 for being the first national park in Australia to be created under a native title agreement.

In 2014 Arakwal National Park and Cape Byron State Conservation Area were the first reserves in the world included on IUCNs Green List for best practice in management of protected areas.

5 She supported the tourism industry by winning a number of NSW and National tourism awards for Cape Byron Lighthouse and the Arakwal Education Program, and having the Cape Byron Lighthouse included on State and National Heritage Lists.

Sue resolved contentious issues regarding management of The Pass, created the lighthouse road boardwalk, upgraded community facilities at Wategoes, The Pass, Cosy Corner and Broken Head.

Staff comments by Vanessa Adams, Director Corporate & Community Services,

10 If adopted, staff will prepare a letter for signature by the Mayor

Financial/Resource/Legal Implications:

Not applicable.

15 Is the proposal consistent with any Delivery Program tasks?

Not applicable.

Notice of Motion No. 9.6 International Campaign to Abolish Nuclear Weapons
File No: I2020/1193

I move that Council:

1. Acknowledges the victims and survivors of the atomic bombings of Hiroshima and Nagasaki, and the 75th anniversaries this year of these attacks – on 6 and 9 August respectively;
2. In commemoration of these anniversaries, endorses the International Campaign to Abolish Nuclear Weapons ‘Cities Appeal’, and publishes the public statement of endorsement, which reads as follows:

“Our Shire is concerned about the grave threat that nuclear weapons pose to communities throughout the world.

We firmly believe that our residents have the right to live in a world free from this threat. Any use of nuclear weapons, whether deliberate or accidental, would have catastrophic, far-reaching and long-lasting consequences for people and the environment.

Therefore, we warmly welcome the adoption of the Treaty on the Prohibition of Nuclear Weapons by the United Nations in 2017, and we call on our national government to sign and ratify it without delay.”;
3. Writes to inform the foreign minister, Senator the Hon Marise Payne, that Byron Shire has endorsed the ICAN Cities Appeal;
4. Issues a media release announcing that Byron Shire has joined the International Campaign to Abolish Nuclear Weapons ‘Cities Appeal’ and the call for the national government to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons;
5. Takes steps to ensure that funds administered by Byron Shire Council are not invested in companies that produce nuclear weapons, and
6. Notifies our local MPs, Tamara Smith, Ben Franklin and Justine Elliott and asks them also to support the International Campaign to Abolish Nuclear Weapons, and request that they also encourage the Australian government to sign and ratify the UN Treaty on the Prohibition of Nuclear Weapons.

5

Signed: Cr Cate Coorey

10

Councillor’s supporting information:

15

The 75th anniversaries earlier this month of the bombings of Hiroshima and Nagasaki on 6 and 9 August, present an opportunity for reflection, remembrance and action. Unfortunately, the threat of nuclear weapons has not been relegated to that of a bygone era, but remains a present and real threat of our times.

20

In the 1980’s, during the peak of the Cold War arms race, councils across Australia and many hundreds internationally, declared themselves nuclear-free zones. These declarations represented a grassroots participation in the humanitarian debate happening globally, at all levels of

government, with real-life implications for the health and security of constituents.

5 Thirty years on, instead of dismantling bombs and investing in healthcare and other essential services; nuclear weapons states continue to bolster their weapons arsenals and dismantle longstanding disarmament agreements. A recent ICAN report reveals how the nine nuclear-armed nations spent \$72.9 billion dollars on nuclear weapons in 2019 alone.

10 In response to these renewed and persistent nuclear threats, the world's non-nuclear weapons states have negotiated the first international legal instrument to comprehensively outlaw nuclear weapons, setting out a pathway for their elimination. As other nuclear arms control agreements are undermined or collapsing, this new accord provides a much-needed pathway forward.

15 The United Nations Treaty on the Prohibition of Nuclear Weapons prohibits nations from developing, testing, producing, manufacturing, transferring, possessing, stockpiling, using or threatening to use nuclear weapons – or allowing nuclear weapons to be stationed on their territory. Adopted at the United Nations in 2017, it also prohibits them from assisting, encouraging or inducing anyone to engage in any of these activities.

20 Australia has not yet joined the Treaty. Now, just as in the 1980s, it is in the hands of everyday people to put the treaty in front of our decision-makers and office-holders, to indicate our support for Australia's ratification.

25 Australia has joined the treaties prohibiting other inhumane and indiscriminate weapons including biological weapons, chemical weapons, landmines and cluster munitions. It is inevitable that we also join the nuclear weapon ban treaty.

30 The International Campaign to Abolish Nuclear Weapons Cities Appeal is the mechanism by which councils can engage and participate in the nuclear weapons debate of our time. Nuclear disarmament is council business because civilians, cities and towns are the targets of these weapons of mass destruction.

27 Councils across Australia have already endorsed the Cities Appeal, calling on our federal government to sign and ratify this treaty without delay.

35 We now invite you to join them, with an endorsement of the Cities Appeal in the same month as the 75th anniversary of the bombings of Hiroshima and Nagasaki.

40 The most powerful way to honour the victims and survivors of nuclear weapons is to progress the elimination of these abhorrent weapons. We must not tolerate their existence or accept security frameworks based on nuclear incineration. The mindset that bestows prestige on nuclear arms is immoral, illogical and illegitimate.

45 The COVID-19 pandemic continues to demonstrate the fragility of global public health systems and the power of cooperation among nations. Our world is not equipped for a single nuclear detonation, a catastrophe that can be avoided with diplomacy and negotiation.

Staff comments by Vanessa Adams, Director Corporate and Community Services,

50 If adopted, staff will prepare correspondence for signature by the Mayor, media release and take steps to address the investment issue, noting that it is not possible to determine where major funds are invested in every respect, nor can Council control where financial institutions invest funds.

Financial/Resource/Legal Implications:

55 The actions will be undertaken within existing budget allocation.

Is the proposal consistent with any Delivery Program tasks?

The actions are consistent with the role of Council to lobby State and Federal Government on actions endorsed by Council on behalf the Shire's community.

PETITIONS

Petition No. 10.1 **Safer Communities - Waterlily Park**
Directorate: Infrastructure Services
5 **Report Author:** Michael Matthews, Manager Open Space and Resource Recovery
File No: I2020/933

10 *"We the local community support BSC's application for safer communities grant, to provide high tech surveillance relayed from Waterlily Park, Ocean Shores directly back to Byron Council and the Police to protect the assets, Playscape equipment and facilities that have been provided for the community's recreation and enjoyment in this park; deter vandals put an end to racist remarks being painted inside the public toilets and on park furniture within this Park"*

Comments from Director Infrastructure Services, Phil Holloway:

20 The matters described in the petition and supporting documents, requesting the seeking of funds for CCTV installation and management are considered to be for the purpose of property protection and deterrence of anti-social behaviours.

25 It is acknowledged by staff that the matters as described create nuisance and impact amenity and enjoyment of the park by the community. In response to the petition, Council staff will review Crime Prevention through Environmental Design (CPTED) measures including appropriate signage.

30 The installation of CCTV for reasons of property protection and the deterrence of anti-social behaviour at this location is not supported by staff at this stage as the above mentioned matters are considered to be better managed by other CPTED measures. Staff notes that no approach from the NSW Police for CCTV installation for this park has been received to date. In general, requests and consideration of CCTV facilities in public open spaces is in response to serious concerns with community safety and or crime at a location.

35

RECOMMENDATION:

1. That the petition regarding Safer Communities - Waterlily Park be noted.
2. That the petition be referred to the Director Infrastructure Services.

Attachments:

- 40
- 1 Confidential - Petition from Tina Petroff with 332 Signatures regarding for Safer Communities Waterlily Park, E2020/45782
 - 2 Confidential - Letter from Tina Petroff regarding Petition Safer Communities - waterlily park, E2020/45775

Petition No. 10.2 **Protection of Mooibal Spur track - E2 zoning and masterplan for remaining Tallowood subdivision**

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy

5 **File No:** I2020/1037

Council is in receipt of a petition containing 121 signatures which seeks:

- 10 1. *Confirmation that if Mr Freeman fails to honour his previous verbal commitment to consent to an E2 zoning for the Mooibal Spur before Council considers the current for stages 8 and 9, Council will impose a formal consent condition requiring developer consent to the E2 zoning;*
- 15 2. *Clarification of the funding commitment to ensure this inclusion in E2 zone proceeds;*
3. *Clarification of Councils' strategy to ensure that the E2 zoning can be honoured if relevant land passes into private ownership, in particular that no clearing or tree felling can take place;*
- 20 4. *Confirmation that Council will require (and enforce the requirement the developer perform the weed control commitments set out in the Biodiversity Conservation Management Plan ordered by the court before approving stages 8 and 9; and*
- 25 5. *A commitment to require appropriate and legally secure public access to Mooibal Spur from stages 6 and 7 as well as from the proposed new bikeway at the far end of stage 9; and*
6. *A commitment to require "dedication" of the land on which the track lies to public ownership as a condition of approval of stages 8 and 9.*
- 30

Comments from Director of Sustainable Environment and Economy:

35 The matters raised 1-6 in the petition relate to either development application and planning proposal matters that are currently the subject of staff assessment.

40 <https://www.byron.nsw.gov.au/Services/Building-development/Planning-in-progress/Environmental-Zones-E-Zones?BestBetMatch=e%20zoning|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

45 <http://actus:1091/masterviewui-external/application/advancedsearchresult?RemoveUndeterminedApplications=False&ApplicationYear=2020&ApplicationNumber=97&ApplicationType=5%2C10%2C11%2C13%2C16&DateFrom=&DateTo=&DateType=1&ApplicationDescription=&StreetNumberFrom=&StreetNumberTo=&StreetName=&SuburbName=&LotNumber=&PlanNumber=>

50 <http://actus:1091/masterviewui-external/application/advancedsearchresult?RemoveUndeterminedApplications=False&ApplicationYear=2020&ApplicationNumber=109&ApplicationType=5%2C10%2C11%2C13%2C16&DateFrom=&DateTo=&DateType=1&ApplicationDescription=&StreetNumberFrom=&StreetNumberTo=&StreetName=&SuburbName=&LotNumber=&PlanNumber=>

55 Each of these matters raised where applicable and or legally appropriate will be considered by staff and reported to Council as part of either the development application and planning proposal process by or before the end of the year.

RECOMMENDATION:

1. That the petition regarding The Protection of Mooibal Spur Track be noted.
2. That the petition be referred to the Director Sustainable Environment and Economy.

5 Attachments:

- 1 Confidential - Petition - Regarding Protection of Mooibal Spur Track (121 Signatures), S2020/6434

SUBMISSIONS AND GRANTS

Report No. 11.1 **Grants and Submissions Report for August 2020**

Directorate: Corporate and Community Services

5 **Report Author:** Alexandra Keen, Grants Coordinator

File No: I2020/1141

10 **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.

15

RECOMMENDATION:

That Council notes the report and Attachment 1 (E2020/57767) for Byron Shire Council's Submissions and Grants as at 3 August 2020.

Attachments:

20 1 Grant Submission Report - August 2020, E2020/57767 

REPORT

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

5 Successful applications

Council was successful in obtaining a combined \$2,298,891 of funding from the Fixing Local Roads 2019 program, and a grant from NSW Department of Industry, Planning and Environment for a project for Koala Food for the Future.

10

Unsuccessful applications

Council was unsuccessful in securing funding for Building Better Regions Fund Round 4, Clubsgrants Infrastructure Stream, and the Flying Fox Grant Program.

15

Applications submitted

Two grant applications were submitted in July 2020 under the Crown Reserves Improvement Fund for:

20

- weed eradication activities at Summers Park, Mullumbimby;
- replacing the public toilet block at South Beach Road, Brunswick Heads.

Upcoming grant opportunities

25

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

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- Safer Roads Program and Black Spot Program;
- Fixing Country Roads 2020;
- Combating Illegal Dumping: Clean Up and Prevention Program; and
- Habitat Action Grants.

STRATEGIC CONSIDERATIONS

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Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

5 If Council is successful in obtaining the identified grants, more than \$9.6 million would be achieved which would provide significant funding for Council projects. Some of the grants require a contribution from Council (either cash or in-kind) and others do not. Council's contribution is funded.

The potential funding and allocation is noted below:

Requested funds from funding bodies	\$9,687,076
Council cash contribution	\$2,633,850
Council in-kind contribution	\$182,255
Other contributions	\$39,199
Funding applications submitted and awaiting notification (total project value)	\$12,542,380

10

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 **Request to change Railway Park Artisan Market day for one market only**

5 **Directorate:** General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2020/1129

10 **Summary:**

15 The Byron Bay Community Association Incorporated requests a variation to its Railway Park Artisan Market Licence to move the market scheduled on Saturday 26 September 2020 to Friday 25 September 2020 due to a clash with the monthly Byron community market.

RECOMMENDATION:

That Council, authorise the General Manager, under delegation, to vary the Railway Park Artisan Market Licence held by the Byron Bay Community Association Incorporated to move the scheduled 26 September 2020 market to 25 September 2020.

20

REPORT

Council resolved (**16-001**) to grant a Market Licence to the Byron Bay Community Association Incorporated ('BBCA') to operate a weekly artisan market on each Saturday in Railway Park.

5 Council then resolved (**18-350**) to suspend the Railway Park artisan markets for the entire period of the upgrade and to give the BBCA the discretion to close the markets during winter months if participation rates fell.

10 Since the grant of the Market Licence for artisan markets at Railway Park to BBCA in 2016, the BBCA was required to close the market for eight months during an upgrade to Railway Park, has had to suspend the markets due to poor participation during cooler winter months and more recently suffered a completed shut down due to COVID-19.

15 COVID shutdown:

The BBCA was forced to close the Railway Park Artisan Markets from mid March 2020 due to the COVID-19 pandemic. Following NSW Public Health COVID guidelines, non-food markets may now open with a compliant COVID-19 Safety Plan.

20 The BBCA has provided Council with its COVID-19 Safety Plan for the re-opening of the market at the end of September to coincide with school holidays.

Request to move market day for one market only:

25 The BBCA requests that Council vary its market licence to move the scheduled Railway Park artisan market from Saturday 26 September 2020 to Friday 25 September 2020 only. The move is requested to avoid a clash with the monthly Byron Community market that is scheduled for Saturday 26 September 2020.

30 This report recommends that Council approves the change in one Railway Park Artisan Market date from 26 September to 25 September 2020.

STRATEGIC CONSIDERATIONS

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.7	Support range of existing, emerging and major events	2.1.7.3	Administer licences for weddings, events, activities and filming on council and crown land

Legal/Statutory/Policy Considerations

40 ***Local Government Act 1993 (NSW)***

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

(1) *This section applies to a lease, licence or other estate in respect of community land granted for a period that (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.*

45 (2) *If a council proposes to grant a lease, licence or other estate to which this section applies—*
 (a) *the proposal must be notified and exhibited in the manner prescribed by section 47, and*
 (b) *the provisions of section 47(3) and (4) apply to the proposal, and*

(c) on receipt by the council of a written request from the Minister, the proposal is to be referred to the Minister, who is to determine whether or not the provisions of section 47(5)–(9) are to apply to the proposal.

5 (3) If the Minister, under subsection (2)(c), determines that the provisions of section 47(5)–(9) are to apply to the proposal—

(a) the council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1)–(8), and

(b) section 47(9) has effect with respect to the Minister's consent.

10 **Financial Considerations**

Nil

Consultation and Engagement

15

Nil

Report No. 13.2 **Licence to the Durrumbul Community Preschool Incorporated**
Directorate: General Manager
Report Author: Paula Telford, Leasing and Licensing Coordinator
File No: I2020/1159

5

Summary:

10 The Durrumbul Community Preschool Incorporated ('the Preschool') holds a ten year licence that will expire on 30 June 2024. The Preschool has requested a new long-term licence to be eligible for grant funding.

RECOMMENDATION:

That Council, as the Crown Land Manager for Reservation 55796, delegate to the General Manager the authority to negotiate and enter into a new licence with the Durrumbul Community Preschool Incorporated over part Lot 5 DP 832186 as follows:

- a) **for a term of ten (10) years;**
- b) **for the purpose of early childhood education and care;**
- c) **annual rent set by the value of minimum Crown and thereafter increased by CPI all groups Sydney;**
- d) **the Licensee to pay all outgoings other than annual fixed rates and charges;**
- e) **all non-structural maintenance to be carried out by the Licensee at the Licensee's cost; and**
- f) **the Licensor to provide subsidised rent to the value of market rent as calculated at 6% of the land Unimproved Capital Value less rent payable by the Licensee set at minimum Crown rent.**

15

REPORT

5 The Durrumbul Community Preschool Incorporated ('the Preschool') has contacted Council for a long-term licence for eligibility for grant funding. The Preschool has three years remaining on its current licence and because of this it is not eligible for grant funding.

The Land:

10 The Preschool occupies the old Durrumbul Hall located on Crown land managed by Council. Reserve R55796 being folio 5/832186 was reserved from sale for public recreation on 10 November 1922 and later expanded to include community purposes. The Reservation is part of the Widjabal Clan Native Title claim that is yet to be determined.

Proposed Licence:

15 The Preschool is a registered charity (25 358 409 498) and approved childcare provider (PR-00004592) and holder of a current ten year licence that expires on 30 June 2024. The Preschool has requested a longer term licence for eligibility to apply for grant funding to urgently update the schools ageing toilet block and to install wheel chair access.

20 The proposed licence is to commence 1 September 2020.

Legislative authority to grant proposed licence:

25 Council as the Crown Land Manager for reservation R55796 may grant a new licence prior to adopting a Plan of Management over the reserve under clause 70(2)(c) *Crown Land Management Regulations 2018* (NSW) if:

- 30 a) a licence was in place immediately before 1 July 2018; and
b) no additional permitted uses of the land.

35 The Pre-school held a Crown licence on 1 July 2018 for the purpose of community pre-school. The proposed new licence would be offered under same the same terms as the current licence, therefore no additional permitted uses of the land.

Subsidies:

- a) Rent:

40 Council's Children's Services Policy provides that Council will continue to support community pre-schools in the Shire by the provision of land and/or buildings for the delivery of services to children aged 3 – 5 years at nominal costs to the pre-school.

45 As a result, this report recommends that Council would provide subsidise rent to the Preschool in accordance with the following calculations:

- 50 i. Market rent is calculated at 6% of the Unimproved Capital Value (UCV) of the land;
ii. Rent payable by the Preschool is set at the value of minimum Crown rent as determined by clause 38 of the *Crown Lands Management Regulations 2018* (NSW) and thereafter increased annually by CPI all Groups Sydney; and
iii. Council subsidise rent to the value of Market rent less minimum Crown Rent (exclusive of GST).

- b) Outgoings payable by the Preschool

Council’s Policy 12/008 Section 356 Donations, Rates, Water and Sewerage Charges provides for financial assistance donations by Council to eligible not for profit organisations for fixed rates and charges accordance with section 356 of the *Local Government Act 1993* (NSW).

- 5 This report also recommends that Council provide financial assistance to the Preschool to the value of annual fixed rates and charges.

Direct negotiation:

- 10 Council is permitted to directly negotiate when the value of the licence is very low relative to the cost of conducting a competitive offer. Rent payable under the proposed is the value of minimum Crown rent currently \$490 per annum exclusive GST being relatively low compared to the average cost to run a tender being upward of \$7,000.

- 15 Asset maintenance:

- 20 To ensure the ongoing maintenance of Council’s asset, a building audit report has been requested. All non-structural building defects identified in that report will be passed to the Preschool to repair at its cost. The proposed licence will require the Preschool to report annually to Council by 31 December listing all repairs completed.

Native title:

- 25 The proposed licence can be validated as a future act under s24JA of the *Native Title Act* because the historical reservation of the land from sale took place prior to 23 December 1996.

- 30 As the proposed act does not involve the construction of a public work there is no notification requirement, however Council will voluntarily notify of the proposed licence. Council may be liable for compensation under the provisions of the *Native Title Act 1993* (Cth) and *Crown Land Management Act 2016* (NSW) for the impact on native title rights and interests by the proposed licence.

STRATEGIC CONSIDERATIONS

- 35 ***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.2	Support access to a wide range of services and activities that contribute to the wellbeing of all members of the Byron Shire community	2.2.2	Support and facilitate accessible, high quality early childhood education and activities	2.2.2.1	Improve direct service provision and sector development to provide quality accredited early childhood education

Legal/Statutory/Policy Considerations

- 40 *Clause 70 Exemption from operation of section 3.22 of Act for granting licences and leases during initial period*
- (1) *This clause applies to a council manager of dedicated or reserved Crown land during the initial period referred to in section 3.23 of the Act (the pre-POM Crown land) until whichever of the following occurs first:*
- 45 (a) *the council adopts its first plan of management for the land for the purposes of section 3.23 of the Act,*

- (b) the land is classified as operational land with Minister's consent under section 3.22 of the Act.
- (2) The council manager is exempt from the operation of section 3.22 of the Act in respect of the following:
- 5 (c) the granting of a new lease or licence over pre-POM Crown land for a term not exceeding the maximum term if:
- (i) there was a lease or licence in force over the land immediately before 1 July 2018, and
- (ii) there are no additional permitted uses of the land,
- (3) In this clause:
- 10 existing lease or licence means a lease or licence in force immediately before 1 July 2018.
maximum term of a lease or licence means a term (including any option for the grant of a further term) of:
- (a) 21 years in the case of the following:
- (i) the renewal of an existing lease as referred to in subclause (2) (b),
- 15 (ii) the granting of a new lease as referred to in subclause (2) (c),
(iii) the granting of a new lease or licence as referred to in subclause (2) (f), or
- (b) 5 years in any other case.

Financial Considerations

20 The unimproved value of Folio 5/832186 is \$230,000.

This report is proposing that Council provides subsidised rent under the lease to the value of 6% of the unimproved capital value of the land (\$13,800) less rent payable by the Preschool at the value of minimum Crown rent (\$490) equals a total subsidy for year one at \$13,310 excluding GST.

25 The Pre-School must pay all outgoings except the value of annual general land rents.

Consultation and Engagement

30 Nil

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 13.3 Council Investments - 1 July 2020 to 31 July 2020

Directorate: Corporate and Community Services

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

File No: I2020/1152

10 **Summary:**

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

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

RECOMMENDATION:

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

20

REPORT

5 Council has continued to maintain a diversified portfolio of investments. At 31 July 2020, the average 90 day bank bill rate (BBSW) for the month of July 2020 was 0.10%. Council's performance to 31 July 2020 was 1.22%. 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.

10

The table below identifies the investments held by Council as at 31 July 2020

Schedule of Investments held as at 31 July 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%	1,046,700.00
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,152,260.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/03/24	Y	B	3.00%	1,091,930.00
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,126,670.00
21/11/19	1,000,250	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,028,020.00
27/11/19	500,000	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	522,906.50
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	1.02%	1,010,430.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.93%	753,337.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	1.40%	502,890.00
07/12/18	2,000,000	Credit Union Australia	Y	BBB	07/12/20	Y	TD	3.02%	2,000,000.00
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
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
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
06/02/20	1,000,000	My State Bank	Y	NR	06/08/20	Y	TD	1.70%	1,000,000.00
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
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	Y	NR	20/08/20	Y	TD	1.30%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.3

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
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	Y	BBB	11/08/20	N	TD	1.27%	1,000,000.00
12/05/20	1,000,000	The Mutual Bank	Y	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	Y	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
02/06/20	1,000,000	The Mutual Bank	N	NR	13/10/20	N	TD	1.25%	1,000,000.00
02/06/20	1,000,000	AMP Bank	N	BBB	01/12/20	N	TD	1.60%	1,000,000.00
09/06/20	2,000,000	NAB	N	AA-	07/09/20	N	TD	0.90%	2,000,000.00
02/06/20	1,000,000	ME Bank	N	BBB	01/12/20	N	TD	1.13%	1,000,000.00
30/06/20	1,000,000	The Mutual Bank	N	NR	28/10/20	N	TD	1.05%	1,000,000.00
03/06/20	1,000,000	Auswide Bank	Y	NR	02/12/20	N	TD	1.15%	1,000,000.00
30/06/20	1,000,000	Coastline Credit Union	N	NR	28/10/20	N	TD	1.05%	1,000,000.00
30/06/20	1,000,000	Coastline Credit Union	N	NR	30/09/20	N	TD	1.05%	1,000,000.00
24/07/20	2,000,000	Bank of Queensland	N	BBB+	19/07/21	N	TD	0.90%	2,000,000.00
28/07/20	1,000,000	ME Bank	N	BBB	29/01/21	Y	TD	0.63%	1,000,000.00
28/07/20	1,000,000	The Capricornian	Y	NR	27/10/20	Y	TD	0.70%	1,000,000.00
29/07/20	2,000,000	Macquarie Bank Ltd	N	A	28/10/20	N	TD	0.50%	2,000,000.00
30/07/20	1,000,000	Judo Bank	N	NR	30/07/21	N	TD	1.25%	1,000,000.00
N/A	8,544,114.27	CBA Business Saver	N	AA-	N/A	N	CALL	0.55%	8,544,114.27
N/A	2,509,928.18	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	0.55%	2,509,928.18
N/A	11,098,903.49	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.15%	11,098,903.49
Total	68,901,546.94						AVG	1.48%	69,388,090.94

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

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

Note 3.

Type	Description	
B	Bonds	Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.
FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
TD	Term Deposit	Principal does not vary during investment term. Interest payable is fixed at the rate invested for the investment

CALL Call Account

term.
Principal varies due to cash flow demands from deposits/withdrawals, interest is payable on the daily balance.

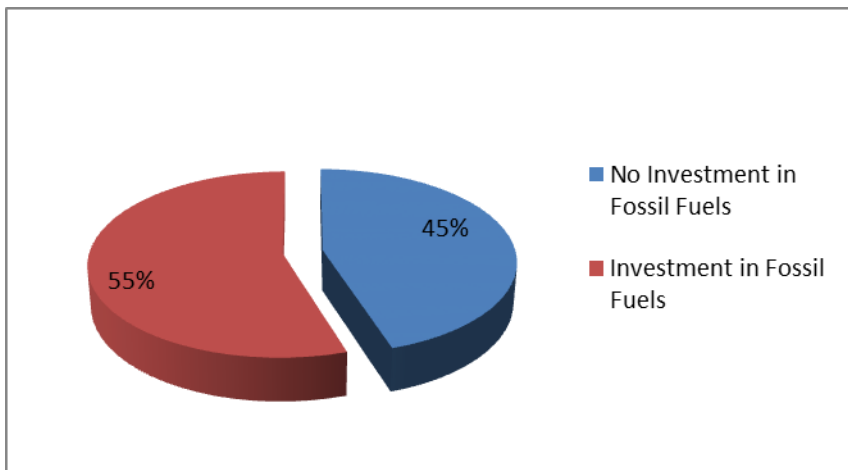
Environmental and Socially Responsible Investing (ESRI)

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

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

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

- 20 1. \$1,000,000 investment with the National Australia Bank maturing on 24 March 2022 known as a Social Bond that promotes Gender Equity.
- 25 2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.



Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	56%	Meets policy
A+ to A-	A1	60%	4%	Meets policy
BBB to NR	A2,NR	40%	40%	Meets policy

30 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).

5 Associated Risk

10 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.

The investment portfolio is outlined in the table below by investment type for the period 1 July 2020 to 31 July 2020:

15 **Dissection of Council Investment Portfolio as at 31 July 2020**

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
39,000,001.00	Term Deposits	39,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,266,657.50	16,657.50
8,544,114.27	CBA Business Saver	8,544,114.27	0.00
2,509,928.18	CBA Business Saver – Tourism Infrastructure Grant	2,509,928.18	0.00
11,098,903.49	NSW Treasury Corp	11,098,903.49	0.00
5,498,600.00	Bonds	5,968,486.50	469,886.50
68,901,546.94		69,388,090.94	486,544.00

20 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.

25 The table below provides a reconciliation of investment purchases and maturities for the period of 1 July 2020 to 31 July 2020 on a current market value basis.

Movement in Investment Portfolio – 31 July 2020

Item	Current Market Value (at end of month) \$
Opening Balance at 1 July	75,857,965.23
Add: New Investments Purchased	7,000,000.00
Add: Call Account Additions	8,000,000.00
Add: Interest from Call Account	18,521.16
Less: Investments Matured	9,000,000.00
Add: T Corp Additions	4,000,000.00
Add: Interest from T Corp	11,604.55
Less: Call Account Redemption	6,500,000.00
Less: T Corp Redemption	10,000,000.00
Plus: Fair Value Movement for period	0.00
Closing Balance at 31 July 2020	69,388,090.94

Term Deposit Investments Maturities and Returns – 1 July 2020 to 31 July 2020

5

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
1,000,000.00	Australian Military Bank	02/07/2020	365	2.12%	21,200.00
1,000,000.00	ME Bank	09/07/2020	273	1.58%	11,817.53
2,000,000.00	Bank of Queensland	24/07/2020	182	1.60%	15,956.16
2,000,000.00	Macquarie Bank	29/07/2020	91	1.25%	6,232.88
1,000,000.00	Judo Bank	30/07/2020	182	1.85%	9,224.66
1,000,000.00	Summerland Credit Union	23/07/2020	91	1.60%	3,989.04
1,000,000.00	The Capricornian	27/07/2020	91	1.60%	3,989.04
9,000,000.00					72,409.31

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

10

Dissection of Council's Cash Position as at 31 July 2020

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	39,000,001.00	39,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,266,657.50	16,657.50
CBA Business Saver	8,544,114.27	8,544,114.27	0.00
CBA Business Saver – Tourism Infrastructure Grant	2,509,928.18	2,509,928.18	0.00
NSW Treasury Corp	11,098,903.49	11,098,903.49	0.00

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Bonds	5,498,600.00	5,968,486.50	469,886.50
Total Investment Portfolio	68,901,546.94	69,388,090.94	486,544.00
Cash at Bank			
Consolidated Fund	638,210.65	638,210.65	0.00
Total Cash at Bank	638,210.65	638,210.65	0.00
Total Cash Position	69,539,757.59	70,026,301.59	486,544.00

STRATEGIC CONSIDERATIONS

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.6	Identification of ethical investment opportunities with environmental and social inclusion outcomes

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Report No. 13.4 **Council Investments - 1 June 2020 to 30 June 2020**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/955

5

Summary:

10 This report includes a list of investments and identifies Council's overall cash position for the period 1 June 2020 to 30 June 2020 for information.

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

15

RECOMMENDATION:

That the report listing Council's investments and overall cash position as at 30 June 2020 be noted.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

REPORT

5 Council has continued to maintain a diversified portfolio of investments. At 30 June 2020, the average 90 day bank bill rate (BBSW) for the month of June 2020 was 0.09%. Council's performance to 30 June was 1.39%. 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.

10

The table below identifies the investments held by Council as at 30 June 2020

Schedule of Investments held as at 30 June 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%	1,046,700.00
15/11/18	980,060	NSW Treasury Corp (Green Bond)	N	AAA	15/11/28	Y	B	3.00%	1,152,260.00
20/11/18	1,018,290	QLD Treasury Corp (Green Bond)	N	AA+	22/11/24	Y	B	3.00%	1,091,930.00
28/03/19	1,000,000	National Housing Finance & Investment Corporation	Y	AAA	28/03/31	Y	B	2.38%	1,126,670.00
21/11/19	1,000,250	NSW Treasury Corp (Sustainability Bond)	N	AAA	20/03/25	Y	B	1.25%	1,028,020.00
27/11/19	500,000	National Housing Finance & Investment Social Bond	Y	AAA	27/05/30	Y	B	1.57%	522,906.50
31/03/17	1,000,000	CBA Climate Bond	Y	AA-	31/03/22	Y	FRN	1.02%	1,010,430.00
16/11/17	750,000	Bank of Queensland	Y	BBB+	16/11/21	N	FRN	1.93%	753,337.50
30/08/18	500,000	Bank Australia Ltd (Sustainability Bond)	Y	BBB+	30/08/21	Y	FRN	1.40%	502,890.00
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
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
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
25/03/20	1,000,000	TCorp Green Deposit	N	AAA	25/09/20	N	TD	0.57%	1,000,000.00

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.4

Purch Date	Principal (\$)	Description	CP*	Rating	Maturity Date	No Fossil Fuel	Type	Interest Rate Per Annum	Current Value
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	Y	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	Y	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
02/06/20	1,000,000	The Mutual Bank	N	NR	13/10/20	N	TD	1.25%	1,000,000.00
02/06/20	1,000,000	AMP Bank	N	BBB	01/12/20	N	TD	1.60%	1,000,000.00
09/06/20	2,000,000	NAB	N	AA-	07/09/20	N	TD	0.90%	2,000,000.00
02/06/20	1,000,000	ME Bank	N	BBB	01/12/20	N	TD	1.13%	1,000,000.00
30/06/20	1,000,000	The Mutual Bank	N	NR	28/10/20	N	TD	1.05%	1,000,000.00
03/06/20	1,000,000	Auswide Bank	Y	NR	02/12/20	N	TD	1.15%	1,000,000.00
30/06/20	1,000,000	Coastline Credit Union	N	NR	28/10/20	N	TD	1.05%	1,000,000.00
30/06/20	1,000,000	Coastline Credit Union	N	NR	30/09/20	N	TD	1.05%	1,000,000.00
N/A	7,029,189.87	CBA Business Saver	N	AA-	N/A	N	CALL	1.20%	7,029,189.87
	2,506,331.42	CBA Business Saver – Tourism Infrastructure Grant	N	AA-	N/A	N	CALL	1.20%	2,506,331.42
N/A	17,087,298.94	NSW Treasury Corp	N	AAA	N/A	Y	CALL	0.15%	17,087,298.94
Total	75,371,421.23						AVG	1.48%	75,857,965.23

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
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Note 3. Type Description
 B Bonds Principal can vary based on valuation, interest payable via a fixed interest, payable usually each quarter.

FRN	Floating Rate Note	Principal can vary based on valuation, interest payable via a floating interest rate that varies each quarter.
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CALL	Call Account	Principal varies due to cash flow demands from deposits/withdrawals, interest is payable on the daily balance.

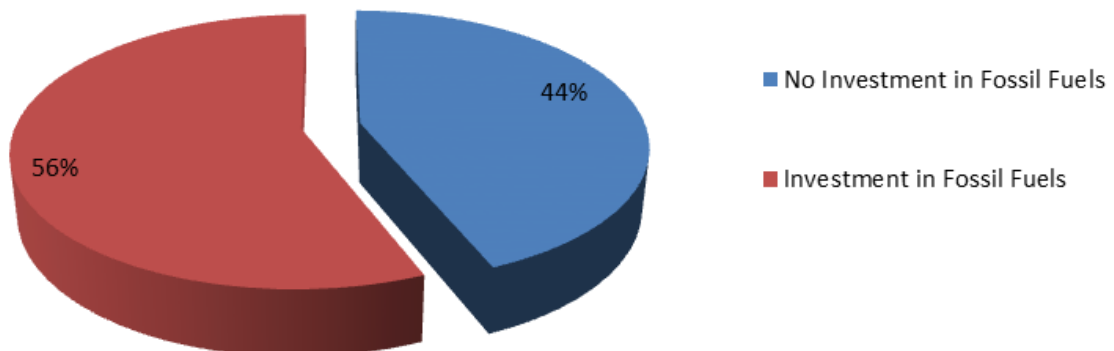
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- 25 2. \$1,000,000 investment with Commonwealth Bank maturing on 31 March 2022 known as a Climate Bond.



Investment Policy Compliance

Investment policy compliance			ACTUAL	Variance
% per institution should not exceed the following				
AAA to AA	A1+	100%	56%	Meets policy
A+ to A-	A1	60%	4%	Meets policy
BBB to NR	A2,NR	40%	40%	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 June 2020 to 30 June 2020:

Dissection of Council Investment Portfolio as at 30 June 2020

Principal Value (\$)	Investment Linked to:	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
41,000,001.00	Term Deposits	41,000,001.00	0.00
2,250,000.00	Floating Rate Note	2,266,657.50	16,657.50
7,029,189.87	CBA Business Saver	7,029,189.87	0.00
2,506,331.42	CBA Business Saver – Tourism Infrastructure Grant	2,506,331.42	0.00
17,087,298.94	NSW Treasury Corp	17,087,298.94	0.00
5,498,600.00	Bonds	5,968,486.50	469,886.50
75,371,421.23		75,857,965.23	486,544.00

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 June 2020 to 30 June 2020 on a current market value basis.

Movement in Investment Portfolio – 30 June 2020

Item	Current Market Value (at end of month) \$
Opening Balance at 1 May 2020	76,680,102.77
Add: New Investments Purchased	11,000,000.00
Add: Call Account Additions	2,500,000.00
Add: Interest from Call Account	0.00
Less: Investments Matured	17,000,000.00
Add: T Corp Additions	13,500,000.00
Add: Interest from T Corp	2,124.12
Less: Call Account Redemption	11,000,000.00
Less: T Corp Redemption	0.00
Plus: Fair Value Movement for period	175,738.34
Closing Balance at 30 June 2020	75,857,965.23

Term Deposit Investments Maturities and Returns – 1 June 2020 to 30 June 2020

5

Principal Value (\$)	Description	Maturity Date	Number of Days Invested	Interest Rate Per Annum	Interest Paid on Maturity \$
2,000,000.00	NAB TD	05/06/2020	151	1.58%	13,019.19
2,000,000.00	NAB TD	09/06/2020	92	1.37%	6,906.30
1,000,000.00	The Mutual Bank	02/06/2020	183	1.75%	8,773.97
1,000,000.00	AMP Bank	02/06/2020	182	1.90%	9,473.97
2,000,000.00	Macquarie Bank	01/06/2020	91	1.70%	8,476.71
2,000,000.00	Macquarie Bank	10/06/2020	90	1.55%	7,643.84
2,000,000.00	Macquarie Bank	02/06/2020	91	1.70%	8,476.71
2,000,000.00	AMP Bank	03/06/2020	96	1.75%	8,536.95
2,000,000.00	Macquarie Bank	01/06/2020	91	1.70%	8,476.71
1,000,000.00	Auswide Bank	03/06/2020	91	1.55%	3,864.38
17,000,000.00					83,648.73

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

10

Dissection of Council's Cash Position as at 30 June 2020

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
Investments Portfolio			
Term Deposits	41,000,001.00	41,000,001.00	0.00
Floating Rate Note	2,250,000.00	2,266,657.50	16,657.50

Item	Principal Value (\$)	Current Market Value (\$)	Cumulative Unrealised Gain/(Loss) (\$)
CBA Business Saver	7,029,189.87	7,029,189.87	0.00
CBA Business Saver – Tourism Infrastructure Grant	2,506,331.42	2,506,331.42	0.00
NSW Treasury Corp	17,087,298.94	17,087,298.94	0.00
Bonds	5,498,600.00	5,968,486.50	469,886.50
Total Investment Portfolio	75,371,421.23	75,857,965.23	486,544.00
Cash at Bank			
Consolidated Fund	1,246,378.89	1,246,378.89	0.00
Total Cash at Bank	1,246,378.89	1,246,378.89	0.00
Total Cash Position	76,617,800.12	77,104,344.12	486,544.00

STRATEGIC CONSIDERATIONS

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.2	Ensure the financial integrity and sustainability of Council through effective planning and reporting systems (SP)	5.5.2.6	Identification of ethical investment opportunities with environmental and social inclusion outcomes

Legal/Statutory/Policy Considerations

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

Financial Considerations

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

Report No. 13.5 **Report of the Public Art Panel meeting held on 11 June 2020**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2020/932
5 **Theme:** Corporate Management
 Community Development

Summary:

10 A Public Art Panel meeting was held on 11 June 2020 to consider an update on the progress of *Memento Aestates*, a public art proposal for the Byron Bay Rotary Town Clock and a Public Art Plan for 4 Marvell Street development. Panel recommendations are provided for Council's
15 consideration.

RECOMMENDATION:

That Council thanks the applicant for their proposal for a mural on the Town Clock, Byron Bay, however does not support the proposed mural, noting that the mural is not consistent with the visual aesthetic of the built environment in the immediate locale.

Attachments:

20 1 Minutes 11/06/2020 Public Art Panel, I2020/875 

REPORT

5 A Public Art Panel meeting was held on 11 June 2020 to consider an update on the progress of *Memento Aestates*, a public art proposal for the Byron Bay Rotary Town Clock and a Public Art Plan for 4 Marvell Street development.

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

10 Staff actions were also recorded in the minutes attached.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

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

Public Art Policy
 Public Art Strategy
 20 Public Art Guidelines

Financial Considerations

25 Nil in relation to this report

Consultation and Engagement

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

Report No. 13.6 Community Initiatives Program (Section 356) - 2020/21 funding round applications

Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2020/1053
Theme: Society and Culture
Community Development

5

10 **Summary:**

A round of the Community Initiatives Program (Section 356) has been offered for the 2020/21 financial year. A call for applications was advertised, with applications closing on 3 July 2020. This report provides the results of the funding round with a recommendation to fund nine projects from the 2020/21 Section 356 funds.

15

RECOMMENDATION:

1. **That Council allocates \$44,750 from the 2020/21 Section 356 budget to the projects which met the assessment criteria of the Community Initiatives Program 2020/21 and are recommended for funding in Confidential Attachment 1 (#E2020/50068).**
2. **That Council advertises the approved Section 356 Donations.**
3. **That Council notes that unsuccessful applicants from this funding round will be provided with detailed feedback.**

Attachments:

20

- 1 Confidential - Applications for Community Initiatives Program 2020-21 - recommendations for funding, E2020/50068

25

Report

5 A call for applications was advertised during June 2020 with applications closing 3 July 2020. Due to COVID-19, a face to face grants workshop could not be offered this year to provide potential applicants with information to assist their applications. Instead, online videos were developed and provided on Council’s website with the video about Community Initiatives Program receiving approximately 30 views.

10 The Community Initiatives Program Guidelines were also amended to take into consideration COVID-19 restrictions and impact. For example, an additional assessment criterion was added: “the project should be able to be delivered in the COVID-19 pandemic regulation environment including physical distancing measures” and the necessity to provide funds as part of any matching contribution was waived.

15 Sixteen applications were received and the standard of applications was high. All but one applied for \$5,000 which is the maximum amount available to any one applicant. An internal assessment panel reviewed the applications and recommends that Council funds nine of the projects.

The assessment panel included:

- 20 • Place Liaison Officer
- Events & Film Liaison Officer
- Open Space Technical Officer
- Waste Education and Compliance Officer

25 The assessment process included scoring applications against selection criteria. Within the criteria, equity of support to projects across the Local Government Area is considered. The attachment outlines the applications received and projects recommended for funding.

30 Note Council resolved (**20-344**) at the Ordinary Meeting on 25 June 2020 “*that Council supports the Bunyarra Culture Collective to apply for up to \$5,000 through the Community Initiatives Program to further their important work.*”

STRATEGIC CONSIDERATIONS

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.2	Incorporate wellbeing framework within organisation to inform decision making	5.2.2.2	Facilitate annual Community Donations Program

Legal/Statutory/Policy Considerations

40 Section 356 of the *Local Government Act 1993*

Financial Considerations

Council’s budget allocation for 2020-21 is \$46,200.

45 The table below shows the outcome if all recommended projects are funded, expending the budget allocation for 2020/21.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.6

Project 1	\$5,000
Project 2	\$5,000
Project 3	\$4,750
Project 4	\$5,000
Project 5	\$5,000
Project 6	\$5,000
Project 7	\$5,000
Project 8	\$5,000
Project 9	\$5,000
TOTAL	\$44,750

Consultation and Engagement

As outlined in the report.

Report No. 13.7 **Arts and Culture Policy - Submissions Report**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2020/1060

5

Summary:



10 Council adopted the draft Policy for public exhibition at its 28 May meeting, with submissions closing 17 July 2020.

15 This report outlines the submissions received, notes proposed amendments made to the draft policy and requests that Council adopts the attached final version of the Arts and Culture Policy.

RECOMMENDATION:

1. **That Council adopts the final Arts and Culture Policy (Attachment 1, #E2020/53603) which has been revised following consideration of the submissions received during public exhibition.**
2. **That the Cultural Policy 2008 (Policy 3.42) (DM801769) be repealed.**

Attachments:

- 20
- 1 Arts and Culture Policy - final for Council adoption, E2020/53603 
 - 2 List of Submissions to Draft Arts and Culture Policy, E2020/53010 
 - 3 Confidential - Draft Arts and Culture Policy - submissions received - contains private information, E2020/54362

25

REPORT

5 A Draft Arts and Culture Policy was developed following a literature review and consultation with the arts and culture sector and members of Council's Citizen's Lottery. Council adopted the draft Policy for public exhibition at its 28 May meeting, with submissions closing 17 July 2020.

Key Issues

Fifteen submissions were received. Themes within the feedback included:

- 10
- Further acknowledgement of Byron Shire's unique arts and cultural identity required;
 - Policy language, definitions and statements are 'broad';
 - Various suggestions for inclusion in the development of a future Arts and Culture Strategic Plan (due to commence in the current operational year).

15 These themes have been addressed through proposed content additions in Section 4 'Definitions' and Section 5 'Statements' (below) and through documentation to inform the upcoming Plan.

Proposed content for addition:

20 4. Definitions

Cultural activities can be understood to include:

- 25
- *Performance and Celebration (including events, theatre, dance, mime, music)*
 - *Visual arts and crafts (including sculpture, ceramic, painting/drawing)*
 - *Books and press (including poetry, writers groups)*
 - *Audio-visual and interactive media (including film/screen, radio, podcasting)*
 - *Design and creative services (fashion, graphic, interior, landscape, architecture)*
 - *Tangible and intangible cultural activity (language, oral traditions, rituals and social practices, festivals, food, landscapes, museums)*

30 5. Statements

The arts and creative culture of Byron Shire is intrinsic to its unique, distinctive identity and plays a large role in attracting visitors to the Shire.

35 Several additional submissions suggested the name and emphasis of the policy be changed to include 'screen', for example the Arts, Screen and Culture Policy. Whilst the significant contribution of the screen sector to Byron Shire is acknowledged, the Policy is based on the UNESCO Framework of Cultural Statistics. In the Framework, screen is one of approximately 30 sectors, some of which have similarly sought to have specific focus on their area of work. To single out a

40 specific sector in this way is considered to be inappropriate and would require broader public consultation. However it could be considered further within the upcoming Plan development and, beyond that, in the 12 month policy review.

45 Suggested changes have been included in the attached final Arts and Culture Policy in red font.

It is recommended that Council adopts the attached Arts and Culture Policy and repeal the Cultural Policy 2008 (Policy 3.42), (DM801769).

Next steps

50 The next steps for council include:

- Recruitment of an Arts and Culture Officer
- Developing an Arts and Cultural Strategic Plan as per resolution **20-263**

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.2	Develop Arts and Cultural Policy

5 *Legal/Statutory/Policy Considerations*

A number of Council policies intersect with the Arts and Culture Policy, as outlined in the Policy document.

10 *Financial Considerations*

Costs associated with the appointment of a full time arts and cultural officer (inclusive of oncosts) were included in the 2020/2021 Budget adopted by Council on 30 July 2020.

15 *Consultation and Engagement*

As outlined in the report.

Report No. 13.8 **Policy Review: Policies for Repeal**
Directorate: Corporate and Community Services
Report Author: Mila Jones, Governance Coordinator
File No: I2020/1100

5

Summary:

10 The following two Council policies have been reviewed by staff. It is proposed that these policies are repealed and replaced in other formats for the reasons discussed within this report.

1. Public Sun Protection Policy 1994
2. Business Ethics Policy 2007
- 15 3. Sewerage Fixed Charges Applicable Combination/Fire Service Connections Policy 2009

RECOMMENDATION:

1. **That the Public Sun Protection Policy 1994 be repealed based on its content being included in the Open Space and Recreation Needs Study and Action Plan 2017-2036.**
2. **That the Business Ethics Policy 2007 be repealed based on it being replaced with the Business Ethics Statement 2020.**
3. **That the Sewerage Fixed Charges Applicable Combination/Fire Service Connections Policy 2009 be repealed based on its contents being included in the annual Statement of Revenue Policy.**

Attachments:

20

- 1 Draft Business Ethics Statement 2020, E2020/37760 

REPORT

Council's policies are reviewed to ensure that content remains current and is delivered to the public in a relevant and accessible manner. As part of Council's policy review program, the Public Sun Protection Policy 1994 and the Business Ethics Policy 2007 were determined by staff, and supported by the Executive Team, to be redundant and therefore recommended for repeal.

1. Public Sun Protection Policy 1994

- 10 Operational Plan 2019-2020 Activity 2.3.5.4 required a review of the Public Sun Protection Policy to ensure that it is consistent with the adopted Open Space and Recreation Needs Study and Action Plan 2017-2036 (OSRNS). Following a review of this Policy, staff are of the opinion that the half page policy document on this matter is not required when it is considered that:
- 15 a) The Policy was an aspirational document for Council that has seen its intent now realised within adopted operational planning documents, such as the OSRNS.
- b) The subject of shade is featured repeatedly throughout the actions and design considerations listed in the OSRNS. The OSRNS provides guidance to development of parks and reserves infrastructure, including shade within parks at:
- 20 i) play areas
ii) picnic facilities
iii) seating areas
iv) activity areas
25 v) sports grounds
- The OSRNS has specific consideration of the shade requirements in these areas for people with mobility issues and also for aging members of the community.
- 30 c) OSRNS design considerations direct that shade (natural and artificial) provision is included within the design of open space infrastructure including:
- i) picnic table and seats to be located where they can oversee and access the activity area (preferably under a shade tree), along the internal path
- 35 ii) activity areas to be ideally located under natural shade, however, may be supplemented by artificial shade
- iii) the need to maximise trees and natural shade around sports fields and courts (although careful tree selection for court areas is important to avoid issues associated with root invasion and limb, leaf or seed fall)
- 40 iv) long benches and spectator areas should be placed under shade trees where possible
v) shaded spectator grass mounds be provided for viewing areas
vi) recreation/activity areas to ideally be clustered together and located under natural shade (where possible)
- 45 d) OSRNS action SW 12 recommends review of the 1994 Public Sun Protection Policy to include the importance of suitable tree species as natural shade in and around play/picnic nodes. This action is included in the Council Guidelines for Tree Management on Council Land that is currently in final draft format. The Guidelines consider the design, selection and management of tree species relative to Council assets and infrastructure, as well as the environmental significance, value and amenity provided by shade trees.
- 50 e) Community awareness elements of the Policy have been and continue to be the subject of national campaigns. Because of this, sun awareness has greatly increased since this Policy was developed in 1994.
- 55

2. Business Ethics Policy 2007

The current [Business Ethics Policy](#) was adopted in 2007 and last reviewed in 2011. It is proposed to repeal this Policy and replace it with a Business Ethics Statement (Attachment 1) which captures the same principles in a more contemporary manner. The Business Ethics Statement will be available online.

Research on best practice and on what other councils have recently done, shows that a Business Ethics Statement is a more suitable way to reach the targeted audience (external stakeholders). Embedding this statement on our website in a more prominent location will ensure that stakeholders have easy access to the information and will understand what to expect when doing business with Council, and what Council’s expectations are from them. The current Code of Conduct for staff and Councillors also states the rules, values and ethical principles expected from them, and therefore there is no need to duplicate this in another policy.

3. Sewerage Fixed Charges Applicable Combination/Fire Service Connections Policy 2009

The current [Sewerage Fixed Charges Applicable Combination/Fire Service Connections Policy](#) was adopted in 2009. It is proposed to repeal this Policy since the contents are included in the Statement of Revenue Policy which is reviewed annually and forms part of Council’s yearly Operational Plan in its own separate section (most recently adopted on 30 July 2020 for 2020-2021).

Within the Statement of Revenue Policy, the information from the Policy is located under the headings of “*Water Access Charge - Annual Charges (Section 501 LGA)*” and “*Wastewater (Sewer) Charges*”.

This year, information has also been included in the Fees and Charges document.

30 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.3	Provide access to publicly available corporate registers	5.2.3.4	Update and publish Council's policies online

Legal/Statutory/Policy Considerations

35 Nil

Financial Considerations

40 Nil

Consultation and Engagement

Consultation has occurred with staff and the Executive Team.

Report No. 13.9 **Council Resolutions Quarterly Review - Q4 - 1 April to 30 June 2020**
Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Planning and Improvement Coordinator
File No: I2020/1137
5 **Theme:** Corporate Management
 Governance Services

Summary:

10

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

182 resolutions were completed during the period 1 April to 30 June 2020.

15

As at 30 June 2020, there were 91 active resolutions. Resolutions could be active or overdue as a result of budget constraints, staff resourcing, extended negotiations with stakeholders, or other reasons.



RECOMMENDATION:

20

1. That Council notes the information provided in this report on active Council Resolutions in Attachment 1 (#E2020/57581).
2. That Council notes the completed Resolutions in Attachment 2 (#E2020/57582).

Attachments:

25

- 1 Active Resolutions - as at 30 June 2020, E2020/57581 
- 2 Completed Resolutions - 1 April to 30 June 2020, E2020/57582 

Report

This report provides a quarterly update on the status of Council Resolutions to 30 June 2020. Detailed in the attached reports are:

- 5
- 182 resolutions were completed between 1 April – 30 June 2020
 - 91 resolutions remained active
 - 51 of the active resolutions were overdue

10 The active Council resolutions per Council terms are provided below:

- 91 active Council Resolutions from current Council (2016-2020)

15 Details of completed resolutions for the period are provided at Attachment 2 (E2020/57582).

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

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

- Council requires a quarterly report be prepared to allow it to consider the quarterly Operational Plan and Quarterly Budget reviews along with a review of Council Resolutions.
 - Implementation of Council Resolutions in accordance with the *Local Government Act 1993*.
 - This report has been prepared in accordance with Part 3c) of Resolution 14-417.
- 25

Financial issues

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

Report No. 13.10 **Local Government NSW Annual Conference 2020**
Directorate: Corporate and Community Services
Report Author: Heather Sills, Corporate Planning and Improvement Coordinator
File No: I2020/1138
5 **Theme:** Corporate Management
 Councillor Services

Summary:

10 In accordance with the Councillor Expenses and Facilities Policy, “A resolution of Council is required to authorise attendance of Councillors at LGNSW Conference(s) as a voting delegate.”


15 The Local Government NSW Annual Conference 2020 will be held from 22-24 November at the Crowne Plaza Hunter Valley, Lovedale.

RECOMMENDATION:

That Council authorises the following Councillors to attend the Local Government NSW Annual Conference 2020 to be held at the Crowne Plaza Hunter Valley, Lovedale, to be held from 22-24 November 2020.

Cr (A) _____, Cr (B) _____ and Cr (C) _____ to attend as the voting delegates.

Attachments:

- 20 1 Invitation from Local Government NSW - Local Government NSW Annual Conference 2020, S2020/6687 

REPORT

The Local Government NSW Annual Conference 2020 will be held at the Crowne Plaza Hunter Valley in Lovedale from Sunday 22 November to Tuesday 24 November 2020.

5 In accordance with the Councillor Expenses and Facilities Policy, “A resolution of Council is required to authorise attendance of Councillors at LGNSW Conference(s) as a voting delegate.”

10 Council is entitled to three voting delegates in the debating session. This number is determined by population (see Attachment 1).

Additional information and updates can be found on the [LGNSW website](#).

15 Council is to notify LGNSW of its voting delegates by Tuesday, 3 November 2020. Nominations of voting delegates received after the closing date/time cannot be accepted.

20 The purpose of this report is to enable Council to authorise the attendance of no more than three (3) Councillors as voting delegates to the Local Government Association of NSW Annual Conference 2020.

Motions

25 All member Councils can put forward motions to be considered at the Conference. Members are invited to submit motions from 17 July 2020 via an online portal.

30 Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. When submitting motions, members are encouraged to familiarise themselves with the existing principles and positions of LGNSW on issues of importance to the sector, as members will be asked to identify if their motion is seeking a change to LGNSW's existing Policy Position.

Further information on submitting motions is available in the *LGNSW 2020 Conference Motions Submission Guide* available [online](#).

35 *Deadline for submitting motions*

40 Members are asked to submit motions online by 12 midnight (AEST) on **Monday 28 September 2020** to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW rules, the latest date motions will be accepted for inclusion in the Conference Business Paper is 12 midnight (AEDT) on Sunday 25 October 2020.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.3	Provide support to Councillors – including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping

45

Legal/Statutory/Policy Considerations

5 In accordance with Council’s Mayor and Councillors Payment of Expenses and Provision of Facilities Policy, “A resolution of Council is required to authorise attendance of Councillors at Local Government and Shires Association Conference(s) as a voting delegate.”

Financial Considerations

10 Council has an allocation for conferences of \$31,500.00 within the 2020/21 budget.

As at August 2020, there have been no expenses incurred and the available budget remains at \$31,500.00. Council is therefore able to fund the cost of three delegates from this budget.

15	Costs per person:	Registration Fee (<i>early bird due 25 September</i>)	\$840.00
		Flights (<i>approx</i>)	\$400.00
		Conference Functions (<i>approx</i>)	\$300.00
		Accommodation (<i>approx</i>)	<u>\$1,060.00</u>
20		Total	\$2,600.00

Report No. 13.11 **Carryovers for Inclusion in the 2020-2021 Budget**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/1145

5

Summary:

10 This report is prepared for Council to consider and to adopt the carryover Budget allocations for works and services, either commenced and not completed, or not commenced in the 2019/2020 financial year for inclusion in the 2020/2021 Budget Estimates.

15 Each year Council allocates funding for works and services across all programs. For various reasons, some of these works and services are incomplete at the end of the financial year. The funding for these works is restricted at the end of the financial year, and is carried over as a budget allocation revote to the following year, to fund the completion of the work or service.


20 This report identifies all the works and services recommended to be carried over from the 2019/2020 financial year to the 2020/2021 Budget Estimates. The report also identifies the funding for each recommended budget allocation carryover.

25 This report was considered by the Finance Advisory Committee at its Meeting held on 20 August 2020.

RECOMMENDATION:

That Council approves the works and services (with respective funding) shown in Attachment 1 (#E2020/60174) to be carried over from the 2019/2020 financial year and that the carryover budget allocations be adopted as budget revotes for inclusion in the 2020/2021 Budget Estimates.

Attachments:

30 1 2019-2020 Schedule of Carryovers for inclusion in 2020-2021 Budget, E2020/60174 

REPORT

Each year Council allocates funding for works and services across all programs. For various reasons, some of these works and services are incomplete at the end of the financial year. The funding for these works and services is restricted at the end of the financial year to be carried over to the following year for completion.

This report identifies all the works and services to be carried over to the 2020/2021 Budget Estimates and the respective funding of each, relating to works and services not completed during the course of the 2019/2020 financial year. The specific details of all carryover works and services that are the subject of this report are outlined in Attachment 1.

The works and services are fully funded and have no impact on Council's Unrestricted Cash Result or the 2020/2021 Budget Estimates result.

As in previous years there is a significant amount of carryovers with total carryovers for 2020/2021 amounting to \$10,123,500. Table 1 below outlines this and a comparison of carryovers from previous financial years.

Table 1 - Value of budget carryovers 2016/17 – 2020/21

Fund	2016/17 (\$)	2017/18 (\$)	2018/19 (\$)	2019/20 (\$)	2020/21 (\$)
General	5,022,100	7,102,100	9,004,500	6,024,800	7,875,500
Water	729,900	2,770,100	879,500	301,900	1,118,800
Sewer	600,100	2,051,800	2,473,500	625,400	1,129,200
Total	6,352,100	11,924,000	12,357,500	6,952,100	10,123,500

General Fund

The value of works carried over to 2020/2021 for the General Fund has increased by almost 31% from the 2019/2020 amount (\$1,859,300). Of the \$7,875,500 of General Fund carryovers, approximately 46% (\$3,593,700) is attributable to Local Roads and Drainage projects not completed in 2019/2020 to be carried forward to 2020/2021. The extent of carryovers in the General Fund is also relevant to the number of and size of grant funded works.

Major carryover items in this fund are as follows:

- Building Community Resilience Grant \$1,300,000
- Election Commitment Grant Funded Major Patching Program \$580,000
- Byron Bay Bypass \$1,458,900
- Byron Bay Skatepark \$287,100
- Former Mullumbimby Hospital \$294,500
- Suffolk Park Pump Track \$146,400
- South Golden Beach Flood Pump \$170,000
- South Arm Bridge \$475,100

Water and Sewer Funds

Carryovers for the Water Fund have increased by \$816,900 and for the Sewer Fund by \$503,800 compared to the carryover for the 2019/2020 financial year. Details of these carryovers are included in Attachment 1.

The following table outlines the project status of Local Roads & Drainage capital works carryovers for Councillors' information, where works are in progress or contracts have been awarded at the time of writing this report.

Table 2 – Schedule of Carryover works current status

Project	Carryover \$	Project Status
NSW Crime Prevention Grant 2018/19	33,400	Project scope increased to provide additional LED lighting to some areas with Byron Bay town centre as part of Essential Energy staged rollout of LED
Bridge - South Arm	475,100	Under Construction
Cycleway - Bangalow Rd/Broken Head Rd	30,400	Under Construction and continuing 20/21 financial year
The Pocket Road Segment 568.10 (CH1.79-2)	27,400	Carry over budget for stage 2 works to cover contingencies
Byron Bay High School Turnaround Arakwal	43,100	Works essentially complete. Carry Over \$6k for revegetation works and the balance to the Suffolk Park Cycleway to fund cycleway connections and diversion at the high school
Suffolk Park - Bangalow Road Onroad Cycle Path	25,000	Under Construction
The Pocket Road Stage 2 (Ch 2,810 - 3,69)	16,800	Planning and Design Underway
Brunswick Heads - South Arm Carpark	30,400	Planning and Design Underway
Bangalow Road (Ch 7,540 - 8,490)	139,000	Construction programmed to agreed milestones
ECG Major Patching Program	580,000	Construction programmed in accordance with grant funding deed
Byron Bay Bypass	1,458,900	The Byron Bypass continues to be constructed on all four stages with the noise abatement works scheduled to start in September and the project completed in 20/21
Integrated Transport Management Strategy	42,900	Strategy still under development.
Belongil Ck & Broken Hd to Cape Byron CMP	26,000	Recruitment underway for staff to oversee project
Brunswick Heads Paid Parking Strategy	2,600	Ongoing parking strategy review and reporting to Council in 20/21 FY
Project Investigation & Planning	4,000	Ongoing – combine with funds in 20/21 to develop project scoping documents and business cases
Shire Wide - Bike Plan	3,600	Ongoing
Ewingsdale Road Shared path from Quarry	3,900	Planning and Design Underway
Approaches to Tallow Creek footbridge	40,100	Works programmed with additional funds from bridge program in 20/21.
Studal Lane Drainage Upgrade - Design	24,200	Planning and Design Underway
Extend SGB Flood Pump inlet screen	15,000	Under Construction
SGB Flood Pump variable speed drive	170,000	Under Construction
Main Arm Rd Causeway #7 Replacement	88,700	Underway – Will be finished in 2020/21
Main Arm Rd Causeway #12	2,900	Underway – Will be finished in 2020/21

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

13.11

Replacement		
Main Arm Rd Causeway #14 Replacement	11,800	Underway – Will be finished in 2020/21
Johnston Lane Causeway - Private Works	5,500	Underway – Will be finished in 2020/21
Causeways, Culvert and Bridge Renewal In	86,200	Works completed in 2020/21
Bangalow Sportsfield Access Road	15,600	Planning and Design Underway
Upper Wilsons Creek #10 Causeway Replace	11,400	Revegetation works outstanding
Blackbean Road Causeway Replacement	4,100	Minor rehab works required to approach's following recent rain event
Repentance Creek Road Causeway	78,400	Under Construction
Middleton Street (Ch 0 - 130) - DESIGN	3,200	Under Construction
Brunswick Heads Scout Hall Road Safety	5,200	Unspent portion of 2019/20 budget
Seven Mile Beach Rd Investigations	1,700	Unspent portion of 2019/20 budget – add to 2020/21 budget
Tweed Street Projects	17,700	Under Construction
Bridge - Scarabolotti's	8,900	To cover land acquisition costs incurred in 2021.
Progression of Myocum Quarry as a Resource Recovery Centre	50,000	Continue works already commenced
Lawson Street, Byron (Middleton to Tennyson)	9,200	Carry over into the ECG project for Lawson St
Reflections Holiday Park Drainage	1,400	Unspent portion of 2019/20 budget – add to 2020/21 budget
Total	3,593,700	

5 In accordance with Regulation 211 of the Local Government (General) Regulation 2005, Council conducted an Extraordinary Meeting to approve expenditure and voting of money on 30 July 2020 via Resolution **20-357**. The expenditure items that are the subject of this report were not included in the 2020/2021 Budget Estimates, but now need to be. The intent of this report is to seek Council approval to revoke the carryovers from the 2019/2020 financial year and to adopt the budget carryovers for inclusion in the 2020/2021 Budget Estimates.

10 At its meeting held on 28 March 2013 the Strategic Planning Committee considered Report 4.3 on Council's financial position for the 2012/2013 financial year. The recommendations from this meeting were adopted by Council at its Ordinary Meeting held on 18 April 2013 through resolution **13-164**. Committee recommendation SPC 4.3 in part 5 included the following process to be applied to the consideration of any amount identified as a carryover to the 2013/14 and future Budgets and funded from general revenues:

15 *That Council determines that any general revenue funded allocated expenditure, not expended in a current financial year NOT be automatically carried over to the next financial year before it is reviewed and priorities established.*

20 This report was also considered by the Finance Advisory Committee at its Meeting held on 20 August 2020.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.2	Support the organisation in identifying financial implications of projects, proposals and plans

5 *Legal/Statutory/Policy Considerations*

Regulation 211 of the Local Government (General) Regulation 2005 outlines the requirements of Council relating to authorisation of expenditure. Specifically the Regulation 211 states:

- 10 (1) *A council, or a person purporting to act on behalf of a council, must not incur a liability for the expenditure of money unless the council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:*
 - (a) *has approved the expenditure, and*
 - (b) *has voted the money necessary to meet the expenditure.*
- 15 (2) *A council must each year hold a meeting for the purpose of approving expenditure and voting money.*

Report No. 13.12 **Extension of Term for Council Committees**
Directorate: Corporate and Community Services
Report Author: Lisa Brennan, EA Corporate and Community Services
Esmeralda Davis, A/Manager Corporate Services
5 **File No:** I2020/1155

Summary:

10 The Local Government election scheduled for 2020 has been postponed until 4 September 2021.

15 Council Advisory Committees and Panels, Section 355 and Regional Committees are appointed for the term of Council, by resolution of Council. As the term of this Council has been lengthened until September 2021, this report recommends that Council resolves to extend the term of its current Committees for the same period.

RECOMMENDATION:

1. **That Council extends the term for Advisory Committees, Panels and Section 355 Committees until September 2021.**
2. **That Council writes to current members of Advisory Committees, Panels, and Section 355 Committees seeking their agreement to continue their representation for the remainder of this term of Council.**
3. **That, if Committee members choose to not continue in their roles, these be readvertised seeking appointment until September 2021.**
4. **That Council writes to Regional Committees to determine if membership on these Committees remains in place until the Local Government election in 2021.**

REPORT

Following the deferment of the Local Government election, the current term of Council extends until September 2021. Formation of Advisory Committees and Panels, Section 355 Committees and Regional Committees aligns with each new term of Council, meaning that the current Committees should now remain in place until September 2021.

This report recommends that Council resolves to extend the term of current Committees for the same period.

BackgroundAdvisory Committees and Panels

Members were appointed over several months beyond the 2016 election due to changes in the structure of Advisory Committees, Panels and PRGs. Part of Resolution **16-482** from 29 September 2016 stated that committee/panel members be advised of the continuation of their committee/panel, and asked if they wished to continue their representation until Council appointed new members following an expression of interest process. Expressions of interest were called for Committees, with some not fully confirmed until August 2017.

The term for Advisory Committee members was not specified in the Council resolution or in their appointment letters. The Constitutions for these Committees/Panels state their timeframe is for the term of Council 2016-2020.

It is recommended that Council writes to current Advisory Committee/Panel members to determine if they wish to continue their membership on the Committee until the appointment of a new term of Council, following the 2021 Local Government election.

Section 355 Committees

These committees were appointed by Council on 17 November 2017 via Resolution **16-569** for a 4 year term, ending December 2020. Letters to Section 355 Committee members confirming their appointment also stated the same term.

It is recommended that Council writes to current S355 Committee members to determine if they wish to continue their membership on the Committee until following the 2021 Local Government election.

Regional Committees

Councillor representatives were appointed to these 21 Committees via Resolution **16-483** from 29 September 2016. It is recommended that Council contacts these Committees and formally advise that the current Council term has been extended until September 2021 due to the deferment of Local Government Elections, and seek confirmation that membership on these Committees remains in place until then.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.4	Support Councillors to carry out their civic duties	5.2.4.3	Provide support to Councillors – including councillor requests, briefing sessions, provision of facilities and payment of expenses, and record keeping

5 *Legal/Statutory/Policy Considerations*

As detailed in the report, Constitutions for Committees/Panels provide the governance framework for each of the individual committees, including their timeframes.

10 Constitutions for each of the Committees/Panels are available on Council’s website:

- [Advisory committees and panels](#)
- [Section 355 Committees](#)
- [Regional Committees](#)

15 *Financial Considerations*

Nil.

Consultation and Engagement

20 It is proposed that Council writes to each affected committee member to seek their agreement to continue their engagement on their respective committee/s.

Report No. 13.13 **Budget Review - 1 April to 30 June 2020**
Directorate: Corporate and Community Services
Report Author: James Brickley, Manager Finance
File No: I2020/1156

5

Summary:

10 This report is prepared in accordance with the format required by Clause 203 of the *Local Government (General) Regulation 2005* to inform Council and the Community of Council's estimated financial position for the 2018/2019 financial year, reviewed as at 30 June 2020.

15 The Quarterly Budget Review for the June 2020 Quarter has been prepared to assist Council with its policy and decision making on matters that could have short, medium and long term implications on financial sustainability.

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

25 The report also provides an indication of the financial position of Council at 30 June 2020. It should be noted that the figures provided are subject to completion and audit of the Council's Financial Statements for 2019/2020. Any major variances will be included as part of the report adopting the financial statements in November 2020.



30 This report was considered by the Finance Advisory Committee at its meeting held on 20 August 2020.

RECOMMENDATION:

1. **That Council authorises the itemised budget variations as shown in Attachment 2 (#E2020/63870) which includes the following results in the 30 June 2020 Quarterly Review of the 2019/2020 Budget:**
 - a) **General Fund - \$699,700 change in Unrestricted Cash Result**
 - b) **General Fund - \$10,440,600 increase in reserves**
 - c) **Water Fund - \$1,966,800 increase in reserves**
 - d) **Sewerage Fund - \$1,491,600 increase in reserves.**

2. **That Council adopts the revised General Fund Estimated Unrestricted Cash Result of \$723,400 for the 2019/2020 financial year.**

Attachments:

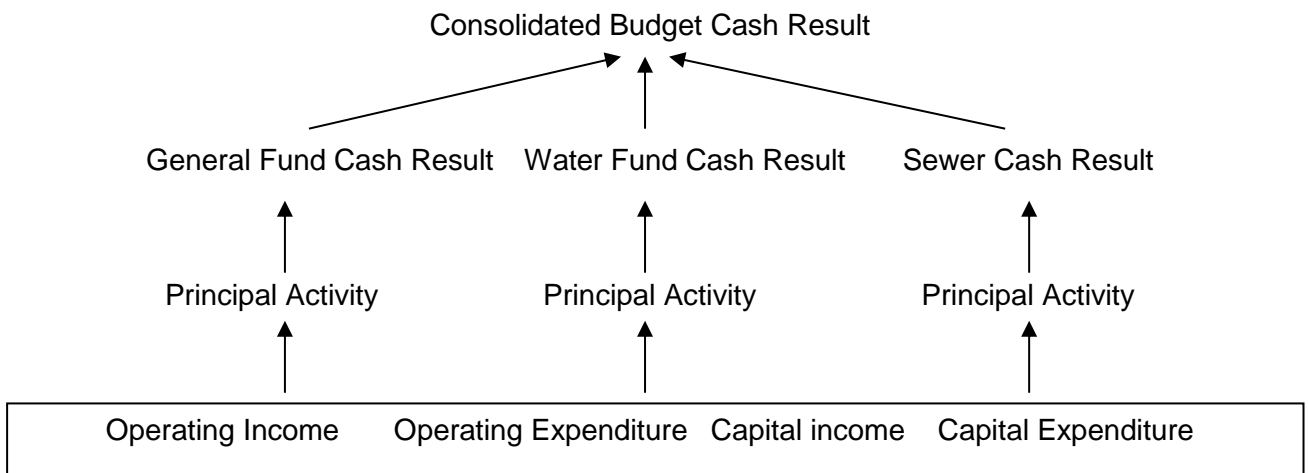
- 35 1 Budget Variations for General, Water and Sewerage Funds, E2020/63869 
- 2 Itemised Listing of Budget Variations for General, Water and Sewerage Funds, E2020/63870 

REPORT

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

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

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



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

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

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

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

Office of Local Government Budget Review Guidelines:

On 10 December 2010, the Office of Local Government issued Quarterly Budget Review Guidelines via Circular 10-32. Reports to Council concerning Quarterly Budget Reviews normally provide statements in accordance with these guidelines as a separate attachment. Given that there is no statutory obligation for Council to produce a Quarterly Budget Review as at 30 June each financial year, the statements required by the guidelines have not been produced for this specific report.

CONSOLIDATED RESULT

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

2019/2020 Budget Review Statement as at 30 June 2020	Original Estimate (Including Carryovers) 1/7/2019	Adjustments to 30 June 2020 including Resolutions*	Proposed 30 June 2020 Review Revotes	Revised Estimate 30/6/2020
Operating Revenue	87,128,100	(3,773,700)	4,615,000	87,969,400
Operating Expenditure	93,783,700	(1,212,100)	(3,390,000)	89,181,600
Operating Result – Surplus/Deficit	(6,655,600)	(2,561,600)	8,005,000	(1,212,200)
Add: Capital Revenue	28,167,600	(3,411,600)	(2,090,200)	22,665,800
Change in Net Assets	21,512,000	(5,973,200)	5,914,800	21,453,600
Add: Non Cash Expenses	14,657,200	0	0	14,657,200
Add: Non-Operating Funds Employed	1,844,000	0	0	1,844,000
Subtract: Funds Deployed for Non-Operating Purposes	(56,567,300)	7,088,200	8,104,600	(41,374,500)
Cash Surplus/(Deficit)	(18,554,100)	1,115,000	14,019,400	(3,419,700)
Restricted Funds – Increase / (Decrease)	(18,421,700)	1,958,900	13,319,700	(3,143,100)
Forecast Result for the Year – Surplus/(Deficit) – Unrestricted Cash Result	(132,400)	(843,900)	699,700	(276,600)

GENERAL FUND

10 In terms of the General Fund projected Unrestricted Cash Result the following table provides a reconciliation of the estimated position as at 31 June 2020:

Opening Balance – 1 July 2019	\$1,000,000
Plus original budget movement and carryovers	(132,400)
Council Resolutions July – September Quarter	0
September Budget Review	132,400
Council Resolutions October – December Quarter	0
December Budget Review	(150,000)
Council Resolutions January – March Quarter	0
March Budget Review	(826,300)

Council Resolutions April – June Quarter	0
Recommendations within this Review – increase/(decrease)	699,700
Forecast Unrestricted Cash Result – Surplus/(Deficit) – 30 June 2020	(276,600)
Estimated Unrestricted Cash Result Closing Balance – 30 June 2020	\$723,400

5 The General Fund financial position overall has increased by \$699,700 as a result of this budget review, bringing the forecast unrestricted cash result for the year to \$723,400. This is below Council’s target of \$1,000,000 but given the current Pandemic circumstances is certainly acceptable. The proposed budget changes are detailed in Attachment 1 and summarised further in this report below.

Council Resolutions

10 There were no Council resolutions that impacted the budget result in the April 2020 to June 2020 quarter.

Budget Adjustments

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

Council Directorate	Revenue Increase/ (Decrease) \$	Expenditure Increase/ (Decrease) \$	Budget Result Increase/ (Decrease) \$
General Manager	(41,600)	(294,300)	252,700
Corporate & Community Services	1,602,300	1,135,100	467,200
Infrastructure Services	(4,567,900)	(4,560,100)	(7,800)
Sustainable Environment & Economy	(470,400)	(458,000)	(12,400)
Total Budget Movements	(3,477,600)	(3,883,000)	699,700

Budget Adjustment Comments

20 General Fund budget adjustments are identified in detail at Attachment 1 and 2. More detailed notes on these are provided in Attachment 1 with the majority of budget revotes proposed to reflect actual results achieved.

25 The major consideration with this budget review is the reduction in expenditure associated with projects not completed and under-expenditure. Council will also be considering a report to this Ordinary Council Meeting regarding carryover items from the 2019/2020 financial year for work not completed to be added to the 2020/2021 Budget Estimates. This report also considers the implications of that report.

Specific Cash Position

35 On reconciling Council’s total cash and investment position at 30 June 2020 compared to the reserve movements outlined in this Budget Review, there is an indication that Council may have total unrestricted cash and investments of \$723,400, a decrease of 27.6% from 2018/2019. This can be attributed to the effect that the COVID-19 pandemic has had on income Council expected to receive and also expenditure impacts. Council commenced the 2019/2020 financial year with unrestricted cash of \$1,000,000 which was an attainment of one of Council’s short term financial goals. The actual amounts eventually allocated are contingent upon finalisation of the 2019/2020 financial statements. These are subject to external audit and further reporting to Council.

Following adoption of the 31 March 2020 Quarter Budget Review Council was forecasting a budget deficit of \$976,300 for the 2019/2020 financial year. Whilst Council will likely end the 2019/2020 financial year with a budget deficit (estimated at \$276,600), this is a significant and welcome financial improvement for Council. In such unprecedented times, the indicative financial outcome for the 2019/2020 financial year is a more than satisfactory outcome. Nevertheless, moving forward it will be necessary for Council to continue to manage and endeavour to improve the projected budget deficit for the 2020/2021 financial year.

WATER FUND

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

The estimated Water Fund reserve balances as at 30 June 2020 are derived as follows:

Capital Works Reserve

Opening Reserve Balance at 1 July 2019	\$8,324,600
Plus original budget reserve movement	(31,100)
Less reserve funded carryovers from 2018/2019	(375,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(100,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(4,600)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	550,200
Resolutions April - June Quarter – increase / (decrease)	(608,500)
June Quarterly Review Adjustments – increase / (decrease)	1,506,500
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	936,800
Estimated Reserve Balance at 30 June 2020	\$9,261,400

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2019	\$3,117,100
Plus original budget reserve movement	(966,100)
Less reserve funded carryovers from 2018/2019	(503,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	322,500
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(665,000)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	(105,800)
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	460,300
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(1,457,900)
Estimated Reserve Balance at 30 June 2020	\$1,659,200

Movements for Water Fund can be seen in Attachment 1 with a proposed estimated increase to reserves (including S64 Contributions) overall of \$1,966,800 from the 30 June 2020 Quarter Budget Review.

BYRON SHIRE COUNCIL

SEWERAGE FUND

5 After completion of the 2018/2019 Financial Statements the Sewer Fund as at 30 June 2019 has a capital works reserve of \$6,392,800 and plant reserve of \$773,400. It also held \$8,685,200 in section 64 developer contributions.

Capital Works Reserve

Opening Reserve Balance at 1 July 2019	\$6,392,800
Plus original budget reserve movement	(1,005,900)
Less reserve funded carryovers from 2018/2019	(1,454,800)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(618,200)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	300,800
Resolutions January - March Quarter – increase / (decrease)	(147,000)
March Quarterly Review Adjustments – increase / (decrease)	3,012,900
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	404,100
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	491,900
Estimated Reserve Balance at 30 June 2020	\$6,884,700

10 Plant Reserve

Opening Reserve Balance at 1 July 2019	\$773,400
Plus original budget reserve movement	0
Less reserve funded carryovers from 2018/2019	0
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	0
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	0
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	0
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	122,800
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	122,800
Estimated Reserve Balance at 30 June 2020	\$896,200

Section 64 Developer Contributions

Opening Reserve Balance at 1 July 2019	\$8,685,200
Plus original budget reserve movement	(816,100)
Less reserve funded carryovers from 2018/2019	(1,018,700)
Resolutions July - September Quarter – increase / (decrease)	0
September Quarterly Review Adjustments – increase / (decrease)	(20,000)
Resolutions October - December Quarter – increase / (decrease)	0
December Quarterly Review Adjustments – increase / (decrease)	(521,500)
Resolutions January - March Quarter – increase / (decrease)	0
March Quarterly Review Adjustments – increase / (decrease)	668,200
Resolutions April - June Quarter – increase / (decrease)	0
June Quarterly Review Adjustments – increase / (decrease)	964,700
Forecast Reserve Movement for 2019/2020 – Increase / (Decrease)	(743,400)
Estimated Reserve Balance at 30 June 2020	\$7,941,800

15

Movements for the Sewerage Fund can be seen in Attachment 1 with a proposed estimated overall increase to reserves (including S64 Contributions) of \$1,491,600 from the 30 June 2020 Quarter Budget Review.

5 Legal Expenses

Legal expenses are funded by general revenue and can potentially be a significant cost and also one which is subject to fluctuation.

10 The table that follows indicates the allocated budget and actual legal expenditure within Council on a fund basis as at 30 June 2020.

Total Legal Income and Expenditure as at 30 June 2020

Program	2019/2020 Budget (\$)	Actual (\$)	Percentage To Revised Budget
Income			
Legal Expenses Recovered	39,500	39,500	100%
Total Income	39,500	39,500	100%
Expenditure			
General Legal Expenses	595,700	595,708	100%
Total Expenditure General Fund	595,700	595,708	100%

15 Note: The above table does not include costs incurred by Council in proceedings after 30 June 2020 or billed after this date. During the financial year, an additional \$391,300 was added to the original budget of \$204,400 subject to adoption of this Quarterly Budget Review. This was allocated in previous Quarterly Budget Reviews and a further \$84,200 proposed in this Quarterly Budget Review with funding from the legal services reserve and legal expenses recovered. The expenditure budget in the table above for legal expenses assumes the additional \$84,200 in budget is approved.

The current status of the Legal Services Reserve is shown below:

Legal Reserve

Opening Reserve Balance at 1 July 2019	\$500,000
Less:-	
General Legal Expenses (December 2019 QBR)	(267,600)
Proposed 30 June 2020 General Legal Expenses (June 2020 QBR)	(84,200)
Proposed 30 June 2020 Quarter Budget Review Adjustment	351,800
Estimated Reserve Balance at as at 30 June 2020	\$500,000

Financial Implications

30 The 30 June 2020 Quarter Budget Review of the 2019/2020 Budget Estimates forecasts an improved outcome to the estimated budget attributable to the General Fund assuming all revotes of income and expenditure reported for Council's consideration are approved. Overall, the short term financial position still needs to be carefully monitored on an ongoing basis.

35 Note that the financial outcomes outlined in this Budget Review should be considered in the context that they are indicative. Council is yet to finalise its financial statements for the year ended 30 June 2020 which will also be subject to external independent audit.

It is expected that Council will receive a report regarding the formal adoption of its financial statements for the year ended 30 June 2020 at its Ordinary Meeting in November 2020.

5 This report was also considered by the Finance Advisory Committee at its meeting held on 20 August 2020.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

10

Legal/Statutory/Policy Considerations

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

15

(1) *Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*

20

(2) *A budget review statement must include or be accompanied by:*

25

- (a) *a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and*
- (b) *if that position is unsatisfactory, recommendations for remedial action.*

30

(1) *A budget review statement must also include any information required by the Code to be included in such a statement*

Statement by Responsible Accounting Officer

35

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

This opinion is based on the estimated Unrestricted Cash Result position at 30 June 2020, albeit lower than Council's adopted target position, plus the significant improvement in the 2019/2020 budget position since the 31 March 2020 Quarterly Budget Review.

Report No. 13.14 **Children's Services Review**
Directorate: Corporate and Community Services
Report Author: Sarah Ford, Manager Social and Cultural Planning
File No: I2020/1168

5

Summary:

10 The Early Childhood Education Care (ECEC) and Outside School Hours Care (OSHC) sectors are complex and highly legislated.

15 Ongoing interventions by government policy and funding bodies create constant change in this highly regulated environment. To support National Quality progress and improvement the sector is governed by the National Quality Framework (NQF) which has 7 distinct Quality Standards/ Indicators. Aligning best practice outcomes to legislation and National Standards creates a great deal of complexity.



20 Specialists in the field, Community Connections Solutions Australia (CCSA) were engaged to undertake a review of Council's Children's Services portfolio with the aim of identifying options that would ensure the ongoing provision of high quality and responsive community-based education and care services that achieve strong outcomes and are financially sustainable into the future.

25 This reports seeks support from Council to change the service delivery model of the Children's Services portfolio in recognition of the highly specialised and highly regulated nature of the sector, and to ensure the Services and the children they care for, benefit from a better balance between quality outcomes and financial sustainability.

RECOMMENDATION:

30 **That Council endorses Option 2 as recommended by CCSA to create a cooperative entity and maintains Council's strategic role as a partner in the cooperative.**

Attachments:

- 35 1 National Quality Framework Summary, E2020/59668 
2 Children's Services Review Summary Findings and Recommendations CCSA July 2020, E2020/53436 

REPORT

5 Council has been delivering children's services for over 20 years. During this time, the sector has changed markedly. Today, the children's services sector is highly complex and experiences regular shifts in policy and funding arrangements, including the child care subsidy.

10 Council currently operates Sandhills, a long day care service with 59 licenced places (80 families) which caters to children aged from 6 weeks to 5 years, and Outside School Hours Care (vacation care and after school care) services in Byron Bay, Brunswick Heads and Mullumbimby for children 5-12 years, with 150 approved places (354 families). The management and support structures in place for the Children's Services portfolio have not kept pace with the complex, highly specialised and increasingly tightly regulated nature of the sector.

15 The children's services sector is regulated through a National Quality Framework (NQF) which operates under an applied law system, comprising the Education and Care Services National Law and the Education and Care Services National Regulations. Operating within this sector requires specialist skills, knowledge and experience to effectively balance quality educational outcomes and experiences for children with strong governance and management that ensures service viability and sustainability.

20 In 2012 the NQF introduced a new quality standard (summary attached) to improve education and care across long day care, family day care, preschool/kindergarten, and outside school hours care services. Quality outcomes under the NQF are associated with 'Exceeding' practice. The quality standard includes:

- 25
- National Law and National Regulations
 - National Quality Standard
 - Assessment and quality rating process
 - National learning frameworks.
- 30

The NQF is a robust and evidence based quality assurance system which is highly regarded internationally (and often regarded as a global leader) as a driver of change through independent assessment and rating.

35 In addition the Department of Education is planning to implement a star rating for children's services which will be publicly available to parents. At present it is understood that Council's Children's Services would be likely to achieve a 2 out of 5 star rating and this is something we are keen to improve.

40 Over the last 5 years, Council has invested considerable staff resources into addressing key challenges including a decrease in quality outcomes for children and their families identified through the independent assessment and rating process, and poor financial performance. While some improvements have been made, including better oversight over Outside School Hours Care services, there is a very real and significant risk to Council if it does not acknowledge and address the specialist nature of the sector.

45

50 Recognising the risk and the fact that current efforts and structures have only taken us so far, Council engaged Community Connections Solutions Australia (CCSA) to undertake a review of the Children's Services portfolio with the broad aim of identifying a range of options that would ensure ongoing provision of high quality and responsive community-based education and care services that achieve strong outcomes and are financially sustainable. CCSA provides specialist advice, support and programs to improve governance and management capability widely to the early childhood education sector, and in particular to not-for-profit service providers.

55

Key issues

CCSA identified a number of key issues with the current model of operation which are provided in the attached *Summary of Findings and Recommendations* and has advised that continuing with the status quo will not achieve Council's objectives of meeting children's needs well and safely and achieving financial sustainability. In particular CCSA notes:

- The existing governance and management structure does not support the effective operation of the services. This has resulted in a high level of turnover of Children's Services Coordinators (4 in 5 years) and represents significant risk to Council from the loss of expertise necessary to fulfil regulatory obligations, in particular the absence of an on-site nominated supervisor as well as a loss of continuity while recruitment is undertaken.
- The portfolio requires different resourcing to deliver a lift in quality. The current lead role of children's services co-ordinator does not have sufficient resources to manage Council's interests effectively, including managing the obligations and risks posed from being the licensed approved provider.
- Staffing costs and numbers are higher than the market (including NFP organisations). At present there is no measurable benefit being derived from these staffing levels and costs in relation to quality outcomes, as assessed by quality ratings achieved. (It should be noted that learning experiences and relationship were observed to be positive and professional).
- Staffing can be better structured, better utilised and more accountable for operations. For example service co-ordinators have no accountability for staffing costs nor are they able to track against an operational budget.
- There is no operating plan that might include projected occupancy, break even position or responsibility for promoting the service in any planned and regular way.
- Long day care is a highly competitive market. There is currently almost no community awareness of council's role or the investment council is making for the community.
- Economies of scale are being missed due to the lack of integration between the services
- It is impractical for generalist council officers with diverse portfolios to be across all the legislation and operational requirements which are complex and require a deep and specialist understanding of operating frameworks including educational processes and outcomes and the quality assurance system.
- Year on year losses result in a continued draw on reserves. It is important to note that quality can only be driven by investment, and there is currently no financial return to reinvest into quality improvement.
- Limitations of council technology/software have over time led to the absence of an operating budget to guide decision-making, and make administration cumbersome, costly and resource heavy. The inefficiencies include double handling and duplication.

Options

CCSA provided two options to support high-quality and responsive community-based education and care services that achieve strong outcomes. Both require improvement to governance, systems, staffing and operations.

Option 1: Maintain the existing structure with Council as owner and operator of Children's Services and implement a range of improvements and investments to support improved efficiency and quality.

It should be noted that staff have invested significant resources into achieving improvements under the current management model over the past 5 years with limited success. The scale of operational improvements required to deliver a viable and high quality service are considered too great to achieve under the current model, given the complexity and specialised nature of the sector and the poor financial performance.

Option 2: Create a cooperative entity that removes Children’s Services from Council’s direct management while maintaining Council’s role as a partner in the cooperative. **PREFERRED**

5 A cooperative creates a “one service” governance model which will ensure that both the long day care service and outside school hours care services become an integrated, unified group with a single philosophy and shared values. The governance structure includes a Board that will provide a blend of Council and community expertise and capability to set direction, be more strategic, and drive quality and sustainability.

10 Council’s direct involvement as a key partner in governance provides strength and capability to the board and enhances the relationship with the community, particularly where Councillors are board members. It facilitates direct and regular connection and information sharing in relation to identified and visible goals and objectives which will support the intention to balance quality outcomes and financial sustainability.

15 A cooperative model is already operated successfully in NSW by Penrith Council.

20 CCSA considered a third option which was to create an association structure or to merge with an existing association. This option was not considered further due to barriers including the differences in pay and conditions for staff employed under the Local Government Award to those of the general sector, the risk of undermining community confidence in the services, and the tenure of the Sandhills site. Further, it was acknowledged that existing Council policy supports provision of high quality care in the sector.

25 **Next steps**

Should Option 2 be adopted, a project guidance group consisting of the following key staff will support the transition to a cooperative entity over a 12-18 month period:

- Director Corporate and Community Services
- 30 • Executive Officer
- Manager Social and Cultural Planning
- Manager People and Culture
- Manager Finance
- Manager Business Systems
- 35 • Coordinator Children’s Services

40 An implementation plan and communications plan for staff and families will be developed to ensure that there is opportunity for input into the transition process and that at all times staff and families are kept informed of progress.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.2	Support access to a wide range of services and activities that contribute to the wellbeing of all members of the Byron Shire community	2.2.2	Support and facilitate accessible, high quality early childhood education and activities	2.2.2.2	Support children with additional needs to learn and participate alongside their peers

Legal/Statutory/Policy Considerations

5 The National Quality Framework (NQF) operates under an applied law system, comprising the Education and Care Services National Law and the Education and Care Services National Regulations. The purpose of the applied law system is to set a national standard for children’s education and care across Australia.

10 Education and Care Services National Law Act 2010
 Children (Education and Care Services National Law Application) Act 2010 No 104
 Education and Care Services (National Uniform Legislation) Act 2011
 Education and Early Childhood Services (Registration and Standards) Act 2011

15 The Children and Young Persons (Care and Protection) Act 1998 (the Act) establishes the legislative framework governing child wellbeing and providing child protection and out-of-home care services in NSW

Byron Shire Council Children’s Services Policy (2017)

20 ***Financial Considerations***

25 Under the current management model the Children’s Services portfolio has made year on year losses for the last 3 financial years, with the exception of Byron Bay OSHC, which has delivered a surplus annually.

In addition to the project guidance group outlined above, a specialist consultant will be engaged to oversee the transition. A budget of \$50,000 has been identified and can be funded from the Children’s Services Reserve.

30 It is expected that by creating a more efficient governance structure, the cooperative model will, over time, deliver a modest surplus which can be reinvested into the services to improve quality outcomes.

35 Moving to a cooperative model, should deliver an immediate reduction in service provision costs of \$160,000 which is currently charged to the portfolio as an internal “support services” cost to cover finance, human resources, customer services, communications and IT supports provided by Council. While it is acknowledged that there will be a cost to the cooperative to provide these services independently, it is expected that those costs will be significantly less than \$160,000 per annum.

40 ***Consultation and Engagement***

CCSA consulted widely in the development of the Children’s Services review including:

- 45 • Senior management
 - Finance
 - People and Culture
 - Business Systems and IT
 - Social and Cultural Planning
- 50 • Children’s services staff across all services
- Parent community
- OSHC School Principals

Report No. 13.15 **Delivery Program 6-monthly Report and 2019/20 Operational Plan Fourth Report - Q4 - to 30 June 2020**

Directorate: Corporate and Community Services

Report Author: Heather Sills, Corporate Planning and Improvement Coordinator

5 **File No:** I2020/1169

Summary:

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


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

20 Council achieved 78% of the Operational Plan activities planned to be delivered in 2019/20; slightly down from 81% during 2018/19. There are a number of factors impacting on this result which are outlined in detail throughout the report but notably, the total number of activities had significantly increased from 301 in 2018/19 to 413 in 2019/20 – a 37% increase.

RECOMMENDATION:

That Council notes the Delivery Program 6-monthly Report and 2019/20 Operational Plan Fourth Quarter Report for the period ending 30 June 2020 (Attachment 1 #E2020/59640).

25 **Attachments:**

1 Delivery Program 6-monthly Report and Operational Plan Quarter Report - Q4 - to 30 June 2020, E2020/59640 

30

REPORT

Background

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

10 The Delivery Program (4-year) outlines the principal activities to be undertaken to implement the strategies established by the Community Strategic Plan (10-year), within the resources available under the Resourcing Strategy. All plans, projects, activities, and funding allocations must be directly linked to this program.

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

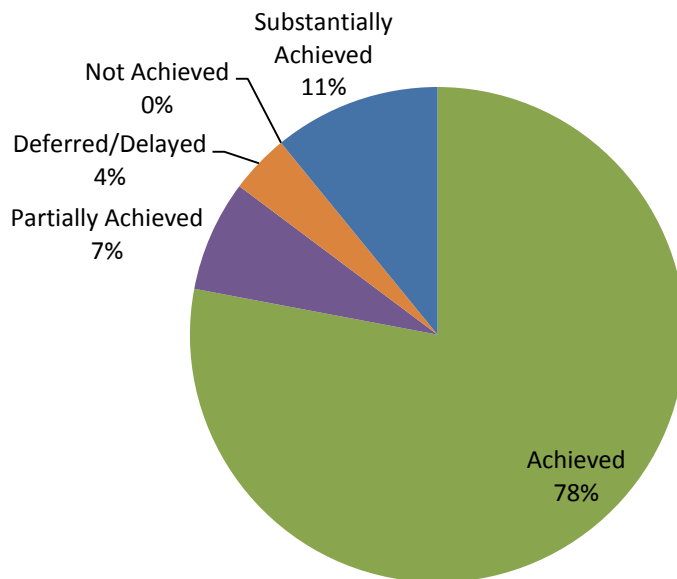
20 The General Manager is required to provide six monthly progress reports to the Council on the progress toward the delivery program, in accordance with the *Local Government Act 1993* s404 which states:

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

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

30 As this is the last quarter report for the 2019/20 financial year, this report details Council's achievement for the activities in the 2019/20 Operational Plan. Overall, Council achieved 78% of planned activities against the measures in the plan. This compares to 81% during 2017/18. However the total number of activities also increased from 301 to 413, which is a 37% increase.

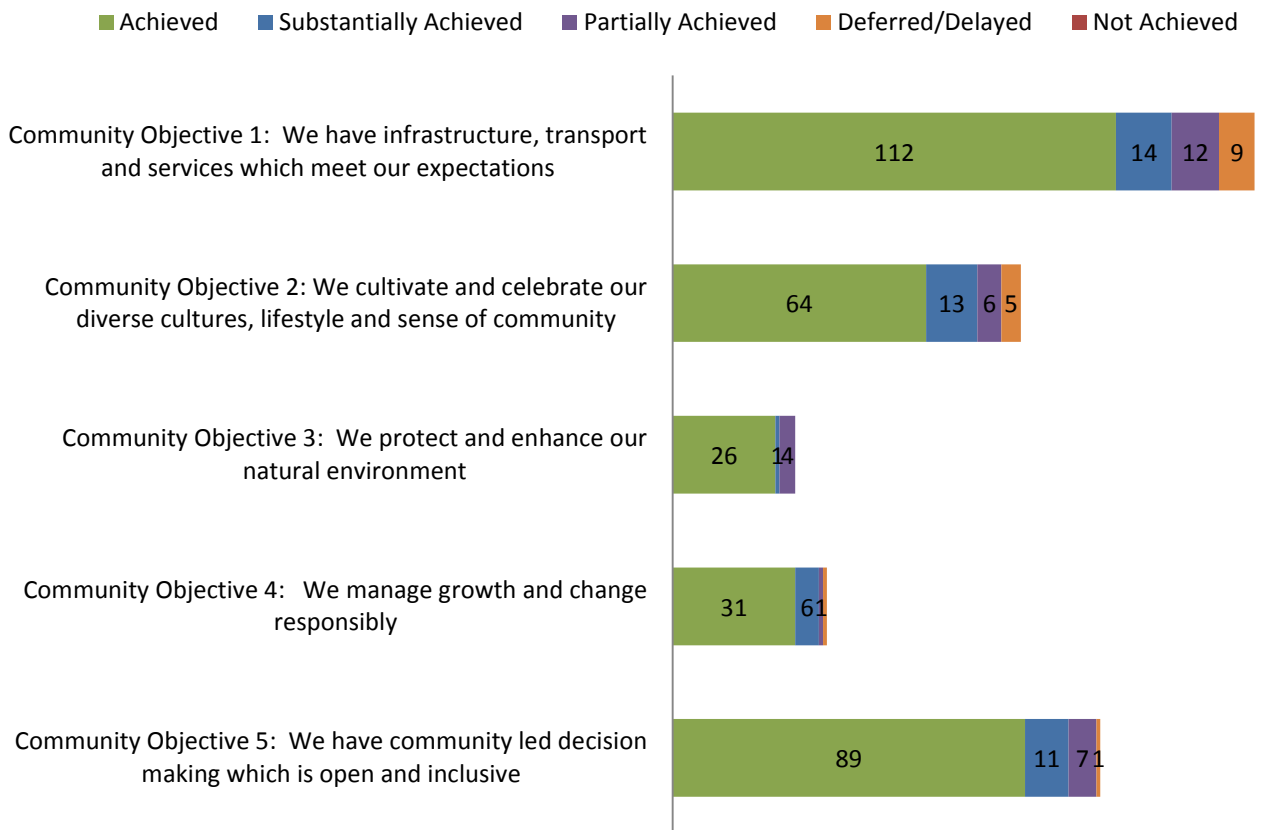
2019/20 Operational Plan Activities



The report (Attachment 1 #E2020/59640) is structured by the five ‘Our Byron, Our Future’ Community Strategic Plan 2028 objectives and the below graph illustrates the achievements against each of these objectives:

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

Result by CSP Theme



- 15 Each section in the report notes the progress against the activities including:
 - Activity
 - Responsible directorate
 - Measure
 - Timeframe
 - 20 • Comments
 - Status
 - Achieved – Indicates that the planned activity was achieved in accordance with the timeframe, measures, and budget
 - Substantially Achieved – greater than 50% achievement for the planned activity
 - 25 ○ Partly Achieved – less than 50% achievement for the planned activity
 - Deferred / Delayed – activity has been deferred or delayed. These activities will be considered in the first quarterly review of the 2020/21 Operational Plan.

Achievements

Council achieved 78% of its actions during this period. Some activities were not fully achieved and/or deferred as a direct result of COVID-19 restrictions. Further detail on individual activities and their impact is provided in detail in the report.

Key achievements include:

- Road reconstruction work of Byron Bay High School Turnaround Arakwal Court
- Development of concept plans for the Byron Bay Skate Park and Recreation Hub
- 10 • \$2.1m upgrade at Railway Park
- A detailed Building Asset Management Plan developed
- Defined levels of service for public toilet facilities
- Pedestrian Access Mobility Plan (PAMP) finalised and endorsed
- Integrated Waste Management and Resource Recovery Strategy adopted
- 15 • Installation of solar systems at the Sewerage Treatment Plants
- Main beach parking bays resurfaced and line marked
- Jonson St accessible parking bays implemented
- Twelve month car share pilot commenced on World Environment Day 5 June 2019
- Soul Street New Years event held on 31 December 2019
- 20 • Arts and Cultural Policy developed
- New MOU drafted in partnership with Arakwal
- Railway Park aboriginal public art project
- Homelessness Forum held on 9 June 2020
- Capital improvements to community buildings including Marvell Hall amenities, an accessible ramp and parking at Durrumbul Hall, accessibility improvements at Mullumbimby Neighbourhood centre, upgrade to the kitchen at Brunswick Memorial Hall, and improvements at both Suffolk Park and Mullumbimby Civic Hall
- 25 • Draft Emergency Dashboard prototype developed
- Installation of CCTV in hotspot areas and lighting upgrades
- 30 • Food Safety education with proprietors of food premises
- Biodiversity Conservation Strategy adopted
- On track to meet 2025 net zero emissions target
- A 99kw solar carpark was installed at Council's Administration building, Mullumbimby
- Work commenced on the preparation of a Climate Adaptation Plan
- 35 • Sustainability Awards attracted over 15 nominations
- CMP Scoping Study adopted
- Establishment of Place Planning Collective
- Amendment to enable precinct based Short Term Rental Accommodations prepared
- Draft Residential Strategy was prepared and exhibited
- 40 • Draft Affordable Housing Contribution Policy was developed and exhibited
- Engagement on Sustainable Visitation Plan
- Business and Industrial Land Strategy developed
- Commenced two-year trial of Byron Model recommendations
- Community Participation Plan adopted
- 45 • Youth Challenge program delivered with students from Mullumbimby High School
- Assistive technology support provided through ReadSpeaker on Council's website and hearing loop in Council Chamber
- Community Survey completed
- New online public mapping service made available to the public
- 50 • Customer Experience Strategy and action plan developed

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

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

Financial issues

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

Consultation and Engagement

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

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 13.16 Draft Net Zero Emissions Action Plan for Council Operations 2025 - endorsement for public exhibition

5 **Directorate:** Sustainable Environment and Economy
Report Author: Julia Curry, Sustainability and Emissions Reduction Officer
 Hayley Briggs, Sustainability and Emissions Reduction Officer
File No: I2020/894

10

Summary:

15 This report presents the draft *Net Zero Emissions Action Plan for Council Operations 2025* (the Action Plan), for Council's consideration to place on public exhibition (see Attachment 1, E2020/56957).

20 The overall aim of the Action Plan is to map a path for future activities that Council will undertake in order to reduce emissions from Council operations. The Action Plan is founded on the *Net Zero Emissions Strategy for Council Operations 2025* (the Strategy) and Council's commitments to being net zero emissions for Council operations by 2025, and to sourcing 100% of its electricity through renewable energy by 2027 (see Attachment 2, E2019/37526).

25 Since the adoption of the Strategy in 2019, Byron Shire has experienced a range of natural disasters such as drought, bushfire and flood, and now the COVID 19 global pandemic. The cumulative socio-economic pressures caused by these events indicate that further operational changes are necessary for Council to adapt appropriately to the challenges of a changing environment. Council's climate change adaptation response is separate to this Action Plan and is being addressed through two main pathways – the Federal and State funded Byron Shire Disaster Resilience Project, which aims to build community resilience to future natural crises (resolution **20-117**), and the Climate Change Adaptation Plan, which is currently being developed by staff.

35 The draft Action Plan has been developed with the assistance of the Sustainability and Emissions Reduction Advisory Committee, Council Managers and relevant Council staff. It was presented to Councillors at the 6 August 2020 Strategic Planning Workshop. It is now presented to Council for consideration and adoption for public exhibition.

RECOMMENDATION:

1. **That Council adopt the draft Net Zero Emissions Action Plan for Council Operations 2025 (Attachment 1, E2020/56957) for public exhibition for a period of 28 days accompanied by the Byron Shire Council Net Zero Emissions Strategy for Council Operations 2025 (Attachment 2, E2019/37526).**
2. **That any submissions received on the draft Net Zero Emissions Action Plan for Council Operations 2025 (Attachment 1, E2020/56957) be reported to Council for consideration, prior to the adoption of the final Action Plan; and if no submissions are received, Council adopts the Action Plan.**

40 **Attachments:**

- 1 Draft Net Zero Emissions Action Plan For Council Operations 2025, E2020/56957 
- 2 Net Zero Emissions Strategy for Council Operations 2025 Adopted 20 June 2019 Res 19-268, E2019/37526 

REPORT

Background

5 At Council Ordinary Meeting 23 March 2017 resolution **17-086** was developed and included two specific targets:

- Council commits to achieving 100% net zero emissions by 2025 in collaboration with Zero Emissions Byron (ZEB).
- Council commit itself to source 100% of its energy through renewable energy within 10

10 years.

On 2 August 2017 the Executive Team considered a follow up report to resolution **17-086** and considered the delivery of an emissions reduction strategy for Council, to meet these targets. The *Net Zero Emissions Strategy for Council Operations 2025* (the Strategy) was adopted by Council

15 on 20 June 2019 (resolution **19-268**) (see Attachment 2, E2019/37526).

The 2019/20 Operational Plan included the following action and related measure:

- 3.2.1.1 *Implement Net Zero Emissions Strategy for Council Operations 2025*
 - o *Develop and deliver annual action plan to prioritise and evaluate emissions reduction projects*
- 20

This draft Action Plan has been crafted to sit alongside the Strategy and deliver on the above Operational Plan measure (Attachment 1, E2020/56957).

25 To develop the Action Plan, workshops with the Sustainability and Emissions Reduction Advisory Committee and Council Managers were held in February 2020. Additional feedback was obtained from non-SERAC Managers and other relevant staff to ensure the Action Plan was accurate and achievable. The Action Plan was presented to Councillors for discussion at the 6 August 2020 Strategic Planning Workshop.

30

Action Plan structure

35 The Action Plan addresses the questions “Where are we now?” and “What do we need to do to reach net zero emissions for Council operations by 2025?” It is structured using *Objectives, Goals, Actions and Measures* (see Table 1) and provides Council staff with actionable steps as to how they can help meet the net zero emissions target.

Table 1: Action Plan structure – Definitions of Objectives, Goals, Actions, and Measures

Term	Definition
Objective	One of the five principal contributing sources of emissions within Council Operations
Goal	Measurable long term targets that align with the relevant objective, and the 2021-2025 Delivery Program timeframe.
Action	Specific and measurable steps for Council staff to deliver within approximately one financial year. They are to be included in the relevant annual Operation Plan.
Measure	One or several indicators to determine the completion of an action. These measures also allow for one action to be broken down into a series of smaller achievements over more than one financial year.

40 There are five objectives, based on Council’s principal sources of emissions, which provide the Action Plan’s basic structure:

- Objective A – Electricity;
- Objective B – Fuel;
- Objective C – Waste, Water, and Sewer;

- Objective D – Governance; and
- Objective E – Community Infrastructure.

Action Plan Implementation

5 As explained above, the Action Plan has been designed to align with the Delivery Plan and Operational Plan. This will assist staff to understand their responsibilities and track progress.

10 The Action Plan identifies the Directorates who have lead and supporting roles. For example, Table 2 below shows that for Action A3, Infrastructure Services has the lead role with Sustainable Environment and Economy as support.

Table 2: Excerpt from Action Plan Objective A – Electricity

Action		Measure	Leading Directorate/s
<i>Projects Underway</i>			
A1	Investigate 5MW solar farm at Dingo Lane, Myocum	Investigation complete.	Infrastructure Services (IS)
A2	Investigate bioenergy facility at West Byron STP	Investigation complete.	IS
A3	Facilitate bulk roll out of LED streetlights for Byron Shire	All streetlights in Byron Shire upgraded to LED technology	IS in collaboration with Essential Energy and Sustainable Environment and Economy (SEE)

15 It is important to note that there is some level of uncertainty and assumption within the Action Plan, as technology, policy and time will influence Council’s ability to meet its target. Some of these assumptions are:

- Not all actions and measures are weighted equally, and therefore may not all be individually required to reach net zero emissions by 2025.
- The goals in this plan are based on the figures and progress made over the past four years since Council’s baseline was established in 2016.

25 A progress report and evaluation of actions will be provided to the Executive Team and Council on an annual basis, alongside the Annual Emissions Report. This will complement the progress reports on the Strategy, which are provided every three years (the first update to which will be published in 2022). Annual reporting will ensure the Action Plan remains up to date and relevant in the context of changing climate science, technology and policy, and what emissions reduction goals Council achieves along the way.

30 Summary and recommendation

35 This report presents key highlights of the draft *Net Zero Emissions Action Plan for Council Operations 2025*. It is recommended that Council exhibit the draft Action Plan (Attachment 1) alongside the Strategy (Attachment 2) for a period of 28 days in September 2020 in order to gain public feedback before the final version is presented to Council in November 2020. If no public feedback is received, it is recommended that Council adopt the Action Plan as is.

STRATEGIC CONSIDERATIONS

40 Community Strategic Plan and Operational Plan

The Action Plan reflects all international, federal, state and regional plans and targets. It complements Council’s overarching Community Strategic Plan (CSP) and recognises the growing interest in emissions reduction projects and renewables observed in the Byron Shire, which is

5 highlighted in the CSP. As well as being a key tool to support the delivery of the *Net Zero Emissions Strategy for Council Operations 2025*, the Action Plan is further complemented by a number of other Council policies and strategies (including but not limited to *Towards Zero – Byron Shire’s Integrated Waste and Resource Recovery Strategy 2019-2029*, the *Integrated Water Cycle Management Plan*, the *Integrated Transport Management Strategy*, and the *Sustainable Visitation Strategy 2020-2030*). It delivers on the below Operation Plan activity:

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

Legal/Statutory/Policy Considerations

10 Council has no statutory obligations to produce an emissions reduction Action Plan.

Financial Considerations

15 The cost of preparing the draft Action Plan was included in the 2019/20 budget.

20 Emissions reduction and the transition to 100% renewable energy can both cost and save Council depending on the project. Projects listed in the Action Plan will need to be assessed for financial viability on a case by case basis with funding considered in line with preparing Council’s annual budget.

Consultation and Engagement

25 To develop the Action Plan, workshops with the Sustainability and Emissions Reduction Advisory Committee and Council Managers were held in February 2020. Additional feedback was obtained from non-SERAC Managers and other relevant staff to ensure the Action Plan was accurate and achievable. The Action Plan was presented to and approved by Councillors at the 6 August 2020 Strategic Planning Workshop.

Report No. 13.17 **Request for revocation of Dangerous Dog Order**
Directorate: Sustainable Environment and Economy
Report Author: Sarah Nagel, Community Enforcement Officer
File No: I2020/1039

5

Summary:

10 Mrs Cathie-Anne McGrath, owner of a desexed male Kelpie cross Dingo 'Possum' microchip number 982009102243253, has applied to Council to revoke a Dangerous Dog Declaration from Manly Shire Council imposed in January 2007.

RECOMMENDATION:

15 **That Council revokes the Dangerous Dog declaration relating to desexed male Kelpie cross Dingo, 'Possum' microchip number 982009102243253 owned by Mrs Cathie-Anne McGrath.**

Attachments:

- 1 Confidential - Letter from Mrs Cathie-Anne McGrath dated 29 June 2020, E2020/51795
- 2 Confidential - Mullumbimby Veterinary Clinic Report dated 22 June 2020, E2020/51791
- 20 3 Confidential - Mrs Anna Tasker Report dated 12 June 2020, E2020/51793
- 4 Confidential - Dr Nela Graham Report 21 June 2020, E2020/51792
- 5 Confidential - Dr Marie Rowe Reference dated 16 June 2020, E2020/51790
- 6 Confidential - Dr Mark Hampson Reference dated 16 June 2020, E2020/51786
- 7 Confidential - Ms Jane Anderson Reference dated 13 June 2020, E2020/51785
- 25 8 Confidential - Mr Robert Hall Reference dated 16 June 2020, E2020/51783
- 9 Confidential - Ms Saskia Lafebre Reference undated, E2020/51782
- 10 Confidential - Ms Tracy Wright Reference dated 10 June 2020, E2020/51784
- 11 Confidential - Ms Jennifer Coffey Reference dated 17 June 2020, E2020/51900
- 30 12 Confidential - Ms Jacqueline Appino Reference dated 15 June 2020, E2020/51788

REPORT

On 29 June 2020, Cathie-Anne McGrath wrote to Council, via letter, requesting that Council revoke a dangerous dog declaration.

5 On 16 January 2007, Manly Shire Council had declared a desexed male Kelpie cross Dingo 'Possum' microchip number 982009102243253, owned by Mrs Cathie-Anne McGrath, a dangerous dog pursuant to Section 34 of the *Companion Animals Act 1998*.

10 At that time, Possum was aged 18 months and was involved in an incident on 1 January 2007 during which he bit a nine year old girl on her upper right thigh as she was swinging on a tree swing at North Harbour Reserve, Balgowlah, Sydney. The girl required hospital treatment.

15 Possum is now 15 years of age. For the past 13 years, Possum has resided with his owner and her family at Myocum. Byron Shire has been the area where Possum is ordinarily kept for 13 years. A search of Council records and testimony from Mullumbimby Veterinary Clinic has revealed the owner has complied with all requirements of the Companion Animals Act and the Dangerous Dog Declaration. Council has no record of complaints or incidents involving Possum.

20 Possum's owner, Mrs McGrath, is seeking Council revocation of the dangerous dog declaration. Ms McGrath has stated that she feels very strongly about having the order revoked before Possum dies.

Section 39 of the *Companion Animals Act 1998* states:

- 25
- (1) *The owner of a dog that has been declared a dangerous dog or a menacing dog under this Division can apply to the council of the area in which the dog is ordinarily kept (whether or not it is the council whose authorised officer made the declaration) for the declaration to be revoked.*
- 30
- (1A) *An application under subsection (1) cannot be made until after the period of 12 months following the date on which the dog was declared to be a dangerous dog or a menacing dog.*
 - (2) *The council to which the application is made may revoke the declaration but only if satisfied that—*
 - 35 (a) *it is appropriate to do so, and*
 - (b) *If the council determines that it is necessary—the dog has undergone appropriate behavioural training.*
 - 40 (2A) *In making a determination under subsection (2) (a) in relation to a menacing dog declaration, the council is to have regard to the nature and extent of any behavioural training that the dog has undergone.*
 - 45 (3) *The council must, as soon as practicable, give notice to the owner of the dog that the declaration has been revoked or that the council has refused to revoke the declaration.*

Possum's usual veterinary practice has been Mullumbimby Veterinary Clinic since 25 May 2007. They have provided a written reference to Council stating Possum has never displayed any aggressive or unpredictable behaviour to any staff of the clinic for the period they have treated the animal.

50 Mullumbimby Veterinary Clinic has outlined that apart from Possum's record of friendly, predictable behaviour; he suffers from chronic health conditions such as osteoarthritis and degenerative lumbosacral stenosis making it difficult to exercise and to maintain his mobility. He is getting old and frail.

55

Ms McGrath engaged a dog behaviourist, Mrs Anna Tasker, to perform a full assessment of Possum. Mrs Tasker does not believe Possum should be required to abide by dangerous dog requirements of being contained in a child proof enclosure and wearing of a muzzle in public and wearing a red/yellow dangerous dog collar as this is extremely detrimental to his health and well-being. Mrs Tasker concluded that Possum is not a risk to the wider community.

On 20 June 2020, Dr Nela Graham of Calm Companions conducted a Veterinary Behaviour Consultation via video conference, due to concerns about Possum's mental health deterioration over the past year. Dr Graham noted that in recent months, Possum has avoided staying inside overnight and paced non-stop unless he was allowed to sleep under the house. Due to his welfare, the owners have reluctantly allowed this, but have sought help from their GP vet and Dr Graham.

Dr Graham outlined concerns regarding Possum's welfare, his age and as a consequence his health. Due to his arthritis, his vision and hearing deteriorating and anxiety Dr Graham stated it is cruel for him to continue under the dangerous dog conditions of living in a concrete enclosure and having to wear a muzzle. Dr Graham concluded these conditions are not conducive for his health and mental wellbeing.

Dr Marie Rowe, Director Animal Pharma Pty Ltd, has provided written reference noting she has known Possum for 15 years and supports the revocation of the dangerous dog declaration.

Written references, supporting the revocation of the dangerous dog declaration have also been provided by:

- Dr Mark Hampson of the Australian High Commission Medical Clinic, Honiara.
- Ms Jane Anderson, Psychologist and Justice of the Peace.
- Mr Robert Hall, Wildlife Officer of Currumbin Wildlife Sanctuary.
- Ms Saskia Lafebre, Animal Collections Manager of Currumbin Wildlife Sanctuary.
- Ms Tracey White, Manager of A Beachhouse at Byron.
- Ms Jennifer Coffey, friend.
- Ms Jacqueline Appino, Ms McGrath's sister.

STRATEGIC CONSIDERATIONS

Legal Considerations

Companion Animals Act 1998

Financial Considerations

Ms McGrath will not be required to pay an annual dangerous dog permit fee of \$195.00 to the NSW Pet Registry.

Report No. 13.18 **Lot 12 Bayshore Drive - Site Strategy and Urban Design Protocol**
Directorate: Sustainable Environment and Economy
Report Author: Rob Van Iersel, Major Projects Planner
File No: I2020/1032

5

Summary:

10 Council considered Report 13.20 Update Resolution 20-161 – Lot 12 Bayshore Drive
Redevelopment, at the Ordinary Meeting of 25 June 2020 – see link to Meeting Business paper
[here](#)

At the meeting, Council resolved (**Res 20-304**) as follows:

15

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.*
- 20 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.*
- 25 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.*

30

In accordance with this resolution, a draft Site Strategy and Urban Design Protocol has been prepared, which sets out a vision for the site, project objectives and a range of guidelines to shape the nature, type and scale of future development.

This report recommends that Council adopt the Lot 12 Site Strategy and Urban Design Protocol, to accompany an Expression of Interest seeking developers/partners who can deliver Council's vision for the site.

35

NOTE TO COUNCILLORS:


40

In accordance with the provisions of S375A of the Local Government Act 1993, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters. Pursuant to clause 2(a) under the heading Matters to be Included in Minutes of Council Meetings of Council's adopted Code of Meeting Practice (as amended) a Division will be deemed to have been called by the mover and seconder of all motions relating to this report.

RECOMMENDATION:

1. **That Council adopt the Lot 12 Site Strategy & Urban Design Protocol as the guiding document establishing Council's vision and preferences for the future development of the site and an Expression of Interest.**
2. **That Council undertake an Expression of Interest process for the development of Lot 12 to seek developers/partners who are able to achieve Council's vision for the property.**

45 **Attachments:**

1 Draft Lot 12 Site Strategy & Urban Design Protocol, E2020/47750 
REPORT

Background

5 Council adopted the Arts and Industry Estate Precinct Plan at the Planning Meeting of 18 June 2020 (**Res 20-285**). The adopted plan, 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 innovation hub'.

10 Part of this resolution required 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.*

15 In accordance with that resolution, Council considered Report 13.20 Update Resolution 20-161 – Lot 12 Bayshore Drive Redevelopment, at the Ordinary Meeting of 25 June 2020 – see link to Meeting Business paper [here](#)

At the meeting, Council resolved (**Res 20-304**) as follows:

- 20 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.*
- 25 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.*
- 30 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.*

35 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.

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

45 The draft concepts were recently exhibited as part of the Arts and Industrial Estate Precinct Plan public exhibition, and reported to the Council Planning meeting on 18 June 2020.

The original request from TAFE NSW was to lease a 5,000m² portion of the land, located at the Bayshore Drive frontage of Lot 12. The subsequent negotiations have led to a reduction in the land area requested, with TAFE confirming that a parcel of 3,500m² will meet their needs.

50 Preliminary assessment has also been undertaken regarding access to the site, given the constraints associated with nearby intersections and the driveway access into the neighbourhood shopping centre opposite the land.

55 The assessment indicates that a new site access arrangement for Lot 12 will need to be provided. Options available include a roundabout serving Lot 12 and the shopping centre opposite, and a

new road into Lot 12 to be located approx. 25m north of the existing driveway. No decision has been made on either to date.

Site Strategy and Urban Design Protocol

5

A draft Lot 12 Site Strategy and Urban Design Protocol, prepared in accordance with Resolution **20-304**, is attached to this report. The intention of this document is to guide respondents to an EOI process, which will seek developers/partners who are able to achieve Council's vision for the property.

10

The document sets out a strategy describing the vision for the site, key objectives and design outcomes sought, and sets out a range of guidelines that will shape urban design outcomes that fit with the vision.

15 Vision:

The vision is based on Council's previous resolution (**Res 20-304**) for Lot 12 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.

20

Lot 12 a place to learn, collaborate, create, change and connect

Lot 12 is a place of innovation that:

25

- leads the way locally to inspire global solutions.
- is a catalyst precinct to support local ideas, creativity and initiatives.
- is supported by low carbon and climate resilient infrastructure, technology and systems.
- demonstrates excellence in urban design, governance and delivery models.

30

Desired Future Land Uses:

35

In accordance with previous resolutions, Council's intention is for a TAFE NSW Connected Learning Centre (CLC) to be an anchor tenant for the precinct, establishing an educational/research theme.

40

TAFE are proposing to lease a 3,500m² parcel within the site, with their preference to be located at the Bayshore Drive frontage.

In addition to the CLC, the desired land uses are creative and emerging digital industries, research and associated office/commercial space.

45

Stand-alone retail uses are not considered suitable for the precinct, nor are stand-alone residential or tourism uses.

Development Principles:

50

The attached Site Strategy and Urban Design Protocol sets out a range of key objectives, to guide those who might be interested in responding to an Expression of Interest for developing this site.

Productive

- Growth of technology-based and creative industries.

- Diverse and resilient employment community.
- Layered economy that includes large and small businesses, start-ups and supportive businesses such as cafés and service providers that create community and destinations.
- 5 • Focal point for development of industry clusters, including opportunity for collaboration between educational institutions and industry.
- Strong site brand focused on innovation and clean technology.

Active

- 10 • Vibrant, safe and integrated mixed use community with a diverse range of business and employment opportunities, focusing on creative industries, digital economy, education, research and training.
- Well connected community both internally (pedestrians, cycles and public transport) and to the surroundings (Byron Town Centre, Cavanbah Centre, rail, beach, etc.).
- 15 • Seamless management of the interfaces between adjacent land uses: a workable and consistent mix.

Sustainable

- Best practice sustainability at precinct and building site levels.
- 20 • High level of resource efficiency with great environmental outcomes and new business models utilising smart technology.
- Flexibility for adaption to changes in market conditions and technological advances.
- Minimisation of waste and maximisation of water and energy efficiency.

Place

- 25 • Distinctive, recognisable and marketable ‘sense of place’.
- A well-designed public realm that favours pedestrian use over vehicles and active transport links over private car use.
- An active public realm both during the day and at night.
- Built form and public realm that work together.
- 30 • Integrated and site-specific public art.

Part B of the document sets out urban design protocols addressing:

- Environmental performance;
- Access and movement;
- 35 • Public realm;
- Built form; and
- Infrastructure.

Expression of Interest:

40 The key objectives of the EOI would be to:

1. Deliver outcomes consistent with the Site Strategy and Urban Design Protocol; and
- 45 2. Do so in a way that is cost-neutral for Council (in terms of capital infrastructure costs).

In accordance with discussions at previous Strategic Planning Workshops, the EOI would request that interested parties describe their intentions for the development of the site, including its delivery.

- 5 The EOI will call for a site Structure Plan, to set out how the development ideas would be provided in a spatial sense, and a preliminary Delivery/ Governance Model, outlining how the parties would propose to work with Council to achieve the desired development.

10 In this regard, Council had previously expressed a preference to retain ownership/control over as much of the site as possible, as opposed to a sale of the entire property. It is anticipated, however, that the ‘up front’ infrastructure costs associated with servicing future development of the land will require sale of part of the land in order to achieve infrastructure at no cost to Council.

Next Steps:

15 Council’s Executive Team would act as a Steering Committee to oversee and direct the project, based on Council resolutions regarding the future of the site. A cross-disciplinary staff team would coordinate the day-to-day operations, finalising the EOI, establishing the evaluation plan and assessing the responses to the EOI.

20 To assist in the drafting of the EOI, it is recommended that Council engage a Probity Advisor to overview the process and provide input to the documentation.

25 It is also recommended that staff prepare material to inform the community of Council’s vision and the EOI process.

The indicative program for the EOI process is:

- Establish cross-divisional project team; obtain quote for probity services – underway;
- 30 • Prepare preliminary advertising/media information – underway;
- Finalise EOI and associated documentation – by 9 September (subject to Council resolution);
- Issue EOI (following Steering Committee review/ sign-off) – 14 September
- Briefing session for potential respondents – 18 September*
- EOI period close – 22 October
- 35 • Project team/Steering Committee evaluation – by 6 November
- Report to Council – 26 November

** it is recommended that TAFE be invited to take part in briefing session, to outline their needs/requirements*

40 TAFE NSW has indicated that, in order to meet their desired timeframes, a firm decision is required by December 2020. The reporting of responses to the EOI to the Council meeting in November will allow Council to meet this timeframe.

STRATEGIC CONSIDERATIONS

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.6	Optimise Council’s property portfolio (SP)	1.2.6.1	Progress Lot 12 Bayshore Drive Byron Bay future use

Legal/Statutory/Policy Considerations

As discussed in the report.

5 *Financial Considerations*

The recently adopted budget includes an allocation of funds for this process, within the Planning Policy & Natural Environment budget, which will provide for the engagement of a Probity Advisor and community information.

10

Consultation and Engagement

A community information program will be prepared to advise the public of the project and its objectives.

Report No. 13.19 **Unauthorised Dwellings Policy**
Directorate: Sustainable Environment and Economy
Report Author: Dylan Johnstone, Planner
File No: I2020/1139

5

Summary:

10 The purpose of this report is to seek Council support to publicly exhibit draft Byron Shire Unauthorised Dwellings Policy prepared in accordance with Resolution **20-283** adopted at the Planning Meeting held on 18 June 2020.

RECOMMENDATION:

1. **That Council adopt the Draft Byron Shire Unauthorised Dwellings Policy in Attachment 1 (E2020/59113) and place the document on public exhibition for minimum a period of 28 days.**

2. **That following exhibition, Council receive a further report detailing submissions made. Should there be no submissions as of the close of the exhibition period, that Council adopt the Draft Byron Shire Unauthorised Dwellings Policy in Attachment 1 (E2020/59113).**

15

Attachments:

- 1 Draft Unauthorised Dwellings Policy, E2020/59113 

20

REPORT

Background

5 In response to [Report 13.8 Planning Proposal 26.2019.11.1 - Lot 6 DP 8385 Yagers Lane, Skinners Shoot - Request for Dwelling Entitlement](#), at the Planning Meeting 18 June 2020, Council resolved (**20-283**):

- 10 1. *“Proceed with option 1 to request the NSW Department of Planning, Industry and Environment to issue a Gateway determination for the planning proposal as contained in Attachment 1 (E2020/40745).*
- 15 2. *Agree that staff can proceed to obtain further studies from the applicant (if required by the Gateway determination), then undertake public exhibition of the planning proposal and government agency consultation based on the Gateway determination.*
- 20 3. ***Request staff to prepare an Unauthorised Residential Accommodation Policy as a matter of priority to confirm the planning pathways and consequences for unauthorised residential accommodation seeking regularisation in Byron Shire, and that this be reported to the next available Planning meeting for consideration of public exhibition.***
- 25 4. *That in the meantime any planning proposal or development application lodged with Council for existing (as of 18 June 2020) unauthorised residential accommodation comply with the requirements of the Unauthorised Residential Accommodation Policy or for those applications lodged prior to the Policy being adopted the principles as presented in this report.*
- 30 5. *That a 15 month (from 18 June 2020) moratorium on enforcement action be granted to land owners with existing (as of 18 June 2020) unauthorised residential accommodation on their land that does not present unacceptable risk to human health or the environment, to enable them time to lodge a planning proposal and or development application to Council for assessment under the Unauthorised Residential Accommodation Policy as drafted / adopted at the time of lodgement.*
- 35 6. *Confirm that any unauthorised residential accommodation built after 18 June 2020 or existing unauthorised accommodation altered or added to after 18 June 2020 will be subject to Council’s Enforcement Policy as adopted.”*

40 Staff have since enacted the resolution in full.

The planning proposal as per item 1 has been sent to the NSW Department of Planning, Industry and Environment and has received conditional gateway. The planning proposal will now proceed to public exhibition.

45 Staff have received multiple enquiries about planning pathways available to specific developments on land. Several of these will now proceed to planning proposal and development application stage; several remain the subject of enforcement action and orders.

50 In drafting the policy as per item 3, staff have now reconsidered use of the term “residential accommodation”. The preference for the policy name and content is now to be limited to dwellings, the original focus of the report 18 June.

55 Residential accommodation is defined by Byron LEP 2014 as follows:

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- 5 (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- 10 (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- 15 (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

20 This is a broad definition and there is the potential for landowners to argue that what is on their land is not being used as residential accommodation.

A dwelling is defined by Byron LEP 2014 as follows:

25 **dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

This definition is less open to interpretation and is therefore considered more appropriate to use for the purposes of this policy.

30

Draft Policy content

The objective of the policy is to clearly establish the planning pathways and consequences relating to unauthorised dwellings within the Shire. This will inform the community of the options available to them and assist staff in Council's response to unauthorised dwellings.

35

The policy outlines three (3) planning pathways for unauthorised dwellings seeking regularisation:

40 *Pathway 1 - Land has a Dwelling entitlement in accordance with Clause 4.2A of LEP 2014 or Clause 15 of LEP 1988 and contains:*

- A single unapproved dwelling (or converted farm building), unapproved dual occupancy or secondary dwelling. For unapproved Multiple Occupancy or other residential accommodation refer to Pathway 2.

45

Requirements

- Where land has no significant natural constraints and the use is capable of approval and complies with LEP and DCP provisions:
- Development Application pathway subject to assessment of DA for land use, Section 68 application for onsite sewage management, Building Information Certificate for works completed.
- Payment of Section 7.11 contributions and any applicable Section 64 contributions.

50

Pathway 2 - Land does not have a Dwelling entitlement and contains:

55

- A single unapproved dwelling (or converted farm building), unapproved dual occupancy or secondary dwelling, Multiple Occupancy or other residential accommodation.

Requirements

- 5
- Land must meet strategic merit test for LEP amendment
 - Planning proposal required to add permitted land use to the particular site in Schedule 1 of LEP 2014 or Schedule 7 of LEP 1988 (depending on the zoning of the land).
 - Development Application pathway subject to assessment of DA for land use, Section 68 application for onsite sewage management, Building Information Certificate for works completed.
- 10
- Cost agreement under Voluntary Planning Agreement equivalent to Section 7.11 contributions and any applicable Section 64 contributions for each dwelling.

Pathway 3 - Land may or may not have a Dwelling entitlement and contains:

- 15
- A single unapproved dwelling (or converted farm building), unapproved dual occupancy or secondary dwelling, Multiple Occupancy or other residential accommodation.
- 20
- In circumstances where land does not meet strategic merit test for LEP amendment, does not have the ability to accommodate appropriate effluent disposal, non compliant with LEP and DCP provisions.
- 25
- Enforcement action as per Enforcement Policy 2016 to follow i.e. Orders to demolish/restore to previously approved use as appropriate. Orders may be subject to appeal in the Land and Environment Court.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.4	Enhance community safety and amenity while respecting our shared values	2.4.3	Enhance public safety, health and liveability through the use of council's regulatory controls and services	2.4.3.1	Monitor, investigate and resolve complaints in relation to community safety, land use and the environment
Community Objective 4: We manage growth and change responsibly	4.2	Support housing diversity in appropriate locations across the Shire	4.2.1	Establish planning mechanisms to support housing that meets the needs of our community	4.2.1.1	Finalise the Residential Strategy

30

Legal/Statutory/Policy Considerations

The relevant legal/statutory/policy considerations have been noted above.

35 ***Financial Considerations***

The Policy provides a mechanism for Council to collect revenue associated with the processing of applications seeking approval for the use of existing unauthorised dwellings.

Consultation and Engagement

Council must give public notice of a draft Policy after it is prepared under *Local Government Act 1993 – Section 160 Public notice and exhibition of draft local policy*.

5 Under *Local Government Act 1993 – Section 160* the period of public exhibition must be not less than 28 days.

10 It is recommended that Council adopt for public exhibition the attached draft Byron Shire Unauthorised Dwelling Policy and:

- a) should no submissions be received, be determined as adopted from date that public exhibition closes.
- 15 b) should submissions be received that all submissions be reported back to Council.

Report No. 13.20 **Federal Village Project - Community Led Governance and Place Plan**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
 Andrew FitzGibbon, Place Liaison Officer

5 **File No:** I2020/1175

Summary:

10 To seek Council endorsement of a community led plan process for the Federal village.

RECOMMENDATION:

That Council:

1. **Endorse staff initiating work on a community led plan for the Federal Village.**
2. **Request staff to proceed with a community scoping meeting to be held during September/October, to explore the purpose and nature of the Federal Village plan and the process to prepare the plan.**
3. **Receive a further report on the outcomes of the community scoping meeting by or before the December meeting of Council.**

15

REPORT

5 Council has previously led the development of masterplans for Mullumbimby, Bangalow and the Byron Arts and Industry Estate. Each of these plans had a different scope and project pathway.

The Place Planning Collective as recently established by Council is an innovative approach helping to oversee and implement actions from these plans.

10 The purpose of the Place Planning Collective is to:

- Collaborate with Council and contribute co-ordinated, community-led governance to Council's place planning decision-making.
 - Prioritise projects identified by communities within existing and future place plans in Byron Shire, and make recommendations to Council for their implementation.
- 15

<https://www.byron.nsw.gov.au/Community/Place-planning/Place-Planning-Collective>

20 The draft Operational Plan for 2020/21 includes an activity to investigate which location should be prioritised for the next masterplanning work program (refer item 4.1.1.6).

[file:///fapmho2/users\\$/sburt/Downloads/Operational-Plan-2020-21-as-adopted-by-Council-on-30-July-2020.pdf](file:///fapmho2/users$/sburt/Downloads/Operational-Plan-2020-21-as-adopted-by-Council-on-30-July-2020.pdf)

25 Federal – Proposed Location

It is proposed that the Federal Village is the focus of the next masterplan (plan).

30 Federal is one of Byron Shire's historic smaller villages (688 population ABS 2016). Working with a village like Federal would help to share the place planning work across different community types in Byron Shire. To date, we have focused mainly on larger towns and an arts/industry estate.

35 Federal has a number of current challenges, including movement conflicts (school bus, café/shop parking and pedestrians), increase visitation, and substantial development application activity (e.g. mixed use proposal on corner of Coachwood Court and Federal Drive).

Approach – Community Led Planning

40 It is proposed to facilitate a 'community led' plan for the Federal Village.

Community Led Planning is a collaborative process to improve social, economic and environmental wellbeing of a local area. Led by residents and other interest groups, agreement is reached on objectives, actions, delivery responsibility and time frames.

45 Community led planning can range from providing a park bench, to establishing a community garden on a vacant property, to producing a community led plan outlining the vision and actions to enhance the local shopping precinct.

50 Communities know what they need most and are capable of identifying, planning and delivering their own projects. Such projects can become a source of local identity and pride.

Community led plans are similar to Council led plans in that they have a vision, actions and implementation plan.

Council’s Place Activation Team would guide community leadership as necessary by providing a process framework, outcome/report templates and other targeted support as needed.

5 The aim is to establish a best practice model that fosters community leadership alongside Council support to ensure outcomes are based on a collective view and that identified actions are implementable.

10 The community led planning framework will be developed from best practice models such as those established in Christchurch City Council, New Zealand.

An example of a New Zealand community led plan is the Little River Big Ideas Plan:

15 <https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/suburban-plans/16-1406147-Attachment-to-report-16-1245785-Title-Little-River-Big-Ideas-.pdf>

Prepared through multiple consultation events, the community came together to express their issues, ideas, hopes, and vision.

20 A living document was developed, outlining several projects for the community to support and develop further, a guide to development, and information for external agencies to consider when working in the area.

25 The plan identifies multiple projects to give effect to the vision, and sets timeframes for these projects to be carried out.

Next steps

- Council endorse initiation of the Federal Village Plan – August 2020
- 30 • Staff convene a community scoping meeting for the Federal Village Plan – September/October 2020
- Staff report outcomes of the community scoping meeting – by or before December 2020
- Federal Village Plan prepared - January to June 2021
- Federal Village Plan reported to Council for adoption – June 2021

35 *Figure: Aerial Image of Federal*



Figure: LEP 2014 Zoning in Federal



5 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place based planning and management	4.1.1	Develop, implement and update Place Plans that promote place based forward planning strategies and actions	4.1.1.6	Investigate priority needs for future masterplans

Legal/Statutory/Policy Considerations

10 Community led planning would be an evolution of the masterplanning process we have undertaken to date in Mullumbimby, Bangalow and the Byron Arts and Industry Estate.

If this approach is successful it could be used in other locations in Byron Shire.

15 **Financial Considerations**

A budget and staff resource allocation exists for FY20/21.

20 **Consultation and Engagement**

To be developed and reported to Council as part of the project scope and plan framework agreed to by the community.

STAFF REPORTS - INFRASTRUCTURE SERVICES

Report No. 13.21 **A request for a dedicated Jewish section at Clunes Cemetery.**

Directorate: Infrastructure Services

5 **Report Author:** Andrew Erskine, Open Space Technical Services Officer

File No: I2020/514

10 **Summary:**

Requests have been received from members of the local Jewish community to dedicate a section of a Byron Shire cemetery as a Jewish burial ground.

15 As available space is limited at Byron Bay, Bangalow and Mullumbimby cemeteries the proponents were asked to consider the suitability of Clunes cemetery for their purposes.

Representatives accompanied staff and are enthusiastic about the prospect of establishing a dedicated area within Clunes cemetery.

20 Council are asked to approve this application from the Jewish community.

RECOMMENDATION:

That Council approve the dedication of a Jewish section within the Clunes cemetery, large enough to accommodate 50 burials, within the adjacent vacant land zoned SP2 Infrastructure Cemetery.

25

REPORT

A request has been made by members of the Jewish Community for Council to dedicate a section of one of the Shires cemeteries as a Jewish burial ground.

5 Customarily, adherents are buried following specific rituals by their own burial society the Chevra Kadisha in a dedicated area. The Jewish (and Islamic) traditions forbid cremation and require permanent and perpetual burial.

10 While space is limited at Mullumbimby, Byron Bay and Bangalow cemeteries we do have abundant space to accommodate a section at the Clunes Cemetery.

15 Discussions with the proponents suggest enough room for 50 plots should be sufficient for some years to come as the estimated 400 families in the shire are mainly of a younger demographic.



Old section



Current section



Vacant cemetery land

Operational issues

20 Staff were initially concerned that we may not be equipped for certain of the rituals, namely;

- The need for running water for cleansing at the burial ground. The response was that, they would bring their own water in a container.
- The need to bury the body within 24 hours of death. The proponents have replied that they will work within a Council timeframe.
- The dedicated section of the cemetery be fenced. The proponents have suggested that a hedge would be adequate to define the burial area.



30 Council managed Crown Land dedicated for cemetery purposes. The blue box represents the proposed position of dedicated Jewish section.

Next steps

- Council staff reconfirm suitability of selected site with proponents and local Rabbi.
- An area sufficient for 50 burials (with adjacent vacant land) be surveyed and marked.
- 5 • The proponents invited to consecrate and create defining hedges as per Jewish custom.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.3	Provide accessible, local community spaces and facilities	2.3.7	Deliver Open Space and Recreational services in line with Community Solutions Panel values (SP)	2.3.7.13	Operate and maintain Shire's cemeteries

Legal/Statutory/Policy Considerations

15 Council adheres to regulations as outlined in the Cemeteries & Crematoria Act 2013 and NSW Health Regulations – Disposal of the Deceased.

Byron Shire Council 2020/21 adopted fees and Charges

Cemeteries

Fees payable at time of application. For the purpose of the Schedule "interment" includes the sinking of the grave, the placement of the coffin or ashes therein, backfilling of the grave and removal of debris. Where caskets exceed 1.5m in length interment to be carried out in general section of cemetery and full interment fees to apply. Generally two fees apply to all interments - the cost to purchase the Perpetual Interment Right, and the cost for the interment of the bodily or cremated remains.

Grave site

Perpetual Interment Right

Adult – Dual depth (lawn areas)	\$3,835.00	1761.11	Y	R
Adult – Single depth (non-lawn areas)	\$3,059.00	1761.11	Y	R
Infant or Child	\$584.00	1761.11	Y	R
Stillborn Child	No charge		Y	

Interment of bodily or cremated remains into new or existing grave site (includes re-openings)

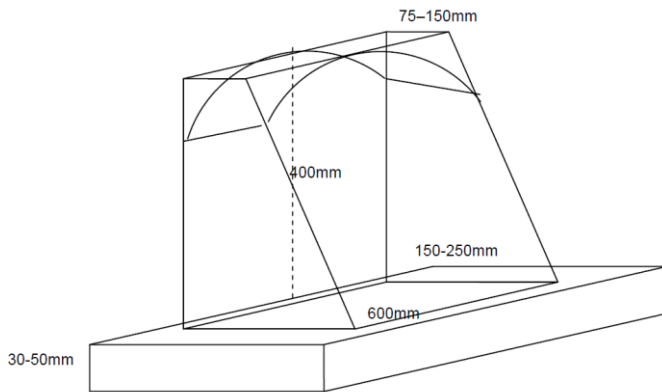
Prices shown for weekday burial costs, additional fee applies for burials on Saturdays and public holidays.

Adult	\$1,983.00	1761.2	Y	R
Infant or Child	\$202.00	1761.2	Y	R
Stillborn Child	\$82.00	1761.2	Y	R
Cremated remains	\$478.00	1761.2	Y	R

Name	Year 20/21 Fee (incl. GST)	GL	GST	Pricing Code
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Surcharges

Weekday – After 2.30pm	\$374.00	1761.2	Y	R
Weekend/Public Holiday – Labour	\$67.00	1761.2	Y	R
<i>Per hour, min 4 hours</i>				
Weekend/Public Holiday – Plant and operator	\$205.00	1761.2	Y	R
<i>Per hour, min 4 hours</i>				



Headstones must comply to these standard dimensions.

5 Financial Considerations

Survey to be undertaken by staff, no additional funding is sort at this stage. Hedges and fence lines to be constructed under the guidance of staff by the proponents.

10 Consultation and Engagement

Staff have had a number of meeting with the proponents including an on-site meeting at Clunes Cemetery.

15 If this project is approved for commencement we will consult with the local Rabbi and proponents about the initial design and orientation of graves before installing the concrete beam.

Report No. 13.22 **Proposal to rename Granuaille Crescent Bangalow**
Directorate: Infrastructure Services
Report Author: Deanna Savage, Roads and Property Officer
File No: I2020/21

5



Summary:

10 Council is seeking a resolution to move forward with the renaming of Granuaille Crescent on the southern side of Hinterland Way.

RECOMMENDATION:

1. That Council endorse the renaming of Granuaille Crescent on the Southern side of Hinterland Way.
2. That the endorsed name be submitted to the NSW Geographical Names Board for concurrence, advertising and Gazettal in accordance with regulation requirements.
3. That new street name signs be erected and funded from the General Fund for Sign Maintenance.

15 **Attachments:**

- 1 E2019 76133 PDF for Report Granuaille Crescent Bangalow naming irregularity NSW Ambulance redacted, E2020/57760 
- 20 2 Full redacted submission list for report to Council renaming of Granuaille Crescent south of Hinterland Way Bangalow, E2020/57725 

REPORT

Council has received correspondence from NSW Ambulance and two residents stating that there are ongoing issues with Emergency Services locating properties on Granuaille Crescent due to confusion with Granuaille Road. *Attachment 1 E2020/57760.*

As you can see in **figure 1** below there are 12 parcels of land affected by the name change however 8 separate families as 1 family/company owns multiply parcels.

As the road authority we have an obligation to ensure public safety and service delivery, therefore, we have commenced the road renaming process to rename Granuaille Crescent.

10

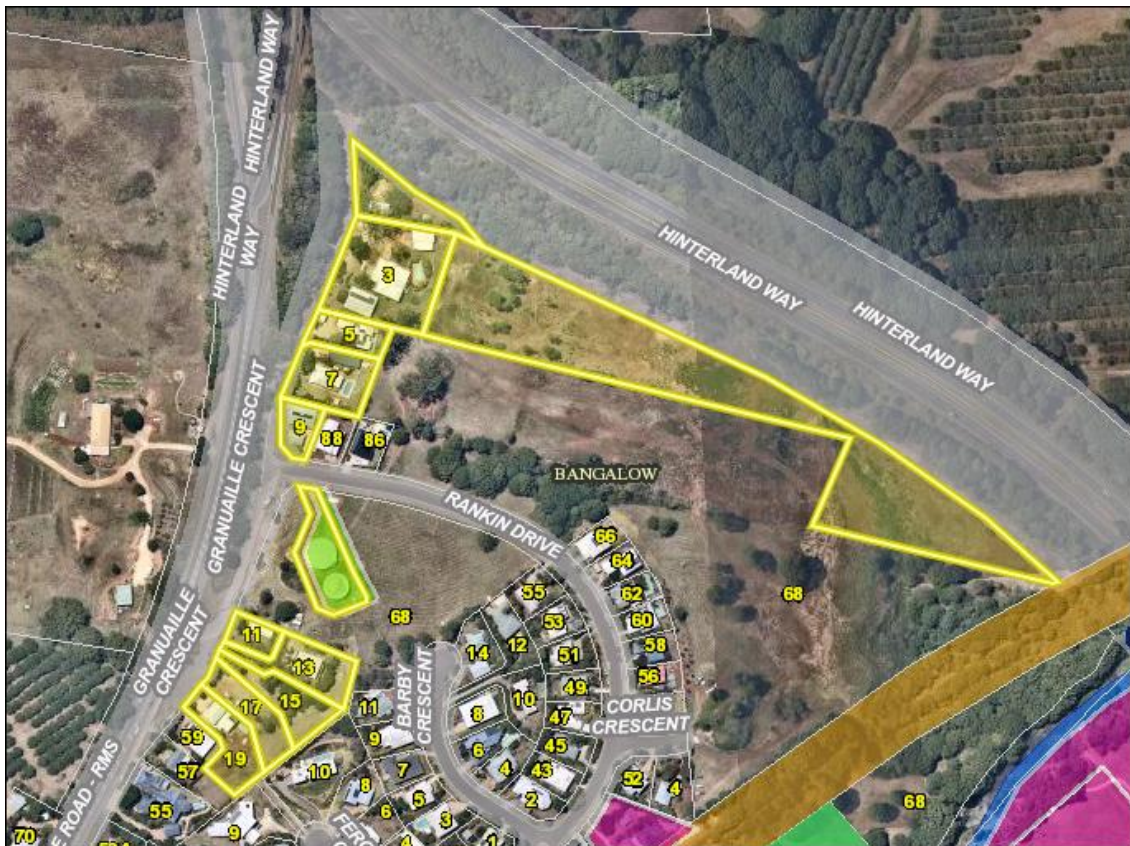
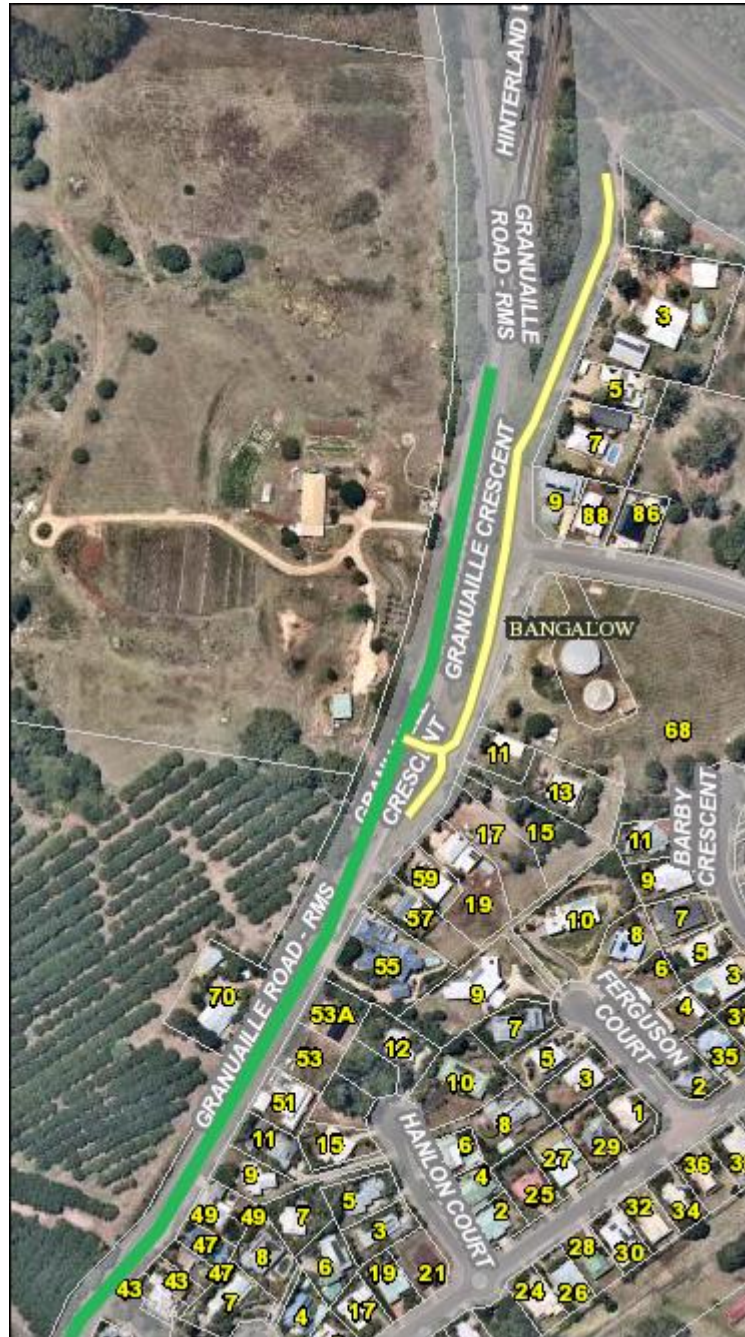


Figure 1 – parcels of land addressed to Granuaille Crescent



5 Council advertised the renaming of Granuaille Crescent and called for submissions late in 2019. Discussions have also occurred with most of the land owners. An agreement has not been able to be reached on the name of choice for the renaming. Most residents want to keep Granuaille due to its history. Unless the Ambulance Service withdraw its submission the renaming must move forward.

10 A second submission period was given with Council suggesting Garvey Crescent after a known pioneer in the area. The area is surrounded by street names after Pioneers which is why Garvey Crescent was presented as an option. This name was not received well by the residents.

15 An aboriginal name, Pindari, was suggested in some of the recent submissions however in contacting the local Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) there is no connection to this particular area so we are unable to move forward with this name.

A number of suggestions were put forward by the residents affected and they were run past the Geographical Names Board (GNB) for eligibility. Submissions received: *Attachment 2 E2020/57725*

5 Name suggestions and submissions included the following:

1. Pindari Crescent – Rejected Arakwal
2. Bangalla Crescent – Would need concurrence with Bundjalung of Byron Bay Aboriginal Corporation
- 10 3. Sunset Crescent – Rejected GNB
4. Hill View Crescent – Rejected GNB
5. FigTree Crescent – Rejected GNB
6. Bella Vista – Rejected GNB
7. Ridgeback Crescent – Allowed GNB
- 15 8. Failte Crescent – Allowed GNB
9. Satinash Crescent - Allowed GNB
10. Curtain Fig Crescent - Allowed GNB
11. Garvey Crescent - Allowed GNB
- 20 12. White Wattle Crescent – Allowed GNB

Unfortunately most of the names suggested have been rejected by the GNB and Arakwal. Number 9 and 10 are the names that have been discussed and put forward as most likely candidates with both equally highlighted by just 3 residents.

25 **Financial Implications**

Once the street name has been determined the funds for the erection of the signs will be from the General Fund for Sign Maintenance.

30 **Statutory and Policy Compliance Implications**

Byron Shire Council Street Name Register.

35 Council is able to name roads in accordance with the authority provided in Part 10, Division 4, Section 162 of the *Roads Act 1993*.

The procedure of naming roads, is dictated by Sections 7 to 10 within Part 2, Division 7 of the *Roads Regulation 2008*, which is available in detail at:

40 <https://www.legislation.nsw.gov.au/#/view/subordleg/2008/156>

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.1	Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)	1.1.1.2	Implement ongoing road planned maintenance programs

45

Legal/Statutory/Policy Considerations

- Council is the authority to name this road and has done so in line with the below regulations:
- Road Regulations 2018 - Part 2 - Division 1 - Section 7 – Procedure for naming roads
- 5 • Roads Act 1993 - Division 4 - Section 162 - Naming of public roads
- NSW Addressing User Manual - 6.7 Principles of Road naming - 7 Addressing Procedures
- Council Policy No.07/102 – Tourist, Street Name, Community Facility and Service Signs – Section 4.2f

10 ***Financial Considerations***

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

15 ***Consultation and Engagement***

The adjoining land owners and the general public have been consulted and provided comment and submissions.

Report No. 13.23 **Proposed Road Closure and Sale of Road Reserve adjoining 140 & 158 Skinners Shoot Road Lots 199 & 200 DP 755695**

Directorate: Infrastructure Services

Report Author: Deanna Savage, Roads and Property Officer

5 **File No:** I2020/924

Summary:

10 This report is being presented to Council to endorse the closure of Council road reserve adjoining 140 and 158 Skinners Shoot Road, Byron Bay (Lots 199 & 200 DP 755695) highlighted in blue Image 1.

15 Crown Lands determined the road/land will vest in Council upon closure.





It is proposed to sell the land to the adjoining land owners of Lots 199 & 200 DP 755695. The land size is approximately 5,751m² for proposed Lot 1 and 5681m² for proposed Lot 2.

20

RECOMMENDATION:

1. **That Council endorse the closure of road reserve adjoining Lots 199 & 200 DP 755695, as per Image 1 of this report.**
2. **That Council ascertain market value by engaging a suitably qualified Valuer and delegate to the General Manager the authority to enter into a contract for sale of the closed road with the owners of adjoining Lots 199 & 200 DP 755695 at a value no less than the value placed on the closed road by the independent Valuer.**
3. **That the applicants pay all costs associated with the road closure, including but not limited to:**
 - a) **Council application fees**
 - b) **Council's surveyor's fees and survey, valuation and legal costs**
 - c) **All registration fees**
 - d) **Legal costs**
4. **The allotment created by the part road closure to be consolidated into the existing Parcel No 122530 Lot 199 DP 755695 and Parcel No 122540 Lot 200 DP 755695 in accordance with the attached plan (Attachment 2 E2020/57638).**
5. **That Council authorise the execution of all documents necessary to affect the road closure, sale, transfer and consolidation of the closed road.**

Attachments:

- 25
- 1 PDF version of email initiating road closure and sale of road reserve adjoining 140 and 150 Skinners Shoot Road, E2020/57633 
 - 2 Plan of road separation Lots 199 & 200 DP 755695 Skinners Shoot Road, E2020/57638 
 - 3 Submissions for proposed road closure and sale adjoining Lots 199 & 200 DP 755695 Skinners Shoot Road, E2020/57655 
 - 30 Council road closure proposal - adjoining Lots 199 & 200 DP 755695 Skinners Shoot Road Crown Lands Response Land to Vest in Council, E2020/57662 

REPORT

This closure has been instigated by Northern Rivers Land Solutions on behalf of his client's owners of Lots 199 & 200 DP 755695.

5

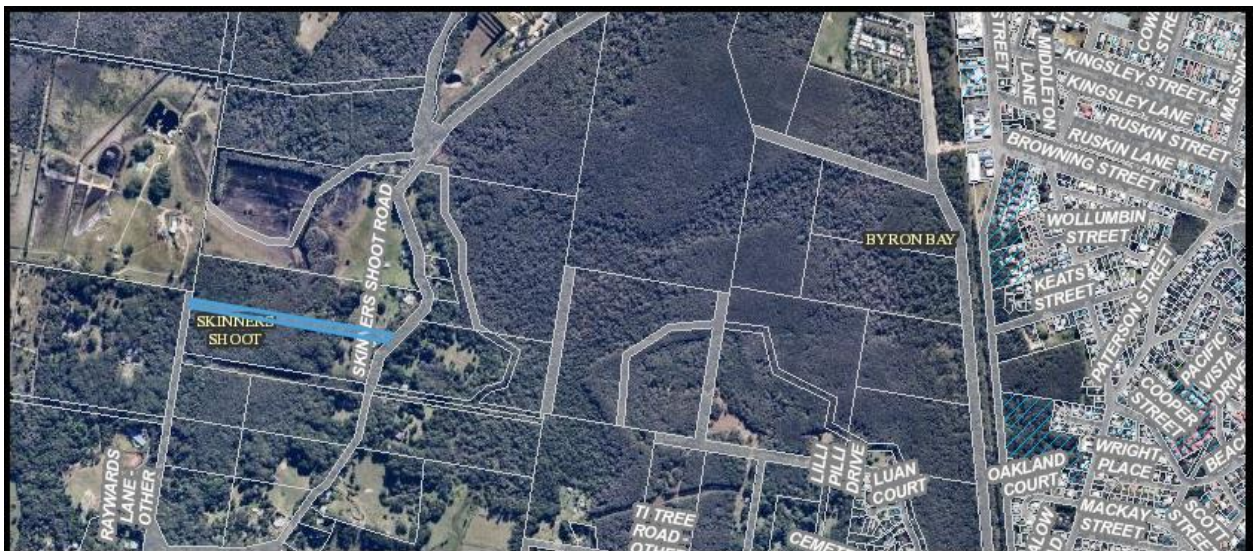
Section to be closed below on **Image 1** highlighted in blue.



Image 1

10

Locality Plan – Image 2



15 Road closure application

An application was received from Northern Rivers Land Solutions (*Attachment 1 – E2020/57633*), on behalf of the owners of Lots 199 & 200 DP 755695, requesting the closure and purchase of Council road reserve, highlighted in blue **Image 1**. *Attachment 2 E2020/57638* shows how the closed road will be divided/sold between the 2 adjoining land owners.

20

Staff accepted the application as per the New Process for Road Closures and the *Roads Act 1993* Part 4 Closing of public roads, Division 3 Closing of council public roads by councils 38A, when council may close council public road.

5 The closure was advertised in the Byron Echo on 22/04/2020. Letters were sent out to all adjoining land owners, Crown Lands and all Notifiable Authorities as per the *Roads Act 1993*.

10 A 28 day submission period was given with no submissions of objection by authorities, adjoining land owners or members of the public being received. *Attachment 3 E2020/57655* shows all submissions received.

15 Crown Lands have notified Council that once the road has been closed the land will vest in Council (*Attachment 4 E2020/57662*) and negotiations for the sale can move forward with the adjoining land owners.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.1	Deliver road and drainage maintenance services in line with Community Solutions Panel values (SP)	1.1.1.2	Implement ongoing road planned maintenance programs

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

Roads Act 1993

Part 4 Closing of public roads

Division 3 Closing of council public roads by councils

25 ***38A When council may close council public road***

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

- (a) the road is not reasonably required as a road for public use (whether for present or future needs), and*
- (b) the road is not required to provide continuity for an existing road network, and*
- (c) if the road provides a means of vehicular access to particular land, another public road provide lawful and reasonably practicable vehicular access to that land.*

38B Notification of proposal to close council public road

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

- (a) to be published in a local newspaper, and*
- (b) to be given to:*
 - (i) all owners of land adjoining the road, and*
 - (ii) all notifiable authorities, and*
 - (iii) any other person (or class of person) prescribed by the regulations.*

40 *(2) The notice:*

- (a) must identify the road that is proposed to be closed, and*
- (b) must state that any person is entitled to make submissions to the council with respect to the closing of the road, and*

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

38C Public submissions and formal objections

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

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

Note.

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

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

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

(a) affirm the objection, or

(b) set aside the objection.

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

38D Decision of proposal

(1) After considering any submissions that have been duly made with respect to the proposal, the

council may, by notice published in the Gazette, close the public road concerned.

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

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

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

38E Effect of notice of closure

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

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

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

(2) The land comprising a former road:

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

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

38F Appeals to Land and Environment Court against closure decision

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

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

(a) affirm the closure, or

(b) set aside the closure.

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

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

SECT 43 Disposal of land comprising former public road owned by council

(1) This section applies to land vested in a council and forming part of a former public road.

5 (2) Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the council, the council resolves that it is to be community land, in which case the land is community land.

(3) If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.

10 (4) Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

Financial Considerations

15 All costs associated with the road closure are borne by the applicant.

20 As per *Roads Act 1993* legislation above the money received by council from the proceeds of sale of this land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.

Consultation and Engagement

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

Report No. 13.24 **Proposed lease to Brunswick Heads Surf Life Saving Club for redevelopment of the surf club**

Directorate: Infrastructure Services

Report Author: Emma Lappin, Facilities Coordinator

File No: I2020/1074

5

Summary:

10

The Brunswick Heads Surf Life Saving Club (BHSLSC) is seeking a new lease that will facilitate redevelopment of the Surf Club at 45 South Beach Road, Brunswick Heads.

The proposed building footprint would be larger and a new lease is required.

15

Under the new Crown Lands Management Act, Council is responsible for issuing leases on this Reserve but Minister's Consent is required.

20



Staff are supportive of the Surf Club request and recommend a new lease allowing redevelopment be issued on certain terms and conditions outlined in this report.

RECOMMENDATION:

1. That if discussion of matters contained in Confidential Attachment 1 is required, it is recommended that:
 - a) Pursuant to Section 10A(2)(c) and 10A(2)(g) of the Local Government Act, 1993, Council resolve to move into Confidential Session to discuss that part of this report.
 - b) That the reasons for closing the meeting to the public to consider information contained in the confidential attachment are that it contains legal advice that would otherwise be privileged from production on the ground of legal professional privilege and it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting, or proposed to conduct, business.
 - c) That on balance it is considered that receipt and discussion of the information contained in Confidential Attachment 1 in open Council would be contrary to the public interest, as it contains privileged legal advice and commercial information that could if disclosed cause potential risk and disadvantage to Council or other parties that Council proposes to conduct business with.
2. That Council as the Crown Land Manager for Reserve R97139 authorise a lease to the Brunswick Surf Life Saving Club Incorporated for the redeveloped premises for:
 - a) a maximum term of 5 years;
 - b) at a starting annual rental \$3,000 p.a. with conditions permitting works approved by development consent 10.2018.486, as modified; and
 - c) subject to finalisation of other terms and conditions and Minister's consent.
3. That Council as the Crown Land Manager for Reserve R97139 delegate to the General Manager authority to:
 - a) settle the final terms and conditions of the lease, other than the matters set out in 2(a), (b) and (c) above, to meet the requirements of Council and Department of Planning Industry and Environment – Crown Lands or arising from discussions

- with Native Title Interest owners;
 - b) forward the lease to the Department of Planning, Industry and Environment for public exhibition and Minister's Consent; and
 - c) enter into a lease as authorised by the Minister.
- 4. That Council support car parking to be located within the Council Road Reserve, rather than on the Crown Public Recreation Reserve, subject to finalisation of the terms of the service agreement and the fee for service payable to Council by Brunswick Surf Life Saving Club towards upgrade of adjacent road reserve.
- 5. That Council note that Council is committed to continuing discussions with Native Title Interest owners in relation to this and other Crown Reserves in the Shire.

Attachments:

- 1 Confidential - Confidential and Privileged - Legal Advice, E2020/63996
- 5 2 Brunswick Surf Club Plan -Map Aug 2020, E2020/60380 
- 3 Draft Lease to Brunswick Surf Life Saving Club 5-yrs, E2020/50364 

REPORT**Background**

5 The benefits to Brunswick Heads and the Shire provided by the Brunswick Heads Surf Club operations are considerable and staff acknowledges the great work and significant contribution of the Surf Club, its officers, members and volunteers.

10 The redeveloped Surf Club will remain a public asset and staff supports the upgrades to the Surf Club building to bring them up to a modern standard and allow for the Club to continue to support their community.

15 The Surf Club has been in the current location at South Beach Road, Brunswick Heads since 1939. In June 2018, the Surf Club was granted a 20-year lease for the existing building.

20 In September 2018, the Surf Club lodged DA 10.2018.486.1 for redevelopment, including demolition of the existing building and construction of a new, larger surf club containing training rooms, storage areas, canteen, amenities and foyer at ground level and an additional training room, bar areas, kitchen, amenities, storage areas, cool rooms, function area and deck areas within the upper level. The Department of Planning, Industry and Environment – Crown Lands (DPIE-CL) issued owners consent to the lodgement of a development application for the first version of the redevelopment plans.

25 After consideration at two Council meetings, Council resolved to grant approval to DA 10.2018.486.1 subject to a range of usual conditions. Under both the development consent and the Crown Lands Management Act, the Surf Club is required to obtain a new lease for the larger premises prior to construction commencing.

30 The Surf Club has obtained NSW Government grant funding of \$3,800,000 towards this project. A funding agreement has been signed by the Surf Club that contains milestones and timeframes. It may become necessary for the Surf Club to seek to vary some of the milestones because of the requirement to obtain Minister's Consent to the new lease. Staff have offered Council's support in liaising with the funding body to ensure the variations occur.

35 There have been two significant changes since the last lease was issued to the Club and DPIE-CL gave their consent as land owner to the lodgement of the development application:

1. Commencement of the new Crown Lands Management Act.

40 This now requires Council to issue leases of this nature and imposes new responsibilities and obligations on Council that previously would have rested with DPIE-CL.

45 2. Bundjalung of Byron Bay – Arakwal People Native Title Consent Determination made by the Federal Court on 30 April 2019.

The determination recognised the Bundjalung of Byron Bay -Arakwal People's rights and interests in this Crown Reserve and others in Byron Shire. The determination maintained the current land-use status quo as the Bundjalung of Byron Bay - Arakwal People have always held rights and interests in this reserve.

50 These two changes have resulted in Council having new responsibilities and processes it is required to follow before issuing leases like this one (see 'Process' section below).

55 In addition to the lease process, the Surf Club has identified a number of modifications they need to make to the plans to comply with development consent conditions and building code

5 requirements. In addition, Open Space and Resource Recovery staff, have reviewed the redevelopment from the point of view of meeting public land management statutory and policy requirements, have suggested some changes to the plans, to provide for waste and recycling management and to minimise impacts on the Crown Reserve. The Surf Club have taken these on board.

10 The Surf Club recently lodged an s4.55 Modification Application which is being assessed by Council Sustainable Development Team staff. DPIE-Crown Lands have advised that their further consent as owner of the land is required. When the Club obtains that owner's consent from DPIE-CL, the assessment can be completed and the modification application will either be reported to Council for determination or determined under delegation, depending on the decision of the Planning Review Committee.

15 Proposed Lease

Crown Reserve R97139 is gazetted for the purposes of Public Recreation. Operation of Surf Life Saving services is consistent with the purpose of the reserve, as confirmed by previous leases on this Reserve issued by DPIE-CL with Minister's Consent to the Brunswick Heads Surf Club.

20 Reserve R97139 has been classified as Community Land and this part of the reserve has been categorised as General Community Use. The core objectives for management of General Community Use lands are to *"promote, encourage and ... to provide facilities on the land, to meet the current and future needs of the local community and ... wider public"*. Providing facilities to support volunteer surf life saving services in Brunswick Heads appears consistent with those core objectives.

25 A Plan of Management is currently being prepared for Reserve R97139. Once Minister's Consent is granted to the Plan of Management, it will set out from that point forward the uses and activities authorised on the reserve. In the meantime, until community consultation has occurred, Council's ability to authorise new works or leases is limited to those that do not *"change the nature or use of the land"*.

30 The Surf Club has a 'premises lease' for the existing building and a new lease will be required for the larger building footprint as well as to give authorisation for the construction works. A Plan of Management, supported by community that authorises uses and long-term leases should be in place prior to the issue of long-term leases. Staff recommend a 5-year lease given that the building remains a public asset, not issuing a lease would jeopardise significant grant funding that would benefit the community and there is broad community support for the Surf Club and community contributions they make.

35 40 Under the old Crown Lands Management legislation, NSW Government and Surf Life Saving NSW had reached an agreement whereby Surf Clubs would receive 20-year leases in a particular template form. However, that not yet been carried forward under the new legislation and a blanket automatic 20-lease would now inconsistent with other requirements under the Crown Lands Management and Native Title Acts.

45 50 A draft lease has been prepared by staff at Attachment 2. Some additional drafting is required to include provisions to authorise and manage the proposed construction works, addressing things like Work Health Safety and public safety during works, ensuring tradespeople are licensed work is completed to a reasonable standard to Council's satisfaction etc. As a revised template for surf club leases under the new legislation is not yet available, the draft has been based on the old template, with recommended site/matter-specific changes, including the 5-year term. The process of seeking Minister's consent will determine whether any additional changes are required by DPIE-CL.

The site/matter specific conditions staff recommend and reasons, are:

1. Lease Length – 5 years

5 Staff cannot recommend a lease to the Surf Club longer than 5-years for following reasons:

A. Consultation needs to occur before any new long-term lease arrangements are put in place including with:

- 10 a) Bundjalung of Byron Bay (Arakwal) Corporation representing owners of Native Title rights and interests;
- b) Community on the draft Plan of Management for the Reserve; and
- 15 c) DPIE-CL as owner of the reserve.

The proposed 5-year lease term will allow for consultation to occur and for Council to take into consideration the submissions and feedback before making decisions on long-term uses on the entire Reserve.

20 B. Better understanding new risk to Council

25 Council needs time to resolve the matters set out in Confidential Attachment 1 that arise from the new obligations imposed on local government under the Crown Lands Management Act. They have the potential to have risk and financial implications for Council and/or state government.

30 Staff do not recommend a 20-year lease in circumstances where the level of potential risk and cost to Council is currently uncertain. However, rather than blocking the project from going ahead (which would mean the grant funding would be lost to community), staff are recommending an approach which would see Council minimise risk by limiting it to the recommended 5-year lease period, which will allow Council time to clarify issues with DPIE-CL and have certainty before long-term risk is accepted by Council.

35 C. Establishment of the uses of the expanded premises

40 Some community submissions received during the development application process raised concerns about potential amenity impacts operation of the expanded Surf Club premises might have on Brunswick Heads. Starting with a 5-year lease, will allow the community to be satisfied that the operation of the Surf Club will not impact amenity and will provide even more benefit to the community before long-term arrangements are put in place.

45 D. An even shorter lease 3-years, would be the most cost effective at this time for Council, as it would not require registration and involves lower risk. However, staff reviewed their recommendation up from 3-years to 5 years in recognition that 5-years is the common length used in the Local Government Act to distinguish short-term from other leases, it gives more certainty to the Surf Club and provides a pragmatic timeframe in which to undertake the required consultation.

50 **2. Rent**

Under the former arrangements between DPIE-Crown Lands and Surf Life Saving NSW, surf clubs were charged only minimum crown rent for leases on Crown Reserves. The Annual

value of minimum crown rent is set by clause 38(1) of the Crown Land Management Regulation 2018 and it is currently \$496 pa.

5 With the responsibility shifting under the new legislation, Council will need a holistic review of application of minimum crown rent on all Crown Reserves across the Byron Shire. Until that occurs, to address some of the new responsibilities falling to Council, staff are recommending an annual rental of \$3,000. Staff have not had an opportunity to discuss this recommendation with the Brunswick Heads Surf Club between receiving advice and writing this report. Staff will raise it with the Club prior to the meeting and have already encouraged them to make submissions to Councillors or at the meeting as required.

3. **Respecting Bundjalung of Byron Bay - Arakwal People, Indigenous cultural heritage and native title rights and interests**

15 This reserve is a culturally significant area to Bundjalung of Byron Bay - Arakwal people and Council acknowledges the native title rights and interests held by the Bundjalung of Byron Bay Aboriginal Corporation, Arakwal (BoBBAC). Council will work with the BoBBAC and DPIE-Crown Lands, and go through the formal processes under the Native Title Act for the proposed 5-year lease, but in the meantime the Board has made some suggestions which staff support being included in the lease: including:

- 25 a) That Surf Club Board Members undergo cultural awareness program facilitated by the BoBBAC, the same type of program that Council's Executive Team members have undertaken and that has been extended to Councillors. More information can be found on the [Arakwal's People of Byron Bay's website](#), showing that the programs are about learning together, supporting Arakwal values of *Knowing Country, Respecting Council and Caring for Country*, and is focused on transfer of knowledge and practical learning for Arakwal people and the for the wider community.
- 30 b) That Indigenous Cultural Heritage due diligence requirements under the National Parks and Wildlife Act be supported by the Surf Club having a BoBBAC-nominated cultural heritage monitor working with them during the redevelopment.
- 35 c) That the Brunswick Heads Surf Club provide an annual Arakwal Family Christmas Day in the form of 'nippers day' surf club activities.
- d) That BoBBAC and its members have access to and use of the function facilities twice per year at no cost.

40 **4. Other matters**

a) Hours of operation

45 It is common for Council as land owner or manager to seek to regular hours of operation in the public interest and it is recommended, for this initial 5-year lease that use of the function and training rooms and kitchen, bar and deck areas in the premises be limited to:

- 50 - 9am to 10pm Sunday to Thursday; and
- 9am to 11:30pm Friday and Saturday.

55 The times restrictions are the same as were imposed by Council as consent authority on the development consent but the areas within the building it applies are recommended to also include the bar and external deck areas which were not covered by the development consent conditions.

- b) No Liquor License can be applied for by the lessee without prior written consent of Council, the same as applies to other leased Council owned/managed premises.

5 Staff have discussed these matters, with the exception of the annual rent amount which staff have not had an opportunity to raise with them before the due date for his report. For all the other matters, the Surf Club representatives were supportive except that do not support a 5-year lease and request a 20-year lease instead.

10 **Proposed changes to the Surf Club redevelopment**

When Council first considered the DA for the redevelopment of the Surf Club, a number of changes were suggested by community members and/or Councillors. The DA was deferred and the Club adopted a number of those suggestions in their revised plans that were reported to Council in August 2019.

Some changes were intended to improve environmental outcomes, such as underground stormwater tanks, or enhance the adjoining public space, such as a new retaining wall for the pedestrian walkway to the south. On review, however, those suggestions while achieving good environmental or community outcomes were considered in isolation without taking into account the potential inadvertent social impacts on the broader reserve, indigenous cultural heritage and native title right and interests or financial imposts on Council.

Taking a quadruple bottom-line approach, staff recommend some of those previous changes be wound-back or modified including:

- Reconsideration of underground water tanks. The significant excavation required to install the proposed underground water tanks risks potential harm to Indigenous cultural heritage on this site. Water storage and reuse would be a 'nice to have', to reduce potable water consumption, but stormwater management can occur through land-based infiltration instead. The reduction in environmental benefits from removing the stormwater storage component could be offset by installation of additional solar instead, to further reduce grid-electricity use. The Surf Club have agreed in-principle with installation of additional solar to the same value as the underground tanks, if the tanks are no longer required by Council.
- Reduction of the hardstand footprint area. A 5m concrete apron around on the beach-side of the building was included. In discussions with the Club this has reduced to a 5m equipment staging area outside of the internal storage, 1.8m outside the change rooms and zero concrete/retention of permeable surface outside the rest of the building, including along the emergency/beach vehicle access. This will decrease environmental impacts by reducing non-permeable surfaces and decreasing the footprint size will reduce impacts on the broader reserve and Native Title rights and interests.
- Staff have requested the Surf Club to relocate their waste management area to within or adjoining the building footprint rather than be located on another part of the reserve to reduce impacts on the public use of the adjoining area and on Native Title rights and interests and reduce risks of unauthorised dumping and littering.
- Car parking. The Development application included a condition for 26 car parks. Council as Crown Land Manager and as owner of the adjoining road reserve need to decide where that car parking is to go and when. Council has a number of options, two of which are to:
 - (a) Allow the Surf Club to construct car parking on the Crown Reserve in the vicinity of the Club. Car parking would be consistent with the gazetted reserve purpose, by supporting public recreation uses of the reserve, however, depending on the scale it could change

the nature and use of the reserve meaning it may not be able to proceed until it is authorised by a Plan of Management. In addition, construction of new parking areas on the Reserve could create an additional responsibility and cost to Council. For these reasons, staff do not recommend construction of car parking in the reserve at this time.

- 5
- (b) Accept payment to Council of a fee for service as a contribution towards upgrade of car parking in the road reserve adjacent to the Surf Club. Some funds have already been allocated to upgrading South Beach Road and various design options are under development. The Surf Club has confirmed they would be willing to enter into an agreement to pay Council a contribution of \$100,000. Given that the Surf Club building will remain a public asset, car parking for it can be accommodated within the road reserve. In future, if additional parking is required in the area, subject to consultation with community, Native Title rights and interest's owners and Crown Lands, it could be considered on the Crown reserve or nearby Council-owned property.
- 10
- 15

These suggestions have been taken on board by the Surf Club who have given in principle support for incorporating them into their modification application, subject to Council and DPIE-Crown Lands' views.

- 20
- In addition, as recently as 5 August 2020 the Surf Club and their consultants have raised additional issues such as new proposals for grease traps on the beach side of the building which have not been assessed for impacts and staff have not yet clarified arrangements for continuing beach vehicle access – refer to attached overlay. Staff will continue to work with the Surf Club on these matters and either address through the lease or licence processes or make submissions and request consideration through the s4.55 modification application process.
- 25

Lease Process

The guidance provided to councils under the new CLM Act contained in factsheets is high level – [Council Crown Land Manager Fact Sheet](#). Staff have engaged with DPIE-CL North Coast office, who have advised:

30

1. DPIE-CL's consent as owner of the land will be required to the revised plans, before Council can determine the s4.55 modification application. The Surf Club will need to liaise directly with DPIE-CL to obtain owner's consent. Staff are supporting this process.
 2. Council is required to undertake a Native Title Assessment which will determine whether the proposed lease can be validated under the Native Title Act and, if so, what notification processes and timeframes (usually a minimum of four weeks) are triggered. This work is currently underway.
 3. Minister's Consent to the lease will be required. Council will need to provide a range of information to support the application for Minister's Consent for example:
 - demonstration that the proposed lease is in the public interest;
 - explanation for the proposed term and annual rent;
 - evidence of compliance with process requirements;
 - a completed Community Engagement Strategy B3 Crown Lands Leases Engagement Assessment.
- 35
- 40
- 45

Staff are currently working through the full list of requested information.

4. DPIE-CL will consider the lease request, they advise in around three weeks, and if they give it in-principle support, DPIE-CL will publically exhibit (usually at least four weeks but could be longer) and seek comment on the proposed lease.
- 50
- 55

5. After public exhibition, DPIE-CI will consider Minister’s Consent, which they advise would take at least two weeks but in could be longer.

5 6. Council could be requested/directed to make changes to the proposed lease before in-principle support is given, following public exhibition or as a condition of Minister’s Consent. If the required changes are minor and administrative they could be made by staff under delegation, if Council adopts that recommendation, but if they are considered significant or not supported by stakeholders they would be reported back to Council.

10
15 The lease process is going to take time which was not factored in to the redevelopment project. Staff have made enquiries with DPIE-CL whether there were other processes available, such a short term construction licence similar to what was issued to Woolgoolga Surf Club. However, DPIE-CL have provided final advice that the only process available for the Brunswick Heads Surf Club is a new lease issued by Council with Minister’s Consent.

20 In addition to the lease, the Surf Club will require temporary licences during the construction periods to firstly set up alternative surf club storage and operations areas (which will be in the form of shipping containers and a shade area on the beach-side of the existing building, along with running utility services to that area) and to enclose the construction site to protect public safety. Separate applications will need to be made by the Club to Council as Crown Land Manager for these licences. That process has not commenced yet.

STRATEGIC CONSIDERATIONS

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.8	Develop capital upgrades, renewal and enhancements works program for buildings-including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)	2.3.8.1	Consult with user groups to establish user agreements, leases, licenses and Plans of Management.

Legal/Statutory/Policy Considerations

30 In this matter, Council has multiple obligations and has to comply with the requirements of:

1. Local Government Act 1993 (NSW) – with regard to management of Community Land categorised as General Community Use.
- 35 2. Crown Lands Management Act – as Crown Land Manager 2016 (NSW), Council is responsible for ensuring all aspects of the lease and development of reserve R97139 are compliant.

3. Native Title Act 1993 (Cth) – with regard to ensuring that any act by Council, including issuing leases, can be validated, the correct processes are followed and if required compensation may become payable by NSW Government and/or Council.

5 Legal advice that is confidential and privileged is included at Confidential Attachment 1 which also contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting, or proposed to conduct, business.

10 Policy 2012/008 – Section 356 Donations Rates, Water and Sewerage Charges applies to the recommended lease term that Council meet the costs of the rates and fixed charges as a donation to the Surf Club for a 5-year lease.

15 **Financial Considerations**

Financial considerations include:

- 20 a) The matters addressed by the privileged legal advice and included in Confidential Attachment 1.
- 25 b) Whether to enter into an agreement with the Surf Club for payment \$100,000 as a contribution towards the upgrade of the road and car parking in the vicinity of the Club, in place of construction of car parking on the reserve. If additional car parking becomes required in future, other than because of further redevelopment, Council would be responsible for providing it.
- 30 c) The recommended continuation, for a short-term lease, of payment by Council of the rates, as a s365 donation and fixed charges to the Surf Club. In 2020/2021 this will amount to \$2,295 funded from “Facilities Management Program” budget.
- d) The rent amount to be paid by the Surf Club under the lease.

Consultation and Engagement

35 The [DPIE-Crown Lands Community Engagement Strategy](#) now sets out the requirements for engagement about activities on Crown Reserves, including issuing leases. DPIE-CL have directed Council to provide a B3 – Crown Lands Leases Engagement Assessment. Using that tool, the staff assessment of a proposed 5-year lease results in a ‘minimum’ to ‘moderate’ rating - which requires advertising for a minimum of 28 days and potentially calling for public submissions. A 20-

40 year lease would likely result in a higher rating, requiring additional consultation time and activities.

DPIE-CL will rely on their own assessment and ultimately determine what level/type of community engagement is applied.

Report No. 13.25 **Bus Shelter & Bus Stop Strategic Planning**
Directorate: Infrastructure Services
Report Author: Katie Hughes, Project Engineer
File No: I2020/1080

5

Summary:

10 This report relates to actions Council are required to take detailed within the Disability Standards for Accessible Public Transport guidelines under The Disability Discrimination Act 1992.

15 All existing and new bus stops are required by law to comply with accessibility requirements by 31 December 2022. To date Council has upgraded 14 shelters and has a remaining 26 shelters that may need to be upgraded. There are also a further 32 known bus stops that may require upgrades to meet accessibility requirements.



20 The upgrades will likely cost in the order of \$1,500,000, however, this is a preliminary estimate based on limited information and further investigation is required to determine the scope and costs of the program.

25 Council staff are also aware of three existing non compliant bus shelters that have been constructed by the community in council road reserves that have personal significance to several community members. The shelters have been assessed by Council Assets teams and have been determined to be in very poor condition. The shelters are considered to be a safety and liability issue and would require reconstruction to be compliant with accessibility codes. Several local residents have expressed opposition to the removal and replacement of these shelters and have expressed interest in maintaining the shelters themselves.

RECOMMENDATIONS:**That Council:**

1. **Identifies a funding source to fund the preparation of the delivery program and investigate projects funding opportunities for consideration at the September quarterly budget review.**
2. **Subject to funding availability in 1), develop a program to replace or upgrade all bus shelter and bus stops to meet Disability Standards for Accessible Public Transport requirements by 31st December 2022.**
3. **Undertake further investigations including a “Have your say” process and targeted consultation to determine bus shelter and bus stops needs prior to confirming scope and costs of the program.**
4. **Report the proposed delivery program, costs and funding options back to Council upon completion.**
5. **Advertise for expressions of interest for a group that are able to meet requirements to manage and ensure compliance of the bus shelters at Huonbrook, Main Arm and Montecolum on Council’s behalf.**

30 **Attachments:**

- 1 Australian Human Rights Commission accessible bus stops guidelines, E2020/60398 
- 2 Bus Stop List - August 2020, E2020/60399 

REPORT

- 5 Disability Standards for Accessible Public Transport (DSAPT) guidelines (See attachment 1) require that all bus stops comply with accessibility standards by the end of December 2022. This includes all stops used for public service transport such as school and public bus stops. To date council has recorded 40 bus stops with shelters and a further 32 bus stops without shelters, however, further investigation is required to identify any bus stops not shown on current mapping and any shelter or stops that may no longer be used.
- 10 Council has upgraded 14 of its 40 bus shelters in the 2019/2020 financial year. The project was joint funded between Council and Transport for NSW (TfNSW) under the CPTIGS scheme. The CPTIGS scheme contributed \$10,000 per shelter at a total of \$140,000 with Council contributing the balance of costs from developer contribution funds.
- 15 The program of works for the upgrades targeted shelters in the worst condition as determined from Council's assets team condition assessment reports, consultation with local residents and bus companies in order to manage Council's liability risks and to improve user safety.
- 20 Projects completed to date and approximate construction costs for each upgrade are provided below noting that some works are common to all upgrades and as such the cost value is an approximation from the overall single budget allocation.

Clifford Street, Suffolk Park	\$	28,000
Palm Valley Drive, Byron Bay	\$	35,000
Broken Head Road (North) Suffolk Park	\$	57,000
Fowlers Lane, Bangalow	\$	40,000
Midgen Flat Road, Broken Head	\$	44,000
Bangalow Road, Byron Bay	\$	47,000
Browning Lane, Yelgun	\$	29,000
Tweed Street, Brunswick Heads	\$	78,000
Broken Head Road (South) Suffolk Park	\$	64,000
Goonengerry Rd, Goonengerry	\$	47,000
Beech Drive Suffolk Park	\$	51,000
McGettigans Lane, Ewingsdale	\$	43,000
Shara Boulevard, Ocean Shores	\$	43,000
Beach Avenue, South Golden Beach	\$	59,000

- 25 All upgrades went through a detailed site assessment, design and environmental assessment process along with variable levels of community engagement dependant on location.
- 30 All remaining 26 bus shelters and likely all 32 bus stops require some form of upgrades to meet accessibility requirements. A desk top audit using google street view was used to complete an initial assessment of shelters and stops. A list of these is provided at attachment 2.
- 35 The upgrades will likely cost in the order of \$1,500,000, however, this is a preliminary estimate based on limited information and further investigation is required to confirm the scope and costs of the program.
- Further clarity is also required from the Australian Human Rights Commission as to whether accessible bus stops are required for unofficial school bus stops located through out residential and rural areas in the shire.

Council does not currently have any funding allocated in financial year 2020/21 to complete these upgrades or assess the work required to meet the DSAPT guidelines. Council may apply for an extension on the December 2022 deadline should it encounter justifiable hardship to meet the deadline and would require a schedule to complete all bus shelters.

5 It is also noted that the Byron Bus Interchange is undergoing upgrades as part of separate project and the Federal Bus Stop will be assessed as part of a proposed Master Plan project.

Other Non-compliant Shelters

10 Council staff are aware of three existing non compliant bus shelters that have been constructed by the community in Council road reserves that have personal significance to several community members.

15 Replacement of two of these shelters was planned and funded in 2019/20, however, resident concerns placed these works on hold and the funds were allocated to other shelters.

20 The shelters have been assessed by Council Assets teams and have been determined to be in very poor condition. The shelters are considered to be a safety and liability issue to Council and would require reconstruction to be compliant with accessibility codes.

25 Several local residents have expressed opposition to the removal and replacement of these shelters but have also expressed interest in maintaining the shelters themselves. These shelters are located at the intersection of Main Arm Road and Motts Road, Main Arm, Huonbrook Road, Huonbrook and at the intersection of Mill Road and Huonbrook Road, Montecollum.

30 Council has three options for the uncompliant shelters that have community significance; remove the shelters from the Council road reserve and do not replace them, remove the shelters from the Council road reserve and replace them with compliant shelters or stops or do not remove the shelters and enter into an agreement where the community maintain and insure the shelters as a community asset.

35 Please note that there would be further investigation required into the requirements for the community to maintain these structures on council owned land. It is likely that a committee would need to be formed for each or all of the shelters, which would require insurances and management.

40 Should the shelters remain it is noted they would be in contravention of The Disability Discrimination Act 1992, but as they would not be considered to be a Council asset this appears to be a suitable outcome. Staff preference is to replace uncompliant shelters because this carries the least liability to Council and ensure all shelters and stops are accessible to all.

Key issues

45 The key issues in relation to this projects are; accessibility compliance, funding, scope and community expectations as outlined above. Further investigation is proposed to better understand the risks.

Options

50 Council has limited options due to these upgrades being required under legislation.

Next steps

5 It is recommended that funds are sought to enable further investigation into Council bus shelter and bus stops to enable a full schedule of works, delivery program and funding options to be prepared.

The follow matters need to be further investigated:

- 10 1. Secure Council funds to develop a renewal program at the September quarterly review.
- 2. Confirm the usage of each shelter/stop via a ‘Have Your Say’ public consultation and targeted consultation process.
- 3. Create a detailed program and budget for the upgrades required at each bus shelter or bus stop.
- 15 4. Apply for an extension to the deadline of works for lower priority stops.
- 5. Report back to Council
- 6. Undertake the design and construction of works as funding permits.

STRATEGIC CONSIDERATIONS

20 **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.3	Prioritise road network asset renewal and upgrade programs in line with Community Solutions Panel values (SP)	1.1.3.5	Upgrade access ramps and footpaths
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.3	Ensure new infrastructure is planned and funded to meet the needs of the current and future population (SP)	1.6.3.1	Advocate for improved public transport across the Shire
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.3	Prioritise road network asset renewal and upgrade programs in line with Community Solutions Panel values (SP)	1.1.3.1	Implement asset renewal projects for road reseals

Legal/Statutory/Policy Considerations

25 The following are the requirements as laid out in *Guideline for promoting compliance of bus stops with the Disability Standards for Accessible Public Transport 2002* updated in December 2010 by the Australian Human Rights Commission 2010.

30 The Disability Discrimination Act 1992 (the ‘DDA’) seeks to eliminate discrimination, ‘as far as possible’, against people with disability. Public transport is a service covered by the DDA. In 2002 the Disability Standards for Accessible Public Transport (the ‘DSAPT’) were issued to assist public

transport operators and providers to meet their obligations under the DDA. The DDA makes it unlawful for any person to contravene a Disability Standard (including the DSAPT).

5 Any bus stop constructed after 15 August 2002 is required to comply with the DSAPT. In addition, Schedule 1 of the DSAPT sets down the following timeline by which all existing bus stops are required to comply with the DSAPT:

- 31 December 2007 – 25% of bus stops;
- 31 December 2012 – 55% of bus stops;
- 10 31 December 2017 – 90% of bus stops; and
- 31 December 2022 – 100% of bus stops.

Financial Considerations

15 The upgrades will likely cost in the order of \$1,500,000, however, this is a preliminary estimate based on limited information and further investigation is required to confirm the scope and costs of the program.

Consultation and Engagement

20 Consultation has been undertaken for the 14 shelters upgraded to date. Further community consultation will be required in both the preliminary investigations and detailed design of all remaining bus stops. It is recommended that a “Have your say” process is undertaken as well as targeted consultation with local community groups, schools, bus companies and residents.

Report No. 13.26 **Strategic Project Planning - Funding for "Shovel-ready" Infrastructure Projects**

Directorate: Infrastructure Services

Report Author: James Flockton, Infrastructure Planning Coordinator

5 Alexandra Keen, Grants Coordinator

File No: I2020/1091

10 **Summary:**

The purpose of this report is to prioritise infrastructure projects that have potential grant and government funding opportunities, to ensure that Council is best placed to take advantage of such opportunities which may arise, particularly as a result of recent natural disasters and COVID-19.

15 Staff are supportive of implementing a more strategic approach to Project Management in general across the organisation.

20 This report is provided to update Council and to highlight potential projects for development to "Shovel Ready" Status.

RECOMMENDATION:

1. **That the proposed "Shovel Ready" list attached be presented to a Strategic Planning Workshop in order to prioritise the list of proposed projects.**
2. **That Council consider funding the planning and design of high priority projects at the September Quarterly Review, and incorporate priority projects into Council's Operational Plan.**
3. **That the Place Planning Collective consider the list of projects provided in attachment 1 (E2020/51425) at their next available meeting.**

Attachments:

- 25 1 Confidential - Proposed Shovel Ready Projects, E2020/51425

REPORT

5 The first half of 2020 has seen several natural disasters (bushfires, floods) and the emergence of COVID-19 which has impacted Local Government Areas across Australia and NSW including Byron Shire. As a result, there have been multiple new funding opportunities for Council, including:

- Bushfire Community Resilience and Economic Recovery Fund;
- Showground Stimulus Fund;
- Streets as Shared Spaces Program; and
- 10 • Local Roads and Community Infrastructure Program.

15 All of these funding programs have required Council to spend the funds in very short timeframes (e.g. within 3 months, 9 months or 12 months), and have required infrastructure projects to be “shovel-ready”.

The past 12 months staff have also seen a significant change in general grant funding guidelines, at both a State and Commonwealth level towards a preference for funding “shovel-ready” projects.

20 The funding of detailed design, project investigation or project planning are now rarely a priority within grant funding guidelines, and therefore, projects requiring this work are rarely eligible for funding. The term “shovel-ready” can have different meanings, but for the purposes of this report the term is used to define projects which have:

1. Clear Scope;
- 25 2. Has had business case approval;
3. Consultation occurred;
4. Planned;
5. Designed;
6. Costed; and
- 30 7. Obtained any relevant approvals (or such approvals identified and can be readily obtained).

35 To ensure that Council is in the best position possible to take advantage of grant or government funding opportunities in the future, and to remain competitive when many grant programs are being significantly oversubscribed, staff have developed a list of projects (provided at Attachment 1) as priority projects for further development. These projects have been assessed on the basis of being “shovel-ready”, or capable of being “shovel-ready” within the next 6-18 months, as may be required.

40 The projects contained in Attachment 1 have been selected based on:

1. Strategic alignment to Council plans;
2. Grant opportunities which are likely to become available;
3. Identified actions to move forward with the project either:
 - 3 months
 - 45 • 6 months; or
 - 12 months.

50 The list at Attachment 1 has been circulated to key Council staff for consultation. Note; the costs are high level estimates and subject to change upon detailed design and investigation.

Strategic Approach to Project Management

55 Grants often have short deadlines and it can be challenging for staff to prioritise workloads and find the resources to complete grant applications without impacts occurring to existing projects. Staff recently implemented a Project Management Software System call Pulse - Project Management

and Control (PMC). This creates opportunities to use this system for the preparation of Business Cases (for project proposals) and Project Deliveries (to hold shovel-ready projects awaiting funds).

5 To help make grant management processes easier to manage and more resource efficient the Executive Team have supported a process whereby no infrastructure grant should be applied for until it has an approved Business Cases or a “shovel-ready” Project Delivery within PMC. This process is further supported by a new internal procedure for grant applications and management.

10 Additionally, the Executive Team supported the creation of a Project Management Support Group to oversee the project approvals process within Pulse, administer Project Management and Pulse PMC in general and develop Project Management Procedures to support a standardised project management process across the organisation.

15 **Key issues**

In order to progress some of the projects in Attachment 1 to “shovel-ready” there will be further investment by Council required, and there is an indication of what is required to achieve “shovel-ready” status in Attachment 1.

20 It is recommended that Council give consideration to identifying funding to assist in developing priority projects, as presently there is no funding available to assist with the preparation of future projects, or the further development of the projects in Attachment 1, by Council staff and external experts.

25 The actions proposed within this report begin a process to bring all of Council in line with general best practice project management processes and procedures. Best practice project management will minimise the risk of mistakes, project delays and budget deficits. It will help all divisions achieve success in project management, including increasing management oversight for all project deliverables, and importantly increase Council’s ability to remain successful in securing future grant funding opportunities.

30 **Next steps**

35 It is recommended the attached list be considered at a Strategic Planning Workshop in order to prioritise the list, and identify potential funding sources, at the September Quarterly Review to begin planning and design of the top priority projects.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.2	Ensure consistency of place-based projects with community Place Plans through embedding a governance framework that includes planning, implementation and ongoing management	4.1.2.2	Cross directorate coordination of funding and delivery of projects from Place Plans
Community Objective 5: We have community led decision making which is open and inclusive	5.2	Create a culture of trust with the community by being open, genuine and transparent	5.2.1	Provide timely, accessible and accurate information to the community	5.2.1.5	Keep community informed about community-led governance opportunities, projects and progress
Community Objective 5: We have community led decision making which is open and inclusive	5.5	Manage Council's finances sustainably	5.5.1	Enhance the financial capability and acumen of Council	5.5.1.2	Support the organisation in identifying financial implications of projects, proposals and plans
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.12	Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.1	Coordinate competitive grant applications with Council's business units to meet Federal and State government outcomes
Community Objective 5: We have community led decision making which is open and inclusive	5.6	Manage Council's resources sustainably	5.6.12	Implement strategic grants management systems to deliver priority projects for Byron's community (SP)	5.6.12.3	Provide governance for grants management

5

Legal/Statutory/Policy Considerations

The strategic directions and processes detailed within this report support Council in efficiently meeting its obligations under the *Local Government Act 1993* (NSW).

10

Financial Considerations

The funding of “shovel-ready” projects is to be considered as part of September Quarterly Review process.

15

Council Revenue, Developer Contributions, Special Rate Variation, and Infrastructure Renewal Reserves are all potential funding sources for the planning and design of infrastructure projects across the Shire.

5 ***Consultation and Engagement***

Council's Executive Team has been consulted and supported the preparation of this report.

10 Numerous cross-divisional staff, as noted in the body of this report, will be involved in the development and implementation of processes detailed within this report.

It is recommended that The Place Planning Collective be consulted at their next meeting.

Report No. 13.27 **Seven Mile Beach Road & Broken Head Reserve Road - Update**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2020/1123

5








Summary:

10 The purpose of this report is to provide an update on what steps have been undertaken in the past 12 months to address traffic and parking management in the Seven Mile Beach Road and Broken Head Reserve Road areas and what steps are proposed to be completed next.

RECOMMENDATION:

15 **That Council note the report and endorse the actions outlined to advance these projects.**

Attachments:

- 1 Final - NPWS Broken Head Nature Reserve - Plan of Management, E2020/63623 
- 2 FAQ - Seven Mile Beach Road, E2020/55528 
- 20 3 seven mile beach 200707, E2020/57403 
- 4 Traffic counts and observations for Broken Head Reserve Precinct, E2020/60587 
- 5 broken head rd 200902 - Feb, E2020/57692 
- 6 Concept Locality Plan - Broken Head reserve Rd Village, E2020/57451 
- 25 7 2772_BROKEN HD RESERVE RD_BASE SURVEY, E2020/57450 

REPORT

5 The purpose of this report is to provide an update on what steps have been undertaken in the past 12 months to address traffic and parking management in the Seven Mile Beach Road and Broken Head Reserve Road areas and what steps are proposed to be completed next.

10 The structure of this report considers Seven Mile Beach Road first and Broken Head Reserve Road secondly. This structure reflects the Broken Head Reserve Road communities request that both precincts be designed with complete integration in mind but each precinct be progressed and managed separately.

Both the Seven Mile Beach Road and Broken Head Reserve Road sections have the following structure:

- 15
1. Summary of the key background matters that impact both precincts
 2. Summary of key issues associated with the precinct.
 3. Summary of works already completed.
 4. Summary of Council's plan moving forward
 5. Key additional matters that have been progressed for both precincts.
- 20

Background matters

25 The Department of Planning, Industry and Environment (DPIE) has released the Broken Head Nature Reserve Plan of Management adopted by the Minister for Environment on 19 December 2019. Included in this document is a proposal to investigate the construction of a new walking track to link the Three Sisters walking track with Kings Beach Car Park and the upgrade of the southern extension of the Three Sisters walking track to Kings Beach. A copy of the POM is provided in Attachment 1.

30 The new track would provide far greater safety for pedestrian movements to and from existing car parks in Broken Head Reserve Road and Seven Mile Beach Road car parks than could be afforded from any shared zone facilities that could be provided in Seven Mile Beach Road, noting that Council's previous requests for shared zones have not been supported by TfNSW (RMS).

35 Council has been successful in securing funding under the NSW Governments, *Fixing Local Roads Program* for "National Parks Access Roads Sealing". Part of the grant announced, includes funding of \$336,895, which has been allocated to sealing the first 700m of Seven Mile Beach Road from Broken Head Reserve Road to the NPWS Kings Beach Car Park.

40 Following an onsite meeting with the Minister for Energy and Environment and NPWS representatives in July 2020 the Minister's Office has advised Council:-

- 45
1. NPWS has prioritised the upgrade of the southern extension of the Three Sisters walking track to Kings Beach.
 2. NPWS and Council to have integrated approach to compliance management, which would include the issuing of fines to vehicles not in designated parking areas (Note: this will require the formalisation of the parking areas to ensure that the areas are clearly defined, and which will also assist in addressing the guerrilla parking that now occurs).
 3. NPWS and Council to implement Paid Parking in all car parking areas and that those areas along Seven Mile Beach Road should be at a premium to the car parking areas on Broken Head Reserve Road and in the Reserve (Note: this will require the formalisation of the parking areas to ensure that the areas support a paid parking scheme).
- 50
- 55

Figure 1 highlights the relative location of the Broken Head Village parking precinct and NPWS paid parking zones in Broken Head Reserve Road, the sealing works on Seven Mile Beach Road, Kings Beach car park (NPWS) and the Broken Head Nature Reserve.

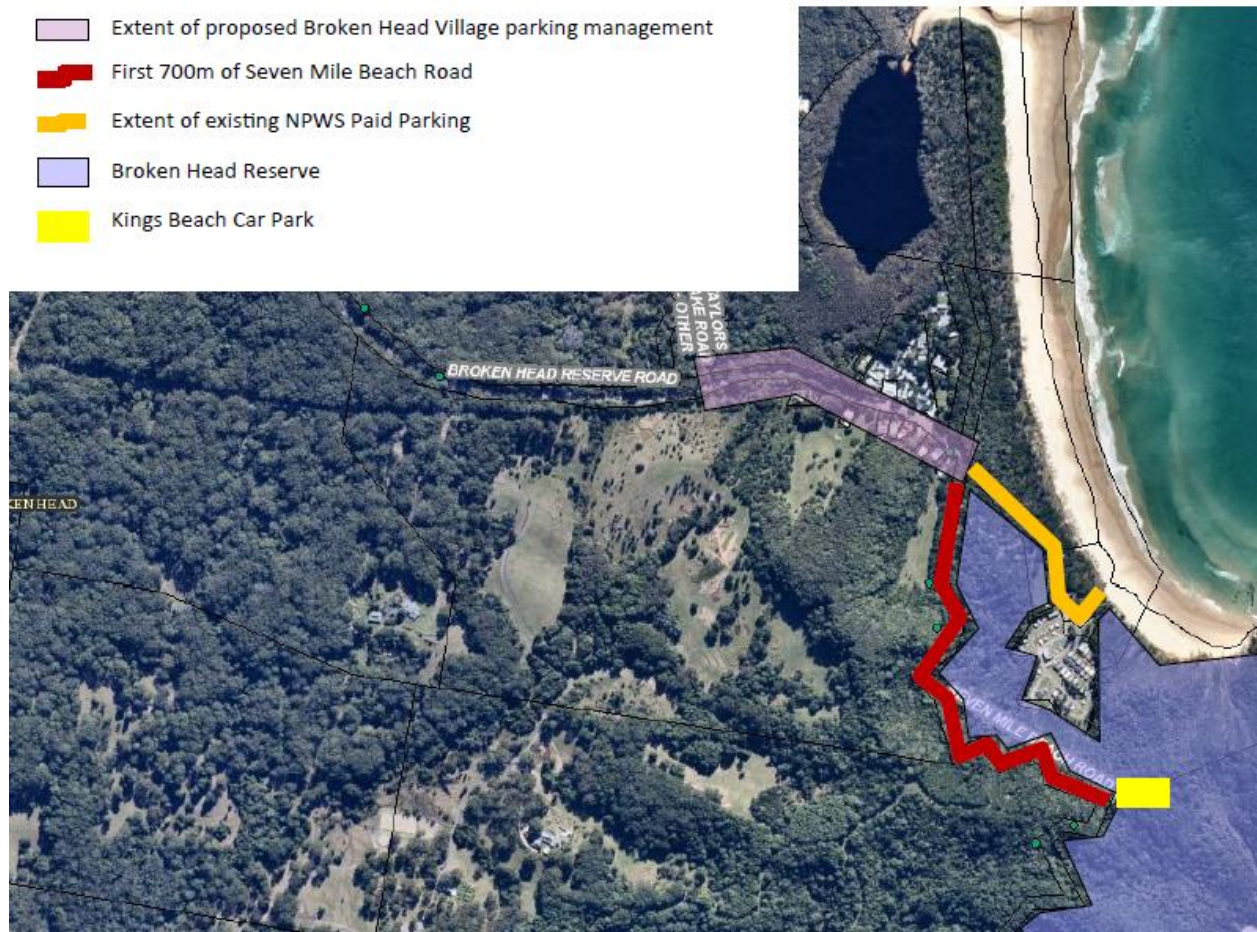


Figure 1: Broken Head Locality Plan

Seven Mile Beach Road

Key issues

To best understand the issues being raised by Seven Mile Beach Road residents Council compiled in a spreadsheet a list of questions and issues raised with Council since the start of June (refer to Attachment 2). The purpose of this is to ensure Council has responded to all current requests and issues.

A copy of this spreadsheet is attached and represents the recent matters of concern submitted by residents. Please note that Council’s Seven Mile Beach Car parks and NPWS Kings Beach carparks were closed during April to July 2020 in response to COVID-19 concerns.

Following further community consultation, including a meeting held with a community representative on Tuesday 11th August 2020, the following items were reiterated as primary areas of concern:

- Safety relating to:-
 - traffic volumes,
 - Conflict on the road between pedestrians, cyclists and vehicles,

- Limit traffic entering Seven Mile Beach Road at the entrance to Seven Mile Beach Road via a pay parking boom gate.
 - Commence no works (including sealing first 700m) until a holistic plan is fully designed and fully integrates Seven Mile Beach Road and Broken Head Reserve Road precincts.
- 5 • Car parks should be sealed prior to the road being sealed.

Residents have placed a high priority on traffic management in respect of vehicle speed and vehicle numbers.

- 10 Council has undertaken an extended count period which was longer than would normally be the case and has provided this data to residents upon request. Refer to Attachment 3, 4 and 5 for traffic data and observations.

Achieved

- 15 To date the following key steps have occurred:-

- A Restricted Parking Area and No Parking Area 9pm-5am has been installed
 - Compliance Staff undertook a vehicle count of Seven Mile Beach Road as part of their regular patrols.
- 20
- Covid-19 car park closures have been removed and parking management signage reinstalled along with water filled barriers placed to demarcate car parks.
 - Additional signage has been installed at entrance to Seven Mile Beach Road emphasising no parking permitted except at marked designated car parks.
- 25
- Additional signage placed at each car park to identify the area as a car park.
 - High level concept plans for Seven Mile beach Road sealing have been prepared.
 - Fixing Country Roads grant awarded to Byron Shire Council with \$336,895 to seal the first 700m of Seven Mile Beach Road from Broken Head Reserve Road to Kings Beach Car Park.
 - Equivalent of 16 months of traffic data has been collected for Seven Mile Beach Road.

30 Proposed Actions

The following next steps and actions from here are:-

- Develop a delivery program and communicate program with resident group.
 - Detail design of works in consultation with identified stakeholders.
 - Undertake business case in consultation with Council's Finance team and DCA to confirm the financial viability of pay parking and parking technology requirements in the area.
 - Analyse compliance car counts to investigate the appropriateness and extent of pay parking.
- 40
- Request NPWS to formalise and seal the Kings Beach Carpark and that this work be integrated into or undertaken in conjunction with the sealing works on Seven Mile Beach Road.
 - Approach NPWS with the proposal to manage and patrol their car parking scheme at Kings Beach. This would allow the whole Broken Head and Seven Mile Beach Rd plans to be integrated and managed as a whole.
- 45
- A Council resolution will be required to give staff the authority and permission to approach Transport for NSW for consent to apply paid parking if approved by council.

- Complete design investigations and documentation for the delivery of sealing works, signage, intersection treatment and traffic management facilities ensuring these integrate and complement any planned works in Broken Head Reserve Road whilst ensuring project delivery within agreed grant milestones.

5

Broken Head Reserve Road

Key Issues

10 Broken Head has grown substantially in popularity over the recent years and with it associated parking and traffic congestion. This is especially occurring on Broken Head Reserve Road within the village parking management precinct area.

15 Following community consultation, including a meeting held with staff and residents on Friday 7th August 2020, the following summary of the identified key issues and concerns has been developed:-

- Health and environment:
 - dust, especially at the entrance to Seven Mile Beach Road; and
 - The road shoulder between the village and Taylors Lake Road turns to mud when subjected to heavy traffic and silt / mud washes into environmentally sensitive areas;

- Pedestrian and Traffic Safety:
 - Separate vehicles and pedestrians: Pedestrians walk after parking at the western end of the village along the road creating a high vehicle conflict point;
 - Existing pedestrian painted walkway located on the road making it unsafe;
 - Traffic speed through and approaching the village a concern, not safe for pedestrians – especially local children; and
 - Hard for cars to turn around resulting in dangerous driving behaviour and turning manoeuvres in inappropriate locations;

- Parking:
 - Cars avoid NPWS paid parking area by parking in the village precinct causing significant parking congestion in the village precinct;
 - Residents support for Council to continue investigating the introduction of paid parking;
 - Insufficient number of formal car spaces resulting in ad hoc, random and dangerous parking behaviour;
 - Residents understand that parking pressures may require expansion of formalised paid parking and safe pedestrian access through to Taylors Lake Road but request that Council initially install bollards to prevent parking and turn the shoulder into a gravel pedestrian walkway connecting to Taylors Lake Road which provides bush walking access through to Suffolk Park; and
 - Consider a long term plan for all day parking west of Taylors Lake Road

- General Design Issues:
 - Modify the initial concept plan, (Refer Attachment 4) and design the precinct so it can be expanded and improved in stages and as funding becomes available.
 - To best address speed and parking concerns commence village precinct and design plans from Taylors Lake Road. This is where parking and speed begins to be a concern.
 - Don't reseal Broken Head Reserve Road until we have an agreed planned way forward for the precinct.
 - Create a Village Precinct threshold at Taylors Lake Road to create the feel of entering a community and create traffic calming environment.

- Integrate Seven Mile Beach Road and Broken Head Reserve Road Village designs but projects to be developed and managed separately.

Note: refer to Attachment 3, 4 and 5 for traffic data and observations.

5

Achieved

To date the following key steps have occurred:

- 6 month LPR survey of Broken Head Reserve Road was undertaken between September 2019 – February 2020.
- A preliminary concept design has been developed in consultation with Broken Head Reserve Road representatives – refer to Attachment 6. This plan to form the basis of ongoing design development and programing for staged delivery.
- A Lidar Survey has been completed along the length of Broken Head Reserve Road – refer to attachment 7.
- Cost estimate of concept design and budget funding allocated to begin detailed design.
- Preliminary discussions have taken place with DCA (recently awarded Council’s Parking Management System contract from 2021) regarding the feasibility of implementing parking technology.
- 10 months of traffic data collected for Broken Head Reserve Road.
- Traffic count layout and structure explained to local residents.
- \$240,000 identified from Council’s Tourism Impacts Infrastructure Election Commitment grant funds allocated from the Heavy Patching and Asphalt Overlay program to repair existing road pavement and parking areas subject to detailed investigation.

25

Proposed Actions

The following next steps and actions from here are:-

- Develop and communicate Delivery Program to relevant stakeholders;
- Commence detailed design in consultation with resident representatives;
- Have Your Say survey to refine project scope and site considerations;
- Undertake analysis of LPR survey data to provide justification to TfNSW for paid parking;
- Undertake business case in consultation with Finance and DCA to confirm the financial viability of pay parking and parking technology in the area;
- Approach NPWS with the proposal to manage and patrol their car parking scheme at the end of Broken Head Reserve Road. This would allow the whole Broken Head and Seven Mile Beach Rd plans to be well integrated and managed as a whole;
- Prepare concept designs for remaining area of road and parking areas;
- A Council resolution is recommended to give staff the authority and permission to approach Transport for NSW for consent to apply paid parking if approved by Council; and
- Complete investigation and scope development of road repair works from Election Commitment funds and undertake works in co-ordination with sealing works on seven Mile Beach Road.

45 Key Additional Actions

The following is a list of key additional actions that require significant consultation with numerous state and community groups to progress a well integrated design.

50 Inter-Agency Consultation Group

To ensure all works are clearly integrated and aligned with the aims, goal and requirements of all key Inter Agencies it is intended to enter into an inter-agency consultation group which includes NPWS, Police, RFS, Arakwal and Crown Lands; and to prepare a communications plan to be all

encompassing for the Seven Mile Beach Road group, Broken Head Reserve Road group, and other relevant stakeholders.

5 The purpose of this is to ensure all works proposed by each inter-agency group is planned in an integrated and mutually supporting manner.

10 Given recent bush fire emergencies and the frequent asked question to ensure adequate emergency access an inter-agency consultation group would also help ensure adequate input is given to Council to ensure emergency access is clearly provided to a level required by the emergency agencies themselves.

Memorandum of Understanding (MoU)

15 In consultation with the Inter-Agency Consultation Group, the Seven Mile Beach Road community group and Broken Head Reserve Road community groups it is intended that Council develop a Memorandum of Understanding.

20 A MoU is a preliminary written agreement that would help outline matters, such as: agreed expectations, actions, and areas of responsibility. While not legally binding, a MoU would help ensure all parties are on the same page and clarify roles, responsibilities, KPI's and timeframes.

This document would also form part of a Management Plan (see below) and help inform a compliance regime.

Management Plan

25 Together with an Inter-Agency Consultation Group it is intended that Council develop an over arching Management Plan for the Broken Head Reserve Road and Seven Mile Beach Road areas.

The Management Plan (informed by the MoU) would be developed for the following purposes:

- 30 • To clearly set expectations for day to day operations, clarify matters, such as:
 - Inter-Agency roles and responsibilities;
 - Who has authority to close the roads and car parks and the conditions under which this would occur;
 - Which Agency to contact when specific matters arise;
 - Where Council's and NPWS delegated authority is limited to;
 - 35 ○ Appropriate expectations for Council's staff in regards to the scope and frequency of tasks they are expected to undertake.
- 40 • Help integrate Council works with the plans and requirements of other key agencies. This would help ensure funds are not wasted duplicating plans already underway by other agencies, help Council plan the timing of works to tie in with other Agencies and prevent designs not complying with the emergency service requirements.
- Set out a longer term action plan and proposed priorities

STRATEGIC CONSIDERATIONS

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

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.6	Manage traffic and parking in an efficient manner	1.6.2	Ensure future traffic demand and alternative solutions are addressed in major infrastructure plans	1.6.2.1	

Legal/Statutory/Policy Considerations

5 The strategic directions and processes detailed within this report support Council in efficiently meeting its obligations under the *Local Government Act 1993* (NSW).

Financial Considerations

10 The works and proposed actions relating to Seven Mile Beach Road are to be funded by the \$336,895 allocation from Fixing Local Roads Grant.

15 \$240,000 has been identified from Council's Tourism Impacts Infrastructure Election Commitment grant funds from the Heavy patching and AC overlay program to repair existing road pavement and parking areas in Broken Head Reserve Road as the nature of the repair work is consistent with the work being undertaken within that program.

Consultation and Engagement

20 To ensure all works are clearly integrated and aligned with the aims, goal and requirements of all key Inter Agencies it is intended to enter into an inter-agency consultation group which includes NPWS, Police, RFS, Arakwal and Crown Lands; and to prepare a communications plan to be all encompassing for the Seven Mile Beach Road group, Broken Head Reserve Road group, and other relevant stakeholders.

Report No. 13.28 **Rail Corridor Revitalisation Project - Final Design and Approval to Tender**

Directorate: Infrastructure Services

Report Author: Joshua Winter, Civil Engineer

5 Claire McGarry, Place Manager - Byron Bay

File No: I2020/1127

10 **Summary:**

15 In December 2019, Council endorsed concept plans for the restoration of the Byron town centre rail corridor. This report provides the final detailed design package and seeks Council resolution to progress to tender, noting the required budget and that final details of the budget sources will be presented at the September quarterly budget review.

RECOMMENDATION:

That Council:

1. **Note the detailed design package for the Byron rail corridor restoration, including the retention of rail infrastructure so that future rail operations could be quickly and easily supported;**
2. **Approve the use of the open tender method to call for tenders for the construction of the Byron Rail Corridor Revitalisation Project, subject to the finalisation of the Review of Environmental Factors (REF); and**
3. **Amend the budget for this project in the 2020/21 financial year in accordance with confidential budget estimate document (Attachment 3 - E2020/59443), with the final details of the budget sources to be included within the September quarterly budget review.**

Attachments:

20

- 1 Rail Corridor Revitalisation Project Design Package, E2020/59441 
- 2 Rail Corridor Revitalisation Project Addendum to Design Package, E2020/59442 
- 3 Confidential - Rail Corridor Revitalisation Project Budget Estimate, E2020/59443

25

REPORT***Background***

5 The Rail Corridor occupies a critical space within the town centre and in particular in relation to a number of adjacent town centre project areas including Railway Park, Butler Street Reserve, transport interchange and car parks. The Byron Bay Town Centre Master Plan also nominated the improvement of cross town circulation routes (particularly east/west) as a critical component of improving town wide connectivity.

10 The Rail Corridor occupies a critical space that has previously acted as a barrier to this connectivity. This project will improve circulation across town and improve the viability and health of a number of public spaces and town centre spaces.

Design Features

The project uses materials and designs that are simple and robust. The intention is to use tough and low maintenance solutions that are complimentary to the industrial heritage of the rail corridor.

20 Existing rail infrastructure will be retained and celebrated as an integral part of the site experience. Existing trees along the corridor fringes will be retained and in some cases provide shade and amenity for small seating areas associated with the circulation paths. The detailing of surface finishes such as turf and gravel ensures that safety concerns such as trip hazards and the like are managed in required areas.

25 In the context of Council's feasibility for multi-use of the rail corridor, this project constructs infrastructure that is temporary in nature and can easily be adapted or removed if the rail corridor were to be reactivated for multi-use transport options.

Approvals and timeframes

30 This project will be assessed as a Review of Environmental Factors (REF) under Part V of the Environmental Planning & Assessment Act 1979. This review is underway and will be substantially completed shortly.

35 The review is subject to, and cannot be finalised before a Section 60 approval under the Heritage Act 1977 for the works being undertaken within a State Heritage curtilage area, being the remnant rail infrastructure in Byron Bay. Discussions with Council's heritage consultant appear positive that the scope of works will be viewed favourably regarding heritage, as it will increase patronage and enjoyment of this heritage asset in Byron Bay.

40 The Section 60 application first undergoes a 'completeness review', with an allocation of 14 business days, and is then allocated a timeframe of up to 60 business days if advertising is required. Therefore it is expected that the Section 60 approval will take around 15 weeks, or approximately 3½ to 4 months, if Heritage NSW meets their timeframes for assessment.

45 Taking this into account, and that the REF will then be determined by appropriate delegated staff once the Section 60 approval is obtained, works can then be commenced and it is anticipated that this will commence in January to February, 2021.

50 The tender will be let during this time, with the aim of reporting the Tender to Council at the Ordinary meeting of 17 December 2020, so approval to engage a Contractor is obtained to allow works to commence as soon as the Section 60 is obtained and the REF determined.

It is important to note that the Byron Bay town centre drainage strategy identifies stormwater culvert upgrades traversing and directly beneath the proposed rail corridor works from east to west on the Byron Street alignment. When the stormwater culvert infrastructure is built (minimum 3 years until construction would commence), part of the rail corridor works will require dismantling and reconstruction. The proposed stormwater culvert infrastructure is a critical element for the Byron Bay drainage strategy. The approximate cost of the rail corridor works that would be sacrificial is in the order of \$120,000. Reinstatement costs would be funded by the Byron Bay Town Centre Drainage program.

10 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.7	Implement identified projects of the Byron Bay Town Centre Master Plan	1.2.7.3	Undertake landscaping works in Byron rail corridor (action from Byron Bay Town Centre Masterplan)

Legal/Statutory/Policy Considerations

15

In September 2019, Byron LEP 2014 was amended to allow the following land uses to be permitted with consent in the rail corridor:

- Community facilities;
- Information and education facilities; and
- Existing markets.

20

The amendments also clarified that landscaping works and recreation areas (i.e. playgrounds) can occur without development consent.

25

As the section of rail corridor within the Town Centre is a State-listed heritage area, Council has been working with Sydney Trains to prepare a Conservation Management Plan (CMP) for the corridor. The CMP addresses Council's concepts for the activation/ community use of the corridor; Sydney Trains proposals to construct the bus interchange; and concepts for the adaptive reuse of the former ticket office.

30

The CMP has been submitted to the State Government for endorsement. At the time of writing this report, it has not yet been sign-off.

35

Adoption of the CMP will allow Council to apply for approval under Section 60 of the NSW *Heritage Act 1977* and planning approval (DA) under the *Environmental Planning & Assessment Act 1979*. Additionally, Council has a licence over the rail corridor from Transport for NSW which will enable this work to occur. Under this licence, Council must inform Transport for NSW of the concept plans and must not make any changes to infrastructure, or install new infrastructure without the prior written approval of Transport for NSW. Council has been granted approval from Transport for NSW on the concept plans.

40

Financial Considerations

45

A detailed budget estimate has been prepared for the project and attached as a confidential attachment. The reason for this being confidential is that disclosure could influence the open

tender process and potentially confer a commercial advantage on tenderers. It can result in less than ideal outcomes where Council does not achieve value for money on the project.

- 5 There is sufficient funding to undertake the project between the Byron Bay Town Centre Masterplan projects and Council's S7.11 reserves. Final details and breakdown of funding sources will be included within the September quarterly budget review.

Consultation and Engagement

- 10 The Byron Bay Town Centre Masterplan was developed over 18 months of in-depth community consultation and identified the rail corridor as a critical component of improving town-wide connectivity in Byron Bay.

- 15 Since the adoption of the masterplan, the community has formed the Byron Masterplan Guidance Group to guide Council's development, and oversee implementation of key projects from the Masterplan.

- 20 The Byron Masterplan Guidance Group identified the rail corridor as the next key project for delivery following the construction of Railway Park. They have been involved in development of the concept plans and detailed design.

Additionally, staff have been working with the Byron Community Markets who are considering the rail corridor as a potential future permanent site. The detailed design provides infrastructure enabling markets and other community activities to occur in the corridor in the future if desired.

Report No. 13.29 **Council Tender 2020-0024 - Sewer condition assessments**
Directorate: Infrastructure Services
Report Author: Jason Stanley, Inflow & Infiltration Project Manager
File No: I2020/1151

5

Summary:

10 Tenders for Contract 2020-0024 Sewer Condition Assessments were advertised from 23 June 2020 to 17 July 2020. Tenders were received from the following organisations:

- Cleanaway Industrial Solutions Pty Ltd
- Drain Tech Australia
- 15 • Dynamic Hydro Excavations Pty Ltd
- ELS Environmental Location Systems Pty Ltd
- Fenech Group Pty Ltd
- Interflow Pty Limited
- LP Pipe & Civil
- 20 • Pipe Hawk Utility Management
- Pipe Management Australia Pty Ltd
- Pipe Vision Australia Pty Ltd
- Solo Resource Recovery
- Total Drain Cleaning Services Pty Ltd
- 25 • Tunnel Vision Services Pty Ltd

Tenders have been assessed in accordance with the provisions of the Local Government (General) Regulations 2005.

30 This report summarises the background and assessment of the tenders and provides a recommendation to award the tender for Contract 2019-0046.

RECOMMENDATION:

1. **That Council award the contract to the organisation recommended in Attachment 2 (E2020/63310) on page 8 of the Confidential - 2020-0024 Request for Tender Evaluation Report.**
2. **That Council delegate to the General Manager the authority to administer this contract**
3. **That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.**
4. **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.**
5. **That the Tender Evaluation Plan and Tender Evaluation Report remain confidential until the contract is finalised.**

Attachments:

35

- 1 Confidential - 2020-0024 - Request for Tender - Evaluation Plan, E2020/63309
- 2 Confidential - 2020-0024 - Request for Tender - Evaluation Report, E2020/63310

REPORT

Tenders for Contract 2020-0024 Sewer Condition Assessments were advertised from 23 June 2020 to 17 July 2020.

5

The Request for Tender sought responses from proponents for CCTV inspections of Council's sewer mains in Mullumbimby, Byron Bay and Ocean Shores to identify any defects.

10

Other assessments, such as smoke testing, may be incorporated as part of this project as required.

The Contract will be managed by Inflow and Infiltration Project Manager.

15

Tenders were advertised as follows:

VendorPanel: 23 June 2020

Council website: 23 June 2020

20

An Evaluation Panel comprising of 2 x Council staff members and 1 x External Technical consultant from Willow and Sparrow was formed.

Tenders closed on 17 July 2020 and tenders were received from the following proponents:

25

- Cleanaway Industrial Solutions Pty Ltd
- Drain Tech Australia
- Dynamic Hydro Excavations Pty Ltd
- ELS Environmental Location Systems Pty Ltd
- Fenech Group Pty Ltd
- Interflow Pty Limited
- LP Pipe & Civil
- Pipe Hawk Utility Management
- Pipe Management Australia Pty Ltd
- Pipe Vision Australia Pty Ltd
- Solo Resource Recovery
- Total Drain Cleaning Services Pty Ltd
- Tunnel Vision Services Pty Ltd

30

35

Tenders were evaluated by the Evaluation Panel in accordance with the tender evaluation plan at Attachment 1 (E2020/63309).

40

Following the evaluation, the Evaluation Panel conducted referee checks on the preferred tenderer. The results of these checks were deemed by the Evaluation Panel to be satisfactory as detailed in the Evaluation Report at Attachment 2 (E2020/63310).

Financial Considerations

45

The price basis for the contract is a lump sum. The offer recommended for Council to accept is \$148,695.60 (excluding GST).

50

Council budgeted \$310,000.00 for pipeline renewals (General Ledger Code 7438.047 & 7749.006) for this financial year.

There is sufficient funding for the proposed contract in the current budget.

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.

5 The Local Government (General) Regulations 2005 define the options available to Council. An extract is provided below.

Local Government (General) Regulation 2005 - Reg 178

10 *Acceptance of tenders*

178 Acceptance of tenders

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

15 (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.*

20 (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:*

25 (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,*

30 (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.*

35 (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),*

40 (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 recommended in the attached Evaluation Report is sought.

Report No. 13.30 **Byron Bay Rugby and Cricket Refurbishment and upgrade of Change rooms and Canteen Byron Memorial Recreation Grounds**

Directorate: Infrastructure Services

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

5 **File No:** I2020/1167

Summary:

10

The Byron Bay Rugby Club is the recipient of a \$200,000 grant from the NSW Office of Sport under the Election Commitments Program.

The awarded grant is for the upgrading of the existing facility that:

15

- Provides amenities which are of an appropriate standard for existing members of the rugby and cricket clubs
 - Enable the expansion of club membership
 - Provide a venue which will foster participation by girls and women
 - Provide a safe, attractive space for social or club gatherings
- 20
- Enable the expansion of the Byron Bay Rugby 7's competition

20



To enable ongoing functionality of this facility by all users, it is requested by both the Byron Bay Cricket and Rugby Club that Council consider the installation of a containerised canteen adjacent to the amenities.

25

RECOMMENDATION:

1. **That Council support the redevelopment of the amenities, Attachment 1 (E2020/59444) and the installation of 20' containerised canteen at the location of the existing grand stand on Tennyson Street, Attachment 2 (E2020/59445); and**
2. **That these developments are supported on the basis that:-**
 - a) **Staff receive an appropriate REF (Review of Environmental Factors) and a Construction Management Plan and that all s68 approvals relevant to both amenities and the Canteen; and**
 - b) **The terms of use are included in the Rugby and Cricket Clubs User Agreement.**

Attachments:

- 30
- 1 Byron Bay Rugby and Cricket Change Rooms proposal - 30.06.20, E2020/59444 
 - 2 Byron Bay Rugby and Cricket Change rooms and canteen layout, E2020/59445 

REPORT

The Byron Bay Rugby Club is the recipient of a \$200,000 grant from the NSW Office of Sport under the Election Commitments Program.

5

The awarded grant is for the upgrading of the existing facility that:-

- Provides amenities which are of an appropriate standard for existing members of the rugby and cricket clubs
- Enable the expansion of club membership
- Provide a venue which will foster participation by girls and women
- Provide a safe, attractive space for social or club gatherings
- Enable the expansion of the Byron Bay Rugby 7's competition

10

The proposed refurbishment and upgrades, within the existing footprint of the facility is attached. The scope of the grant for clarity involves:-

15

- Design
- Project management of design and construction
- Demolition of existing internal toilet and installation of male and female changing rooms with toilets and showers
- Electrical works
- Installation or replacement of flooring and external doors.
- Repairs to the roof as required.

20

The upgraded facilities are to remain an asset of Council for use by both Byron Bay Rugby and Byron Bay Cricket in accordance with their respective User Agreements. The facility is also available for general community use. Any general community use is to be in consultation with both clubs and subject to terms and conditions of a hire agreement.

25

As a consequence of the development, Canteen space within the facility, primarily utilised by Byron Bay Cricket club will be lost. To resolve this loss of facility and functionality, staff have considered, at no cost to Council, the installation of a containerised canteen similar to that shown below.

30



The Rugby Club have offered to purchase the canteen at their cost. This facility will become an asset of Council for use by the Rugby and Cricket clubs and general community use. Terms and conditions of its use are to be included within each Clubs User Agreement. General community use will be subject to the terms and conditions of a hire agreement in consultation with both the Rugby and Cricket Clubs.

40

Staff has considered on site a suitable location for such a facility that would support both the Rugby, Cricket and at times other users. The most appropriate location that has been identified is

the location of the existing relocatable grand stand sighted adjacent to the change rooms on Tennyson Street (refer to attached Byron Bay Rugby and Cricket Change Rooms and Canteen Layout).

- 5 The relocation of the grand stand to the location as shown on the attached layout (*Byron Bay Rugby and Cricket Change Rooms and Canteen*) has been considered by staff and is not supported at this stage due to
- The grandstand is nearing its end of life and further assessment on its refurbishment or its replacement value for money assessment is required.
- 10
- The relocation and alternative placement requires further consultation with users and neighbours of the Byron Bay Memorial Recreation Grounds.
 - There is no Council budget allocation for refurbishment or renewal within Councils current adopted budget.

15 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.8	Develop capital upgrades, renewal and enhancements works program for buildings- including community buildings, public toilets, emergency services, sports club facilities and Council operations buildings (SP)	1.2.8.2	Sporting Infrastructure Renewal (Shire wide)

Legal/Statutory/Policy Considerations

20 Under the *State Environmental Planning Policy (Infrastructure) 2007*

Division 12 Parks and other public reserves
Section 65 the following development is permitted without consent

- 25 (3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council— (a) development for any of the following purposes—
- 30 (vi) Amenities for people using the reserve, including toilets and change rooms,
(vii) Food preparation and related facilities for people using the reserve

It is considered that the proposals meet the above definitions and as such are subject to a Review of Environmental Factors.

35 The proposed refurbishment and containerised canteen and its use is considered consistent with the Byron Bay Memorial Recreation Grounds adopted Plan of Management.

Financial Considerations

No financial implications as no Council funds are allocated to the proposals.

Report No. 13.31 **Submission to Reclassification of Regional Roads**
Directorate: Infrastructure Services
Report Author: Christopher Soulsby, Development Planning Officer S94 & S64
File No: I2020/1184

5

Summary:

10 The purpose of this report is to seek the Council's endorsement of a position on the reclassification of regional roads to be presented to the Independent Panel who will make recommendations to the NSW Government on the status of Regional Roads.

15 The Independent Panel is asking road managers to identify all roads they intend to submit as a priority for reclassification or transfer.

Road managers have been asked to make their submission by 30 August 2020.

RECOMMENDATION:

That Council nominate to the Independent Panel for the NSW Regional Road Transfer and Road Classification Review, the following roads be reclassified as state roads:

1. **MR545, including the Bypass and excluding Jonson Street and Lawson Street**
2. **MR679**
3. **MR689**
4. **Bangalow Road**
5. **Hinterland Way (regional road component)**

20

REPORT

5 The purpose of this report is to seek the Council’s endorsement of a position on the reclassification of regional roads to be presented to the independent panel who will make recommendations to the NSW Government on the status of regional roads.

Information/Background:

10 In February 2019, the NSW Government announced the transfer of up to 15,000 kilometres of regional roads to the State as part of a broader package of support for local councils to better manage and maintain the rural road network.

15 *Future Transport 2056* identifies the NSW Road Classification Review (Classification Review) as a key initiative to make adjustments to the classification policy framework and update the road network to align with the ‘Hub and Spoke’ Transport Network Model and the ‘Movement and Place’ Framework.

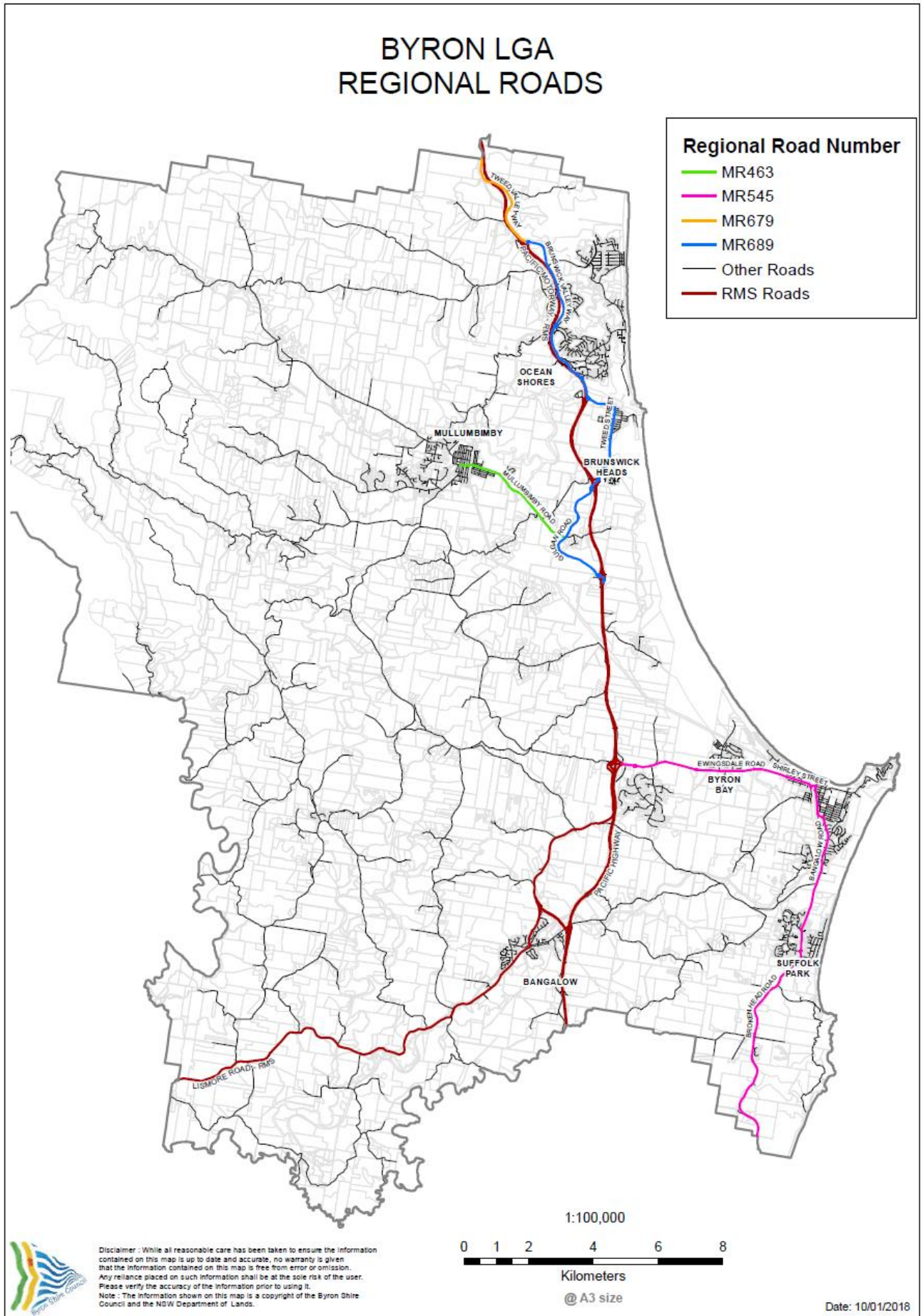
Combining the transfer of regional roads with the Classification Review will ensure equity and transparency in all changes and support the development of an integrated road transport network.

An Independent Panel, chaired by Ms Wendy Machin, has been established to make recommendations for consideration by the NSW Government.

20 The following table sets out the regional roads within the Byron Shire and their description from the TfNSW Classified Roads schedule.

MR 463	From Gulgan Road (MR689) at Andersons Ridge east of Mullumbimby via Mullumbimby Road, Argyle Street and Burringbar Street to Dalley Street at Mullumbimby.
MR 545	From Pacific Highway at Ballina via Lennox Head, Broken Head, and Byron Bay to the Pacific Highway at Ewingsdale Interchange at Ewingsdale
MR 689	From Pacific Highway at Wreckers Interchange south of Brunswick Heads via Gulgan Road and Brunswick Valley Way passing through Brunswick Heads, Ocean Shores and Billinudgel to Pacific Highway and Tweed Valley Way (MR679) at Yelgun Interchange
MR 679	From Pacific Highway at Yelgun Interchange via Tweed Valley Way passing through Crabbes Creek, Mooball, Burringbar, Murwillumbah, Condong and Tumbulgum to Pacific Highway at Oak Avenue Interchange at Chinderah.

25 The following shows the map of classified roads:



Key issues

5 In considering which regional roads we request be transferred to state ownership Council needs to consider the level of control we want to keep over these roads and future works that may be required.

Tweed Street (MR689)

10 Approximately \$184,000 in S94 funds has been allocated to Brunswick Heads to undertake landscaping works along Tweed Street. A full Tweed Street Masterplan had been completed and some works were completed in Tweed Street in 2019/20. Council may want to do these works in the future and maintaining higher control on Tweed Street may help achieve this work.

Gulgan Road / Mullumbimby Road Intersection

15 This intersection is known to have concerns congestion issues and may require a significant upgrade in the near future. Consideration should be given whether these works can be best undertaken as a regional road or state road. Should MR689 become a State Road these works would become difficult for Council to implement.

Cycleway - Mullumbimby Road & Gulgan Road

20 Council has indicated a desire to establish a cycleway between Mullumbimby and Brunswick Heads. A significant portion of that will need to be along Mullumbimby Road and Gulgan Road. Should MR689 and MR463 become a State Road these works would become difficult for Council to implement.

25 *Burringbar Street*

Burringbar Street is the main street within Mullumbimby. As a result Council should maintain a higher level of control. Long term master plans for Mullumbimby also propose to deviate through traffic out of Burringbar Street and along Station Street and / or Tincogan Street.

30 *Jonson Street & Byron Bypass*

It is understood that as part of the Byron Bypass works the alignment and description of M545 will be altered to include the Bypass and will remove reference to Jonson Street and Lawson Street.

Bangalow Road

35 Consideration should be given to Bangalow Road and whether Council should request this to become a Regional or State road. Bangalow Road is growing in significance within the Byron Shire Road Network and provides a key alternate access route into Byron Bay. If traffic is to be alleviated along Ewingsdale Road then Bangalow Road may play a key part in diversifying traffic flow into Byron Bay. Given the condition of the road it would take significant help to ensure the road remains
40 in adequate condition.

Bangalow Road from Bangalow to the shire boundary with Lismore, Granuaille Road and Hinterland Way are all existing State Roads. No changes are proposed with these roads.

45 It is noted the Ross Lane in Ballina Shire is classified a Regional Road and may be considered similar to Bangalow Road.

Recommendation

Based on the above the following is recommended:

50

MR545 – Request MR545 be made a State Road, including the Bypass and excluding Jonson Street and Lawson Street.

55

MR679 - MR679 provides emergency access across the Brunswick River if the motorway needs to be shut due to works on the motorway bridge over Brunswick River. As a result, it is

considered a key road in the State network. It is recommended requesting MR679 become a State Road.

5 MR689 - Request MR689 be made a State Road. Significant intersection works are expected to be required in the near future at the Gulgan Road / Mullumbimby Road intersection. Therefore, transfer of MR689 may be considered less of a priority. If Council has to limit the number of roads it requests to become state roads MR689 is not a priority road. If Council choose to recommend in become a State Road it should exclude Harbour Way and Tweed Street, to allow the Tweed Street Masterplan to be implemented once funded.

15 MR463 - If Council has to limit the number of roads it can request to become State Roads then it is recommended not including MR463 in the list. Alternatively, Council may consider requesting only part of MR463 become a State Road. Such a request may exclude Burringbar Street which should remain a Local or Regional Road.

Bangalow Road -It is recommended Council requests Bangalow Road become a State Road from Hinterland Way through to Broken Head Road.

20 **Risk**

The primary risk are:

- The expected cost of works required to upgrade sections of MR545 and MR689 (i.e. Gulgan Rd / Mullumbimby Rd intersection).
- Reduced control over key roads within the Shire.
- 25 • Changes in road status preventing Council achieving works within adopted masterplans.

Next steps

Write a submission to the independent panel based upon Council's adopted position.

30 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 1: We have infrastructure, transport and services which meet our expectations	1.1	Provide a road network which is safe, accessible and maintained to an acceptable level of service	1.1.3	Prioritise road network asset renewal and upgrade programs in line with Community Solutions Panel values (SP)	1.1.3.15	No specifically defined in the OP.

35 **Legal/Statutory/Policy Considerations**

If the regional roads are transferred back to state control then there will need to be a number of consequential amendments to the Local Environmental Plan, Development Control Plan and Contributions Plan.

40 **Financial Considerations**

There are significant cost savings to capital works required to upgrade the regional road network if these roads are transferred to the state.

Consultation and Engagement

No community consultation has been undertaken for the purposes of this report.

Report No. 13.32 **Tender 2020-0023 - Byron Bay Bypass Construction of Acoustic At-Property Treatments**

Directorate: Infrastructure Services

Report Author: Joshua Winter, Civil Engineer

5 **File No:** I2020/1126

Summary:

10 On 23 April 2020, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2020-0023 - Byron Bay Bypass - Construction of Acoustic At-Property Treatments.

15 The Request for Tender was advertised from 25 May 2020 to 10 July 2020. Tenders were received from the following organisations:-

- ASEC Building
- Bishton Group
- 20 • Glass Workx

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 2020-0023.

25

RECOMMENDATION:

1. **That Council award the contract to the organisation recommended in Attachment 1 (E2020/63822) on page 7 of the Confidential - 2020-0023 Request for Tender Evaluation Report.**
2. **That Council delegate to the General Manager the authority to administer the contract.**
3. **That Council authorise the affixing of the Council seal to all documents that may require it, in regards to the Contract.**
4. **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.**
5. **That the Tender Evaluation Report remain confidential until the contract is finalised.**

Attachments:

- 30 1 Confidential - 24.2018.83.1 - 2020-0023 - Byron Bay Bypass Construction of Acoustic At-Property Treatments - Evaluation Report - SIGNED, E2020/63822

Report

5 On 23 April 2020, the General Manager, under delegated authority, approved the use of the open tender method to call for tenders for Contract 2020-0023 - Byron Bay Bypass - Construction of Acoustic At-Property Treatments.

The works included in this Contract are required for Council to meet the consent conditions of the Bypass project.

10 The Request for Tender sought responses from proponents to provide acoustic at-property treatment works, generally including:

- 1.8m acoustic fence to front and part of side boundary;
- window and/or door upgrade/replacement;
- 15 • mechanical ventilation to treated rooms;
- external wall treatment, if required (insulation);
- ceiling treatment, if required (insulation); and
- underfloor treatment, if required (closing of external gaps if house raised off ground).

20 The Contract is expected to commence in September 2020 for a period of approximately 4 to 6 months, depending on access to properties and acceleration options.

The Contract will be managed by Daniel Strzina – Project Engineer, and Joshua Winter – Client Representative – Byron Bay Bypass.

25 Tenders were advertised on 25 May in the following newspapers/locations:

- Sydney Morning Herald
- Northern Star
- Byron Shire Echo
- 30 • Gold Coast Bulletin
- Council website/Vendorpanel

Mandatory briefing/site inspections were held by appointment. The following organisations attended the briefing/site inspection:

- 35 • ASEC Building
- Bishton Group

An Evaluation Panel comprising of two Council staff members and one consulting project engineer (working on the bypass project) was formed.

40 Tenders closed on 10 July 2020 and tenders were received from the following proponents:

- ASEC Building
- Bishton Group
- Glass Workx

45 Tenders were evaluated by the Evaluation Panel in accordance with the following evaluation criteria:

Mandatory criteria:

- 50 a) Tender lodged on time, in accordance with the Conditions of Tender.
- b) Respondent has a valid Australian Business Number.
- c) Respondent substantially complies with the Statement of Requirements.
- d) Respondent substantially complies with the Conditions of Contract.
- e) Workers Compensation Insurance for all employees

- f) Holds, or is able to obtain, the insurances as specified in the Statement of Requirements
- g) Respondent has satisfactory work health and safety and environmental compliance.
- h) Financial capacity to undertake the contract.
- i) Commitment to ethical business practices.
- 5 j) Does not obtain financial benefit from Australia's offshore detention centres.
- k) Is not involved with the development or operation of the Carmichael mine or otherwise have ties to Adani.
- l) Satisfactory environmental controls

Qualitative criteria:

Criteria	Weighting
Cost of Works - Estimated cost of works excluding all provisional items shown in the schedule.	50%
Tenderer's Recent Experience - Tenderer's recent experience and performance in comparable work, particularly managing resident stakeholders during construction.	20%
Proposed Construction Methodology - Tenderer's proposed construction methodology including timeframe, minimisation of disruption to residents, order of works.	15%
Proposed Resources - Proposed resources to undertake the works including relevant qualifications, competence and experience including subcontractors.	15%

10

Financial Implications

The price basis for the contract is a schedule of rates.

15

Council has budgeted \$1.5M for this component of the Bypass project.

There is sufficient funding for the proposed contract in the current budget.

Statutory and Policy Compliance Implications

20

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.

25

Local Government (General) Regulation 2005 - Reg 178

Acceptance of tenders

30

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*

35

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

- 5 (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.
- 10 (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,
 - 15 (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:
- 20 (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).
- 25 Council's endorsement of the recommendation to award the tender as recommended in the attached Evaluation Report is sought.

REPORTS OF COMMITTEES - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 14.1 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 30 January 2020**

5 **Directorate:** Sustainable Environment and Economy
Report Author: Kimberley Rogers, Environment Support Officer
File No: I2020/929

10 **Summary:**

This report presents the minutes of the Sustainability and Emissions Reduction Advisory Committee meeting held 30 January 2020.

15

RECOMMENDATION:

1. **That Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 30 January 2020.**
2. **That Council adopt the following Committee Recommendation:**

Report No. 4.1 **Update on Community Solar Incentive Schemes**
File No: I2019/2139

Committee Recommendation 4.1.1

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

1. **Not proceed with Environmental Upgrade Agreements for the Byron Shire, as the effort and potential costs to provide such a program are not equitable to the number of eligible properties.**
2. **In relation to Res 19-596, Council no longer invite Shay Singh from Sustainable Energy Foundation to present to Council and renewable energy community groups about the potential for commercial EUAs in Byron Shire.**
3. **Focus efforts towards communicating relevant NSW State and Federal energy efficiency programs and initiatives to the Byron Shire community.**
4. **Note that Council staff will be available to assist and support community organisations who wish to implement local school and/or residential solar programs and to contact Department of Education for possible regional solar installation.**

20

Attachments:

25

- 1 Minutes 30/01/2020 Sustainability and Emissions Reduction Advisory Committee, I2020/97 

Report

5 The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 January 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/01/SERAC_30012020_AGN_1182_AT.PDF

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

Financial Implications

15 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 January 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 January 2020.

Report No. 14.2 **Report of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 30 April 2020**

Directorate: Sustainable Environment and Economy

Report Author: Kimberley Rogers, Environment Support Officer

5 **File No:** I2020/1071


Summary:

10 This report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 April 2020.

RECOMMENDATION:

15 1. **That Council note the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting held on 30 April 2020.**

Attachments:

20 1 Minutes 30/04/2020 Sustainability and Emissions Reduction Advisory Committee, I2020/660 

Report

5 The attachment to this report provides the minutes of the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 April 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/04/SERAC_30042020_AGN_1197_AT.PDF

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

Financial Implications

15 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 April 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Sustainability and Emissions Reduction Advisory Committee Meeting of 30 April 2020.

Report No. 14.3 **Report of the Heritage Panel Meeting held on 11 June 2020**
Directorate: Sustainable Environment and Economy
Report Author: Chris Larkin, Manager Sustainable Development
 Noreen Scott, EA Sustainable Environment and Economy
5 **File No:** I2020/1186

Summary:

10 The attachment to this report provides the minutes of the Heritage Panel held on 11 June 2020 for determination of Council.

RECOMMENDATION:

- 15
1. That Council note the minutes of the Heritage Panel Meeting held on 11 June 2020.
 2. That Council adopt the following Committee and Management Recommendation(s):

Report No. 4.1 Heritage Assessment 'Robinson Subdivision' Bangalow
File No: I2020/769

Committee Recommendation 4.1.1

That the Heritage Panel:

1. Request staff to update the State Heritage Inventory database for the existing Bangalow Heritage Conservation Area to include 9, 11, 13, 15 ,17, 25, Lismore Rd, Bangalow (group of workers cottages associated with George Reading) as contributory items in the Heritage Conservation Area inventory sheet.
 2. Request staff to consult with the current landowners of 9, 11, 13, 15 ,17, 25, Lismore Rd, Bangalow (group of workers cottages associated with George Reading) and the NSW Heritage Office on 1 above and include their comments in the report to Council on the a LEP amendment planning proposal.
 3. Note that item 2 is progressed only when a budget allocation is available, and or grant funding is obtained.
 4. Request staff to initiate discussions with the Bangalow Community (through the Place Planning Collective) to identify heritage values important to the Bangalow Community past present and future.
 5. Receive a report on the outcomes of 1-4 when actioned.
3. That Council adopt the following Committee and Management Recommendation(s):

Report No. 4.2 Development application requirements for heritage conservation areas and heritage items

File No: I2020/771

Committee Recommendation 4.2.1

That the Heritage Panel:

1. **Note the report on development application requirements for heritage conservation areas and heritage items.**
2. **Request staff to prepare a further report on development of priority action (d) “Manage heritage in the Byron Shire area in a positive manner” to enable community discussions and education regarding the application of heritage criteria (e.g. heritage walks, awards etc.).**
4. **That Council adopt the following Committee and Management Recommendation(s):**

Report No. 4.3 Heritage Assessment ‘Carabene’ Ewingsdale Road Ewingsdale
File No: I2020/806

Committee Recommendation 4.3.1

That Heritage Panel:

1. **Recommend that the homestead ‘Carabene’ due to its historical, historical associative and aesthetic and social significance be included on Schedule 5 of Byron LEP 2014 as a heritage item.**
2. **Request staff to consult with the current landowners of the homestead ‘Carabene’, and the NSW Heritage Office on 1 above and include their comments in the report to Council on the LEP amendment planning proposal.**
3. **Request the landowner to prepare a Conservation Management Plan for the homestead ‘Carabene’ to guide future conservation and reconstruction works (including the relocation of the front fence and gate for any future road widening purposes), and inform any future development application and or local heritage places grant application once listed.**

5 Attachments:

- 1 Minutes Heritage Panel 11 June 2020, I2020/867 

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Report

The attachment to this report provides the minutes of the Heritage Panel Meeting of 11 June 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

5

https://byron.infocouncil.biz/Open/2020/03/HER_12032020_AGN_1189_AT.PDF

Financial Implications

10 As per the Reports listed within the Heritage Panel Meeting of 11 June 2020.

Statutory and Policy Compliance Implications

As per the Reports listed within the Heritage Panel Meeting of 11 June 2020.

REPORTS OF COMMITTEES - INFRASTRUCTURE SERVICES

Report No. 14.4 Report of the Transport and Infrastructure Advisory Committee Meeting held on 30 July 2020

5 **Directorate:** Infrastructure Services
Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services
File No: I2020/1144

10 **Summary:**

The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 30 July 2020 for determination by Council.

15

RECOMMENDATION:

1. That Council note the minutes of the Transport and Infrastructure Advisory Committee Meeting held on 30 July 2020.

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

Report No. 4.2 Asset Management Policy Updated
File No: I2020/803

Committee Recommendation 4.2.1

That Council adopt the revised Asset Management Policy (E2020/4726) and is updated on Council's website.

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

Report No. 4.3 Byron Shire Integrated Transport Update
File No: I2020/892

Committee Recommendation 4.3.1

That Council resolve the following:

20

1. That the BSITS is reviewed by a working party of TIAC members, staff and consultants with the view to providing a final draft to the next TIAC meeting.

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

Report No. 4.4 Road Safety Campaign Review
File No: I2020/893

Committee Recommendation 4.4.1

1. That TIAC recommend that signage be incorporated as part of the Coolamon Scenic Drive Project be accessed for road safety signage.
2. That Council seek approval to incorporate Road Safety signage /other measures

within future Road Safety Upgrade projects.

3. The report be brought to next TIAC meeting focusing on road safety concerns and potential funding opportunities and that advice from TIAC members be sought regarding messaging and location for signs.
 4. That Council consider an allocation of funds from Risk Management Reserve to address other areas not covered by Coolamon Scenic Drive Project.
 5. That Council continue to liaise with TfNSW with regard to creating a Road Safety Officer position and planning road safety programs for the shire.
 6. That Council continue developing a funding model for a Road Safety Officer.
5. That Council adopt the following Committee Recommendation(s):

Report No. 4.5 Stormwater Assets Management
File No: I2020/1069

Committee Recommendation 4.5.1

That Council note the report.

5 Attachments:

- 1 Minutes 30/07/2020 Transport and Infrastructure Advisory Committee, I2020/1117 

10

Report

5 The attachment to this report provides the minutes of the Transport and Infrastructure Advisory Committee Meeting of 30 July 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/07/TIAC_30072020_AGN_1208_AT_EMBEDDED.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 30 July 2020.

Statutory and Policy Compliance Implications

20 As per the Reports listed within the Transport and Infrastructure Advisory Committee Meeting of 30 July 2020.

Report No. 14.5 **Report of the Local Traffic Committee Meeting held on 28 July 2020**
Directorate: Infrastructure Services
Report Author: Andrew Pearce, Traffic Engineer
File No: I2020/1147

5

Summary:

10 This report contains the recommendations of the Local Traffic Committee (LTC) meeting held on 28 July 2020.

Council's action on the LTC advice will be:

- 15 a) If Council is in agreement with the LTC unanimous support then the proposal may be approved. In these cases there is no conflict between Council and the advice of the LTC, consequently there is no need for Council to inform Transport for NSW (TfNSW) or the NSW Police representatives of the decision.
- 20 b) If Council is in agreement with the LTC unanimous support, but no longer wants to proceed, the proposal may still be rejected.
- 25 c) If Council is in agreement with the LTC unanimous decline then the proposal may be rejected. Again there is no conflict between Council and the advice of the LTC. Consequently there is no need for Council to inform TfNSW or the NSW Police representatives of the decision.
- 30 d) If Council decides to proceed with a proposal where the advice of the LTC is not unanimous support, then the Council must first advise TfNSW and the NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the Regional Traffic Committee (RTC).
- 35 e) If Council decides to proceed with a proposal where the advice of the LTC is a unanimous decline, then the Council must first advise TfNSW and NSW Police representatives in writing of their intention to approve the proposal. TfNSW or the NSW Police may then lodge an appeal to the RTC.

40 Due to the fact that Transport for NSW and the NSW Police have the power to appeal certain decisions of the Council, the LTC cannot provide its advice to Council until both TfNSW 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 28 July 2020.**
- 2. That Council adopt the following Committee Recommendation(s):**
Report No. 6.1 Bay Lane, Byron Bay - Proposed Closure Update
File No: I2019/2137

Committee Recommendation 6.1.1

That Council supports:

- 1. The people-focused activation of Bay Lane, Byron Bay through regulating**

access of vehicles into Bay Lane, subject to the following:

- a) Vehicle access within Bay Lane, between chainages CH 0-75m (approx.), be prohibited generally between 5pm to 5am;
- b) Vehicle access between chainages CH 0-75m be permitted generally between 5am to 5pm; and
- c) Detail design to be generally in accordance with drawing E2020/29627 and must include appropriate regulatory signage and relevant time plates;

2. The following modifications to traffic flow in Bay Lane:

- a) Maintaining one way traffic flow between chainages 0-75m (approx.);
- b) Change traffic flow to two way between chainages 75-150m; and
- c) Detail design to be generally in accordance with drawing E2020/29627 and must include appropriate regulatory signage and relevant time plates.

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

Report No. 6.2 Event - Falls Festival

File No: I2020/952

Committee Recommendation 6.2.1

That Council endorse the Falls Festival 2020/21 to be held at the North Byron Parklands site, Yelgun from 31 December 2020 to 2 January 2021 (with campers arriving from 29th December 2020 and allowed to depart no later than 3rd January 2021), inclusive, subject to the following conditions:

- a) Separate approvals by NSW Police and TfNSW being obtained;
- b) The development of a Traffic Management Plan and Traffic Control Plan(s) by those with relevant TfNSW accreditation. These plans are to be submitted to Byron Shire Council at least 2 months prior to the event for approval of traffic regulation on roads under Byron Shire control;
- c) The Traffic Management Plan and the Traffic Control Plan to be implemented by those with relevant and current TfNSW accreditation;
- d) The temporary 'No Stopping' where applied, including on Brunswick Valley Way and Tweed Valley Way (between Shara Boulevard and north to the Shire boundary), is implemented prior to the event and in accordance with relevant state requirements and Australian Standards;
- e) A communications protocol be developed and maintained by those involved in the implementation of traffic management including monitoring during the event and ability to implement contingency plans as and when directed;
- f) Monitoring of vehicle volumes that arrive and depart the festival site and on the local road network;
- g) The holding of an event debrief within the month following the festival which includes but not limited to Council, TfNSW and Police;
- h) The event organiser:
 - i) advertising the impact of the event via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road

closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;

- ii) providing a copy of the advert for Council's web page;**
- iii) give consideration of any submissions received;**
- iv) informing community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
- v) arranging for private property access and egress affected by the event;**
- vi) liaising with bus and taxi operators and ensuring arrangements are made for provision of services during conduct of the event;**
- vii) consulting with emergency services and any identified issues be addressed;**
- viii) holding \$20m public liability insurance cover which is valid for the event; and**
- ix) paying of Council's Road Event Application Fee and Local Traffic Committee Fee prior to the event.**

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

Report No. 6.3 Events - Mullum2Bruns Paddle 20 September 2020

File No: I2020/1041

Committee Recommendation 6.3.1

- 1. That Council endorse the Mullum2Bruns Paddle 2020 to be held on a Sunday in September or October 2020 that includes:**
 - a) date of event not conflicting with another Council-approved event in the shire on the same day, and**
 - b) temporary road closure of Brunswick Terrace, Mullumbimby, between Tincogan St and Tyagarah St (to become one-way traffic), between 06:30am and 10:00am on date chosen.**
- 2. That the approval provided in Part 1 is subject to:**
 - a) the development of a Traffic Management Plan and Traffic Control Plan(s) for the 2020 event by those with relevant and current TfNSW accreditation;**
 - b) the Traffic Control Plan being implemented by those with relevant and current TfNSW accreditation;**
 - c) that the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures**

and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;

- d) the event be notified on Council's webpage;**
- e) the event organiser:**
 - i) undertake consultation with community and affected businesses including adequate response/action to any raised concerns;**
 - ii) undertake consultation with emergency services and any identified issues addressed;**
 - iii) holding \$20m public liability insurance cover which is valid for the event;**
 - iv) paying Council's Road Event Application Fee prior to the event;**
 - v) undertake a debrief within two weeks of the event involving event staff, Police (if they had incidents) and traffic controllers; and**
 - vi) Submit a debrief report to Council with any future event application.**

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

**Report No. 6.4 Events - Bangalow Billycart Derby 2020 - Byron Street Road Closure
20 September 2020**

File No: I2020/1042

Committee Recommendation 6.4.1

- 1. That Council endorse the Bangalow Billy Cart Derby to be held on a Sunday in September or October 2020 that includes:**
 - a) date of event not conflicting with another council-approved event in the shire on the same day, and**
 - b) temporary road closure of Byron Street, Bangalow between Ashton Street and Granuaille Road, between 6am and 4pm on date chosen.**

- 2. That the approval provided in Part 1 is subject to:**
 - a) Separate approvals by NSW Police and TfNSW being obtained, noting that the event is on a state road or may impact the state road network;**
 - b) Traffic Control Plan(s) to be developed by people with the appropriate TfNSW accreditation;**
 - c) Traffic Control Plan(s) to be implemented by people with appropriate accreditation;**
 - d) That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints; and**
 - e) The event notified on Council's webpage.**

- 3. That the event organiser:**
 - a) Undertake consultation with community and affected businesses including adequate response/action to any raised concerns;**
 - b) Undertake consultation with emergency services and any identified issues addressed;**
 - c) Holding \$20m public liability insurance cover which is valid for the event; and**
 - d) Pays Council's Road Event Application Fee prior to the event.**

**6. That Council adopt the following Committee and Management Recommendation(s):
Report No. 6.5 Byron to Suffolk Cycleway - Changes to Bangalow Road**

File No: I2020/1061

Committee Recommendation 6.5.1

1. That Council supports the modification of Bangalow Road as per the detailed designs (E2020/53823) including the following:
 - a) Adjustment of the existing road alignment, lane widths, line-marking, signage, bus-stop locations and crossings;
 - b) Addition of crossings, a bus stop and on-road cycle lanes.
 - c) The removal of some parking on both sides of Bangalow Road where necessary to enable space for bus stops and cycle lanes.
2. That council consider extending the project to ensure safe cycling and pedestrian access in and around the Browning St/Tennyson St roundabout.
3. That the amended plans be provided to community representatives on the TIAC for comment.

Management Recommendation

Management comments are provided at the end of this report.

7. That Council adopt the following Committee Recommendation(s):
Report No. 7.1 Road Safety Awareness
File No: I2020/805

Committee Recommendation 7.1.1

That the Local Traffic Committee provide comments and advice to staff as requested.

8. That Council adopt the following Committee Recommendation(s):
Report No. 7.2 Event - Chincogan Charge - 19 September 2020
File No: I2020/950

Committee Recommendation 7.2.1

That Council support the Chincogan Charge 2020 to be held on Saturday 19 September 2020, between 8:00am and 5:30pm, subject to:-

1. Traffic control plan(s) and a Traffic Management Plan (TMP) being designed by those with the appropriate and relevant TfNSW accreditation. The TCP(s) and TMP to include the closure of Dalley Street between Burringbar Street and Tincogan Street between 12.30pm-5.30pm;
2. The TCP to be generally in accordance with document E2020/46680;
3. Implementation of the approved Traffic Management Plan and Traffic Control Plan/s by those with appropriate TfNSW accreditation and the holding of current and appropriate levels of insurance and liability cover;
4. Separate approvals by NSW Police and TfNSW being obtained;
5. The impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact

name and a telephone number for all event related enquiries or complaints;

6. The event be notified on Council's webpage;
 7. Informing community and businesses that are directly impacted (e.g. adjacent to the event) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;
 8. Undertake consultation with emergency services and any identified issues addressed;
 9. Hold \$20m public liability insurance cover which is valid for the event;
 10. Pay Council's Road Event Application Fee and LTC application Fee prior to the event.
9. That Council adopt the following Committee Recommendation(s): Report No. 7.3
Events - Byron Coast Charity Walk 12 September 2020
File No: I2020/1040

Committee Recommendation 7.3.1

1. That Council support the Westpac Life Saver Rescue Helicopter fundraiser, Byron Coast Charity Walk, to be held Saturday 12 September 2020, with an alternative date of Saturday 7 November 2020.
2. That Council support in Part 1 is subject to:
 - a) The development of a Traffic Management Plan and Traffic Control Plan(s) for the 2020 event by those with relevant and current TfNSW accreditation. The Traffic Control Plan(s) and Traffic Management Plan is to include, but is not limited to, the following:
 - i) signage, which specifies the date, hours and nature of the event, be positioned at the entrance and exit of Seven Mile Beach Road one week prior to the event;
 - ii) on the day of the event, at 500m intervals, and facing both directions of travel, signs advising of " Special Event – Charity Walk Ahead" (or similar) are installed prior, and removed after, the event occurs; and
 - iii) a safety induction for participants advising of hazards be provided.
 - b) Implementation of the Traffic Management Plan and Traffic Control Plans as designed by those with appropriate accreditation and implemented by people with appropriate accreditation, including traffic controllers.
 - c) That the impact of the event be advertised via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints.
 - d) The event is notified on Council's webpage.

- e) **The event organiser:**
 - i) **Undertake consultation with affected community and businesses including adequate response/action to any raised concerns.**
 - ii) **Undertake consultation with emergency services and any identified issues addressed.**
 - iii) **Holding \$20m public liability insurance cover which is valid for the event.**
 - iv) **Paying Council's Road Event Application Fee prior to the event.**

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

Report No. 8.1 Event - Byron Sunrise Run and Swim (was Byron Triathlon) 18 October 2020


File No: I2020/1043

Committee Recommendation 8.1.1

1. **That Council endorse the Byron Sunrise Run and Swim to be held on Sunday 18 October 2020, which includes the temporary road closures detailed within report I2020/1043**
2. **That the approval provided in Part 1 is subject to:**
 - a) **Separate approvals by NSW Police and TfNSW being obtained, as required;**
 - b) **The development of a Traffic Management Plan and Traffic Control Plans for the 2020 event by those with relevant and current TfNSW accreditation;**
 - c) **The Traffic Control Plan being implemented by those with relevant and current TfNSW accreditation;**
 - d) **The impact of the event be advertised, and charged at cost to the organisers, via a notice in the local weekly paper a minimum of one week prior to the operational impacts taking effect, noting it must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints;**
 - e) **the event be notified on Council's web page;**
 - f) **The event organiser:**
 - i) **informing community and businesses that are directly impacted (eg within road closure zones) via written information which is delivered to the property in a timely manner so as to document, consider and respond to any concerns raised;**
 - ii) **arranging for private property access and egress affected by the event;**

- iii) **liaising with bus, taxi and waste operators and ensuring arrangements are made for provision of services during conduct of the event;**
- iv) **consulting with emergency services and any identified issues be addressed;**
- v) **holding \$20m public liability insurance cover which is valid for the event;**
- vi) **paying of Council's Road Event Application Fee prior to the event; and**
- vii) **paying of Council's local traffic committee application fee prior to the event.**

Attachments:

- 5
- 1 24.2017.86.1 - 2801r3 - Byron to Suffolk Cycleway Detailed Design Stage 3 & 4 - LTC - 27 July 2020, E2020/53823 

10

Report

The attachment to this report provides the minutes of the Local Traffic Committee Meeting of 28 July 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/07/LTC_28072020_AGN_1207_AT.PDF

Also attached to this Report of Committee is the amended plan (revision 3 E2020/53823) for *Report 6.5 Byron to Suffolk Cycleway – Changes to Bangalow Road* provided to LTC members via email on 27 July 2020.

Management Comments

In accordance with the Committee Recommendation for:

Report No. 6.5 Byron to Suffolk Cycleway - Changes to Bangalow Road

Management provide the following additional information

All current works planned to be implemented on the ground are as per previous Council resolution 19-066.

Resolved (19-066):

1. *That the results of the public exhibition of the Byron Bay to Suffolk Park Cycleway Investigation be noted.*
2. *That the public submissions, which are confidential attachments to the report, be noted and replies provided advising of Council's decision.*
3. *That Council:*
 - a) *Proceed with the Proposed Option Concept Design (Option 2B for the northern section and Option 1 for the Central and Southern sections) as the basis for development of the Byron Bay to Suffolk Park Cycleway.*
 - b) *Proceed with Option 2B for the Northern Section, noting that:*
 - i. *Parking, impact to resident access and safety is carefully considered during the development of the detailed design.*
 - ii. *Option 4 should continue to be considered as a potential option for additional future works beyond the upgrade of the study corridor.*
 - c) *Consider each of the suggestions submitted as part of the public exhibition process during the development of the detailed design, and implement/include in the design if suitable and feasible.*
 - d) *Undertake consultation with The Byron Bay General Store during the development of the detailed design and further progress of the project.*
 - e) *Endorse the proposed naming of the of the cycleway, as the 'Ben Donohoe Memorial Cycle Way'.*

This project was identified as Priority A in the Bike Plan, adopted in October 2019, and supports the goal of creating a cycle-friendly town in the Byron Bay Town Centre Masterplan.

The Proposed Option Concept Design is as per the Section 5 (P.25) of the Byron to Suffolk Cycleway Investigation Report, which can be found here:

<https://www.yoursaybyronshire.com.au/41169/widgets/223893/documents/92240>

Option 2B as endorsed by Council in the above resolution is specified as follows; for the northern section, Option 2B provides continuous, 1.5m wide on-road cycle lanes on each side of Bangalow Road between Browning Street and the southern extent of the section at the existing road crossing

5 near St Finbarr's Catholic Primary School. The concept drawings in the appendices (see link: <https://www.yoursaybyronshire.com.au/41169/widgets/223893/documents/92420>) show the intention for these on-road facilities to be connected through to Tennyson St and Browning St in the future, however the scope of the investigation and the current project has the Browning St roundabout as the northern-most extent.

10 It is noted that adoption to the Bike Plan resulted in the recommendation for shared path widening on Tennyson St instead of on-road cycle lanes. The Bypass project design would also need to be considered before further infrastructure is planned beyond the Browning St roundabout.

15 It is always difficult to select a suitable end point for works of this nature. Staff have chosen the safest method to do so in accordance with the current resolution to design and construct to the Browning St roundabout and constraints on site. Adding to the scope will increase the budget for these works and a Council resolution is required to increase the scope and budget. Further, adding to the scope of this project requires careful planning and investigation before we can provide concept designs and/or high-level cost estimates because suitable cycling infrastructure needs to be chosen for suitability and continuity of the future network.

20 A Council report with project update on the costs to extend these works can be provided to the September meeting if directed by Council. Budget increases can be adopted as part of this report or the September quarterly review.

Financial Implications

25 As per the Reports listed within the Local Traffic Committee Meeting of 28 July 2020.

Statutory and Policy Compliance Implications

As per the Reports listed within the Local Traffic Committee Meeting of 28 July 2020.

Report No. 14.6 Report of the Water, Waste and Sewer Advisory Committee Meeting held on 30 July 2020

Directorate: Infrastructure Services

Report Author: Dominika Tomanek, Executive Assistant Infrastructure Services

5 File No: I2020/1173

Summary:

10 The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 30 July 2020 for determination by Council.

RECOMMENDATION:

- 15
1. That Council note the minutes of the Water, Waste and Sewer Advisory Committee Meeting held on 30 July 2020.
 2. That Council adopt the following Committee and Management Recommendation(s):

Report No. 4.2 Effects of water mining in Byron and surrounding shires on groundwater resources

File No: I2020/879

Committee Recommendation 4.2.1

1. That Council note the report.
2. That Council introduce in next round of “housekeeping” for the LEP, a clause similar to Tweed Shire Council LEP clause 7.15 relating to groundwater extraction, but with no exception and no part (3).
3. That the report be brought to next WWSC and Coastal Estuary Catchment Panel meetings outlining water resourcing both commercial and domestic.

Management Recommendation

1. That Council note the report.
2. That Council introduce in next round of “housekeeping” for the LEP, a clause that prohibits Ground Water extraction as follows:
 - 7.15 Industry—groundwater extraction, etc
 - (1) This clause applies to development for the purpose of industry, being a building or place at which groundwater is extracted, handled, treated, processed, stored, packed or transported offsite for commercial bottling and drinking purposes.
 - (2) Development to which this clause applies is prohibited on land to which this Plan applies similar to Tweed Shire Council LEP clause 7.15 relating to groundwater extraction, but with no exception and no part (3).
3. That the report be brought to next WWSC and Coastal Estuary Catchment Panel meetings outlining water resourcing both commercial and domestic.

4. That Council write to the relevant NSW Government Agency seeking a review of water extraction licenses in relation to the terms of such licenses prohibiting water being extracted for commercial bottling/ drinking purposes, and limiting extraction for on farm purposes such as irrigation of crops, watering of farm animals and other domestic purposes associated with the farm.

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

Report No. 4.3 Byron STP Condition 9. Additional Load - Quarterly report
File No: I2020/1011

Committee Recommendation 4.3.1

1. That Council note the report.
2. That Council add actual volumes reused to the quarterly report.

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

Report No. 4.4 Inflow and Infiltration - quarterly update
File No: I2020/1062

Committee Recommendation 4.4.1

That Council note the report.

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

Report No. 4.5 Nutrient Loading in the Belongil Update
File No: I2020/1078

Committee Recommendation 4.5.1

1. That the Council note the update provided to resolution 20-243 in relation to nutrient loading in the Belongil catchment.
2. That Council consider amendment of Delivery Plan Action 1.5.2 to read "ensure our STPs meet or exceed EPA Licence conditions and don't negatively impact on their receiving environments".

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Attachments:

- 1 Minutes 30/07/2020 Water, Waste and Sewer Advisory Committee, I2020/1094 

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Report

5 The attachment to this report provides the minutes of the Water, Waste and Sewer Advisory Committee Meeting of 30 July 2020 for determination by Council. The agenda for this meeting can be located on Council's website at:

https://byron.infocouncil.biz/Open/2020/07/WWSAC_30072020_AGN_1209_AT.PDF

Committee Recommendation

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

Management Comments

15 In accordance with the Committee Recommendation, Management provide the following additional recommendation in report 4.2. and for the reasons given below alternatively recommend that Council:

20 Council write to the relevant NSW Government Agency seeking a review of water extraction licenses in relation to the terms of such licenses prohibiting water being extracted for commercial bottling/ drinking purposes, and limiting extraction for on farm purposes such as irrigation of crops, watering of farm animals and other domestic purposes associated with the farm.

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

Financial Implications

30 As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 30 July 2020.

Statutory and Policy Compliance Implications

35 As per the Reports listed within the Water, Waste and Sewer Advisory Committee Meeting of 30 July 2020.